



Kenai City Council - Regular Meeting

January 03, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Information on Page 3****

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items 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 ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

D. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

E. PUBLIC HEARINGS

1. **Ordinance No. 3383-2023** - Amending the Official Zoning Map by Rezoning all Parcels within the Letzing 1985 Subdivision (Plat No. 85-55) and Government Lot 170 from General Commercial (CG) to Suburban Residential (RS) Zoning District. (Administration)
2. **Ordinance No. 3384-2023** - Cancelling Previously Appropriated Projects, Authorizing a Transfer of Funds from the Wastewater Facility Capital Project Fund to the Water and Sewer Capital Project Fund and Appropriating Supplemental Funds for the Construction of a New Water Pump House at the City's Water Treatment Facility. (Administration)
3. **Resolution No. 2024-01** - Approving the Use of the Fleet Replacement Fund for the Purchase of Two Ford Police Responders Utilizing the State of Alaska Equipment Fleet Contract. (Administration)
4. **Resolution No. 2024-02** - Amending the Authorized Staffing Table by Adding a Part Time Administrative Assistant II Position to the Planning and Zoning Department. (Administration)

F. MINUTES

1. *Regular Meeting of December 20, 2023. (City Clerk)

G. UNFINISHED BUSINESS

H. **NEW BUSINESS**

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License and a Standard Marijuana Cultivation License for Red Run Cannabis Cultivators, LLC., DBA: Red Run Cannabis Cultivators, LLC. - License No.'s 19372 and 10052; and a Retail Marijuana Store License for Red Run Cannabis Company, LLC., DBA: Red Run Cannabis Company, LLC. – License No. 10056 (City Clerk)
3. ***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License and a Standard Marijuana Cultivation License for Majestic Gardens LLC., DBA: Majestic Gardens LLC. - License No.'s 15393 and 15395. (City Clerk)
4. ***Ordinance No. 3385-2024** - Accepting and Appropriating a Donation to the Kenai Community Library for the Purchase of Library Materials and Software for Room and Event Scheduling. (Administration)
5. ***Ordinance No. 3386-2024** - Increasing Estimated Revenues and Appropriations in the General Fund and Municipal Roadway Improvements Capital Fund to Conduct an Assessment of City Street Lighting. (Administration)
6. ***Ordinance No. 3387-2024** - Increasing Estimated Revenues and Appropriations in the General Fund and Public Works Department's Street Division's Professional Services Budget to Review and Update the City's Roadway Improvements Standards. (Administration)
7. **Action/Approval** - Authorizing the City Manager to Enter into an Agreement with the Kenai Peninsula Borough to Accept Landfill Leachate at the Waste Water Treatment Plant. (Administration)

I. **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

J. **REPORT OF THE MAYOR**

K. **ADMINISTRATION REPORTS**

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

L. **ADDITIONAL PUBLIC COMMENTS**

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

M. **EXECUTIVE SESSION**

N. PENDING ITEMS**O. ADJOURNMENT****P. INFORMATION ITEMS**

The agenda and supporting documents are posted on the City's website at 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/89458619905>

Meeting ID: 894 5861 9905 **Passcode:** 382993

OR

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

Meeting ID: 894 5861 9905 **Passcode:** 382993



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3383-2023**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING ALL PARCELS WITHIN THE LETZING 1985 SUBDIVISION (PLAT NO. 85-55) AND GOVERNMENT LOT 170 FROM GENERAL COMMERCIAL (CG) TO SUBURBAN RESIDENTIAL (RS) ZONING DISTRICT.

WHEREAS, all parcels within the Letzing 1985 Subdivision plat and Government Lot 170 are currently zoned General Commercial (CG); and,

WHEREAS, the City of Kenai received a rezone application from the majority of property owners in accordance with KMC 14.20.270 *Amendment procedures*; and,

WHEREAS, the CG zoning district allows for the widest range of commercial and industrial uses compared to other commercial zoning districts and the existing CG zone is not a compatible land use for this area since there are existing residential uses to the north and east of the proposed rezone area and an existing single-family dwelling in the proposed rezone area; and,

WHEREAS, the proposed rezone to RS would align with the current low to medium density residential character of the neighborhood; and,

WHEREAS, the land use classification is Mixed-Use, which envisioned a compatible mix of residential and commercial uses but it is desired by the property owners and supported by nearby residents that it should be rezoned to residential; and,

WHEREAS, the rezone is consistent with the Imagine Kenai 2030 Comprehensive Plan and aligns with the Land Use Plan and addresses Goal 1 – *Quality of Life: Promote and encourage quality of life in Kenai*; and,

WHEREAS, at their regularly scheduled meeting held on November 8, 2023, the City of Kenai Planning and Zoning Commission voted unanimously to recommend the subject properties be rezoned from General Commercial to Suburban Residential zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. Amendment of City of Kenai Official Zoning Map: That City of Kenai, Official Zoning Map is hereby amended as follows: Rezone all parcels within the Letzing 1985 Subdivision plat (Plat No. 85-55) and Government Lot 170 from General Commercial (CG) to Suburban Residential (RS) zoning district.

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 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 3RD DAY OF JANUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: December 20, 2023
Enacted: January 3, 2024
Effective: February 2, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Linda Mitchell, Planning Director

DATE: December 12, 2023

SUBJECT: **Ordinance No. 3383-2023 – Rezone All Parcels Within Letzing 1985 Subdivision (Plat No. 85-55) and Government Lot 170 from General Commercial (CG) to Suburban Residential (RS) Zoning District**

The property owners, Nancy and Michael Wiles, and Ken Dunbar representing Five D Investments LLC, are seeking to rezone all parcels within Letzing 1985 Subdivision (Plat No. 85-55) and Government Lot 170 located at 1202, 1204, and 1206 First Avenue and 103 Birch Street from General Commercial (CG) to Suburban Residential (RS) zoning district. The purpose of the rezone is to allow additional affordable housing rather than commercial use on the subject parcels. For the parcel located at 103 Birch Street, the property owner intends to subdivide and construct a single-family dwelling unit on each lot. If approved, the zone change would allow a residential use as a principal use, whereas under the existing zoning district, CG, a residential use is only permitted as a secondary use.

The proposed rezone area is surrounded by a commercial office/warehouse with outdoor storage to the west, residential uses to the north and east, and a commercial center, known as Swanson Square to the south across First Avenue. The current zoning, CG prohibits single-family and two-family residential uses unless it is a secondary use according to the land use table found in KMC Section 14.22.010.

In addition, CG zoning district allows for the widest range of commercial and industrial uses compared to other commercial zoning districts. The existing CG zoning district is not a compatible land use for this area since there are existing residential uses to the north and east of the proposed rezone area and an existing single-family dwelling in the proposed rezone area. While the site plan/landscaping review is intended to provide adequate buffers, transitions, and impacts between commercial/industrial uses and residential uses, this could be further implemented through a suitable zoning designation. The intent of the CG zoning district is not compatible with the existing residential uses in the adjacent RS zoning district to the north and east. There are other restrictive commercial zoning districts that allows residential use as a principal use but it would provide a disconnect between the existing CG zoning district to the west of the proposed rezone area.

The rezone to RS zone would expand the adjacent RS zoning district, which it is anticipated that it would be developed in junction with the surrounding residential uses to the north and east. Therefore, minimizing potential impacts of commercial development on existing residential uses. As noted by the applicants, there is a need for additional housing and this rezone would allow for residential uses without going through additional planning processes.

The existing land use classification states a compatible mix of residential and commercial uses. It is anticipated that this area will become residential uses. In the RS zone, several commercial uses are permitted subject to a Conditional Use Permit. The proposed rezone to RS zone would be consistent with the Mixed-Use land use classification as identified in the Comprehensive Plan. Therefore, an amendment to the land use map in the Comprehensive Plan is not required.

The Comprehensive Plan supports this rezoning in the following identified goal:

Goal 1 – Quality of Life: Promote and encourage quality of life in Kenai.

- *Q-4: Promote the siting and design of land uses that are in harmony and scale with surrounding uses.*

The proposed rezone to RS would align with the current low to medium density residential character of the neighborhood. The proposed rezone to RS zone would make the existing single-family dwelling compliant with the zoning district. Under the existing CG zoning district, the existing residence is considered a non-conforming use since residential use is not permitted to be a principal use. Therefore, any expansions or alterations of the residence would be subject to KMC Section 14.20.050 *Nonconforming lots, structures, and uses*.

On November 8, 2023, the City of Kenai Planning and Zoning Commission voted unanimously to recommend the subject properties be rezoned from General Commercial to Suburban Residential zoning district.

Attachments

Location Map

Letzing 1985 Subdivision (Plat No. 85-55)

P&Z Resolution PZ2023-19

Staff Report PZ2023-19



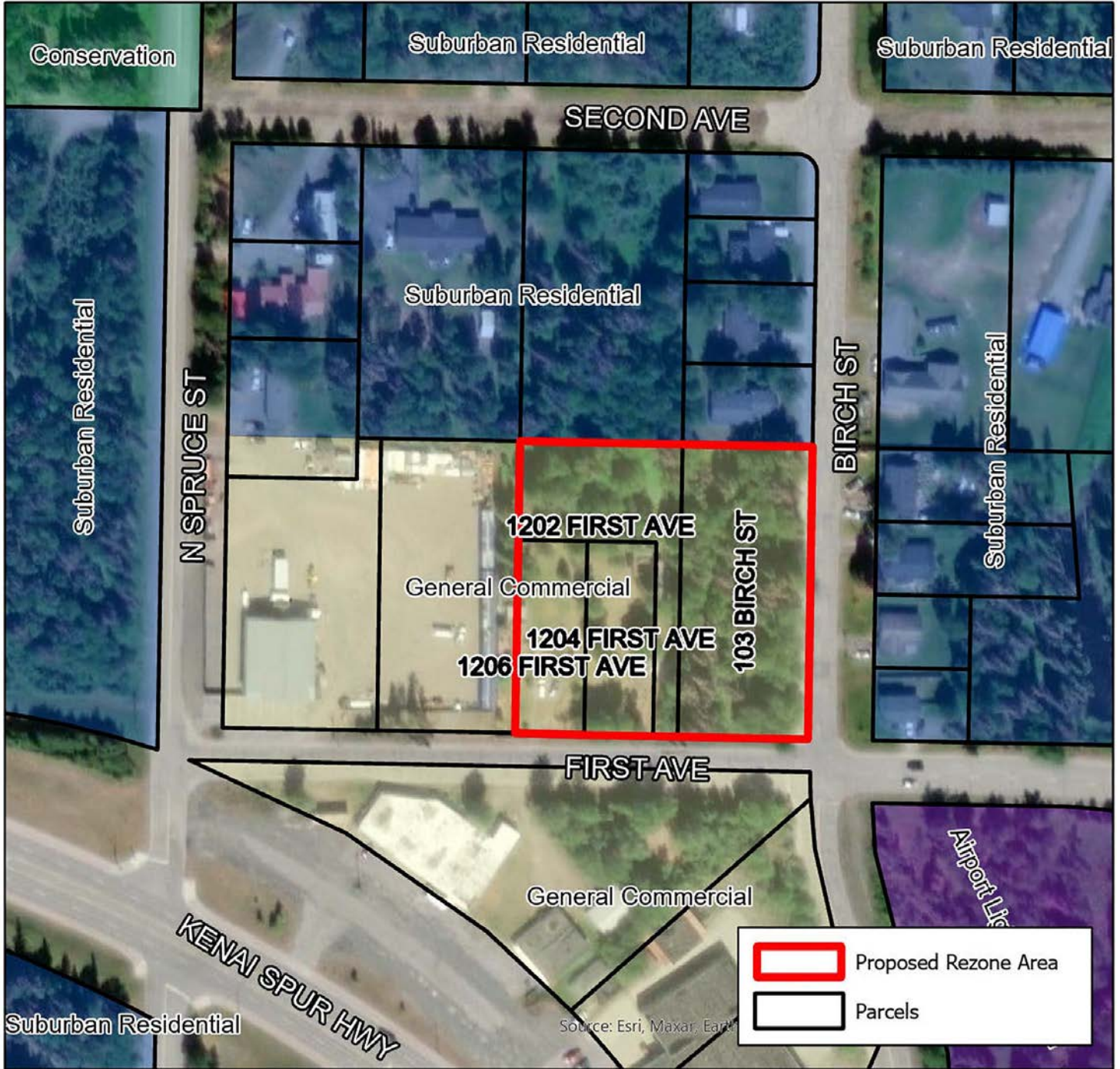


Ordinance No. 3383-2023

Rezone from CG to RS

1202, 1204, and 1206 First Avenue

And 103 Birch Street



Map for Reference Only
NOT A LEGAL DOCUMENT

Date Printed: 12/12/2023

LETZRING 1985 SUBD. OF GOV. LOT 169

LOCATED IN SE1/4 SE1/4 SEC. 31, T6N, R11W, S.M., AK., (IN KENAI CITY)
 SCALE 1" = 50' AREA = 1.249 AC. 2-19-85 C-S-SE1/64

BY DAVID LETZRING BOX 9 KASILOF, ALASKA 99610

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of March 14, 1985

KENAI PENINSULA BOROUGH
 By [Signature]
 authorized official

LEGEND

- - 1983 2" al. cap mon. by 5332-S, found in asphalt.
- - 1/2" x 2' rerod set.
- () - Record

NOTE

No direct access to State maintained R.O.W.'s, unless approved by Alaska Dept. of Transportation.

 No structure shall be placed on panhandle portion of lot 1.

OWNER'S CERTIFICATE & DEDICATION

We hereby certify that we are owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all r.o.w.'s to public use, and grant all easements to uses shown.

