



## Kenai City Council - Regular Meeting

September 18, 2019 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

## AGENDA

### A. CALL TO ORDER

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

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

### B. SCHEDULED PUBLIC COMMENTS

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

### C. UNSCHEDULED PUBLIC COMMENTS

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

### D. PUBLIC HEARINGS

- 1. Ordinance No. 3084-2019** - Increasing Estimated Revenues and Appropriations in the General Fund for Reimbursement Received for Support of the Swan Lake Fire Suppression Efforts. (Administration)
- 2. Resolution No. 2019-64** - Approving an Agency Fund Agreement with Kenai Senior Connection, Inc. (Administration)
- 3. Resolution No. 2019-65** - Adopting Joint Resolution No. 2019-001 of the Assembly of the Kenai Peninsula Borough and Councils of the Cities of Homer, Kachemak, Kenai, Seldovia, Seward, and Soldotna, Recognizing the Recommendations of the Kenai Peninsula Borough's Election Stakeholder's Group and Directing Staff to Explore Implementation of the Recommendations. (Council Member Peterkin)

- 4. Resolution No. 2019-66** - Approving a One year Extension for Facility Management Services at the City of Kenai Multi-Purpose Facility. (Administration)

**E. MINUTES**

- 1.** \*Regular Meeting of September 4, 2019
- 2.** \*Work Session of September 3, 2019.

**F. UNFINISHED BUSINESS**

**G. NEW BUSINESS**

- 1.** \***Action/Approval** - Bills to be Ratified. (Administration)
- 2.** \***Action/Approval** – Purchase Orders Exceeding \$15,000. (Administration)
- 3.** \***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License and a Standard Marijuana Cultivation Facility License for Red Run Cannabis Cultivators, LLC, a Retail Marijuana Store License for Red Run Cannabis Company, LLC, and a Limited Marijuana Cultivation Facility License for Grateful Bud, LLC. (City Clerk)
- 4.** **Action/Approval** - Approving Election Workers for the October 1, 2019 Regular Election. (City Clerk)
- 5.** \***Ordinance No. 3085-2019** - Authorizing the Appropriation of \$44,345.00 from the Water and Sewer Fund for the Purchase of Well Radius Property to Protect the City's Public Water System. (Administration)
- 6.** \***Ordinance No. 3086-2019** - Accepting and Appropriating a Grant from the Rasmuson Foundation and Accepting and Appropriating Private Donations in the Senior Center Capital Improvement Fund for the Purchase of New Flooring for the Dining Room and Administration Offices of the Kenai Senior Center. (Administration)
- 7.** \***Ordinance No. 3087-2019** - Authorizing a Budget Transfer in the Senior Center Capital Improvement Fund and Increasing Estimated Revenues and Appropriations in the Public Safety Improvement Capital Project Fund to Provide Supplemental Funding for the Fire Department Kitchen Remodel Project. (Administration)
- 8.** \***Ordinance No. 3088-2019** - Amending Kenai Municipal Code, Section 14.20.330 – Standards for Commercial Marijuana Establishments, to Incorporate Limitations on Hours of Operation for Retail Marijuana Establishments. (Administration)
- 9.** **Action/Approval** - Assignment of Shore Fishery Lease from Michael Markham to Nancy Hillman-Scow for Tract Two, Shore Fishery Plat No. 71. (Administration)

**10. Action/Approval** - Assignment of Tidelands Lease from Snug Harbor Seafoods, Inc., to CRS Can Operate, Inc., for Tract B, Kenai Tidelands Survey No. 2, According to Plat No. 89-2. (Administration)

**11. Action/Approval** - Assignment of Three (3) Kenai Municipal Airport Reserve Leases from SOAR International Ministries, Inc., to Schilling Rentals, LLC, for Lot 3, Block 1 and Lot 2, Block 3, General Aviation Apron Subdivision No. 1 Amended and Lot 1A, Block 2, General Aviation Subdivision No. 3. (Administration)

**H. COMMISSION / COMMITTEE REPORTS**

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

**I. REPORT OF THE MAYOR**

**J. ADMINISTRATION REPORTS**

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

**K. ADDITIONAL PUBLIC COMMENT**

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

**L. EXECUTIVE SESSION**

**M. PENDING ITEMS**

- 1. **Ordinance No. 3072-2019** - Renaming, Repealing and Re-Enacting Kenai Municipal Code Title 22-General Fund Lands, Renaming Title 21-City Airport and Airport Lands, and Repealing Kenai Municipal Code Chapter 21.15-Lease and Sale of Airport Lands Outside of the Airport Reserve to Encourage Responsible Growth and Development to Support a Thriving Business, Residential, Recreational and Cultural Community through Responsible Land Policies and

Practices. (Administration) **[Clerk's Note: At the September 4 Meeting, this item was Postponed to the October 2 Council Meeting. A Motion to Enact as Amended is On the Floor.]**

2. **Ordinance No. 3083-2019** - Amending Kenai Municipal Code 14.20.175 - Adult Businesses, To Increase The Buffer Distances Between Adult Businesses And Sensitive Uses From 500 Feet To 1000 Feet And Define Sensitive Uses. (Council Member Pettey) **[Clerk's Note: At the September 4 Meeting, this item was Referred to the Planning & Zoning Commission for a Recommendation and to be Scheduled for a Second Public Hearing at the October 2. A Motion to Enact as Amended is On the Floor.]**
3. **Resolution No. 2019-58** - Amending its Comprehensive Schedule of Rates, Charges, and Fees to Incorporate Changes to Application Fees for Lands Outside the Airport Reserve. (Administration) **[Clerk's Note: At the September 4 Meeting, this item was Postponed to the October 2 Council Meeting. A Motion to Enact is On the Floor.]**

**N. ADJOURNMENT**

**O. INFORMATION ITEMS**

1. Purchase Orders between \$2,500 and \$15,000.
2. Kenai Historical Society - September 2019 Newsletter

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



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3084-2019**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND FOR REIMBURSEMENT RECEIVED FOR SUPPORT OF THE SWAN LAKE FIRE SUPPRESSION EFFORTS.

WHEREAS, Kenai Fire Department personnel have worked in support of the Swan Lake Fire suppression efforts; and,

WHEREAS, an agreement between the City and the State of Alaska Department of Natural Resources, Division of Forestry entitles the City to reimbursement of personnel and equipment costs associated with this support; and,

WHEREAS, Kenai Fire Department received reimbursement from the State of Alaska Department of Natural Resources, Division of Forestry for personnel and equipment costs associated with this support in the amount of \$56,808; and,

WHEREAS, the FY20 overtime worked by department staff was not budgeted and the budget is not able to support these expenditures in the amount of \$16,400 without appropriation of the proceeds; and,

WHEREAS, because of personnel vacancies the department expects higher than budgeted overtime in FY20 from normal operations and is requesting to appropriate the FY19 overtime reimbursement amount of \$11,733 for additional FY20 overtime.

WHEREAS, the remaining \$28,675 in equipment reimbursement is not being appropriated at this time.

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:  
Miscellaneous Revenue

\$28,133

|                             |                 |
|-----------------------------|-----------------|
| Increase Appropriations –   |                 |
| Fire – Overtime             | \$20,737        |
| Fire – PERS                 | 6,189           |
| Fire – Workers Compensation | 658             |
| Fire – Medicare             | 408             |
| Fire – Unemployment         | 141             |
|                             | <u>\$28,133</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 18th day of September, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: September 4, 2019  
Enacted: September 18, 2019  
Effective: September 18, 2019



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
[www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Jeff Tucker, Fire Chief  
**DATE:** August 27, 2019  
**SUBJECT:** **Ordinance No. 3084-2019**

---

The purpose of this memo is to recommend adoption of Ordinance No. 3084-2019 that will allow appropriation of reimbursement funds received by the fire department for support of the Swan Lake Fire Suppression efforts.

The fire department provided a type 6 engine and 2 personnel to the suppression efforts. The fire department received funds in the amount of \$28,133 for personnel overtime and \$28,675 for equipment. \$28,133 is requested to be appropriated to the fire department overtime budget for FY20 and the remaining \$28,675 for equipment reimbursement will remain unappropriated.

I respectfully request consideration of the ordinance.





Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2019-64**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, APPROVING AN AGENCY FUND AGREEMENT WITH KENAI SENIOR CONNECTION, INC.

WHEREAS, Kenai Senior Connection, Inc. (Foundation) is a non-profit ("501(c)(3)") corporation whose purpose is to provide financial assistance for the continued operations of the Kenai Senior Center; and,

WHEREAS, in order to keep its overhead low and maximize the amount of donations reaching its charitable purpose, the Foundation seeks an agreement with the City for the investment of funds; and,

WHEREAS, the City already has the staff, structure and financial controls to manage the investment of the Foundation's funds in combination with other City funds; and,

WHEREAS, because of the established structure and policy, the City can manage the investment of the Foundation's funds without significant expense to the City and at a low cost for the Foundation; and,

WHEREAS, under an agency fund agreement, the City will manage the investments of the foundation, the decisions regarding the disposition of funds shall be made solely by the Foundation, not the City; and,

WHEREAS, because the charitable purposes of the Foundation directly benefit the citizens of Kenai, it is in the best interest of the City to enter into an agency fund agreement with the Foundation.

