



## Kenai City Council - Regular Meeting

July 07, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

**\*\*Telephonic/Virtual Information on Page 4\*\***

[www.kenai.city](http://www.kenai.city)

### Agenda

#### A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comment limited to three (3) minutes) per speaker; thirty (30) minutes aggregated*)

\*All items listed with an asterisk (\*) are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

#### B. SCHEDULED PUBLIC COMMENTS

*(Public comment limited to ten (10) minutes per speaker)*

#### C. UNSCHEDULED PUBLIC COMMENTS

*(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)*

#### D. PUBLIC HEARINGS

- 1. Ordinance No. 3217-2021** - Conditionally Donating Certain City Owned Property Described as Two Approximate 1 1/4 Acre Parcels to be Subdivided from a Portion of the 72 Acre More or Less Portion of the SE 1/4 Lying East of Tract A Kenai Meadows (KPB Parcel No. 039 010 65) To Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing. (Mayor Gabriel, Vice Mayor Molloy, Council Member Winger) **[Clerk's Note: At the June 16th Meeting, this Ordinance was Postponed to this Meeting; a Motion to Enact is On the Floor.]**
- 2. Ordinance No. 3219-2021** - Conditionally Donating Certain City Owned Property Described as One Approximate 2 Acre Parcel to be Subdivided from a Portion of the 6.8 Acre More or Less Portion of the East of Tract 4, Baron Park Subdivision (KPB Parcel No. 045 01 035) to Triumvirate Theatre for the Development of a Theatre Facility. (Administration) **[Clerk's Note: At the June 16th Meeting, this Ordinance was Postponed to this Meeting; a Motion to Enact is On the Floor.]**

- 3. Ordinance No. 3225-2021** - Accepting and Appropriating a Go Further Fund Building Capacity Grant from Meals on Wheels America for the Kenai Senior Center's Ability to Meet the Increased Need Brought on by COVID-19, Expanding Comprehensive Services and Drive Innovation in the Areas of Nutrition and Socialization. (Administration)
  1. Motion for Introduction
  2. Motion for Second Reading (Requires a Unanimous Vote)
  3. Motion for Adoption (Requires Five Affirmative Votes)
- 4. Resolution No. 2021-46** - Adopting Joint Resolution No. 2021-001 of the Assembly of the Kenai Peninsula Borough and Councils of the Cities of Homer, Kenai, Seldovia, Seward and Soldotna Respectively, for the Purpose of Intergovernmental Administration of Borough and City Elections. (City Clerk)
- 5. Resolution No. 2021-47** - Accepting Coronavirus State and Local Fiscal Recovery Funds Award to Non-Entitlement Units of Local Government From the State Of Alaska Department of Commerce, Community and Economic Development. (Administration)
- 6. Resolution No. 2021-48** - Authorizing a Service Agreement for the Personal Use Fishery Dumpsters and Portable Restrooms. (Administration)
- 7. Resolution No. 2021-49** - Authorizing A Contract Award to Supply Operational Chemicals for the City's Water Treatment and Wastewater Treatment Facilities. (Administration)
- 8. Resolution No. 2021-50** - Authorizing a Service Contract Extension to Provide Refueling Services for City Facility Fuel Tanks. (Administration)
- 9. Resolution No. 2021-51** - Amending the Schedule of Rates, Charges, and Fees to Incorporate Changes to Facility Rental Gym Fees at the Kenai Recreation Center. (Administration)
- 10. Resolution No. 2021-52** - Opposing Amendment 14 to the Fishery Management Plan for Salmon Fisheries in the EEZ Off Alaska. (Mayor Gabriel and All Council Members)

**E. MINUTES**

- 1.** \*Regular Meeting of June 16, 2021. (City Clerk)

**F. UNFINISHED BUSINESS**

**G. NEW BUSINESS**

- 1.** \*Action/Approval - Bills to be Ratified. (Administration)
- 2.** \*Action/Approval - Purchase Orders Over \$15,000. (Administration)
- 3.** \*Ordinance No. 3221-2021 - Determining that Real Property Described as Lot 4A, Block 3, Cook Inlet Industrial Air Park 2014 Replat, According to Plan No. 2014-21, City-Owned Airport Land Located Outside the Airport Reserve, is Not Needed for a Public Purpose and Authorizing the Sale of the Property to Schilling Rentals, an Alaska Partnership. (Administration)

- 4.** \***Ordinance No. 3222-2021** - Determining that Real Property Described as Lot 1A, Block 1, Deshka Subdivision, According to Plat No. K-1577, City-Owned Airport Land Located Outside the Airport Reserve, is Not Needed for a Public Purpose and Authorizing the Sale of the Property to Schilling Rentals (2016), LLC. (Administration)
- 5.** \***Ordinance No. 3223-2021** - Increasing Fiscal Year 2021 Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the US Department of Transportation Passed through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures. (Administration)
- 6.** \***Ordinance No. 3224-2021** - Repealing and Reenacting Kenai Municipal Code Title 6 - Elections, to Provide Clarity, Housekeeping, and Process Improvements. (Vice Mayor Molloy and City Clerk)
- 7.** **Action/Approval** - Resume Normal Seating in Council Chambers for All Council and Commission Meetings. (City Clerk)
- 8.** **Action/Approval** - Public Participation by Zoom for Council and Commission Meetings. (City Clerk)
- 9.** **Discussion** - Introduction of Kenai Waterfront Revitalization and Economic Development Incentives and Request to Schedule a Work Session. (Administration)

**H. COMMISSION / COMMITTEE REPORTS**

- 1.** Council on Aging
- 2.** Airport Commission
- 3.** Harbor Commission
- 4.** Parks and Recreation Commission
- 5.** Planning and Zoning Commission
- 6.** Beautification Committee
- 7.** Mini-Grant Steering Committee

**I. REPORT OF THE MAYOR**

**J. ADMINISTRATION REPORTS**

- 1.** City Manager
- 2.** City Attorney
- 3.** City Clerk

**K. ADDITIONAL PUBLIC COMMENT**

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)
2. Council Comments

L. **EXECUTIVE SESSION**

M. **PENDING ITEMS**

N. **ADJOURNMENT**

O. **INFORMATION ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://www.kenai.city). Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.*

**Join Zoom Meeting**

<https://us02web.zoom.us/j/85259568763>

**Meeting ID:** 852 5956 8763 **Passcode:** 496867

OR

**Dial In:** (253) 215-8782 or (301) 715-8592

**Meeting ID:** 852 5956 8763 **Passcode:** 496867



Sponsored by: Mayor Brian Gabriel  
Vice Mayor Bob Molloy  
Council Member Teea Winger

## CITY OF KENAI

### ORDINANCE NO. 3217-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, CONDITIONALLY DONATING CERTAIN CITY OWNED PROPERTY DESCRIBED AS TWO APPROXIMATE 1 1/4 ACRE PARCELS TO BE SUBDIVIDED FROM A PORTION OF THE 72 ACRE MORE OR LESS PORTION OF THE SE 1/4 LYING EAST OF TRACT A KENAI MEADOWS (KPB PARCEL NO. 039 010 65) TO KENAI PENINSULA HOUSING INITIATIVE FOR THE DEVELOPMENT OF RESTRICTED INCOME AND SENIOR HOUSING.

WHEREAS, Kenai Municipal Code 22.05.110, Determination as to Need for Public Purpose, allows the Council, by Ordinance, to donate real property that is no longer needed by the City for a public purpose, to a non-profit corporation for a consideration agreed upon between the City and grantee without a public sale if the donation is advantageous to the City; and,

WHEREAS, Kenai Peninsula Housing Initiatives (KPHI) is a non-profit corporation with a mission to provide low income, very low income, senior and special needs residents affordable housing options; and,

WHEREAS, there is a need for low income and senior housing in the City of Kenai; and,

WHEREAS, the City desires to support further development of low income and senior housing in the community; and,

WHEREAS, donating the subject parcels to KPHI at less than fair market value is in the best interest of the City, and;

WHEREAS, conditions must be placed on the transfer or condition the transfer to ensure low income and senior housing is developed or the property is returned to the City, including in the event of a land sale, to a for profit entity, the market value of the property shall be reimbursed to the City, if the sale occurs within twenty years after transfer to KPHI.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** Form: That this is a non-code ordinance.

**Section 2.** That the Kenai City Council hereby authorizes the City Manager to execute, upon completion of a subdivision and necessary proof of financing for the development, the transfer of title for the properties: two approximate 1 1/4 acre parcels to be subdivided from a portion of the 72 acre more or less portion of the SE 1/4 lying east of Tract A Kenai Meadows (KPB PARCEL No. 03901065), to Kenai Peninsula Housing Initiatives, Inc. (KPHI), on a form approved by the

City Attorney, for less than fair market value (\$1.00) and for the sole purpose of developing income restricted and senior housing.

**Section 3.** That KPHI must complete at its own expense all actions necessary for the subdivision and development of the properties; and to provide proof of financing sufficient for the projects as prior conditions of the transfer of title; and to pay all closing costs and fees for said properties and said consideration to the City for the properties.

**Section 4.** That the Kenai City Council further finds the disposal of the parcels to be in the best interests of the citizens of the City of Kenai and that the public interest shall be served by disposing of the properties interest for less than the fair market value, in accordance with the recitals above which are incorporated herein.

**Section 5.** That the Kenai City Council further finds that if the action items described herein are not completed by July 16, 2026, the authorization to transfer the lands lapses unless further authorized by the City Council.

**Section 6. Severability:** That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 7. Effective Date:** That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 16<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Introduced: June 2, 2021  
Enacted: June 16, 2021  
Effective: July 16, 2021



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** May 24, 2021

**SUBJECT:** **Ordinance No. 3217-2021 - Conditionally Donating a Portion of Tract A Kenai Meadows for the Development of Restricted Income and Senior Housing.**

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The purpose of this correspondence is to respond to City Council direction to the City Manager to bring an ordinance to conditionally donate the properties referenced in the above described ordinance to the Kenai Peninsula Housing Initiative.

On June 15, 2016 City Council approved Ordinance No. 2899-2016; conditionally donating certain foreclosed city owned property described as two approximate 1 1/4 acre parcels to be subdivided from a portion of the 77 acre more or less portion of the SE 1/4 lying east of Mommsen Subdivision Addition No. 2 section 25, T6N, R12W (KPB Parcel No. 039 010 18) to Kenai Peninsula Housing Initiative for the development of restricted income and senior housing.

On April 7, 2021, Steven Rouse, Executive Director of KPHI, presented on the completion of the housing constructed on the two parcels conditionally donated in Ordinance No. 2899-2016. In addition, he requested consideration of a donation of 2.5 acres adjacent to the existing developments on Redoubt Avenue to construct additional restricted income and senior housing.

Thank you for your consideration.

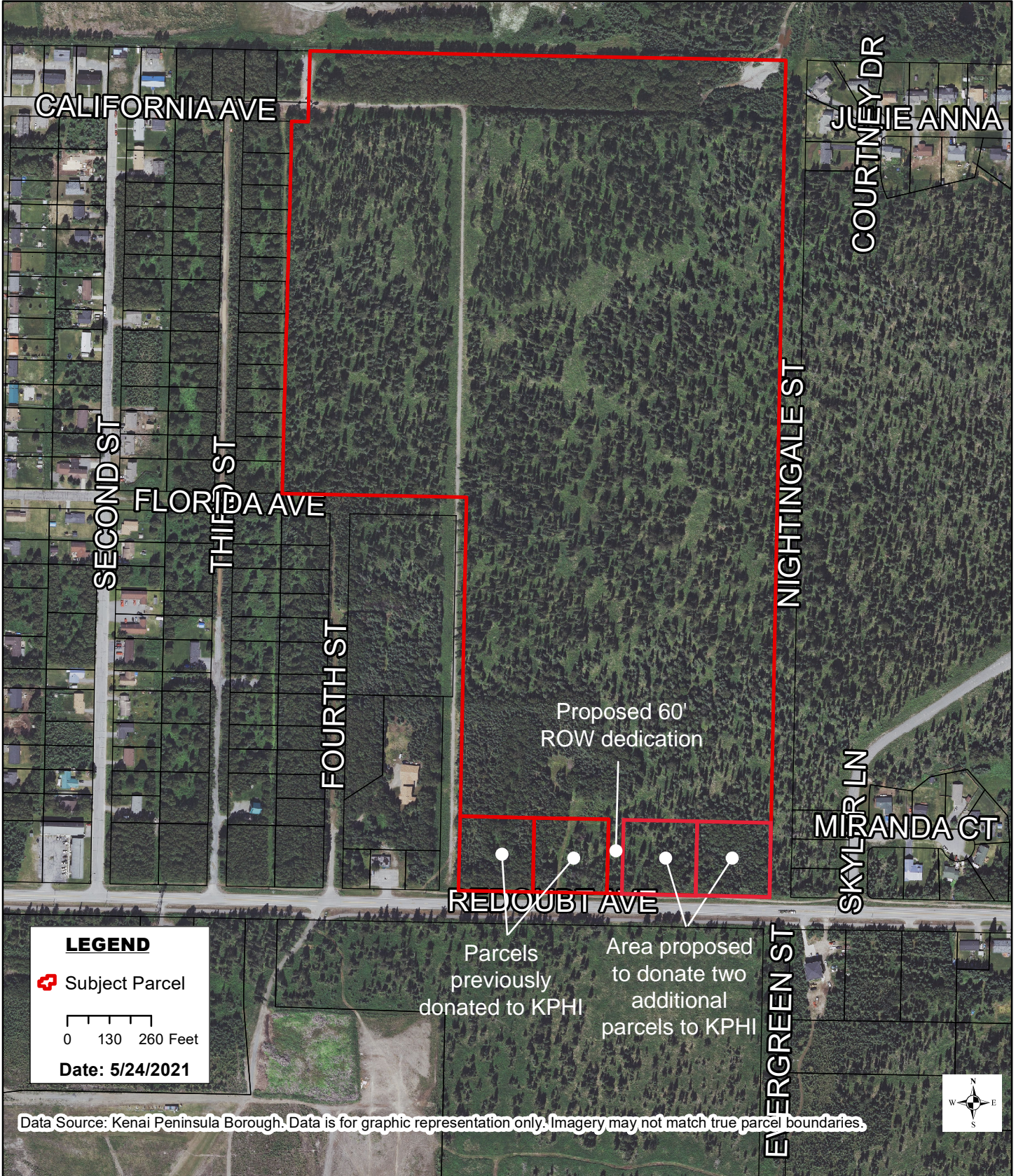
**Attachment A:** Aerial Map illustrating the previously donated parcels and the proposed parcel to be subdivided.

**Attachment B:** PowerPoint Presentation dated April 7, 2021 from Kenai Peninsula Housing Initiative requesting consideration of a donation of an additional 2.5 acres for restricted income and senior housing.

**Attachment C:** Concept site plan provided by the Kenai Peninsula Housing Initiative.



RESOLUTION 3217-2021  
DONATION AND PROPOSED DONATION TO KPHI  
KPB #03901063; 03901064 AND 03901065  
LOTS 1 & 2 AND A PORTION OF TRACT A  
KENAI MEADOWS



**LEGEND**

Subject Parcel

0 130 260 Feet

Date: 5/24/2021

Proposed 60'  
ROW dedication

Parcels  
previously  
donated to KPHI

Area proposed  
to donate two  
additional  
parcels to KPHI

Data Source: Kenai Peninsula Borough. Data is for graphic representation only. Imagery may not match true parcel boundaries.



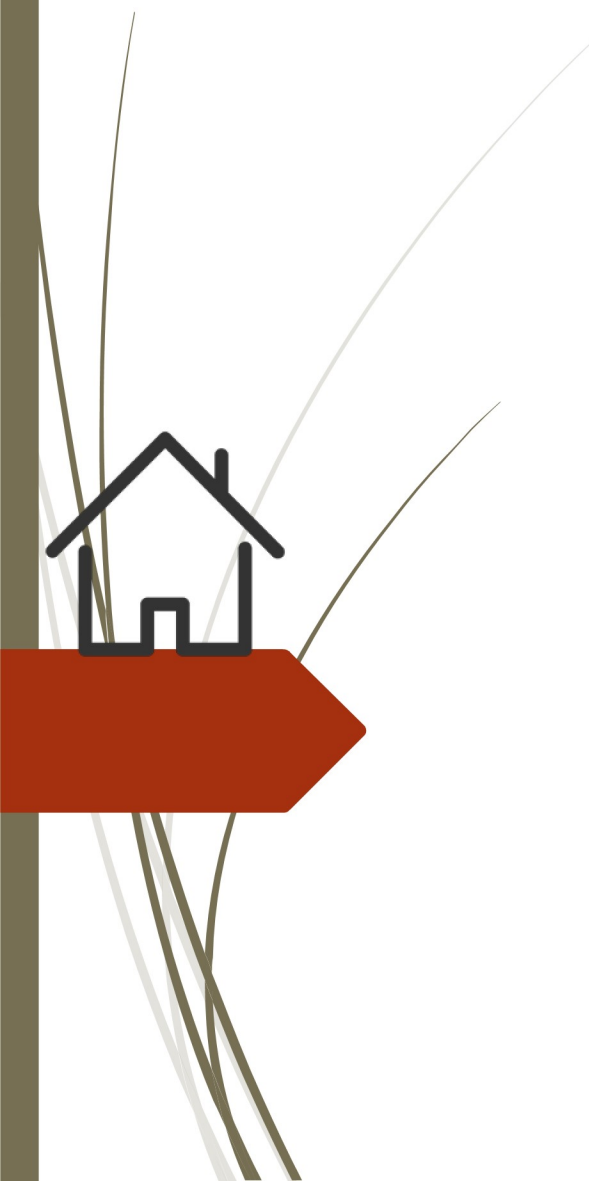




# **Kenai Peninsula Housing Initiatives**

## **Steven Rouse, Executive Director**

### **April 7, 2021**





## Today's Presentation:

- **Who is KPHI?**
- **What We Do**
- **How We Do It**
- **Our Work on the Kenai Peninsula, so far**
- **Project Just Completed in Kenai**
- **City of Kenai's Role in the Past**
- **Our Next Kenai Project and What We Are Asking of You**





## Who Is KPHI?

**A nonprofit housing organization that provides low-income, senior and special needs residents of the Kenai Peninsula with affordable housing options**

**Established in 2003, currently manage 148 units in Kenai, Homer, Seward, Soldotna and Ninilchik**

**KPHI offices are located at the Homer Community Housing Center**

**Board of Directors represents all areas of the Peninsula, staff of 5**

**We offer tenants a solid foundation on which to improve their overall quality of life**





## How Do We Provide Affordable Housing?

- **Develop** – Identify need, debt capacity, identify funding sources, compete for gap/subsidy funding
- **Own** – Responsible for debt service and maintenance
- **Manage** – Screen applicants, ensure compliance with funding sources, protect tenants and property

**Partner with other community organizations to ensure a full continuum of housing services are available to address housing needs**



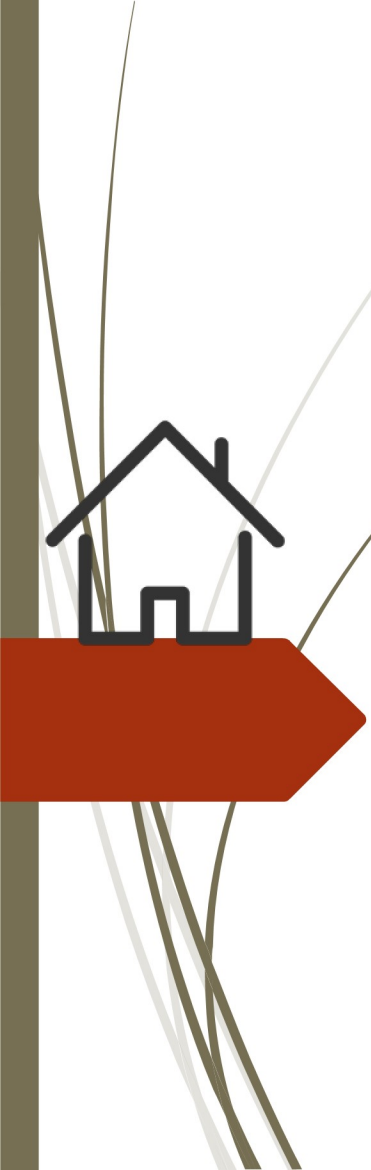
# KPHI Accomplishments To-Date Homer



# KPHI Accomplishments To-Date Soldotna

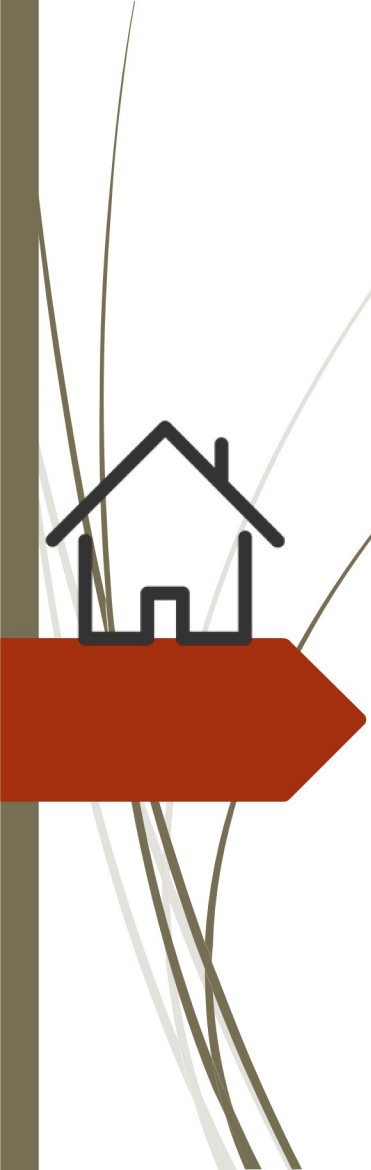


# KPHI Accomplishments To-Date Ninilchik





# KPHI Accomplishments To-Date Seward



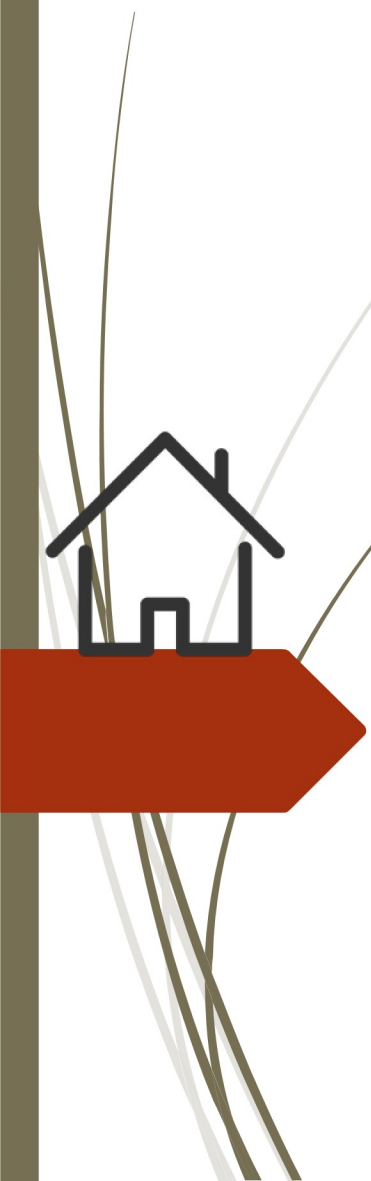




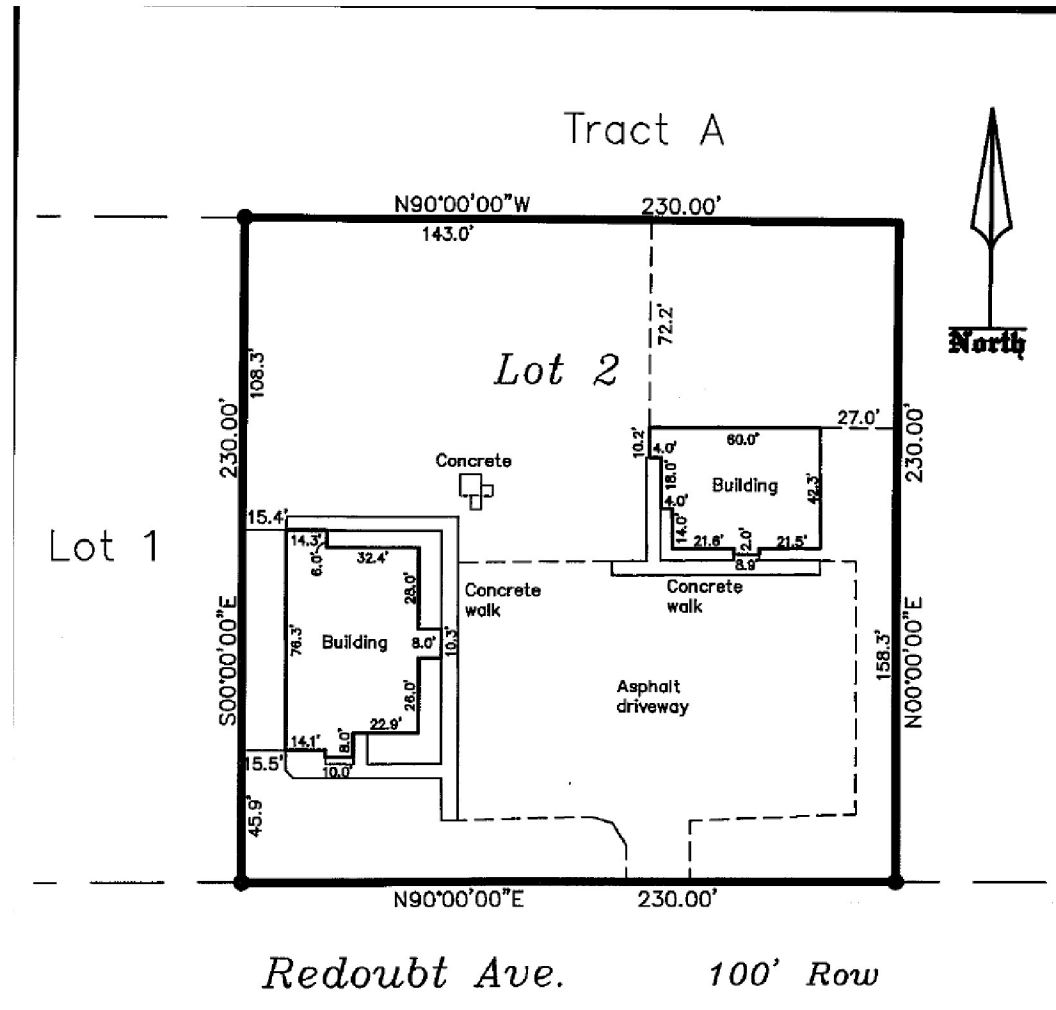
# KPHI Accomplishments To-Date

## Kenai

### Clear Pointe Phase I & II



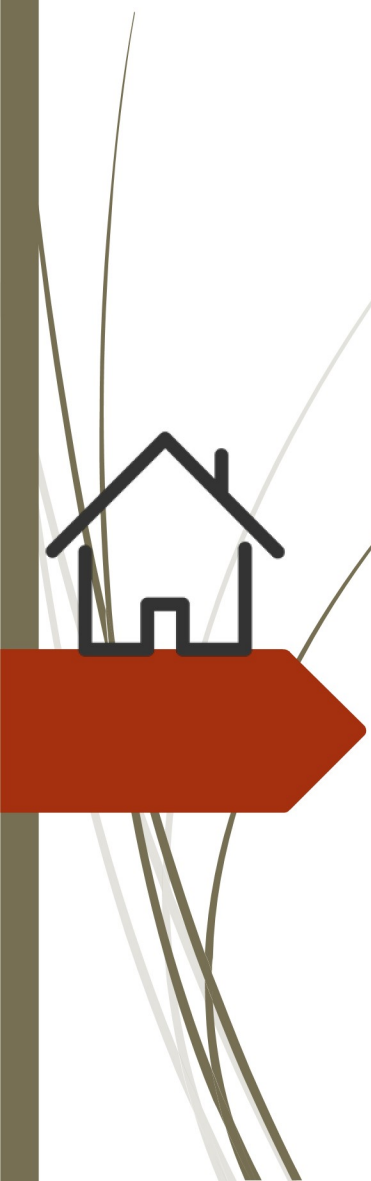
## KPHI Accomplishments To-Date – Clear Pointe



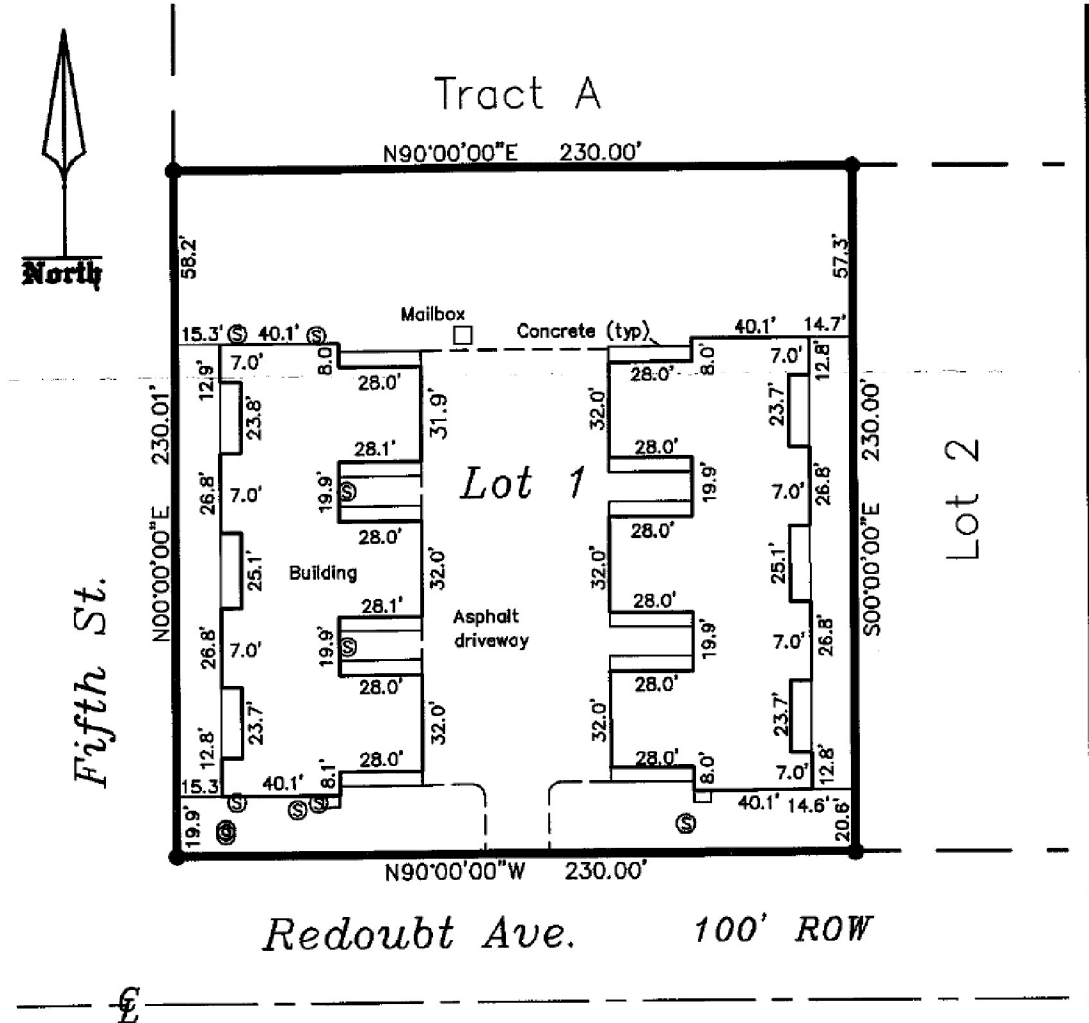
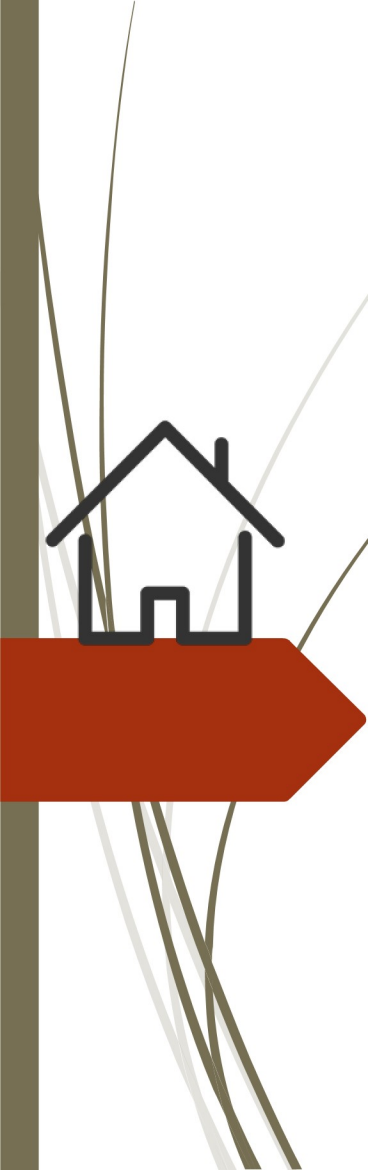
# KPHI Accomplishments To-Date

## Kenai

### Kenai Meadows



## KPHI Accomplishments To-Date – Kenai Meadows





## City of Kenai's Contribution To Clear Pointe & Kenai Meadows

June 2016-City Council passed Ordinance 2899-2016

June 2017 – City transferred 1.25 acre parcel (Clear Pointe Phase 1)

June 2018 – City transferred 1.25 acre parcel (Kenai Meadows Phase 1)

Land donation leveraged other funding sources including AHFC, Rasmuson Foundation and Wells Fargo Foundation

Projects helped to support hiring area businesses including Nelson Engineering of Kenai, Central Alaska Engineering of Soldotna and Sundance Construction of Kasilof





## How Did KPHI Perform?

- Four phases of the Kenai Projects completed early or on-time
- All units rented quickly, now have wait lists
- Last phase of Kenai Meadows complete in Jan. 2021 and fully rented by March 2021
- 22 individuals and families live in the two projects now
- Additional benefit during pandemic: KPHI connecting tenants to available resources





## KPHI's Ask Today

Requesting consideration of a donation of 2.5 acres, adjacent to existing developments on Redoubt

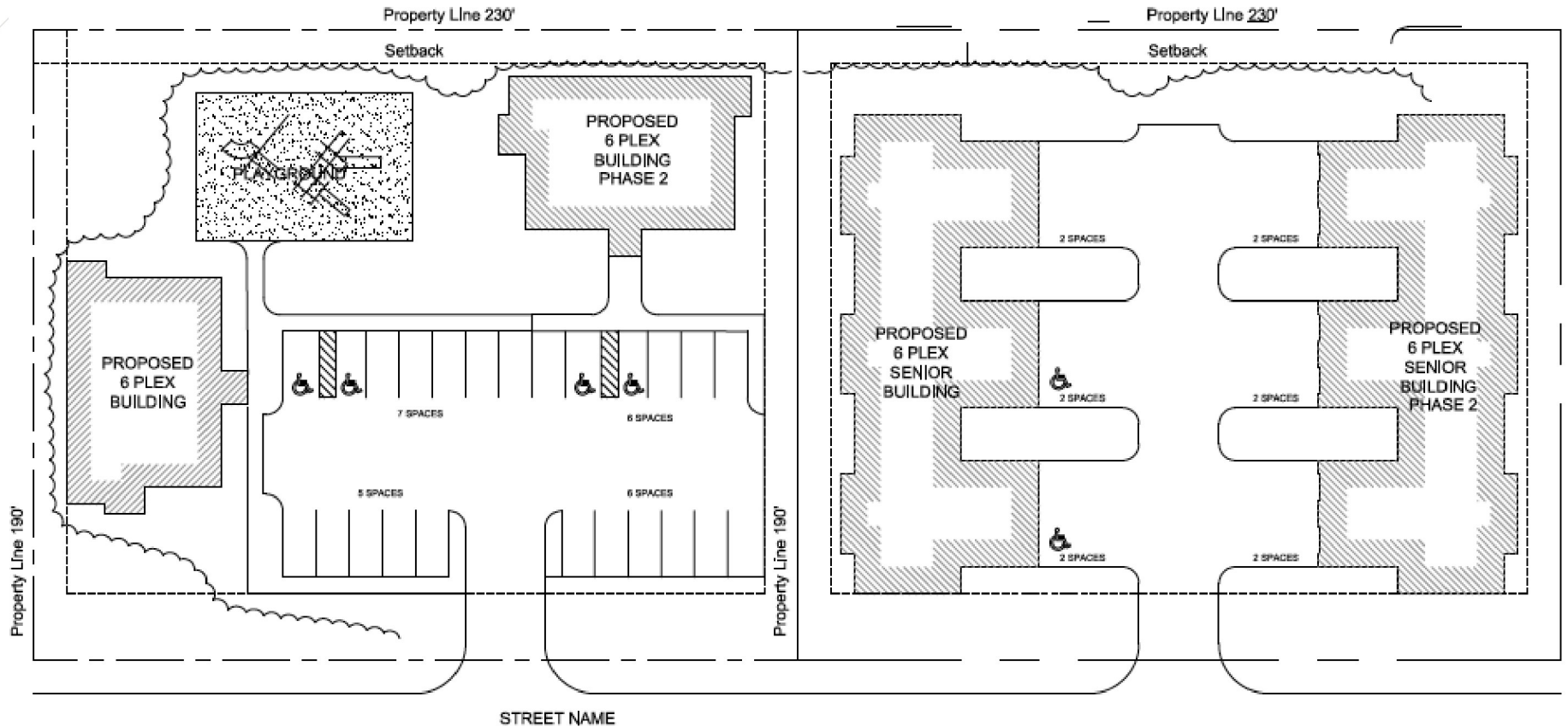
Same terms and conditions as contained in previous ordinance

Intent is to develop 24 units of senior and low-income, multi-family rental apartments

An independent analysis has already confirmed the need and demand for additional housing (study commissioned by AHFC)

**Timeline:** KPHI needs an ordinance passed to demonstrate options for site control to apply for funding in August 2021. Completion of four phases of the development would take 3 to 5 years.





### SITE PLAN CONCEPT

SCALE: 1/32" = 1'-0"

Kenai Peninsula Housing Initiatives  
**Apartment Concept**







## Questions?

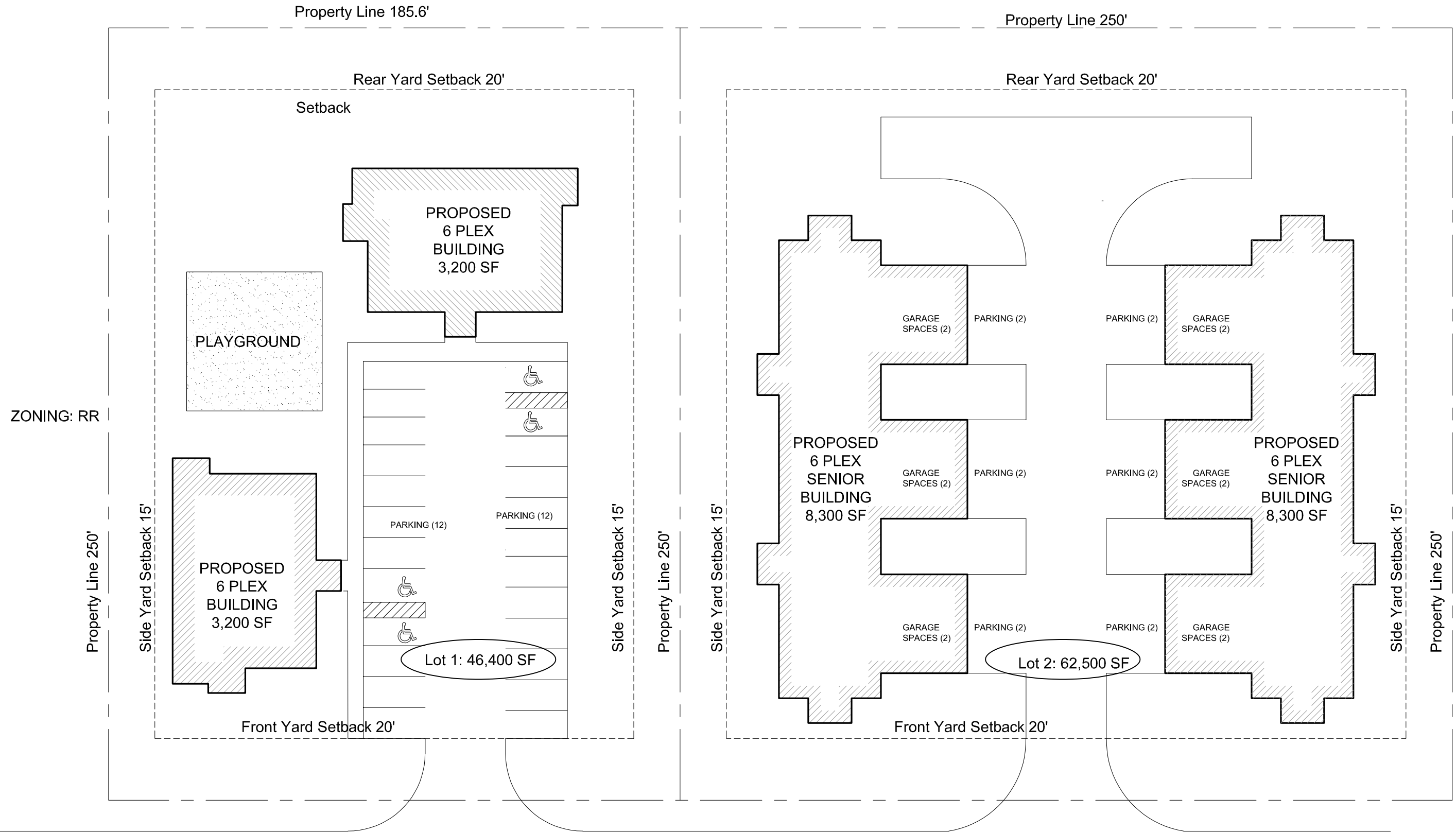
Steven Rouse, Executive Director  
Kenai Peninsula Housing Initiatives

[www.KPHI.net](http://www.KPHI.net)

Phone: (907) 399-4357

Email: [steven@kphi.net](mailto:steven@kphi.net)





Kenai Peninsula Housing Initiatives  
**Apartment Concept**

**SITE PLAN CONCEPT**

SCALE: 1/32" = 1'-0"



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** June 8, 2021

**SUBJECT:** **Requested Postponement and Hold for a Second Public Hearing to July 7, 2021 for Ordinance No. 3217-2021 - Conditionally Donating a Portion of Tract A Kenai Meadows to Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing.**

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On June 2, 2021 City Council approved via consent agenda the introduction of Ordinance 3217-2021 for a public hearing on June 16, 2021. This memorandum requests a postponement and a hold for a second public hearing to July 7, 2021. This postponement would allow for the Planning and Zoning Commission to review Ordinance 3217-2021 at their meeting on June 23, 2021 and provide a recommendation to City Council.