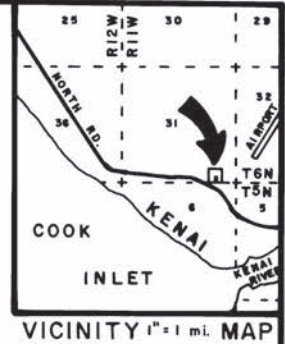
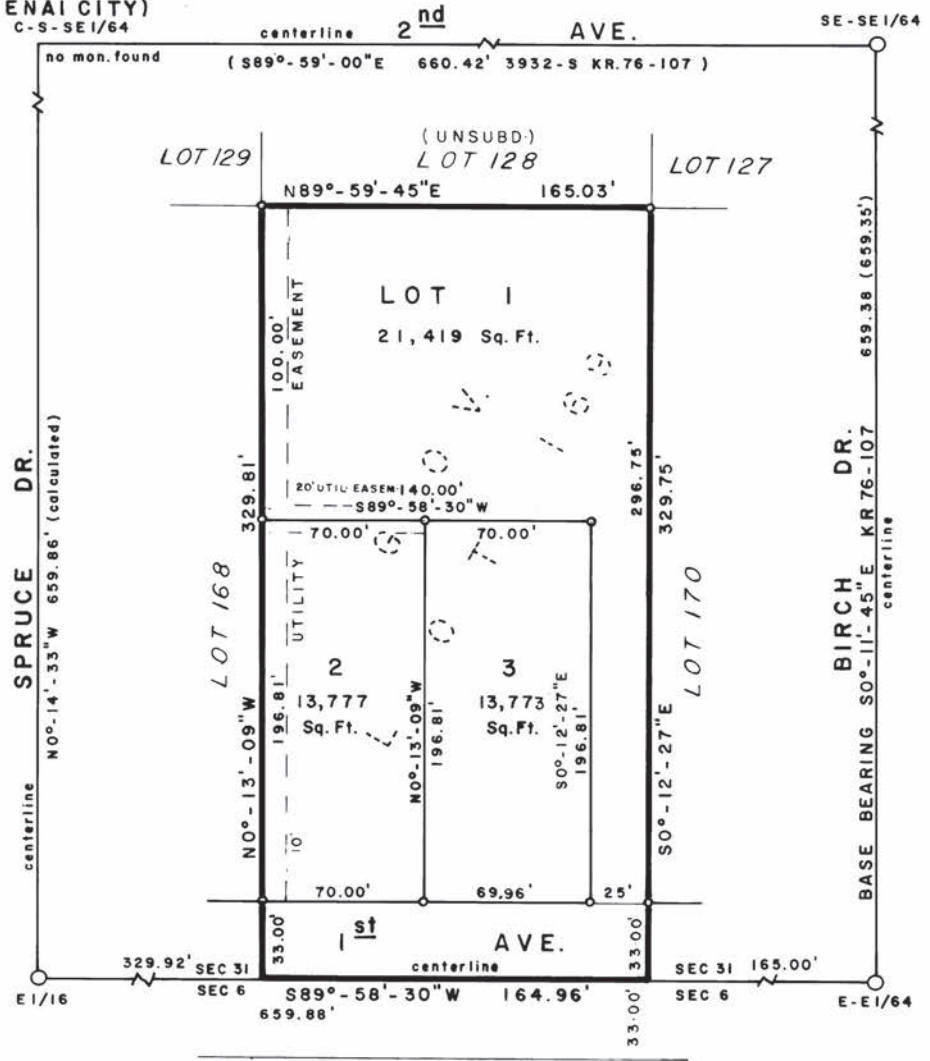
[Signature]
 David Letzring box 9 Kasilof, Ak. 99610
[Signature]
 Sonja Ann Letzring

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 25th day of March, 1985.

[Signature]
 NOTARY FOR ALASKA

for, David G. Letzring
 Sonja Ann Letzring
4-10-85
 My commission expires



[Handwritten notes]
 2/25 8
 1:04 P.
 David Letzring





STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission

FROM: Linda Mitchell, Planning Director

DATE: November 8, 2023

SUBJECT: Resolution PZ2023-19 – Rezone Four (4) Parcels from General Commercial (CG) to Suburban Residential (RS) Zoning District

Request The applicants are requesting a rezone of four (4) parcels from General Commercial (CG) to Suburban Residential (RS) Zoning District.

Staff Recommendation Adopt Resolution PZ2023-19 recommending approval of a rezone of four (4) parcels from General Commercial (CG) to Suburban Residential (RS) Zoning District.

Applicants: Nancy and Michael Wiles
1206 First Avenue
Kenai, AK 99611

Five D Investments LLC
c/o Ken Dunbar
P.O. Box 969
Kenai, AK 99611

<u>Parcel No.</u>	<u>Address</u>	<u>Lot Size</u>	<u>Legal Description</u>
04317028	1202 First Avenue	0.49-acre	Lot 1, Letzring 1985 Subd. of Gov. Lot 169
04317029	1206 First Avenue	0.31-acre	Lot 2, Letzring 1985 Subd. of Gov. Lot 169
04317030	1204 First Avenue	0.31-acre	Lot 3, Letzring 1985 Subd. of Gov. Lot 169
04317013	103 Birch Street	1.25 acres	Govt Lot 170

Current Zoning: General Commercial (GC)

Proposed Zoning: Suburban Residential (RS)

Current Land Use Single-Family Residence, Accessory Structures, and Vacant Parcels

Land Use Plan Mixed-Use

SUMMARY

The applicants are seeking to rezone properties located at 1202, 1204, and 1206 First Avenue and 103 Birch Street from General Commercial (CG) to Suburban Residential (RS) zoning district. The purpose of the rezone is to allow additional affordable housing rather than commercial use on the subject parcels. For the parcel located at 103 Birch Street, the property owner intends to subdivide and construct a single-family dwelling unit on each lot. In the applicants' letter, it is indicated that 103 Birch Street would be subdivide and four (4) single-family homes would be constructed. However, Planning staff received the preliminary plat and it shows a 5-lot subdivision. The preliminary plat is subject to compliance with KMC Chapter 14.10 *Subdivision Regulations* and would come before the Planning & Zoning Commission for review/recommendation at a later time contingent on the decision of the rezone. If approved, the zone change would allow a residential use as a principal use, whereas under the existing zone, CG, a residential use is only permitted as a secondary use.

ANALYSIS

Pursuant to KMC Section 14.20.270, the initiation of a Zoning Map Amendment may be initiated by a majority of the property owners in the area to be rezone. Furthermore, the area to be rezoned contains a minimum one (1) acre (excluding street or alley rights-of-way) unless the amendment enlarges an adjacent district boundary.

Three (3) out of the four (4) parcels are under the same ownership with the remaining parcel owned by a different property owner. Both property owners jointly applied for the rezone; therefore, meeting the initiation of a rezone application. To further support their request, the applicants have provided a list of signatures from surrounding property owners/residents to support their rezone petition. The combined area of the rezone is approximately 2.36 acres, which exceeds the minimum one (1) acre requirement for a zoning map amendment and it would expand the adjacent Suburban Residential zoning district to the north and east of the proposed rezone area.

Existing and Proposed Zoning

The existing zoning is General Commercial (CG) and the intent as outlined in KMC Section 14.20.120 states the following:

The CG Zone is established to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes, and because a commercial zone is not suited to the uses excluded above.

Findings: The proposed rezone area is surrounded by a commercial office/warehouse with outdoor storage to the west, residential uses to the north and east, and a commercial center, known as Swanson Square to the south across First Avenue. The current zoning, CG prohibits single-family and two-family residential uses unless it is a secondary use according to the land use table found in KMC Section 14.22.010 as shown below (highlighted in yellow).

LAND USE TABLE

KEY: P = Principal Permitted Use
 C = Conditional Use
 S = Secondary Use
 N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

ZONING DISTRICTS																	
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU
RESIDENTIAL																	
One-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	S ²	S ²	C ²²	P	P	P	S ¹ /C ²¹
Two-, Three-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	C	C	C ²²	P	P	P	S ¹ /C ²¹
Four-Family Dwelling	N	C ¹⁸	P	C ^{3,29}	P	N	N	P	P ²¹	S ¹	C	C	C ²²	N	P	C	S ¹ /C ²¹
Five-, Six-Family Dwelling	N	C ¹⁸	C ³	N	P	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹
Seven- or More Family Dwelling	N	C ¹⁸	C ³	N	C ³	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹

Footnotes:

1 Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter 14.25 shall include any secondary uses in the landscaping and site plans.

In addition, CG zone allows for the widest range of commercial and industrial uses compared to other commercial zoning districts. The existing CG zone is not a compatible land use for this area since there are existing residential uses to the north and east of the proposed rezone area and an existing single-family dwelling in the proposed rezone area. While the site plan/landscaping review is intended to provide adequate buffers, transitions, and impacts between commercial/industrial uses and residential uses, this could be further implemented through a suitable zoning designation. The intent of the CG zone is not compatible with the existing residential uses in the adjacent RS zoning district to the north and east. There are other restrictive commercial zoning districts that allows residential use as a principal use but it would provide a disconnect between the existing CG zone to the west of the proposed rezone area.

The proposed zoning is Suburban Residential (SR) and the intent as outlined in KMC Section 14.20.090 states the following:

The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) *To separate residential structures to an extent which will allow for adequate light, air, and privacy;*
- (2) *To prohibit uses which would:*
 - (A) *Violate the residential character of the environment;*
 - (B) *Generate heavy traffic in predominantly residential areas.*

Findings: The rezone to RS zone would increase the adjacent RS zoning district, which it is anticipated that it would be developed in junction with the surrounding residential uses to the north and east. Therefore, minimizing potential impacts of commercial development on existing residential uses. As noted by the applicants, there is a need for additional housing and this rezone would allow for residential uses without going through additional planning processes.

Comprehensive Plan – Land Use Classification

The existing land use classification is Mixed-Use and the intent as outlined in the *Imagine Kenai 2030 Comprehensive Plan* (“Comprehensive Plan”) states the following:

Mixed use is intended for a compatible mix of residential, retail, service, office, public, institutional and recreational uses. Uses are co-located in an integrated way that supports sustainable forms of transport such as public transport, walking and biking, and increases neighborhood amenities. Compatibility issues are addressed through careful site layout and building design.

Findings: The existing land use classification states a compatible mix of residential and commercial uses. It is anticipated that this area will become residential uses. In the RS zone, several commercial uses are permitted subject to a Conditional Use Permit (see attached Land Use Table). The proposed rezone to RS zone would be consistent with the Mixed-Use land use classification as identified in the Comprehensive Plan. Therefore, an amendment to the land use map in the Comprehensive Plan is not required. During the 2016 Comprehensive

Plan update, City Council passed Ordinance No. 2908-2016, approving and adopting a revised 2030 Comprehensive Plan updated in 2016, which shows that the draft land use plan map included in the Ordinance packet but it was not carry into the final version of the Comprehensive Plan (see attached draft Land Use Plan map). This is important to note the correct land use classification because it determines whether an amendment to the Comprehensive Plan is required. If it was classified as General Commercial as it is shown in the final version, then the City would need to make the findings for the Comprehensive Plan amendment in addition to the rezone of the zoning district.

The Comprehensive Plan supports this rezoning in the following identified goal:

Goal 1 – Quality of Life: Promote and encourage quality of life in Kenai.

- *Q-4: Promote the siting and design of land uses that are in harmony and scale with surrounding uses.*

Findings: The proposed rezone to RS would align with the current low to medium density residential character of the neighborhood.

Existing Use

In the proposed rezone area, the only existing principal use is a single-family dwelling on the property located at 1206 First Avenue, which is adjacent to the storage yard for the commercial office/warehouse in the northwest corner of N. Spruce Street and First Avenue.

Findings: The proposed rezone to RS zone would make the existing single-family dwelling compliant with the zoning district. Under the existing CG zone, the existing residence is considered a non-conforming use since residential use is not permitted to be a principal use. Therefore, any expansions or alterations of the residence would be subject to KMC Section 14.20.050 *Nonconforming lots, structures, and uses*.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280 notices of the public hearing for the rezone were mailed to property owners within a three hundred-foot (300') periphery of the subject properties. City staff published notice of the public hearing in the *Peninsula Clarion*, and notification was posted.

No public comments have been received as-of-date.

This rezone request was previously advertised as a public hearing for Planning & Commission meeting held on October 25, 2023. Due to discrepancies discovered by Planning staff, a staff report and resolution was not included in the packet. Therefore, no action was taken at the public meeting. However, due to the advertisement of the proposal as a public hearing, public testimony was opened and the applicant, Nancy Wiles was present to support the rezone request. In addition, Mr. Keith Shaffer, resident at 104 Birch Street was in support of the rezone to residential.

STAFF RECOMMENDATION

Based on the findings and analysis in this staff report, Staff recommends the Planning & Zoning Commission recommend approval of the rezone request for the properties located at 1202, 1204, and 1206 First Avenue and 103 Birch Street from General Commercial (CG) to Suburban

Residential (RS) zoning district. Planning & Zoning Commission's recommendation will be forwarded to City Council for consideration.

ATTACHMENTS

- Zoning Map
- Application Materials
 - Application
 - Letter of Intent
 - Aerial Map
 - Petition Signature List
- KMC 14.22.010 Land Use
- Table Draft Land Use Plan Map

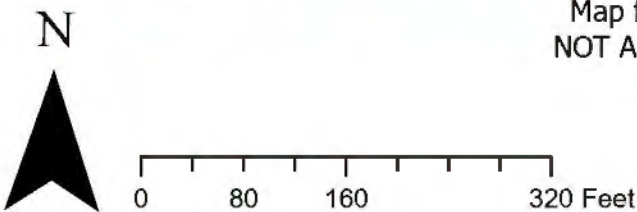


Resolution PZ2023-19 Rezone from CG to RS 1202, 1204, and 1206 First Avenue And 103 Birch Street



Date Printed: 11/8/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



RECEIVED

CITY OF KENAI

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning



Rezoning Application

SEP 18 2023

Planning & Zoning

By: *AM*

PETITIONER

Name:	Nancy & Michael Wiles, Ken Dunbar						
Mailing Address:	[REDACTED]	City:	[REDACTED]	State:	[REDACTED]	Zip Code:	[REDACTED]
Phone Number(s):	SEE ATTACHED						
Email:	[REDACTED]						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (s):	[REDACTED]
Physical Address:	SEE ATTACHED
Legal Description:	[REDACTED]

ZONING INFORMATION

Present Zone:	Central Commercial
Proposed Zone:	Suburban Residential
Intended Use and/or Reason for Rezoning (attach additional sheets if necessary):	SEE ATTACHED

AMENDMENT PROCEDURE REQUIREMENTS

The area proposed to be rezoned contains a minimum of 1 acre (excluding street or alley rights-of-way), unless the amendment enlarges an adjacent zoning district boundary.	<input checked="" type="checkbox"/> YES
This proposed amendment to the zoning ordinance is not substantially the same as any other unapproved proposed amendment submitted within the previous 9 months.	<input checked="" type="checkbox"/> YES
I understand a public hearing is required as outlined in the Kenai Zoning Code, a \$250 fee is required (\$265 total after tax), and that this application will be reviewed following Kenai City Code 14.20.270, available at kenai.municipal.codes/KMC/14.20.270.	<input checked="" type="checkbox"/> YES
I have included a map of the proposed rezone area and applicable signatures.	<input checked="" type="checkbox"/> YES

The proposed Zoning Code and Official Zoning Map Amendments is initiated by (check one):

- Kenai City Council
- Kenai Planning & Zoning Commission
- Petition of majority of the property owners in the area to be rezoned
- Petition bearing the signatures of 50 registered voters within the City of Kenai
- Petition as provided by the Home Rule Charter of the City of Kenai

PETITIONER'S SIGNATURE

Signature:	<i>Nancy L Wiles</i> <i>Ken Dunbar</i>		
Printed Name:	Nancy L Wiles	Ken Dunbar	Date: 09/18/2023

For City Use Only

Date Application Fee Received:
PZ Resolution Number:

Rezoning Application

Nancy & Michael Wiles

1206 First Avenue

Kenai, AK 99611

(907) 398-6613

nlwiles@hotmail.com

Ken Dunbar

P.O. Box 969

Kenai, AK 99611

(907) 947-3000

kdunbar@dunbarandsons.com

Kenai Peninsula Borough Parcel Numbers/Physical Address/Legal Description:

04317028 1202 First Ave T 6N R 11W SEC 31 Seward Meridian KN 0850055
Letzring 1985 SUB OF GOVT LOT 169 LOT 1

04317029 1206 First Ave T 6N R 11W SEC 31 Seward Meridian KN 0850055
Letzring 1985 SUB OF GOVT LOT 169 LOT 2

04317030 1204 First Ave T 6N R 11W SEC 31 Seward Meridian KN 0850055
Letzring 1985 SUB OF GOVT LOT 169 LOT 3

04317013 103 Birch St T 6N R 11W SEC 31 Seward Meridian KN GOVT LOT 170

Intended Use and/or Reason for Rezoning:

As property owners of the above lots, we request they be rezoned from Central Commercial to Suburban Residential. It is our belief that the community is better served with additional affordable housing rather than commercial use in this area. As attested by the 56 neighborhood signatures (as well as our two), our neighbors agree and wish to have homes built in this area. Rezoning to SR would bring this section of the block into alignment with the current neighborhood.