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

**Section 1.** That the City Manager is authorized to enter into the attached agency fund agreement (Attachment "A") with Kenai Senior Connection, Inc.

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



PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 18<sup>th</sup> day of September, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance:     *J. Lub*    

\_\_\_\_\_

**AGENCY FUND AGREEMENT**

**AGREEMENT:** This Agreement to create the Kenai Senior Connection, Inc. Endowment Fund (the “Fund”) is made effective the 1<sup>st</sup> day of October, 2019, between the City of Kenai (“the City”) whose address is 210 Fidalgo Avenue, Kenai AK 99611 and Kenai Senior Connection, Inc. (referred to as “KSCI”) whose mailing address is P.O. Box 806, Kenai, AK, in consideration of the conditions contained in this Agreement.

**PURPOSE:** The parties desire to create an agency Fund of the City to provide financial assistance for the continued operation of the Kenai Senior Center, identified in Article III, Paragraph 1 of the KSCI by-Laws dated February 26, 2016, identified in Exhibit A (attached). Any subsequent changes to the By-Laws of KSCI will not affect the purpose stated herein unless this agreement is amended by mutual consent of both parties. Should the purposes for which the Fund was created ever become obsolete, incapable of fulfillment, or inconsistent with providing financial assistance for the operations of the Kenai Senior Center or providing charitable, educational or additional senior benefits, the Fund’s governing Board of Directors will use the fund for charitable purposes as similar as possible to those set forth in the as set forth in the KSCI By-laws.

**CONTRIBUTIONS TO FUND** The initial contribution by the KSCI to the Fund shall be \_\_\_\_\_. Generally accepted accounting principles require contributions from a not-for-profit entity (Agency) into a fund for its own benefit to be reported as assets on the financial statements of the Agency. Contributions from other sources will not be permitted.

**DISTRIBUTIONS FROM THE FUND:** The City shall make distributions only to KSCI which must be initiated with a properly completed funds distribution request. Normal requests

should allow approximately ten (10) working days for disbursement. Emergency requests, however, can be handled on an expedited basis.

**MANAGEMENT OF FUND:** The Fund shall be invested as part of the pooled investments of the City, receiving a proportionate share of income and realized and unrealized capital gain or loss net of all related third-party investment administration fees. The City shall manage the investment of Funds in accordance with KMC 7.22. The agency recognizes and accepts the inherent risk of investing and agrees to hold the City of Kenai and its officers, employees, elected officials and agents harmless for investment performance provided investment activity complies with KMC 7.22, or for the disbursement of funds upon authorized direction of KSCI.

**GOVERNING LAW:** The Fund and this Agreement shall be governed by and construed in accordance with the laws of the State of Alaska.

**CANCELLATION:** This Agreement may be canceled by either party upon 60 days written notice. Upon cancelation the City will return money held in the agency fund net of any capital gain or loss and investment third-party administrative fees to KSCI.

KENAI SENIOR CONNECTION, INC.

CITY OF KENAI

BY: \_\_\_\_\_

\_\_\_\_\_  
Paul Ostrander, City Manager

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

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

# **KENAI SENIOR CONNECTION, INC.**

## **BY-LAWS**

By-Laws of Kenai Senior Connection, Inc., Kenai, Alaska, adopted this 26<sup>th</sup> day of February 2016.

### **ARTICLE I**

**Title:** The title of the Corporation is **KENAI SENIOR CONNECTION, INC.** HEREINAFTER REFERRED TO AS "Foundation".

### **ARTICLE II**

**Location:** The location of the principal office of the Foundation shall reside at 361 Senior Court, in the City of Kenai, Kenai Peninsula Borough, Alaska.

### **ARTICLE III**

#### **PURPOSES FOR WHICH THE FOUNDATION IS ORGANIZED:**

1. To provide financial assistance for the continued operation of the Kenai Senior Center and senior community issues as directed by the Board of Directors.
2. Use any means and methods as the Directors of the Foundation may from time to time determine to be appropriate in the accomplishment of the specific purposes for which this corporation is formed and which are not contrary to the other terms and conditions hereof.
3. To receive and maintain a fund or funds of real or personal property, or both, and subject to the restrictions and limitations hereinafter set forth, to use and apply such funds exclusively for charitable, educational, or additional senior benefits.
4. To hold, mortgage, expend, exchange, invest or reinvest, encumber, lease, rent, sell, and deal in any legal manner with any property or funds which the

foundation may acquire. To use the income from such funds or property in the opinion of the majority of the Directors.

5. To use the income from such funds or property for such purposes unless, in the opinion of a majority of the Directors, it is deemed advisable to invite the corpus of such funds or property through a majority membership vote for such funds or property.

#### ARTICLE IV

**DIRECTOR:** The property and business of the Foundation shall be managed and controlled by a Board of Directors to be elected as follows:

Section 1: The Board of Directors shall consist of a minimum of seven (7) persons and a maximum fifteen (15) persons.

Section 2: The Membership of the Foundation can recommend Directors by letter or verbally at the annual meeting in January. Those recommended will be voted on by the Board of Directors and shall take office at that time. The Board of Directors may fill vacancies occurring between annual meetings. The appointment will be for the position vacated.

Section 3: At the Board of Director's annual meeting in January, the Board of Directors will elect officers from the board members. Any vacancy of the officer positions occurring between the annual meetings may be filled by the Board of Directors appointment.

Section 4: The Directors shall meet monthly at a regular date, time, and place agreed to by the Directors with the annual meeting being held in January of each year.

Section 5: Special meetings of the Directors may be called by the President of the Foundation or by a majority of the Directors, provided all Directors have at least two (2) days notice of such special meeting. Special meetings of the Directors may be held at any time, if all Directors execute a waiver of notice of the time, place, and purpose of the meeting.

Section 6: A quorum for a meeting shall consist of a majority of the members of the Board of Directors.

Section 7: If any Director is absent from three (3) consecutive meetings without adequate cause, the Directors of the Foundation shall have the authority to elect a replacement. In the event of the death, resignation, or inability to serve as Director, the Directors of the Foundation have the authority to elect a replacement immediately.

## ARTICLE V

**POWERS OF THE DIRECTORS:** The Board of Directors shall have exclusive management of the business of the Foundation, and in addition to the powers conferred on them by these by-laws, may exercise all powers and do all such acts and things as may be exercised or done by the Foundation, subject to the provisions of law, of the Foundation’s Charter, and of these by-laws.

The Board of Directors will be responsible for appointing President, Vice-President, Secretary, and Treasurer from the Board of Directors.

In addition to the general powers conferred herein and all other powers conferred by the by-laws, the Board of Directors shall also have the following powers:

1. To purchase or otherwise acquire for the Foundation and in the name of the Foundation any property, personal or real, rights or privileges which the Foundation is authorized to acquire, upon such terms and for such consideration as the Directors may deem proper.
2. Within their discretion, to pay for any property or any rights acquired by the Foundation, either wholly or partially, in money, in stocks, or other securities of the Foundation.
3. To appoint, at their sole discretion, remove, or suspend subordinate officers, agents, and servants, permanently or temporarily, as the Directors may deem proper.
4. To appoint any person or persons to hold in trust for the Foundation any property belonging to the Foundation, or in which it is interested, or for any other purpose, and to do all such duties as may be requisite with regard to and in relation to such trust.
5. To transfer by Deed or Bill of Sale any real or personal property of the Foundation and to execute Oil, Gas, and Mineral Leases covering the property of said Foundation.

6. To create, make, and issue mortgages, bond, deeds of trust, trust instruments, and to do every act necessary to effectuate the same.
7. To determine, by resolution, which shall be authorized to execute on behalf of the Foundation bills, receipts, endorsements, checks, releases, contracts, and documents.
8. To provide for the management of the affairs of the Foundation in such manner as they think proper and particularly to create any committee the board deemed necessary in order to do the work of the Foundation.
9. To furnish timely reports of activities and financing of the Foundation.

## ARTICLE VI

### OFFICERS:

Section 1: The officers of the Foundation shall be appointed from the Board of Directors at their first meeting after the election of Directors. The officers are members of the Board. The officers will be President, Vice-president, Secretary, and Treasurer.

Section 2: The President shall preside at all meetings of the Board of Directors. He or she shall be responsible for the function of the Board of Directors, the coordination of its work, and performing the duties assigned to him or her by the Directors. The President shall also have authority to appoint such committees, as he or she deems necessary.

Section 3: The Vice-president shall act as an aide to the President and perform the duties of the President when required by the President or in the absence or inability of the President to function.

Section 4: The Secretary shall keep the minutes of the meetings of the Board and give all notices in accordance with the provisions of these assigned to him or her by the President or the Directors.

Section 5: The Treasurer shall be responsible for general supervision of accounting for the financial operations of the Foundation and perform all the duties incident to the office of Treasurer and such other duties, as, from time to time, may be assigned to him or her by the President or by the majority of

the Directors. There will be a monthly treasurer’s report that will include all accounts.

**ARTICLE VII**

**MEMBERSHIP:**

Section 1: Any senior who is 55 years of age and contributes consecutively for twelve (12) months to the \$5.00 A Month Club will be considered a member of the Kenai Senior Connection, Inc. A member may pay by the month or by the year.