Thank you for your consideration.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** June 24, 2021

**SUBJECT:** **Ordinance No. 3217-2021 - Conditionally Donating a Portion of Tract A Kenai Meadows to Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing.**

---

On June 15, 2016 City Council approved Ordinance No. 2899-2016; conditionally donating certain foreclosed city owned property described as two approximate 1 1/4 acre parcels to be subdivided from a portion of the 77 acre more or less portion of the SE 1/4 lying east of Mommsen Subdivision Addition No. 2 section 25, T6N, R12W (KPB Parcel No. 039 010 18) to Kenai Peninsula Housing Initiative for the development of restricted income and senior housing.

On April 7, 2021, Steven Rouse, Executive Director of KPHI, presented on the completion of the housing constructed on the two parcels conditionally donated in Ordinance No. 2899-2016. In addition, he requested consideration of a donation of 2.5 acres adjacent to the existing developments on Redoubt Avenue to construct additional restricted income and senior housing.

The Planning and Zoning Commission recommended approval of the conditional land donation at their meeting on June 23, 2021.

Approval of Ordinance No. 3217-2021 would authorize the City Manager to execute, upon completion of a subdivision and necessary proof of financing for the development, the transfer of title for the subject properties to the Kenai Peninsula Housing Initiatives, Inc.

Thank you for your consideration.



Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3219-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, CONDITIONALLY DONATING CERTAIN CITY OWNED PROPERTY DESCRIBED AS ONE APPROXIMATE 2 ACRE PARCEL TO BE SUBDIVIDED FROM A PORTION OF THE 6.8 ACRE MORE OR LESS PORTION OF THE EAST OF TRACT 4, BARON PARK SUBDIVISION 2012 ADDITION (KPB PARCEL NO. 045 01 035) TO TRIUMVIRATE THEATRE FOR THE DEVELOPMENT OF A THEATRE FACILITY.

WHEREAS, Kenai Municipal Code 22.05.110, Determination as to need for public purpose, allows the Council, by Ordinance, to donate real property that is no longer needed by the City for a public purpose, to a non-profit corporation for consideration; agreed upon between the City and grantee without a public sale if the devotion is advantageous to the City; and,

WHEREAS, Triumvirate Theatre is a 501(c)3 non-profit corporation with a mission to provide performing arts opportunities with an emphasis on theatre with and for children; and,

WHEREAS, there is a need for a community theatre in the City of Kenai; and,

WHEREAS, the City desires to support performing arts in the community; and,

WHEREAS, donating the subject parcel to Triumvirate Theatre at less than fair market value is in the best interest of the City, and;

WHEREAS, conditions must be placed on the transfer or condition the transfer to ensure a theatre facility is developed or the property is returned to the City including in the event of a land sale, to a for profit entity, the value of the property shall be reimbursed to the City, if the sale occurs within twenty years after transfer to Triumvirate Theatre.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** Form: That this is a non-code ordinance.

**Section 2.** That the Kenai City Council hereby authorizes the City Manager to execute, upon completion of a subdivision and necessary proof of financing for the development, the transfer of title for the property: one approximate 2 acre parcel to be subdivided from a portion of the 6.8 acre more or less portion of the east of Tract 4, Baron Park Subdivision 2012 Addition (KPB PARCEL No. 045 01 035), to Triumvirate Theatre, on a form approved by the City Attorney, for less than fair market value (\$1.00) and for the sole purpose of developing a theatre facility.

**Section 3.** That Triumvirate Theatre must complete at its own expense all actions necessary for the subdivision and development of the properties; and to provide proof of financing sufficient for

the projects as prior conditions of the transfer of title; and to pay all closing costs and fees for said property and said consideration to the City for the property.

**Section 4.** That the Kenai City Council further finds the disposal of the parcel to be in the best interests of the citizens of the City of Kenai and that the public interest shall be served by disposing of the property interest for less than the fair market value, in accordance with the recitals above which are incorporated herein.

**Section 5.** That the Kenai City Council further finds that if the action items described herein are not completed by July 16, 2023, the authorization to transfer the land lapses unless further authorized by the City Council.

**Section 6. Severability:** That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 7. Effective Date:** That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 16<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Introduced: June 2, 2021  
Enacted: June 16, 2021  
Effective: July 16, 2021



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** May 24, 2021

**SUBJECT:** **Ordinance No. 3219-2021 - Conditionally Donating a Portion of Tract 4, Baron Park Subdivision 2012 Addition for the Development of a Theatre Facility.**

---

The purpose of this correspondence is to respond to the City Manager request to bring an ordinance to consider conditionally donating the properties referenced in the above described ordinance to the Triumvirate Theatre.

On May 20, 2021, Joseph Rizzo, on behalf of the Triumvirate Theatre, requested consideration of a donation of approximately 2 acres to the north of Daubensbeck Park to construct a theatre facility. The Triumvirate Theatre has been looking for a new home since a February 20, 2021 fire which resulted in a complete loss of their 5,000 square foot theatre facility. A donation of approximately 2 acres would require a subdivision of the approximately 6.8 acres of Tract 4, Baron Park Subdivision 2012 Addition. The parcel is zoned Light Industrial, which allows a theater with a conditional use permit, requiring submission of an application and approval by the Planning and Zoning Commission.

Thank you for your consideration.

**Attachment A:** Letter from Triumvirate Theatre proposing a land donation for construction of a theatre facility.

**Attachment B:** Aerial Map illustrating the proposed parcel to be subdivided for a theatre facility.

Joseph Rizzo  
ACIPA  
PO Box 322  
Kenai, Alaska 99611

Dear Mr. Ostrander:

Thank you for all your assistance and guidance in helping us put together this proposal that the City of Kenai donate a piece of property on which to build the new Triumvirate Theatre facility. The following information will be helpful for the City Council in determining if this proposal is viable.

### ***History of Alaska Children's Institute for the Performing Arts (Triumvirate Theatre)***

Our organization was formed as a 501(c)3 nonprofit in November 1998. For over 20 years, we have provided performing arts opportunities for members of our community with a special emphasis on theatre with and for children. We serve people in the communities of Kenai, Soldotna, Sterling, Nikiski and Kasilof.

In 2005, we began renting a 3,000-square-foot space in the Peninsula Center Mall in Soldotna, where we operated a 100-seat theatre and a bookstore for almost 10 years. In 2006, four members of the board formed an LLC, North Road Properties, and bought a mechanic shop just a few miles north of the Kenai city limits with the intention of remodeling it to have a permanent home for the theatre's operations, renting it to us for well below market value. Through many grants and thousands of volunteer hours, the remodel was completed in 2013. The last two years of the remodel, the bulk of the interior work was completed by the Nikiski High shop class. White Christmas, the first of dozens of productions and events that would be held at the new facility, opened that December.

Plays, concerts, fundraisers for cancer victims, corporate events, Eagle Scout award ceremonies, wedding receptions and movies are just some of the activities that have taken place in our facility over the last eight years. It was truly a community space for the whole central Kenai.

### ***The Fire***

In the early morning hours of Feb. 20, 2021, a fire broke out in the backstage area of the theatre and engulfed the building in flames. In spite of valiant efforts by the Nikiski and Kenai Fire Departments, it was a complete loss of the 5,000-square-foot facility. Both the insurance forensic expert and the state fire marshal's office could not determine the cause of the blaze.

Currently, fundraising efforts are underway to rebuild the theatre. Meanwhile, the Kenai Peninsula Borough School District is providing our organization use of the Little Theatre at Kenai High to continue our operations throughout the next school year.

### ***Some highlights of services provided by Triumvirate Theatre in the community and the state:***

- We have produced well over a hundred plays, musicals and events over the last 23 years.
- Working with James Adcox, kids and adults in the community created a 240-square-foot mural depicting the history of the Kenai Peninsula.
- Large stained glass artwork was created by children under the direction of Sandy Stevens, a stained glass artist in our community.
- The Class Act Drama Troupe was established in 2005. This troupe is made up of seventh- to 12th-grade youth. Half of funds raised from their shows are distributed back to the kids in the form of scholarships when they graduate high school. Thousands of dollars have been awarded in scholarships over the years. To our knowledge, this is the only program of its kind in the U.S.



***Highlights cont.***

- Working with the Alaska Humanities Forum, we have made two television programs teaching children about Alaska history. *Baranov's Castle* won a Best Indie Film Award at the Kids First Film Festival, the largest such festival in the world. It was also translated into Russian for Russian Television. *Davenport Flagstop and the Case of the Golden Spike* is a 45-minute film created in cooperation with the Alaska Railroad and has enjoyed extensive play on KTUU-TV.
- *Eight Stars of Comedy Gold* was a 90-minute history of the State of Alaska funded through a \$30,000 grant from the Rasmuson Foundation, commemorating the 50th anniversary of statehood.
- Mental Health Mondays is one of our current programs done in cooperation with KSRM Radio. Youth actors produce radio dramas about mental health issues facing teens. The dramas are followed by a round table discussion between the actors and Dr. Paul Turner, a Kenai psychologist.

***Description of Beneficiaries***

We know that the performing arts are critical to children's development and we provide opportunities for them to discover how much the stage can teach them about themselves and the world around them. By getting kids on stage to perform, parents and families that come to see them perform are also important beneficiaries of our programs. Lastly, we are heavily involved in fundraisers for local causes from kids who have cancer to people who lose their homes to house fires. We often provide entertainment for fundraising events and, before our facility burned down, provided a place for the community to hold such events.

***Current Status of the Project (Rebuilding efforts), timeline, and funds raised to date.***

We are currently in the fundraising and planning stages of rebuilding the theatre. Our hope is to have the new theatre open by April or May 2023.

***Fundraising Efforts***

Shortly after the fire occurred, the Rasmuson Foundation helped us set up a disaster relief fund with the Alaska Community Foundation, generously seeding that fund with \$10,000. Through an outpouring of community support, we have raised over \$100,000 in cash donations from over 500 individual donors over the last 10 weeks. This includes a \$10,000 donation from Marathon Oil. We have also received several significant in-kind donations including: \$10,000 in free radio advertising from KSRM Radio Group, a grand piano from the Kenai Peninsula College and excavating services for clean-up.

With the help of a \$25,000 Tier 1 grant from the Rasmuson Foundation, we are working with John Conway, a Foraker consultant hired to help us plan our rebuild efforts. This grant is also paying for architectural services from K&A Design Studios, a local Kenai firm, to develop conceptual drawings and determine an estimated cost of the rebuilding of the facility.

Fundraising efforts will continue over the summer with a goal of raising another \$100,000 in cash donations. We have some great help from local businesses, including Kenai Catering, which is planning on holding a fundraising dinner for us.

In addition to cash that the theatre has raised so far, our former landlord, North Road Properties, is committed to donating over \$200,000 from the insurance settlement so the theatre can build its own facility. We estimate that cost of rebuilding the theatre with the enormous rise in the cost of building materials will exceed \$1,000,000. We are hoping to raise additional funds from foundations and trusts.

Our goal is to submit a Tier 2 grant letter of inquiry to the Rasmuson Foundation by July 31. We will have no less than \$400,000 in funds to bring to this project. A land donation from the City of Kenai for the new theatre will be critical to our request to pursue a Tier 2 grant. The Rasmuson Foundation generally funds capital projects at 50% of the total cost. They have told me that the land donation would be considered matching funds.

### *The Property*

At your suggestion and working with Ryan Foster, we have considered four possible donated sites for the new facility in the City of Kenai. After careful consideration and in consultation with you, John Conway and our architect, we believe KPB Parcel No. 04501035 would best suit the purposes of the new theatre. This facility would require approximately 2 acres to accommodate adequate parking and the footprint of the building. Triumvirate would pay to have Parcel No. 04501035 subdivided so that we would occupy the east part of the parcel.

The following information comes from Ryan Foster:

Legal Description: Tract 4, Baron Park Subdivision 2012 Addition Physical Address: 450 Marathon Road

Size: 6.85 acres (298,386 square feet)

City Zoning: Light Industrial

Land Value: \$417,500 (from KPB)

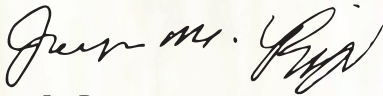
This parcel would likely require a subdivision of the 6.85 acres for a theater project/donation. The new Kenai Dog Park is being constructed on this parcel and the City is amending the plat to remove the dog park from Tract 4 and add it to Tract 5. Water and sewer is adjacent to the property from Marathon Road and Daubensbeck Road. Theaters are allowed in the Light Industrial zoning district with a conditional use permit.

### *Advantages for the City of Kenai*

Theatres are economic engines for communities. Not only would Triumvirate Theatre patronize hardware stores and grocery stores in the course of our operations but our patrons will eat at local restaurants before or after shows. In addition to paying property tax, Triumvirate would also hire locals in teaching drama camps, running operations and conducting maintenance on the building.

The other advantage, of course, is having the arts in the community and the educational opportunities for local kids. We have no doubt that being in town will increase the number of children we serve with our programs.

Thank you for considering this proposal. If you need further information, please contact me on my cell at: (907) 394-1159 or by email.



Joe Rizzo  
Executive Director  
ACIPA



triumvirate  
**THEATRE**



**RESOLUTION 3219-2021  
PROPOSED DONATION TO TRIUMVIRATE THEATRE  
KPB #045 01 035  
APPROXIMATELY 2 ACRE PORTION OF  
TRACT 4, BARON PARK SUBDIVISION 2012 ADDITION**



**LEGEND**

Subject Parcel

0 80 160 Feet

Date: 5/27/2021

Data Source: Kenai Peninsula Borough. Data is for graphic representation only. Imagery may not match true parcel boundaries.





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** June 8, 2021

**SUBJECT:** **Requested Postponement and Hold for a Second Public Hearing to July 7, 2021 for Ordinance No. 3219-2021 - Conditionally Donating a Portion of Tract 4, Baron Park Subdivision 2012 Addition to Triumvirate Theatre for the Development of a Theatre Facility.**

---

On June 2, 2021 City Council approved via consent agenda the introduction of Ordinance 3219-2021 for a public hearing on June 16, 2021. This memorandum requests a postponement and a hold for a second public hearing to July 7, 2021. This postponement would allow for the Planning and Zoning Commission to review Ordinance 3219-2021 at their meeting on June 23, 2021 and provide a recommendation to City Council.

Thank you for your consideration.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** June 24, 2021

**SUBJECT:** **Ordinance No. 3219-2021 - Conditionally Donating a Portion of Tract 4, Baron Park Subdivision 2012 Addition to Triumvirate Theatre for the Development of a Theatre Facility.**

---

On May 20, 2021, Joseph Rizzo, on behalf of the Triumvirate Theatre, requested consideration of a donation of approximately 2 acres to the north of Daubensbeck Park to construct a theatre facility. The Triumvirate Theatre has been looking for a new home since a February 20, 2021 fire resulted in a complete loss of their 5,000 square foot theatre facility. A donation of approximately 2 acres would require a subdivision of the approximately 6.8 acres of Tract 4, Baron Park Subdivision 2012 Addition. The parcel is zoned Light Industrial, which allows a theater with a conditional use permit, requiring submission of an application and approval by the Planning and Zoning Commission.

The Planning and Zoning Commission recommended approval of the conditional land donation at their meeting on June 23, 2021.

Approval of Ordinance No. 3219-2021 would authorize the City Manager to execute, upon completion of a subdivision and necessary proof of financing for the development, the transfer of title for the subject property to the Triumvirate Theatre.

Thank you for your consideration.

Attachment A: Property search methodology.



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

## MEMORANDUM

**TO:** Paul Ostrander, City Manager  
**FROM:** Ryan Foster, Planning Director  
**DATE:** April 29, 2021  
**SUBJECT:** Triumvirate Theatre Potential Locations

---

The following four parcels are described as potential locations for a Triumvirate Theatre site. Any donation of City owned lands requires City Council approval. As noted below, some of the following parcels would likely require a subdivision process/approval. The criteria considered in this search included the following:

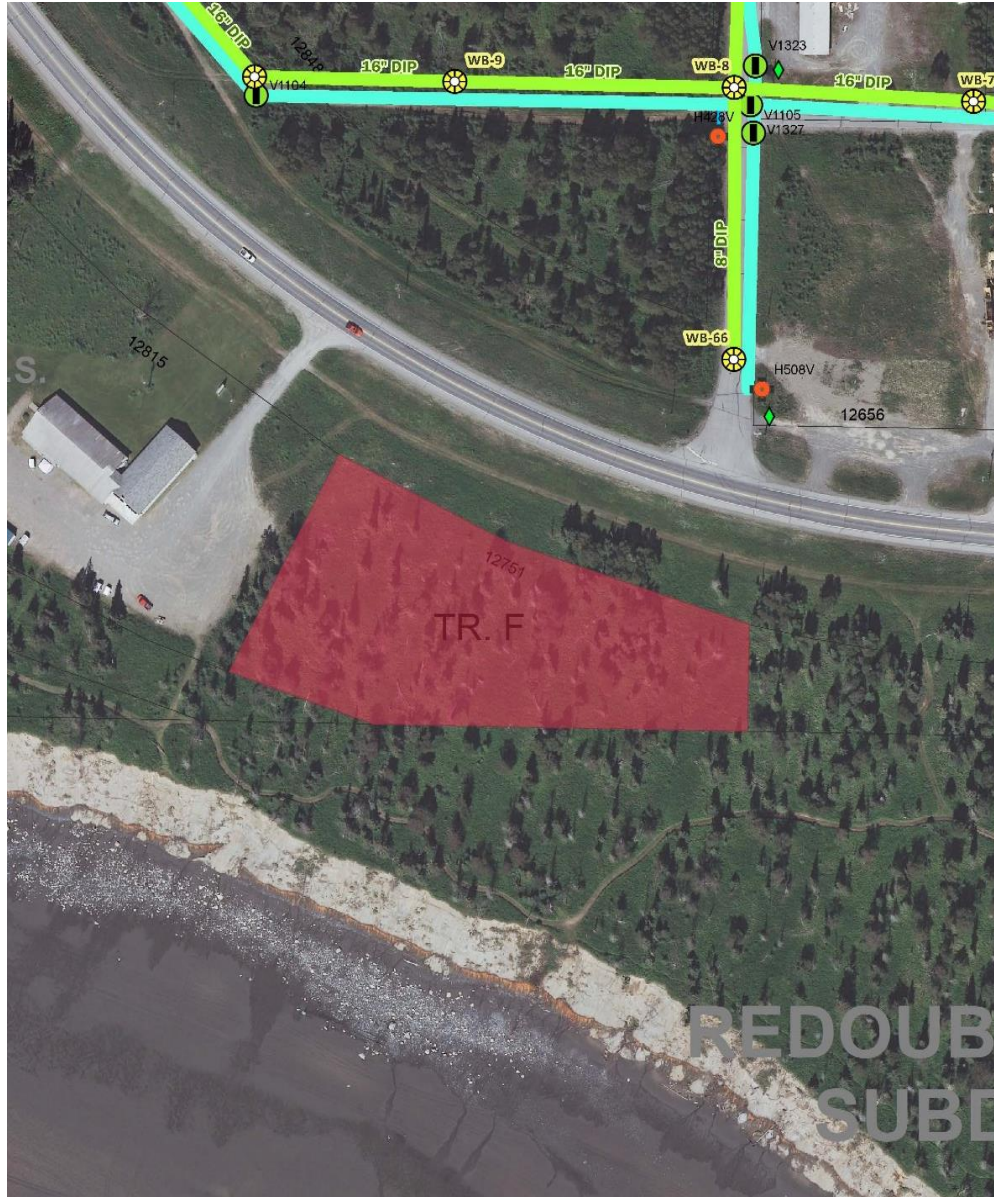
- City owned parcel recommended for disposal/sale in the draft Land Management Plan
- Not currently leased
- General fund
- 2+ acres
- Zoning designation where theaters are permitted or permitted with a conditional use permit
- Water and sewer lines in the vicinity of the subject parcel
- Roads access the subject parcel
- Lack of wetlands/buildable land likely available

Theaters require a conditional use permit for all four of the following parcels (within the Suburban Residential, Light Industrial, and Rural Residential zoning districts). Theaters are defined in *Kenai Municipal Code 14.20.320* as the following: "Theater means a building or structure, or part thereof, devoted to the indoor exhibition of motion pictures and/or of live dramatic, speaking, musical, or other presentations." Parking requirements for assembly with fixed seats (which includes theaters) outlined in *Kenai Municipal Code 14.20.250* are one parking space per four seats in the principal assembly area, with a seat width considered to be twenty-two inches.

### **KPB Parcel No. 04301102**

Legal Description: Tract F Dena'ina Point Estates Sub  
 Physical Address: 12751 Kenai Spur Highway  
 Size: 2.24 acres (97,574 square feet)  
 City Zoning: Suburban Residential (RS)  
 Land Value: \$48,800 (KPB)

A water line and sewer line is located approximately 270 feet to the north across the Kenai Spur Highway. The tract has no bluff frontage and is located approximately 140 feet from the edge of the bluff. Theaters are allowed in the Suburban Residential Zone with a conditional use permit. The Land Use Plan has this parcel classified as Mixed Use. An aerial view of the parcel is provided below.



**KPB Parcel No. 04501035**

Legal Description: Tract 4, Baron Park Subdivision 2012 Addition

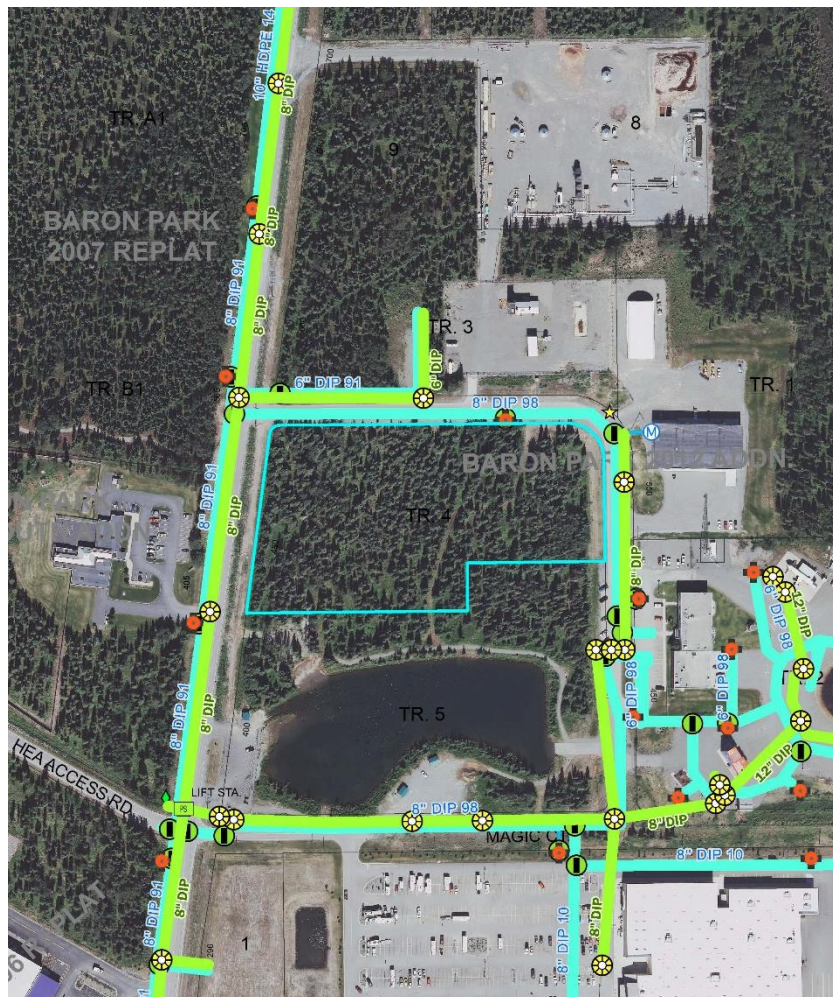
Physical Address: 450 Marathon Road

Size: 6.85 acres (298,386 square feet)

City Zoning: Light Industrial

Land Value: \$417,500 (from KPB)

This parcel would likely require a subdivision of the 6.85 acres for a theater project/donation. The new Kenai Dog Park is being constructed on this parcel and the City is amending the plat to remove the dog park from Tract 4 and add it to Tract 5. Water and sewer is adjacent to the property from Marathon Road and Daubensbeck Road. Theaters are allowed in the Light Industrial zoning district with a conditional use permit. The Land Use Plan has this parcel classified as Mixed Use. An aerial view of the parcel is provided below.





**KPB Parcel No. 03901065**

Legal Description: Kenai Meadows Tract A (parent parcel 03901018) KN 2017-017  
Physical Address: 2200 Redoubt Avenue  
Size: 72.21 acres (3,145,467 square feet)  
City Zoning: Rural Residential (RR)  
Land Value: \$155,400 (KPB)

This parcel would likely require a subdivision of the 77.2 acres for a theater project/donation. A water line and sewer line is located along Redoubt Avenue on the southern boundary of the subject property. Nightingale Street is a plated (but not constructed) road that runs along the eastern parcel boundary. Theaters are allowed in the Rural Residential zoning district with a conditional use permit. The Land Use Plan has this parcel classified as Suburban Residential. An aerial view of the parcel is provided below.

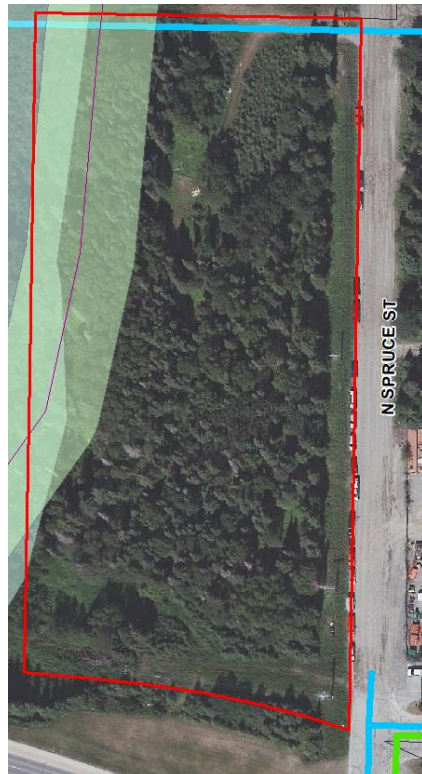


**KPB Parcel No. 04316017**

Legal Description: Tract A ASLS 2008-45  
Physical Address: 109 North Spruce Street  
Size: 4.23 acres (184,259 square feet)  
Estimated Buildable Size: 2.45 acres (107,000 square feet)  
City Zoning: Suburban Residential (RS)  
Land Value: \$66,400 (KPB)

A tributary to the Kenai River with the number of 244-30-10010-2001 is to the west of the parcel. Alaska Department of Fish and Game lists this water body in its anadromous waters catalog for Coho salmon rearing, Chinook salmon rearing, and Sockeye salmon rearing. A reasonable buildable area was estimated by buffering 50-foot from the stream as required by the Kenai Peninsula Borough and excluding identified wetlands.

A water line runs along the northern border of the parcel. Water and sewer lines are also available directly southeast of the parcel. Theaters are allowed in the Suburban Residential zone with a conditional use permit. The Land Use Plan also has this parcel classified as Suburban Residential **and would need a consideration of the reversion clause for the parcel to be used for a public purpose and to protect archaeological resources.** A rough short driveway appears to be at the northern edge of the parcel and it is otherwise treed with wetlands at the western edge of the parcel. An aerial view of the parcel is below with the wetland and stream areas shaded and excluded from the buildable size estimate. The right-of-way and utility easements were also excluded from the southern boundary of the parcel to estimate the buildable size of the lot. The draft Land Management Plan notes the land must be used for a public purpose. The plat of this parcel shows right-of-way dedicated along the Kenai Spur Highway, a section line easement, utility easements, and a public access easement to the creek at the western boundary of the parcel.





Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3225-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GO FURTHER FUND BUILDING CAPACITY GRANT FROM MEALS ON WHEELS AMERICA FOR THE KENAI SENIOR CENTER'S ABILITY TO MEET THE INCREASED NEED BROUGHT ON BY COVID-19, EXPANDING COMPREHENSIVE SERVICES AND DRIVE INNOVATION IN THE AREAS OF NUTRITION AND SOCIALIZATION.

WHEREAS, the Kenai Senior Center is a long-standing member of the Meals on Wheels Association of America; and,

WHEREAS, Meals on Wheels Association of America launched its *Make Good Go Further*™ campaign to showcase the heroic work of their network during the crisis and drive support for the new GO FURTHER FUND; and

WHEREAS, funds raised were invested in grants and other resources for Members to help build capacity to meet the increased need brought on by COVID-19 crisis, expand comprehensive services and drive innovation in the areas of nutrition and socialization; and,

WHEREAS, Meals on Wheels Association of America offered grants of up to \$25,000 to enable member programs to invest in infrastructure, training, and technology focused on; sustaining basic services, delivering nutrition, socialization, safety and connections to community services; and/or enhancing nutrition and socialization services; and,

WHEREAS, the Kenai Senior Center applied and was approved for a grant of \$25,000 for the continuation of these services; and,

WHEREAS, as this grant is limited to four months and there is only one Kenai City Council meeting in July, it is important that the Senior Center is able to utilize these funds as soon as possible; and,

WHEREAS, pursuant to KMC 1.15.70(d) the City may introduce and finally pass on the same day, an ordinance making, repealing, transferring or otherwise changing an appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$25,000 from the Meals on Wheels Go Further Fund Building Grant to continue to meet the needs brought on by COVID-19.

**Section 2.** That the estimated revenues and appropriations be increased as follows:

Senior Citizen Fund:

Increase Estimated Revenues –	
Miscellaneous Grants	<u>\$25,000.00</u>
Increase Appropriations –	
Home Meals – Salaries	\$ 5,861.00
Home Meals – Social Security	363.00
Home Meals – Medicare	85.00
Home Meals – Workers’ Compensation	185.00
Home Meals – Unemployment Insurance	29.00
Home Meals – Operating & Repair Supplies	9,238.50
Congregate Meals – Operating & Repair Supplies	<u>9,238.50</u>
	 <u>\$25,000.00</u>

**Section 3.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 4.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7th day of July, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Approved by Finance: Paul Ostth

Introduced: July 7, 2021  
Enacted: July 7, 2021  
Effective: July 7, 2021



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Kathy Romain

**DATE:** June 29, 2021

**SUBJECT:** Ordinance No. 3225-2021

The purposed of the memo is to recommend introduction and adoption of Ordinance 3225-2021 at the July 7, 2021 meeting of the Kenai City Council.

### **Introduction and Adoption in a Single Meeting.**

Generally, Ordinances are introduced at one meeting and voted on at the subsequent meeting to provide public notice of the action at two separate meetings. KMC 1.15.070(d) as cited below, provides for introduction and passage of appropriating ordinances in a single meeting.

#### **KMC 1.15.070(d)**

No ordinance, except an emergency ordinance or an ordinance making, repealing, transferring, or otherwise changing appropriations, may be finally passed on the same day that it is introduced. By unanimous consent of all Council Members present, such ordinances may be read a second time and then, by the required vote, be passed, on the same day on which they are introduced. All persons present shall be given an opportunity to be heard before the vote on final passage.

Meals on Wheels of America provided a grant opportunity to its Members to enable member programs to invest in infrastructure, training and technology, based on current or future services. The Kenai Senior Center's grant proposal included the following: sustaining basic services needed in our community through additional personnel; deliver on a full range of services such as outreach and safety checks; enhanced nutrition and/or socialization services to include diabetic and gluten free meals.

On June 16, 2021, we were notified we had been selected to received \$25,000 through this grant funding. As this grant is limited to four months and there is only one Kenai City Council meeting in July, it is important that we are able to utilize these funds as soon as possible.

I respectfully request utilization of the provision in KMC 1.15.070(d) for introduction and passage of Ordinance 3225-2021 at the July 7, 2021 meeting of the Kenai City Council to enable us to move forward within the grant guidelines.



Sponsored by: City Clerk

**CITY OF KENAI**

**RESOLUTION NO. 2021-46**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ADOPTING JOINT RESOLUTION NO. 2021-001 OF THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH AND COUNCILS OF THE CITIES OF HOMER, KENAI, SELDOVIA, SEWARD AND SOLDOTNA RESPECTIVELY, FOR THE PURPOSE OF INTERGOVERNMENTAL ADMINISTRATION OF BOROUGH AND CITY ELECTIONS.

WHEREAS, the Americans with Disabilities Act (ADA) and the Help America Vote Act of 2002 (HAVA), as applicable to federal elections, along with other federal laws related to protecting the right to vote, require full and equal opportunity to vote for all eligible voters and an accessible voting system for persons with disabilities; and,

WHEREAS, the City has realized efficiencies in its election processes by collaborating with the Borough on the administration of the annual regular municipal election; and,

WHEREAS, the Borough was required to acquire voting equipment and related software that would accommodate individuals with disabilities by providing accessible voting machines and related software and services that allow for “meaningful access to private and independent voting” in order to resolve a complaint filed with the Alaska State Commission for Human Rights; and,

WHEREAS, the current voting equipment used by the Borough has passed its serviceable life; and,

WHEREAS, the current voting tabulation server used by the Borough is no longer supported by software or hardware vendors; and,

WHEREAS, current voting equipment used by the Borough is incapable of accommodating individuals with disabilities by providing accessible voting machines that allow for “meaningful access to private and independent voting”; and,

WHEREAS, the State of Alaska is not able to provide the Borough use of its ADA compliant voting system; and,

WHEREAS, the Borough and the City of Kenai share a common goal and find that it serves public interest to work together to minimize costs, increase efficiencies and to ensure municipal elections are conducted in a fair and consistent way throughout the borough; and,

WHEREAS, it is in the best interest of the City to enter into a Memorandum of Agreement for the purpose of intergovernmental administration of Borough and City Elections.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the Kenai City Council adopts and hereby authorizes the Mayor of the City of Kenai to sign Joint Resolution 2021-001.

**Section 2.** That the City Manager is hereby authorized to execute a Memorandum of Agreement substantially in the form of the agreement attached to Joint Resolution 2021-001, for the purpose of intergovernmental administration of Borough and City Elections.

**Section 3.** That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7<sup>th</sup> day of July, 2021.

\_\_\_\_\_  
BRIAN GABRIEL, SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Approved by Finance: Paul Orth

\_\_\_\_\_

**KENAI PENINSULA BOROUGH  
CITY OF HOMER  
CITY OF KENAI  
CITY OF SELDOVIA  
CITY OF SEWARD  
CITY OF SOLDOTNA**

**JOINT RESOLUTION NO. 2021-001**

**A JOINT RESOLUTION OF THE ASSEMBLY OF THE KENAI PENINSULA  
BOROUGH AND COUNCILS OF THE CITIES OF HOMER, KENAI, SELDOVIA,  
SEWARD AND SOLDOTNA RESPECTIVELY, FOR THE PURPOSE OF  
INTERGOVERNMENTAL ADMINISTRATION OF BOROUGH AND CITY  
ELECTIONS**

**WHEREAS**, Article X, Section 13 of the Alaska Constitution authorizes local government to enter into agreements for the cooperative or joint administration of any function or power, unless otherwise prohibited by law or charter; and

**WHEREAS**, AS 29.35.010(13) provides authority for the Borough to enter into intergovernmental cooperative agreements for the joint administration of a borough function or power; and

**WHEREAS**, historically the borough and five (5) of the cities within the borough (Homer, Kenai, Seldovia, Seward, and Soldotna) have collaborated on the administration of the annual regular municipal election; and

**WHEREAS**, the Borough and the Cities share a common goal and find that it serves public interest to work together to minimize costs, increase efficiencies and to ensure municipal elections are conducted in a fair and consistent way throughout the borough;

**NOW, THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH ASSEMBLY AND THE COUNCILS OF THE CITY OF HOMER, CITY OF KENAI, CITY OF SELDOVIA, CITY OF SEWARD AND CITY OF SOLDOTNA:**

**SECTION 1.** That the borough administration and administrations for the Cities of Homer, Kenai, Seldovia, Seward, and Soldotna respectively are authorized, upon approval of this resolution by the borough assembly and respective councils for each city, to execute a Memorandum of Agreement substantially in the form of the attached agreement, for the purpose of intergovernmental administration of Borough and City Elections.

**SECTION 2.** That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Homer, City of Kenai, City of Seldovia, City of Seward and the City of Soldotna.



**APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Brent Hibbert, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

**APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Ken Castner, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Jacobsen, MMC, City Clerk

**APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Brian Gabriel Sr., Mayor

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

**APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Jeremiah Campbell, Mayor

ATTEST:

\_\_\_\_\_  
Heidi Geagel, City Clerk

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**APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Christy Terry, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Ballou, MMC, City Clerk

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**APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Paul Whitney, Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Saner, MMC, City Clerk

## Memorandum of Agreement

Between Kenai Peninsula Borough and the Cities of  
Kenai, Homer, Seldovia, Seward, and Soldotna  
For the Intergovernmental Administration of Borough and City Municipal Elections

This Memorandum of Agreement (hereinafter the “Agreement”) is by and between the Kenai Peninsula Borough, whose address is 144 North Binkley Street, Soldotna, AK 99669, (hereinafter “Borough”) and the participating Cities of Kenai, Homer, Seldovia, Seward, and Soldotna (hereinafter “Cities,” or “City”) whose addresses are included on the signatory page below, for the purpose of intergovernmental administration of the Borough and the Cities’ local municipal elections (hereinafter “municipal elections”).

WHEREAS, Article X, Section 13 of the Alaska Constitution authorizes local government to enter into agreements for the cooperative or joint administration of any function or power, unless otherwise prohibited by law or charter; and

WHEREAS, AS 29.35.010(13) provides authority for the Borough to enter into intergovernmental cooperative agreements for the joint administration of a borough function or power; and

WHEREAS, historically the borough and five (5) of the cities within the borough (Homer, Kenai, Seldovia, Seward, and Soldotna) have collaborated on the administration of the annual regular municipal election; and

WHEREAS, the Borough and the Cities share a common goal and find that it serves public interest to work together to minimize costs, increase efficiencies and to ensure municipal elections are conducted in a fair and consistent way throughout the borough; and

WHEREAS, the parties hereto wish to memorialize past practices and understandings through this written document which shall constitute their specific agreement on terms and conditions related to roles, responsibilities, permissions and fees associated with the Borough’s administration of municipal elections;

THE PARTIES THEREFORE AGREE, in consideration of the mutual promises contained in this Agreement and the services and fees provided, as set forth below:

### 1. PURPOSE AND INTENT

This Agreement is established and entered into between the parties for the purpose of jointly administering municipal elections. This Agreement contemplates basic and core election services for municipal elections, including special elections. The Borough Clerk’s Office will be primarily responsible for providing the basic and core election services as set out below. The Cities agree to pay the Borough for reasonable costs related to the election services pursuant to the fee schedule established below, or as amended by mutual written agreement of the parties. In-line with current and past practices, the Borough’s Clerk’s Office will collaborate with the City Clerk’s Offices regarding administration of municipal elections.