Mr. Dunbar wishes to subdivide and build four single family homes on the 103 Birch St. lot. The City would benefit from having the additional tax base of the completed homes, as well as the income from water and sewer utilities. The community would benefit by having affordable rental properties in a convenient location.

The Wiles originally purchased 1202 and 1204 First Ave. in order to be able to gift or sell a lot to each of their children in order to build a home or cabin. There is the potential of two more homes being built. They have lived in the home at 1206 First Avenue since 1985.



1202, 1204, 1206 1st Ave & 103 Birch St



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other Proceed
- Parcels
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue



Notes

Enter map notes here.

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DATE PRINTED: 9/12/2023

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

The property at 1202, 1204, 1206 First Avenue and the adjoining lot at 103 Birch Street are currently zoned General Commercial. We request this land be rezoned to Suburban Residential to bring it into alignment with the majority of the surrounding area. We welcome the opportunity to have more homes built in our neighbourhood, and see no need for commercial property at this site as there is plenty of land zoned commercial in more appropriate areas of Kenai.

Name: PAUL E SARKS
Address: 110 Birch St.
Signature: Paul E Sarks
1


Name: KEITH SHAFER
Address: 104 Birch St.
Signature: Keith Shafer
2

Name: SHIRLEY R FALLIS
Address: 104 BIRCH ST.
Signature: Shirley R. Fallis
3

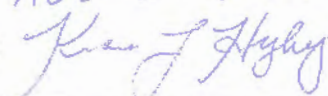
Name: Victoria Bower
Address: 111 Birch St, Kenai AK
Signature: Victoria Bower
4

Name: Dan McKinnon
Address: 1211 1st Ave
Signature: Dan McKinnon
5

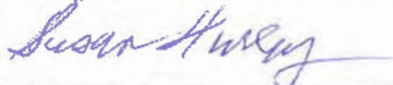
Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: Gerry Sipes
Address: 310 North Spruce St Kenai, AK 99611
Signature: 

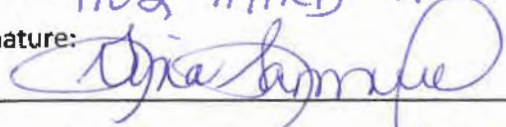
6

Name: Krana Hughey
Address: 1103 2nd Avenue Kenai AK 99611
Signature: 

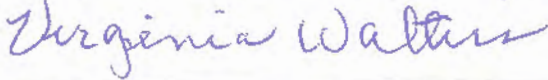
7

Name: Sasanthurley
Address: 209 Floer Ave Kenai AK 99611
Signature: 

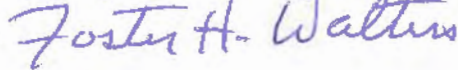
8

Name: Gina Samuel
Address: 1102 THIRD AVE. Kenai
Signature: 

9

Name: Virginia Walters
Address: 214 Birch St. Kenai
Signature: 

10

Name: Foster H Watley
Address: 214 Birch Street
Signature: 

11

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: *Sandra Esteban*
Address: *212 Birch St.* Mail *35555 Kenai Spur #176*
Signature: *Sandra Esteban* Soldatna 99669
12

Name: *NANETTE DAIGLE*
Address: *208 BIRCH STREET*
Signature: *[Handwritten Signature]*
13

Name: *Fred Perez*
Address: *204 Birch St*
Signature: *[Handwritten Signature]*
14

Name: *BILL LOCKNER*
Address: *205 BIRCH ST*
Signature: *[Handwritten Signature]*
15

Name: *PAM DOMINGUEZ*
Address: *1204 3rd Ave*
Signature: *[Handwritten Signature]*
16

Name: *Eileen Bryson*
Address: *1205 Third Ave*
Signature: *Eileen Bryson* Kenai, Alaska
17

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: Robert Springer
Address: 1206 Third Ave.
Signature: Robert Springer 18

Name: Darla Springer
Address: 1206 Third Ave.
Signature: Darla R. Springer 19


Name: CHARLES KAHAKAWILA
Address: 1202 DORENDA CT. P.O. Box 1391
Signature: Charles Kahakawila Kenai 20

Name: Ivy Hanson
Address: 3017 Bree Ave.
Signature: Ivy Hanson 21

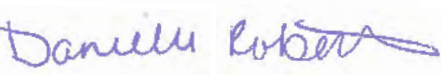
Name: Trent Hanson
Address: 3017 Bree Ave
Signature: Trent Hanson 22

Name: Glenn Q. Hanson
Address: 309 Birch St.
Signature: Glenn Q. Hanson 23


Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: Ryan Holmes
Address: 34 Birch
Signature: 
24

Name: Ron Helmes
Address: 311 BIRCH ST
Signature: Ron Helmes
25

Name: Danielle Robertson
Address: 402 Birch St.
Signature: 
26

Name: Allen Koerber
Address: 402 Birch St
Signature: 
27

Name: Blossom McGahan
Address: 406 Birch St
Signature: 
28

Name: Charlene McGahan
Address: 406 Birch St
Signature: 
29

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: Rob Cotton #
Address: 408 Birch ST - Kenai
Signature: Rob Cotton #
30

Name: Roberta Oskoloff
Address: Box 266
Signature: Roberta Oskoloff
31

Name: Teea Winger
Address: 1111 5th Ct. Kenai, AK 99611
Signature: Teea Winger
32

Name: MALCOLM MCBRIDE
Address: 1111 FID CT KENAI
Signature: Malcolm McBride
33

Name: Naomi Rump
Address: 1205 Street Kenai
Signature: Naomi Rump
34

Name: JEANNE REVEAL
Address: 415 BEACH ST.
Signature: Jeanne Reveal
35

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Name: GLENNA M. SWEARINGEN
Address: 107 BIRCH ST
Signature: *Glenna M Swearingen* 36

Name: Virginia Shook
Address: 1109 Third Ave Kenai, AK. 99611
Signature: *Virginia Shook* 37

Name: Trixie Spicer
Address: 1206 4th Ave.
Signature: *Trixie Spicer* 38

Name: Robert Robinson
Address: 1206 4th Ave.
Signature: *Robert W Robinson* 39

Name: Charles Pinkerton
Address: 1203 4th Ave, Kenai AK 99611
Signature: *Charles Pinkerton* 40

Name: Cathleen (Cookie) Pinkerton
Address: 1203 4th Ave. Kenai, AK.
Signature: *Cathleen Pinkerton* 41

PETITION TO REZONE

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: *Lanae McQuillin*
Address: *313 Cindy Cir, Kenai AK 99611*
Signature: *Lanae McQuillin*

42

Name: *Jackie Gonaci*
Address: *311 Cindy Circle*
Signature: *J Gonaci*

43

Name: *Cynthia Yarnes*
Address: *316 Cindy Circle Kenai AK*
Signature: *Cynthia Yarnes*

44

Name: *Erick L Yarnes*
Address: *310 Cindy Circle Kenai AK*
Signature: *ERICK L YARNES*

45

Name: *Romona L. Morey*
Address: *312 Cindy Cir KENAI, AK*
Signature: *Romona L Morey*

46

Name: *MATT MOREY*
Address: *312 CINDY CIR KENAI*
Signature: *Matt Morey*

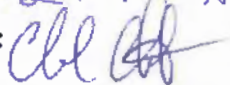
47


Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzing Subdivision, formerly Government lot 169)


Name: Verna Lea Isham
Address: 1210 4th Avenue Kenai, AK 99611
Signature: 
48

Name: WARREN ISHAM
Address: 1210 FOURTH AVE KENAI AK 99611
Signature: 
49

Name: Rocco Sangiovanni
Address: 1212 4th AVE, Kenai AK
Signature: 
50

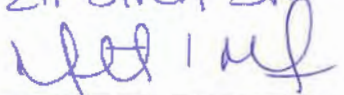
Name: Charla Cobb
Address: 1211 4th Ave Kenai, AK
Signature: 
51

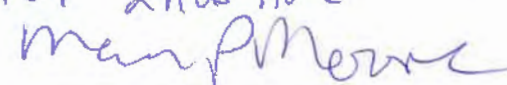
Name: Nicole Cobb
Address: 1211 4th Ave Kenai, AK
Signature: 
52

Name: WADE MORGAN
Address: 211 BIRCH ST. KENAI, AK
Signature: 
53

PETITION TO REZONE

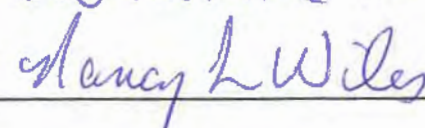
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Name: Martha L. Mounier
Address: 211 Birch St.
Signature:  54


Name: Mary Moore
Address: 1107 2nd Ave
Signature:  55

Name: Garnet Sarks
Address: 110 Birch St.
Signature:  56

Person lodging this petition is:

Name: Nancy Wiles
Address: 1206 First Ave Kenai AK 99611
Signature: 

Person lodging this petition is:

Name: Kenneth L. Dunbar
Address: P.O. Box 969 Kenai AK 99611
Signature: 

14.22.010 Land use table.

LAND USE TABLE

KEY: P = Principal Permitted Use
 C = Conditional Use
 S = Secondary Use
 N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

ZONING DISTRICTS																	
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU
RESIDENTIAL																	
One-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	S ²	S ²	C ²²	P	P	P	S ¹ /C ²¹
Two-, Three-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	C	C	C ²²	P	P	P	S ¹ /C ²¹
Four-Family Dwelling	N	C ¹⁸	P	C ^{3,29}	P	N	N	P	P ²¹	S ¹	C	C	C ²²	N	P	C	S ¹ /C ²¹
Five-, Six-Family Dwelling	N	C ¹⁸	C ³	N	P	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹
Seven- or More Family Dwelling	N	C ¹⁸	C ³	N	C ³	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹
Mobile Home Parks ⁶	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C
Planned Unit Residential Development ⁷	N	C ¹⁸	C	C ²⁹	C	C	C	C	C	C	C	C	N	C	C	C	C
Townhouses ⁴	N	C ¹⁸	C ³	C ^{3,29}	C ³	C ³	C ³	C ³	C	C	C	C	C ²²	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N

KMC 14.20.200)																		
COMMERCIAL																		
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C	
Adult Businesses	N	N	N	N	N	N	N	N	P ³¹	P ³¹	P ³¹	P ³¹	N	N	N	N	N	
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P	
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P	
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P	
Business/Consumer Services	C	N	C	C	C	N	N	C	P	P	P	C	N	C	C	C	P	
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P	
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P	
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P	
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P	
Marijuana Cultivation Facility, Limited ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	
Marijuana Cultivation Facility, Standard ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	
Marijuana Product Manufacturing Facility ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N	
Marijuana Testing Facility ³⁰	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C	
Professional Offices	C	N	C	C	C	N	N	P	P	P	P	P	N	C	P	P	P	

Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Retail Business	C	N ²⁶	C	N	C	N	N	C	P	P	P	P	S ²⁴	S ²⁴	C	C	P
Retail Marijuana Store ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S ²⁴	C	C	N
INDUSTRIAL																	
Airports	C	p ²⁰	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P
Gas Manufacturer/Storage	C ⁹	N	N	N	C	N	N	N	N	N	C ⁹	C ⁹	N	N	N	N	N
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N
PUBLIC/INSTITUTIONAL																	
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches*	N	C	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	C	C	P	p ¹⁰	P	P	P
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P

Colleges*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P
Elementary Schools*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P
Governmental Buildings	P	C	C	C ²⁹	C	C	C	C	P	P	P	C	P	C	C	P	P
High Schools*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P
Libraries*	N	C	C	C ²⁹	C	C	C	C ¹²	P	P	P	C	P	C	P	C	P
Museums	C	C	C	C ²⁹	C	C	C	C	P	P	P	C	P	C	P	C	P
Parks and Recreation	N	P	C	C ²⁹	C	C	C	C	P	P	P	P	P	P	P	C	P
MISCELLANEOUS																	
Animal Boarding/Commercial Kennel ¹³	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C
Assemblies ¹⁵ (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	p ¹⁵	p ¹⁵	p ¹⁵	p ¹⁵	p ¹⁵	C	P	N	p ¹⁵
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** ²⁸	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C
Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C

Day Care Centers ¹²	N	C	C	C ²⁹	C	C	C	C	P	P	P	C	C	C	C	P	P
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P ²¹	S	C	P	P ²³	C	C	C	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P
Greenhouses/Tree Nurseries ¹³	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P
Gunsmithing, Taxidermy	N	N	C	C	C	C	C	C	P	P	P	P	N	C	P	P	P
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P
Parking, Public Lots ¹²	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C
Personal Services ²⁵	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/C ²⁷	P
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C
Subsurface Extraction of Natural Resources ¹⁶	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N
Surface Extraction of Natural Resources ¹⁷	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N

* See 42 U.S.C. Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

** See 42 U.S.C. Telecommunications Act of 1996, Sec. 704(a)

*** See, however, the limitations imposed under KMC [3.10.070](#)

Footnotes:

- 1** Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.
- 2** One (1) single-family residence per parcel, which is part of the main building.
- 3** Allowed as a conditional use, subject to satisfying the following conditions:
 - a** The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;
 - b** The site square footage in area must be approved by the Commission;
 - c** Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;
 - d** Water and sewer facilities shall meet the requirements of all applicable health regulations;
 - e** The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;
 - f** The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;
 - g** There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;
 - h** The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;
 - i** The property adjacent to the proposed dwelling group will not be adversely affected.
- 4** See "Townhouses" section.
- 5** See "Mobile Homes" section.
- 6** Allowed as a conditional use, subject to "Mobile Homes" section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.
- 7** See "Planned Unit Residential Development" section.
- 8** Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.
- 9** Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.
- 10** Provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.