Section 2: There will be the following types of memberships available.

- (a) Active Member: Shall be open to any senior member 55 years of age who is interested in promoting senior issues and fund raising for the Kenai Senior Center and who contributes to the \$5.00 A Month Club on an annual basis.
- (b) Associate Membership: Shall be open to any individual, business, or organization who wants to support the Kenai Senior Connection, Inc. by way of a yearly financial contribution of \$50.00. An Associate member will receive a monthly Kenai Senior Center newsletter to keep informed of the happenings at the Center.

**ARTICLE VIII**

**FISCAL YEAR:** The fiscal year of the Foundation shall begin on the 1<sup>st</sup> day of July, and shall terminate on the following 30<sup>th</sup> day of June of each year.

**ARTICLE IX**

**MEETINGS:** There will be twelve regular meeting of the Kenai Senior Connection, Inc. held monthly. The annual meeting shall be held in January at which time the officers will give their annual reports and if necessary turn their records over to the new officers.



The meetings are open to the general membership. Topics for discussion must be on the agenda. Only the Board of Directors will be the voting authority. Director members vote by a show of a raised hand.

**ARTICLE X**

**BOOKS, RECORDS, AND ACCOUNTS:** All checks, drafts, or orders for the payment of money may be signed by the President, Vice-president, Secretary or Treasurer. Two (2) signatures are needed to execute checks. No check shall be signed in blank.

The books, accounts, and records of the Foundation shall be open to inspection by all Directors at any reasonable time and shall be kept at the Kenai Senior Center office.

There shall be an annual review of all financial records conducted each year. If accountant decides it is necessary to do an audit, it will be brought before the Directors.

**ARTICLE XI**

**DISSOLUTION:** Upon the dissolution of the organization, the Officers, shall, after paying or making provision for the payment of all the liabilities of the organization, dispose of all of the assets of the organization exclusively for the purpose of the organization in such manner or to such organization or organizations organized and operated exclusively for charitable purposes as shall at the time qualify as an exempt organization or organizations under Section 501-C-3 of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Officers shall determine.

**ARTICLE XII**


**ADMENDMENTS OR ALTERATIONS TO BY LAWS:** These by-laws may be altered, amended, or repealed and new by-laws may be adopted by a majority of the Directors present at any regular meeting or at any special meeting if at least one (1) week's written, phone, or email notice is given of an intention to alter, amend, or repeal these by-laws at such meeting.

**ARTICLE XIII**

**NOTICE:** Whenever under the provisions of these by-laws any notice of termination of a Board Member is required, such notice may be given in writing by depositing the same in the Post Office in a certified letter addressed to such Director or officer at his or her address as the same appears in the books of the Foundation. The time when the same shall be mailed shall be deemed to be the time of the giving of such notice

Any resignation of a Board Member will be accepted in writing at any time and effective upon receipt of written notification.

The foregoing by-laws are here and now certified to as by-laws adopted by the Board of Directors of the Kenai Senior Connection, Inc., City of Kenai, Kenai Peninsula Borough, Alaska, on the 26th day of February 2016.

  
\_\_\_\_\_

President

2/26-2016

Date

  
\_\_\_\_\_

Secretary

2/26/16

Date



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
[www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Terry Eubank, Finance Director  
**DATE:** September 5, 2019  
**SUBJECT:** Resolution No. 2019-64

Resolution 2019-64 creates an Agency Fund in which the City will account for the funds invested on behalf of Kenai Senior Connection, Inc. (KSCI). Agency Fund Accounting is one of the simplest forms of fund accounting and will not add any significant demand upon Finance Department staff or financial resources. The fund will consist of two accounts:

- 1) Cash, an asset account representing the balance of funds being held by the City as an Agent for KSCI, and
- 2) Due to KSCI, a liability account representing that all funds held are due and payable to the KSCI upon request.

Unlike other types of Governmental Funds, an Agency Fund does not represent the operations of the City and thus there is no need to measure the effectiveness of the fund. Effectiveness of KSCI will be evaluated by an examination of its financial statements on which the City has no control or interest. With no need to measure the effectiveness of the fund, there are no revenue or expenditure accounts within the fund and thus no requirement for annually adopted budgets.

The City currently has a similar Agency Fund agreement with the Kenai Community Foundation which has been in existence and functioning well since 2009.

Beyond the accounting issues, which I believe to be minimal, there are three areas of concern that I believe have been addressed and satisfied by the proposed Agency Fund Agreement. These three concerns are:

- 1) It should be clear the City's only responsibility is to invest the funds provided for investment to it by KSCI and has no direct or advisory capacity in the use of KSCI funds.
- 2) KSCI's acceptance of the inherent risk of investing.



3) Adequate time must be allowed for the City to process a disbursement request from KSCI.

With no significant impact on the Finance Department and addressing all of the concerns your support for Resolution 2019-64 is respectfully requested.



Sponsored by: Council Member Peterkin

## CITY OF KENAI

### RESOLUTION NO. 2019-65

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ADOPTING JOINT RESOLUTION NO. 2019-001 OF THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH AND COUNCILS OF THE CITIES OF HOMER, KACHEMAK, KENAI, SELDOVIA, SEWARD, AND SOLDOTNA, RECOGNIZING THE RECOMMENDATIONS OF THE KENAI PENINSULA BOROUGH'S ELECTION STAKEHOLDERS GROUP AND DIRECTING STAFF TO EXPLORE IMPLEMENTATION OF THE RECOMMENDATIONS.

WHEREAS, the Kenai Peninsula Borough Assembly established the Election Stakeholders Group ("ESG") through the direction and adoption of Resolution 2019-006, which included community members and members from many local governments in the borough, researched ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity; and,

WHEREAS, after holding many public meetings throughout 2019 the ESG issued a final report with six specific recommendations regarding potential changes to borough code and election processes which are intended to achieve guiding principles initially adopted by the ESG; and,

WHEREAS, Joint Resolution 2019-001 details the efforts of the ESG, recognizes its recommendations, and directs staff to explore implementation of the recommendations; and,

WHEREAS, the Kenai Peninsula Borough Assembly adopted Joint Resolution 2019-001 at their September 3, 2019 Assembly Meeting; and

WHEREAS, the Council of the City of Seldovia adopted Joint Resolution 2019-001 at their September 9, 2019 Council Meeting and the Council of the City of Soldotna adopted Joint Resolution 2019-001 at their September 12, 2019 Council Meeting.

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

**Section 1.** That the Kenai City Council adopts Joint Resolution 2019-001.

**Section 2.** That the Mayor of the City of Kenai is hereby authorized to sign Joint Resolution 2019-001, recognizing the recommendations of the Kenai Peninsula Borough's Election Stakeholders Group and supporting the City Clerk's exploration of implementation of those recommendations.

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

---

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 18<sup>th</sup> day of September, 2019.

ATTEST:

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

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

\_\_\_\_\_

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

**JOINT RESOLUTION NO. 2019-001**

**A JOINT RESOLUTION OF THE ASSEMBLY OF THE KENAI PENINSULA  
BOROUGH AND COUNCILS OF THE CITIES OF HOMER, KACHEMAK, KENAI,  
SELDOVIA, SEWARD AND SOLDOTNA, RECOGNIZING THE RECOMMENDATIONS OF  
THE KENAI PENINSULA BOROUGH’S ELECTION STAKEHOLDERS GROUP AND  
DIRECTING STAFF TO EXPLORE IMPLEMENTATION OF THE RECOMMENDATIONS**

**WHEREAS,** the Kenai Peninsula Borough Assembly established the Election Stakeholder Group (“ESG”) through the direction and adoption of Kenai Peninsula Borough (“KPB”) Resolution 2019-006; and

**WHEREAS,** the ESG was tasked with researching ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity; and

**WHEREAS,** the ESG was comprised of assembly members, city council members, city managers, a representative from the KPB mayor’s office and community members with a specific interest in the electoral process; and

**WHEREAS,** the ESG was supported by the borough and city clerks as well representatives from the KPB Legal Department, Information Technology Department, and the Geographical Information Division; and

**WHEREAS,** the ESG adopted guiding principles to focus and guide its work, including: maximizing accessibility and inclusivity of borough elections; improving voter satisfaction and confidence; making efficient use of public resources; ensuring electing security and integrity; and, improving voter outreach and coordination with all stakeholders; and

**WHEREAS,** the ESG, as detailed in its final report, made six specific recommendations regarding potential changes to KPB code and election processes which are supported by, and intended to achieve, the stated guiding principles; and

**WHEREAS,** the ESG chair and vice-chair presented the attached final report and recommendations to the KPB assembly on August 20, 2019; and

**WHEREAS,** the ESG recommends that the KPB seek support from and partnership with the cities within the borough to administer all future local elections consistent with the vote by mail hybrid structure; and

**WHEREAS,** the ESG recommends that the KPB explore cost sharing with the cities within the KPB for the purchase and maintenance of election equipment; and

**WHEREAS,** in order to fully educate voters and the public on a new process, the ESG recommends the KPB and community partners conduct an extensive and comprehensive communication/education plan; and

**WHEREAS,** the ESG further recommends collaboration between the KPB and the cities within the KPB to develop legislation and administrative practices for the administration of local elections that are consistent with KPB processes, and make efficient use of government resources;

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

**SECTION 1.** That the Kenai Peninsula Borough Assembly and the city councils for the Cities of Homer, Kachemak, Kenai, Seldovia, Seward and Soldotna recognize the recommendations of the 2019 Election Stakeholders Group.