## 2. BOROUGH'S OBLIGATIONS

- a. Election and Ballot Programming:
  - i. The Borough Clerk's Office will program the election(s) and ballot(s) for all regular and special municipal elections.
  - ii. Each City will pay an administration fee for this service as set out in Section 3 below. Each City will provide final approval of ballot proofs to the Borough Clerk's Office.
  - iii. Ballots shall be delivered to each City at least 15 days before each regular election and at least 10 days before each special or runoff election.
  
- b. Logic and Accuracy Testing
  - i. The Borough Clerk's Office will ensure all ballots and equipment is tested and set for municipal elections.
  - ii. Each City will pay an administration fee for this service as set out in Section 3 below.
  - iii. Copies of the logic and accuracy testing will be provided to each City.
  
- c. Voter Pamphlet – to include Borough and Cities candidates and issues
  - i. The Borough Clerk's Office will provide the Cities forms for candidate and ballot propositions submissions, and sample ballots, to be included in the Information Brochure (aka Voter Pamphlet). The completed forms will be submitted to the Borough Clerk's Office camera ready.
  - ii. Each City will pay an administration fee for this service as set out in Section 3 below.
  
- d. Shared services for absentee voting
  - i. The Borough Clerk's Office will open an absentee voting site two weeks prior to the regular election and provide for absentee voters to have access to borough and city ballots for all precincts within the borough.
  - ii. This is an in-kind service; there is no administrative charge for this service.
  
- e. Election worker recruitment, training, and administration
  - i. The Borough Clerk's Office will, in collaboration with each City, recruit, train, and provide for administration of all shared election workers, to include election judges, election officials, canvass board, election board, and any other similar terms in City or Borough codes referring to election workers. Election workers hired for a regular municipal election will be considered temporary employees of the Borough.
  - ii. Each City will pay or cause to be paid an administration fee for this service as set out in Section 3 below.
  - iii. For the purposes of Workers' Compensation and all other employment related matters Election Workers shall be considered temporary employees of the Borough.
  - iv. Because City of Seldovia is within the Seldovia/Kachemak Bay voting precinct which is a by mail precinct for the borough, the Borough Clerk's

Office will only be responsible for hiring an absentee voting official to work on Seldovia/Kachemak elections.

- f. Equipment delivery and storage
  - i. The Borough Clerk’s Office will provide for all necessary election equipment to be delivered to polling sites and absentee voting stations, unless specific arrangements are otherwise made with individual cities.
  
- g. Precinct/Polling Site Rental
  - i. In the event a polling site requires a rental charge, the KPB will handle all aspects of securing the site for use.
  - ii. Each City will pay an administration fee for this service as set out in Section 3 below.
  
- h. Special elections support
  - i. Section 2(a) through (g) above do not apply to City special elections.
  - ii. Unless specific arrangements are otherwise made with individual cities, the Borough Clerk’s Office will program ballots, provide logic and accuracy testing, and provide for use of Borough election equipment for the City’s special election which will include print ready artwork to printer, ballot tabulator, ADA compliant tablet, ballot printer, and ballot box per precinct for special elections conducted by a City.
  - iii. Each City will pay an administration fee for this service as set out in Section 3 below. The Borough will not provide for an absentee voting site for special elections conducted by a City. Each City will pick up the Borough election equipment that it will use in its special election.

**3. CITIES OBLIGATIONS AND FEES**

- a. The Cities’ respective Clerk’s Office will open an absentee voting site two weeks prior to the regular election and provide for absentee voters to have access to borough ballots for precincts within or near the city limits. Except that it is understood City of Soldotna and the KPB will share an absentee voting site at the Borough Administration Building located at 144 N. Binkley Street.
  
- b. The Cities’ respective Clerk’s Office will provide all candidate information and proposition language in order to accommodate timelines for ballot programming and voter pamphlet information.
  
- c. By signing this Agreement, Cities consent to the following fee schedule:

<u>Service</u>	<u>Cost</u>	<u>Description</u>
Ballot Programming	\$500 per regular election	See description of services in 2(a) above.
Logic and Accuracy Testing	\$100 per regular election	See description of services in 2(b) above.
Voter Pamphlet	\$100 per page	See description of services in 2(c) above.

Shared services for absentee voting	No charge, in kind service provided	See description of services in 2(d) above.
Election worker recruitment, training, and administration	50% of wages and employer’s share of FICA for all election officials working at polling locations within city’s jurisdiction.	Wages are based on the current election worker hourly rate as set by the Division of Elections  See description of services in 2(e) above.
Equipment delivery and storage	No charge	See description of services in 2(f) above.
Precinct rental or lease fees	50/50, with a maximum charge to the city of \$50 if charged by the site	See description of services in 2(g) above.
City’s Special Elections	\$1500 flat rate	See description of services in 2(h) above.

**4. ELECTION WEBPAGES AND LOCAL INFORMATION**

The parties agree that the Borough and each City shall continue to maintain, with each party continuing to bear respective associated costs, its own election webpage and other information items regarding municipal elections.

**5. WITHDRAWAL**

- a. If the Borough or a City wants to withdraw from agreement They must provide 4 months’ written notice.
- b. The Borough or a City cannot cancel or terminate this agreement within 90 days of the regular municipal election.

**6. TERM OF AGREEMENT**

This Agreement shall be in effect for five (5) years beginning \_\_\_\_\_, 2021 and terminating \_\_\_\_\_, 2026. This Agreement is eligible for two (2) 5-year renewals by mutual written consent of the parties.

## **7. CITY AND KPB CODE AND STATE LAW**

This Agreement does not supersede any City or KPB code or state law. If a provision of this Agreement conflicts with KPB or City code or state law, the respective code and state law controls.

## **8. WORKERS' COMPENSATION; LIABILITY INSURANCE**

Each Party shall be responsible for the purchase and maintenance of minimum insurance coverage as specified in paragraphs (a) and (b) of this section. Insurance coverage shall be in acceptable form, and for the amounts specified by the Borough, or as required by law, whichever is greater.

Insurance coverage shall remain in effect for the life of this Agreement, and any extensions thereto. This insurance shall be primary.

- a. Commercial general/automobile liability insurance of not less than \$1,000,000 combined single limit bodily injury and property damage per occurrence.
- b. Worker's Compensation and Employer's Liability insurance shall be provided for all employees and volunteers as per Alaska State Statutes.

## **9. DEFAULT**

Failure of either party to fully perform its obligations under the terms of this Agreement will constitute a default. If default is not cured, within 30 days, by full performance under this Agreement, then the non-defaulting party may immediately terminate the Agreement by delivering written notice to the defaulting party.

## **10. AMENDMENT OF AGREEMENT**

This Agreement may only be modified or amended by written agreement of the parties.

## **11. COUNTERPARTS; ELECTRONIC SIGNATURE**

This Agreement may be executed in counterparts and may be executed by way of facsimile or electronic signature in compliance with AS 09.80, each of which when so executed shall constitute an original and all of which together shall constitute one and the same instrument.

## **12. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties. There are no other understandings or agreements between the parties, either oral or memorialized in writing regarding the matters addressed in this Agreement. The parties may not amend this Agreement unless agreed to in writing with both parties signing through their authorized representatives.

**13. SAVINGS CLAUSE**

If any provision of this Agreement shall be invalidated on any ground by any court of competent jurisdiction, then the invalidated provision shall remain in force and effect only to the extent not invalidated and the remainder of this Agreement shall not be affected thereby and shall remain in full force and effect.

**14. OBLIGATIONS**

All of the Borough’s and the Cities obligations as specified in Sections 1 and 2 are subject to lawful appropriations, if necessary, for the specific purpose of carrying out the Borough and City’s obligations.

**KENAI PENINSULA BOROUGH  
144 N BINKLEY STREET  
SOLDOTNA, AK 99669**

\_\_\_\_\_  
By: Charlie Pierce, Mayor

Date: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Johni Blankenship, Borough Clerk

\_\_\_\_\_  
Sean Kelley, Deputy Borough Attorney



**CITY OF KENAI  
210 FIDALGO AVE.  
KENAI, AK 99611**

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By: Paul Ostrander, City Manager

ATTEST:

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Jamie Heinz, City Clerk

**CITY OF HOMER  
491 E. PIONEER AVE.  
HOMER, AK 99603**

\_\_\_\_\_  
By: Rob Dumouchel, City Manager

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Melissa Jacobsen, City Clerk

**CITY OF SELDOVIA  
PO DRAWER B  
SELDOVIA, AK 99663**

\_\_\_\_\_  
By: \_\_\_\_\_, City Manager

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Heidi Geagel, City Clerk

**CITY OF SEWARD  
PO BOX 167  
SEWARD, AK 99664**

\_\_\_\_\_  
By: \_\_\_\_\_, City Manager

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Brenda Ballou, City Clerk

**CITY OF SOLDOTNA  
177 N BIRCH ST.  
SOLDOTNA, AK 99669**

\_\_\_\_\_  
By: Stephanie Queen, City Manager  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Shellie Saner, City Clerk



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz, City Clerk  
**DATE:** June 29, 2021  
**SUBJECT:** **Resolution No. 2021-46**

---

The purpose of this memo is to recommend adoption of Resolution No. 2021-46 which authorizes the Mayor to sign Joint Resolution No. 2021-001 and the City Manager to execute a Memorandum of Agreement (MOA) for the purpose of intergovernmental administration of Borough and City Elections.

For many years, the City has collaborated with the Kenai Peninsula Borough (KPB) on the administration of the annual regular municipal election. The MOA referenced in these resolutions seeks to memorialize past practice and provide continuity for the City and KPB in administration of municipal elections. This agreement came out of the clerks meetings over the past few years when considering voting methods.

In the past, the City and KPB were able to utilize the State of Alaska's election equipment with the exception of their ADA compliant voting system and, after an ADA complaint, KPB purchased their own election equipment. The costs for the services will now be associated with KPB equipment instead of the State's.

With the execution of this MOA the City will now be paying an additional \$600 per regular election to the Borough for ballot programming and logic and accuracy testing which is reasonable, considering the amount of work that goes into those services. This amount has been included in the FY22 budget. The City has always shared services for absentee voting and paid 50% of wages for election workers and 50% of the rental fees for precinct rentals.

A change worth noting is that with the execution of this MOA the City will be paying \$100 per page included in the voter pamphlet. These would be pages providing voters information on ballot propositions, sample ballots, and candidate information pages. Given the past few elections, it can be assumed that these fees would rarely exceed \$1,000 and would typically be between \$300 and \$800. It is in the City's best interest to provide its voters with information that they will be voting on. Funding to cover these costs have been provided in the FY22 budget.

Your consideration is appreciated.



Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2021-47**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS AWARD TO NON-ENTITLEMENT UNITS OF LOCAL GOVERNMENT FROM THE STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT.

WHEREAS, the City of Kenai wishes to provide Coronavirus State and Local Fiscal Recovery Funds for the citizens and community of Kenai; and,

WHEREAS, the City of Kenai General Fund revenue budget as adopted and amended on January 27, 2020 was \$15,551,129.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** The City of Kenai has read and agrees to the federal guidance pertaining to the Recovery Funds, and accepts the Recovery Funds from the State of Alaska Department of Commerce, Community and Economic Development.

**Section 2.** That the City Manager is hereby authorized to negotiate and execute any and all documents required for issuing and managing funds on behalf of the City and is also authorized to execute subsequent amendments to said agreement, based upon the needs of the project.

**Section 3.** That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7<sup>th</sup> day of July, 2021.

\_\_\_\_\_  
BRIAN GABRIEL, SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Approved by Finance: Paul Orth



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Terry Eubank, Finance Director  
**DATE:** March 31, 2021  
**SUBJECT:** **Resolution 2021-47**

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The State of Alaska is requiring municipalities to approve a resolution in substantially the same form as Resolution 2021-47 for receipt of Coronavirus State and Local Government Recovery Funds. Resolution 2021-47 will authorize the City Manager to negotiate and execute any and all American Rescue Plan Act (ARPA) documents required for issuing and managing the funds on behalf of the City and is also authorized to execute subsequent amendments to said agreement, based upon the needs of the project. The City of Kenai is considered a Non-Entitlement Unit (NEU) and the act requires the funds for NEU's to be paid to the State and then distributed to each NEU based upon its population. Each NEU's share cannot exceed 75% of its most recent adopted budget as of January 27, 2020. Latest estimates are for the City to receive \$1,884,549.24, in two payments of \$942,274.62, which is less than 75% of the City's most recent adopted budget as of January 27, 2020.

US Treasury guidance requires the State to distribute the funds within 30 days to NEU's. This Resolution only authorizes acceptance of the funds allowing the State to meet the distribution requirement. Once the City has received an official grant offer from the State of Alaska Department of Commerce, Community and Economic Development an Ordinance will be introduced to appropriate the funds. No funds may be spent until this Ordinance is adopted.

Your support for adoption of Resolution 2021-47 is respectfully requested.





Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2021 - 48

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AUTHORIZING A SERVICE AGREEMENT FOR THE PERSONAL USE FISHERY DUMPSTERS AND PORTABLE RESTROOMS.

WHEREAS, the City of Kenai in support of the Personal Use Fishery annually seeks services for dumpsters and portable restrooms; and,

WHEREAS, an Invitation to Bid for these services was released on June 15, 2021 with bids due on June 28, 2021; and,

WHEREAS, two bids were received, as detailed below:

Contractor	Schedule A	Schedule B	Schedule C	Schedule D
Alaska Waste	-	-	\$8,249.40	\$14,999.00
Peninsula Pumping	\$30,000.00	\$28,000.00	\$5,500.00	\$14,000.00

; and,

WHEREAS, Schedule A is for all road accessible restrooms, Schedule B is for all non-road accessible restrooms, Schedule C is for all road accessible dumpsters and Schedule D is for all non-road accessible dumpsters; and,

WHEREAS, Peninsula Pumping was found to be the lowest responsive responsible bidder with a total combined bid in the amount of \$77,500.00; and,

WHEREAS, award of this service agreement will provide clean and safe access to these services, and the award is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the Kenai City Council authorizes the award of a Service Agreement to Peninsula Pumping in the amount of \$77,500 to provide dumpsters and portable restrooms in support of the Personal Use Fishery from July 10<sup>th</sup> – July 31<sup>st</sup>. In the event the State of Alaska alters the timeline, it is the intent of this authorization to coincide with the State’s timeline.

**Section 2.** That the Kenai City Council authorizes the City Manager to issue a Purchase Order to Peninsula Pumping in the amount of \$77,500.

**Section 3.** That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7th day of July, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

Resolution No. 2021-48  
Page 2 of 2

ATTEST:

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Jamie Heinz, MMC, City Clerk

Approved by Finance: Paul Ostth

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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin  
**DATE:** June 29, 2021  
**SUBJECT:** Resolution 2021-48

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The purpose of this memo is to request Council's Support of Resolution 2021-48 awarding a service agreement to Peninsula Pumping to supply and service dumpsters and portable restrooms for the Personal Use Fishery from July 10<sup>th</sup>-31<sup>st</sup>. These are recurring services the City provides annually in support of the fishery.

New to this year will be the availability of the recently completed vault restroom facilities provided on north beach at the end of South Spruce Ave and near Meeks Trail along Kenai Avenue, as well as an additional vault restroom near the fee shack at south beach. The installation of the vault restrooms reduced the number of portable restrooms, however largely due to a lack of competition the costs are not coming down as much as was hoped.

Last year we had a different vendor provide restrooms on south beach than had been typical in years past. This year that vendor chose not to bid on those services, likely because they were not profitable in providing them. As a result this year's total bid cost has gone up approximately four thousand dollars.

Council should be aware the Administration continues to strive to reduce these costs where and when possible. We have tightened our scopes of work locating facilities where appropriate but still accessible for vendors, and continue to improve services with the addition of hand wash stations last year and again this year. Historically our service contract costs are down. In 2017 these services cost \$101,703.14, in 2018 \$101,743.14, in 2019 \$87,919.90, in 2020 \$73,643.13, and this year \$77,500.00.

Council's support of this resolution will allow the City to continue to provide safe and clean services for those participating in the fishery.

Council's support is respectfully requested.





Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2021 - 49

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AUTHORIZING A CONTRACT AWARD TO SUPPLY OPERATIONAL CHEMICALS FOR THE CITY'S WATER TREATMENT AND WASTEWATER TREATMENT FACILITIES.

WHEREAS, the City of Kenai annually contracts for the purchase of various chemicals in support of the water treatment and waste water treatment plants; and,

WHEREAS, an Invitation to Bid for these chemicals was released on June 16, 2021 with bids due on June 28, 2021; and,

WHEREAS, no bids were received on June 28<sup>th</sup> and as a result the timeline was extended to allow a few additional days for vendors to completed the bid schedule; and,

WHEREAS, the following bids were received on July 1, 2021:

Vendor	Water Treatment Plant	Waste Water Treatment Plant	Total Bid
Cascade Columbia	\$ 57,312.50	\$ 42,675.60	\$ 99,988.10
Univar Solutions	\$ 47,937.00	\$ 34,320.00	\$ 82,257.00
	\$	\$	\$

; and,

WHEREAS, Univar Solutions USA Inc. was found to be the lowest responsive responsible bidder with a total combined bid in the amount of \$ 82,257.00; and,

WHEREAS, award of this purchase agreement will allow both plants to continue to operationally meet the City's regulated permit requirements, and the award is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the Kenai City Council authorizes the award of a Purchase Agreement and corresponding purchase order to Univar Solutions USA Inc. in the amount of \$ 82,257.00 to provide operational chemicals for the water treatment and waste water treatment plants through June 30, 2022.

**Section 2.** That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7th day of July, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_

Resolution No. 2021-49  
Page 2 of 2

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Jamie Heinz, MMC, City Clerk

Approved by Finance: Paul Ostro

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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin  
**DATE:** June 29, 2021  
**SUBJECT:** Resolution 2021-49

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The purpose of this memo is to request Council's support of Resolution 2021-49 awarding a purchasing agreement to supply and deliver operational chemicals to the City's water treatment and waste water treatment plants. These chemicals allow the Water & Sewer Department to safely treat the City's drinking water and to sanitize the effluent leaving the waste water plant into Cook Inlet waters.

Chemicals being purchased through this agreement include sodium hypochlorite, sodium bisulfite, lime and polymer.

A formal Invitation to Bid was released on June 16, 2021 with bids due on July 1, 2021. Univar Solutions USA Inc. was found to be the lowest responsive responsible bidder with a total bid of \$ 82,257.00. Approval of this agreement will allow the department to continue to comply with our permit requirements in support of the community.

Council's support is respectfully requested.





Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2021 - 50**

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AUTHORIZING A SERVICE CONTRACT EXTENSION TO PROVIDE REFUELING SERVICES FOR CITY FACILITY FUEL TANKS

WHEREAS, Crowley Fuels LLC was awarded a service contract on August 3, 2018 through approval of Resolution 2018-37 to furnish and deliver fuel to various City facilities for generators as well as operational fuel at the airport; and,

WHEREAS, that agreement runs through June 30, 2021 and may be extended by mutual agreement for two additional single year contract extensions; and,

WHEREAS, the City has been satisfied with the services being provided to date and on June 23, 2021 Crowley Fuels LLC agreed to hold their pricing for the next year to the same Oil Price Information Service (OPIS) market average percentage savings originally agreed to; and,

WHEREAS, that savings equates to the City paying approximately 97% of the market average cost for fuel; and,

WHEREAS, award of this service contract extension will allow our facilities and operations to continue to provide expected services, and the award is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the Kenai City Council authorizes the award of a Service Contract Extension to Crowley Fuels LLC through June 30, 2022 valued at the total approximate amount of \$54,500.

**Section 2.** That the City Council authorizes the City Manager to issue the following purchase orders to Crowley Fuels LLC: Water Plant Generator \$500, Waste Water Plant Generator \$1,000, Public Safety Generator \$500, Airport Terminal Generator \$2,500, and Airport Operations Fuel for equipment \$50,000.

**Section 3.** That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7th day of July, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Resolution No. 2021-50  
Page 2 of 2

Approved by Finance: Paul Ostth

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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin  
**DATE:** June 29, 2021  
**SUBJECT:** Resolution 2021-50

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The purpose of this memo is to request Council's support of Resolution 2021-50 authorizing a service contract extension to Crowley Fuels LLC. Crowley Fuels has been operating under a three year contract with an optional two one year extensions available, to provide fuel delivering services to various city facilities. This contract extension being requested is for year four of this agreement.

This service provides operational fuel for the City backup generators as well as the Airport Operations Facility which fuels various apparatus equipment in support of Airfield Maintenance Operations.

The original agreement was contracted in a way that anticipated fluctuations in the market price of fuel through utilization of the Oil Price Information Service otherwise known as (OPIS). OPIS provides regional cost averages for fuel and this agreement provides for a City purchase price of 97% of the OPIS price. As example if diesel fuel was OPIS priced at \$2.50/gal our city cost would be \$2.425/gal if \$4.00/gal our city cost would be \$3.88/gal.

This contract, valued in the range of \$54K and intended to run through June 30, 2022, provides a good value to the operations of the City.

Council's support is respectfully requested.





Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2021-51**

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AMENDING THE SCHEDULE OF RATES, CHARGES, AND FEES TO INCORPORATE CHANGES TO FACILITY RENTAL GYM FEES AT THE KENAI RECREATION CENTER.

WHEREAS, the City of Kenai now operates the main portion of the Kenai Recreation Center; and,

WHEREAS, the City of Kenai establishes and administers rules, regulations, and fees for use of the facility; and,

WHEREAS, the City of Kenai recognizes the importance of organized youth in providing valuable life skills and good citizenship in youth; and,

WHEREAS, the City of Kenai desires to support the continued mission of providing quality recreation facilities for organizations sponsoring youth athletic programs; and,

WHEREAS, waiving the gym rental costs for non-profit youth athletic programs is consistent with the operation of the previous management and purpose of the facility.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** The Parks & Recreation section of the City’s Comprehensive Schedule of Rates, Charges and Fees be amended as follows.

**PARKS & RECREATION**

**Facility Rental – per hour**

Damage Deposit	\$100.00
Gym	\$50.00
½ Gym	\$25.00
<u>Non-profit Youth Athletic Programs</u>	<u>FREE</u>

**Section 2.** That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7th day of July, 2021.

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BRIAN GABRIEL, SR., MAYOR

ATTEST:

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Jamie Heinz, MMC, City Clerk



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Robert J. Frates, Parks & Recreation Director  
**DATE:** June 29, 2021  
**SUBJECT:** **Resolution No. 2021 – 51**

---

This memorandum recommends adoption of Resolution 2021-51 amending the City's Comprehensive Schedule of Rates, Charges, and Fees to include waiving of gym rental fees to organized non-profit youth athletic programs.

Waiving of gym rental fees for qualifying youth athletic programs is consistent with how the Boys & Girls Club has managed the rentals for youth athletic programs. This exemption would only apply to use of the gymnasium and user groups would be required to have a current Certificate of Insurance on file with the Parks & Recreation Department.

Thank you for your consideration.



Sponsored by: The Kenai City Council

## CITY OF KENAI

### RESOLUTION NO. 2021-52

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, OPPOSING AMENDMENT 14 TO THE FISHERY MANAGEMENT PLAN FOR SALMON FISHERIES IN THE EEZ OFF ALASKA.

WHEREAS, the Magnuson-Stevens Fishery Conservation and Management Act directs the North Pacific Fishery Management Council (Council) to prepare a fishery management plan for each fishery under its authority that requires conservation and management; and,

WHEREAS, the North Pacific Fishery Management Council developed the *Fishery Management Plan for Salmon Fisheries in the EEZ off Alaska*, (FMP) that manages salmon fisheries in the United State Exclusive Economic Zone (EEZ; 3 nautical miles to 200 nautical miles off shore of Alaska); and,

WHEREAS, pursuant to a United States Court of Appeals Ninth Circuit ruling, after successful litigation brought by the Cook Inlet commercial fishermen and seafood processors, the North Pacific Fishery Management Council was required to amend the FMP to bring it in line with the Ninth Circuit Court's decision; and,

WHEREAS, the North Pacific Fishery Management Council considered four alternative amendments to the FMP at its December 7, 2020 meeting selecting Alternative 4 that closes all federal waters in Cook Inlet to commercial salmon fishing; and,

WHEREAS, the City of Kenai, through Resolution No. 2020-89, dated November 23, 2020, provided its opposition of Alternative 4 to the Council; and,

WHEREAS, the City of Kenai through Resolution No. 2021-13 requested the US Secretary of Commerce to Veto the North Pacific Salmon Fishery Management Council's adoption of Alternative 4; and,

WHEREAS, at it meeting of June 16, 2021 the Kenai City Council approved the submission of comments to the National and Oceanic and Atmospheric Administration (NOAA) opposing proposed regulations closing the EEZ to commercial salmon fishing; and,

WHEREAS, NOAA is soliciting comments on Amendment 14 to the Fishery Management Plan for salmon fisheries in the EEZ submitted by the North Pacific Management Council; and,

WHEREAS the City Council of Kenai opposes Amendment 14 because closure of the fishery in the EEZ does not promote the goals of the Magnuson-Stevens Act and very likely will significantly harm the fishery participants and negatively impact the City of Kenai; and,

WHEREAS, closing of the fishery in the EEZ does not provide the greatest opportunity for harvest, and while closure does protect salmon, minimize regulatory burden, and avoid additional management jurisdictions, other paths forward could accomplish the same without the potential harm to the fishery participants and communities that rely on and support the fishery; and,

WHEREAS, the North Pacific Management Council’s conclusion that Amendment 14 will provide for sustained participation of communities in the fishery and minimize adverse economic impacts to the City is unsubstantiated and likely untrue; and,

WHEREAS, the City of Kenai has never been consulted by the North Pacific Management Council as to what the effects of Amendment 14 might impose on the City; and,

WHEREAS, both sport, personal use and commercial fisheries have played a key role in the history, society and economy of the City; and,

WHEREAS, the Kenai City Council has heard testimony from industry participants that Amendment 14 could lead to the closure of local processing capacity affecting the future viability of both drift and setnet fisheries in Cook Inlet; and,

WHEREAS, the loss of the commercial fisheries in Cook Inlet not only would effect the fishermen who directly rely on the fishery, but many support industries and businesses that benefit from the local economy generated by the fisheries and processors; and,

WHEREAS, it is disingenuous of the North Pacific Management Council to suggest that closure of the fishery would provide any benefit to the fisheries participants or to the City of Kenai.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** The Council unanimously opposes Amendment 14 to the Fishery Management Plan for salmon fisheries in the EEZ submitted by the North Pacific Management Council and authorizes the City Clerk to provide this Resolution to NOAA as comments on the proposed Amendment.

**Section 2.** That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7th day of July, 2021.

\_\_\_\_\_  
BRIAN GABRIEL, SR., MAYOR

\_\_\_\_\_  
ROBERT MOLLOY, VICE MAYOR

\_\_\_\_\_  
GLENESE PETTEY, COUNCIL MEMBER

\_\_\_\_\_  
JIM GLENDENING, COUNCIL MEMBER

\_\_\_\_\_  
TEEA WINGER, COUNCIL MEMBER

\_\_\_\_\_  
VICTORIA ASKIN, COUNCIL MEMBER

\_\_\_\_\_  
HENRY KNACKSTEDT, COUNCIL MEMBER

\_\_\_\_\_

Resolution No. 2021-52

Page 3 of 3

ATTEST:

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Jamie Heinz, MMC, City Clerk



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Scott Bloom, City Attorney

**DATE:** March 31, 2021

**SUBJECT:** **Resolution 2021-52- Objecting to Amendment 14**

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This Resolution provides the City Council's opposition to Amendment 14 to the Fishery management Plan for the Salmon Fisheries in the Exclusive Economic Zone off Alaska that would close certain federal waters to commercial salmon fishing. Comments on the Rule proposed by the National Oceanic and Atmospheric Administration are due by July 19, 2021.



**KENAI CITY COUNCIL – REGULAR MEETING  
JUNE 16, 2021 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
VICE MAYOR BOB MOLLOY, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on June 16, 2021, in City Hall Council Chambers, Kenai, AK. Vice Mayor Molloy called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Vice Mayor Molloy led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Brian Gabriel, Mayor (absent)  
Henry Knackstedt  
Jim Glendening  
Victoria Askin

Robert Molloy  
Tea Winger  
Glenese Pettey

A quorum was present.

Also in attendance were:

Paul Ostrander, City Manager  
Scott Bloom, City Attorney  
Jamie Heinz, City Clerk

**3. Agenda Approval**

Vice Mayor Molloy noted the following revisions to the agenda and packet:

- Add to item D.3.                   **Ordinance No. 3219-2021**
- Supplemental Information

**MOTION:**

Council Member Knackstedt **MOVED** to approve the agenda with the requested additions to the agenda and packet, and with the revision of moving item G.8 to be considered prior to public hearings. Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

**VOTE:**           There being no objections, **SO ORDERED.**

**4. Consent Agenda**

**MOTION:**

Council Member Knackstedt **MOVED** to approve the consent agenda and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Vice Mayor Molloy opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

**VOTE:** There being no objections, **SO ORDERED**.

\*All items listed with an asterisk (\*) are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

**B. SCHEDULED PUBLIC COMMENTS**

**C. UNSCHEDULED PUBLIC COMMENTS** – None.

**D. PUBLIC HEARINGS**

*[Clerk's Note: During agenda approval, item G.8. was moved to this point on the agenda.]*

- 8. Action/Approval** - Authorizing the City Administration to Submit Previously Adopted Resolution 2020-89 - A Resolution of the City of Kenai, Alaska, Opposing Alternative 4 Proposed to the North Pacific Management Council that would Close All Federal Waters in Cook Inlet to Commercial Fishing, Along With an Accompanying Letter from the Mayor as Comments to the National Oceanic and Atmospheric Administration's Proposed Regulations Closing the EEZ to Commercial Fishing, Prior to the July 6, 2021 Comment Deadline. (All Council Members)

**MOTION:**

Council Member Knackstedt **MOVED** to authorize City Administration to submit previously adopted Resolution 2020-89 along with an accompanying letter from the Mayor as comments to the National Oceanic and Atmospheric Administration's proposed regulations closing the EEZ to commercial fishing. Council Member Glendening **SECONDED** the motion.

The rules were suspended and public testimony was taken.

Mr. Ruffner thanked Council for quick action on this item and noted that the submission of this previous resolution to the NOAA comments and a future letter between all mayors to be submitted to the other process by 7/19 would be a sufficient plan.

There being no further comments; there being no one wishing to be heard, the public comment period was closed.

**UNANIMOUS CONSENT** was requested.

A roll call vote was requested.

**VOTE:**

YEA: Pettey, Knackstedt, Glendening, Molloy, Winger, Askin,  
NAY:

**MOTION PASSED UNANIMOUSLY.**

1. **Ordinance No. 3217-2021** - Conditionally Donating Certain City Owned Property Described as Two Approximate 1 1/4 Acre Parcels to be Subdivided from a Portion of the 72 Acre More or Less Portion of the SE 1/4 Lying East of Tract A Kenai Meadows (KPB Parcel No. 039 010 65) To Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing. (Mayor Gabriel, Vice Mayor Molloy, Council Member Winger)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3217-2021 and Council Member Glendening **SECONDED** the motion.

Vice Mayor Molloy opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

**MOTION:**

Council Member Pettey **MOVED** to postpone Ordinance No. 3217-2021 until the July 7, 2021 Council meeting and for a second public hearing at that meeting. Council Member Askin **SECONDED** the motion

**UNANIMOUS CONSENT** was requested.

**VOTE ON POSTPONEMENT:** There being no objection; **SO ORDERED.**

2. **Ordinance No. 3218-2021** - Accepting and Appropriating Drug Seizure Funds into the Police Small Tools Account. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3218-2021 and Council Member Askin **SECONDED** the motion.

Vice Mayor Molloy opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

**VOTE:**

YEA: Pettey, Knackstedt, Glendening, Molloy, Winger, Askin,  
 NAY:

**MOTION PASSED UNANIMOUSLY.**

3. **Ordinance No. 3219-2021** - Conditionally Donating Certain City Owned Property Described as One Approximate 2 Acre Parcel to be Subdivided from a Portion of the 6.8 Acre More or Less Portion of the East of Tract 4, Baron Park Subdivision (KPB Parcel No. 045 01 035) to Triumvirate Theatre for the Development of a Theatre Facility. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3219-2021 and Council Member Winger **SECONDED** the motion.

Vice Mayor Molloy opened the floor for public comment.

Joe Rizzo spoke in favor of the donation, explaining the capacity of Triumvirate Theatre as an organization with positive effects in the community.

Kate Cox spoke in favor of the land donation, explaining that she has participated in several plays and explained how important theatre has been to her. She noted this donation would be the next big step towards rebuilding the theatre.

Tyson Cox spoke in favor of the donation noting Kenai had a great opportunity to have Triumvirate Theater in the community and that it was a great asset to the Kenai Peninsula. He briefly noted his family had enjoyed the plays from both the audience and the stage, and his daughter's involvement with the organization has given her great confidence and life skills.

Mike Navarre noted that from the Rasmusson Foundation perspective, who was engaged with donating funds to the project, it was possible to have the project on the Foundation's fall agenda and could be considered sooner than later. He also spoke about the organization owning the building instead of leasing it as in the past.

Tim Dillon spoke in favor of the donation noting it was a substantial benefit to the community economically; he urged support noting that this was an opportunity to make Kenai, "even more."

There being no one else wishing to be heard, the public comment period was closed.

There was discussion regarding the many benefits and values the theater provided to the community.

Clarification was provided that an estimated value, suitable for their use, could be developed based on comparable data in the recent past.

**MOTION:**

Council Member Knackstedt **MOVED** to postpone Ordinance No. 3219-2021 until the July 7, 2021 Council meeting and for a second public hearing at that meeting and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

**VOTE ON POSTPONEMENT:** There being no objection; **SO ORDERED.**

4. **Ordinance No. 3220-2021** - Authorizing a Tourism, Travel, and Hospitality Services Economic Stimulus Program to Benefit Certain Kenai Small Businesses and Award of a Professional Services Agreement to the Kenai Chamber of Commerce and Visitor Center for Administration of the Program. (Administration)

**MOTION:**

Council Member Glendening **MOVED** to enact Ordinance No. 3220-2021 and Council Member Knackstedt **SECONDED** the motion.

Vice Mayor Molloy opened the floor for public comment;

Tim Dillon spoke in support of this program and all of the past programs that the City has developed; also noted the great work that the Chamber of Commerce was doing.

There being no one else wishing to be heard, the public comment period was closed.

An overview of the concept of the need the hospitality industry was provided; however, it was noted that the hospitality industry no longer needed the assistance.

**MOTION:**

Council Member Glendening **MOVED** to postpone Ordinance No. 3220-2021 indefinitely and Council Member Knackstedt **SECONDED** the motion.

**VOTE:**

YEA: Pettey, Knackstedt, Glendening, Molloy, Winger, Askin  
NAY:

**MOTION PASSED UNANIMOUSLY.**

5. **Resolution No. 2021-40** - Authorizing and Awarding a Contract Extension for Ambulance Billing through Systems Design West for the Period of July 1, 2021 through June 30, 2023. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-40 and Council Member Glendening **SECONDED** the motion.

Vice Mayor Molloy opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objection; **SO ORDERED.**

6. **Resolution No. 2021-41** - Authorizing a Budget Transfer within the General Fund, Parks, Recreation and Beautification Department to Supplement the eave Account in Excess of Budgeted Amounts. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-41 and Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

Vice Mayor Molloy opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

**VOTE:** There being no objection; **SO ORDERED**

7. **Resolution No. 2021-42** - Authorizing an Equipment Purchase Agreement and Issuance of a Purchase Order for the New Replacement Sludge Press at the Wastewater Treatment Plant. (Administration)

**MOTION:**

Council Member Askin **MOVED** to adopt Resolution No. 2021-42 and Council Member Winger **SECONDED** the motion.

Vice Mayor Molloy opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

It was noted that the Council, in past meetings, had been well informed of the need for this equipment.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objection; **SO ORDERED**

8. **Resolution No. 2021-43** - Authorizing Budget Transfers in the General Fund - Street and Building Departments and the Water and Sewer Fund - Wastewater Treatment Plant Department to account for Unanticipated Expenditures. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-43 and Council Member Askin **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

Clarification was provided that COVID-19 impacted the department due to the need for staff to work from home; however, testing still needed completed which incurred overtime which wasn't budgeted for.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objection; **SO ORDERED**

9. **Resolution No. 2021-44** - Authorizing the City Manager to Extend the Restaurant Concession Agreement in the Kenai Municipal Airport for an Additional Year. (Administration)

**MOTION:**

Council Member Askin **MOVED** to adopt Resolution No. 2021-44 and Council Member Pettey **SECONDED** the motion.

Vice Mayor Molloy opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

Clarification was provided that the subsidized rents that had been provided due to the public health emergency were ending at the end of June, 2021 and that this extension was the first of two authorized extensions.

An explanation was given that if there was a desire for the terms of the agreement were to be amended, the procurement code would require a request for proposal process; also clarified that the base rent rate was eliminated and the lease is a percentage of sales only.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objection; **SO ORDERED**

10. **Resolution No. 2021-45** - Authorizing the Termination of the Facility Management Services Agreement for the Kenai Recreational Center with the Boys and Girls Club of the Kenai Peninsula and Authorizing a New Agreement with Boys and Girls Club of the Kenai Peninsula to Operate the Teen Center at the Kenai Recreation Center. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-45 and Council Member Glendening **SECONDED** the motion.

Vice Mayor Molloy opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

An overview of the request from the Boys and Girls Club to discontinue recreation operations for adults while continuing to serve teens, as well as the future operations of the facility and which organization rental monies would go to in certain situations was provided.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objection; **SO ORDERED**

**E. MINUTES**

1. \*Regular Meeting of June 2, 2021. (City Clerk)

Approved by the consent agenda.

**F. UNFINISHED BUSINESS**

**G. NEW BUSINESS**

1. \***Action/Approval** - Bills to be Ratified. (Administration)

Approved by the consent agenda.

2. \***Action/Approval** - FY21 Purchase Orders Over \$15,000. (Administration)

Approved by the consent agenda.

2. \***Action/Approval** - FY22 Purchase Orders Over \$15,000. (Administration)

Approved by the consent agenda.

4. \***Action/Approval** - Non-Objection to Liquor License Renewals for Peninsula Oilers and Pizza Paradisos. (City Clerk)

Approved by the consent agenda.

5. **Action/Approval** - Special Use Permit to James H. Doyle, Individually, D/B/A Weaver Brothers, Inc., for Truck Trailer Storage. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to approve a Special Use Permit to James H. Doyle, Individually, D/B/A Weaver Brothers, Inc., for truck trailer storage and Council Member Winger **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objection; **SO ORDERED**

6. **Action/Approval** - Special Use Permit to State of Alaska, Division of Forestry, for Air Tanker Reload Base. (Administration)

**MOTION:**

Council Member Askin **MOVED** to approve a Special Use Permit to State of Alaska, Division of Forestry, for air tanker reload base and Council Member Winger **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested.



**VOTE:** There being no objection; **SO ORDERED**

7. **Action/Approval** - Approving Officials Bond Amounts for the City Manager, City Clerk, and Finance Director. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to approve officials bond amounts for the City Manager, City Clerk, and Finance Director and Council Member Askin **SECONDED** the motion.

Clarification was provided that, pursuant to City Charter, bonds were required for certain staff in an amount established by Council and that this was the process for accomplishing that. An overview of coverages and costs was also provided.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objection; **SO ORDERED**

8. **Action/Approval** - Authorizing the City Administration to Submit Previously Adopted Resolution 2020-89 - A Resolution of the City of Kenai, Alaska, Opposing Alternative 4 Proposed to the North Pacific Management Council that would Close All Federal Waters in Cook Inlet to Commercial Fishing, Along With an Accompanying Letter from the Mayor as Comments to the National Oceanic and Atmospheric Administration's Proposed Regulations Closing the EEZ to Commercial Fishing, Prior to the July 6, 2021 Comment Deadline. (All Council Members)

*[Clerk's Note: during agenda approval this item was moved to be considered prior to public hearings.]*

9. **Discussion** - Set a Board of Adjustment Hearing for an Appeal of a Planning and Zoning Commission Decision. (City Clerk)

Clarification was provided on that a Board of Adjustment appeal application has been received, and the meeting needs to be set within 45 days or 60 days with good cause. Potential dates and conflicts in availability were discussed.

It was decided a Board of Adjustment hearing would be held on July 30, 2021 at 6:00 p.m.

**H. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging – No report. Next meeting July 8, 2021.
2. Airport Commission – Vice Mayor Molloy reported on the meeting of June 10, 2021. Next meeting July 8, 2021.
3. Harbor Commission – Vice Mayor Molloy reported on the meeting of June 7, 2021. Next meeting August 9, 2021.