- 11** Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.
- 12** Allowed as a conditional use; provided, that the following conditions are met:
- a** The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;
 - b** Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.
- 13** Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter [3.15](#)).
- 14** Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.
- 15** Allowed; provided, that the following conditions are met:
- a** An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.
 - b** Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.
- 16** See "Conditional Uses" section.
- 17** See "Conditional Use Permit for Surface Extraction of Natural Resources" section.
- 18** **Conditional use allowed only on privately held property.** Not allowed on government lands.
- 19** Reserved.
- 20** The airport-related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC [14.20.070\(a\)](#), except that for properties contained inside the airport perimeter fence or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.
- 21** Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.
- 22** **Allowed as a conditional use in conjunction with a permitted use in the ED Zone.** For example, housing for teachers or students for a school in the zone.
- 23** **Allowed as an accessory use in conjunction with a permitted use in the ED Zone.** For example, a dormitory used to house students for a school or educational facility.

24 Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

25 Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

26 Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

27 Personal services not set forth in the below matrix are conditional uses.

Limited Commercial Zone		
Personal Services	Permitted (P)	Conditional Use (C)
Art Studios	X	
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

28 Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC [14.20.255](#) are met or a conditional use (C) if the applicable conditions set forth in KMC [14.20.150](#) and [14.20.255](#) are met.

29 Use allowed only for those parcels that abut the Kenai Spur Highway. The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from

the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

30 See marijuana regulations, KMC [14.20.230](#)—Home Occupations, [14.20.320](#)—Definitions, [14.20.330](#)—Standards for commercial marijuana establishments.

31 See KMC [14.20.175](#)—Adult businesses; no adult business may be located within one thousand (1,000) feet of another adult business, or sensitive use. “Sensitive use” means a church or other place of worship, a public or private school (licensed pre-K through twelfth grade) or businesses where or areas where youth are likely to be present (limited to public parks, youth recreational centers, public playgrounds, public libraries).

(Amended during 7-7-99 supplement; Ord. 1862-2000; Amended during 12-1-00 supplement; Ords. 1911-2001, 1938-2001, 1956-2002, 1962-2002, 1990-2003, 1994-2003, 2053-2004, 2081-2005, 2112-2005, 2113-2005, 2144-2006, 2152-2006, 2185-2006, 2195-2006, 2246-2007, 2272-2007, 2403-2009, 2425-2009, 2546-2011, 2610-2012, 2649-2012, 2688-2013, 2784-2014, 2870-2016, 2884-2016, 3025-2018, 3056-2019, 3083-2019 (Substitute), 3363-2023)

The Kenai Municipal Code is current through Ordinance 3363-2023, passed July 5, 2023.

Disclaimer: The City Clerk has the official version of the Kenai Municipal Code. Users should contact the City Clerk for ordinances passed subsequent to the ordinance cited above.

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

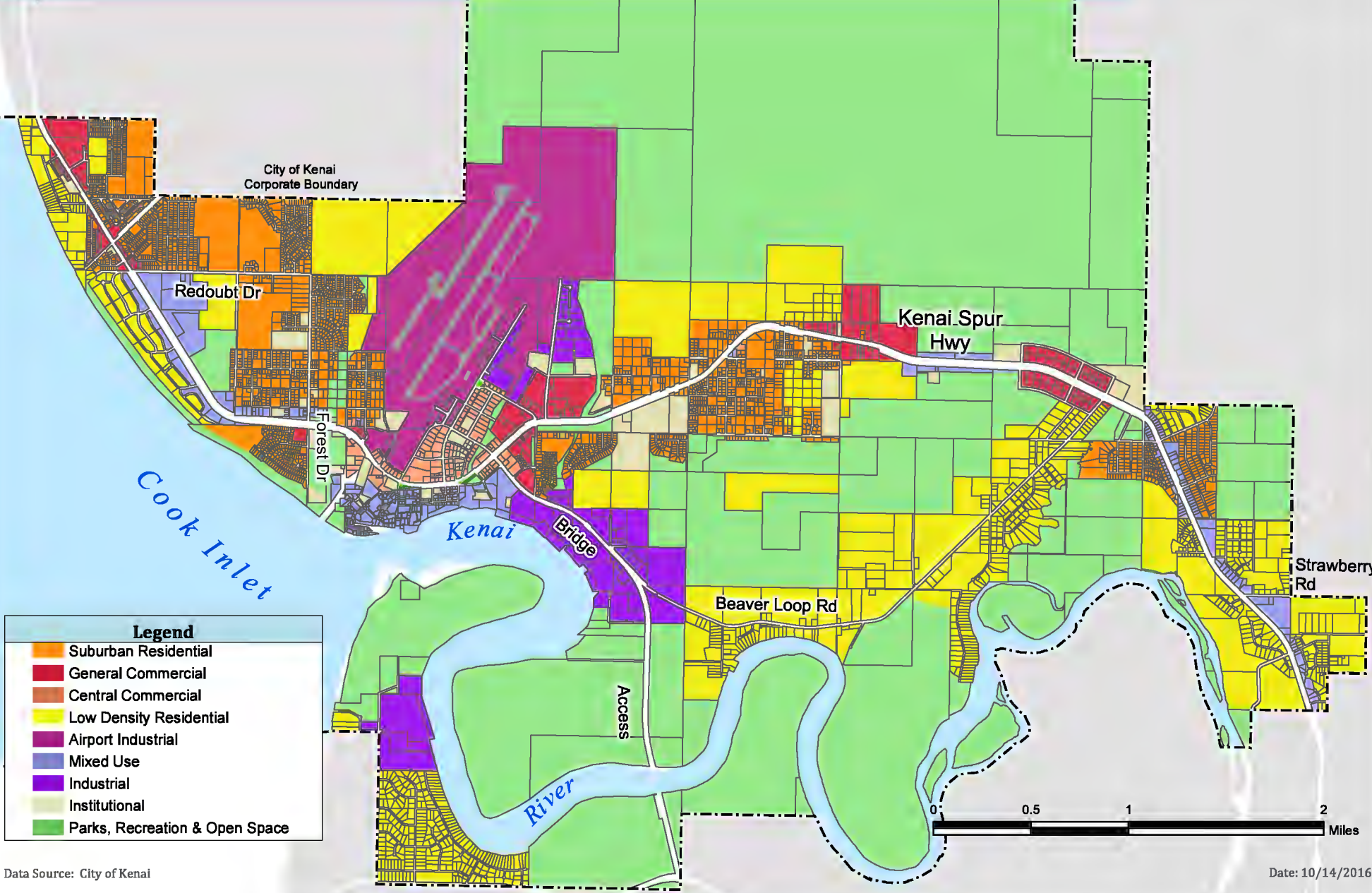
[City Telephone: \(907\) 283-7535](tel:(907)283-7535)

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2016 City of Kenai Comprehensive Plan
Public Hearing Draft

Map 7. Land Use Plan

2016



Legend

- Suburban Residential
- General Commercial
- Central Commercial
- Low Density Residential
- Airport Industrial
- Mixed Use
- Industrial
- Institutional
- Parks, Recreation & Open Space

Data Source: City of Kenai

Date: 10/14/2016

61

July 2016



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3384-2023**

AN ORDINANCE CANCELLING PREVIOUSLY APPROPRIATED PROJECTS, AUTHORIZING A TRANSFER OF FUNDS FROM THE WASTEWATER FACILITY CAPITAL PROJECT FUND TO THE WATER AND SEWER CAPITAL PROJECT FUND AND APPROPRIATING SUPPLEMENTAL FUNDS FOR THE CONSTRUCTION OF A NEW WATER PUMP HOUSE AT THE CITY’S WATER TREATMENT FACILITY.

WHEREAS, the Water and Sewer Utility’s number one capital priority in the 2024-2028 Capital Plan was construction of a new pumphouse at the Utilities Water Treatment Facility; and,

WHEREAS, construction of the pumphouse was contingent on receiving grant funds; and,

WHEREAS, on August 1, 2023 the City was notified the project was eligible for a \$1,200,000 loan from the Alaska Drinking Water Fund and loan forgiveness of \$1,200,000; and,

WHEREAS, with the assistance of Bond Counsel, it was determined that if the City paid for the cost of construction and then sought reimbursement that the City would not incur debt: and,

WHEREAS, the City has identified other projects which may be canceled to provide the needed funding to pay for the upfront cost of construction; and,

WHEREAS, projects in the Wastewater Facility Capital Project Fund to be canceled include design of a remodel of the Wastewater Facility Operations Building, \$300,000, Wastewater Facility Aeration Basin Recoating, \$90,000, and Wastewater Facility Pump House Recoating, \$40,000; and,

WHEREAS, canceling of the projects in the Wastewater Facility Capital Project Fund will provide for a transfer of \$400,000 to the Water and Sewer Capital Project Fund and the return of \$30,000 to the Water and Sewer Special Revenue Fund; and,

WHEREAS, projects in the Water and Sewer Capital Project Fund to be canceled include the project to design disinfectant generation equipment, \$100,000, and the project for improvements at the utilities Reservoir #1, \$300,000; and,

WHEREAS, the \$400,000 in funds made available from canceling projects in the Water and Sewer Capital Project Fund will be combined with the \$400,000 being transferred from the Wastewater Facility Capital Project Fund, \$400,000 to supplement the \$400,000 previously appropriated for the design of a new pump house for a total project budget of \$1,200,000.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. That the following previously appropriated projects in the Wastewater Facility Capital Project Fund are canceled:

1. Wastewater Facility Operations Building Remodel Design	\$300,000
2. Wastewater Facility Aeration Basin Recoating	90,000
3. Wastewater Facility Pump House Recoating	<u>40,000</u>
	<u>\$430,000</u>

Section 2. That the following previously appropriated projects in the Water and Sewer Capital Project Fund are canceled:

- 1. Disinfectant Generation Equipment Design \$100,000
- 2. Reservoir #1 Pumphouse Improvement 300,000
- \$400,000

Section 3. That the following transfers in the Wastewater Facility Capital Project Fund are authorized:

- Transfer to Water and Sewer Capital Project Fund \$400,000
- Transfer to Water and Sewer Special Revenue Fund 30,000
- \$430,000

Section 4. That estimated revenues and appropriations be increased as follows:

Water and Sewer Capital Project Fund:

- Increase/Decrease revenues:
- Appropriation of Fund Balance \$400,000
- Transfer from Wastewater Facility Capital Project Fund 400,000
- \$800,000

- Increase/Decrease expenditures –
- Water Treatment Pumphouse Project – Construction \$800,000

Section 5. 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 6. 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 3RD DAY OF JANUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced:	December 20, 2023
Enacted:	January 3, 2024
Effective:	January 3, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Scott Curtin, Public Works Director
DATE: December 13, 2023
SUBJECT: **Ordinance No. 3384–2023 Water Pump House**

The purpose of this memo is to clarify the prioritization of funds in the Water and Sewer Capital Project Funds. As Council has already been informed, the department was successful in applying for and receiving a \$1,200,000 grant in support of our Water Pump House project. This project is intended to resolve a primary deficiency within our water distribution system.

Our city does not have a water tower to provide constant water pressure. Our system is dependent upon pumps to provide and maintain that pressure. These pumps operate off of electricity, and a loss or interruption in power, results in a rapid drop in water pressure. This project will provide a new structure to house multiple new distribution pumps, controls and all appurtenances including back up power.

Preliminary design work had already been completed at the time the water treatment plant was developed a little over a decade ago. This structure did not go forward at that time due to a lack of funding. Those drawings are being updated to todays codes as well as to comply with grant requirements.

Regarding the projects that are being canceled to support this work, the Wastewater Operations Facility remains a high priority and the design for this project will be moved to FY2025 in the upcoming draft of the Capital Improvement Plan. The Disinfectant Generation Equipment and Airport Reservoir project will also move forward at later dates and will be detailed within the upcoming Capital Improvement Plan to reflect the change.

The Aeration Basin Recoating project was intended to be completed with internal department staff. This project has not been able to move forward due to staff time constraints and will be evaluated for a future project to be bid out to contractors. The WWTP Pump House Recoating project was completed, with staff using a small amount of operational funds. The \$40,000 allocated to this work is no longer needed.

Transferring of these funds in support of the Water Pump House Project is in the best interest of the City. The Design work will continue through the winter with an Invitation to Bid tracking for a 2nd quarter 2024 release. Council's support is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2024-01**

A RESOLUTION APPROVING THE USE OF THE FLEET REPLACEMENT FUND FOR THE PURCHASE OF TWO FORD POLICE RESPONDERS UTILIZING THE STATE OF ALASKA EQUIPMENT FLEET CONTRACT.

WHEREAS, the City evaluated its utility vehicles within its fleet to determine the efficiency of current vehicles and replacement needs; and,

WHEREAS, the City fleet replacement plan calls for the replacement of three police vehicles in FY24, two police trucks and one SUV, and the police trucks are currently available under a State Of Alaska Equipment Fleet Contract; and,

WHEREAS, the Police Department requests to order/purchase two Ford Police Responders (trucks) for a total estimated cost of \$106,458; and,

WHEREAS, funds for this purchase are available in the Fleet Replacement Fund and this purchase; and,

WHEREAS, Kenai Municipal Code 7.15.070(b)(4) allows the City to purchase equipment without competition if the equipment is purchased under the contract of another governmental agency in which the City is authorized to participate; and,

WHEREAS, in past years the City of Kenai has purchased Police Department vehicles through the State of Alaska Equipment Fleet Contract and this purchase 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 City Manager is authorized to use the Fleet Replacement Fund for the purchase of two police vehicles at an estimated cost of \$106,458.

Section 2. That the City Manager is authorized to use State of Alaska Equipment Fleet Contract for the purchase of two Ford Police Responders (trucks) from Kendall Ford for an estimated cost of \$106,458, in accordance with KMC 7.15.070(b)(4).

Section 3. That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 3RD DAY OF JANUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Dave Ross, Police Chief

DATE: December 22, 2023

SUBJECT: **Resolution 2024-01 - Purchase of Police Vehicles with Fleet Replacement Fund**

This Resolution authorizes the purchase of two Ford Police Responders (Trucks) for use as police vehicles utilizing the City’s Fleet Replacement Fund for the purchase. Additionally, it authorizes the purchase of the vehicles through Kendal Ford, under the Alaska State equipment fleet contract for police vehicles. The total cost of the two vehicles is \$106,458.

In accordance with the City’s fleet replacement plan, the police department was scheduled to replace three police vehicles in FY24. The replacement plan calls for two trucks and one SUV to be purchased in FY24. The State of Alaska fleet contract pricing has recently become available on the Ford Police Responder (Truck). We anticipate evaluating SUV options under the State contract in the near future, and therefore the purchase of an SUV is not included in this resolution.

KMC 7.15.070(b)(4) allows the City of Kenai to purchase equipment without giving an opportunity for competitive bidding if the equipment is purchasable under the contract of another government agency in which contract the City is authorized to participate.