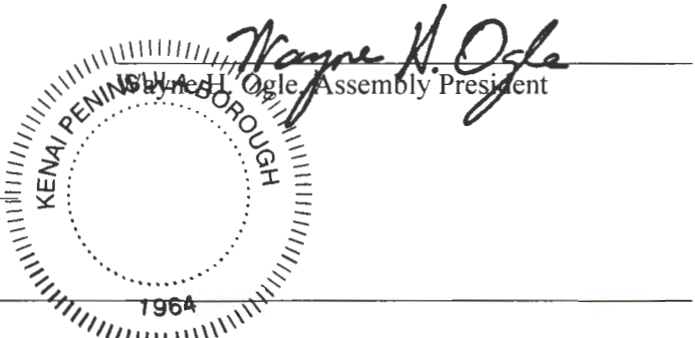
**SECTION 2.** That the Kenai Peninsula Borough Assembly and the city councils for the Cities of Homer, Kachemak, Kenai, Seldovia, Seward and Soldotna support the KPB clerk and the city clerks as they continue to explore vote by mail elections with a goal to implement the first by mail election in October of 2020 as a strategy to increase voter turnout, thus empowering KPB and city residents with a stronger voice in the democratic process and in the decisions that directly impact their lives.

**SECTION 3.** That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the city councils within the Kenai Peninsula Borough.

**APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS THIS 3RD DAY OF SEPTEMBER, 2019.**

ATTEST:

*John Blankenship*  
Johni Blankenship, MMC, Borough Clerk



**APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

Ken Castner, Mayor

ATTEST:

Melissa Jacobsen, MMC, City Clerk



APPROVED BY THE COUNCIL OF THE CITY OF KACHEMAK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
William Overway, Mayor

ATTEST:

\_\_\_\_\_  
Erika Fitzpatrick, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Brian Gabriel, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dean Lent, Mayor

ATTEST:

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

APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
David Squires, Mayor

ATTEST:

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

---

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS THIS \_\_\_\_ DAY OF \_\_\_\_  
\_\_\_\_\_, 2019.

---

Nels Anderson, Mayor

ATTEST:

---

Michelle M. Saner, MMC, City Clerk



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

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

**FROM:** Council Member Peterkin

**DATE:** September 9, 2019

**SUBJECT:** **Resolution No. 2019-65**

The Election Stakeholder Group, established by the Kenai Peninsula Borough Assembly, was tasked with researching ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity. Along with assembly members, other city council members, city managers, a representative from the Kenai Peninsula Borough Mayor's office, and community members with specific interest in the electoral process, Mayor Gabriel, City Manager Paul Ostrander, City Clerk Jamie Heinz, and I participated in the meetings in which we adopted guiding principles including, maximizing accessibility and inclusivity of borough elections, improving voter satisfaction and confidence, making efficient use of public resources, ensuring election security and integrity, and improving voter outreach and coordination.

The Election Stakeholder Group ultimately adopted the attached final report with six recommendations regarding potential changes to the Kenai Peninsula Borough code and election processes which are supported by, and intended to achieve, our guiding principles. The Election Stakeholder Group Chair presented the final report and recommendations to the Kenai Peninsula Borough Assembly on August 20, 2019 and the group recommends that the borough seek support from and partnership with the cities within the borough to administer all future local elections consistent with the vote by mail hybrid structure to include cost sharing purchase and maintenance of election equipment, voter education, and development of legislation and administrative practices for the administration of local elections.

Your consideration is appreciated.



Kenai Peninsula Borough  
Election Stakeholders Group  
**Final Report and Recommendations**  
*(Unanimously Approved July 26, 2019)*

---



---

Committee Members: Donna Aderhold, Brenda Ahlberg, Teri Birchfield, Cassidi Cameron, John Coleberg, Tyson Cox, Sammy Crawford, Linda Cusack, Willy Dunne, Joyanna Geisler, Brent Hibbert, Sue McClure, Scott Meszaros, Paul Ostrander, Robert Peterkin, and Stephanie Queen

Alternate Members: Brian Gabriel, Vivian Rojas, and Kaitlin Vadla

Subject Matter Experts: Brenda Ballou, Johni Blankenship, Heidi Geagel, Erica Fitzpatrick, Ben Hanson, Jamie Heinz, Melissa Jacobsen, Sean Kelley, Bobbi Lay, Holly Montague, and Shellie Saner

Support Staff: Michele Turner

Kenai Peninsula Borough  
Election Stakeholders Group  
**Final Report and Recommendations**  
*(Unanimously Approved July 26, 2019)*

---

Table of Contents

PURPOSE ..... 3

GUIDING PRINCIPLES..... 4

    1.) Maximize Accessibility and Inclusivity ..... 4

    2.) Efficiency and Conservation of Public Resources ..... 4

    3.) Voter Satisfaction and Confidence ..... 4

    4.) Longevity in the Solution ..... 4

    5.) Coordination and Collaboration ..... 5

    6.) Security and Integrity ..... 5

    7.) Voter Outreach ..... 5

    8.) Continuity of Operations / Contingency Disaster Plan..... 5

RECOMMENDATIONS..... 6

    Recommendation #1 – Vote by Mail Hybrid: ..... 6

    Recommendation #2 – Education and Outreach Campaign ..... 7

    Recommendation #3 – Alaska State Statute Title 29 Amendment ..... 8

    Recommendation #4 – Voter Pamphlet ..... 9

    Recommendation #5 – Appointed Service Area Boards..... 9

    Recommendation #6 – Statements Advocating for Approval or Rejection of  
    Propositions..... 10

    Additional Recommendations ..... 10

## PURPOSE

*The Election Stakeholders Group was established to research ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity while conserving public resources.*

*Voting is the foundation of our democracy. Active participation in the electoral process is necessary for high functioning governance.*

The Election Stakeholders Group (ESG) was established on January 8, 2019 by KPB Resolution 2019-006 and tasked with researching ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity while conserving public resources. In addition, the ESG was directed to explore all aspects of administering borough and city elections including the traditional polling site model and the vote by mail hybrid model.

The ESG was encouraged to keep in mind the directives of the conciliation agreement between the borough and the Human Rights Commission. Specifically, Section C which states, "Respondent Kenai Peninsula Borough (KPB) will establish and direct the stakeholder group to explore options for providing assistive technology to visually impaired voters, including the option of distributing ballots to all voters by mail and establishing voting centers with accessible voting equipment open two weeks prior to each election. Respondent will direct the stakeholder group to advance options for its consideration that will allow visually impaired voters to vote privately and independently."

The KPB is at a critical impasse regarding the administration of elections for two reasons:

1. The Human Rights Commission has declared our current accommodations and equipment for voters with disabilities, specifically those that may be visually impaired, as significantly discriminatory;
2. The hardware that is currently being used by the KPB is owned by the State of Alaska and is at its end of life. Further, that equipment does not comply with Americans with Disabilities Act (ADA) requirements and therefore is not an option for the KPB moving forward.

The ESG was comprised of assembly members, city council members, city managers, borough mayor's office and community members interested in the electoral process. The group was staffed by the Borough Clerk's Office and assisted by subject matter experts from within the borough and cities within the borough.

The first ESG meeting was held on February 15, 2019 and subsequent meetings were held every two weeks after that for a total of 12 meetings. The meetings were advertised in accordance with the Open Meetings Act and the public was encouraged to attend; however, there was no public participation aside from 2 emails. A small subcommittee of the group did participate in a local radio show and had an opportunity to respond to questions for the listening audience.

In conducting its work and arriving at recommendations, the ESG adopted the following guiding principles:

## GUIDING PRINCIPLES

### 1.) Maximize Accessibility and Inclusivity

Provide disability-related accommodations and other facilitative measures to enable residents experiencing a disability their equal right to vote privately and independently.

Promote participation in the electoral process for all borough voters.

### 2.) Efficiency and Conservation of Public Resources

Use public resources efficiently and conservatively by evaluating election-related factors such as cost per vote cast, cost per election, cost sharing with cities within the borough, appointed vs. elected advisory boards, and indirect costs.

### 3.) Voter Satisfaction and Confidence

Increase voter satisfaction and confidence in borough elections by maintaining voter privacy, providing options for ballot tracking and voter flexibility, and collaborating with the Alaska Division of Elections to maintain accurate voter rolls.

### 4.) Longevity in the Solution

Maximize the longevity of the election solution and the borough's ability to adapt to advances in technology, changes in the election workforce, engaging new voters, voter preferences, and conditions in regulatory frameworks.

## 5.) Coordination and Collaboration

Promote collaboration with all election stakeholders, including the public, Alaska Division of Elections, cities within the borough, candidates, media, local community groups, and voting organizations.

## 6.) Security and Integrity

Ensure security of the voting system, including hardware, software, accountability procedures, and the voter registration database.