4. Parks and Recreation Commission – Council Member Winger reported on the meeting of June 3, 2021. Next meeting August 5, 2021.
5. Planning and Zoning Commission – Council Member Glendening reported on the meeting of June 9, 2021. Next meeting June 23, 2021.
6. Beautification Committee – No report. Next meeting September 7, 2021.
7. Mini-Grant Steering Committee – No report.

**I. REPORT OF THE MAYOR**

Vice Mayor Molloy noted the Mayor was on vacation and there wasn't a Mayor's Report.

**J. ADMINISTRATION REPORTS**

1. City Manager –City Manager Ostrander reported on the following:
  - Working with the owner of the bowling alley on façade repairs;
  - Funding for Spruce Bark Beetle mitigation and how federal funds would be utilized within the City;
  - The lease between Schilling's and City of Kenai for a facility for Guardian Flight had been executed;
  - Met with Corps of Engineers who reiterated their support for the project and noted that funding opportunities existed in 2021 for the project; contract awarded for the design; added that the closer to shovel ready the project was, the better chance for funding.
2. City Attorney – No report.
3. City Clerk – No report.

**K. ADDITIONAL PUBLIC COMMENT**

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)
2. Council Comments

Council Member Winger noted an upcoming vacation, cautioned residents regarding bears.

Council Member Pettey thanked the staff for perseverance through the past year with the public health emergency and noted it was good to see everyone at the Employee Appreciation Party.

Council Member Knackstedt expressed gratitude for Mr. Dillon's testimony on Triumvirate Theatre and the proposed tourism program. Thanked Vice Mayor Molloy for attending the Airport Commission meeting in his absence, and noted that he enjoyed the Employee Appreciation Party. Clarified that he frequently requested unanimous consent for efficiency, but encouraged the Council Members to object if they wish to hold a vote.

Vice Mayor Molloy noted that most of the Council had attended the Employee Appreciation Party, and they appreciated City employees. Thanked everyone for their efficiency and good discussion during the meeting.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATION ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000
2. Kenai Peninsula Borough Resolution Supporting Straightline Aviation's Plan for Hybrid Airships.

There being no further business before the Council, the meeting was adjourned at 7:56 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of June 16, 2021.

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Jamie Heinz, MMC  
City Clerk

**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION  
COUNCIL MEETING OF: JULY 7, 2021**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	92,531.05
HOMER ELECTRIC	ELECTRIC USAGE	VARIOUS	UTILITIES	88,623.66

**INVESTMENTS**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>MATURITY DATE</b>	<b>AMOUNT</b>	<b>Effect. Int.</b>
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PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL  
 COUNCIL MEETING OF: JULY 7, 2021

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
CASELLE	FY22 SOFTWARE SUPPORT	FINANCE	SOFTWARE	28,044.00
KENAI PENINSULA BOROUGH	FY22 SLUDGE DISPOSAL	WWTP	PROFESSIONAL SERVICES	28,500.00
NALCO COMPANY	FY22 CHEMICALS	WATER	OPERATING SUPPLIES	70,000.00

**INCREASE OF EXISTING PURCHASE ORDER**

VENDOR	DESCRIPTION	P.O. # - DEPT.	REASON	AMOUNT	TOTAL PO AMT
LEGACY ELECTRIC	FY21 STREET LIGHT REPAIRS	121239 - STREET LIGHTING	REPAIR COSTS/UTILITY LOCATES	6,210.00	20,210.00



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Terry Eubank, Finance Director

**DATE:** June 30, 2021

**SUBJECT:** Purchase order exceeding \$15,000 to Caselle, Inc.

---

The purpose of this memo is to request approval for a purchase order exceeding \$15,000 to Caselle, Inc. for FY2022. Caselle, Inc. is the City's financial software provider. This purchase order in the amount of \$28,044 is for annual maintenance, support, and licensing of the software. Caselle, Inc. is the only provider for this service. The Caselle software package meets the needs of the City and these services are critical to the effective and efficient operations of the financial accounting system. Your support is respectfully requested.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Scott Curtin

**DATE:** June 29, 2021

**SUBJECT:** Purchase Order – Central Peninsula Landfill for sludge disposal

This memo is to request Council’s approval of a purchase order to the Kenai Peninsula Borough in the amount of \$28,500 for the disposal of sludge from the City of Kenai’s waste water treatment facility.

This is a recurring expense for the department and is budgeted annually. Sludge disposal is the final step in the treatment process. Sludge is generated by dewatering solids from the digester through use of our existing belt press (and in the future a new screw press), before being loaded into a truck and hauled to the landfill.

This is a necessary and unavoidable expense to the utility. Staff is however, currently looking into utilizing a dumpster service that may replace the need for our aging dump truck. If the costs of the service turn out to be reasonable future legislation may be brought forth to council to transfer these costs to be payable to a third party and would eliminate the need for staff to leave the facility several times a week.

Council’s support is respectfully requested.

Account information below:

010-467-4531 Kenai Peninsula Borough \$28,500





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin  
**DATE:** June 29, 2021  
**SUBJECT:** **Purchase Order – Nalco Company LLC**

---

The purpose of this memo is to request approval of a Purchase Order to Nalco Company LLC which provides various proprietary chemicals for the Water Treatment Plant. The Purchase Order, as budgeted, is in the amount of \$70,000. This is a routine annual sole source purchase.

Account information below:

010-465-2022 Nalco Company LLC \$70,000

Council's support is respectfully requested.







## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin  
**DATE:** June 29, 2021  
**SUBJECT:** Purchase Order – Legacy Electric

---

The purpose of this memo is to request approval of an increase to FY2021 Purchase Order 121239 to Legacy Electric from \$14,000 to \$20,210 to cover various street light repairs and utility locates through June 30, 2021. The FY2021 budget included funding to cover \$28,000 in repair costs and utility locates. The contractor did not invoice for completed work during the year with invoices showing up just prior to fiscal year end. As a result the PO needs to be increased to cover these expenses.

Account information:

001-435-4538 Street Lights Repairs & Maintenance \$20,210

Council's support is respectfully requested.





Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3221-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, DETERMINING THAT REAL PROPERTY DESCRIBED AS LOT 4A, BLOCK 3, COOK INLET INDUSTRIAL AIR PARK 2014 REPLAT, ACCORDING TO PLAT NO. 2014-21 CITY-OWNED AIRPORT LAND LOCATED OUTSIDE THE AIRPORT RESERVE, IS NOT NEEDED FOR A PUBLIC PURPOSE AND AUTHORIZING THE SALE OF THE PROPERTY TO SCHILLING RENTALS, AN ALASKA PARTNERSHIP.

WHEREAS, the City of Kenai received a quitclaim deed from the Federal Aviation Administration (FAA) on December 1, 1963, to nearly 2,000 acres of land subject to certain restrictions, including that no property shall be used, leased, sold salvaged, or disposed of for reasons other than for airport purposes; and,

WHEREAS, on August 20, 1970, the FAA executed a Deed of Release, for an area of land subject to the Quitclaim Deed allowing for the lease, sale, or disposal of Lot 4A, Block 3, Cook Inlet Industrial Air Park Subdivision, 2014 Replat, for other than airport purposes; and,

WHEREAS, the City has received a request to purchase Lot 4A, Block 3, Cook Inlet Industrial Air Park 2014 Replat, according to Plat No. 2014-21 (the Property) from the current Lessee; and,

WHEREAS, KMC 22.05.110 – Determination as to need for public purpose, provides that the City Council, may determine whether land is no longer needed for public purpose; and,

WHEREAS, the Property is leased to Schilling Rentals, an Alaska Partnership and developed for private commercial use and is not needed for a public purpose; and,

WHEREAS, Resolution No. 2018-12 amended the City's Policy for sale of specific Airport Land Lots and the subject property is one of the properties addressed in the policy; and,

WHEREAS, the sale of this property is in the best interest of the City and Airport and encourages new development and/or improvements to the property; and,

WHEREAS, KMC 22.05.100 – Sale procedure, the minimum acceptable offer for the land shall be the fair market value.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1. Statement of Ownership:** That the City of Kenai is the owner of Lot 4A, Cook Inlet Industrial Air Park 2014 Replat, according to Plat No. 2014-21 (the Property).

**Section 2. Public Purpose and Best Interest Findings:** That the Property is not needed for future public municipal or airport purposes. Under the Airport Layout Plan, the Property is designated for non-aviation commercial or light-industrial uses. The sale of the Property is in the best interests

of the City and Airport, as it serves a purpose of continuing commercial growth and investment in the City.

**Section 3. Authorization of Sale:** That the Kenai City Council hereby authorizes the City Manager to sell the City-owned lands described as Lot 4A, Block 3, Cook Inlet Industrial Air Park 2014 Replat, according to Plat 2014-21, under the procedures and terms established for the sale of lands, as set forth in KMC 22.05.100 et seq. and subject to the following additional essential terms and conditions of sale under the Policy for Sale of Specific Airport Leased Lands approved by City of Kenai Resolution No. 2018-12:

- a) The sale will be made through a negotiated sale to Schilling Rentals, an Alaska Partnership for a sum not less than the fair market value of the land excluding lessee-constructed improvements as determined by an appraisal and meet the minimum value of improvements requirement greater than or equal to four times the appraised fair market value of the land, which is \$1,200,000.

**Section 4. Title:** That title shall be conveyed by quitclaim deed. Any instrument conveying title to the Property shall include the following restrictions, promises, and/or covenants:

- a) that the City of Kenai reserves unto that the grantee expressly agree for itself and its heirs, executors, administrators, successors, transferees, and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the Property, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, and for use of said airspace for landing on or at and for taking off from or operating on Kenai Municipal Airport; and,
- b) that the grantee expressly agree for itself and its heirs, executors, administrators, successors, transferees, and assigns to restrict the height of structures, objects of natural grown, and other obstructions on the Property to a height of not more than 242 feet above mean sea level; and,
- c) that the grantee expressly agree for itself and its heirs, executors, administrators, successors, transferees, and assigns to prevent any use of the Property which would interfere with landing or taking off of aircraft at the Kenai Municipal Airport, or otherwise constitute an airport hazard; and,
- d) that all covenants heretofore stated shall run with the land and shall inure to the benefit of, and be binding upon the heirs, executors, administrators, successors, transferees, and assigns of the parties to the contract for sale and conveyance.

**Section 5. Proceeds of Sale:** That should a sale of the Property be finalized, all revenues from the sale shall be deposited in the Airport Land Sale Permanent Fund for use in the development, improvement, and operation of the Kenai Municipal Airport and as otherwise required in the Deed of Release dated August 20, 1970.

**Section 6. Effective Date:** That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 4<sup>th</sup> day of August, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Introduced: July 7, 2021  
Enacted: August 4, 2021  
Effective: September 4, 2021



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** June 24, 2021

**SUBJECT:** **Ordinance No. 3221-2021 - Determining that real property described as Lot 4A, Block 3, Cook Inlet Industrial Air Park 2014 Replat, city-owned airport land located outside the airport reserve, is not needed for a public purpose and authorizing the sale of the property to Schilling Rentals, an Alaska Partnership**

---

The City has received a request to purchase the above City-owned leased land outside the Airport Reserve with substantial constructed leasehold improvements pursuant to the City's Policy for Sale of Specific Airport Leased Lands, approved by Resolution No. 2018-12.

Schilling Rentals, an Alaska Partnership is the current lessee of Lot 4A, Block 3, Cook Inlet Air Park 2014 Replat, which was entered into on March 1, 1967. The current use is for a medical office and clinic building and includes substantial recent improvements to the building made by the Lessee. The 55-year lease term expires on June 30, 2022 and is in good standing.

On August 20, 1970, the Federal Aviation Administration (FAA), released the property for sale for other than airport purposes, allowing the property to be sold at fair market value. All revenues from the sale would be deposited in the Airport Land Sale Permanent Fund for use in the development, improvement, and operation of the Kenai Municipal Airport as required by the Deed of Release.

The City's Policy does not provide for the sale of any specific property, but only a method for such sale, subject to the Ordinances of the City of Kenai. The policy is in effect until July 6, 2021. Any specific sale must be separately approved by the City Council, which may approve or disapprove any such sale, in its sole discretion. Schilling Rentals requests to purchase the property at its fair market value excluding lessee-constructed improvements as determined by an appraisal and value of improvements greater than or equal to four times the appraised fair market value of the land.

Schilling Rentals submitted a good-faith deposit and the City ordered an appraisal to be performed on the property as-if vacant. The fair market value of the property was determined to be \$300,000 by an appraisal performed by MacSwain Associates, LLC on May 18, 2021. Based on the amount

of the appraisal, Schilling Rentals proposes to meet the minimum value of improvements requirement greater than or equal to four times the appraised fair market value of the land, which is \$1,200,000. Attachment B identifies a total improvement value of \$2,005,700.

If the City Council approves the sale, City Administration may proceed with a sale.

Thank you for your consideration.

Attachment A: Aerial Map of 100 Trading Bay Road

Attachment B: Email request to begin the process for purchasing 100 Trading Bay Road

Attachment C: Submitted value of improvements of 100 Trading Bay Road





ORDINANCE 3221-2021  
KPB # 04323031  
Lot 4A, Block 3, Cook Inlet Industrial Air Park 2014 Replat



Data Source: Kenai Peninsula Borough. Data is for graphic representation only. Imagery may not match true parcel boundaries.

**From:** [Duane Bannock](#)  
**To:** [Ryan Foster](#)  
**Subject:** Purchase of City lease Lots - Schilling Rentals  
**Date:** Wednesday, April 28, 2021 8:13:20 PM

---

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Mr Foster

Thank you for the time on the phone to discuss the process and procedure that may lead to Schilling Rentals purchasing the following properties from the City of Kenai:

1. 100 Trading Bay Rd KPB Parcel ID: 04323031
2. 419 Frontage Rd KPB Parcel ID: 04705501

Schilling Rentals, an Alaska Partnership is the current leaseholder of the above properties.

Property #1 has met the improvement threshold; it has been suggested that KPB property tax values may be acceptable to establish the city's requirement

Property #2 likely has not met the improvement threshold and we seek your guidance on the necessary investment amount

As discussed yesterday, the City will accept \$1,750.00 for each of the above properties to initiate the required appraisal as well as conform with the timeline as described in Resolution 2018-12. Also, your office notified me that there a credit of \$900.00 in the name of Schilling Rentals; we request that credit be applied to this transaction.

Accordingly, I will deliver a check from Schilling Rentals in the amount of \$2,600.00 as a deposit.

Once the appraisal has been reviewed and agreed to, we will cheerfully sign the Purchase and Sale Agreement.

Thank you

Duane Bannock  
Schilling Rentals  
47 Spur View Drive  
Kenai, AK 99611  
907 283 3660 Uptown Motel office  
907 398 2316 cell



# ATTACHMENT C

04323031LN01

Property C  
100 TRAD

## IMPROVEMENT DATA

### PHYSICAL CHARACTERISTICS

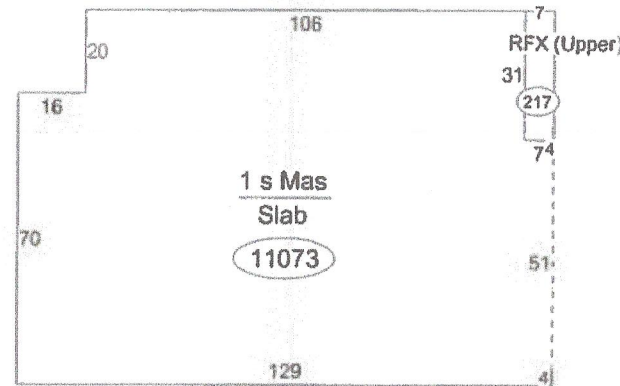
ROOFING  
Built-up

WALLS  
Frame B 1 2 U  
Brick Yes  
Metal  
Guard

FRAMING  
F Res B 1 2 U  
0 11073 0 0

HEATING AND AIR CONDITIONING  
Heat B 1 2 U  
0 11073 0 0

01



Item Description	Units	Cost	Total	Pct
M & S Cost Database Date: 10/2020				
Building Cost New	0	0.00	2069466	
Depreciated Cost	0	0.00	1303764	
Rounded Total	0	0.00	1303800	
RFX/	217	12.95	2810	
Total Exterior Features Value				2910
Depreciated Ext Features			1770	
Total Before Adjustments			1305570	
Neighborhood Adjustment			30	
<b>TOTAL VALUE</b>			<b>1305600</b>	

(LCM: 100.00)

### SPECIAL FEATURES

### SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Sty Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
C MEDOFF	0.00				F		1971	1998	AV	0.00	N	0.00	11073	0	0	0	0	100	1305600
01 PAVING	0.00			85	A		1989	1998	AV	1.75	N	1.75	7200	12600	80	0	100	100	2500

Data Collector/Date

Appraiser/Date

Neighborhood

Supplemental Cards

SR 11/06/2018

Neigh 120 AV

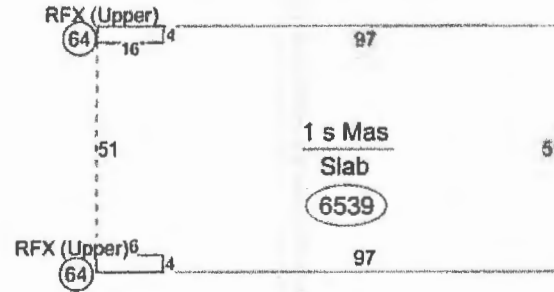
**TOTAL IMPROVEMENT VALUE 1308100**

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

01 02

ROOFING				
Built-up				
WALLS				
Frame	B	1	2	U
Brick		Yes		
Metal				
Guard				
FRAMING				
F Res	B	1	2	U
	0	6539	0	0
HEATING AND AIR CONDITIONING				
Heat	B	1	2	U
	0	6539	0	0



Item Description	Units	Cost	Total	Pct
M & S Cost Database Date: 10/2020				
Building Cost New	0	0.00	1096721	
Depreciated Cost	0	0.00	690934	
Rounded Total	0	0.00	690900	
RFX/	64	12.97	830	
REX/	64	12.97	830	
Total Exterior Features Value				1660
Depreciated Ext Features			1050	
Total Before Adjustments			691950	
Neighborhood Adjustment			50	
<b>TOTAL VALUE</b>			<b>692000</b>	

(LCM: 100.00%)

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry: Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
C MEDOFF	0.00				F		1967	1998	AV	0.00	N	0.00	6539	0	0	0	C	100	692000
01 PAVING	0.00		85		A		1989	1998	AV	1.75	N	1.75	12500	21880	80	0	100	100	4400
02 CONEX	0.00				A		3000	3000	AV	1200	N	1200	8x 20	1200	0	0	100	100	1300

Data Collector/Date

Appraiser/Date

Neighborhood

Supplemental Cards

SR 11/06/2018

Neigh 120 AV

**TOTAL IMPROVEMENT VALUE**

**697600**



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3222-2021**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, DETERMINING THAT REAL PROPERTY DESCRIBED AS LOT 1A, BLOCK 1, DESHKA SUBDIVISION, ACCORDING TO PLAT NO. K-1577 CITY-OWNED AIRPORT LAND LOCATED OUTSIDE THE AIRPORT RESERVE, IS NOT NEEDED FOR A PUBLIC PURPOSE AND AUTHORIZING THE SALE OF THE PROPERTY TO SCHILLING RENTALS (2016), LLC.

WHEREAS, the City of Kenai received a quitclaim deed from the Federal Aviation Administration (FAA) on December 1, 1963, to nearly 2,000 acres of land subject to certain restrictions, including that no property shall be used, leased, sold salvaged, or disposed of for reasons other than for airport purposes; and,

WHEREAS, on May 20, 1966, the FAA executed a Deed of Release, for an area of land subject to the Quitclaim Deed allowing for the lease, sale, or disposal of Lot 1A, Block 1, Deshka Subdivision, for other than airport purposes; and,

WHEREAS, the City has received a request to purchase Lot 1A, Block 1, Deshka Subdivision, according to Plat K-1577 (the Property) from the current Lessee; and,

WHEREAS, KMC 22.05.110 – Determination as to need for public purpose, provides that the City Council, may determine whether land is no longer needed for public purpose; and,

WHEREAS, the Property is leased to Schilling Rentals (2016), LLC and developed for private commercial use and is not needed for a public purpose; and,

WHEREAS, Resolution No. 2018-12 amended the City's Policy for sale of specific Airport Land Lots and the subject property is one of the properties addressed in the policy; and,

WHEREAS, the sale of this property is in the best interest of the City and Airport and encourages new development and/or improvements to the property; and,

WHEREAS, KMC 22.05.100 – Sale procedure, the minimum acceptable offer for the land shall be the fair market value.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1. Statement of Ownership:** That the City of Kenai is the owner of Lot 1A, Block 1, Deshka Subdivision, according to Plat K-1577 (the Property).

**Section 2. Public Purpose and Best Interest Findings:** That the Property is not needed for future public municipal or airport purposes. Under the Airport Layout Plan, the Property is designated for non-aviation commercial or light-industrial uses. The sale of the Property is in the best interests

of the City and Airport, as it serves a purpose of continuing commercial growth and investment in the City.

**Section 3. Authorization of Sale:** That the Kenai City Council hereby authorizes the City Manager to sell the City-owned lands described as Lot 1A, Block 1, Deshka Subdivision, according to Plat K-1577, under the procedures and terms established for the sale of lands, as set forth in KMC 22.05.100 et seq. and subject to the following additional essential terms and conditions of sale under the Policy for Sale of Specific Airport Leased Lands approved by City of Kenai Resolution No. 2018-12:

- a) The sale will be made through a negotiated sale to Schilling Rentals (2016), LLC for a sum not less than the fair market value of the land excluding lessee-constructed improvements as determined by an appraisal and a minimum new investment in the construction of new permanent improvements on the premises equal to 25% of the fair market value of the land within three (3) years of sale.

**Section 4. Title:** That title shall be conveyed by quitclaim deed. Any instrument conveying title to the Property shall include the following restrictions, promises, and/or covenants:

- a) that the City of Kenai reserves unto that the grantee expressly agree for itself and its heirs, executors, administrators, successors, transferees, and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the Property, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, and for use of said airspace for landing on or at and for taking off from or operating on Kenai Municipal Airport; and,
- b) that the grantee expressly agree for itself and its heirs, executors, administrators, successors, transferees, and assigns to restrict the height of structures, objects of natural grown, and other obstructions on the Property to a height of not more than 242 feet above mean sea level; and,
- c) that the grantee expressly agree for itself and its heirs, executors, administrators, successors, transferees, and assigns to prevent any use of the Property which would interfere with landing or taking off of aircraft at the Kenai Municipal Airport, or otherwise constitute an airport hazard; and,
- d) that all covenants heretofore stated shall run with the land and shall inure to the benefit of, and be binding upon the heirs, executors, administrators, successors, transferees, and assigns of the parties to the contract for sale and conveyance.

**Section 5. Proceeds of Sale:** That should a sale of the Property be finalized, all revenues from the sale shall be deposited in the Airport Land Sale Permanent Fund for use in the development, improvement, and operation of the Kenai Municipal Airport and as otherwise required in the Deed of Release dated May 20, 1966.

**Section 6. Effective Date:** That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 4<sup>th</sup> day of August, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Introduced: July 7, 2021  
Enacted: August 4, 2021  
Effective: September 4, 2021



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** June 24, 2021

**SUBJECT:** **Ordinance No. 3222-2021 - Determining that real property described as Lot 1A, Block 1, Dshka Subdivision, city-owned airport land located outside the airport reserve, is not needed for a public purpose and authorizing the sale of the property to Schilling Rentals (2016), LLC**

---

The City has received a request to purchase the above City-owned leased land outside the Airport Reserve with substantial constructed leasehold improvements pursuant to the City's Policy for Sale of Specific Airport Leased Lands, approved by Resolution No. 2018-12.

Schilling Rentals (2016), LLC is the current lessee of Lot 1A, Block 1, Dshka Subdivision, which was entered into on November 3, 1975, with assignment to Schilling Rentals on July 7, 2017. The current use is for a jewelry store. The 55-year lease term expires on June 30, 2030 and is in good standing.

On May 20, 1966 the Federal Aviation Administration (FAA), released the property for sale for other than airport purposes, allowing the property to be sold at fair market value. All revenues from the sale would be deposited in the Airport Land Sale Permanent Fund for use in the development, improvement, and operation of the Kenai Municipal Airport as required by the Deed of Release.

The City's Policy does not provide for the sale of any specific property, but only a method for such sale, subject to the Ordinances of the City of Kenai. The policy is in effect until July 6, 2021. Any specific sale must be separately approved by the City Council, which may approve or disapprove any such sale, in its sole discretion. Schilling Rentals requests to purchase the property at its fair market value excluding lessee-constructed improvements as determined by an appraisal and a minimum new investment in the construction of new permanent improvements on the premises equal to 25% of the fair market value of the land within three years of sale.

Schilling Rentals submitted a good-faith deposit and the City ordered an appraisal to be performed on the property as-if vacant. The fair market value of the property was determined to be \$250,000 by an appraisal performed by MacSwain Associates, LLC on May 18, 2021. Based on the amount

of the appraisal, Schilling Rentals (2016), LLC proposes to meet the minimum new investment requirement equal to \$62,500 on the premises.

If the City Council approves Ordinance 3222-2021, City Administration may proceed with a sale.

Thank you for your consideration.

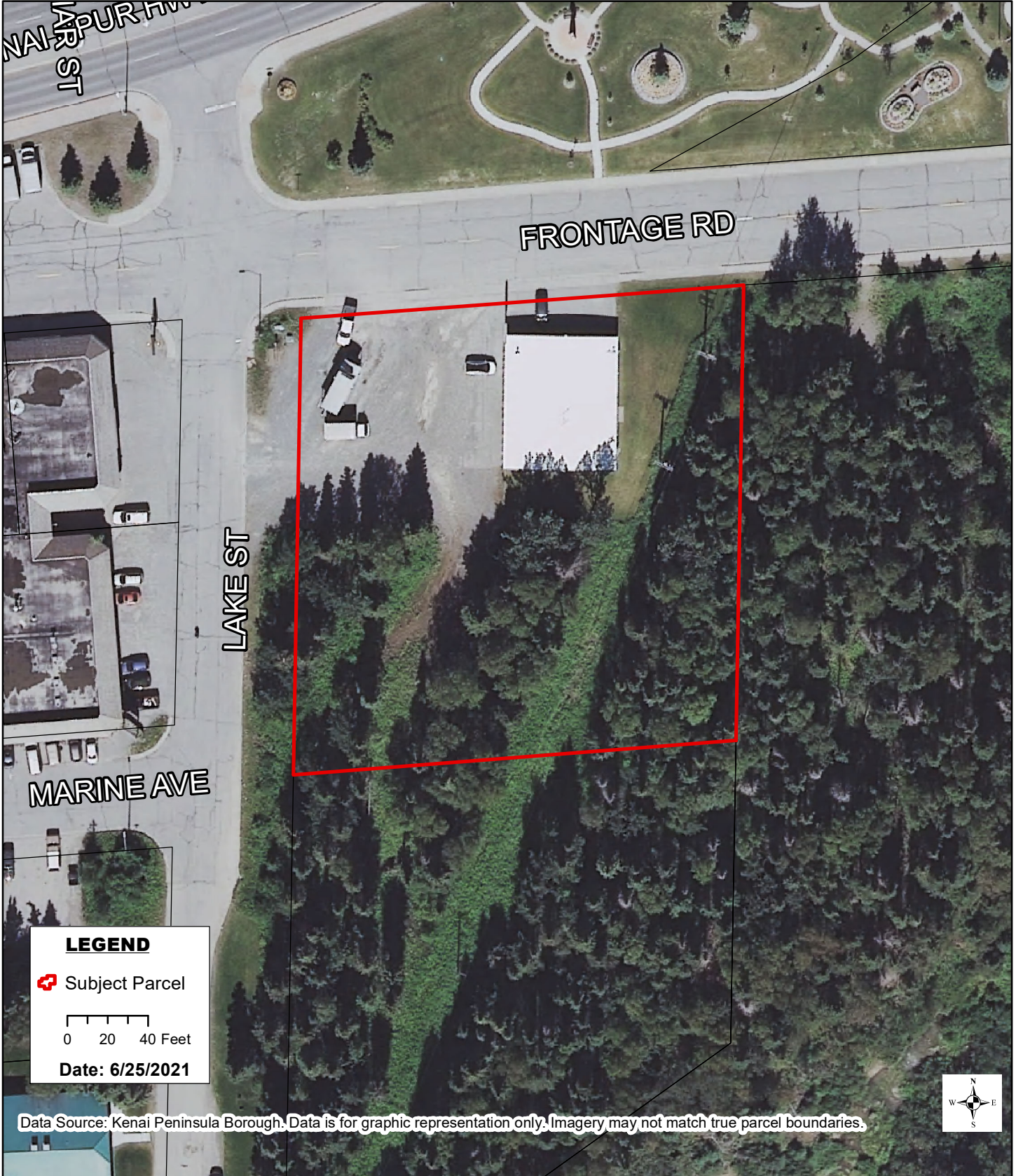
Attachment A: Aerial Map of 419 Frontage Road

Attachment B: Email request to begin the process for purchasing 419 Frontage Road





ORDINANCE 3222-2021  
KPB # 04705501  
Lot 1A, Block 1, Deshka Subdivision



Data Source: Kenai Peninsula Borough. Data is for graphic representation only. Imagery may not match true parcel boundaries.



**From:** [Duane Bannock](#)  
**To:** [Ryan Foster](#)  
**Subject:** Purchase of City lease Lots - Schilling Rentals  
**Date:** Wednesday, April 28, 2021 8:13:20 PM

---

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Mr Foster

Thank you for the time on the phone to discuss the process and procedure that may lead to Schilling Rentals purchasing the following properties from the City of Kenai:

1. 100 Trading Bay Rd KPB Parcel ID: 04323031
2. 419 Frontage Rd KPB Parcel ID: 04705501

Schilling Rentals, an Alaska Partnership is the current leaseholder of the above properties.

Property #1 has met the improvement threshold; it has been suggested that KPB property tax values may be acceptable to establish the city's requirement

Property #2 likely has not met the improvement threshold and we seek your guidance on the necessary investment amount

As discussed yesterday, the City will accept \$1,750.00 for each of the above properties to initiate the required appraisal as well as conform with the timeline as described in Resolution 2018-12. Also, your office notified me that there a credit of \$900.00 in the name of Schilling Rentals; we request that credit be applied to this transaction.

Accordingly, I will deliver a check from Schilling Rentals in the amount of \$2,600.00 as a deposit.

Once the appraisal has been reviewed and agreed to, we will cheerfully sign the Purchase and Sale Agreement.

Thank you

Duane Bannock  
Schilling Rentals  
47 Spur View Drive  
Kenai, AK 99611  
907 283 3660 Uptown Motel office  
907 398 2316 cell



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3223-2021**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING FISCAL YEAR 2021 ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND – POLICE DEPARTMENT AND ACCEPTING A GRANT FROM THE US DEPARTMENT OF TRANSPORTATION PASSED THROUGH THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR TRAFFIC ENFORCEMENT OVERTIME EXPENDITURES.

WHEREAS, the Kenai Police Department joins with other law enforcement agencies statewide to support Alaska Highway Safety Office (AHSO) traffic safety programs to reduce fatalities and injuries on roadways; and,

WHEREAS, AHSO traffic-related overtime funds require no local match and allow the department to provide specific traffic safety patrols; and,

WHEREAS, actual AHSO overtime expenditures for traffic safety patrols totaled \$2,035.84 from May 17, 2021 through June 6, 2021; and,

WHEREAS, overtime for these additional traffic safety patrols was not budgeted and the department is requesting appropriation into the FY21 overtime budget equal to the amount of the AHSO grant funding received.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** That the City Manager is authorized to accept these grant funds in the amount of \$2,035.84 and to expend those funds pursuant to all grant terms and conditions and to fulfill the purpose and intent of this ordinance.

**Section 2.** That the fiscal year 2021 estimated revenues and appropriations be increased as follows:

General Fund:

Increase Estimated Revenues –  
Federal Grants - Police \$2,035.84

Increase Appropriations –  
Police – Overtime \$2,035.84

**Section 3.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 4.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 4<sup>th</sup> day of August, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Approved by Finance: Paul O'Leary

Introduced: July 7, 2021  
Enacted: August 4, 2021  
Effective: August 4, 2021



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** David Ross, Police Chief

**DATE:** June 23, 2021

**SUBJECT:** **Ordinance No. 3223-2021, Accepting AHSO Grant Funds**

---

The Kenai Police Department continues to participate in traffic enforcement overtime patrols, reimbursed to the City of Kenai through a grant by the Alaska Highway Safety Office (AHSO).

Actual overtime costs for traffic enforcement between May 17, 2021 and June 6, 2021 that qualified for AHSO reimbursement, was \$2,035.84.

AHSO overtime reimbursements are deposited into the general fund. I would respectfully request consideration of the ordinance accepting and appropriating the grant amount to the police overtime account for the FY21 budget year.



Sponsored by: Vice Mayor Molloy and City Clerk

## CITY OF KENAI

### ORDINANCE NO. 3224-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, REPEALING AND REENACTING KENAI MUNICIPAL CODE TITLE 6 - ELECTIONS, TO PROVIDE CLARITY, HOUSEKEEPING, AND PROCESS IMPROVEMENTS.

WHEREAS, Alaska Statute 29.26.010 provides that local governing bodies may establish their own procedures governing local elections; and,

WHEREAS, the City has traditionally collaborated with the Kenai Peninsula Borough (KPB) on the administration of the annual regular municipal elections resulting in efficiencies to the local election process; and,

WHEREAS, at their April 20, 2021 meeting the KPB Assembly authorized the Borough Clerk to purchase new election equipment to be used for local elections removing the need for the use of state equipment in local elections; and,

WHEREAS, at the July 7, 2021 meeting the City Council \_\_\_\_\_ the City Manager to enter into a Memorandum of Agreement for intergovernmental administration of KPB and City Municipal Elections; and,

WHEREAS, Kenai Municipal Code (KMC) currently references state election statutes in Title 15 for many of its election procedures which is no longer a best practice as state election equipment will no longer be used; and,

WHEREAS, it is in the best interest of the City to provide for procedures in its elections that are established locally, with local public process, and align with those of KPB; and,

WHEREAS, additionally, much of the election process is located in one chapter of Kenai Municipal Code (KMC) and this ordinance seeks to subdivide the chapter into several chapters of like topics.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** Repealing and Re-enacting Title 6 of the Kenai Municipal Code: That Kenai Municipal Code, Title 6 - Elections is hereby repealed and re-enacted as follows:

[CHAPTER 6.05  
VOTING QUALIFICATIONS AND PROCEDURES

SECTIONS:

- 6.05.010 QUALIFICATIONS FOR VOTERS.
- 6.05.020 REGISTRATION.
- 6.05.030 PRECINCT AND POLLING PLACE.
- 6.05.040 PRECINCT BOARD.
- 6.05.050 COMPENSATION OF ELECTION PERSONNEL.
- 6.05.060 WATCHERS.
- 6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.
- 6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.
- 6.05.090 BALLOT BOXES, VOTING BOOTHS.
- 6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.
- 6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.
- 6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.
- 6.05.130 TIE VOTES.
- 6.05.140 ABSENTEE VOTING.
- 6.05.145 ABSENTEE VOTING IN PERSON.
- 6.05.150 ABSENTEE VOTING—APPLICATION.
- 6.05.160 ABSENTEE VOTING—BALLOTS.
- 6.05.170 ABSENTEE VOTING—BY MAIL.
- 6.05.180 VOTING—AUTHORIZED.
- 6.05.190 VOTING—BOARDS.
- 6.05.200 VOTING DEVICES AND MACHINES.
- 6.05.210 VOTING—TESTS AND SECURITY.
- 6.05.220 RECOUNT OF VOTES—APPLICATION.
- 6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.
- 6.05.240 ELECTION CONTESTS.
- 6.05.250 RULES AND REGULATIONS.
- 6.05.260 CITY ELECTION TIME.
- 6.05.270 OFFENSES AND PENALTIES.
- 6.05.280 RECORD RETENTION.
- 6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.
- 6.05.310 CASTING BALLOTS.
- 6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.
- 6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.
- 6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.
- 6.05.340 STORING BALLOTS.

6.05.010 QUALIFICATIONS FOR VOTERS.  
 PERSONS WHO HAVE THE QUALIFICATIONS FOR VOTERS PRESCRIBED BY THE CITY CHARTER, SECTION 10-6, THE STATE CONSTITUTION, ARTICLE V, SECTIONS 1 AND 2, AND STATE LAW, SHALL BE QUALIFIED TO VOTE IN CITY ELECTIONS IF THEY ARE REGISTERED AS PROVIDED IN THIS TITLE. (KC 6-1)

6.05.020 REGISTRATION.

(A) THE ELECTION JUDGES SHALL KEEP AN ORIGINAL REGISTER ON WHICH EACH VOTER SHALL, BEFORE RECEIVING A BALLOT, SIGN THE VOTER'S NAME AND EITHER COMPLETE OR CORRECT BOTH THE VOTER'S RESIDENCE AND MAILING ADDRESSES. A RECORD SHALL BE KEPT ON THE REGISTER OF THE NAME OF EACH PERSON WHO OFFERED TO VOTE, BUT WAS REFUSED, AND A BRIEF STATEMENT OF THE BASIS OF THE REFUSAL. THE SIGNING OF THE REGISTER CONSTITUTES A DECLARATION BY THE VOTER THAT THE VOTER IS QUALIFIED TO VOTE.

(B) VOTERS MAY BE IDENTIFIED FROM SUCH REASONABLE SOURCES AS STATE VOTER REGISTRATION LISTS, BEING KNOWN TO THE ELECTION JUDGES AS RESIDENTS OF THE CITY OF KENAI, OR BY SUCH OTHER IDENTIFICATION AS IS ACCEPTED CUSTOMARILY FOR SCHEMES OF "PRE-REGISTRATION" QUALIFICATIONS.

(C) REGISTERS SIGNED BY VOTERS ON ELECTION DAY SHALL BE KEPT WITH THE RECORDS OF THAT ELECTION.

(D) AS USED IN THIS TITLE, "REGISTER" SHALL MEAN THE COMPUTER PRINTOUT ENTITLED "STATE OF ALASKA PRECINCT REGISTER" (OR ANY FORM SUBSEQUENTLY SUBSTITUTED THEREFOR) SUPPLIED BY THE DIVISION OF ELECTIONS OF THE STATE OF ALASKA FOR USE IN EACH PRECINCT.

(KC 6-9; ORDS. 193, 803)

6.05.030 PRECINCT AND POLLING PLACE.

(A) THE CITY OF KENAI SHALL BE COMPOSED OF SUCH ELECTION PRECINCTS AS MAY BE SET UP OR MODIFIED BY THE DIRECTOR OF ELECTIONS OF THE STATE OF ALASKA FOR ALL CITY ELECTIONS, BOTH REGULAR AND SPECIAL. THE POLLING PLACES WILL BE AS DESIGNATED BY THE STATE OF ALASKA, DIVISION OF ELECTIONS.

(B) CHANGES OF THE POLLING PLACES MAY BE ACCOMPLISHED BY THE COUNCIL BY MOTION, RESOLUTION, OR ORDINANCE.

(KC 6-12,13; ORDS. 159, 803, 1182)

6.05.040 PRECINCT BOARD.

(A) THERE SHALL BE ELECTION BOARDS FOR THE PRECINCTS IN THE CITY COMPOSED OF THREE (3) OR MORE JUDGES APPOINTED BY THE CITY COUNCIL. THE JUDGES SHALL BE QUALIFIED VOTERS OF THE CITY. THE CITY COUNCIL MAY DESIGNATE ONE OF THE JUDGES CHAIR OF THE BOARD, AND THE CHAIR SHALL BE PRIMARILY RESPONSIBLE FOR THE ADMINISTRATION OF THE ELECTION IN THE PRECINCT. THE CITY COUNCIL MAY ALSO APPOINT FROM AMONG THE QUALIFIED VOTERS OF THE CITY ONE (1) OR TWO (2) CLERKS WHERE IT DEEMS THEIR SERVICES ARE NECESSARY. THE CITY CLERK, AS THE ELECTION SUPERVISOR, MAY APPOINT NOT MORE THAN FOUR (4) ELECTION CLERKS FROM AMONG THE QUALIFIED VOTERS OF THE CITY AT ANY POLLING PLACE WHERE THEY ARE NEEDED TO CONDUCT AN ORDERLY ELECTION AND TO RELIEVE THE ELECTION JUDGES OF UNDUE HARDSHIP IF HE OR SHE THINKS THEY ARE NEEDED AND IF THE CITY COUNCIL AUTHORIZES IT.

(B) ALL CITY ELECTION PERSONNEL SHALL BE APPOINTED WITHOUT REGARD TO THEIR MEMBERSHIP IN ANY POLITICAL PARTY.