Thank you for your consideration.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2024-02**

A RESOLUTION AMENDING THE AUTHORIZED STAFFING TABLE BY ADDING A PART TIME ADMINISTRATIVE ASSISTANT II POSITION TO THE PLANNING AND ZONING DEPARTMENT.

WHEREAS, Ordinance 3353-2023 adopted the annual budget, salary schedule, employee classification plan and authorized staffing table for the fiscal year commencing July 1, 2023 and ending June 30, 2024; and,

WHEREAS, KMC 23.20.020 allows for amendment to the employee classification plan by adoption of the annual budget ordinance or by resolution; and,

WHEREAS, the annual budget includes current authorized staffing for a full-time Administrative Assistant III in the Planning and Zoning Department; and,

WHEREAS, adding an additional part-time Administrative Assistant II will improve efficiency and organizational flexibility in the Planning and Zoning Department; and,

WHEREAS, a position description was created for the Administrative Assistant II, assigned at a range 14 in the City’s Classification Plan; and,

WHEREAS, the addition of a part-time Administrative Assistant II will not result in an increase to the current FY24 budget due to staffing vacancies; and,

WHEREAS, if this staffing allocation were approved through the FY25 budget process, would result in an estimated increase of \$27,000 in the Planning and Zoning salaries budget beginning in FY25 and beyond; and,

WHEREAS, changes in staffing traditionally occur during the annual budget process but because of current vacancies the request is being brought forward at this time; and,

WHEREAS, this amendment ensures that the Planning and Zoning Department will be sufficiently staffed comparable with other departments within the City.

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

Section 1. The Council amends the Authorized Personnel Staffing Table by adding the part time Administrative Assistant II to the Planning and Zoning Department as follows:

Planning & Zoning Department		FTE
	Planning Director	0.7
	Administrative Assistant III	1.0
	Administrative Assistant II	0.5

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 3RD DAY OF JANUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance  _____



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Stephanie Randall, Human Resources Director
Linda Mitchell, Planning and Zoning Director

DATE: December 22, 2023

SUBJECT: **Resolution 2024-02 – Amending Authorized Staffing in the Planning and Zoning Department**

This resolution amends the Authorized Personnel Staffing Table to address ongoing workload challenges in the Planning and Zoning Department by adding a part-time Administrative Assistant II at pay range 14.

A full-time Administrative Assistant III position was approved in the Planning and Zoning Department as part of the FY24 budget. However, due to recruitment challenges, Human Resources worked with the Planning Director to explore alternative staffing solutions. This resulted in the creation of two part-time Administrative Assistant II positions at a range 14. One of the part-time positions was successfully filled.

After evaluating the structure of the Planning and Zoning department, Human Resources analyzed the duties and responsibilities of positions with the department and collaborated with the Planning Director to revise the Administrative Assistant III job description to include responsibilities of a Planning Technician. This updated role is similar to comparable positions in other places of public employment and other Administrative Assistant III positions within the City that are classified at a range 15. The Administrative Assistant III/Planning Technician position will provide necessary technical support, improve responsiveness to residents and businesses in the community, and ensure the department's continued ability to carry out its essential functions.

This amendment would add the existing part-time Administrative Assistant II to the Authorized Personnel Staffing Table and increase the full time equivalent (FTE) for the Planning and Zoning Department by .5. Due to staffing vacancies within the department, the addition of a part-time position will not result in an increase to the current FY24 budget; however, it would result in an estimated increase of \$27,000 in the Planning and Zoning salaries budget beginning in FY25

Passage of this resolution will allow the Planning and Zoning Department to immediately begin recruitment to fill the Administrative Assistant III/Planning Technician position.

Your consideration is appreciated.

**KENAI CITY COUNCIL – REGULAR MEETING
 DECEMBER 20, 2023 – 6:00 P.M.
 KENAI CITY COUNCIL CHAMBERS
 210 FIDALGO AVE., KENAI, AK 99611
 MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on December 20, 2023, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor	Henry Knackstedt, Vice Mayor
Phil Daniel	Deborah Sounart
James Baisden	Victoria Askin

A quorum was present.

Absent:

Alex Douthit

Also in attendance were:

**Xinlan Tanner, Student Representative
 Terry Eubank, City Manager
 Scott Bloom, City Attorney (*remote participation*)
 David Swarner, Finance Director
 Linda Mitchel, Planning Director
 Scott Curtin, Public Works Director
 Derek Ables, Airport Manager
 Dave Ross, Police Chief
 Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

- | | |
|-------------------|---|
| Add to Item H. 3. | *Action/Approval - Special Use Permit to Beacon Occupational Health and Safety Services. <ul style="list-style-type: none"> • Airport Commission Recommendation Memo. |
| Add Item H. 14. | *Action/Approval - Letter Supporting KPEDD's Application to EDA for a Three-Year Partnership Planning Program. |

MOTION:

Vice Mayor Knackstedt **MOVED** to approve the agenda and consent agenda with the requested revisions. Council Member Askin **SECONDED** the motion.

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

Mayor Gabriel opened the floor for public comment on consent agenda items; 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.**

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 ADMINISTRATIVE REPORTS - None.

C. SCHEDULED PUBLIC COMMENTS

1. Services Provided by the LeeShore Center, Cheri Smith, Executive Director

Cheri Smith, Executive Director of the LeeShore Center addressed the Council regarding the History of the LeeShore Center noting the center incorporated as a nonprofit in 1979; was build with volunteer donated materials and the shelter doors opened in 1985. The center operates a 35-bed shelter and a 25-bed transitional housing facility, providing services from Clam Gulch to Moose Pass; the shelter services men, women and children; and are a part of the Sexual Assault Response Team for our community.

D. UNSCHEDULED PUBLIC COMMENTS

Marion Nelson, Kenai Fine Art Center Board President addressed the Council explaining the different types of shows; the Call for Art; and the upcoming shows in 2024.

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center provided an update on the year end wrap up; pending corrections to the Old Town Walking Tour; the Moose Meat Johns Cabin being closed for the foreseeable future do to needed repairs to make it safe for the public; and summarized some of the upcoming 2024 events.

E. PUBLIC HEARINGS

1. **Ordinance No. 3381-2023** - Repealing Kenai Municipal Code Appendices - Public Record Inspection Regulations, Repealing Kenai Municipal Code Chapter 10.40 - Release of Public Records and Re-Enacting Kenai Municipal Code 10.40 - Access to Public Records.
(Baisden)

MOTION:

Council Member Baisden **MOVED** to enact Ordinance No. 3381-2023. Council Member Sounart **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.

It was reported that the re-enacted code would combine what was previously located in the appendices and code and update it and the more substantial changes included a section for response by departments which codified current practices related to fire and police requests; litigation disclosure; denials must include reference to the law protecting the record from disclosure; and appeals would now go to the Superior Court instead of to Council.

VOTE:

YEA: Gabriel, Daniel, Sounart, Knackstedt, Baisden, Askin

NAY: None

ABSENT: Douthit

**Student Representative Tanner: Yea

MOTION PASSED.

2. **Ordinance No. 3382-2023** - Amending Kenai Municipal Code Chapter 7.05 Taxation of Real and Personal Property to Provide an Exemption on the First \$100,000 of Assessed Valuation Other Than Motor Vehicles and Watercraft Owned by Each Taxpayer and Making Housekeeping Changes. (Gabriel, Knackstedt, Baisden, Daniel, Askin, Sounart, Douthit)

MOTION:

Council Member Baisden **MOVED** to enact Ordinance No. 3382-2023. Council Member Askin **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center addressed the Council regarding the letter of support included in the packet from the Kenai Chamber of Commerce.

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

It was reported that residents of the Kenai Peninsula Borough and City of Soldotna already had this exemption; it would result in property tax relief of roughly \$435 per year, an overall decrease to the City of \$35,000; however, would be an investment by the City in our local businesses.

There was discussion regarding how this would benefit the City.

VOTE:

YEA: Daniel, Sounart, Knackstedt, Baisden, Askin, Gabriel

NAY: None

ABSENT: Douthit

**Student Representative Tanner: Yea

MOTION PASSED.

3. **Resolution No. 2023-66** - Adopting an Alternative Allocation Method for the FY24 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in Fisheries Management Area 14: Cook Inlet Area. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-66. Council Member Baisden **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.

There was discussion regarding the amount being down and that the funding had never been a major revenue source.

UNANIMOUS CONSENT was requested.

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

4. **Resolution No. 2023-67** - Authorizing a Contract Award and Corresponding Purchase Order for the 2023 Community Wildfire Protection Plan Mitigation Phase Two Project. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-67. Council Member Sounart **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.

It was reported that the Forest Service did not want trees cut when the beetles were active; trees cut on steep terrain would remain where they fell and trees on level terrain would be removed.

UNANIMOUS CONSENT was requested.

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

5. **Resolution No. 2023-68** - Declaring a Portion of Outside Way as Dedicated on Townsite of Kenai (US Survey 2970) is No Longer Needed for a Public Purpose and Consenting to Vacation of the Right-Of-Way. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-68. Council Member Baisden **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.

It was reported that a similar request was received and approved in 1994; however, the paperwork was never filed with the Kenai Peninsula Borough; this would create a street on the back side; and this would require the full 60-foot vacation.

UNANIMOUS CONSENT was requested.

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

6. **Resolution No. 2023-69** - Naming the Dedicated Right-Of-Way on the Preliminary Plat for Kenai Townsite Oiler's 2024 Addition "Oiler's Street." (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-69. 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.

Support for the name was stated.

UNANIMOUS CONSENT was requested.

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

F. MINUTES

1. *Regular Meeting of November 15, 2023. (City Clerk)

G. UNFINISHED BUSINESS - None.

H. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)

Approved by the consent agenda.

3. ***Action/Approval** - Special Use Permit to Beacon Occupational Health and Safety Services for Use of Office Space at the Alaska Regional fire Training Facility. (Administration)

Approved by the consent agenda.

4. ***Action/Approval** - Special Use Permit to Alaska Sure Seal for Snow Storage. (Administration)

Approved by the consent agenda.

5. ***Action/Approval** - Special Use Permit to Schillings Alaska, Inc. for Snow Storage. (Administration)

Approved by the consent agenda.

6. ***Action/Approval** - Confirmation of Mayoral Nominations for Partial Term Appointments to the Council on Aging and Beautification Committee. (Gabriel)

Approved by the consent agenda.

7. ***Ordinance No. 3383-2023** - Amending the Official Zoning Map by Rezoning all Parcels within the Letzing 1985 Subdivision (Plat No. 85-55) and Government Lot 170 from General Commercial (CG) to Suburban Residential (RS) Zoning District. (Administration)

Introduced by the consent agenda and Public Hearing set for January 3, 2024.

8. ***Ordinance No. 3384-2023** - Cancelling Previously Appropriated Projects, Authorizing a Transfer of Funds from the Wastewater Facility Capital Project Fund to the Water and Sewer Capital Project Fund and Appropriating Supplemental Funds for the Construction of a New Water Pump House at the City's Water Treatment Facility. (Administration)

Introduced by the consent agenda and Public Hearing set for January 3, 2024.

9. **Action/Approval** - Authorizing Memorandum of Agreement with the Kenai Peninsula Borough for Tourism Promotion. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to authorize the Memorandum of Agreement. Council Member Baisden **SECONDED** the motion.

It was reported the Kenai Peninsula Borough Code prohibited promotion of tourism within the City's and this agreement is the mechanism needed for the borough to do so.

UNANIMOUS CONSENT was requested on the motion.

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

10. **Discussion** - Schedule a Budget Goals Work Session. (Administration)

A Budget Goals Work Session was scheduled for January 3, 2024 at 4:30 p.m.

11. **Discussion** - Scheduling a CIP Work Session. (Administration)

A Capital Improvement Project Work Session was scheduled for January 17, 2024 at 4:30 p.m.

12. **Discussion** - Scheduling a Joint Work Session with Kenaitze Indian Tribe. (Administration)

A Joint Work Session with the Kenaitze Indian Tribe was scheduled for January 18, 2023 at 6:00 p.m. The Work Session would be held at the Tyotkas Elder Center located at 1000 Mission Avenue in Old Town Kenai.

13. Discussion/Action - Virtual Meeting Participation. (City Clerk)

There was discussion regarding the analytic data provided noting zero participation during the meetings of advisory bodies and although there are more attendees during meetings of City Council and Planning & Zoning Commission the actual participation is very low; the Zoom platform being the most commonly used platform for public meetings; and the value of written comments being submitted.

Options discussed included discontinued use for public participation; however, keeping some type of software option available for staff or members of the body to participate remotely when unable to attend in person; requiring public to sign up in advance of a meeting; allowing only public participation by individuals directly affected by the land ownership.

General direction was given to the Clerk to draft a policy that would remove virtual participation by the public from meetings of the advisory bodies; maintain virtual participation options for members of the advisory bodies, presenters or staff required; and include webinars for meetings of the City Council and Planning & Zoning Commission.

14. *Action/Approval - Letter Supporting KPEDD's Application to EDA for a Three-Year Partnership Planning Program. (Administration)

Approved by the consent agenda.

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

No report, next meeting January 11, 2024.

2. Airport Commission

Vice Mayor Knackstedt reported on the December 14, 2023 meeting.

3. Harbor Commission

No report, next meeting February 12, 2024.

4. Parks and Recreation Commission

No report, next meeting January 4, 2024.

5. Planning and Zoning Commission

No report, next meeting December 27, 2023.

6. Beautification Committee

No report, next meeting January 9, 2024.

J. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Attending the Senior Center Thanksgiving Lunch sponsored by Hilcorp; Christmas Comes to Kenai; LeeShore Volunteer Appreciation Dinner; the Alaska Municipal League Conference; the Alaska Conference of Mayors; the Kenai Senior Connections Lunch honoring Buck Steiner for 25-years of service on the board; and the Wreaths Across America fundraiser.
- Receiving and invitation Mayor Dave Bronson of Anchorage to join the Southcentral Mayors' Energy Coalition to consider the energy needs of Southcentral Alaska; the coalition would explore options to meet the energy needs, while assessing costs and the availability of natural resources and communicate those findings back to their constituents.

K. ADMINISTRATION REPORTS

1. City Manager – City Manager Eubank reported on the following:
 - Provided an update on the Bluff Stabilization project noting it had been released for bids by the Army Corps of Engineers.
 - Attending the Municipal Managers Conference and the Alaska Municipal League Conference.
 - Working on the Old Town Walking Path with the Rotary Club.
 - Emergency Service Employees receiving a Life Saver Award, the Officers were on site within 3 minutes of the call.
 - Reminded everyone that Christmas Day would be the 20th Anniversary of the death of Officer John Watson.
2. City Attorney – City Attorney Bloom reported on the following:
 - Thanked the Council for the opportunity to attend the Alaska Municipal Attorney Conference.
3. City Clerk – City Clerk Saner reported on the following:
 - Commission Survey had closed and the results would be presented to each commission during the review process beginning in January.
 - Next meeting for the Voter Turn Out Working Group would be December 21, 2023.