Maintain integrity in the system by adopting internal controls such as signature verification, requiring acceptable identifiers, providing extensive election worker training, and giving voters the ability to cure errors to ensure all valid votes are counted.

## 7.) Voter Outreach

Encourage higher voter turnout by implementing a voter communication and education campaign that promotes the value of civic engagement.

Develop educational materials which explain the new processes to the public, utilizing multiple resources and methods of outreach and communication, to ensure there is a clear public understanding of and support for the new solution.

## 8.) Continuity of Operations / Contingency Disaster Plan

Adopt a contingency and communication disaster plan to ensure a coordinated and strategic response to any disruptive event and provide for continuity of election operations.

The ESG received presentations from the Borough and City Clerks, representatives from the State of Alaska Division of Elections, the Municipality of Anchorage, the United States Post Office (USPS), and the KPB's current ballot printer and by mail service provider. The ESG received demonstrations from two software/hardware providers. Their presentations were for both polling place and vote by mail structures. Both vendors had ADA compliant equipment for both scenarios. Finally, a subcommittee of the group participated in a field trip to Anchorage to see its "Vote by Mail Election Central" in action.

The ESG spent many hours discussing voter engagement, cost, collaboration and efficiencies. Based on the knowledge gained and through presentations and questions the ESG makes the following recommendations:



## RECOMMENDATIONS

### Recommendation #1 – Vote by Mail Hybrid:

Recommendation #1 is consistent with and reinforced by all of the guiding principles adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends the Assembly transition the election process from the current polling site structure to a vote by mail hybrid structure (VBMS). The VBMS is a proven methodology that the KPB has been using for over 20 years in six (Cooper Landing, Hope, Fox River, Moose Pass, Seldovia/Kachemak Bay and Tyonek) of its 28 precincts. The group reviewed the current and VBMS structures and ranked the pros and cons. The pros of the VBMS far outweighed the pros of the existing structure and aligned with the group's adopted guiding principles.

The VBMS has proven to be a more efficient and effective process for the administration of elections. In this process every registered voter will be mailed a ballot package 2-3 weeks prior to election day, giving more voters an opportunity to exercise their right to vote at a time and place that meets their schedule and convenience.

Accessible Vote Centers (AVC) will be established 2 weeks prior to election day in at least 5 locations throughout the borough. AVCs can be utilized to drop off voted ballots or to satisfy the desire to vote in person. The vote centers will be equipped with ADA compliant hardware, allowing all voters to vote privately and independently. The VBMS allows for all voters to vote in the way that suits them best.

Ballot drop boxes will need to be purchased as part of the structure and distributed throughout the borough. Voters can choose to drop their voted ballots in a drop box, at an AVC or in the mail by using the prepaid postage.

The VBMS is a long term solution for the borough and the cities within the borough as it is not subject to the changing technology of the current structure. It uses off-the-shelf scanners to count the ballots and printers for on-demand ballot printing which allows for greater accessibility, upgrades and cost effective repairs.

The VBMS has been demonstrated by the Municipality of Anchorage to engage all voter demographics and therefore translates into higher voter participation and higher voter satisfaction.

The initial capital cost of the VBMS hardware and software is less than that of the traditional structure. There will be other costs to consider; for example, ballot drop

boxes and an initial voter outreach and education campaign. The costs could be shared by the cities within the borough.

The VBMS will add to voter security and confidentiality as well as offer voters an opportunity to cure any issues that may occur with their voted ballots (e.g. no signature provided, no identifier provided, other). The group recommends the implementation of signature verification software and a signature review board. It further recommends to require at least one identifier be provided by the voter (an identifier would include voter registration number, driver's license number, or social security number). The borough should work toward a technical solution which will allow voters to track their voted ballot ensuring its receipt and review.

The VBMS further allows for the review board to adjudicate each ballot to ensure voter intent is correctly determined based on standardized methods and training.

In summary, the ESG supports and recommends the VBM structure for the administration of elections in the KPB.

The ESG received proposals from Dominion Voting software and ADA compatible hardware for both the traditional polling site structure and the vote by mail structure. The vote by mail proposal was \$213,106.60 less than the traditional polling site proposal. The vote by mail structure would require the purchase of ballot drop boxes which, according to the Municipality of Anchorage, cost around \$3,300 apiece to fabricate. The Municipality of Anchorage has 16 drop boxes distributed throughout its jurisdiction. The Municipality of Anchorage also does not prepay the postage for the return of voted ballots. The ESG recommends that the KPB deploy drop boxes as needed on the road system and encourages voters in more remote areas to use USPS. Based on information provided by the Municipality of Anchorage, the ESG is encouraged that the VBMS will increase voter turnout and that the administrative costs will decrease over time.

### Recommendation #2 – Education and Outreach Campaign

Recommendation #2 is consistent with and reinforced by guiding principles, 1.) Maximize Accessibility and Inclusivity; 3.) Voter Satisfaction and Confidence; 4.) Longevity in the Solution; 5.) Coordination and Collaboration and 7.) Voter Outreach, adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends the Assembly appropriate funds for an extensive education and outreach campaign. The voter turnout in the KPB and the cities within it has been historically low. The turnout tends to trend higher or lower depending on what is on the ballot.

One of the focuses of the outreach campaign would be specifically to encourage voter participation no matter what is on the ballot through a

communication plan which promotes civic engagement and targeted marketing regarding the importance of the election process.

Another primary focus would be to educate the voters on the new VBMS.

The group recommends the use of social media, print media, and broadcast media, as well as outreach through the participation of existing community groups (chambers of commerce, rotary, etc.).

The group further recommends the KPB consider contracting with an outside resource to develop and implement a plan specifically regarding the education and notification of the voters of the new vote by mail hybrid structure.

### Recommendation #3 – Alaska State Statute Title 29 Amendment

Recommendation #3 is consistent with and reinforced by guiding principles, 1.) Maximize Accessibility and Inclusivity; 2.) Efficiency and Conservation of Public Resources and 3.) Voter Satisfaction and Confidence, adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends the Assembly adopt a resolution requesting the Alaska State Legislature introduce and support a bill allowing for ranked choice voting. The bill would amend AS 29.26.060(c) to read as follows:

*Sec. 29.26.060. Runoff elections.*

*(a) Unless otherwise provided by ordinance, a runoff election shall be held if no candidate receives over 40 percent of the votes cast for the office of*

*(1) mayor; or*

*(2) member of the governing body or school board if candidates run for a designated seat.*

*(b) Unless otherwise provided by ordinance, if candidates for the governing body or school board run at large, a runoff election for a seat shall be held if no candidate receives a number of votes greater than 40 percent of the total votes cast for all candidates divided by the number of seats to be filled.*

*(c) Unless otherwise provided by ordinance, a runoff election shall be held within three weeks after the date of certification of the election for which a runoff is required, and notice of the runoff election shall be published at least five days before the election date. Unless otherwise provided by ordinance t[T]he runoff election shall be*

*between the two candidates receiving the greatest number of votes for the seat.*

This amendment would allow municipalities the flexibility to conduct runoff elections according to local preference.

The ESG recommends the KPB Assembly further research and explore the solution of Ranked Choice Voting for the election of the Borough Mayor rather than continuing to conduct separate runoff elections which are costly and typically receive lower voter turnout than the regular election. Ranked Choice Voting would allow for an immediate runoff to select the prevailing candidate.

#### Recommendation #4 – Voter Pamphlet

Recommendation #4 is consistent with and reinforced by guiding principles, 2.) Efficiency and Conservation of Public Resources and 3.) Voter Satisfaction and Confidence, adopted by the Election Stakeholders Group.

The Election Stakeholder Group recommends including information in each ballot package which directs the voter to a website with voter information, candidate profiles and proposition summaries. The information provided would also specify locations at which hard copies of the voter pamphlet could be obtained. In addition, hard copies of the voter pamphlet could be mailed directly to a voter upon request.

Paper copies of the voter pamphlet should include candidate profiles, proposition summaries and additional voter information and be made available at each of the AVCs. AVC employees would be educated and prepared to assist voters in the navigation of the election website.

#### Recommendation #5 – Appointed Service Area Boards

Recommendation #5 is consistent with and reinforced by guiding principle, 2.) Efficiency and Conservation of Public Resources, adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends amending KPB Titles 2, 4 and 16 – Service Areas to provide that all KPB service area boards are appointed instead of elected (draft ordinance attached for consideration).

It is rare for a service area board race to be contested at an election. In addition, there have been many years when no candidate files for the seat at all and ultimately the seat is filled by appointment after the election is certified.

## Recommendation #6 – Statements Advocating for Approval or Rejection of Propositions

Recommendation #6 is consistent with and reinforced by guiding principles, 2.) Efficiency and Conservation of Public Resources and 3.) Voter Satisfaction and Confidence, adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends the Assembly amend KPB 4.10.110 by deleting Section B which provides for the inclusion of statements advocating voter approval or rejection of propositions in the voter pamphlet. Recommendation #4 suggests streamlining the voter pamphlet to reduce waste and cost. Amending this section of code would further support that reduction. Additionally, the current inclusion of the statements may be contributing to voter confusion.