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(C) ALL ELECTION JUDGES AND CLERKS, BEFORE ENTERING UPON THEIR DUTIES, MUST SUBSCRIBE TO THE OATH REQUIRED OF ALL PUBLIC OFFICERS BY THE CONSTITUTION OF THE STATE OF ALASKA IN THE MANNER PRESCRIBED BY THE CLERK. IF ANY APPOINTED ELECTION OFFICIAL IS NOT ABLE OR REFUSES TO SERVE ON ELECTION DAY, THE CLERK MAY APPOINT A REPLACEMENT FOR THAT OFFICIAL.

(D) CANDIDATES SHALL NOT SERVE AS ELECTION OFFICIALS. CERTAIN FAMILIAL RELATIONSHIPS MAY NOT EXIST BETWEEN A CANDIDATE AND A PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF A BALLOT COUNTING TEAM IN REGULAR OR SPECIAL ELECTIONS. THOSE FAMILIAL RELATIONSHIPS ARE:

- (1) MOTHER, MOTHER-IN-LAW, STEPMOTHER;
- (2) FATHER, FATHER-IN-LAW, STEPFATHER;
- (3) SISTER, SISTER-IN-LAW, STEPSISTER;
- (4) BROTHER, BROTHER-IN-LAW, STEPBROTHER;
- (5) SPOUSE; OR
- (6) PERSON SHARING THE SAME LIVING QUARTERS.

(E) IF THE ELECTION SUPERVISOR KNOWS OR LEARNS ANY OF THESE RELATIONSHIPS EXIST, THE PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF THE BALLOT COUNTING TEAM SHALL BE NOTIFIED AND THE PERSON REPLACED.

(KC 6-12,13; ORDS. 159, 2108-2005)

#### 6.05.050 COMPENSATION OF ELECTION PERSONNEL.

(A) THE CITY SHALL PAY ALL NECESSARY EXPENSES RELATING TO THE CONDUCT OF EACH CITY ELECTION, INCLUDING THOSE OF SECURITY POLLING PLACES, AND SHALL PROVIDE BALLOT BOXES, BALLOTS, VOTING BOOTHS OR SCREENS, NATIONAL FLAGS, AND OTHER SUPPLIES AND ANY WAGES TO ELECTION OFFICIALS UNLESS OTHERWISE PROVIDED BY THIS CODE.

(B) THE CITY SHALL PAY EACH ELECTION BOARD MEMBER AND CANVASS BOARD MEMBER AN HOURLY RATE FOR TIME SPENT AT HIS OR HER ELECTION DUTIES, INCLUDING THE RECEIVING OF INSTRUCTIONS AND POSTING OF NOTICES. THE ELECTION SUPERVISOR SHALL SET THE HOURLY COMPENSATION TO BE PAID FOR TIME SPENT BY ELECTION OFFICIALS AT A RATE COMPARABLE TO THAT PAID BY THE STATE FOR STATE ELECTIONS. THE CLERK SHALL RETAIN A RECORD FOR AUDITING AND PAYMENT OF ELECTION EXPENSES, INCLUDING THE COST OF GIVING NOTICE, RENTING POLLING PLACES, PAYING ELECTION OFFICIALS, SECURITY BALLOT BOXES, BOOTHS AND OTHER ELECTION NECESSITIES.

(KC 6-14; ORD. 2108-2005)

#### 6.05.060 WATCHERS.

ANY CANDIDATE FOR ELECTIVE CITY OFFICE MAY APPOINT A WATCHER FOR THE PRECINCT. STATE LAW RELATING TO WATCHERS IN STATE ELECTIONS SHALL GOVERN WATCHERS IN CITY ELECTIONS INSOFAR AS IT IS APPLICABLE. (KC 6-15)

#### 6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.

THE CITY CLERK, UNDER DIRECTION OF THE CITY COUNCIL AND IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, IS THE ELECTION SUPERVISOR FOR AND SHALL ADMINISTER ALL CITY ELECTIONS. (KC 6-16; ORD. 2108-2005)



6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.

(A) THE CITY CLERK SHALL PREPARE AND FURNISH ALL OFFICIAL BALLOTS IN CITY ELECTIONS. THE PROVISIONS OF STATE LAW RELATING TO THE PREPARATION AND FURNISHING OF BALLOTS IN STATE ELECTIONS SHALL GOVERN THE PREPARATION AND FURNISHING OF BALLOTS IN CITY ELECTIONS INSOFAR AS THEY ARE APPLICABLE AND ARE NOT IN CONFLICT WITH THE CITY CHARTER OR ORDINANCE; AND THE CITY CLERK SHALL PERFORM THE FUNCTIONS IN REGARD THERETO PRESCRIBED BY LAW FOR THE DIRECTOR OF ELECTIONS IN REGARD THERETO IN STATE ELECTIONS INSOFAR AS IT IS APPROPRIATE.

(B) AT THE TIME OF PREPARING, THE BALLOTS MAY BE INSPECTED BY ANY CANDIDATE WHOSE NAME IS ON THE BALLOT, OR BY HIS OR HER AUTHORIZED AGENT, AND ANY DISCOVERED MISTAKE SHALL BE CORRECTED IMMEDIATELY.

(C) THE CITY CLERK SHALL PROVIDE TINTED SAMPLE BALLOTS, OATHS OF OFFICE OF JUDGES, QUESTIONED OATHS, TALLY SHEETS WHEN REQUIRED, INSTRUCTIONS TO VOTERS, WARNING NOTICES, AND OTHER FORMS AND SUPPLIES REQUIRED FOR CITY ELECTIONS; AND HE OR SHE SHALL GIVE THE DUPLICATE REGISTRATION INDEX AND AN ADEQUATE SUPPLY OF OFFICIAL BALLOTS, SAMPLE BALLOTS, AND ALL OTHER NECESSARY SUPPLIES AND MATERIALS TO THE CHAIRS OF THE PRECINCT ELECTION BOARDS IN ADEQUATE TIME BEFORE A CITY ELECTION.

(KC 6-17; ORDS. 803, 941, 1652-95, 2108-2005)

6.05.090 BALLOT BOXES, VOTING BOOTHS.

THE CITY CLERK SHALL PROVIDE SUITABLE BALLOT BOXES AND AN ADEQUATE NUMBER OF VOTING BOOTHS OR SCREENS. REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS, RELATING TO POLLING PLACES, BALLOT BOXES, VOTING BOOTHS, SCREENS, FLAGS, AND SUPPLIES FOR STATE ELECTIONS, SHALL GOVERN THESE MATTERS IN RELATION TO CITY ELECTIONS INSOFAR AS THEY ARE APPLICABLE AND ARE NOT SUPERSEDED BY ORDINANCE. (KC 6-18; ORD. 803)

6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.

(A) AT LEAST TEN (10) DAYS BEFORE EVERY CITY ELECTION, REGULAR OR SPECIAL, THE CITY CLERK SHALL CAUSE TO BE PUBLISHED BY POSTING ON THE OFFICIAL CITY BULLETIN BOARD IN OR ON THE CITY ADMINISTRATION BUILDING AND IN TWO (2) OTHER PLACES IN THE CITY, OR IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY, A NOTICE OF SUCH ELECTION. THE NOTICE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

- (1) THE DATE OF THE ELECTION;
- (2) TIME DURING WHICH THE POLLING PLACE WILL BE OPEN;
- (3) THE LOCATION OF THE POLLING PLACE;
- (4) OFFICES TO WHICH CANDIDATES ARE TO BE ELECTED (IF ANY);
- (5) AND THE SUBJECTS OF THE PROPOSITIONS AND QUESTIONS WHICH ARE TO BE SUBMITTED TO THE VOTERS AT THE ELECTION (IF ANY).

(B) FAILURE TO PUBLISH SUCH A NOTICE OF AN ELECTION SHALL NOT AFFECT THE VALIDITY OF THE ELECTION OR OF THE VOTE FOR ANY CANDIDATE OR ON ANY PROPOSAL; BUT, IF CAUSED BY THE CITY CLERK, SHALL CONSTITUTE FAILURE TO PERFORM HIS OR HER OFFICIAL DUTIES.

(C) IN ADDITION TO THE ABOVE NOTICE, THE CITY CLERK SHALL PUBLISH IN FULL EVERY CHARTER AMENDMENT, EVERY ORDINANCE, AND EVERY OTHER QUESTION WHICH IS TO BE SUBMITTED AT AN ELECTION, EXCEPT A REFERRED ORDINANCE WHICH WAS PUBLISHED IN FULL AFTER PASSAGE, NOT MORE THAN FOUR (4) WEEKS AND AT LEAST TWO (2) WEEKS BEFORE THE ELECTION IN ACCORDANCE WITH THE CITY CHARTER, SECTIONS 1-7(4) AND 10-8.

(KC 6-19)

6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.

ALASKA STATUTES, CHAPTERS 15.15 THROUGH 15.20 AND ANY AMENDMENTS THERETO, SHALL APPLY TO THE CITY ELECTIONS INsofar AS THEY DO NOT CONFLICT WITH SPECIFIC CITY ORDINANCES. THE PRECINCT ELECTION BOARDS SHALL DELIVER TO THE CITY CLERK ONE (1) COPY OF THE CERTIFICATE WITH THE RESULTS OF THE VOTE IN THE PRECINCT, THE REGISTERS SIGNED BY PERSONS VOTING, ALL BALLOTS CAST, ALL BALLOTS IMPROPERLY MARKED, DAMAGED OR UNLAWFULLY EXHIBITED, AND ALL OATHS, AFFIRMATIONS AND AFFIDAVITS TO THE COUNCIL AS PROVIDED BY KMC 6.05.130. THE CHAIR OF EACH PRECINCT ELECTION BOARD SHALL RETAIN POSSESSION OF A DUPLICATE COPY OF THE RESULTS, WHICH COPY MAY BE DESTROYED BY EACH CHAIR TWENTY (20) DAYS AFTER THE ELECTION UNLESS THE CITY CLERK OR THE CITY COUNCIL REQUESTS ITS DELIVERY. (ORDS. 193, 803, 881, 1788-98, 2556-2011)

6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.

(A) PURSUANT TO THE PROVISIONS OF SECTION 10-9 OF THE CHARTER OF THE CITY OF KENAI, THERE IS HEREBY ESTABLISHED A CANVASSING BOARD FOR THE CANVASSING OF ALL CITY ELECTIONS; REGULAR AND SPECIAL, AND TO ASCERTAIN AND DECLARE THE RESULTS THEREOF, AS FOLLOWS:

(1) THE CITY CLERK IS HEREBY DESIGNATED AS THE CHAIR OF THE CANVASSING BOARD.

(2) THE CANVASSING BOARD SHALL CONSIST OF THE CITY CLERK, CHAIR OF EACH PRECINCT ELECTION BOARD WITHIN THE CITY, AND UP TO FIVE (5) ADDITIONAL JUDGES SELECTED FROM AMONG THE QUALIFIED VOTERS OF THE CITY. IN THE EVENT ANY SUCH APPOINTED MEMBER OF THE BOARD IS ABSENT FROM THE CITY, ILL, OR OTHERWISE UNABLE TO ATTEND AT THE TIME SET FOR CANVASSING THE BALLOT, THE CITY CLERK IS HEREBY AUTHORIZED TO APPOINT ANOTHER ELECTION JUDGE FROM THE SAME PRECINCT TO SUBSTITUTE FOR THE APPOINTED MEMBER.

(B) THE CANVASSING BOARD SHALL MEET IN PUBLIC SESSION ON THE TUESDAY FOLLOWING EVERY CITY ELECTION, REGULAR OR SPECIAL, AT 8:30 A.M. AND, IF NECESSARY, CONTINUE THROUGH THE FOLLOWING DAY AND SHALL PROMPTLY PROCEED TO CANVASS THE RETURNS OF SAID ELECTION, MAKING DECISIONS AS TO VALIDITY OF QUESTIONED BALLOTS, COUNTING ABSENTEE BALLOTS, AND ASCERTAINING AND DECLARING THE RESULTS OF SAID ELECTION. THE CANVASS OF THE BALLOT VOTE COUNTED BY THE PRECINCT ELECTION BOARDS SHALL BE ACCOMPLISHED BY REVIEWING THE TALLIES OF THE RECORDED VOTE TO CHECK FOR MATHEMATICAL ERROR BY COMPARING TOTALS WITH THE PRECINCT'S CERTIFICATE OF RESULTS. ALL OBVIOUS ERRORS FOUND BY THE ELECTION CANVASS IN THE TRANSFER OF TOTALS FROM THE PRECINCT TALLY SHEETS TO THE

PRECINCT CERTIFICATE OF RESULTS SHALL BE CORRECTED BY THE CANVASSING BOARD. A MISTAKE THAT HAS BEEN MADE IN PRECINCT RETURNS, AND THAT IS NOT CLEARLY AN ERROR IN THE TRANSFER OF THE RESULTS FROM THE TALLIES TO THE CERTIFICATE OF RESULTS, EMPOWERS THE CANVASSING BOARD TO RECOMMEND A RECOUNT OF THE RESULTS OF THE PRECINCT OR PRECINCTS FOR THAT PORTION OF THE RETURNS IN QUESTION.

(C) IN ORDER TO BE COUNTED, ABSENTEE BALLOTS THAT ARE MAILED MUST BE MAILED ON OR BEFORE THE DATE OF THE ELECTION, AND IF THE ENVELOPE CONTAINING THE BALLOT IS POSTMARKED, THE POST MARK DATE MUST BE ON OR BEFORE THE DATE OF ELECTION, AND SAID BALLOT MUST BE RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED BY UNITED STATES POSTAL SERVICE WITHOUT A POSTMARK SHALL BE COUNTED, PROVIDED THE BALLOT ENVELOPE MEETS ALL OTHER REQUIREMENTS (SIGNATURES, REGISTRATION, ETC.) AND THE RECEIPT BY THE CITY INDICATES THE BALLOT WAS MAILED ON OR BEFORE THE DATE OF THE ELECTION AND THE BALLOT WAS RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION.

(D) THE CITY CLERK, AS CHAIR OF THE CANVASSING BOARD, SHALL REPORT THE RESULTS OF THE ELECTION TO THE CITY COUNCIL AS THE FIRST ORDER OF BUSINESS FOLLOWING THE ROLL CALL AT THE NEXT REGULAR COUNCIL MEETING FOLLOWING THE MEETING OF THE CANVASSING BOARD.

(KC 6-12; ORDS. 707, 1652-95, 2108-2005, 2488-2010, 2556-2011)

#### 6.05.130 TIE VOTES.

IN CASE OF FAILURE TO ELECT BECAUSE OF A TIE VOTE, THE COUNCIL SHALL IMMEDIATELY PROCEED TO RECOUNT THE VOTES. IF THERE IS STILL A FAILURE TO ELECT BECAUSE OF A TIE AFTER COMPLETION OF THE RECOUNT, THE ELECTION SHALL BE DETERMINED FAIRLY BY LOT FROM AMONG THE CANDIDATES TYING, IN A MEETING OF THE COUNCIL AND UNDER ITS DIRECTION, IN ACCORDANCE WITH THE CITY CHARTER, SECTION 10-4. (KC 6-22)

#### 6.05.140 ABSENTEE VOTING.

ANY QUALIFIED VOTER WHO MAY SECURE AND CAST AN ABSENTEE BALLOT IN A STATE ELECTION MAY SECURE AND CAST AN ABSENTEE BALLOT IN A CITY ELECTION. THE CITY CLERK SHALL SUPERVISE ABSENTEE VOTING, AND SHALL ISSUE NECESSARY INSTRUCTIONS REGARDING THE PROCEDURE FOR ABSENTEE VOTING TO QUALIFIED APPLICANTS FOR ABSENTEE BALLOTS. THE CITY CLERK SHALL PROVIDE THE ABSENTEE BALLOTS, THE SECRECY ENVELOPES FOR THE BALLOTS, AND THE POSTAGE-PAID RETURN ENVELOPES THEREFOR, AND ANY OTHER FORMS AND SUPPLIES REQUIRED FOR THE USE OF ABSENTEE VOTERS. (KC 6-23; ORD. 2488-2010)

#### 6.05.145 ABSENTEE VOTING IN PERSON.

(A) A QUALIFIED VOTER MAY APPLY IN PERSON FOR AN ABSENTEE BALLOT AT THE OFFICE OF THE CITY CLERK DURING REGULAR OFFICE HOURS, OR THE VOTER MAY APPLY TO THE BOROUGH CLERK'S OFFICE OR ABSENTEE VOTING OFFICIAL IN HIS OR HER AREA DURING REGULAR OFFICE HOURS.

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(B) ON RECEIPT OF AN APPLICATION IN PERSON FOR AN ABSENTEE BALLOT AND EXHIBITION OF PROOF OF IDENTIFICATION AS REQUIRED IN THIS TITLE, THE CLERK SHALL ISSUE THE BALLOT TO THE APPLICANT.

(C) THE VOTER SHALL PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SMALL ENVELOPE, TO PLACE THE SMALL ENVELOPE IN THE LARGER ENVELOPE IN THE PRESENCE OF THE ELECTION OFFICIAL WHO SHALL SIGN AS ATTESTING OFFICIAL AND DATE OF HIS OR HER SIGNATURE. THE ELECTION OFFICIAL SHALL THEN ACCEPT THE BALLOT.

(D) THE ELECTION OFFICIAL MAY NOT ACCEPT A MARKED BALLOT THAT HAS BEEN EXHIBITED BY AN ABSENTEE VOTER WITH INTENT TO INFLUENCE OTHER VOTERS. IF THE ABSENTEE VOTER IMPROPERLY MARKS OR OTHERWISE DAMAGES A BALLOT, THE VOTER MAY REQUEST, AND THE ELECTION OFFICIAL SHALL PROVIDE HIM OR HER WITH ANOTHER BALLOT UP TO A MAXIMUM OF THREE (3). EXHIBITED, IMPROPERLY MARKED, OR DAMAGED BALLOTS SHALL BE DESTROYED. THE NUMBERS OF ALL BALLOTS DESTROYED SHALL BE NOTED ON THE BALLOT STATEMENT.

(E) EACH ABSENTEE VOTING OFFICIAL SHALL KEEP A RECORD OF THE NAMES AND THE SIGNATURES OF VOTERS WHO CAST ABSENTEE BALLOTS BEFORE HIM OR HER AND THE DATES ON WHICH THE BALLOTS WERE CAST.

(ORD. 1799-98)

6.05.150 ABSENTEE VOTING—APPLICATION.

ANY QUALIFIED VOTER WHO IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT MAY APPLY TO THE CITY CLERK IN PERSON, BY A PERSONAL REPRESENTATIVE, BY MAIL, OR BY ELECTRONIC TRANSMISSION, FOR AN ABSENTEE BALLOT. AN APPLICATION FOR AN ABSENTEE BALLOT RECEIVED BY THE CITY BY MAIL OR ELECTRONIC TRANSMISSION SHALL INCLUDE THE NAME OF THE APPLICANT AND BOTH THE LOCATION, I.E., ELECTRONIC, FACSIMILE, OR MAILING ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED AND HIS OR HER FULL RESIDENTIAL ADDRESS IN THE CITY. THE DATES FOR MAKING SUCH APPLICATIONS FOR ABSENTEE BALLOTS IN CITY ELECTIONS SHALL BE NOT LESS THAN SEVEN (7) DAYS PRIOR TO THE ELECTION. THE CITY CLERK SHALL FOLLOW THE PROCEDURE PRESCRIBED BY STATE LAW FOR ELECTION OFFICIALS IN DETERMINING WHETHER AN APPLICANT IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT. (KC 6-24; ORDS. 1652-95, 2556-2011)

6.05.160 ABSENTEE VOTING—BALLOTS.

VOTERS CASTING ABSENTEE BALLOTS SHALL MARK THE BALLOT, PLACE THE BALLOT IN THE SECRECY ENVELOPE AND THEN PLACE THE SECRECY ENVELOPE WITH THE MARKED BALLOT INSIDE THE POSTAGE-PAID RETURN ENVELOPE, AND RETURN THE DOCUMENTS TO THE CITY CLERK IN THE SAME MANNER AND UNDER THE SAME REGULATIONS, AS NEARLY AS MAY BE, AS REQUIRED BY LAW IN STATE ELECTIONS. (KC 6-25; ORD. 2488-2010)

6.05.170 ABSENTEE VOTING—BY MAIL.

(A) A QUALIFIED VOTER MAY APPLY FOR AN ABSENTEE BALLOT BY MAIL IF THE APPLICATION IS POSTMARKED NOT EARLIER THAN THE FIRST OF THE YEAR IN WHICH THE ELECTION IS TO BE HELD NOR LESS THAN SEVEN (7) DAYS BEFORE AN

ELECTION. A VOTER MAY REQUEST HIS OR HER NAME BE PLACED ON PERMANENT ABSENTEE BY MAIL STATUS. THE APPLICATION SHALL INCLUDE THE ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED, THE APPLICANT'S FULL ALASKA RESIDENCE ADDRESS, AND THE APPLICANT'S SIGNATURE.

(B) AFTER RECEIPT OF AN APPLICATION BY MAIL, THE CITY CLERK SHALL SEND THE ABSENTEE BALLOT AND OTHER ABSENTEE VOTING MATERIAL TO THE APPLICANT BY FIRST CLASS MAIL. THE MATERIALS SHALL BE SENT AS SOON AS THEY ARE READY FOR DISTRIBUTION. THE POSTAGE PAID RETURN ENVELOPE SENT WITH THE MATERIALS SHALL BE ADDRESSED TO THE CITY CLERK.

(C) UPON RECEIPT OF AN ABSENTEE BALLOT BY MAIL, THE VOTER, IN THE PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS, MAY PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SECRECY ENVELOPE, TO PLACE THE SECRECY ENVELOPE IN THE POSTAGE PAID ENVELOPE, AND TO SIGN THE VOTER'S CERTIFICATE ON THE BACK OF THE POSTAGE-PAID RETURN ENVELOPE IN THE PRESENCE OF AN OFFICIAL LISTED IN THIS SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND SHALL DATE HIS OR HER SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN THIS SUBSECTION ARE REASONABLY ACCESSIBLE, AN ABSENTEE VOTER SHALL HAVE THE BALLOT WITNESSED BY A PERSON OVER THE AGE OF EIGHTEEN (18) YEARS.

(D) AN ABSENTEE BALLOT MUST BE MARKED AND ATTESTED ON OR BEFORE THE DATE OF THE ELECTION. IF THE VOTER RETURNS THE BALLOT BY MAIL, HE OR SHE SHALL USE A MAIL SERVICE AT LEAST EQUAL TO FIRST CLASS AND MAIL THE BALLOT NOT LATER THAN THE DAY OF THE ELECTION TO THE CITY CLERK. THE BALLOT ENVELOPE MUST BE POSTMARKED ON OR BEFORE MIDNIGHT OF ELECTION DAY AND RECEIVED BY THE CITY CLERK NO LATER THAN NOON ON THE SEVENTH DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED AFTER THAT TIME SHALL NOT BE OPENED BUT SHALL BE MARKED "INVALID," WITH THE DATE OF RECEIPT NOTED THEREON, AND SHALL BE PRESERVED WITH OTHER BALLOTS OF THE ELECTION.

(E) THE CITY CLERK MAY REQUIRE A VOTER CASTING AN ABSENTEE BALLOT BY MAIL TO PROVIDE PROOF OF IDENTIFICATION OR OTHER INFORMATION TO AID IN THE ESTABLISHMENT OF HIS OR HER IDENTITY.

(F) THE CITY CLERK SHALL MAINTAIN A RECORD OF THE NAME OF EACH VOTER TO WHOM AN ABSENTEE BALLOT IS SENT BY MAIL. THE RECORD MUST LIST THE DATE ON WHICH THE BALLOT IS MAILED AND THE DATE ON WHICH THE BALLOT IS RECEIVED BY THE CITY CLERK AND THE DATES ON WHICH THE BALLOT WAS EXECUTED AND POSTMARKED.

(ORDS. 2488-2010, 2556-2011)

#### 6.05.180 VOTING—AUTHORIZED.

THE ELECTION OFFICIAL MAY PROVIDE FOR VOTING AT ONE (1) OR MORE VOTING PLACES FOR ONE (1) OR MORE QUESTIONS OR OFFICES ON A BALLOT. (ORDS. 881, 1788-98)

6.05.190 VOTING—BOARDS.

THE ELECTION OFFICIAL SHALL APPOINT A RECEIVING BOARD AND A DATA PROCESSING CONTROL BOARD, EACH CONSISTING OF THREE (3) MEMBERS. THE ELECTION OFFICIAL SHALL APPOINT A CHAIR OF EACH BOARD AND ADMINISTER THE OATH PRESCRIBED FOR ELECTION JUDGES TO BOTH CHAIR WHO SHALL ADMINISTER THE OATH TO THE REMAINING MEMBERS OF THEIR RESPECTIVE BOARDS. A VACANCY ON A BOARD SHALL BE FILLED BY THE ELECTION OFFICIAL. (ORDS. 881, 1788-98)

6.05.200 VOTING DEVICES AND MACHINES.

(A) VOTING DEVICES AND MACHINES WILL BE USED FOR ALL REGULAR AND SPECIAL ELECTIONS UNLESS DETERMINED NOT TO BE PRACTICAL BY THE CLERK. THE LAWS OF THE STATE CONCERNING VOTING DEVICES AND MACHINES ARE INCORPORATED IN THIS CHAPTER AS IF FULLY SET OUT IN THIS CHAPTER EXCEPT FOR PROVISIONS IN CONFLICT WITH THIS CHAPTER.

(B) THE ELECTION OFFICIAL SHALL DESIGNATE THE COMPUTERS TO BE USED IN COUNTING THE BALLOTS AND MAY NEGOTIATE AND CONTRACT WITH THE KENAI PENINSULA BOROUGH OR A PRIVATE COMPUTER SERVICE FOR THE NEEDED COMPUTER SERVICES.  
(ORDS. 881, 941, 1788-98)

6.05.210 VOTING—TESTS AND SECURITY.

NO LATER THAN ONE (1) WEEK BEFORE THE ELECTION, THE COMPUTER VOTE COUNTING PROGRAM MUST BE TESTED IN THE PRESENCE OF, AND TO THE SATISFACTION OF, THE DATA PROCESSING CONTROL BOARD. (ORDS. 881, 1788-98)

6.05.220 RECOUNT OF VOTES—APPLICATION.

(A) ANY DEFEATED CANDIDATE OR ANY TEN (10) QUALIFIED VOTERS, WHO BELIEVE THAT A MISTAKE HAS BEEN MADE BY AN ELECTION OFFICIAL OR BY THE COUNCIL IN COUNTING THE VOTES IN ANY ELECTION, MAY MAKE AN APPLICATION IN WRITING TO THE COUNCIL FOR A RECOUNT OF THE VOTES FROM THE PRECINCT FOR ANY PARTICULAR OFFICE OR ON ANY PARTICULAR QUESTION. THE APPLICATION MUST BE FILED WITH THE MAYOR, THE CITY CLERK, OR IN THE OFFICE OF THE CITY CLERK WITHIN TWENTY-FOUR (24) HOURS, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY AFTER THE COUNCIL DECLARES THE RESULTS OF THE VOTE BEING QUESTIONED. IN CASE OF A TIE VOTE BETWEEN TWO (2) OR MORE CANDIDATES, THE COUNCIL SHALL RECOUNT THE VOTES WITHOUT AN APPLICATION THEREFOR.

(B) THE PERSON OR PERSONS APPLYING FOR A RECOUNT SHALL DEPOSIT ONE HUNDRED DOLLARS (\$100.00) IN CASH, BY CERTIFIED CHECK, OR BY BOND WITH SURETY APPROVED BY THE COUNCIL, EXCEPT IN THE CASE OF A TIE VOTE FOR CANDIDATES (WHEN NO DEPOSIT SHALL BE REQUIRED). IF ON THE RECOUNT A CANDIDATE OTHER THAN THE CANDIDATE WHO WAS FIRST DECLARED ELECTED IS DECLARED ELECTED, OR IF THE RESULT OF THE VOTE ON A QUESTION IS REVERSED, OR IF THE VOTE ON RECOUNT IS DETERMINED TO BE FOUR PERCENT (4%) OR MORE IN EXCESS OF THE VOTE REPORTED AFTER THE FIRST CANVASS FOR THE CANDIDATE APPLYING FOR THE RECOUNT OR IN FAVOR OF THE OPPOSED TO THE

QUESTION STATED IN THE APPLICATION, THE DEPOSIT SHALL BE REFUNDED; OTHERWISE, IT SHALL BE PLACED IN THE GENERAL FUND OF THE CITY.

(C) THE COUNCIL SHALL BEGIN THE RECOUNT WITHIN FORTY-EIGHT (48) HOURS AFTER RECEIVING THE APPLICATION, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY, SHALL PROCEED WITH IT AS FAST AS PRACTICABLE, AND, SHALL DECLARE THE RESULTS THEREOF. THE CITY CLERK SHALL PROMPTLY ISSUE ANOTHER ELECTION CERTIFICATE IF A CHANGE IN THE RESULTS REQUIRE IT.

(KC 6-27; ORD. 2108-2005)

6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.

ANY CANDIDATE OR A MAJORITY OF THE PERSONS WHO REQUESTED A RECOUNT WHO HAVE REASON TO BELIEVE THAT AN ERROR HAS BEEN MADE IN THE RECOUNT INVOLVING ANY CANDIDATE OR QUESTION, MAY APPEAL TO THE SUPERIOR COURT IN ACCORDANCE WITH APPLICABLE COURT RULES GOVERNING APPEALS IN CIVIL MATTERS. THE FILING OF THE APPEAL AND THE PROCEEDINGS SHALL BE, AS NEARLY AS MAY BE, AS IN CASE OF SUCH AN APPEAL MADE AFTER A RECOUNT IN A STATE ELECTION. (KC 6-28)

6.05.240 ELECTION CONTESTS.

ANY DEFEATED CANDIDATE OR TEN (10) QUALIFIED VOTERS, BY ACTION BROUGHT IN THE SUPERIOR COURT, MAY CONTEST THE ELECTION OF ANY PERSON OR THE APPROVAL OR REJECTION OF ANY QUESTION UPON THE SAME GROUNDS AND IN THE SAME MANNER, AS NEARLY AS MAY BE, AS IN ELECTION CONTESTS ARISING OUT OF STATE ELECTIONS. THE CITY CLERK SHALL PROMPTLY ISSUE ANY NEW ELECTION CERTIFICATE REQUIRED TO REFLECT THE JUDGMENT OF THE COURT. (KC 6-29)

6.05.250 RULES AND REGULATIONS.

RULES AND REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS PURSUANT TO LAW REGULATING STATE ELECTIONS SHALL ALSO APPLY TO CITY ELECTIONS INSOFAR AS THEY ARE APPLICABLE. THE CITY CLERK SHALL HAVE THE POWERS AND DUTIES PRESCRIBED FOR THE DIRECTOR OF ELECTIONS IN SAID RULES AND REGULATIONS, WITH REGARD TO CITY ELECTIONS, INSOFAR AS IT WOULD BE APPROPRIATE IN CITY ELECTIONS. (KC 6-31; ORD. 803)

6.05.260 CITY ELECTION TIME.

NOTHING IN THIS CHAPTER SHALL PROHIBIT HOLDING A CITY ELECTION ON THE SAME DAY AND BY THE SAME ELECTION PERSONNEL AS A STATE, BOROUGH, OR OTHER PUBLIC ELECTION, OR SUBMITTING A CITY QUESTION AT SUCH AN ELECTION, AS AUTHORIZED BY THE CITY CHARTER, SECTION 10-8. (KC 6-32)

6.05.270 OFFENSES AND PENALTIES.

(A) IT IS UNLAWFUL FOR ANY PERSON, FIRM, OR CORPORATION TO DO ANY OF THE FOLLOWING ACTS, AND ANY PERSON, FIRM, OR CORPORATION WHO DOES ANY OF THE FOLLOWING ACTS SHALL BE GUILTY OF A VIOLATION:

- (1) DIRECTLY OR INDIRECTLY USES OR THREATENS TO USE FORCE, COERCION, VIOLENCE, RESTRAINT, INFLICTS, OR THREATENS TO INFLICT DAMAGE, HARM, OR LOSS UPON OR AGAINST ANY PERSON TO INDUCE OR COMPEL THE PERSON TO

VOTE OR REFRAIN FROM VOTING FOR ANY CANDIDATE IN ANY ELECTION OR FOR ANY ELECTION PROPOSITION OR QUESTION.

(2) GIVES OR PROMISES TO GIVE, OR OFFERS ANY MONEY OR VALUABLE THING TO ANY PERSON, WITH THE INTENT TO INDUCE HIM OR HER TO VOTE FOR OR RESTRAIN HIM OR HER FROM VOTING FOR ANY CANDIDATE AT ANY ELECTION OR ANY ELECTION PROPOSITION OR QUESTION.

(3) KNOWINGLY PRINTS OR CIRCULATES, OR CAUSES TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, POSTER, OR OTHER PUBLICATION RELATING TO ANY ELECTION OR TO ANY CANDIDATE AT ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION WITHOUT THE SAME BEARING ON ITS FACE THE NAME AND ADDRESS OF THE AUTHOR, PRINTER, AND PUBLISHER THEREOF.

(4) WRITES, PRINTS, OR CIRCULATES, OR WHO SHALL CAUSE TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, OR POSTER, OR WHO CAUSES ANY PAID ADVERTISEMENT TO BE PLACED IN A NEWSPAPER OR ANY OTHER PUBLICATION, OR WHO PAYS OR CONTRIBUTES TO THE PAYMENT FOR ANY SUCH ADVERTISEMENT, OR WHO MAKES ANY RADIO BROADCAST, WILLFULLY KNOWING THE LETTER, CIRCULAR, BILL, PLACARD, POSTER, PUBLICATION, PAID ADVERTISEMENT, OR RADIO BROADCAST TO CONTAIN ANY FALSE STATEMENT, CHARGE, OR COMMENT RELATING TO ANY CANDIDATE TO ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION.

(5) HAS IN HIS OR HER POSSESSION OUTSIDE OF THE VOTING ROOM ANY OFFICIAL BALLOT, PROVIDED THAT THIS SHALL NOT APPLY TO ELECTION OFFICIALS OR OTHER PROPERLY AUTHORIZED PERSONS HAVING SUCH POSSESSION IN LINE OF DUTY.

(6) MAKES OR KNOWINGLY HAS IN HIS OR HER POSSESSION ANY COUNTERFEIT OF AN OFFICIAL BALLOT.

(7) REFUSES TO ALLOW AN EMPLOYEE REASONABLE TIME OFF FOR THE PURPOSE OF VOTING WHEN THE EMPLOYEE DOES NOT HAVE A REASONABLE AMOUNT OF TIME TO VOTE BEFORE OR AFTER WORK, OR WHO, AFTER ALLOWING THE TIME OFF, DEDUCTS THE TIME FROM THE COMPENSATION OF THE EMPLOYEE.

(8) BEING AN ELECTION OFFICIAL WHILE THE POLLS ARE OPEN, OPENS ANY BALLOT RECEIVED FROM A VOTER AT AN ELECTION, OR MARKS A BALLOT BY FOLDING OR OTHERWISE SO AS TO BE ABLE TO RECOGNIZE IT, OR OTHERWISE ATTEMPTS TO LEARN HOW ANY VOTER MARKED HIS OR HER BALLOT, OR ALLOWS THE SAME TO BE DONE BY ANY OTHER PERSON.

(9) WRITES, PRODUCES, OR ASSISTS IN WRITING OR PRODUCING ANY PUBLISHED LETTER, CIRCULAR, POSTER, BILL, PUBLICATION, OR PLACARD, KNOWING THAT IT CONTAINS ANY FALSE STATEMENT OR FALSE CHARGE REFLECTING ON THE CHARACTER, MORALITY, OR INTEGRITY OF ANY CANDIDATE AT ANY ELECTION.

(10) VOTES OR ATTEMPTS TO VOTE IN THE NAME OF ANOTHER PERSON OR IN ANY NAME OTHER THAN HIS OR HER OWN.

(11) BY FORCE, THREAT, INTIMIDATION, OR OFFER OF REWARD, INDUCES OR ATTEMPTS TO INDUCE ANY ELECTION OFFICIAL TO FAIL IN HIS OR HER DUTY.



(12) WILLFULLY CHANGES OR CAUSES TO BE CHANGED ANY OFFICIAL ELECTION DOCUMENTS, INCLUDING BALLOTS, TALLIES, AND RETURNS, OR ATTEMPTS TO DO THE SAME.

(13) WILLFULLY DELAYS OR CAUSES TO BE DELAYED THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(14) WILLFULLY VOTES OR ATTEMPTS TO VOTE MORE THAN ONCE AT THE SAME ELECTION.

(15) SIGNS ANY NAME OTHER THAN HIS OR HER OWN TO A PETITION PROPOSING AN INITIATIVE, REFERENDUM, OR RECALL, OR KNOWINGLY SIGNS HIS OR HER NAME MORE THAN ONCE FOR THE SAME PROPOSITION OR QUESTION AT ONE (1) ELECTION, OR SIGNS THE PETITION KNOWING THAT HE OR SHE IS NOT A QUALIFIED VOTER.

(16) HAVING BEEN CONTRACTED OR EMPLOYED BY THE CITY TO PRINT OR REPRODUCE IN ANY MANNER ANY OFFICIAL BALLOT, WILLFULLY APPROPRIATES TO HIM OR HERSELF, OR GIVES OR DELIVERS TO, OR KNOWINGLY PERMITS TO BE TAKEN BY ANYONE OTHER THAN A PERSON AUTHORIZED BY THE CITY CLERK, ANY OFFICIAL BALLOTS, OR KNOWINGLY PRINTS, REPRODUCES, OR CAUSES TO BE PRINTED OR REPRODUCED ANY OFFICIAL BALLOTS IN ANY OTHER FORM OR WITH ANY OTHER CONTENT THAN THAT PRESCRIBED BY THE CHARTER, ORDINANCE, OR AS DIRECTED BY THE CITY CLERK.

(17) WILLFULLY MAKES A FALSE AFFIDAVIT OR SWEARS FALSELY UNDER ANY OATH REQUIRED IN CONNECTION WITH ANY ELECTION OR REGISTRATION FOR VOTING OR FALSELY AFFIRMS IN LIEU OF SO SWEARING.

(18) WILLFULLY FAILS TO PERFORM ANY ELECTION DUTY OR KNOWINGLY DOES ANY UNAUTHORIZED ACT WITH THE INTENT TO AFFECT THE ELECTION OR ITS RESULTS.

(19) WILLFULLY PERMITS, MAKES, OR ATTEMPTS TO MAKE ANY FALSE COUNT OR REPORT OF THE ELECTION RETURNS.

(20) BEING AN ELECTION OFFICIAL, WILLFULLY CONCEALS, WITHHOLDS, WRONGFULLY CHANGES, MUTILATES, OR DESTROYS THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(B) ANY PERSON, FIRM, OR CORPORATION WHO IS GUILTY OF A VIOLATION AS DEFINED HEREINABOVE SHALL BE PUNISHED UPON CONVICTION THEREOF AS PROVIDED FOR MISDEMEANORS IN KMC 13.05.010.

(KC 6-30; ORDS. 1240, 1858-2000)

6.05.280 RECORD RETENTION.

(A) THE CERTIFICATE OF RETURNS OF THE CANVASSING BOARD SHALL BE MAINTAINED PERMANENTLY, AND DESCRIPTIONS OF ELECTION BOUNDARIES, PRECINCTS, AND POLLING PLACES SHALL BE MAINTAINED UNTIL THEY ARE REVISED.

(B) OTHER ELECTION RECORDS SHALL BE MAINTAINED FOR THE PERIOD SET FORTH BELOW:

FINANCIAL	SIX YEARS
DISCLOSURE FORM	

CANDIDATE AFFIDAVIT OF EXPENSE AND CONTRIBUTIONS	FIVE YEARS
ELECTION REGISTERS	FOUR YEARS
NOMINATING PETITIONS	THREE YEARS
DECLARATION OF CANDIDACY	THREE YEARS
REJECTED BALLOTS	ONE YEAR, UNLESS ELECTION CONTESTED
CERTIFICATES OF ELECTION RETURN REPORTS	PERMANENTLY

(C) THE CITY CLERK SHALL INFORM THE CITY COUNCIL PRIOR TO DESTRUCTION OF ANY RECORDS, SPECIFYING THE TYPE OF RECORD AND THE DATE OF THE ELECTION TO WHICH IT RELATES.

(ORDS. 2488-2010, 2556-2011)

6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.

(A) THE CITY CLERK MAY CONDUCT A SPECIAL ELECTION BY MAIL.

(B) WHEN THE CLERK CONDUCTS A SPECIAL ELECTION BY MAIL, THE CLERK SHALL SEND A BALLOT TO EACH PERSON WHOSE NAME APPEARS ON THE OFFICIAL VOTER REGISTRATION LIST PREPARED UNDER AS 15.07.125 FOR THAT ELECTION. THE CLERK SHALL SEND THE BALLOT TO THE ADDRESS STATED ON THE OFFICIAL REGISTRATION LIST UNLESS THE VOTER HAS NOTIFIED THE CLERK IN WRITING OF A DIFFERENT ADDRESS TO WHICH THE BALLOT SHOULD BE SENT. THE CLERK SHALL SEND BALLOTS BY FIRST CLASS, NONFORWARD-ABLE MAIL ON OR BEFORE THE TWENTY-SECOND (22ND) DAY BEFORE THE ELECTION.