L. ADDITIONAL PUBLIC COMMENTS

1. Citizen Comments (*Public comments limited to (5) minutes per speaker*) - None.
2. Council Comments

Student Representative Tanner reported on Connection activities including Ice Skating; Food Baskets; Holiday Movie; Moose Hunt Education. Kenai Alternative High School activities including Funding your Future event; Annual Grinch Day. Kenai Central High School sports update.

Council Member Sounart noted that she had been busy practicing and participating in school music concert and the Kenai Peninsula Orchestra and Choir were back together after four years. She wished everyone a Merry Christmas and Happy New Year.

Council Member Askin noted attending the Senior Center Thanksgiving Lunch hosted by Hilcorp; Christmas Comes to Kenai; and the Alaska Municipal League Conference (AML) stating she had attended the session on opioids and it was frightening how much of it was in Alaska. She thanked our Fire Fighters and Police Officers, stating she would never forget Officer John Watson and wished everyone a Merry Christmas and Happy New Year.

Council Member Daniel thanked all of our First Responders, noting how much kids loved it when the Resource Officers are in the schools for the DARE program. He reported attending the Alaska Municipal League Conference and the benefits of hearing from other communities in our state and the issues they are facing. He wished everyone a Merry Christmas and Happy New Year

Council Member Baisden wished everyone a Merry Christmas and stated the importance of remembering Officer John Watson.

Vice Mayor Knackstedt noted attending the LeeShore Center Volunteer Appreciation; and the Alaska Municipal League Conference.

M. EXECUTIVE SESSION - None.**N. PENDING ITEMS - None.**

O. ADJOURNMENT

P. INFORMATIONAL ITEMS - None.

There being no further business before the Council, the meeting was adjourned at 8:33 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of December 20, 2023.

Michelle M. Saner, MMC
City Clerk

*** The student representative may cast advisory votes on all matters except those subject to executive session discussion. Advisory votes shall be cast in the rotation of the official council vote and shall not affect the outcome of the official council vote. Advisory votes shall be recorded in the minutes. A student representative may not move or second items during a council meeting.*

DRAFT

**PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION
 COUNCIL MEETING OF: JANUARY 3, 2024**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	112,627.54
ENSTAR NATURAL GAS	GAS USAGE	VARIOUS	UTILITIES	41,398.45

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
---------------	--------------------	----------------------	---------------	---------------------



MEMORANDUM

TO: Mayor Gabriel and Kenai Council Members
THROUGH: Shellie Saner, City Clerk
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: December 18, 2023
SUBJECT: **Marijuana License Renewals – Red Run Cannabis**

The following establishment submitted applications to the Alcohol and Marijuana Control Office (AMCO) for a renewal of marijuana licenses:

Applicant: Red Run Cannabis Cultivators, LLC.
D/B/A: Red Run Cannabis Cultivators, LLC

License Type: Marijuana Product Manufacturing Facility
License No: 19372

License Type: Standard Marijuana Cultivation
License No: 10052

Applicant: Red Run Cannabis Company, LLC.
D/B/A: Red Run Cannabis Company, LLC

License Type: Retail Marijuana Store
License No: 10056

Pursuant to KMC 2.40 a review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the marijuana license renewal will be forwarded to AMCO and applicant.

Your consideration is appreciated.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 8, 2023

Licensee: **Red Run Cannabis Cultivators, LLC**
DBA: Red Run Cannabis Cultivators, LLC
VIA email: marc@redruncannabiscompany.com
Local Government: Kenai (City of)
Local Government 2: Kenai Peninsula Borough

Via Email: micheletturner@kpb.us; tward@kpb.us; mjenkins@kpb.us; nscarlett@kpb.us;
mboehmler@kpb.us; rraidmae@kpb.us; slopez@kpb.us; bcarter@kpb.us; jbeauchamp@kpb.us
cityclerk@kenai.city

Re: Marijuana Product Manufacturing Facility #19372 Combined Renewal Notice

License Number:	#19372
License Type:	Marijuana Product Manufacturing Facility
Licensee:	Red Run Cannabis Cultivators, LLC
Doing Business As:	Red Run Cannabis Cultivators, LLC
Physical Address:	12516 Kenai Spur Hwy Suite A Kenai, AK 99611
Designated Licensee:	Marc Theiler
Phone Number:	907-953-9453
Email Address:	marc@redruncannabiscompany.com

License Renewal Application Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application

independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,



Joan M. Wilson, Director
907-269-0350

Submit

by Meghan Thibodeau 11/8/2023 5:15:45 PM (Form Submission)

Approve

by Tina Williamson 11/8/2023 5:16:59 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: November 17, 2023 5:00 PM 11/8/2023 5:15:47 PM

Approve

by Cindy Herr 11/9/2023 12:42:32 PM (Legal Asst Review)

- There are no monies owed in traffic fines or restitution.
- The task was assigned to Cindy Herr. The due date is: November 17, 2023 5:00 PM 11/8/2023 5:15:47 PM

Approve

by David Ross 11/9/2023 4:56:56 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: November 17, 2023 5:00 PM 11/8/2023 5:15:46 PM

Approve

by Jeremy Hamilton 11/16/2023 12:28:09 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: November 17, 2023 5:00 PM 11/8/2023 5:15:46 PM

Approve

by Linda Mitchell 12/4/2023 5:52:30 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: November 17, 2023 5:00 PM 11/8/2023 5:15:47 PM

Approve

by Linda Mitchell 12/4/2023 5:53:08 PM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: December 13, 2023 5:00 PM 12/4/2023 5:52:31 PM

Approve

by David Swarner 12/5/2023 9:07:44 AM (Finance Review)

- The task was assigned to David Swarner. The due date is: December 13, 2023 5:00 PM 12/4/2023 5:52:31 PM

Approve

by Scott Bloom 12/6/2023 9:02:18 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: December 13, 2023 5:00 PM 12/4/2023 5:52:31 PM

Approve

by Donald Hendrickson 12/15/2023 1:14:40 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: November 17, 2023 5:00 PM 11/8/2023 5:15:46 PM

AMCO License Application

Date

11/8/2023

Establishment Information

License Type

Marijuana Product Manufacturing Facility

Licensee

Red Run Cannabis Cultivators, LLC

Doing Business As

Red Run Cannabis Cultivators, LLC

Premises Address

12516 Kenai Spur Highway, Suite	City, State
A	Kenai, AK

Contact Information

Contact Licensee

Marc Theiler

Contact Phone No.

907-953-9453

Contact Email

marc@redruncannabiscompany.com

Additional Contact Information

Name

Roger Boyd

Phone No.

907-398-7848

Email

rogerboyd@hotmail.com

Documents

File Upload

19372 MJ-20 Marc.pdf	884.77KB
19372 MJ-20 Roger.pdf	874.54KB
19372 Online App_Redacted.pdf	146.13KB
19372 Red Run Cannabis Cultivators, LLC 2023-2024 Renewal Notice.pdf	306.02KB



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Anchorage, AK 99501

marijuana.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	19372		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	Red Run Cannabis Cultivators, LLC				
Premises Address:	5455 Kenai Spur Highway, Suite A				
City:	Kenai	State:	Alaska	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Marc Theiler				
Title:	Member				

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

MT

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

MT

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

MT

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

MT

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

MT

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

MT

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

[Empty box for listing license numbers]

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

MT

Marc Theiler

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	19372		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	Red Run Cannabis Cultivators, LLC				
Premises Address:	5455 Kenai Spur Highway, Suite A				
City:	Kenai	State:	Alaska	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Roger Boyd
Title:	Member

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements: Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement **only if you are unable to certify one or more of the above statements**: Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Roger Boyd

Printed name of licensee

Signature of licensee



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Michele Turner, CMC
Borough Clerk

Tuesday, November 14, 2023

Sent via email: cityclerk@kenai.city

Ms. Shellie Saner, City Clerk
City of Kenai

RE: Renewal Application for Marijuana Product Manufacturing Facility

Business Name : Red Run Cannabis Cultivators, LLC
License Location : Kenai/12516 Kenai Spur Hwy Suite A, Kenai, AK 99611
License No. : 19372

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: marc@kenaiattorney.com

amco.localgovernmentonly@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 8, 2023

Licensee: **Red Run Cannabis Cultivators, LLC**
DBA: Red Run Cannabis Cultivators, LLC
VIA email: marc@redruncannabiscompany.com
Local Government: Kenai (City of)
Local Government 2: Kenai Peninsula Borough

Via Email: micheleturner@kpb.us; tward@kpb.us; mjenkins@kpb.us; nscarlett@kpb.us;
mboehmler@kpb.us; rraidmae@kpb.us; slopez@kpb.us; bcarter@kpb.us; jbeauchamp@kpb.us;
cityclerk@kenai.city

Re: Standard Marijuana Cultivation Facility #10052 Combined Renewal Notice

License Number:	#10052
License Type:	Standard Marijuana Cultivation Facility
Licensee:	Red Run Cannabis Cultivators, LLC
Doing Business As:	Red Run Cannabis Cultivators, LLC
Physical Address:	5455 Kenai Spur Highway Kenai, AK 99611
Designated Licensee:	Marc Theiler
Phone Number:	907-953-9453
Email Address:	marc@redruncannabiscompany.com

License Renewal Application **Endorsement Renewal Application**

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government

protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Wilson". The signature is written in a cursive, flowing style.

Joan M. Wilson, Director
907-269-0350

Submit

by Meghan Thibodeau 11/8/2023 4:21:36 PM (Form Submission)

Approve

by David Ross 11/8/2023 5:07:25 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:21:38 PM

Approve

by Tina Williamson 11/8/2023 5:18:39 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:21:38 PM

Approve

by Cindy Herr 11/9/2023 12:39:25 PM (Legal Asst Review)

- There are no monies owed in traffic fines or restitution.
- The task was assigned to Cindy Herr. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:21:39 PM

Approve

by Linda Mitchell 11/15/2023 11:49:47 AM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:21:39 PM

Approve

by Linda Mitchell 11/15/2023 11:50:31 AM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: November 24, 2023 5:00 PM
11/15/2023 11:49:49 AM

Approve

by David Swarner 11/15/2023 12:05:22 PM (Finance Review)

- The task was assigned to David Swarner. The due date is: November 24, 2023 5:00 PM
11/15/2023 11:49:48 AM

Approve

by Scott Bloom 11/15/2023 3:39:11 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: November 24, 2023 5:00 PM
11/15/2023 11:49:49 AM

Approve

by Jeremy Hamilton 11/16/2023 12:38:38 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:21:37 PM

Approve

by Donald Hendrickson 12/15/2023 1:14:25 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:21:38 PM

AMCO License Application

Date

11/8/2023

Establishment Information

License Type

Standard Marijuana Cultivation Facility

Licensee

Red Run Cannabis Cultivators, LLC

Doing Business As

Red Run Cannabis Cultivators, LLC

Premises Address

5455 Kenai Spur Highway

City, State

Kenai, AK

Contact Information

Contact Licensee

Marc Theiler

Contact Phone No.

907-953-9453

Contact Email

marc@redruncannabiscompany.com

Additional Contact Information

Name

Roger Boyd

Phone No.

907-398-7848

Email

rogerboyd@hotmail.com

Documents

File Upload

10052 MJ-20 Marc.pdf	878.32KB
10052 MJ-20 Roger.pdf	881.07KB
10052 Online App_Redacted.pdf	145.8KB
10052 Red Run Cannabis Cultivators, LLC 2023-2024 Renewal Notice.pdf	305.9KB



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	10052		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Red Run Cannabis Cultivators, LLC				
Premises Address:	5455 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Marc Theiler				
Title:	Member				

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements: Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements: Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

MT

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

MT

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

MT

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

MT

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

MT

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

MT

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

1,10056

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

MT

Marc Theiler

Printed name of licensee

Marc Theiler
Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	10052		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Red Run Cannabis Cultivators, LLC				
Premises Address:	5455 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611


Section 2 – Individual Information


Enter information for the individual licensee who is completing this form.


Name:	Roger Boyd
Title:	Member

Section 3 – Violations & Charges


Read each line below, and then sign your initials in the box to the right of any applicable statements: Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years. 

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years. 

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023. 

Sign your initials to the following statement only if you are unable to certify one or more of the above statements: Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b). 



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

RB

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

RB

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

RB

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

RB

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

RB

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

RB

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

[Empty box for listing license numbers]

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

RB

Roger Boyd

Printed name of licensee

Signature of licensee



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Michele Turner, CMC
Borough Clerk

Tuesday, November 14, 2023

Sent via email: cityclerk@kenai.city

Ms. Shellie Saner, City Clerk
City of Kenai

RE: Renewal Application for Standard Marijuana Cultivation Facility

Business Name : Red Run Cannabis Cultivators, LLC
License Location : Kenai/5455 Kenai Spur Highway, Kenai, AK 99611
License No. : 10052

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: marc@kenaiattorney.com

amco.localgovernmentonly@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 8, 2023

Licensee: **Red Run Cannabis Company, LLC**
DBA: Red Run Cannabis Company, LLC
VIA email: marc@redruncannabiscompany.com
Local Government: Kenai (City of)
Local Government 2: Kenai Peninsula Borough

Via Email: micheleturner@kpb.us; tward@kpb.us; mjenkins@kpb.us; nscarlett@kpb.us;
mboehmler@kpb.us; rraidmae@kpb.us; slopez@kpb.us; bcarter@kpb.us; jbeauchamp@kpb.us;
cityclerk@kenai.city

Re: Retail Marijuana Store #10056 Combined Renewal Notice

License Number:	#10056
License Type:	Retail Marijuana Store
Licensee:	Red Run Cannabis Company, LLC
Doing Business As:	Red Run Cannabis Company, LLC
Physical Address:	5455 Kenai Spur Highway Suite B Kenai, AK 99611
Designated Licensee:	Marc Theiler
Phone Number:	907-953-9453
Email Address:	marc@redruncannabiscompany.com

License Renewal Application **Endorsement Renewal Application**

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government

protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,



Joan M. Wilson, Director
907-269-0350

Submit

by Meghan Thibodeau 11/8/2023 4:23:32 PM (Form Submission)

Approve

by David Ross 11/8/2023 5:08:29 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:23:33 PM

Approve

by Tina Williamson 11/8/2023 5:18:50 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:23:34 PM

Approve

by Cindy Herr 11/9/2023 12:43:33 PM (Legal Asst Review)

- There are no monies owed in traffic fines or restitution.
- The task was assigned to Cindy Herr. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:23:34 PM

Approve

by Linda Mitchell 11/15/2023 11:52:36 AM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:23:34 PM

Approve

by Linda Mitchell 11/15/2023 11:52:46 AM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: November 24, 2023 5:00 PM
11/15/2023 11:52:37 AM

Approve

by David Swarner 11/15/2023 12:05:45 PM (Finance Review)

- The task was assigned to David Swarner. The due date is: November 24, 2023 5:00 PM
11/15/2023 11:52:36 AM

Approve

by Scott Bloom 11/15/2023 3:39:02 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: November 24, 2023 5:00 PM
11/15/2023 11:52:37 AM

Approve

by Jeremy Hamilton 11/16/2023 12:28:22 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:23:33 PM

Approve

by Donald Hendrickson 12/15/2023 1:14:32 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: November 17, 2023 5:00 PM
11/8/2023 4:23:33 PM

AMCO License Application

Date

11/8/2023

Establishment Information

License Type

Retail Marijuana Store

Licensee

Red Run Cannabis Company, LLC

Doing Business As

Red Run Cannabis Company, LLC

Premises Address

5455 Kenai Spur Highway, STE B

City, State

Kenai, AK

Contact Information

Contact Licensee

Marc Theiler

Contact Phone No.