The information provided and disseminated by the borough should be that of a factual nature. Public funds should not be used to further the message of an outside group, and the official voter information pamphlet is an inappropriate place to allow members of the public to advocate for or against a proposition. In today's technical environment there are multiple ways to effectively and efficiently spread a message without cost to the tax payers of the borough.

Additionally, the administration of this code provision has proven to be difficult and identifying possible authors of statements has proven to be problematic. Historically, statements have been submitted for inclusion in the voter pamphlet and those statements are not vetted or verified by the borough and therefore may include misleading information.

This provision of code was enacted in 2007 and has only been utilized a handful of times and typically only when there is a voter initiative or referendum proposition on the ballot.

### Additional Recommendations

The ESG recommends the KPB seek support from and partners with the cities within the borough to conduct all local elections by mail. Further, we recommend cost sharing with the cities within the borough for election equipment, an extensive and comprehensive communication/education plan and administration of all future elections. The ESG promotes the collaboration between the KPB and the cities within the KPB to develop legislation and administrative practices for the administration of local elections.



Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2019 - 66**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, APPROVING THE SECOND ONE YEAR EXTENSION TO THE AGREEMENT FOR FACILITY MANAGEMENT SERVICES AT THE CITY OF KENAI MULTI-PURPOSE FACILITY.

WHEREAS, Red Line Sports desires to exercise the second one year extension of the two available extensions for the Facility Management Services Agreement at the City of Kenai Multi-Purpose Facility and continue providing independent contract work for ice maintenance throughout the 2019-2020 winter season; and,

WHEREAS, the recommendation from the City Administration is to extend the Agreement for one year as Red Line Sports has been providing good service to the City; and,

WHEREAS, sufficient monies are appropriated.

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

**Section 1.** That the City Manager is authorized to execute a one year extension to the existing Agreement for Facility Management Services at the Kenai Multi-Purpose Facility.

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

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 18<sup>th</sup> day of September, 2019.

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

ATTEST:

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

Approved by Finance: \_\_\_\_\_

\_\_\_\_\_

**SECOND EXTENSION  
TO AGREEMENT FOR FACILITY MANAGEMENT SERVICES  
AT THE KENAI MULTI-PURPOSE FACILITY**

The City of Kenai (Owner), 210 Fidalgo Avenue, Kenai, AK 99611-7794, and Vince Redford d/b/a Red Line Sports (Contractor), a sole proprietorship, 168 Trumpeter Avenue, Soldotna, AK 99669, hereby amend the Agreement for Facility Management Services at the Kenai Multi-Purpose Facility, dated September 27, 2018 (the Agreement) as follows:

1. Paragraph 1 of the Agreement is amended to reflect the second one-year extension of the term of the Agreement by extending the contract to end on September 27, 2020, instead of ending on September 27, 2019.
2. Except as expressly modified or stated herein, all other terms and conditions of the Agreement remain in full force and effect.

CITY OF KENAI

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Paul Ostrander, City Manager

CONTRACTOR

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Vince Redford, Owner  
Red Line Sports

STATE OF ALASKA )  
 )ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of September, 2019, the foregoing instrument was acknowledged before me by PAUL OSTRANDER, City Manager of the City of Kenai, Alaska, an Alaska home rule municipality, on behalf of the City.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires:\_\_\_\_\_

STATE OF ALASKA )  
 )ss  
THIRD JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 2019, by VINCE REDFORD.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires:\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Scott M. Bloom, City Attorney

Approved by Finance:

\_\_\_\_\_  
Terry Eubank, Finance Director





*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Robert J. Frates, Parks & Recreation Director

**DATE:** September 9, 2019

**SUBJECT:** **Resolution No. 2019-66 – Approving The Second One Year Extension to the Agreement for Facility Management Services at the City of Kenai Multi-Purpose Facility**

---

The purpose of this correspondence is to recommend to Council the approval of a one-year extension to continue providing independent contract work for ice maintenance at the City of Kenai Multi-Purpose Facility throughout the 2019-2020 winter season.

Red Line Sports desires to exercise a one-year extension of the current Agreement. The current Agreement allows for two (2) successive one-year extensions. If approved, the Agreement would be amended to reflect a contract extension to end on September 30, 2020.

Your support of Resolution No. 2019-66 is respectfully requested.

Attachment



**KENAI CITY COUNCIL – REGULAR MEETING  
SEPTEMBER 4, 2019 – 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 September 4, 2019, 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 | Robert Molloy   |
| Henry Knackstedt     | Tim Navarre     |
| Jim Glendening       | Robert Peterkin |
| Glenese Pettey       |                 |

A quorum was present.

Also in attendance were:

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

**3. Agenda Approval**

Mayor Gabriel noted the following revisions to the packet:

- |                  |   |
|------------------|---|
| Add to item D.1. | Ordinance No. 3072-2019 <ul style="list-style-type: none"> <li>• Amendment Memo provided at 9/3/19 Work Session</li> <li>• Substitute Ordinance</li> <li>• Substitute Ordinance Memo</li> </ul> |
| Add to item D.2. | Ordinance No. 3079-2019 <ul style="list-style-type: none"> <li>• Substitute Ordinance</li> <li>• Memo</li> </ul>  |
| Add to item D.5. | Ordinance No. 3082-2019 <ul style="list-style-type: none"> <li>• Amendment Memo</li> </ul>  |

- Add to item D.6. Ordinance No. 3083-2019
- Zoning Map
- Add to item D.7. Resolution No. 2019-61
- Amendment Memo
- Add to item D.6. Resolution No. 2019-62
- Amendment Memo

**MOTION:**

Council Member Molloy **MOVED** to approve the agenda with the requested revisions to the packet and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **SECONDED** the motion.

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

#### 4. Consent Agenda

**MOTION:**

Council Member Knackstedt **MOVED** to approve the consent agenda and requested **UNANIMOUS CONSENT**. Council Member Molloy **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.

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

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

**B. SCHEDULED PUBLIC COMMENTS** – None.

**C. UNSCHEDULED PUBLIC COMMENTS**

Marian Nelson noted the upcoming Harvest Art Auction at the Kenai Fine Arts Center.

Patty See spoke with concern regarding beetle killed trees; wanted to be sure the City was having dialogue and making plans to address the problem. She the noted the Firewise program might have grant options.

**D. PUBLIC HEARINGS**

1. **Ordinance No. 3072-2019** - Renaming, Repealing and Re-Enacting Kenai Municipal Code Title 22-General Fund Lands, Renaming Title 21-City Airport and Airport Lands, and Repealing Kenai Municipal Code Chapter 21.15-Lease and Sale of Airport Lands Outside of the Airport Reserve to Encourage Responsible Growth and Development to Support a Thriving Business, Residential, Recreational and Cultural Community

through Responsible Land Policies and Practices. (Administration) *[Clerk’s Note: At the 08/21/19 Meeting, this Item was Postponed to the Meeting After a Work Session was Held Regarding the Matter for a Second Public Hearing. A Work Session was Held On 09/03/19. A Motion to Enact is On the Floor.]*

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

Administration was thanked for the information provided at the work session.

**MOTION TO AMEND:**

Council Member Molloy **MOVED** to amend by Substitute Ordinance No. 3072-2019 and Council Member Knackstedt **SECONDED** the motion.

**VOTE ON THE AMENDMENT:**

YEA: Knackstedt, Glendening, Pettey, Navarre, Gabriel, Molloy, Peterkin  
NAY:

**MOTION PASSED UNANIMOUSLY.**

Clarification was provided which amendments were included in the substitute; it was noted other desired changes could be made at this meeting or a future meeting.

**MOTION TO POSTPONE:**

Council Member Molloy **MOVED** to postpone to the September 18 meeting and Council Member Glendening **SECONDED** the motion.

Some members noted they would be absent from the September 18 meeting.

**MOTION TO AMEND POSTPONEMENT:**

Council Member Molloy **MOVED** to amend postponement to the October 2 meeting and Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

**VOTE ON THE AMENDMENT:** There being no objections, **SO ORDERED.**

**UNANIMOUS CONSENT** was requested on the motion to postpone as amended.

**VOTE ON THE MOTION TO POSTPONE AS AMENDED:** There being no objections, **SO ORDERED.**

2. **Ordinance No. 3079-2019** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Accepting a Grant from the Federal Aviation Administration for the Purchase of Two Aircraft Rescue and Firefighting (ARFF) Vehicles, Rehabilitation of the Fire Training Props, and Rehabilitation of the Training Facility for the Alaska Regional Fire Training Facility. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3079-2019 and Vice Mayor Navarre **SECONDED** the motion.

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

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend by Substitute Ordinance No. 3079-2019. Vice Mayor Navarre **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

**VOTE ON THE AMENDMENT:** There being no objections, **SO ORDERED**.

An overview of the funding of the project was provided. Clarification was provided that the training facility was managed by BEACON and the benefit to the City was economic benefit from the facility’s use. Federal legislators, the Federal Aviation Administration, and the Airport Manager were thanked for their work on securing the funding for the project.

**VOTE ON THE MAIN MOTION AS AMENDED:**

YEA: Knackstedt, Glendening, Pettey, Navarre, Gabriel, Molloy, Peterkin  
NAY:

**MOTION PASSED UNANIMOUSLY.**

- 3. **Ordinance No. 3080-2019** - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3080-2019 and Vice Mayor Navarre **SECONDED** the motion.