(C) THE CLERK SHALL REVIEW BALLOTS VOTED UNDER THIS SECTION UNDER PROCEDURES ESTABLISHED FOR THE REVIEW OF ABSENTEE BALLOTS.

(D) THERE SHALL BE A SMALL BLANK ENVELOPE AND A POSTAGE-PAID RETURN ENVELOPE SUPPLIED TO EACH BY-MAIL VOTER. THE POSTAGE-PAID RETURN ENVELOPE SHALL HAVE PRINTED ON IT AN AFFIDAVIT BY WHICH THE VOTER SHALL DECLARE THE VOTER'S QUALIFICATION TO VOTE, FOLLOWED BY PROVISION FOR ATTESTATION BY ONE (1) ATTESTING WITNESS, WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE. SPECIFIC INSTRUCTIONS FOR VOTING A BY-MAIL BALLOT AND A LIST OF THE APPOINTED ABSENTEE VOTING OFFICIALS, THEIR HOURS AND LOCATIONS, SHALL BE MAILED TO EACH VOTER WITH THE BALLOT.

(ORDS. 1800-98, 2488-2010)

6.05.310 CASTING BALLOTS.

(A) UPON RECEIPT OF A MAIL-IN BALLOT, THE VOTER SHALL CAST HIS OR HER BALLOT IN THE MANNER SPECIFIED IN KMC 6.05.140 THROUGH 6.05.160. IF THE BALLOT IS CAST IN THE CLERK'S OFFICE, THE CLERK SHALL RETAIN IT FOR DELIVERY TO THE CANVASSING BOARD. IF THE BALLOT IS CAST IN ANOTHER LOCATION, THE VOTER SHALL RETURN IT BY MAIL TO THE CLERK IMMEDIATELY FOR DELIVERY TO THE CANVASSING BOARD.

(B) A VOTER WHO DOES NOT RECEIVE A MAIL-IN BALLOT MAY CAST HIS OR HER BALLOT IN PERSON AS SPECIFIED IN KMC 6.05.145.

(C) A VOTER MAY RETURN THE MAIL-IN BALLOT TO THE CITY CLERK AS PROVIDED IN KMC 6.05.160.

(ORD. 1800-98)

6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.

(A) THE NOTICE OF ELECTION CALLING FOR THE ELECTION MUST STATE THAT THE ELECTION IS TO BE CONDUCTED BY MAIL AND THAT THERE WILL BE NO POLLING PLACE OPEN FOR REGULAR IN-PERSON VOTING ON ELECTION DAY. IN A BY-MAIL ELECTION, ELECTION DAY IS THE DEADLINE BY WHICH A VOTER'S BALLOT MUST BE RECEIVED BY THE CLERK.

(B) FOR EACH ELECTION CONDUCTED BY MAIL, THE PUBLIC NOTICE WILL BE GIVEN AS SET FORTH IN KMC 6.05.100.

(ORD. 1800-98)

6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.

(A) THE CITY CLERK, OR DESIGNEE, SHALL ACT AS ABSENTEE VOTING OFFICIAL.

(B) THE DUTIES OF THE ABSENTEE VOTING OFFICIAL SHALL BE AS FOLLOWS:

(1) PROVIDE ABSENTEE VOTING IN PERSON ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND ABSENTEE VOTING THROUGH A PERSONAL REPRESENTATIVE ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND HAVE UNTIL THE DAY OF THE ELECTION TO RETURN THE BALLOTS;

(2) SIGN A VOTER'S BY-MAIL OATH AND AFFIDAVIT ENVELOPE AS AN AUTHORIZED ATTESTING OFFICIAL, EXCEPT THAT THE ABSENTEE VOTING OFFICIAL MAY NOT ATTEST HIS OR HER OWN BALLOT;

(3) ACCEPT RECEIPT OF A BY-MAIL VOTER'S HAND-DELIVERED VOTED BALLOT, WHICH HAS BEEN SWORN TO, ATTESTED AND SEALED IN THE BY-MAIL RETURN ENVELOPE;

(4) PROVIDE GENERAL VOTER ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE TO A QUALIFIED VOTER WHO CANNOT READ, MARK THE BALLOT, OR SIGN HIS OR HER NAME, AND PROVIDING REPLACEMENT BALLOTS TO VOTERS WHO HAVE IMPROPERLY MARKED OR DAMAGED THEIR BALLOTS;

(5) DATE-STAMP ALL BALLOTS RECEIVED;

(6) PROVIDE FOR THE SECURITY AND SAFEKEEPING OF ALL BALLOTS RECEIVED AND PRESENT THOSE BALLOTS TO THE CLERK FOR CANVASSING.

(ORD. 1800-98)

6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.

(A) A QUALIFIED VOTER MAY APPLY TO THE CITY CLERK FOR AN ABSENTEE BALLOT TO BE SENT TO THE VOTER BY ELECTRONIC TRANSMISSION. SUCH APPLICATION MUST BE MADE BY THE VOTER NOT LESS THAN THE DAY IMMEDIATELY PRECEDING THE ELECTION. ABSENTEE BALLOTS WILL BE TRANSMITTED ELECTRONICALLY TO THE LOCATION (FACSIMILE NUMBER, E-MAIL ADDRESS, OR SIMILAR DESIGNATION) DESIGNATED IN THE APPLICATION. IF NO LOCATION IS DESIGNATED, AND IF THE APPLICATION IS RECEIVED NO LATER THAN SEVEN (7) DAYS PRIOR TO THE ELECTION, THE BALLOT WILL BE MAILED IN THE MANNER PROVIDED IN KMC 6.05.140 FOR DELIVERING ABSENTEE BALLOTS BY MAIL. THE CLERK WILL PROVIDE REASONABLE CONDITIONS FOR TRANSMITTING ABSENTEE BALLOTS ELECTRONICALLY.

(B) THE VOTER MAY RETURN THE BALLOT BY MAIL OR BY ELECTRONIC TRANSMISSION. AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL CONTAIN A COPY OF THE BALLOT TO BE USED AT THE ELECTION IN A FORM SUITABLE FOR TRANSMISSION. A PHOTOCOPY OF THE COMPUTERIZED BALLOT CARD TO BE USED BY PERSONS VOTING IN PERSON AT THE POLLING PLACES IS ACCEPTABLE.

(C) AN ABSENTEE BALLOT THAT IS COMPLETED AND RETURNED BY THE VOTER BY ELECTRONIC TRANSMISSION MUST:

(1) CONTAIN THE FOLLOWING STATEMENT: "I UNDERSTAND THAT BY USING ELECTRONIC TRANSMISSION TO RETURN MY MARKED BALLOT, I AM VOLUNTARILY WAIVING A PORTION OF MY RIGHT TO A SECRET BALLOT TO THE EXTENT NECESSARY TO PROCESS MY BALLOT, BUT EXPECT THAT MY VOTE WILL BE HELD AS CONFIDENTIAL AS POSSIBLE." FOLLOWED BY THE VOTER'S SIGNATURE AND DATE OF SIGNATURE; AND

(2) BE ACCOMPANIED BY A STATEMENT EXECUTED UNDER OATH AS TO THE VOTER'S IDENTITY; THE STATEMENT UNDER OATH MUST BE WITNESSED BY ONE

(1) UNITED STATES CITIZEN WHO IS EIGHTEEN (18) YEARS OF AGE OR OLDER.

(D) THE VOTER MAY RETURN THE BALLOT BY MAIL. THE BALLOT MUST BE MARKED, ATTESTED, AND RETURNED IN ACCORDANCE WITH KMC 6.05.170(D) IF THE VOTER RETURNS THE BALLOT BY MAIL.

(E) IF THE VOTER RETURNS THE BALLOT BY ELECTRONIC TRANSMISSION, THE VOTER MUST COMPLY WITH THE SAME DEADLINES AS FOR VOTING IN PERSON ON OR BEFORE THE CLOSING HOUR OF THE POLLS.

(F) WHEN A COMPLETED ABSENTEE BALLOT IS RECEIVED BY THE CITY THROUGH ELECTRONIC TRANSMISSION, THE CLERK WILL NOTE THE DATE OF RECEIPT ON THE ABSENTEE BALLOT APPLICATION LOG AND, IF THE BALLOT IS RECEIVED ON ELECTION DAY, THE TIME OF RECEIPT. THE CLERK WILL THEN:

(1) REMOVE THE BALLOT PORTION OF THE TRANSMISSION FROM THE PORTION THAT IDENTIFIES THE VOTER;

(2) PLACE THE BALLOT PORTION IN A SECRECY SLEEVE;

(3) SEAL THE SECRECY SLEEVE IN AN OUTER ENVELOPE OF THE TYPE USED FOR ABSENTEE BALLOTS RETURNED BY MAIL, AND SEAL THAT ENVELOPE;

(4) ATTACH THE VOTER IDENTIFICATION PORTION TO THE OUTER ENVELOPE;  
AND

(5) FORWARD THE OUTER SEALED ENVELOPE TO THE CANVASSING BOARD FOR REVIEW.

(G) AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL BE COUNTED IN THE SAME MANNER AS OTHER ABSENTEE BALLOTS, EVEN THOUGH THIS PROCEDURE MAY REVEAL TO ONE (1) OR MORE ELECTION OFFICIALS THE MANNER IN WHICH A PARTICULAR ABSENTEE VOTER CAST HIS OR HER BALLOT. HOWEVER, IT SHALL BE UNLAWFUL TO DISPLAY AN ELECTRONIC BALLOT IN A MANNER REVEALING THE WAY IN WHICH A PARTICULAR VOTER CAST HIS OR HER BALLOT TO ANY PERSON OTHER THAN THE CITY CLERK, A MEMBER OF THE CLERK’S STAFF, AN INFORMATION TECHNOLOGIES TECHNICIAN RETAINED BY THE CITY, AN ELECTION OFFICIAL IN THE COURSE OF HIS OR HER DUTIES, OR AN ATTORNEY ADVISING THE CLERK ON LEGAL QUESTIONS CONCERNING THE BALLOT.  
(ORDS. 2108-2005, 2556-2011)

6.05.340 STORING BALLOTS.

THE CLERK SHALL PROVIDE FOR THE SECURE STORAGE OF THE MAIL-IN BALLOTS RECEIVED FROM THE VOTERS AND BY-MAIL OFFICIALS UNTIL THE DATE SET BY THE CLERK FOR THE COUNTING OF THE BALLOTS. (ORD. 1800-98)

CHAPTER 6.10  
FILING FOR OFFICE

SECTIONS:

- 6.10.010 NOMINATING PETITIONS.
- 6.10.020 SUFFICIENCY OF PETITION—NEW PETITION.
- 6.10.030 WITHDRAWAL OF CANDIDACY.
- 6.10.040 PETITION AND STATEMENT TO BE PRESERVED.

6.10.010 NOMINATING PETITIONS.

(A) ANY QUALIFIED PERSON MAY HAVE HIS OR HER NAME PLACED ON THE BALLOT FOR THE ELECTION AS A CANDIDATE FOR MAYOR OR COUNCIL BY FILING WITH THE CITY CLERK, BETWEEN AUGUST 1ST, AND AUGUST 15TH, A SWORN STATEMENT OF HIS OR HER CANDIDACY. IF AUGUST 15TH IS NOT A REGULAR CITY WORKDAY, THE FILING PERIOD SHALL BE EXTENDED TO THE CLOSE OF BUSINESS OF THE NEXT REGULAR CITY WORKDAY. SUCH SWORN STATEMENT SHALL BE ACCOMPANIED BY A NOMINATING PETITION SIGNED BY TWENTY (20) OR MORE REGISTERED, QUALIFIED CITY VOTERS AS REQUIRED BY THE CITY CHARTER, SECTION 10-3.

(B) NO VOTER SHALL SIGN MORE THAN ONE (1) PETITION EXCEPT THAT A VOTER MAY SIGN AS MANY NOMINATING PETITIONS FOR COUNCILMEMBERS AS THERE ARE VACANCIES TO BE FILLED; AND IF A VOTER SIGNS MORE PETITIONS THAN HEREBY AUTHORIZED, HIS OR HER SIGNATURE SHALL BE VOID EXCEPT AS TO THE AUTHORIZED NUMBER OF PETITIONS FIRST FILED.

(C) NOMINATION PETITIONS SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:

**NOMINATING PETITION**

WE, THE UNDERSIGNED TWENTY (20)  
ELECTORS OF THE CITY OF KENAI, HEREBY  
NOMINATE AND SPONSOR  
\_\_\_\_\_, WHOSE ADDRESS

IS \_\_\_\_\_, FOR THE OFFICE OF \_\_\_\_\_, TO BE VOTED FOR AT THE ELECTION TO BE HELD ON \_\_\_\_\_; AND WE INDIVIDUALLY CERTIFY THAT OUR NAMES PRESENTLY APPEAR ON THE ROLLS OF REGISTERED VOTERS OF THE CITY OF KENAI, AND THAT WE ARE QUALIFIED TO VOTE FOR A CANDIDATE FOR AN ELECTIVE MUNICIPAL OFFICE, AND THAT WE HAVE NOT SIGNED ANY OTHER NOMINATING PETITION FOR THE PARTICULAR OFFICE THIS CANDIDATE SEEKS. CHECK TERM OF OFFICE CANDIDATE IS SEEKING: \_\_\_\_\_ ONE YEAR; \_\_\_\_\_ TWO YEARS; THREE YEARS.

\_\_\_\_\_  
(HERE PLACE LINES FOR SIGNATURES, ADDRESSES, AND DATES OF SIGNING.)

**ACCEPTANCE OF NOMINATION**

I HEREBY ACCEPT THE NOMINATION FOR \_\_\_\_\_ AND AGREE TO SERVE \_\_\_\_\_ YEARS IF ELECTED.

DATE \_\_\_\_\_ BY: \_\_\_\_\_  
FILED: \_\_\_\_\_

RECEIVED: \_\_\_\_\_

CITY CLERK SIGNATURE OF CANDIDATE

(KC 6-33; ORDS. 247, 803, 995; AMENDED DURING 11-17-01 SUPPLEMENT; ORDS. 2067-2004, 2562-2011)

6.10.020 SUFFICIENCY OF PETITION—NEW PETITION.  
WITHIN THREE (3) DAYS AFTER THE FILING OF THE STATEMENT OF CANDIDACY AND NOMINATING PETITION, THE CITY CLERK SHALL DETERMINE WHETHER THE NOMINATING PETITION IS SIGNED BY THE REQUIRED NUMBER OF REGISTERED VOTERS, AND SO NOTIFY THE CANDIDATE. IF INSUFFICIENT, THE CITY CLERK SHALL RETURN THE PETITION IMMEDIATELY TO THE CANDIDATE WITH A STATEMENT AS TO WHY THE PETITION IS INSUFFICIENT. WITHIN THE REGULAR TIME FOR FILING PETITIONS AND STATEMENTS OF CANDIDACY, A NEW PETITION AND STATEMENT OF CANDIDACY MAY BE FILED BY THE CANDIDATE. THE ABOVE NOTICE TO THE

CANDIDATE AND THE RETURN OF AN INSUFFICIENT PETITION MAY BE IN PERSON, BY DELIVERY BY POLICE, OR BY MAIL. (KC 6-34; ORD. 803)

6.10.030 WITHDRAWAL OF CANDIDACY.

ANY CANDIDATE FOR OFFICE MAY WITHDRAW HIS OR HER CANDIDACY AT ANY TIME BEFORE THE EXPIRATION OF THE TIME WHEN CANDIDATES MAY FILE STATEMENTS OF CANDIDACY, BY FILING A WRITTEN NOTICE OF WITHDRAWAL WITH THE CITY CLERK DURING SUCH TIME. (KC 6-35)

6.10.040 PETITION AND STATEMENT TO BE PRESERVED.

THE PETITION AND STATEMENT OF CANDIDACY OF EACH CANDIDATE SHALL BE PRESERVED BY THE CITY CLERK UNTIL THE EXPIRATION OF THE TERM OF OFFICE FOR WHICH HE OR SHE WAS A CANDIDATE. (KC 6-36)

CHAPTER 6.20  
INITIATIVE AND REFERENDUM

SECTIONS:

6.20.010 PROVISIONS OF CHARTER TO GOVERN.

6.20.010 PROVISIONS OF CHARTER TO GOVERN.

THE INITIATIVE AND REFERENDUM SHALL BE GOVERNED BY THE CITY CHARTER, SECTIONS 11-1 TO 11-5. THE PROVISIONS OF THIS CHAPTER OF THIS CODE SHALL GOVERN ELECTIONS AT WHICH INITIATED AND REFERRED PROPOSALS ARE SUBMITTED TO THE VOTERS, AS WELL AS OTHER ELECTIONS, INSOFAR AS THEY ARE APPLICABLE. (KC 6-37)

CHAPTER 6.30  
RECALL

SECTIONS:

6.30.010 PROCEDURES AND GROUNDS.

6.30.010 PROCEDURES AND GROUNDS.

PROCEDURES AND GROUNDS FOR RECALL OF INCUMBENTS OF ELECTIVE OFFICES OF THE CITY SHALL BE SUCH AS MAY BE PRESCRIBED BY LAW, AS PROVIDED BY THE CITY CHARTER, SECTION 11-6. THE PROVISIONS OF THIS TITLE OF THIS CODE SHALL GOVERN RECALL ELECTIONS, AS WELL AS OTHER ELECTIONS, INSOFAR AS THEY ARE APPLICABLE. (KC 6-38)]

**Chapter 6.05**  
**General Provisions**

**6.05.010 – Definitions**

When used in this Title, the following words and phrases have the meaning set forth in this section, except where the context clearly indicates a different meaning:

"Clerk" and "City Clerk" mean the Clerk of the City, any properly authorized assistant or designee.

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"Day" means a calendar day including Saturday, Sunday and holidays.

"Election" includes a regular or special City election.

"Election official" means the City Clerk, Clerk's office staff, Kenai Peninsula Borough Clerk, Borough Clerk's office staff, and members of all election boards.

"Election supervisor" means the City Clerk.

"Oath" includes affirmation on penalty of perjury.

"Precinct" means the geographical area within which resident voters may cast votes at one polling place.

"Precinct register" means the register maintained by the Director of the State Division of Elections.

"Proposition" means an initiative, referendum, recall, or other question submitted to the public at an election.

"Qualified voter" means a person who is qualified to vote in City elections under KMC 6.10.010.

"Questioned voter" means any person whose name does not appear on the register in the precinct where the voter attempts to vote, a voter who has received an absentee ballot and does not turn it in when voting at his/her precinct on election day, a voter who does not bear identification or is not personally known to an election official though his/her name appears on the precinct register, or a voter who is questioned for good cause at the polls in writing.

"Registration" or "registered" refers to the form of registration required by the state election statute. For City elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 days prior to the City election.

"Regular election" means the City election held on the first Tuesday of October annually as prescribed by Kenai Charter section 10-1.

"Signature" and "subscription" both include any mark intended as a signature or subscription.

"Special election" means any election held at a time other than when a regular election is held.

"Swear" includes "Affirm".

"Voter" means any person who presents themselves for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

#### **6.05.020 – Powers and Duties of the Clerk**

The Clerk shall supervise all City elections and shall determine whether candidates for City office are qualified in accordance with this Title and City Charter.



#### **6.05.030 – Election Times.**

- (a) Regular Election. Annually, on the first Tuesday of October, a regular election shall be held in the City for the election of vacant City offices and for the determination of other propositions and matters as may be placed on the ballot as authorized by the City Charter, Section 10-1.
- (b) Special Election. The Council, by resolution or ordinance, may call a special election at any time at least 75 days prior to the date of the election and may submit questions to the qualified voters of the City as authorized by the City Charter, Section 10-8. Unless the Council has set a date for a required special election, the election supervisor shall call a special election when required by law or ordinance to place an initiative, referendum, recall, or other question before the voters.
- (c) Nothing in this chapter shall prohibit holding a City election on the same day and by the same election personnel as a State, Borough, or other public election, or submitting a City question at such an election, as authorized by the City Charter, Section 10-8.

#### **6.05.040 – Votes Required for Election to Office.**

- (a) Each City office shall be filled by the candidate receiving the greatest number of votes as authorized by the City Charter, Section 10-4.
- (b) Tie votes. In case of a failure to elect because of a tie vote, the Council shall immediately order a recount of ballots pursuant to KMC 6.45.030. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates tying, in a meeting of the Council and under its direction, in accordance with the City Charter, Section 10-4.

#### **6.05.050 – Preservation of Election Ballots, Papers, and Materials.**

- (a) The certificate of returns of the canvassing board shall be maintained permanently, and descriptions of election boundaries, precincts, and polling places shall be maintained until they are revised.
- (b) Financial disclosure forms shall be maintained for a period of six years and then may be destroyed.
- (c) Election registers, nominating petitions, declaration of candidacy, and rejected ballots shall be retained for one year after the certification of the election. These materials may be destroyed after their retention period has lapsed unless their destruction is stayed by an order of the court.

#### **6.05.060 – Election Expenses.**

- (a) The City shall pay all necessary expenses relating to the conduct of each City election. Necessary expenses shall include those associated with conducting the election. The Clerk shall retain a record for auditing and payment of election expenses.
- (b) The City shall pay each election official and canvass board member an hourly rate for time spent at his or her election duties, including the receiving of instructions. The election supervisor shall set the hourly compensation to be paid for time spent by election officials.

**6.05.070 – Initiative, Referendum, and Recall.**

- (a) The initiative and referendum process shall be governed by the City Charter, Sections 11-1 to 11-5. The provisions of this chapter of this Code shall govern elections at which initiated and referred proposals are submitted to the voters, as well as other elections, insofar as they are applicable.
- (b) As set forth by the City Charter, Section 11-6, all incumbents of elective offices of the City, including persons chosen to fill vacancies in such offices, shall be subject to recall from office by the qualified voters of the City. Procedures and grounds for recall shall be such as may be prescribed by law. The Council, by ordinance, may further regulate the recall insofar as such regulation is not in conflict with the State Constitution or law.

**6.05.080 – Proposition and Questions.**

A resolution or ordinance brought forward by the City Council placing a proposition before the voters must be adopted at least 53 days or more before a regular election, and at least 60 days or more before a special election.

**Chapter 6.10**  
**Voter Qualifications**

**6.10.010 – Voter Qualifications**

A person is qualified to vote in a City election only if the person:

- (1) is qualified to vote in state elections under AS 15.05.010;
- (2) has been a resident of the City for 30 days immediately preceding the election;
- (3) is registered to vote in state elections at a residence address within the City at least 30 days before the City election at which the person seeks to vote; and
- (4) is not disqualified under article V of the state constitution.

**6.10.020 – Rules for Determining Residence of Voters.**

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- (a) A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of this state or of the United States or by absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state or the United States or of the high seas, while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers’ Home or the Alaska Veterans’ Home.
- (b) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one

place, but does business in another, the former is the person's place of residence. Temporary work sites do not constitute a dwelling place.

- (c) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one place of residence.
- (d) A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only and with the intent of returning.
- (e) A person does not gain residence in any place to which the person comes without the present intention to establish a permanent dwelling at that place.
- (f) A person loses residence in this City if the person votes in another City's or borough's election or another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state again until qualifying under provisions of state law.
- (g) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- (h) The address of a voter as it appears on the official voter registration record is presumptive evidence of the person's voting residence. This presumption is negated only if the voter notifies the Division of Elections in writing of a change of voting residence.

#### **6.10.030 - Notice of voter registration.**

Before each election, the Clerk shall post on the City website and publish at least twice in a newspaper of general circulation, a notice of voter registration. The posting and first publication shall occur not less than 60 days before the election. The notice shall include the qualifications required to vote and the deadline for registering to vote in the election.

### **Chapter 6.15** **Filing for Office**

#### **6.15.010 – Candidate Qualifications**

A candidate for elective City office:

- (a) Shall have the qualifications required in City Charter, Section 2-1(b), as of the date of the declaration of candidacy,
- (b) Shall provide proof of qualifications for office as required by the Clerk, and
- (c) Shall submit a nominating petition, on a form provided by the Clerk, signed by twenty (20) or more registered qualified City voters, in accordance with City Charter, Section 10-3.

#### **6.15.020 – Nomination and Declaration of Candidacy.**

- (a) Any qualified person may have their name placed on the ballot for the election as a candidate for Council or Mayor by filing with the Clerk, between August 1<sup>st</sup> and August 15<sup>th</sup>, 4:30 p.m., a nominating petition with sufficient signatures and a sworn statement of his or her candidacy, on a form or forms provided by the Clerk, accompanied by the public financial disclosure statement required by KMC 1.85.010(a). If August 15<sup>th</sup> is not a regular City workday, then candidates shall have until noon on the first workday following to file their candidacy paperwork.
- (b) A nominating petition shall include:
  1. The full name of the candidate the petitioners are sponsoring; and

2. The full residence address of the candidate; and
  3. The office for which the petitioners are nominating the candidate; and
  4. The length of the term of office for which the petitioners are nominating the candidate; and
  5. Certification that the petitioners' names appear on current voter registration rolls for the City of Kenai, are qualified to vote for a candidate for elective municipal office, and have not signed any other nominating petition for the particular office the named candidate seeks.
- (c) No voter shall sign more than one (1) petition except that a voter may sign as many nominating petitions for Councilmembers as there are vacancies to be filled; and if a voter signs more petitions than hereby authorized, his or her signature shall be void except as to the authorized number of petitions first filed.
- (d) A sworn statement of candidacy and certification of qualification shall include:
1. The office for which the candidate accepts nomination; and
  2. A statement that the candidate agrees to serve, if elected; and
  3. A statement that the candidate is qualified for the office as provided by law; and
  4. The date and signature of the candidate; and
  5. Attestation and date by the Clerk; and
- (e) A candidate shall provide any other information the Clerk reasonably requires to determine whether the candidate is qualified for the office as provided by law.
- (f) Within three (3) days after the filing of the declaration of candidacy and nominating petition, the Clerk shall determine whether the nominating petition is signed by the required number of registered voters, and so notify the candidate. If insufficient, the Clerk shall return the petition immediately to the candidate with a statement as to why the petition is insufficient. Within the regular time for filing petitions and declarations of candidacy, a new petition and declaration of candidacy may be filed by the candidate. The above notice to the candidate and the return of an insufficient petition may be in person or by mail.
- (g) Any candidate for office may withdraw their candidacy at any time before the expiration of the time when candidates may file statements of candidacy, by filing a written notice of withdrawal with the City Clerk.

#### **6.15.030 – Review of Candidate Qualifications.**

- (a) In determining residence within the City, for the purposes of this chapter, the Clerk shall apply the following rules:
1. A person establishes residence within the City by:
    - (A) Actual physical presence at a specific location within the City; and
    - (B) Maintaining a habitation at the specific location;
  2. A person may maintain a place of residence at a specific location within the City while away from the location for purposes of employment, education, military service, medical treatment or vacation if the person does not establish residency at another location; and
  3. A qualified voter loses residence by voting in another City or borough or in another state's election.
- (b) The Clerk shall determine whether each candidate is qualified as provided by law. At any time before the election the Clerk may disqualify any candidate whom the Clerk finds is not qualified. A candidate who is disqualified may request a hearing before the Clerk. The hearing

- shall be held no later than 5 business days after the request unless the candidate agrees in writing to a later date.
- (c) Any person may question the eligibility of a candidate who has filed a declaration of candidacy by filing a complaint with the Clerk. A complaint regarding the eligibility of a candidate must be received by the Clerk not later than the close of business on the 10<sup>th</sup> calendar day after the filing deadline for the office for which the candidate seeks election.
- (d) The complaint must be in writing and include the name, mailing address, contact phone number, and signature of the person making the complaint, and a statement in 200 words or less specifying the grounds for the complaint, described in particular, on which the candidate's eligibility is being questioned.
- (e) The Clerk will review only those issues cited in the complaint related to candidate qualifications established by this chapter.
- (f) Upon receipt of a complaint, the Clerk will review any evidence relevant to the issues identified in the complaint which is in the custody of the municipal Clerk's office including evidence provided with the complaint, the candidate's registration record, declaration of candidacy, and, in the discretion of the Clerk, any other public record. Following review of all relevant evidence in the case, and within 20 days of receiving the complaint, the Clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate. The process for issuing a final determination will be as follows:
1. The Clerk will send notification in writing to the candidate whose eligibility is being questioned that a complaint has been received. The notification will include a copy of the complaint, supporting relevant evidence, a statement as to whether a preponderance of evidence reviewed as of that notice supports or does not support the eligibility of the candidate, and a request that the candidate provide a sworn response statement along with any relevant supporting evidence.
  2. The Clerk must also notify the challenger that all relevant evidence must be submitted within 7 calendar days of the date of the Clerk's notice to the candidate that a complaint has been filed. If the Clerk receives additional evidence during this 7-day period, such evidence must be provided to the candidate with an opportunity to respond. Absent extraordinary circumstances, the Clerk shall not consider evidence received after the challenger's deadline to submit evidence.
  3. The candidate's response statement and any supporting evidence must be received within 10 calendar days of the date of the Clerk's notice to the candidate that a complaint has been filed. Absent extraordinary circumstances, the Clerk shall not consider evidence received after the candidate's deadline to submit evidence.
  4. For purposes of this section, "extraordinary circumstances" must be specified in writing, documenting a serious circumstance or event beyond the control of the individual providing the late evidence.
  5. Following review of all relevant evidence in the case, and within 20 days of receiving the complaint, the Clerk will issue a final determination based on a preponderance of evidence standard for review
  6. A final determination must be issued in writing within 20 days of the Clerk receiving the complaint.
- (g) The Clerk must send the final written decision to the person making the complaint and to the candidate. The Clerk's decision shall be sent by certified mail and by electronic mail (email), if an email address is known. The determination of the Clerk constitutes a final administrative decision. An appeal of the Clerk's decision shall be filed with the State of Alaska Superior Court at Kenai, Alaska in conformance with the Rules of Appellate Procedure of the State of Alaska, Part VI.

#### **6.15.040 – Campaign Reporting.**

All candidates for elective City office shall comply with the Alaska Public Offices Commission campaign reporting requirements in Alaska Statute Chapter 15.13.

**6.15.050 – Notice of Vacancy.**

At least ten (10) days before nominations are open for each regular or special election, the Clerk shall publish at least twice in a newspaper of general circulation, a notice of offices to be filled at the election and the procedure for filing a nomination petition and statement of candidacy for the offices.

**Chapter 6.20**  
**Administration of Elections**

**6.20.010 – Election Notices.**

- (a) Notice of Election. Before every City election, regular or special, the Clerk shall cause a notice of election to be published at least twice in a newspaper of general circulation. The Clerk shall also post a notice of election on the official City bulletin board and in two (2) other public places in the City limits. The posting and first publication shall occur at least 20-days before an election. Each notice of election shall include:
1. The type of election, whether regular or special;
  2. The date of the election;
  3. The location of the polling place(s) and the hours the polling place(s) shall be open;
  4. The offices to which candidates are to be elected;
  5. The subjects of propositions to be voted upon;
  6. Voter qualifications and instructions for registration; and
  7. Instructions for application for absentee voting.
- (b) Failure to publish such a notice of an election shall not affect the validity of the election or of the vote for any candidate or on any proposal; but, if caused by the Clerk, shall constitute failure to perform his or her official duties.
- (c) In addition to the above notice, the Clerk shall publish in full, every charter amendment, every ordinance, and every other question which is to be submitted at an election, except a referred ordinance which was published in full after passage, not more than four (4) weeks and at least two (2) weeks before the election in accordance with the City Charter, Sections 1-7(4) and 10-8.
- (d) Notice of Bonded Indebtedness. Before a general obligation bond issue election, the Clerk shall publish notice of total existing bonded indebtedness at least once a week for three consecutive weeks. The first notice shall be published at least 20-days before the date of the election. The notice must include:
1. The current total general obligation bonded indebtedness, including authorized but unsold bonds, of the City;
  2. The cost of the debt service on the current indebtedness; and
  3. The total assessed valuation within the City.

**6.20.020 – Election Officials.**

- (a) Before each election, the Clerk, subject to approval by the Council, shall appoint an election board of at least four judges in a precinct. A judge shall be a voter of the City. The Clerk shall designate one election judge from each precinct as the chairperson, who shall be primarily responsible for administering the election in the precinct. After Council approval, the Clerk may assign additional officials if deemed necessary for proper conduct of the election.
- (b) All City election personnel shall be appointed without regard to their membership in any political party.
- (c) If any appointed election official is not able or refuses to serve, the Clerk may appoint a replacement for that official.
- (d) All election officials, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the Clerk.
- (e) Candidates shall not serve as election officials. Certain familial relationships may not exist between a candidate and an election official in regular or special elections. Those familial relationships are:

  - 1. Mother, mother-in-law, stepmother;
  - 2. Father, father-in-law, stepfather;
  - 3. Sister, sister-in-law, stepsister;
  - 4. Brother, brother-in-law, stepbrother;
  - 5. Spouse; or
  - 6. Person sharing the same living quarters.
- (e). If the Clerk knows or learns that any of these relationships exist, the election official shall be notified and replaced.

#### **6.20.030 – Ballot Form.**

- (a) The ballot shall be designed with the position of names of the candidates set out in the same order in each section on each ballot used in that election. However, the order of placement of the names of the candidates for each office shall be randomly determined by the Clerk.
- (b) The title of the office to be filled shall be followed by the printed names of the candidates for such office, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for no more than \_\_\_\_\_" with the appropriate number replacing the blank, shall be placed before the list of candidates for each office. The names of the candidates shall be printed as they appear upon the declaration filed with the Clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of a proper name. The names of candidates shall be set out in order as provided in subsection A. of this section.
- (c) The propositions to be voted on shall follow the candidates for office or shall be on separate ballots, as the Clerk may determine. The words "yes" and "no" shall appear below each proposition.
- (d) Each ballot shall bear the words "Official Ballot," and the date of the election.
- (e) A ballot shall be printed either on paper or on card stock as provided in this title.
- (f) The ballots shall be consecutively numbered.

### **6.20.040 – Ballot Preparation and Distribution.**

- (a) The Clerk shall have ballots printed for each election. The Clerk may contract for the preparation and printing of ballots without competitive bidding.
- (b) The Clerk shall possess the printed ballots at least 15 days before each regular election and at least 10 days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or by his or her authorized agent, and any discovered mistake shall be corrected immediately.
- (c) The Clerk shall arrange for delivery of ballots to each election board prior to or on the date of the election before the opening of the polls. The ballots shall be delivered in separate containers, with the number of ballots enclosed in each container clearly marked on the outside. A receipt for each package shall be taken from the election board to which it was delivered.
- (d) No ballots shall be taken from the precinct before the closing of the polls unless the Clerk for good cause directs that the ballots be removed. A record shall be kept by the election official of the ballots removed from the precinct.
- (e) The Clerk shall have sample ballots available to voters which are identical in form to the official ballot, and which are printed on colored paper and marked "sample." Sample ballots shall be made available at all absentee in person and polling locations.

### **6.20.050 – Ballot Shortage**

- (a) Under no circumstance shall a precinct close due to ballot shortage. The election board chairperson for the precinct shall monitor the ballot supply at the precinct throughout Election Day and apprise the Clerk of any projected shortage in the number of available ballots.
- (b) Upon being informed by an election official that there is a projected shortage of ballots, the Clerk shall promptly supply the precinct with additional printed ballots. If sufficient additional printed ballots are not available, the Clerk shall supply the precinct with copies of the original ballot marked "Alternate Ballot."

### **6.20.060 – Reporting Voting Information to the State.**

Within 60 days after each election held in the City, the Clerk shall send to the State of Alaska Division of Elections the official precinct register, questioned voter register, absentee in person voter register and special needs voting register containing the names, residence address, and the voter identification of all persons who voted in that election.

## **Chapter 6.25** **Polling Site Procedures**

### **6.25.010 - Prohibitions.**

- (a) During the hours that the polls are open, no election official may discuss any political party, candidate or issue while on duty.



- (b) During the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. For the purposes of this section, the entrance to a polling place is the entrance to the building. The election board shall post warning notices in the form and manner prescribed by the Clerk.
- (c) No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in KMC 6.25.080.
- (d) While the polls are open no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.
- (e) No person may leave the polling place with the official ballot that the person received to mark.

### **6.25.020 - Opening of Polling Place.**

On the day of the election, each election board shall open the polls for voting at 7:00 a.m., shall close the polls for voting at 8:00 p.m., and shall keep the polls continuously open during the time between those hours. The election board shall report to the polling place by 6:30 a.m. so that voting will start promptly at 7:00 a.m. The chair of the election board shall rotate times at which election judges, board members, and Clerks may be relieved for breaks or meals; provided, however, that at all times at least two judges from the election board are present at the polling place.

### **6.25.030 – Watchers.**

- (a) Each candidate, or organized group that sponsors or opposes a proposition, may designate one person at a time to be a poll watcher in each precinct.
- (b) A person wishing to serve as a poll watcher shall request authorization from the city clerk no later than 5:00 p.m. the Tuesday prior to the election. The authorization must include:
1. The name of the person to act as a poll watcher;
  2. The name of the candidate, group, or organization the poll watcher is representing;
  3. The date of the election; and
  4. The precinct the poll watcher wishes to observe.
- (c) The poll watcher must present authorization as defined in subsection (b) of this section to the election official upon request. The poll watcher will be provided an area to view all actions of the election board. If the poll watcher does not provide the requested authorization, an election official may require the poll watcher to leave the poll watcher area.
- (d) The poll watcher observing may:
1. Observe the conduct of the election; and
  2. Check the polling booths after each voter to make sure campaign materials have not been left in the booth.
  3. Remain in the polling place until all procedures are completed.
    - a. Request the election board to print an additional copy of the results tape for the poll watcher.

(e) The poll watcher may not:

1. Have any duties in the conduct of the election;
2. Be allowed to touch any of the election materials; and
3. Interfere or disturb the orderly conduct of the election.

(f) If the poll watcher violates this section or any regulations adopted by the city clerk, the election official may require the poll watcher to leave the poll watcher area.

**6.25.040 - Ballot Box Security.**

Before issuing any ballots, the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box then shall be closed and not opened again or removed from the polling place until the polls have closed.

**6.25.050 - Voter Register.**

- (a) The Clerk shall order from the State of Alaska Division of Elections an official voter register showing all persons registered to vote in state elections at a residence address within the City at least 30 days before the date of the election.
- (b) The election board shall keep a register in which each voter's signature, residence and mailing address shall be entered before the voter receives a ballot. A record shall be kept in the register in the space provided of the names of persons who offered to vote but who actually did not vote and a brief statement of explanation. A voter's signing of the register shall constitute a declaration that the voter is qualified to vote.
- (c) If a person's name does not appear on the official registration list in the precinct in which the person seeks to vote, the person may vote a questioned ballot.

**6.25.060 - Voter Identification.**

- (a) Before being allowed to vote, each voter shall exhibit to an election official one form of identification, including but not limited to an official voter registration card, driver's license, passport, hunting or fishing license.
- (b) An election official may waive the identification requirement if the election official knows the identity of the voter.
- (c) A voter who cannot exhibit a satisfactory form of identification shall be allowed to vote a questioned ballot.

**6.25.070 - Providing Ballot to Voter.**

When a voter has qualified to vote, the election official shall give the voter an official ballot. The voter shall retire to a booth or private place to mark the ballot.

**6.25.080 - Questioned Voting.**

- (a) If the polling place of a voter is in question, the voter shall vote a questioned ballot after complying with Subsection C of this section.
- (b) Every election official and any other person qualified to vote may question a person attempting to vote if the questioner has good reason to suspect that the person is not qualified to vote. All questions regarding a person's qualification to vote shall be made in writing, setting out the reason that the person has been questioned.
- (c) Before voting, a person whose qualification to vote is questioned or whose name does not appear on the official voter register shall subscribe to an oath or affirmation on a form provided by the election official attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted in the same election.
- (d) A voter who casts a questioned ballot shall vote his/her ballot in the same manner as prescribed for other voters. After the election judge removes the numbered stub from the ballot, the voter shall vote the ballot then insert the voted ballot into a small envelope and put the small envelope into a larger envelope on which the statement he/she previously signed is located.

#### **6.25.090 - Assistance to Voters.**

A qualified voter who cannot read, mark the ballot or sign his/her name may request an election official or not more than two persons of his/her choice assist him/her. If the election official is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election official that he/she will not divulge the vote cast by the person whom he/she assists.