907-953-9453

Contact Email

marc@redruncannabiscompany.com

Additional Contact Information

Name

Roget Boyd

Phone No.

907398-7848

Email

rogerboyd@hotmail.com

Documents

File Upload

10056 MJ-20 Marc.pdf	871.21KB
10056 MJ-20 Roger.pdf	879.38KB
10056 Online App_Redacted.pdf	98.25KB
10056 Red Run Cannabis Company, LLC 2023-2024 Renewal Notice.pdf	305.92KB



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Company, LLC	License Number:	10056		
License Type:	Retail Marijuana Store				
Doing Business As:	Red Run Cannabis Company, LLC				
Premises Address:	5455 Kenai Spur Highway, Suite B				
City:	Kenai	State:	Alaska	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Marc Theiler
Title:	Member

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

MT

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

MT

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

MT

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

MT

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

MT

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

MT

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

MT

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

MT

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

MT

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

1. 10052

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

MT

Marc Theiler

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Alcohol and Marijuana Control
550 W 7th Avenue, Suite
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Company, LLC	License Number:	10056		
License Type:	Retail Marijuana Store				
Doing Business As:	Red Run Cannabis Company, LLC				
Premises Address:	5455 Kenai Spur Highway, Suite B				
City:	Kenai	State:	Alaska	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Roger Boyd
Title:	Member

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements: Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements: Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Roger Boyd

Printed name of licensee


Signature of licensee



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Michele Turner, CMC
Borough Clerk

Tuesday, November 14, 2023

Sent via email: cityclerk@kenai.city

Ms. Shellie Saner, City Clerk
City of Kenai

RE: Renewal Application for Retail Marijuana Store

Business Name : Red Run Cannabis Company LLC
License Location : Kenai/5455 Kenai Spur Highway, Suite B, Kenai, AK 99611
License No. : 10056

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: marc@kenaiattorney.com

amco.localgovernmentonly@alaska.gov



MEMORANDUM

TO: Mayor Gabriel and Kenai Council Members
THROUGH: Shellie Saner, City Clerk
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: December 28, 2023
SUBJECT: **Marijuana License Renewals – Majestic Gardens**

The following establishment submitted applications to the Alcohol and Marijuana Control Office (AMCO) for a renewal of marijuana licenses:

Applicant: Majestic Gardens, LLC.
D/B/A: Majestic Gardens, LLC.

License Type: Retail Marijuana Store
License No: 15393

License Type: Standard Marijuana Cultivation
License No: 15395

Pursuant to KMC 2.40 a review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the marijuana license renewal will be forwarded to AMCO and applicant.

Your consideration is appreciated.



THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 14, 2023

From: marijuana.licensing@alaska.gov ; amco.localgovernmentonly@alaska.gov

Licensee: **Majestic Gardens llc**
DBA: MAJESTIC GARDENS LLC
VIA email: majesticgardens@alaska.net
CC: n/a
Local Government 1: City of Kenai
Local Government 2: Kenai Peninsula Borough

Via Email : cityclerk@kenai.city; micheleturner@kpb.us; tward@kpb.us; mjenkins@kpb.us; nscarlett@kpb.us; mboehmler@kpb.us; rraidmae@kpb.us; slopez@kpb.us; bcarter@kpb.us; jbeauchamp@kpb.us

Community Council: n/a

Via Email:

CC: n/a

BCC: amco.admin@alaska.gov

Re: Retail Marijuana Store #15395 Combined Renewal Notice

License Number:	#15395
License Type:	Retail Marijuana Store
Licensee:	Majestic Gardens llc
Doing Business As:	MAJESTIC GARDENS LLC
Physical Address:	12656 Kenai Spur Hwy Kenai, AK 99611
Designated Licensee:	Deniece M Isaacs
Phone Number:	907-398-3267
Email Address:	majesticgardens@alaska.net

License Renewal Application

Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)

AMCO has received a complete renewal application for the above listed license within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To object to the approval of this application pursuant to 3 AAC 306.065, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the objection within 30 days of the date of this notice. We recommend that you contact the local government with jurisdiction over the proposed premises to share objections you may have about the application.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application independently. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email marijuana.licensing@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Wilson". The signature is written in a cursive, flowing style.

Joan M. Wilson, Director
907-269-0350

Submit

by Meghan Thibodeau 11/8/2023 5:18:44 PM (Form Submission)

Approve

by Tina Williamson 11/8/2023 5:19:54 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: November 17, 2023 5:00 PM
11/8/2023 5:18:46 PM

Approve

by Cindy Herr 11/9/2023 12:41:47 PM (Legal Asst Review)

- There are no monies owed in traffic fines or restitution.
- The task was assigned to Cindy Herr. The due date is: November 17, 2023 5:00 PM
11/8/2023 5:18:46 PM

Approve

by David Ross 11/9/2023 4:56:17 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: November 17, 2023 5:00 PM
11/8/2023 5:18:45 PM

Approve

by Jeremy Hamilton 11/16/2023 12:27:53 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: November 17, 2023 5:00 PM
11/8/2023 5:18:45 PM

Approve

by Donald Hendrickson 12/15/2023 1:15:55 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: November 17, 2023 5:00 PM
11/8/2023 5:18:45 PM

Approve

by Linda Mitchell 12/26/2023 5:08:37 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: November 17, 2023 5:00 PM
11/8/2023 5:18:46 PM

Approve

by Linda Mitchell 12/26/2023 5:12:51 PM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: January 4, 2024 5:00 PM
12/26/2023 5:08:39 PM

Approve

by David Swarner 12/26/2023 7:45:25 PM (Finance Review)

- The task was assigned to David Swarner. The due date is: January 4, 2024 5:00 PM
12/26/2023 5:08:38 PM

Approve

by Scott Bloom 12/28/2023 10:07:59 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: January 4, 2024 5:00 PM
12/26/2023 5:08:39 PM

AMCO License Application

Date

11/8/2023

Establishment Information

License Type

Retail Marijuana Store

Licensee

Majestic Gardens, LLC

Doing Business As

Majestic Gardens, LLC

Premises Address

12656 Kenai Spur Hwy

City, State

Kenai, AK

Contact Information

Contact Licensee

Deniece M Isaacs

Contact Phone No.

907-398-3267

Contact Email

majesticgardens@alaska.net

Additional Contact Information

Name

Ronald D Isaacs

Phone No.

907-953-4872

Email

isaacs@alaska.net

Documents

File Upload

#15395 Majestic Gardens LLC Combined MJ Renewal Notice.pdf	306.6KB
15393 MJ-20 Deniece.pdf	1.6MB
15393 MJ-20 Ronald.pdf	1.59MB
15393 Online Application.pdf	110.85KB



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Majestic Gardens llc	License Number:	15393		
License Type:	Retail Marijuana Store				
Doing Business As:	Majestic Gardens llc				
Premises Address:	12656 Kenai Spur Hwy				
City:	Kenai	State:	AK	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Deniece M. Isaacs				
Title:	Owner/Member				

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Section 5 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

DMI

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

DMI

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

DMI

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

DMI

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

DMI

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

DMI

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

[Empty box]

If multiple licenses are held, list all license numbers below:

15395 Majestic Gardens llc

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

DMI

Deniece M. Isaacs

Printed name of licensee

Deniece M. Isaacs

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 - Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Table with 6 rows: Licensee (Majestic Gardens llc), License Number (15393), License Type (Retail Marijuana Store), Doing Business As (Majestic Gardens llc), Premises Address (12656 Kenai Spur Hwy), City (Kenai), State (AK), ZIP (99611)

Section 2 - Individual Information

Enter information for the individual licensee who is completing this form.

Table with 2 rows: Name (Ronald D. Isaacs), Title (Owner/Member)

Section 3 - Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

Box containing initials RDI

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

Box containing initials RDI

I certify that a notice of violation has not been issued for this license between July 1, 2022 and June 30, 2023.

Box containing initials RDI

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

Empty box for initials



Section 5 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

RDI

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

RDI

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

RDI

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

RDI

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

RDI

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

RDI

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

RDI

If multiple licenses are held, list all license numbers below:

15395 Majestic Gardens llc

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

RDI

Ronald D. Isaacs

Printed name of licensee

Ronald Isaacs

Signature of licensee



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Michele Turner, CMC
Borough Clerk

Tuesday, November 14, 2023

Sent via email: cityclerk@kenai.city

Ms. Shellie Saner, City Clerk
City of Kenai

RE: Renewal Application for Retail Marijuana Store

Business Name : Majestic Gardens LLC
License Location : Kenai/12656 Kenai Spur Highway, Kenai, AK 99611
License No. : 15393

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: majesticgardens@alaska.net

amco.localgovernmentonly@alaska.gov



THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 8, 2023

From: marijuana.licensing@alaska.gov ; amco.localgovernmentonly@alaska.gov

Licensee: **Majestic Gardens llc**
DBA: MAJESTIC GARDENS LLC
VIA email: majesticgardens@alaska.net
CC: n/a
Local Government 1: City of Kenai
Local Government 2: Kenai Peninsula Borough

Via Email : cityclerk@kenai.city; micheleturner@kpb.us; tward@kpb.us; mjenkins@kpb.us; nscarlett@kpb.us; mboehmler@kpb.us; rraidmae@kpb.us; slopez@kpb.us; bcarter@kpb.us; jbeauchamp@kpb.us

Community Council: n/a

Via Email:

CC: n/a

BCC: amco.admin@alaska.gov

Re: Standard Marijuana Cultivation Facility #15395 Combined Renewal Notice

License Number:	#15395
License Type:	Standard Marijuana Cultivation Facility
Licensee:	Majestic Gardens llc
Doing Business As:	MAJESTIC GARDENS LLC
Physical Address:	12656 Kenai Spur Hwy Kenai, AK 99611
Designated Licensee:	Deniece M Isaacs
Phone Number:	907-398-3267
Email Address:	majesticgardens@alaska.net

License Renewal Application

Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)

AMCO has received a complete renewal application for the above listed license within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To object to the approval of this application pursuant to 3 AAC 306.065, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the objection within 30 days of the date of this notice. We recommend that you contact the local government with jurisdiction over the proposed premises to share objections you may have about the application.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application independently. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email marijuana.licensing@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Wilson". The signature is written in a cursive, flowing style.

Joan M. Wilson, Director
907-269-0350

Submit

by Meghan Thibodeau 11/14/2023 4:55:34 PM (Form Submission)

Approve

by David Ross 11/14/2023 5:08:18 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: November 23, 2023 5:00 PM 11/14/2023 4:55:35 PM

Approve

by Cindy Herr 11/15/2023 9:30:05 AM (Legal Asst Review)

- There are no monies owed in fines or restitution.
- The task was assigned to Cindy Herr. The due date is: November 23, 2023 5:00 PM 11/14/2023 4:55:35 PM

Approve

by Tina Williamson 11/15/2023 9:38:12 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: November 23, 2023 5:00 PM 11/14/2023 4:55:35 PM

Approve

by Jeremy Hamilton 11/16/2023 12:27:39 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: November 23, 2023 5:00 PM 11/14/2023 4:55:34 PM

Approve

by Donald Hendrickson 12/15/2023 1:16:06 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: November 23, 2023 5:00 PM 11/14/2023 4:55:35 PM

Approve

by Linda Mitchell 12/26/2023 5:12:18 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: November 23, 2023 5:00 PM 11/14/2023 4:55:36 PM

Approve

by Linda Mitchell 12/26/2023 5:12:38 PM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: January 4, 2024 5:00 PM 12/26/2023 5:12:19 PM

Approve

by David Swarner 12/26/2023 7:45:40 PM (Finance Review)

- The task was assigned to David Swarner. The due date is: January 4, 2024 5:00 PM 12/26/2023 5:12:19 PM

Approve

by Scott Bloom 12/28/2023 10:07:48 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: January 4, 2024 5:00 PM 12/26/2023 5:12:19 PM

AMCO License Application

Date

11/14/2023

Establishment Information

License Type

Standard Marijuana Cultivation Facility

Licensee

Majestic Gardens LLC

Doing Business As

Majestic Gardens LLC

Premises Address

12656 Kenai Spur Hwy

City, State

Kenai, AK

Contact Information

Contact Licensee

Deniece M Isaacs

Contact Phone No.

907-398-3267

Contact Email

majesticgardens@alaska.net

Additional Contact Information

Name

Ronald D Isaacs

Phone No.

907-252-9777

Email

acdisaacs@alaska.net

Documents

File Upload

#15395 Majestic Gardens LLC Combined MJ Renewal Notice -.pdf	306.61KB
#15395 Majestic Gardens LLC Combined MJ Renewal Notice.pdf	306.6KB
15395 - Majestic Gardens LLC x2 (tax delinquency with response).pdf	1.67MB
15395 MJ-20 Deniece.pdf	1.62MB
15395 MJ-20 Ronald.pdf	2.18MB
15395 Online Application.pdf	147.83KB



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

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This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Majestic Gardens llc	License Number:	15395		
License Type:	Standard Maruijuana Cultivations Facility				
Doing Business As:	Majestic Gardens llc				
Premises Address:	12656 Kenai Spur Hwy				
City:	Kenai	State:	AK	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Deniece M. Isaacs				
Title:	Owner/Member				

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

We were late getting tax's to anchorage. DMI

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b). *ABOVE*



Section 5 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

DMI

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

DMI

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

DMI

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

DMI

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

DMI

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

DMI

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

[Empty box]

If multiple licenses are held, list all license numbers below:

15393
15393 Majestic Gardens llc

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

DMI

Deniece M. Isaacs

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

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Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Majestic Gardens llc	License Number:	15395		
License Type:	Standard Maruijuana Cultivations Facility				
Doing Business As:	Majestic Gardens llc				
Premises Address:	12656 Kenai Spur Hwy				
City:	Kenai	State:	AK	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Ronald D Isaacs
Title:	Owner/Member

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

- I certify that I have **not** been convicted of any criminal charge in the previous two calendar years. RDI
- I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years. RDI
- I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

We were late getting tax's to Anchorage
 Sign your initials to the following statement **only if you are unable to certify one or more of the above statements:**

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b). *ABOVE* RDI



Section 5 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

Initials

RDI

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

RDI

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

RDI

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

RDI

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

RDI

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

RDI

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

[Empty box]

If multiple licenses are held, list all license numbers below:

15393
15393 Majestic Gardens llc

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

RDI

Ronald D. Isaacs
Printed name of licensee

Ronald Isaacs
Signature of licensee



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Michele Turner, CMC
Borough Clerk

Thursday, November 16, 2023

Sent via email: cityclerk@kenai.city

Ms. Shellie Saner, City Clerk
City of Kenai

RE: Renewal Application for Standard Marijuana Cultivation Facility

Business Name : Majestic Gardens LLC
License Location : Kenai/12656 Kenai Spur Highway, Kenai, AK 99611
License No. : 15395

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: magicalgardens@alaska.net

amco.localgovernmentonly@alaska.gov

Sponsored by: Administration



**CITY OF KENAI
ORDINANCE NO. 3385-2024**

AN ORDINANCE ACCEPTING AND APPROPRIATING A DONATION TO THE KENAI COMMUNITY LIBRARY FOR THE PURCHASE OF LIBRARY MATERIALS AND SOFTWARE FOR ROOM AND EVENT SCHEDULING.