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

It was pointed out that it was intended that the increased funding would be sufficient for the remainder of the project but that there could still be unknowns uncovered. It was also noted that it was not anticipated any additional City dollars would be spent.

It was noted that the Public Works Director fought to keep change orders minimal even though the project was mostly grant funds. A reminder was provided that there wasn’t sufficient time to design project which potentially caused some change orders.

**VOTE:**

YEA: Knackstedt, Glendening, Pettey, Navarre, Gabriel, Molloy, Peterkin  
NAY:

**MOTION PASSED UNANIMOUSLY.**

4. **Ordinance No. 3081-2019** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund, and Authorizing an Increase to the Construction Purchase Order to Polar North Construction, Inc. (Administration)

**MOTION:**

Vice Mayor Navarre **MOVED** to enact Ordinance No. 3081-2019 and Council Member Knackstedt **SECONDED** the motion.

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

It was noted that the change order was at the request of tenant who was paying 100% of the additional cost.

**VOTE:**

YEA: Knackstedt, Glendening, Pettey, Navarre, Gabriel, Molloy, Peterkin  
 NAY:

**MOTION PASSED UNANIMOUSLY.**

5. **Ordinance No. 3082-2019** - Amending Kenai Municipal Code Chapter 5.35, Oil and Gas Wells, to Provide that Applications and Supplemental Applications be Filed with the City Manager. (City Clerk)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3082-2019 and Council Member Glendening **SECONDED** the motion.

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

**MOTION TO AMEND:**

Council Member Molloy **MOVED** to amend by adding the words, "or designee," after City Manager in subsection a of both section 1 and section 2 and Council Member Glendening **SECONDED** the motion.

It was noted administration was systematically adding, "or designee" when possible.

**VOTE TO AMEND:**

YEA: Knackstedt, Glendening, Pettey, Navarre, Molloy, Gabriel, Peterkin  
 NAY:

**MOTION PASSED UNANIMOUSLY.**

**VOTE ON THE MAIN MOTION AS AMENDED:**

YEA: Knackstedt, Glendening, Pettey, Navarre, Molloy, Gabriel, Peterkin  
 NAY:

**MOTION PASSED UNANIMOUSLY.**

6. **Ordinance No. 3083-2019** - Amending Kenai Municipal Code 14.20.175 – Adult Businesses, to Increase the Buffer Distances Between Adult Businesses and Sensitive Uses from 500 Feet to 1,000 Feet and Define Sensitive Uses. (Council Member Pettey)

**MOTION:**

Council Member Pettey **MOVED** to enact Ordinance No. 3083-2019 and Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened for public hearing.

Ron Isaacs spoke against the ordinance concerned about the buffer distance from sensitive uses and that his marijuana business could at some point be defined as an adult business.

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

**MOTION TO AMEND:**

Council Member Pettey **MOVED** to amend by Substitute Ordinance No. 3083-2019 and Council Member Glendening **SECONDED** the motion.

There was discussion whether a business would have grandfather rights if it were to apply between now and when this ordinance became effective.

It was suggested the increased buffer pushed this type of business out of the core business district in town and closer to neighborhoods.

Clarification was provided the use could not be prohibited in the City but could be regulated if regulated in the right way; based on experiences of other communities. It was also clarified that there was a clear court precedent that an occasional event did not make a business an “adult business.”

It was noted the substitute was identical but the amendment added the use in the land use table.

The sponsor was thanked for their memo, which explained rationale and tied it to goals in the Comprehensive Plan. It was noted the packet of information had been provided to the Planning & Zoning Commission and there was interest in their recommendation.

**UNANIMOUS CONSENT** was requested on the amendment.

**VOTE ON THE AMENDMENT:** There being no objections, **SO ORDERED.**

Clarification was provided on which zones adult businesses were currently allowed in.

Mayor Gabriel opened for public comment.

Ron Isaacs noted that with the number of churches, his marijuana business wouldn't be able to be where it was if it were to be defined as an adult business.

Al Weeks spoke against marijuana businesses suggesting the distances as currently allowed was frustrating and the measurement criteria presented a problem. He noted the last thing he wanted for his church was to be referred to as across from a specific adult business.

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

It was noted the ordinance was intended to be preventative and protect sensitive areas in the community.

It was suggested the issue was better addressed with signage and the atmosphere in the way the business was run in the community. It was also suggested the buffers could push the businesses to areas where the City hadn't developed yet.

Understanding was expressed with cities only allowing adult businesses in certain areas noting the surrounding areas appeared degraded and somewhat less desirable areas. It was reiterated the businesses couldn't be disallowed so the broader discussion of where it should be limited to made sense.

Clarification was provided that a recent supreme court case required action to be evidence based and narrowly tailored to meet specific governmental interest. It was noted additional conversation regarding population and demand and a recommendation from the Planning & Zoning Commission was desired.

#### **MOTION TO REFER:**

Council Member Knackstedt **MOVED** to refer Ordinance No. 3083-2019 to the Planning & Zoning Commission for a recommendation and to be scheduled for a second public hearing before City Council on October 2 and Council Member Molloy **SECONDED** the motion.

It was suggested the ordinance was reactionary at a time of a specific application.

It was pointed out there was believed to be a deficiency in the code and had it been discovered sooner, proactive measures would have been taken to remove the use from the middle of the City. It was suggested the use didn't align with the vision for the City and should be addressed immediately. It was also suggested it was believed our City was a place where people would want to raise families and there should be protection for sensitive areas where children, a valuable asset to the community, might be walking to school. It was agreed that that further work needed to be done as far as signage and this ordinance was a beginning.

Clarification was provided that, with all changes to the Planning and Zoning section of code, the Council was required to send the amendments to the Planning and Zoning Commission. Clarification was also provided that it wasn't clear whether an application at this point would create a grandfather situation.

#### **VOTE ON REFERRAL:**



YEA: Knackstedt, Glendening, Pettey, Molloy, Gabriel, Peterkin  
 NAY: Navarre

**MOTION PASSED.**

7. **Resolution No. 2019-61** - Awarding a Construction Contract for Rehabilitation of Training Props at the Alaska Regional Fire Training Facility. (Administration)

**MOTION:**

Vice Mayor Navarre **MOVED** to adopt Resolution No. 2019-61 and Council Member Molloy **SECONDED** the motion.

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

**MOTION TO AMEND:**

Council Member Molloy **MOVED** to amend by inserting the contractors and their bids into the table as follows, Kirila Fire, Inc., \$1,993,000.00, Alpine Metal, Inc., \$2,767,428.00, and Blazy Construction, Inc., \$4,505,246.00, amending the second whereas clause to read, "Kirila Fire, Inc., was found to be the lowest responsive and responsible bidder and award to this bidder will be in the best interest of the City," amend the third whereas to read, "the recommendation from the City Administration is to award the agreement to Kirila Fire, Inc., for completion of the Alaska Regional Fire Training Equipment Rehabilitation Project," amend Section 1 to read, "that the City Manager is authorized to execute a construction contract with Kirila Fire, Inc., for \$1,993,000.00", and amend Section 2 to read, "that the City Manager is authorized to issue a purchase order to Kirila Fire, Inc., in the amount of \$2,143,000.00, for the contract amount of \$1,993,000.00 and \$150,000 of contingency funding, which may be authorized for construction change orders during completion of the project. Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

Clarification was provided that bid came in approximately \$300,000 less than the Engineer's estimate.

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

**UNANIMOUS CONSENT** was requested on the main motion as amended.

**VOTE ON THE MAIN MOTION AS AMENDED:** There being no objections, **SO ORDERED.**

8. **Resolution No. 62** - Awarding a Construction Contract for Rehabilitation of the Alaska Regional Fire Training Facility. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-62. Council Member Glendening **SECONDED** the motion.

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

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend by inserting the contractors and their bids into the table as follows, Orion Construction, Inc., \$1,938,735.00, and Blazy Construction, Inc., \$2,453,446.00, amending the second whereas clause to read, "Orion Construction, Inc., was found to be the lowest responsive and responsible bidder and award to this bidder will be in the best interest of the City," amend the third whereas to read, "the recommendation from the City Administration is to award the agreement to Orion Construction, Inc., for completion of the Alaska Regional Fire Training Center Building Rehabilitation Project," amend Section 1 to read, "that the City Manager is authorized to execute a construction contract with Orion Construction, Inc., for \$1,938,755.00", and amend Section 2 to read, "that the City Manager is authorized to issue a purchase order to Orion Construction, Inc., in the amount of \$2,088,755.00, for the contract amount of \$1,938,755.00 and \$150,000 of contingency funding, which may be authorized for construction change orders during completion of the project. Vice Mayor Navarre **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

**UNANIMOUS CONSENT** was requested on the main motion as amended.

**VOTE ON THE MAIN MOTION AS AMENDED:** There being no objections, **SO ORDERED**.

- 9. **Resolution No. 2019-63** - Authorizing the Use of the State of Alaska Department of Transportation and Public Facilities Fleet Procurement Program for the Purchase of Two Aircraft Rescue and Firefighting (ARFF) Vehicles for the Alaska Regional Fire Training Facility. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-63 and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

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

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

**E. MINUTES**

- 1. \*Regular Meeting of August 21, 2019

Approved by the consent agenda.