#### **6.25.100 - Spoiled Ballots.**

If a voter mutilates, improperly marks, spoils or otherwise damages the voter's ballot, the voter may request the election official provide another ballot upon the voter returning the damaged ballot to the election official. Without examining the spoiled ballot, the election official shall tear the ballot in half and place half in an envelope provided by the Clerk for a portion of each spoiled ballot and discard the remaining half. The election official shall then issue a new ballot of the same type to the voter. A voter may obtain a maximum of three replacement ballots under this section.

#### **6.25.110 - Alternate ballots.**

If the use of alternate ballots is required as prescribed in KMC 6.20.050(b) the voter shall vote his/her ballot in the same manner as prescribed for other voters. The voter shall then place his/her voted ballot in the side compartment of the ballot box.

#### **6.25.120 - Placing Ballots in Ballot Box.**

When the voter has marked the ballot, the voter shall inform the election official. The Clerk may require that the voter return the ballot to the election official temporarily so that any stub which may be part of the ballot may be removed by the election official. Any such requirement shall

protect the secrecy of the ballot. In all cases the ballot shall be deposited in the ballot box by the voter in the presence of the election official unless the voter requests the election official to deposit the ballot.

#### **6.25.130 - Closing of Polls.**

- (a) Fifteen minutes before the closing of the polls, and at the time of closing the polls, an election official shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement fifteen minutes before closing time shall not in any way invalidate the election or extend the time for closing the polls. After closing, no person will be allowed to enter the polling place for purposes of voting. Every qualified voter present and in line at the time prescribed for closing the polls may vote.
- (b) When the polls are closed and the last vote has been cast, the election board shall account for all ballots by completing a ballot statement containing, in a manner prescribed by the Clerk, the number of official ballots supplied.
- (c) The election board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted on the ballot statement.

#### **6.25.140 - Unused Ballots.**

The number of ballots not issued shall be recorded and then all such ballots shall be disposed of as instructed by the Clerk. The number of ballots damaged by voters and replaced by election officials shall also be recorded. The record of ballots not issued and ballots damaged shall be preserved for 30 days unless the election is contested.

### **Chapter 6.30** **Absentee Voting**

#### **6.30.010 - Administration of Absentee Voting.**

The Clerk shall provide general administrative supervision over the conduct of absentee voting. The Clerk shall make available instructions to absentee voters regarding the procedure for absentee voting.

#### **6.30.020 - Eligibility.**

Any qualified voter may vote an absentee ballot for the precinct in which they reside and are registered.

#### **6.30.030 - Materials for Absentee Voting.**

The Clerk shall provide ballots for use as absentee ballots; shall provide a small envelope in which the voter shall initially place the marked ballot; and shall provide a large envelope, with the prescribed voter's certificate on the back, in which the smaller envelope with the ballot enclosed, shall be placed. The Clerk shall provide the form of and prepare the voter's certificate which shall include an oath that the voter is qualified in all aspects, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and identified himself or herself, blanks for the attesting official or witness, and a place for recording the date the envelope was sealed and witnessed.

#### **6.30.040 - Absentee Voting in Person.**

- (a) A qualified voter may apply in person for an absentee ballot at the location designated for absentee voting by the Clerk during regular office hours.
- (b) On receipt of an application in person for an absentee ballot and exhibition of proof of identification as required in this title, the absentee voting official shall issue the ballot to the applicant.
- (c) The voter shall proceed to mark the ballot in secret, place the ballot in the secrecy sleeve and place the secrecy sleeve in the larger envelope in the presence of the election official who shall sign as attesting official and date of his/her signature. The election official shall then accept the ballot.
- (d) The election official may not accept a marked ballot that has been exhibited by an absentee voter with the intent to influence other voters. If the absentee voter improperly marks or otherwise damages the ballot, the voter may request, and the election official shall provide, him/her with another ballot up to a maximum of three. Exhibited, improperly marked or damaged ballots shall be destroyed. The number of ballots destroyed shall be noted on the ballot statement.
- (e) If the qualifications of the absentee voter is subject to question, the voter shall vote a questioned ballot as provided in KMC 6.25.070.
- (f) Each absentee voting official shall keep a record of the names and signatures of voters who cast absentee ballots before him/her and the dates on which the ballots were cast.

#### **6.30.050 – Absentee Voting – By Mail.**

- (a) A qualified voter may apply for an absentee ballot by mail if postmarked not earlier than the first of the year in which the election is to be held nor less than seven (7) days before an election. A voter may request their name be placed on permanent absentee by mail status. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address, a voter identifier such as a voter number, social security number or date of birth, and the applicant's signature.
- (b) After receipt of an application for an absentee ballot by mail, the Clerk shall send the absentee ballot and other absentee voting material to the applicant by first class mail. The materials shall be sent as soon as they are ready for distribution. The postage paid return envelope sent with the materials shall be addressed to the Clerk.

- (c) Upon receipt of an absentee ballot by mail, the voter may proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of an official who shall sign as attesting official and shall date their signature. Officials recognized to attest to the veracity of signatures listed in this subsection are: a notary public, a commissioned officer of the armed forces, including the National Guard, state court judge, state court clerk, United States postal official, or other person qualified to administer oaths. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall have the ballot witnessed by a person over the age of 18 years.
- (d) An absentee ballot must be marked and attested on or before the date of the election. If the voter returns the ballot by mail, they shall use the most expeditious mail service and mail the ballot not later than the day of the election to the Clerk. It must be postmarked on or before midnight of Election Day and received by the Clerk no later than noon on the seventh day following the election. Ballot envelopes received after that time shall not be opened but shall be marked "invalid", with the date of receipt noted thereon, and shall be preserved with other ballots of the election.
- (e) The Clerk shall, as soon as practicable, make a reasonable effort to contact each absentee by mail voter, whose absentee ballot would be rejected under KMC 6.40.030(a), explain why the ballot would be rejected, and provide a reasonable opportunity, until 5:00 p.m. on the sixth day after Election Day, to cure the ballot.
- (f) The Clerk may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of their identity.
- (g) The Clerk shall maintain a record of the name of each voter to whom an absentee ballot is sent by mail. The record must list the date on which the ballot is mailed and the date on which the ballot is received by the Clerk and the dates on which the ballot was executed and postmarked.

### **6.30.060 – Absentee Voting – By Electronic Transmission.**

- (a) A qualified voter may apply for an absentee ballot to be sent by electronic transmission. Such request must be made not less than the day immediately preceding the election. Absentee ballots will be electronically transmitted to the location designated in the application. If no location is designated, and if the request is received no later than seven (7) days prior to the election, the ballot will be mailed in the manner provided in KMC 6.30.050 for absentee ballots by mail. The Clerk will provide reasonable conditions for electronically transmitting absentee ballots.
- (b) A ballot electronically transmitted shall contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the polling place is acceptable.
- (c) An absentee ballot that is completed and returned by the voter by electronic transmission must:
1. Contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature; and

2. Be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by one United States citizen who is 18 years of age or older.
- (d) The voter shall mark the ballot on or before the date of the election and may use a mail service at least equal to first class and mail the ballot not later than the day of the election to the Clerk. The ballot may not be counted unless it is received by noon on the seventh (7<sup>th</sup>) day after the election.
- (e) A voter who returns the absentee ballot by electronic transmission must comply with the same deadlines as for voting in person on or before the closing of the polls.
- (f) When a completed absentee ballot is received by electronic transmission, the Clerk will note the date of receipt on the absentee ballot application log and, if the ballot is received on Election Day, the time of receipt. The Clerk will then:
1. Remove the ballot portion of the transmission from the portion that identifies the voter;
  2. Place the ballot portion in a secrecy sleeve;
  3. Seal the secrecy sleeve in an outer envelope of the type used for absentee ballots returned by mail, and seal that envelope;
  4. Attach the voter identification portion to the outer envelope; and
  5. Forward the outer sealed envelope to the canvas board for review.
- (g) The Clerk shall, as soon as practicable, make a reasonable effort to contact each absentee by electronic transmission voter, whose absentee ballot would be rejected under KMC 6.40.030(a), explain why the ballot would be rejected, and provide a reasonable opportunity, until 5:00 p.m. on the sixth day after Election Day, to cure the ballot.
- (h) An electronically transmitted ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular absentee voter cast his or her ballot. However, it shall be unlawful to display a telefax ballot in a manner revealing the way in which a particular voter cast his or her ballot to any person other than the Clerk, a member of the Clerk's staff, an election official in the course of his or her duties, or an attorney advising the Clerk on legal questions concerning the ballot.

### **6.30.070 – Special Needs Voting.**

A qualified voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote a special needs ballot. Special needs ballots shall be issued and accounted for in accordance with the rules adopted by the state for use in state elections and in effect at the time of the local election.

### **6.30.080 – Prohibitions.**

- (a) During the hours that the absentee voting locations are open, no election official may discuss any political party, candidate or issue while on duty.
- (b) During the hours the absentee voting locations are open, no person who is in the absentee voting location or within 200 feet of any entrance to the absentee voting location may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. The election official shall post warning notices in the form and manner prescribed by the Clerk.

- (c) No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in this chapter.
- (d) While the absentee voting locations are open no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.
- (e) No person may leave the absentee voting location with the official ballot that the person received to mark.

### **6.30.090 - Assistance to Voters.**

A qualified voter who cannot read, mark the ballot or sign his/her name may request an election official or not more than two persons of his/her choice assist him/her. If the election official is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election official that he/she will not divulge the vote cast by the person whom he/she assists.

### **6.30.100 - Counting of Absentee Ballots.**

To be counted in the election, an absentee ballot must be postmarked or electronically submitted on or before Election Day and be received by the Clerk no later than noon the Tuesday following the election. Ballot envelopes received after the canvass board has completed absentee ballot counting shall not be opened, but shall be marked "invalid" with the date of receipt noted thereon. Such envelopes shall be retained with the other election records and destroyed with them as provided by the City's records retention schedule. Absentee ballot envelopes shall be examined by the canvass board who shall determine whether the absentee voter is qualified to vote at the election or whether the ballot has been properly cast.

### **6.30.110 - Names of Absentee Voters.**

The Clerk shall maintain a record of the name of each voter whom an absentee ballot is sent under this section. The record must list the date on which the ballot is mailed or provided by electronic transmission, the date on which the ballot is received by the Clerk and the dates on which the ballot was executed and, if by mail, postmarked. The record shall be available for public inspection. The absentee voting officials shall provide the Clerk the names and addresses of those persons who voted or attempted to vote absentee in person.

## **Chapter 6.35** **Ballot Counting Procedures.**

### **6.35.010 – Commencement of Ballot Count.**

- (a) For counting of paper ballots, when the polls are closed and the last vote has been cast, the election board shall immediately proceed to open the ballot box, separate the questioned ballot envelopes from other ballots and then proceed to count the votes cast. In all cases the election board shall cause the count to be continued without adjournment until the count is complete. The Clerk may authorize the appointment of counters to assist in the counting of



ballots. Before undertaking the duties of the office, each counter shall subscribe to an oath to honestly, faithfully, impartially and promptly carry out the duties of the position. An election judge may administer the oath. If an appointed counter fails to appear and subscribe to the oath at the time designated by the Clerk, the election board may appoint any qualified voter to fill the vacancy.

- (b) In optical scan or other computer-read precincts, when the polls have closed and the last vote has been cast, the election board shall immediately transmit election results to the Borough Clerk following the written instructions provided to each precinct. Once the election results have been transmitted, the election board shall open the ballot box, separate questioned and write-in ballots from other ballots cast, place all ballots in the tamper proof containers provided, and proceed with the ballot accountability and poll closing procedures provided by the Clerk.

### **6.35.020 – General Procedure for Ballot Count.**

- (a) The election supervisor may issue rules prescribing the manner in which the precinct ballot count is accomplished so as to assure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing:
1. The number of official ballots received; and
  2. The number of official ballots voted; and
  3. The number of official ballots spoiled; and
  4. The number of official ballots unused and destroyed.
- (b) The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted and the numbers included in the certificate prescribed by the election supervisor.
- (c) When hand counting ballots, the election board shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope may have a marking device in hand or remove a ballot from the immediate vicinity of the polls.
- (d) Ballots may not be counted before 8:00 p.m., local time, on the day of the election.

### **6.35.030 – Rules for Counting Hand-Marked Ballots.**

- (a) The election officials shall count hand marked ballots according to the following rules:
1. A voter may mark his or her ballot with a cross mark, "X" mark, diagonal, horizontal or vertical mark, solid mark, star, circle, asterisk, check or plus sign using the parking device provided at the polling place or with any black-inked marker. The marks will be counted only if they are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
  2. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
  3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
  4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

5. The mark specified in subsection 1 of this section shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square marked.
  6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly marked.
  7. An erasure or correction invalidates only that section of the ballot in which it appears.
- (b) The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

#### **6.35.040 – Write-in Votes.**

- (a) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.
- (b) In order to vote for a write-in candidate, the voter must write a candidate's name in the space provided and, in addition, mark the square opposite the candidate's name in accordance with KMC 6.35.030(a). Stickers may not be used. Use of stickers can cause that portion of the ballot to be invalidated.
- (c) Write-in votes shall only be tabulated by person if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.

#### **6.35.050 – Disqualified Candidate.**

Votes cast for a candidate who is disqualified shall not be counted for any purpose.

#### **6.35.060 – Tally of Votes.**

Tally of votes cast by paper ballots. The Clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy and to expedite the process. The election board shall canvass and count the votes according to the rules for determining marks on ballots prescribed in KMC 6.30.030. The election board shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the election supervisor may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.

#### **6.35.070 – Completion of Ballot Count.**

When the tally of hand counted ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results. The certificate includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the election supervisor. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the election supervisor one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed or hand delivered

to the election supervisor. The package shall clearly indicate the precinct from which it came. To assure adequate protection the election supervisor shall prescribe the manner in which the ballots, registers and all other election records and materials are thereafter preserved, transferred and destroyed.

### **6.35.080 – Other Ballot Counting Systems.**

Nothing in this title prohibits the use of other ballot counting systems which have been approved for use in state or borough elections. The election supervisor, subject to any further approval as may be required by law, may prescribe rules for the use of these systems or may adopt such rules, regulations and procedures as have been adopted by the state for use in state elections or adopted by the borough in borough elections.

## **Chapter 6.40** **Canvassing and Certification of Election Results.**

### **6.40.010 – Canvass Board.**

(a) Pursuant to the provisions of Section 10-9 of the Charter of the City of Kenai, there is hereby established a Canvassing Board for the canvassing of all City elections; regular and special, and to ascertain and declare the results thereof, as follows:

- (1) The City Clerk is hereby designated as the Chair of the Canvassing Board.
- (2) The Canvassing Board shall consist of the City Clerk and up to five (5) additional judges selected from among the qualified voters of the City. In the event any such appointed member of the Board is absent from the City, ill, or otherwise unable to attend at the time set for canvassing the ballot, the City Clerk is hereby authorized to appoint another election judge from the same precinct to substitute for the appointed member.

(b) All members of the election canvass board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the Clerk.

### **6.40.020 – Canvass of Returns.**

- (a) The canvassing board shall meet on the Tuesday following each election, the election canvass board shall meet in public session and canvass all election returns. In full view of those present, the election canvass board shall judge the applicability of by mail and absentee ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. The canvass of the ballot vote counted by the precinct election boards shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's certificate of results. All obvious errors found by the election canvass in the transfer of totals from the precinct tally sheets to the precinct certificate of results shall be corrected by the canvass board. A mistake which has been made in precinct returns that is not clearly an error in the transfer of the results from the tallies to the certificate of results empowers the canvass board to recommend a recount of the results of the precinct or precincts for that portion of the returns in question. Upon completion of the canvass, the canvassing board shall prepare a final certificate of the results of votes cast by absentee ballot and of votes cast by mail

ballot, and shall prepare a written report of the results.

- (b) The Clerk, as chair of the canvassing board, shall report the results of the election to the Council at the next regular Council meeting following the meeting of the canvassing board.

#### **6.40.030 – Procedures for Handling Questioned Ballots.**

The canvass board by majority vote may refuse to accept the question and count the ballot of a person properly questioned. If the ballot is refused, the Clerk shall return a copy of the statement questioning the ballot to the voter, and shall enclose all rejected ballots in a separate envelope with statements of the basis for the question. The envelope shall be labeled with "rejected ballots" and shall be preserved with other voted ballots. If the ballot is not refused, the large envelope shall be opened; the smaller inner envelope shall be placed in a container and mixed with other absentee ballot envelopes or, in the case of counting questioned ballots, with other questioned ballot envelopes. The mixed smaller envelopes shall be drawn from the container and opened, and the ballots shall be counted according to the rules for determining properly marked ballots.

#### **6.40.040 – Voters Not on Official Registration List.**

A person whose registration has been canceled under AS 15.07.130(b) shall not have their ballot counted.

#### **6.40.050 – Certification of the Election Results.**

- (a) At the next regular Council meeting following the meeting of the canvassing board, the Council shall meet in public session to receive the report of the Canvass Board. If, after considering the report, the Council determines that the election was validly held, the election shall be certified by majority vote and entered upon the minutes of the meeting, together with the total number of votes cast for each candidate and for or against each proposition or question.
- (b) If the canvass board reports that a failure to comply with provisions of state law and City ordinances, or an illegal election practice has occurred, and that such failure is sufficient to change the outcome of the election, then the Council may exclude the votes cast in one or more precincts where such failure or illegal practices occurred from the total returns, or may declare the entire election invalid and order a new election.
- (c) If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the Council may order a recount of votes cast in said precinct or precincts. Such recount shall be conducted immediately by the canvass board and the results shall be reported to the Council. The Council shall meet as soon as possible to certify the results of the election recount.
- (d) Upon certification of a valid election, the Clerk shall deliver to each person elected to office a certificate of election, signed by the Clerk and authenticated by the seal of the City, in accordance with City Charter, Section 10-9.

### **Chapter 6.45** **Election Recount.**

#### **6.45.010 – Recount Application.**

- (a) Any defeated candidate or any ten (10) qualified voters, who believe that a mistake has been made by an election official or by the canvass board in counting the votes in any election, may make an application in writing to the Clerk for a recount of the votes for any particular office or on any particular question. The application must be filed in the office of the City Clerk within twenty-four (24) hours, excluding any Saturday, Sunday, or holiday after the Council certifies the results of the vote being questioned. In case of a tie vote between two (2) or more candidates, to which only one candidate is to be elected, the Clerk shall initiate a recount.
- (b) The application shall include a deposit in cash or by certified check for the amount listed in the most current City of Kenai Schedule of Rates, Charges and Fees. The deposit shall be applied against any costs incurred or refunded if there is no liability for recount costs.
- (c) A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular precinct, office, proposition or question for which the recount is to be held and shall state that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or person making the application shall designate by full name and mailing address two persons who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by ten qualified voters shall also include the designation of one of the number as chairman. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

#### **6.45.020 – Date of Recount – Notice.**

- (a) If the Clerk determines that the application is substantially in the required form, the Clerk shall fix the date of the recount to be held within forty-eight (48) hours, excluding any Saturday, Sunday, or holiday, after the receipt of an application requesting a recount of the votes in a City election after it has been initiated under KMC 6.45.010.
- (b) The Clerk shall give the recount applicant and other directly interested parties notice of the time and place of the recount by telephone or electronic transmission.

#### **6.45.030 – Procedure for Recount.**

- (a) If a recount of ballots is demanded, the Clerk shall appoint a recount board of four or more qualified voters to conduct the recount of ballots or those precincts cited in the application for recount.
- (b) In conducting the recount, the recount board shall review all ballots to determine which ballots or parts of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate, and the review. For administrative convenience, the Clerk may join and include two or more applications in a single review and count of votes. The rules governing the counting of marked ballots shall be followed in the recount.
- (c) The ballots and other election materials shall remain in the custody of the Clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within ten (10) days.

#### **6.45.040 – Certification of Recount Result.**

Upon completion of the recount, the recount board shall meet and adopt a report of the results of the recount for submission to the Council. The Council shall abide by procedures for issuing a certificate of the election as set forth in this title. The Clerk shall promptly issue another election certificate if a change in the results requires it.

**6.45.050 – Return of Deposit and Apportionment of Expenses Upon Recount.**

If, upon recount, a different candidate or position on a proposition or question is certified or if the vote on recount is four percent (4%) or more in excess of the vote originally certified for the candidate or position on a proposition or question supported by the recount application, the entire deposit shall be refunded to the recount applicant; otherwise, it shall be placed in the general fund of the City. If this section does not require that the entire deposit be refunded, the Clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If it is determined that the contestant shall bear the costs of the recount pursuant to this section, and the deposit is insufficient to cover the costs, the City may recover the excess costs from the contestant. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expense.

**6.45.060 – Appeal to the Courts After Recount.**

Any candidate or a majority of the persons who requested a recount who have reason to believe that an error has been made in the recount involving any candidate or question, may appeal to the Superior Court in accordance with applicable court rules governing appeals in civil matters. The filing of the appeal and the proceedings shall be, as nearly as may be, as in case of such an appeal made after a recount in a State election.

**Chapter 6.50**  
**Contest of Election.**

**6.50.010 – Grounds for Election Contest.**

A candidate or any ten (10) qualified voters of the City may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

- (a) Malconduct, fraud or corruption by an election official sufficient to change the result of the election;
- (b) The person elected is not qualified under law or ordinance; or
- (c) Existence of a corrupt election practice, as defined by the laws of the State of Alaska, sufficient to change the result of the election.

**6.50.020 – Contest Procedure.**

- (a) Notice of contest of an election shall be submitted in writing to the Clerk before five (5) o'clock p.m. on the day of the certification of the election or to the Council at its meeting to certify the election returns. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

**NOTICE OF ELECTION CONTEST**

The undersigned contest the regular (or special) election of the City of Kenai held on the \_\_\_\_\_ day of \_\_\_\_\_ . The grounds for the contest are as follows:

Signature and date

(Notarization)

- (b) Upon receiving a notice of contest, the Council shall order an investigation be conducted by the Clerk and City Attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.
- (c) If the contest involves the eligibility of voters, the Council shall direct the Clerk to recheck the most current state registration lists. After considering the reports of the investigating officials and any other proof, the Council shall determine whether any illegally cast votes could have affected the election results. If they could not have, the Council may so declare and determine the election valid and certify the results pursuant to this title.
- (d) If the contest involves other prohibited election practices which are shown to have taken place, the Council, in certifying the election returns, shall exclude the vote of the precincts where such practices occurred. If it is determined that such exclusion could not affect the election results, the Council shall declare the election valid and certify the results pursuant to this title.
- (e) The contestants shall pay all costs and expenses incurred in a recount of an election as provided by KMC 6.45.010.

#### **6.50.030 – Appeal or Judicial Review.**

A person may not appeal or seek judicial relief of an election for any cause or reason unless the person is qualified to vote in the City, has exhausted all administrative remedies before the Council, and has commenced within ten (10) days after the Council has finally declared the election results, an action in the superior court. If an action under this section is not commenced within the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

### **Chapter 6.55** **Special Elections.**

#### **6.55.010 – Voting by mail—Ballots—Ballot review—Ballot envelopes.**

- (a) The Clerk may conduct a special election by mail.
- (b) When the Clerk conducts a special election by mail, the Clerk shall send a ballot to each person whose name appears on the official voter registration list prepared under Alaska Statute 15.07.125 for that election. The ballot shall be sent to the address stated on the official registration list unless the voter has notified the Clerk in writing of a different address to which the ballot should be sent. The Clerk shall send ballots by first class, nonforwardable mail no less than 22 days before the election.
- (c) The Clerk shall review ballots voted under this section under procedures established for the review of absentee ballots.
- (d) There shall be a small blank envelope and a return envelope supplied to each by-mail voter. The return envelope shall have printed upon it an affidavit by which the voter shall declare his/her qualifications to vote, followed by provision for attestation by a person qualified to

administer oaths or one attesting witness who is at least 18 years of age. Specific instructions for voting a by-mail ballot and a list of the appointed absentee voting officials, their hours and locations, will be mailed to each voter with the ballot.

**6.55.020 - Casting ballots.**

- (a) Upon receipt of a mail-in ballot, the voter shall cast their ballot in the manner specified in KMC 6.30.050. If the ballot is cast in the Clerk's office, the Clerk shall retain it for delivery to the Canvassing Board. If the ballot is cast in another location, the voter shall return it by mail to the Clerk immediately for delivery to the Canvassing Board.
- (b) A voter who does not receive a mail-in ballot may cast their ballot in person as specified in KMC 6.30.040.
- (c) A voter may return the mail-in ballot to the City Clerk as provided in KMC 6.55.040.
- (d) The Clerk shall immediately make a reasonable effort to contact each voter, whose absentee ballot would be rejected under KMC 6.40.030, explain why the ballot would be rejected, and provide a reasonable opportunity, until 5:00 p.m. on the sixth day after Election Day, to cure the ballot.

**6.55.030 - Notice of election—Election date—Public notice.**

- (a) The notice of election calling for the election must state that the election is to be conducted by mail and that there will be no polling place open for regular in-person voting on election day. In a by-mail election, Election Day is the deadline by which a voter's ballot must be received by the Clerk.
- (b) For each election conducted by mail, the public notice posted in each precinct and the notice published in newspapers of general circulation in the area of the election jurisdiction will include the information specified in KMC 6.20.020.

**6.55.040 - Absentee voting official—Duties.**

- (a) The City Clerk, or designee, shall act as absentee voting official. The Clerk shall supply adequate voting supplies and ballots to the absentee voting officials. The Clerk shall provide moderate compensation to the absentee voting official to cover added expenses of the administration of this service, which shall be agreed to by the absentee voting official.
- (b) The duties of the absentee voting officials shall be as follows:
  1. Provide absentee voting in person on any date including the day of the election following the procedures in KMC 6.30.040 and special needs voting on any date including the day of the election following the procedures in KMC 6.30.070; and
  2. Sign a voter's by-mail oath and affidavit envelope as an authorized attesting official, except that the absentee voting official may not attest his/her own ballot; and
  3. Accept receipt of a by-mail voter's hand-delivered ballot, which has been sworn to, attested and sealed in the by-mail return envelope; and
  4. Provide general voter assistance, including but not limited to, assistance to a qualified voter who cannot read, mark the ballot, or sign his/her name, and providing



replacement ballots to voters who have improperly marked or damaged their ballots;  
and

5. Date-stamp all ballots received; and

6. Provide for the security and safekeeping of all ballots received and present those  
ballots to the Clerk for canvassing. The Clerk will specify the means of returning the  
voted ballots and all other election supplies to the City.

**6.55.050 - Storing ballots.**

The Clerk shall provide for the secure storage of the mail-in ballots received from the voters and  
by-mail officials until the date set by the Clerk for counting of ballots.

**Section 2.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 3.** Effective Date: That this ordinance shall take effect on January 1, 2022.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 4<sup>th</sup> day of August, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Introduced: July 7, 2021  
Enacted: August 4, 2021  
Effective: January 1, 2022



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz, City Clerk  
**DATE:** June 28, 2021  
**SUBJECT:** Ordinance No. 3224-2021

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Because the City has traditionally collaborated with the Kenai Peninsula Borough (KPB) on the administration of the annual regular municipal elections and is considering entering into a Memorandum of Agreement (MOA) to memorialize that collaboration along with utilizing KPB's new equipment, to include ADA Accessible equipment, and no longer using State election equipment, I felt it was in the best interest of the City to re-write our election code, Title 6, to align our election practices with the Borough's.

This ordinance also makes the following policy changes:

- 1) Incorporate the opportunity for absentee voters who can, to cure their envelope in what would have previously been a rejection situation. This feature was appreciated during the work session in June 2020 when considering a vote by mail method of voting and seeks to include as many ballots as possible instead of to reject them.
- 2) Makes the clarification that the Clerk determines qualifications of candidates (Charter provides that Council determine qualifications of its members which would be after election). This matches KPB, Soldotna, and the Municipality of Anchorage.
- 3) Adds a process for determining qualifications of candidates which matches KPB and Municipality of Anchorage. This provides for an administrative process without the person getting elected, Council having to conduct the process, and leaving a vacancy for Council to appoint.
- 4) Amends the retention for election records. I recommend retaining for one year instead of the three and four years currently required due to the personally identifiable information included in these records. Election contests and appeals must be brought within ten days of certification so the records will certainly be available for those actions. One year is consistent with KPB.
- 5) Provides a timeline for adoption of legislation to place a proposition on a ballot which coincides with KPB. This has been our practice in order for us to collaborate with the KPB, this spells it out in code.
- 6) Requires publication of a notice of voter registration as a reminder to voters to update their registration; this has been past practice and will be added to code.
- 7) Requires compliance with APOC requirements for campaign reporting. This has been past practice to notify the candidates of their requirement; now it will be in code.

- 8) Requires a public notice announcing vacancies for offices to be filled at the election and procedures for filing. This is consistent with past practices.
- 9) Requires noticing of bonded indebtedness before a General Obligation Bond election. This is consistent with KPB, Soldotna, and Municipality of Anchorage noticing requirements.
- 10) Spells out requirements for ballot form consistent with KPB given the likely transition to utilizing their equipment instead of the State's.
- 11) Reporting voter information to the State. This has also been a past practice.
- 12) Added clarifications to poll watchers; this is consistent with State policy and Fairbanks North Star Borough.

The above additions and addressing our ADA needs provides value added to our election processes in a way that honors the wishes of the majority of the voters.

Following is a section by section analysis of what is proposed to be new in our election code and why, how our current election code was incorporated into this ordinance, and highlights potential policy changes.

Chapter 6.05 – General Provisions. This chapter compiles the sections containing general provisions of elections.

6.05.010 – Definitions. This section is new and helps the user understand terms we regularly use in administration of elections. The definitions are consistent with state and borough law.

6.05.020 – Powers and Duties of the Clerk. This is similar to what is in current code (6.05.070); matches the Municipality of Anchorage and City of Soldotna. A new policy in this section provides that the Clerk determines whether a candidate for City office is qualified based on the qualifications provided in Charter and Title 6. City Charter provides that the Council judges qualifications of its members; this proposed code would provide for an administrative process to take place prior to a name being placed on the ballot, before a candidate becomes a member.

6.05.030 – Election Times. This section restates Charter.

6.05.040 – Votes Required for Election to Office. This section restates Charter.

6.05.050 – Preservation of Election Ballots, Papers, and Materials. This section is similar to what is in current code. A modification to the policies being proposed here is a reduction in the length of retention of registers, nominating petitions, and declarations of candidacy is from three or four years to one year. The reason is due to personally identifiable information included in these records to include dates of birth and/or social security numbers. An election contest can be brought within ten days after certification. Beyond that, we need to balance the security risk with the benefit to keeping the records. One year matches the length of time that the Kenai Peninsula Borough retains their records.

6.05.060 – Election Expenses. This section is similar to what is in current code (6.05.050).

6.05.070 – Initiative, Referendum, and Recall. This section restates charter and is similar to what is in current code (Chapters 6.20 and 6.30).



6.05.080 – Proposition and Questions. This is a new add and coincides with the borough's requirements for ballot preparation.

Chapter 6.10 – Voter Qualifications. This chapter compiles the sections pertaining to voter qualifications.

6.10.010 – Voter Qualifications. This section fleshes out Kenai Charter and the Alaska Constitution; it is copied from AS 29.26.050 which indicates that it applies to home rule municipalities.

6.10.020 – Rules for Determining Residence of Voters. This section would be new to our code; restates Alaska Statute 15.05.020 regarding residency.

6.10.030 – Notice of voter registration. This section would be new in our code but has been our practice for several years. We publish this ad jointly with the City of Soldotna, each city publishing twice, for a total of four publications in the newspaper to reach a bigger audience.

Chapter 6.15 – Filing for Office. This chapter compiles the sections pertaining to candidates filing for office.

6.15.010 – Candidate Qualifications. This section is new to code; restates charter.

6.15.020 – Nomination and Declaration of Candidacy. This section restates what is in current code (6.10.010, 6.10.020, and 6.10.030).

6.15.030 – Review of Candidate Qualifications. This section goes with the new policy that the Clerk determines qualifications of candidates. These are the rules the Clerk is to use for determining candidate qualifications and also includes a process for challenging the Clerk's determination. These are the administrative processes mentioned in the analysis of 6.05.020 and are materially the same as KPB's and Municipality of Anchorage's procedures.

6.15.040 – Campaign Reporting. This section adds that candidates are to comply with APOC's campaign reporting requirements. Our practice has been to provide the information to candidates in the candidate filing packet. Adding this section memorializes the requirement.

6.15.050 – Notice of Vacancy. This section is new to code; has been past practice for many years.

Chapter 6.20 – Administration of Elections. This chapter compiles the sections pertaining to election administration.

6.20.010 – Election Notices. This section is what is in current code (6.05.100) and adds a few provisions which has been past practice (type of election, voter qualifications, and instructions for absentee voting). It also lengthens what is in current code from ten days to twenty days to provide voters ample time to navigate absentee voting, if needed.

6.20.020 – Election Officials. This section is in current code (6.05.040).

6.20.030 – Ballot form. This section spells out what the ballot needs to look like and was taken from the borough. Our current code (6.05.080(a)) says the provisions of state law should be followed; however, given we will be using KPB equipment, we should follow KPB requirements.



6.20.040 – Ballot Preparation and Distribution. Much of this section is current code (6.05.080). Some is new in code but is current practice and aligns with KPB code.

6.20.050 – Ballot Shortage. This is new in the code. It is common in codes as a safety net and is also in State law (AS 15.15.140).

6.20.060 – Reporting Voting Information to the State. This is new in the code but has been common practice to assist with keeping voter history records accurate.

Chapter 6.25 – Polling Site Procedures. This chapter compiles the sections pertaining to procedures at the polling places.

6.25.010 – Prohibitions. This was copied from KPB and City of Soldotna code and has been past practice; had been incorporated into our current code by reference (6.05.110) where it says Alaska Statutes 15.15 –15.20 should be followed in conducting an election. The provisions specific to this section were AS 15.15.160 and AS 15.15.170.

6.25.020 – Opening of Polling Place. This section is new in our code and was copied from KPB, has been past practice, and should remain given the city and borough are cooperatively administering elections.

6.25.030 – Watchers. We traditionally allow for poll watchers in current code (6.05.060); this section now clarifies what poll watchers may do and provides a registration process similar to state law and Fairbanks North Star Borough.

6.25.040 – Ballot Box Security. This section is new in our code and was copied from KPB. It has been past practice in local and state elections and is a part of the instructions manuals.

6.25.050 – Voter Register. This section restates current code (6.05.080(c) and 6.05.020(a)).

6.25.060 – Voter Identification. This section restates current code (6.05.020(b)) and also State law, AS 15.15.225.

6.25.070 – Providing Ballot to Voter. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110). The procedure has been practice. The language is similar to KPB's code and is also in State law, AS 15.15.230.

6.25.080 – Questioned Voting. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.198 and AS 15.15.210. The procedure has been past practice and the language is similar to KPB's code.

6.25.090 – Assistance to Voters. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.240. The procedure has been past practice and the language is similar to KPB's code.

6.25.100 – Spoiled Ballots. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.250. The procedure has been past practice and the language is similar to KPB's code.

6.25.110 – Alternate Ballots. This section is newly spelled out in our code. The procedure has been past practice and the language is similar to KPB's code.



6.25.120 – Placing Ballots in Ballot Box. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.260. The procedure has been past practice and the language is similar to KPB's code.

6.25.130 – Closing of Polls. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.310 – AS 15.15.330 and AS15.15.350. The procedure has been past practice and the language is similar to KPB's code.

6.25.140 – Unused Ballots. This section is newly spelled out in our code; it has been past practice in state and local elections. The language of this section is similar to KPB's code.

Chapter 6.30 – Absentee Voting. This chapter compiles the sections pertaining to absentee voting.

6.30.110 – Administration of Absentee Voting. This section is similar to current code (6.05.140).

6.30.020 – Eligibility. This section is similar to current code (6.05.140 and 6.05.150).

6.30.030 – Materials for Absentee Voting. This section is similar to current code (6.05.160).

6.30.040 – Absentee Voting in Person. This section is similar to current code (6.05.145).

6.30.050 – Absentee Voting - By Mail. A portion of this section is similar to current code (6.05.150). The remainder of it was incorporated by reference as it is in State law, AS 15.20.081. The procedure has been past practice and the language is similar to KPB's code.

6.30.060 – Absentee Voting - By Electronic Transmission. This section is the same as current code (6.05.335).

6.30.070 – Special Needs Voting. This section is newly spelled out in our code, referencing state law. It was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.20.072. The procedure has been past practice and the language is similar to KPB's code.

6.30.080 – Prohibitions. This section was modified the previous section specific to in person voting; they are the same prohibitions specific to absentee voting. This was copied from KPB and City of Soldotna code and has been past practice; had been incorporated into our current code by reference (6.05.110) where it says Alaska Statutes 15.15 –15.20 should be followed in conducting an election. The provisions specific to this section were AS 15.15.160 and AS 15.15.170.

6.30.090 – Assistance to Voters. This section was modified the previous section specific to in person voting; it is the same assistance information specific to absentee voting. This was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.240. The procedure has been past practice and the language is similar to KPB's code.

6.30.100 – Counting of Absentee Ballots. This section is, for the most part, in current code (6.05.120(c)). It has been adapted to match KPB code.

6.30.110 – Names of Absentee Voters. This section is new in code, has been past practice, and was copied from KPB code.



Chapter 6.35 – Ballot Counting Procedures This chapter compiles the sections pertaining to procedures for counting ballots.

6.35.010 – Commencement of Ballot Count. This section is new in code, has been past practice, and was copied from KPB code to align with cooperative administration of elections.

6.35.020 – General Procedure for Ballot Count. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS15.15.350. The procedure has been past practice and the language is similar to KPB's code.

6.35.030 – Rules for Counting Hand-Marked Ballots. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS15.15.360. This section provides guidance for ballots which the optical scanner or other computer read ballot was unable to read.

6.35.040 – Write-in Votes. This section would be newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.365 and AS 15.15.361.

6.35.050 – Disqualified Candidates. This section would be newly spelled out in our code; it goes along with the new policy that the Clerk determines qualifications of candidates. Because it is possible for the candidate to be disqualified after the ballots have been ordered, this section addresses not counting those votes. The language in this section is similar to KPB.

6.35.060 – Tally of Votes. This section would be new in our code. It is copied from KPB code. It gives provisions for counting ballots in the event of an equipment failure or power outage.

6.35.070 – Completion of Ballot Count. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.370. This section provides guidance for returning the completed election materials to the clerk.

6.35.080 – Other Ballot Counting Systems. This section would be new in our code. It is copied from KPB code. It gives provides for using equipment approved for use in state and borough elections.

Chapter 6.40 – Canvassing and Certification of Election Results. This chapter compiles the sections pertaining to canvassing and certifying the election.

6.40.010 – Canvass Board. This section is in current code (6.05.120(a)(1&2)). I've added that they must take an oath which is consistent with past practice and was copied from KPB code.

6.40.020 – Canvass of Returns. This section restates current code (6.05.120(b))

6.40.030 – Procedures for Handling Questioned Ballots. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.20.207. This section provides guidance for counting or rejecting questioned ballots.

6.40.040 – Voters Not on Official Registration List. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.198. This section provides guidance for rejecting ballots of voters whose registrations have been canceled.



6.40.050 – Certification of the Election Results. This section would be new in our code. It fleshes out Charter and was copied from KPB; it provides guidance on Council action after receipt of the report of the Canvass Board.

Chapter 6.45 – Election Recount. This chapter compiles the sections pertaining to an election recount.

6.45.010 – Recount Application. This section, for the most part, is in current code (6.05.220). It has been expanded to include additional details about the recount request on the application which has been modified from AS 15.20.440 and KPB code.

6.45.020 – Date of Recount – Notice. This section is substantially the same as current code (6.05.220(c)). It adds provisions for notifying the applicant for recount and interested parties of the time and place the recount will be taking place.

6.45.030 – Procedure for Recount. This section is newly spelled out in our code and is similar to KPB code. It was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.20.480.

6.45.040 – Certification of Recount Result. This section is newly spelled out in our code and is similar to KPB code. It was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.20.490.

6.45.050 – Return of Deposit and Apportionment of Expenses Upon Recount. This section expands on current code (6.05.220(b)). It is similar to KPB code and addresses partial refunds and recovering excess costs should the recount not change the results by 4% or more.

6.45.060 – Appeal to the Courts After Recount. This section is in current code (6.05.230)

Chapter 6.50 – Contest of Election. This chapter compiles the sections pertaining to an election contest and is addressed in current code (6.05.240) where guidance is to use same grounds and in the same manner, as nearly as may be, as in election contests arising out of State elections. State law has been written into this chapter of the ordinance as adapted from State law, AS 15.20.540 - 550. Also, pursuant to AS 29.26.070, which provides that governing bodies may, by ordinance, set the procedure for the contest of an election, provisions similar to KPB, Ketchikan Gateway Borough, Mat-Su Borough, and City of Soldotna, related to a local investigation process were incorporated prior to the matter being elevated to superior court.

Chapter 6.55 - Special Elections. This chapter compiles the sections pertaining to a special election and is in this ordinance as it is in current code (6.05.300 – 6.05.340).