WHEREAS, the Kenai Community Library received monetary donations from various donors through the Friends of the Kenai Community Library totaling \$6,500; and,

WHEREAS, up to \$3,500 will be spent on the implementation of event and room scheduling software to enhance the Library’s ability to efficiently manage and organize library events and activities; and,

WHEREAS, \$3,000 will be spent on print and digital collection items, as well as supplies for the Library’s ‘Library of Things’ collection; and,

WHEREAS, acceptance of these donations to further the mission of the Kenai Community Library is in the best interest of the City and its residents.

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 donated funds and to expend them as authorized by this ordinance and in line with the intentions of the donors.

Section 2. That estimated revenues and appropriations are increased as follows:

General Fund:

Increase Estimated Revenues –	
Donations - Library	<u>\$6,500</u>
 Increase Appropriations –	
Books - Library	\$3,000
Computer Software - Library	<u>3,500</u>
	<u>\$6,500</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 17TH DAY OF JANUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS

Introduced:	January 3, 2024
Enacted:	January 17, 2024
Effective:	January 17, 2024



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Katja Wolfe, Library Director
DATE: December 26, 2023
SUBJECT: **Ordinance No. 3385-2024 Donation to the Kenai Community Library**

This memo requests acceptance and appropriation of \$6,500 from various donors through the Friends of the Kenai Community Library to be spent on the following:

- Up to \$3,500 will be spent on the implementation of event and room scheduling software. The introduction of this software will significantly enhance our ability to efficiently manage and organize library events and activities. The software will offer a user-friendly interface for both library staff and patrons, allowing for seamless study room reservations and streamlined event planning.
- \$3,000 will be spent on print and digital collection items, as well as supplies for the Library's Library of Things collection.

We appreciate the generosity of the donors!

Thank you for your consideration.



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3386-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND AND MUNICIPAL ROADWAY IMPROVEMENTS CAPITAL FUND TO CONDUCT AN ASSESSMENT OF CITY STREET LIGHTING.

WHEREAS, the Public Works Department annually quotes Street Light Repair and Maintenance Services; and,

WHEREAS, due to the age of the existing infrastructure, and the recurring number of street lighting issues within the City, the Department is seeking assistance from professional engineering services to conduct an assessment to identify deficiencies and direct future capital improvement projects; and,

WHEREAS, the Department will be provided a detailed assessment to ensure resources are directed to the areas of greatest need.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. That the estimated revenues and appropriations be increased as follows:

General Fund:

Increase Estimated Revenues –
Appropriation of Fund Balance \$80,000

Increase Appropriations -
Transfer to Municipal Roadway Improvement Capital
Project Fund \$80,000

Municipal Roadway Improvement Capital Project Fund:

Increase Estimated Revenues –
Transfer from General Fund \$80,000

Increase Appropriations:
Street Lighting Assessment Project –
Construction \$80,000

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 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 17TH DAY OF JANUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS

Introduced: January 3, 2024
Enacted: January 17, 2024
Effective: January 17, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Scott Curtin, Public Works Director

DATE: December 26, 2023

SUBJECT: **Ordinance 3386-2024 Street Light Assessments**

This memo requests Council's approval to begin assessment of the City's Street Lighting. As Council is aware, the aging street lighting infrastructure, much of which is now 40-50 years old, continues to be challenging to maintain. The Capital Improvement Plan has had a preliminary project moving forward to begin addressing the deficiencies. The FY2025 Capital Improvement Plan will include funding for design and construction of a project to be identified within this assessment.

This Ordinance will provide funding now to ensure funds are being directed toward the areas of greatest need. The assessment will include the review of the existing electrical services and lighting control panels, light fixtures and poles, wiring condition and location. It is anticipated that the number of street lighting maintenance projects that will be identified will take several years to fund and complete. Council will see updates to the Capital Improvement Plan as these projects are identified and phased accordingly to meet budgetary requirements.

This is a priority project for the department. Reliable street lighting continues to be a high expectation from our citizens. Completion of this work now will assist the department in meeting this need.

Council's approval is respectfully requested.



**CITY OF KENAI
ORDINANCE NO. 3387-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND AND PUBLIC WORKS DEPARTMENT'S STREET DIVISION'S PROFESSIONAL SERVICES BUDGET TO REVIEW AND UPDATE THE CITY'S ROADWAY IMPROVEMENTS STANDARDS.

WHEREAS, this Ordinance provides funding for professional services to assist the Public Works Department with the review and update of the City's roadway improvement standards, much of which is detailed within Kenai Municipal Code Title 18 Streets and Sidewalks; and,

WHEREAS, completion of this work now is intended to ensure the City remains current in its standard requirements and reasonably consistent with neighboring municipalities; and,

WHEREAS, the Department anticipates releasing a request for proposals to various civil engineering firms; and,

WHEREAS, the intended result of the project is an updated list of standards, which will likely require future code amendments; and,

WHEREAS, the revised standards will be made available to all contractors as part of the permitting process and would be included within any future subdivision installation agreements that would require roadway improvements as part of their project; and,

WHEREAS, consistent and well-defined standards will assist developers in project formation and execution creating a friendlier environment in which to conduct business in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. That the estimated revenues and appropriations be increased as follows:

General Fund:

Increase Estimated Revenues –	
Appropriation of Fund Balance	<u>\$25,000</u>
Increase Appropriations:	
Streets – Professional Services	<u>\$25,000</u>

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 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 17TH DAY OF JANUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance:  _____

Introduced: January 3, 2024
Enacted: January 17, 2024
Effective: January 17, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Scott Curtin, Public Works Director
DATE: December 26, 2024
SUBJECT: **Ordinance 3387-2024 Roadway Standards**

This memo requests funding to update the City's roadway improvement standards. With the recent completion of several City roadway improvement projects as well as several new subdivision projects within the City, it has become apparent that our roadway standards and corresponding Kenai Municipal Code are in need of updating to provide clarifications.

It is the department's intent to coordinate with a local engineering firm, which will be competitively sought, to review and assess our current standards against other local competing government agencies. The standard revisions will provide clarity to contractors and owners considering development in the area, while ensuring the City receives consistency in its roadways regardless of who is performing the work.

These standards would be provided during our permitting process to applicants as well as within any subdivision agreements that require roadway improvements to be completed as part of the work. It is very likely that a code amendment update to Kenai Municipal Code Title 18 will be presented to Council at a later date.

Council's support is respectfully requested.



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Scott Curtin, Public Works Director
DATE: December 26, 2023
SUBJECT: **Action / Approval Leachate Disposal Agreement**

This memo requests Council's authorization to enter into a Leachate Disposal Agreement with the Kenai Peninsula Borough, where the City of Kenai's Waste Water Treatment Plant will receive leachate from the Central Peninsula Landfill. Representatives from the Borough approached the Public Works Department and the Administration and requested our assistance in supporting the Borough while they worked through an upcoming Leachate Evaporator project that would limit their facility's ability to manage leachate during construction on their own.

Leachate is the result of rainwater / snow melt that comes into contact with the landfills solid waste, in this case primarily made up of everyone's household trash. The landfill has a lined cell that prevents leachate from soaking into the ground. Generally, the landfills evaporator manages this material by vaporizing the liquid leachate. Based on the amount of rain fall and snow received in recent years as well as the size of their existing evaporator, maintaining leachate at targeted levels has been challenging for the Borough.

This agreement will allow the City to take up to 10,000 gallons of leachate per day at an agreed upon rate of \$.10/gal. This amount, which equates to less than 2% of the waste water plants total daily flows, is expected to have minor impacts. We anticipate a slight increase to our operating and utility costs to effectively manage this material.

Staff has discussed this with our Engineering team as well as representatives from the State of Alaska Department of Environmental Conservation. Routine lab work will continue as normal to ensure all of our discharges remain within compliance with our permit. With that said our facility is the safest place to process this material. Our activated sludge waste water plant has the best biological processes locally to safely manage this material.

The fees being charged with this agreement, will help offset the new rate increase the Landfill will be charging for sludge disposal. Our existing rates were \$45/ton for sewage sludge being received by the landfill. New rates in effect January 1st, 2024 are \$135/ton, which could result in approximately \$50,000 in additional charges to the City.

It is noted this agreement will continue as long as it remains in both party's best interest. In the event the WWTP exceeds allowable limits on any requirement of our permit, flows will be reduced to an acceptable level, or may be stopped altogether if necessary.

Authorization of this agreement is in the best interest of our community. Council's authorization is respectfully requested.



MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF KENAI
AND
THE KENAI PENINSULA BOROUGH

This Memorandum of Agreement (MOA) is made between the City of Kenai (City) and the Kenai Peninsula Borough (KPB) (collectively, the Parties) for the purpose of allowing the KPB Solid Waste Department to dispose of leachate from the Central Peninsula Landfill (CPL) into the City sewer system.

BOTH PARTIES MUTUALLY AGREE THAT:

1. KPB's CPL is under an Alaska Department of Environmental Conservation (ADEC) directive to reduce the amount of leachate stored at the CPL. KPB is taking long-term and short-term steps to address the leachate problem. Part of the short-term solution is to haul leachate to the City's sewer system for disposal.

NOW, THEREFORE, THE PARTIES AGREE TO THE FOLLOWING:

1. KPB's Solid Waste Department will be allowed to haul (via contractor) leachate for disposal into the City of Kenai wastewater collection system in quantities approved by the City prior to each delivery at a rate of \$.10 per gallon not to exceed a maximum of 10,000 gallons per day.
2. KPB will, on a monthly basis, provide the City with a Leachate Disposal Report for billing purposes, showing – at a minimum – the date and amount of leachate disposed into the City's wastewater collection system, and such other information as the City may request. KPB or its contractor will notify designated City prior to each time KPB's contractor's trucks begin to offload leachate into the City's wastewater collection system. The City will determine the dumping location within the City's collection system and amount it is willing to accept.
3. The City of Kenai will restrict the contractor's discharge into the collection system to a 1-½"-2" connection to avoid overwhelming lift station pumps and potential backups downstream in the system. The City and KPB understand this will result in tanker trucks needing some time to fully discharge, likely one to two hours. The City reserves the right to discontinue KPB's disposal service and terminate this MOA, for any reason, with 24 hours' notice.

4. The actual amount of leachate per day must be approved by the City by written notification via email to the KPB Solid Waste Department prior to disposal and the leachate disposal amount may be increased or decreased at the sole discretion of the City by written notification (including email or text) to the KPB Solid Waste Department.
5. KPB will be responsible for any spills and subsequent clean up at the disposal location caused by their actions, as well as any damaged caused to the disposal site and any other City infrastructure or equipment. KPB will require its contractor to provide the City with the following prior to the start of any work done pursuant to this MOA:

Insurance. During the term of this agreement the Contractor shall maintain a policy of workers' compensation and employers' liability insurance as required by law. Contractor shall also be required to carry Commercial general liability with minimum coverage of \$1,000,000 and automobile liability insurance with minimum coverage of \$1,000,000 combined single limit bodily injury and property damage per occurrence. This insurance shall be primary and exclusive of any other insurance carried by the City of Kenai. The commercial general liability insurance shall be without limitation on the time within which the resulting loss, damage, or injury is actually sustained. Certificate(s) of Insurance shall be provided by Contractor and all subcontractors, or their Insurance Companies and/or their Agents, naming the City of Kenai as an additional insured for the work specified in this contract with a waiver of subrogation for commercial general liability insurance and automobile liability insurance. The certificates of insurance must reference the specific contract by name. Workers compensation insurance must be endorsed for waiver of subrogation against the City. Such insurance shall be by a company/corporation currently rated "A-" or better by A.M. Best. If providing professional services, \$1,000,000 against any claim arising out of professional liability/errors or omissions of Consultant and/or Consultant's subcontractors must be provided

6. KPB warrants that the leachate being disposed is produced from a non-hazardous waste landfill that is permitted by the Alaska Department of Environmental Conservation. KPB hosts Hazardous Waste Collection Events to provide disposers a means for disposal of hazardous materials, thereby minimizing the likelihood for any hazardous materials being disposed of in the landfill. Annual chemical analysis of the leachate is completed in July of each year and results from this analysis will be sent to the City for review. Disposal of leachate through a municipal biological wastewater treatment system is currently the most common means of leachate treatment and disposal across the nation. KPB recognizes that metals concentration of KPB's leachate is comparable to the metals concentration of the City wastewater but on a mass basis, may have an impact on the sludge produced for disposal at the landfill.
7. **Indemnity.** The KPB shall, subject to appropriation, indemnify, hold harmless, and defend the City at its own expense from and against any and all claims, losses, damages or expenses, including reasonable attorney's fees, of, or liability for any wrongful or negligent acts (including the disposal of any chemicals, compounds materials or substances into the City's sewer system that violates any local state or federal law), errors, or omissions, of the

KPB or its contractor, its officers, agents or employees, or any subcontractor under this agreement. The KPB shall not be required to defend or indemnify the City for any claims of, or liability for, any wrongful or negligent act, error, or omission solely due to the independent negligence of the City. If there is a claim of, or liability for, the joint negligence of the contractor and the independent negligence of the City, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be determined upon final determination of percentage of fault. If any such determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. "KPB" and "City" as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, to each. The term "independent negligence of the City" is negligence other than in the City's selection, administration, monitoring, or controlling of the contractor and in approving or accepting the contractor's work.

- 8. This MOA may be executed in counterparts, and may be executed using verified electronic signatures in compliance with AS 09.80, each of which when so executed will constitute an original and all of which together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused the Agreement to be executed by their duly authorized representatives on the day and the year first above written.

ATTEST:

Print Name

CITY OF KENAI
By: _____
Terry Eubank, City Manager
Date: _____

ATTEST:

Print Name

KENAI PENINSULA BOROUGH
By: _____
Peter A. Micciche, KPB Mayor
Date: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:
By: _____
Todd K. Sherwood, Deputy Borough Attorney
Date: _____