To the extent possible, all current sections of code were incorporated into this ordinance while retaining the ability to share resources with the borough and attempting to improve processes and provide clarity. Sections in current code that were not incorporated in some way were:

- 6.05.190 which addresses a receiving board which has traditionally been the members of the Clerk's Office, and a data processing control board which KPB has traditionally provided for and is incorporated in the MOA considered in Resolution No. 2021-46;
- 6.05.210 which speaks to computer testing which KPB has traditionally provided for and is incorporated in the MOA considered in Resolution No. 2021-46; and,





- 6.05.250 which speaks to rules and regulations developed by the Director of Elections at the state level also applying to City elections, however, by collaborating with KPB, we should match KPB as much as possible.
- 6.05.270 which addressed offenses and penalties; those offenses and penalties are addressed in state law, carry heavier penalties in state law, and we can prosecute those offenses.

Your consideration is appreciated.





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz, City Clerk  
**DATE:** June 29, 2021  
**SUBJECT:** **Resume Normal Seating in Council Chambers**

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Ordinance 3114-2020, enacted on March 18, 2020, provided that the Mayor had the authority to modify and/or waive City Code pertaining to scheduling, teleconference participation, public participation, and other provisions of code related to meetings of the Council and other advisory and adjudicatory bodies of the City of Kenai, if deemed necessary for public health and safety. That ordinance sunset upon the termination of the City's Disaster Emergency Declaration on June 30, 2021. Additionally, vaccinations have been readily available to anyone who wants one for approximately three months.

At their June 23<sup>rd</sup> meeting, the Soldotna City Council decided to resume normal seating for City meetings.

Should the City of Kenai resume normal seating for all City meetings?

Your consideration is appreciated.



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz, City Clerk  
**DATE:** June 29, 2021  
**SUBJECT:** **Public Participation by Zoom**

---

Ordinance 3114-2020, enacted on March 18, 2020, provided that the Mayor had the authority to modify and/or waive City Code pertaining to scheduling, teleconference participation, public participation, and other provisions of code related to meetings of the Council and other advisory and adjudicatory bodies of the City of Kenai, if deemed necessary for public health and safety. That ordinance sunset upon the termination of the City's Disaster Emergency Declaration on June 30, 2021. Additionally, vaccinations have been readily available to anyone who wants one for approximately three months.

At their June 23<sup>rd</sup> meeting, the Soldotna City Council decided to discontinue Zoom for public participation in City meetings and at their April 12<sup>th</sup> meeting, the Seward City Council decided to discontinue Zoom for public participation in City meetings.

Should the City of Kenai discontinue public participation by Zoom for all Council, Commission, and adjudicatory meetings?

The City, for many years, has live video streamed its City Council and Planning & Zoning Commission meetings and will continue to do so indefinitely.

Your consideration is appreciated.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Paul Ostrander, City Manager

**DATE:** June 29, 2021

**SUBJECT:** **Discussion Item – Introduction of Kenai Waterfront Revitalization and Economic Development Incentives and Request to Schedule Work Session**

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In January of this year, Administration provided the Council with two programs currently under development – the Storefront Improvement Program and the Property Tax Incentive Program. Since that time, Administration has continued to evaluate and develop a framework for a number of programs focused on the long-term health of our business community. The intent of these programs is to strengthen the economic vitality of Kenai and best serve the citizens of Kenai with responsible management.

The *City of Kenai Imagine Kenai 2030 Comprehensive Plan* includes goals and objectives to promote projects that create workforce development opportunities, implement business-friendly regulations, taxation and incentives, and encourage the adaptive reuse of vacant commercial buildings in the City Center and along the Kenai Spur Highway. It further states that the City should develop land use strategies to implement a forward-looking approach to community growth and development and specifically identifies the waterfront adjacent to the Bridge Access Road beginning at Millennium Square to the City dock as an area for revitalization.

One of the greatest potentials to attract significant investment in Kenai is the waterfront area. The untapped potential and importance of Kenai's unique, defining natural asset near the mouth of the Kenai River has catalytic possibilities for large-scale waterfront development on vacant or abandoned sites previously utilized by commercial fishing processors. The City is in a position to provide strategic investments in infrastructure on our waterfront through public – private partnerships to facilitate redevelopment. However, it would be premature to propose a specific project or respond to an opportunity to promote a project should one arise without confirming that existing ownership, infrastructure, planning, and zoning will support the revitalization of the area.

Administration supports a feasibility study that would consider all aspects of the waterfront area and provide recommendations for a revitalization initiative, including any regulatory or code changes and partnership models necessary to support a revitalization of the area. This study would also look at the economic incentive programs that are under development to gauge the effectiveness of these programs in coordination with any revitalization effort.

Included as attachments to this memo are two documents that give a broad overview of programs that administration is working on, as well as a timeline that, with Council approval, we hope to follow over the next eight to nine months as we work through the process of development, public participation, and Council consideration. As proposed, the Kenai Waterfront Initiative would follow a separate process and legislation from the other economic development incentive programs, however, providing the information on all of the programs that are under development was important to demonstrate how the programs would work in concert to achieve the larger Council directed vision of creating an environment for both new and existing businesses in Kenai to thrive.

In order to engage residents in developing plans for the waterfront, given the potential to transform the area and attract large-scale investment in Kenai, Administration recommends scheduling a work session in early August and invite property owners and the community to gauge support for the program and to help administration refine the scope of work for a feasibility study for the area.

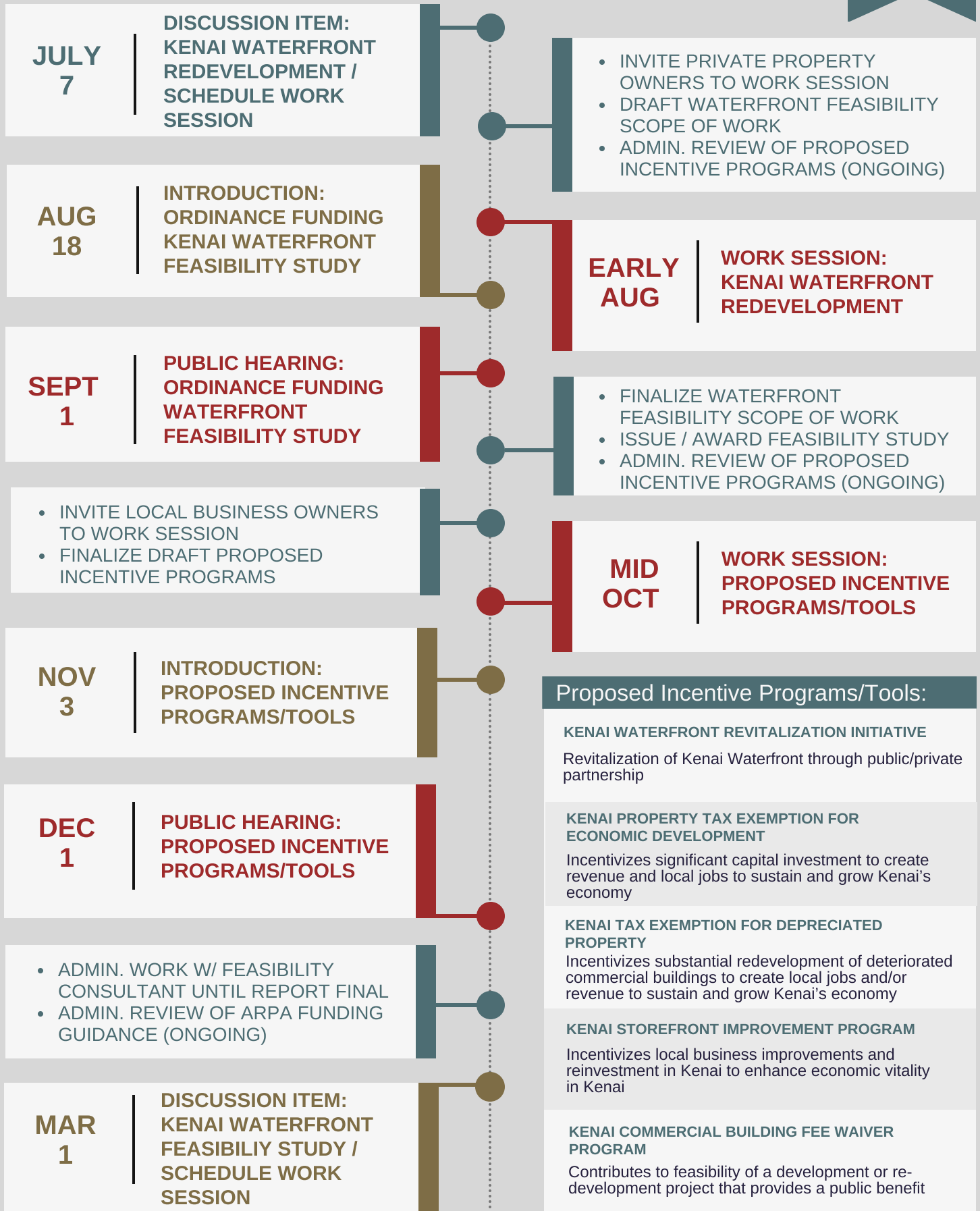
Your consideration is appreciated.

Attachments:

- Kenai Waterfront and Development Incentive Timeline
- Proposed Incentive Tools for Economic Development or Redevelopment in Kenai



# KENAI WATERFRONT AND ECONOMIC DEVELOPMENT INCENTIVES TIMELINE





**Kenai Property Tax Exemption for Economic Development**  
Incentivizes significant capital investment in Kenai to create local jobs and/or revenue



**Kenai Tax Exemption for Depreciated Property Redevelopment**  
Incentivizes substantial redevelopment of deteriorated commercial buildings



**Kenai Commercial Building Fee Waiver Program**  
Contributes to feasibility of a development or re-development project that provides a public benefit



**Kenai Storefront Improvement Program**  
Incentivizes local business improvements and reinvestment to enhance economic activity and vitality



**Kenai Waterfront Revitalization Initiative**  
Revitalization of Kenai Waterfront through public/private partnerships



## Proposed Incentive Tools For Economic Development or Redevelopment in Kenai

Imagine Kenai 2030 Comprehensive Plan Objectives:



### EXAMPLE 1: Substantial Renovation of a Deteriorated Building



**Substantial Renovation of a Deteriorated Building**

Project proposes a substantial redevelopment of a deteriorated commercial building in Kenai that is non-compliant with City building and property maintenance, incentives enable the project to move forward, the economic feasibility of the project has a long-term economic viability, will create additional employment, and provide public benefit.



### EXAMPLE 2: Significant New Waterfront Development



**Significant New Waterfront Development**

Project proposes a significant capital investment in Kenai that requires a public/private partnership to move forward and the economic feasibility of the project has a long-term economic viability, will create additional employment, and provide public benefit.

### Imagine Kenai 2030 Comprehensive Plan Objectives:



Promote projects that create workforce development opportunities



Implement business-friendly regulations, taxation and incentives to create a stable, positive climate for private investment



Promote adaptive reuse of vacant commercial buildings in the city center and along the Kenai Spur Highway



Review revitalization strategies for the area adjacent to the Bridge Access Road beginning at Millennium Square to the boat landing



Ensure that the installation of basic public infrastructure (roads, sewer, water, and drainage) is coordinated with development and that improvements needed to serve the development are in place at the time impacts occur

**KENAI COUNCIL ON AGING  
REGULAR MEETING  
MAY 13, 2021 – 4:30 P.M.  
KENAI SENIOR CENTER  
CHAIR DON ERWIN, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

The meeting was called to order by Chair Erwin at 4:32 p.m.

**a. Pledge of Allegiance**

Chair Erwin led those assembled in the Pledge of Allegiance.

**b. Roll was confirmed as follows:**

Members Present: R. Williams, R. Craig, V. Geller, M. Milewski, C. Thornton,  
Members Absent: D. Erwin, L. Nelson, S. Modigh,

A quorum was present.

Staff/Council Liaison  
Present: Administrative Assistant Clary, Council Liaison Pettey

**c. Agenda Approval**

**MOTION:**

Member Thornton **MOVED** for approval of the agenda as presented and Member Williams **SECONDED** the motion. There were no objections. **SO ORDERED.**

**2. SCHEDULED PUBLIC COMMENTS – None.**

**3. UNSCHEDULED PUBLIC COMMENT -- None.**

**4. APPROVAL OF MEETING SUMMARY**

**MOTION:**

Member Geller **MOVED** to approve the April 8, 2021 Meeting Summary as written and Member Milewski **SECONDED** the motion. There were no objections. **SO ORDERED.**

**5. UNFINISHED BUSINESS -- None.**

**6. NEW BUSINESS –**

**a. Discussion – Possible Name Change for Council on Aging**

Senior Administrative Assistant Clary provided a summary from the April 8<sup>th</sup> meeting for members who were absent at that time.

Senior Administrative Assistant Clary spoke to the laydown item “May 5<sup>th</sup>, 1971 City of Kenai



Resolution 71-11” and provided a summary of research done by Senior Director Romain regarding other areas of the nation.

Questions asked:

- Is there a reason for the change?
- Does it have to be approved by the City?
- Are there other places rejecting the word senior?

Input provided:

- There’s nothing wrong with being a senior citizen;
- We’re aging...some of us need help and some of us don’t;
- The laydown item states “The Mayor’s Council on Aging”;
- I don’t see any need to change the name.

After an in-depth discussion, to include brainstorming potential name change ideas, Members agreed to table the discussion again until the June 10<sup>th</sup> meeting.

b. **Discussion** – Greenhouse Project

Senior Administrative Assistant Clary reported that Director Romain and Senior Kenai Senior Connection, Inc. are still in the process of connecting with local vendors to view different options but a greenhouse has not been purchased as of this meeting.

7. **REPORTS**

- a. Senior Center Director – Senior Administrative Assistant Clary reported:
- Both temporary employees (20 hour & 14 hour) have resigned earlier than their expected date of June 30<sup>th</sup> (end of grant cycle). Resignations were due to finding permanent/full time employment with benefits for one employee and moving back to the States for the other employee;
  - Opening phases for the Center expected to be pushed back marginally to allow for 3 permanent full-time employees to take vacations due to not having any time off since before the Center closed for COVID-19 restrictions in March of 2020;
  - Still waiting on approval of the second MOWAA grant that will allow for another temporary employee;
  - Kayla Feltman, new Activities and Volunteer Coordinator, to start at Center full-time Monday, May 17, 2021.
- b. Council on Aging Chair – Chair Erwin, no report.
- c. City Council Liaison – Council Member Pettey reviewed the Action Agenda for the Council’s April 21, 2021 and May 05, 2021, meeting which was included in the packet, noting ordinances and resolutions passed, etc.

8. **NEXT MEETING ATTENDANCE NOTIFICATION** – June 10, 2021

Member Craig announced a potential absence for the June 10, 2021 meeting.

9. **COUNCIL MEMBERS COMMENTS AND QUESTIONS** – None.

10. **ADDITIONAL PUBLIC COMMENT** – None.
11. **INFORMATION ITEMS** – None.
12. **ADJOURNMENT**

**MOTION:**

Member Geller **MOVED** for adjournment and Member Milewski **SECONDED** the motion. There were no objections. **SO ORDERED.**

There being no further business, the Council on Aging meeting adjourned at 5:33pm.

Meeting summary prepared and submitted by:

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Meghan Thibodeau  
Deputy City Clerk

DRAFT

**KENAI AIRPORT COMMISSION  
REGULAR MEETING  
JUNE 10, 2021 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
CHAIR GLENDA FEEKEN, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

Chair Feeken called the meeting to order at 6:00 p.m.

**a. Pledge of Allegiance**

Chair Feeken led those assembled in the Pledge of Allegiance.

**b. Roll was confirmed as follows:**

Commissioners Present: G. Feeken, K. Dodge, D. Pitts, P. Minelga

Commissioners Absent: D. Leichliter, J. Bielefeld, J. Zirul

Staff/Council Liaison Present: City Manager P. Ostrander, Airport Administrative Assistant E. Brincefield, Council Liaison B. Molloy

A quorum was present.

**c. Agenda Approval**

Chair Feeken noted the following revisions to the agenda and packet:

Add Item 6.C. **Discussion/Recommendation** – Fourth Amendment to Restaurant Concession Agreement

**MOTION:**

Commissioner Pitts **MOVED** to approve the agenda with requested revisions and Vice Chair Dodge **SECONDED** the motion. There were no objections; **SO ORDERED**.

**2. SCHEDULED PUBLIC COMMENT – None.**

**3. UNSCHEDULED PUBLIC COMMENT – None.**

**4. APPROVAL OF MEETING SUMMARY**

**a. May 13, 2021**

**MOTION:**

Vice Chair Dodge **MOVED** to approve the meeting summary of May 13, 2021 and Commissioner

Minelga **SECONDED** the motion. There were no objections; **SO ORDERED**.

**5. NEW BUSINESS**

- a. **Discussion/Recommendation** – Special Use Permit to James H. Doyle d/b/a Weaver Brothers, Inc. for Truck Trailer Storage

**MOTION:**

Commissioner Pitts **MOVED** to approve the Special Use Permit James H. Doyle d/b/a Weaver Brothers, Inc. for Truck Trailer Storage and Commissioner Minelga **SECONDED** the motion.

Clarification was provided that Weaver Brothers Inc. has requested the use of three adjacent City-owned parcels along Coral street and two portions of additional City-owned land for storage of truck trailers.

There were no objections; **SO ORDERED**.

- b. **Discussion/Recommendation** – Special Use Permit to State of Alaska, Division of Forestry for Air Tanker Reload Base

**MOTION:**

Commissioner Minelga **MOVED** to approve the Special Use Permit to State of Alaska, Division of Forestry for Air Tanker Reload Base and Vice Chair Dodge **SECONDED** the motion.

Clarification was provided that the State of Alaska Division of Forestry is requesting a Special Use Permit for an air tanker base.

There were no objections; **SO ORDERED**.

- c. **Discussion/Recommendation** – Fourth Amendment to Restaurant Concession Agreement

**MOTION:**

Commissioner Minelga **MOVED** to approve the Fourth Amendment to Restaurant Concession Agreement and Vice Chair Dodge **SECONDED** the motion.

Clarification was provided that this is the second extension of their current agreement to operate under the same terms and conditions.

There were no objections; **SO ORDERED**.

**6. REPORTS**

- a. **Airport Manager** – City Manager Ostrander and Airport Administrative Assistant Brincefield reported on the following:
  - Rent relief would expire for both bar/lounge & restaurant concessionaires on June 6, 2021;

- Letters were sent to air carriers notifying them of an increase in fees by 5% pursuant to the airline operating agreement. Joint use space is calculated by enplanements and City Administration is looking to amend AOA to include a “true-up” clause at the end of the year to make sure projected enplanements are accurate;
- Reported enplanement numbers are increasing as well as parking revenue;
- Jet traffic is increasing, possibly due to cement current construction happening at the Soldotna airport.

b. **City Council Liaison** – Vice Mayor Molloy reported on the actions of the May 19, 2021 Council Meetings.

**7. NEXT MEETING ATTENDANCE NOTIFICATION – July 8, 2021**

Commissioner Pitts noted he might not be able to attend.

**8. COMMISSIONER COMMENTS AND QUESTIONS**

Commissioner Pitts requested a status update on the development of campsite area at the float plane basin.

Commissioner Minelga noted that he had visited the float plane basin, and requested a window be put in registration booth.

**9. ADDITIONAL PUBLIC COMMENT – None.**

**10. INFORMATION ITEMS**

- a. May 2021 Mid-Month Report
- b. April 2021 Enplanements
- c. Exhibit E April Aircraft Parking

**11. ADJOURNMENT**

**MOTION:**

There being no further business before the Commission, the meeting was adjourned at 6:42 p.m.

Meeting summary prepared and submitted by:

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Meghan Thibodeau  
Deputy City Clerk

**KENAI HARBOR COMMISSION  
REGULAR MEETING  
JUNE 7, 2021 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
COMMISSION CHAIR DUNN, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

Commissioner Chair Dunn called the meeting to order at approximately 6:00 p.m.

**a. Pledge of Allegiance**

Commissioner Chair Dunn led those assembled in the Pledge of Allegiance.

**b. Roll Call**

Roll was confirmed as follows:

Commissioners present: Chair M. Dunn, C. Crandall, B. Peters, C. Hutchison, D. Peck

Commissioners absent: N. Berga, B. Bornemann

Staff/Council Liaison present: Public Works Director S. Curtin, Council Liaison B. Molloy

A quorum was present.

**c. Agenda Approval**

**MOTION:**

Commissioner Hutchison **MOVED** to approve the agenda as written and Commissioner Crandall **SECONDED** the motion. There were no objections; **SO ORDERED**.

**2. SCHEDULED PUBLIC COMMENTS – None.**

**3. UNSCHEDULED PUBLIC COMMENT – None.**

**4. APPROVAL OF MEETING SUMMARY**

a. April 12, 2021

**MOTION:**

Commissioner Peters **MOVED** to approve the meeting summary of April 12, 2021 and Commissioner Crandall **SECONDED** the motion. There were no objections; **SO ORDERED**.

**5. UNFINISHED BUSINESS – None.**

**6. NEW BUSINESS**

**a. Discussion** – Update on Special Use Permit holders

Public Works Director Curtin reported that two special use permits have been executed to the same dock tenants as last year.

**b. Discussion** – Update on Dock Tenant Contract, 2<sup>nd</sup> year term PacStar

Director Curtin reported that PacStar has started their second year term of a three-year contract with the City for access and use of the dock.

**c. Discussion** – Update on Dock Repairs Capital Project

Director Curtin provided an update on the Dock Repairs Capital Project, noting that it is approximately 90% complete, and most of the damages from the 2018 earthquake have been fixed. Engineers have found that an additional repair is needed on a dock trestle which Director Curtin intends to have repaired and will require an additional \$7,000 change order. Additional work was also done on an electrical conduit. Overall the project has gone very well and is nearly complete, and the remainder of the work should not have an impact on fishing activities.

**d. Discussion** – Beluga Whale Research participation

Director Curtin reported that a graduate student approached the City about conducting beluga whale research, and we have been coordinating efforts to place equipment at the docks and the river.

**7. REPORTS**

**a. Public Works Director** – S. Curtin reported on the following:

- Attended a meeting with the Army Corps of Engineers regarding the Bluff Project which went very well;
- Provided an update on Bluff Project activities, and noted that he had taken drone footage of the bluffs which he had shown to Senator Murkowski.

**b. Harbor Commission Chair** – Chair Dunn noted that he would like the camera pole at the end of Main Street that looks over the beach to be painted.

**c. City Council Liaison** – Vice Mayor Molloy noted that he also attended the meeting Senator Murkowski. Reported on the actions of the City Council meetings of April 21, May 5, May 19, and June 2, 2021.

**8. NEXT MEETING ATTENDANCE NOTIFICATION** – August 16, 2021

It was noted that the date was incorrect, and the next meeting of the Harbor Commission would be on August 9, 2021.

**9. COMMISSIONER COMMENTS AND QUESTIONS**

Commissioner Peck requested clarification on the zones marked on an older bluff project photo he had seen.

Commissioner Crandall thanked Director Curtin for his hard work, and gave notice that he is resigning from the Commission and this will be his last meeting. Noted that it has been nice

working with everyone for the past few years.

Commissioner Peter wished good luck to Commissioner Crandall, noting that he will be missed.

10. **ADDITIONAL PUBLIC COMMENT** – None.

11. **INFORMATION ITEMS** – None.

12. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at approximately 7:35 p.m.

Meeting summary prepared and submitted by:

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Meghan Thibodeau  
Deputy City Clerk

DRAFT



**KENAI PLANNING & ZONING COMMISSION**  
**REGULAR MEETING**  
**JUNE 9, 2021 – 7:00 P.M.**  
**KENAI CITY COUNCIL CHAMBERS**  
**210 FIDALGO AVENUE, KENAI, ALASKA**  
**CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

Chair Twait called the meeting to order at 7:00 p.m.

**1. Pledge of Allegiance**

Chair Twait led those assembled in the Pledge of the Allegiance.

**2. Roll Call**

Commissioners present: J. Twait, J. Halstead, G. Greenberg, A. Douthit, R. Springer, D. Fikes, G. Woodard

Commissioners absent:

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendening

A quorum was present.

**3. Agenda Approval**

**MOTION:**

Commissioner Halstead **MOVED** to approve the agenda as presented and Commissioner Douthit **SECONDED** the motion. There were no objections; **SO ORDERED**.

**4. Consent Agenda**

**MOTION:**

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED**.

\*All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

5. \*Excused absences – None

**B. APPROVAL OF MINUTES**

1. \*May 26, 2021

The minutes were approved by the Consent Agenda.

**C. SCHEDULED PUBLIC COMMENT – None.****D. UNSCHEDULED PUBLIC COMMENT – None.****E. CONSIDERATION OF PLATS**

1. **Resolution PZ2021-22** – Preliminary Subdivision Plat of Kenai Landing Subdivision 2021 Addition, submitted by Edge Survey and Design, P. O. Box 208, Kasilof, AK 99610, on behalf of Kenai Landing, Inc., 4786 Homer Spit Rd., Homer, AK 99603

[Clerk's Note: At their May 26, 2021 meeting, Resolution PZ2021-22 was postponed by the Planning & Zoning Commission until the June 9, 2021 meeting. A motion to approve is on the floor.]

Planning Director Foster presented his staff report with information provided in the packet noting that the plat reconfigures three parcels, and requests exceptions to the requirements of KMC Subdivision design standards which regard wastewater, access, and design standards.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Add a Plat Note as following: Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other infrastructure improvements will have to be improved to meet City of Kenai Standards in effect at time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.
3. Property owner will provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.
4. The City of Kenai requests to receive approval from the Kenai Peninsula Borough on exception to requirements of Subdivision Code.
5. Plat Note 22 should update the KPB Plat Committee meeting date as necessary.
6. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
7. Property owner will receive approval from the Kenai Peninsula Borough on exceptions to requirements in the Kenai Peninsula Borough Subdivision Regulations.
8. Staff members of the City of Kenai would be available for any future discussions on the topic of exceptions.

It was noted that this is the most northern parcel of the Conditional Use Permit for 60 residential units that was approved at a previous commission meeting.

Clarification was provided on the required update of Plat Note 22, and the differences between Kenai Peninsula Borough and City of Kenai standards that necessitate condition #2 which would require infrastructure improvements at the owner's expense if the City took over ownership or maintenance of the roadways.

Jason Young, surveyor for the project, explained the specific changes that would need to be made to bring the standards up to City code.

**VOTE:**

YEA: Springer, Halstead, Douthit, Fikes, Greenberg, Woodard, Twait  
 NAY:

**MOTION PASSED UNANIMOUSLY.**

2. **Resolution PZ2021-23** – Preliminary Subdivision Plat of Triple C Subdivision, submitted by Ability Surveys, 152 Dehel Ave., Homer, AK 99603, on behalf of Mark Holmes, 4493 Lakewood Blvd., Naples, FL 34112

**MOTION:**

Commissioner Springer **MOVED** to approve Resolution No. PZ2021-23 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the applicant proposes to subdivide an approximately 10-acre parcel into two lots of approximately 4.344 acres (Lot 1) and 4.344 acres (Lot 2).

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Pursuant to KMC 17.10.010(a) property owner must connect to the public water system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public water main adjacent to the property line in a right of way.
3. Pursuant to KMC 17.20.010(a) property owner must connect to the public sewage system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public sewer main adjacent to the property line in a right of way.
4. Pursuant to KMC 14.10.080, the City will require an installation agreement for development of Fox Avenue from McCollum Drive to Chiniak Street. The installation agreement will be developed after the preliminary plat is approved and improvements will be constructed in accordance with the installation agreement.

Clarification was provided that the installation agreement would define the requirements of building the road connection to City code standards, and would not apply to other property owners on the road.

**VOTE:**

YEA: Halstead, Douthit, Fikes, Greenberg, Woodard, Twait, Springer  
 NAY:

**MOTION PASSED UNANIMOUSLY.**

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Action/Approval** - Special Use Permit to State of Alaska, Division of Forestry for Air Tanker Reload Base

It was noted that the Division of Forestry's lease expires on June 30, 2021, and this SUP is related to a preliminary plat that the commission recently recommended for approval, which adjusted a lot line for the purposes of constructing a sand storage facility. Because the plat has not yet been finalized by the Borough, a SUP would allow the Division of Forestry to continue operating.

**MOTION:**

Commissioner Halstead **MOVED** to recommend approval of the Special Use Permit to State of Alaska, Division of Forestry for Air Tanker Reload Base and Commissioner Greenberg **SECONDED** the motion.

**VOTE:**

YEA: Woodard, Twait, Springer, Halstead, Douthit, Fikes, Greenberg  
 NAY:

**MOTION PASSED UNANIMOUSLY.**

2. **Action/Approval** - Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage

**MOTION:**

Commissioner Halstead **MOVED** to recommend approval of the Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage and Commissioner Douthit **SECONDED** the motion.

Clarification was provided that the applicant been storing truck trailers on three parcels via special use permits for the last two years, and this request differs from the previous permits by including two additional portions of City owned land which would allow for a temporary expansion of their business.

**VOTE:**

YEA: Fikes, Greenberg, Woodard, Twait, Springer, Halstead, Douthit  
 NAY:

**MOTION PASSED UNANIMOUSLY.****I. PENDING ITEMS – None.****J. REPORTS**

1. **City Council** – Council Member Glendening reported on the actions from the June 2, 2021 City Council meeting.
2. **Borough Planning** – Vice Chair Fikes reported on the actions from the May 24, 2021 Kenai Peninsula Borough Planning meeting.
3. **City Administration** – Planning Director Foster reported on the following:
  - Upcoming meeting on June 23, 2021 is anticipated to include one Conditional Use Permit, and requests for donations of City land to two businesses;
  - A work session will be scheduled to conduct commissioner training.

**K. ADDITIONAL PUBLIC COMMENT**

1. Citizens Comments
2. Council Comments

Council Member Glendening remarked that the Commission is in a good place, and thanked the Commissioners for their interest and attention.

**L. INFORMATIONAL ITEMS****M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. June 23, 2021

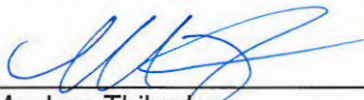
**N. COMMISSION COMMENTS & QUESTIONS**

Commissioner Douthit noted he might be absent at next meeting.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:56 p.m.

Minutes prepared and submitted by:

  
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 Meghan Thibodeau  
 Deputy City Clerk



**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JUNE 23, 2021 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

Chair Twait called the meeting to order at 7:00 p.m.

**1. Pledge of Allegiance**

Chair Twait led those assembled in the Pledge of the Allegiance.

**2. Roll Call**

Commissioners present: J. Twait, J. Halstead, G. Greenberg, D. Fikes, G. Woodard

Commissioners absent: A. Douthit, R. Springer

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendening

A quorum was present.

**3. Agenda Approval**

Chair Twait noted the following revisions to the agenda and packet:

- Add to item F.1.                    **Resolution PZ2021-24**
  - Emails objecting to Conditional Use Permit application for fire wood bundling business (storage yard)

**MOTION:**

Commissioner Halstead **MOVED** to approve the agenda with requested additions and Commissioner Woodard **SECONDED** the motion. There were no objections; **SO ORDERED**.

**4. Consent Agenda**

**MOTION:**

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Woodard **SECONDED** the motion. There were no objections; **SO ORDERED**.

\*All items listed with an asterisk (\*) are considered to be routine and non-controversial by the

Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

5. \*Excused absences – A. Douthit, R. Springer

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of June 9, 2021

The minutes were approved by the Consent Agenda.

**C. SCHEDULED PUBLIC COMMENT** – None.

**D. UNSCHEDULED PUBLIC COMMENT** – None.

Kelly Kelso discussed industrial development near her neighborhood. She noted that at a previous Planning & Zoning Commission meeting regarding such development, she felt as though the Commission listened to the wishes of the neighborhood, and asked the Commission to consider the integrity of the residential area when considering future development proposals.

Barb Christian reiterated the previous public comments of her neighbor, noting that she is interested in keeping industrial development as attractive as possible. She suggested keeping colors green and brown so it blends in, and expressed concern about glaring lights and wetlands protection.

**E. CONSIDERATION OF PLATS** – None.

**F. PUBLIC HEARINGS**

1. **Resolution PZ2021-24** - Application for a Conditional Use Permit for a firewood bundling business (storage yard) in the Rural Residential zone, on Lot 24, Block 3, VIP Ranch Estates Subd. Part 6, and located at 2825 Bowpicker Lane. The application was submitted by Tracey Hedlund-Smith, 2740 Set Net Ct., Kenai, AK 99611.

**MOTION:**

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-24 and Vice Chair Fikes **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit (CUP) for the purposes of splitting and bundling firewood for sale. He noted that there had been an error in sign posting which had been corrected. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

2. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
3. The applicant will meet with City staff for on-site inspections when requested.
4. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
5. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
6. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

Chair Twait opened for public hearing.

Joe Lyons spoke in opposition to the CUP, expressing concern over spruce bark beetles, hours of operation, noise from the log splitter, fire danger and lack of a buffer zone.

Martha Eldridge explained that many trees that had already been removed from the area due to spruce bark beetles, and expressed concern over noise and resulting stress on the neighborhood children, removal of wildlife habitat, and fire danger.

Mary Rowley expressed concern about road access to the property, the diminishing number of trees on the property affecting the noise buffer, spraying wood with chemicals and water contamination, effects on home insurance rates, and increased dust.

Andrea Johnson spoke in opposition and asked the Commission to order on-site inspection. She stated that she had found discrepancies such as application statements being misleading or untrue, and the error in posting the hearing date. She expressed concern for road usage, excessive operating hours, increase of spruce bark beetles, and tree removal.

Trudy Jones noted that her main concern is road access to the land, and suggested the Commission get more information about trucking safety because of the children who play in these streets.

Matt Smith explained that they had purchased this property because they did not want it to be developed. He clarified that the wood is seasoned to prevent beetles. He explained that it is a family business that will not significantly increase traffic nor bring in many trees from outside, and if successful will only exist on that property only until they move to a commercial property elsewhere.

Gene Backstrom explained he is concerned about the noise and traffic affecting the children in the neighborhood. He expressed doubt about claims that it is a temporary location.

Barbara Backstrom expressing concern for children in the area due to noise and traffic, and commercial activities taking place in a residential area.

Greg Baiser noted that his main concern was hearing the noise. He asked whether it would be possible to provide the applicant the CUP on a temporary basis. He expressed concern for large vehicle traffic and long hours of operation.

Tracey Hedlund-Smith explained that she intends for this to be a small family business, and that they will not be working during all listed hours of operation. She clarified that any traffic will be



deliveries and the public will not be coming to pick up from the property. She noted that as a family with children whose home is adjacent to this property, they are very invested in maintaining low traffic and fire safety in the area.

There being no one wishing to be heard, the public hearing was closed.

Discussion from the Commission included the level of noise and traffic that the business would generate, its effects on the spruce bark beetle infestation, and fire hazard concerns.

Clarification was provided on the annual review process for CUPs and that there are provisions in code to rescind CUPs through this process, but they are not specific to noise complaints. It was explained that there is not currently precedent in code for issuing a CUP for only a limited period of time.

They considered whether conditions should be imposed regarding hours of operation, restricting the time limit of the CUP, noise complaints, and the applicant’s plan for fire hazard mitigation.

**MOTION TO AMEND:**

Vice Chair Fikes **MOVED** to amend Resolution PZ2021-24 by adding Condition 7 to state that hours of operation for splitting will not include Saturday or Sunday. Halstead **SECONDED** the motion.

The Commission discussed the effect of noise on the neighborhood during the weekends.

**VOTE ON AMENDMENT:**

YEA: Greenberg, Woodard, Twait  
NAY: Halstead, Fikes

**MOTION PASSED.**

**MOTION TO AMEND:**

Commissioner Greenberg **MOVED** to amend Resolution PZ2021-24 by adding Condition 8 that includes a requirement for practicing defensible space as defined by Division of Forestry. Vice Chair Fikes **SECONDED** the motion.

**VOTE ON AMENDMENT:**

YEA: Fikes, Greenberg, Woodard, Twait, Halstead  
NAY:

**MOTION PASSED UNANIMOUSLY.**

**VOTE ON MAIN MOTION AS AMENDED:**

YEA: Twait, Halstead, Fikes, Greenberg  
NAY: Woodard

**MOTION PASSED.**

Commission Chair Twait noted the 15-day appeal period.

**MOTION TO RECONSIDER THE QUESTION:**

Commissioner Greenberg **MOVED** to reconsider the question to approve Resolution PZ2021-24. Commissioner Woodard **SECONDED** the motion. There were no objections; **SO ORDERED.**

**MOTION TO AMEND:**

Commissioner Greenberg **MOVED** to amend Resolution PZ2021-24 by changing Condition 7 to state that hours of operation for splitting will not include Saturday or Sunday unless the applicant uses an electric splitter.

**VOTE ON AMENDMENT:**

YEA: Twait, Halstead, Fikes, Greenberg, Woodard  
NAY:

**MOTION PASSED UNANIMOUSLY.**

**VOTE ON MAIN MOTION AS AMENDED:**

YEA: Halstead, Fikes, Greenberg, Woodard, Twait  
NAY:

**MOTION PASSED UNANIMOUSLY.**

**G. UNFINISHED BUSINESS** – None.

**H. NEW BUSINESS**

- 1. **Action/Approval** - Conditionally Donating Certain City Owned Property Described as Two Approximate 1 1/4 Acre Parcels to be Subdivided from a Portion of the 72 Acre More or Less Portion of the SE 1/4 Lying East of Tract A Kenai Meadows (KPB Parcel No. 039 010 65) To Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing.

**MOTION:**

Vice Chair Fikes **MOVED** to recommend approval of Conditionally Donating Certain City Owned Property Described as Two Approximate 1 1/4 Acre Parcels to be Subdivided from a Portion of the 72 Acre More or Less Portion of the SE 1/4 Lying East of Tract A Kenai Meadows (KPB Parcel No. 039 010 65) To Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing.and Commissioner Halstead **SECONDED** the motion.

Clarification was provided that the City had previously donated parcels to Kenai Peninsula Housing Initiative for low income and senior housing and those projects are now complete. They are now requesting two additional parcels, and staff recommends approving this with the addition of a 60 foot right-of-way, which would provide access to 72 acres of City-owned land.

Discussion included the potential for future development in the area and extension of water and sewer services.

**VOTE:**

YEA: Greenberg, Woodard, Twait, Halstead, Fikes  
NAY:

**MOTION PASSED UNANIMOUSLY.**

- 2. **Action/Approval** - Conditionally Donating Certain City Owned Property Described as One Approximate 2 Acre Parcel to be Subdivided from a Portion of the 6.8 Acre More or Less Portion of the East of Tract 4, Baron Park Subdivision (KPB Parcel No. 045 010 35) to Triumvirate Theatre for the Development of a Theatre Facility.

**MOTION:**

Commissioner Halstead **MOVED** to recommend approval of Conditionally Donating Certain City Owned Property Described as One Approximate 2 Acre Parcel to be Subdivided from a Portion of the 6.8 Acre More or Less Portion of the East of Tract 4, Baron Park Subdivision (KPB Parcel No. 045 010 35) to Triumvirate Theatre for the Development of a Theatre Facility. Commissioner Woodard **SECONDED** the motion.

Clarification was provided that the theatre’s previous facility burned down in February 2021 and they are looking to rebuild. The new theatre would be approximately 5,000 square feet, is centrally located and next to the site of the future dog park. The value of the donation and the timeframe for construction was discussed.

**VOTE:**

YEA: Twait, Halstead, Fikes, Greenberg, Woodard  
NAY:

**MOTION PASSED UNANIMOUSLY.**

I. **PENDING ITEMS** – None.

J. **REPORTS**

- 1. **City Council** – Council Member Glendening reported on the actions from the June 16, 2021 City Council meeting, and upcoming Board of Adjustment hearings.
- 2. **Borough Planning** – No report.
- 3. **City Administration** – Planning Director Foster reported on the following:
  - Upcoming meeting on July 14, 2021 is anticipated to include one assignment, one Special Use Permit, and two proposed land sale ordinances.

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS**

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. July 14, 2021

**N. COMMISSION COMMENTS & QUESTIONS**

Commissioner Halstead thanked Director Foster for the well-presented training.

Commissioner Greenberg thanked Director Foster for the training work session.

Vice Chair Fikes thanked Director Foster for the training presentation.

Chair Twait discussed land use maps that had previously been in Chambers, and requested they be reprinted.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:27 p.m.

Minutes prepared and submitted by:

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Meghan Thibodeau  
Deputy City Clerk

**PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW**  
**COUNCIL MEETING OF: JULY 7, 2021**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPT.</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
WORLD WIDE TECHNOLOGY	CISCO EQUIPMENT	A/P TERMINAL MOD.	CONSTRUCTION	12,684.34
AIRPORT EQUIPMENT RENTALS	EXCAVATOR RENTAL	STREETS	RENTALS	4,500.00