**F. UNFINISHED BUSINESS**

- 1. **Resolution No. 2019-58** - Amending its Comprehensive Schedule of Rates, Charges, and Fees to Incorporate Changes to Application Fees for Lands Outside the Airport Reserve. (Administration) [*Clerk's Note: At the 08/21/19 Meeting, this Item was Postponed to the Meeting which Ordinance No. 3072-2019 was Scheduled for its Second Public Hearing; a Motion to Enact is On the Floor.*]

**MOTION TO POSTPONE:**

Council Member Molloy **MOVED** to postpone to the October 2 meeting and Council Member Knackstedt **SECONDED** the motion.

**VOTE:**

YEA: Knackstedt, Glendening, Pettey, Gabriel, Molloy, Navarre, Peterkin  
NAY:

**MOTION PASSED UNANIMOUSLY.**

**G. NEW BUSINESS**

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

Approved by the consent agenda.

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

Approved by the consent agenda.

- 3. **\*Ordinance No. 3084-2019** - Increasing Estimated Revenues and Appropriations in the General Fund for Reimbursement Received for Support of the Swan Lake Fire Suppression Efforts. (Administration)

Introduced by the consent agenda and public hearing set for September 18.

- 4. **Discussion** - Amending Kenai Municipal Code 14.20.330 - Standards for Commercial Marijuana Establishments, to Incorporate Hours of Operation for Retail Marijuana Establishments into the City of Kenai’s Code of Ordinances as Recommended by the Planning and Zoning Commission. (Council Member Molloy)

Council Member Molloy discussed the resolution adopted by the Planning and Zoning Commission recommending the change to the code regarding hours of operation noting it came after a Conditional Use Permit was amended to remove an hours of operation condition which was not consistent with other permittees; asked if Council was interested in moving forward. He added the proposal was that no Retail Marijuana Store could conduct business between 2:00 a.m. and 8:00 a.m. each day which was consistent with the Kenai Peninsula Borough

Clarification was provided that State Law required the businesses to be closed from 5:00 a.m. to 8:00 a.m. and it fell to the Alaska Marijuana Control Office investigators to enforce.

**MOTION:**

Council Member Glendening **MOVED** to direct Administration to draft an ordinance to require closure of Marijuana Retail Stores between 2:00 a.m. and 8:00 a.m. pursuant to Planning and Zoning Commission Resolution No. PZ2019-29 and Council Member Knackstedt **SECONDED** the motion.

**VOTE:**

YEA: Knackstedt, Glendening, Pettey, Gabriel, Molloy, Navarre, Peterkin  
 NAY:

**MOTION PASSED UNANIMOUSLY.**

5. **Discussion** - Set a Board of Adjustment Hearing Date. (City Clerk)

It was decided a Board of Adjustment Hearing would take place on October 7, 2019 at 6:00 p.m.

**H. COMMISSION/COMMITTEE REPORTS**

1. Council on Aging – No report; next meeting September 12.
2. Airport Commission – No report; next meeting September 12.
3. Harbor Commission – No report; next meeting September 16.
4. Parks and Recreation Commission – No Report; next meeting September 5.
5. Planning and Zoning Commission – It was reported that at their August 28 meeting the Commission heard a presentation regarding case law relating to Adult businesses; next meeting September 11.
6. Beautification Committee – It was noted the Committee attended a tour of the parks and gardens with the Parks & Recreation Commission; next meeting September 10.
7. Mini-Grant Steering Committee – No report.

**I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Attended Industry Appreciation Day;
- Attended the Kenai Peninsula Food Bank Soup Supper;
- Noted the Board of Fisheries would be reconsidering their decision to move their upcoming finfish meeting due to the Ombudsman ruling that the Board violated the Open Meetings Act;
- Wished Hilcorp good luck with their purchase of assets on the slope.

**J. ADMINISTRATION REPORTS**

1. City Manager –City Manager P. Ostrander reported on the following:
  - Federal disaster monies available for projects noting there needed to be a nexus between the November 2018 earthquake and the project;
  - Going back out for recruitment for a Library Director;
  - Received grants from the Rasmuson Foundation for the Senior Center and FEMA for the Fire Department;
  - Upcoming Silver Salmon Derby and ticket sales;
  - Surplus auction ongoing.

- 2. City Attorney – No Report.
- 3. City Clerk – City Clerk J. Heinz noted training for the Planning & Zoning Commission and their iPads had been accomplished; also noted upcoming absentee voting.

**K. ADDITIONAL PUBLIC COMMENT**

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

None.

- 2. Council Comments

Vice Mayor Navarre noted Industry Appreciation Day was a great day and offered kudos to the Parks and Recreation Department for their help; also noted the healthy debate on topics at the meeting.

Council Member Pettey noted she attended Industry Appreciation Day; thanked the industries that donated to make it successful; thanked the community and individuals that came out for the Kenai Peninsula Food Bank Soup Supper. She also noted she spoke to Senator Sullivan's Chief of Staff regarding the Bluff Erosion Project and asked for their help in the process. Ms. Pettey thanked her colleagues for the discussion and debate on a number of topics from the night's agenda.

Council Member Glendening noted he participated in Industry Appreciation Day and its Steering Committee; also attended the Old Timers Luncheon at the Senior Center.

Council Member Peterkin noted he would be out of town for the Council's next meeting.

Council Member Molloy noted he benefitted from using the library, working there while work was being done on his building affecting power.

Council Member Knackstedt noted he attended Industry Appreciation Day; also noted upcoming Kenai Historical Society meetings.

**L. EXECUTIVE SESSION – None.**

**M. PENDING ITEMS – None.**

**N. ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:30 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of September 4, 2019.

\_\_\_\_\_  
Jamie Heinz, CMC  
City Clerk

**KENAI CITY COUNCIL WORK SESSION  
LAND SALE AND LEASING ORDINANCE  
SEPTEMBER 3, 2019 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR GABRIEL, PRESIDING**

**NOTES**

Council present: Mayor Gabriel, J. Glendening, H. Knackstedt, G. Pettey, B. Molloy, T. Navarre  
Others present: City Manager P. Ostrander, City Attorney, S. Bloom, City Clerk J. Heinz, Assistant to City Manager C. Cunningham

**A. Call to Order**

Mayor Gabriel called the work session to order at 6:00 p.m.

**B. Introduction – Mayor Gabriel**

Mayor Gabriel introduced Council and staff members present.

**C. Discussion on Ordinance No. 3072-2019 – Land Sale and Leasing Policies and Procedures**

City Manager, Paul Ostrander, noted the Ordinance had been introduced and reviewed by certain commissions and the work session was being conducted to discuss the ordinance in depth.

It was suggested the listed of types of improvements made on properties, which would be purchased, may not include items that could come up in the future. Clarification was provided that the intent was any improvement made on the property that stayed with the property but the decision was ultimately up to Council and stating the intent and providing examples was the best way to portray what was meant.

There was concern with a Bill of Sale included as a part of the lease renewal for confidentiality reasons. Clarification was provided the Bill of Sale was proposed to prevent inflation of sale prices; it was suggested a purchase agreement with a future closing date could be utilized.

Clarification was provided the definition of Fair Market Value was different than before and had been run by an appraiser.

There was discussion regarding the forms being submitted to the City versus City Manager given “City” was defined as including elected officials, officers, employees, or agents. It was noted alternatives would be provided in a substitute ordinance to indicate that applications were submitted to the City Manager and reviewed by City staff.

Clarification was provided that, in the case a lease applicant chose the option to purchase, the applicant would be required to meet minimum commitments for title insurance and

associated costs. Clarification was also provided that the decision whether or not to lease was a Council legislative decision and not subject to appeal.

Clarification was provided that provisions for conveyance of land in a non-competitive sale or disposal process were put into the ordinance for cases such as someone accidentally building a portion of their house across their property line and on City property, the City could sell the homeowner a portion of City land rather than force the house torn down or moved; title disputes were also suggested.

It was noted that in the case of a negotiated sale below fair market value where grant funds were being utilized or the sale was to a non-profit, the City Manager had authorization to divide the costs of the sale to a maximum of 50%

There was discussion regarding different standards throughout the document such as “in the best interest of the City,” “best interests,” “advantageous to the city,” “anticipated to best serve the City,” etc. It was noted those standards could be minimized and a report would be provided.

There was discussion regarding the one-year requirement for an appraisal and what flexibility there might be; clarification was provided the intent was one year from the date of application because that was what the price was being set on.

Clarification was provided that the ordinance was written with as much objectivity as possible and if Council saw a perceived subjectivity, it could be questioned. It was also noted that if Council wanted to make something subjective, they could by including findings.

It was pointed out that the intent of the deposit required to cover subdivision costs in the case of a lease, the intent was just the subdivision, not the construction of the subdivision.

It was noted there was an assumption there would be conversations before an application was submitted and a timeframe for an application to be withdrawn for failsafe measures.

The uses of, “public use” and “public purpose” were discussed and it was decided the term would be changed to “public purpose” throughout the ordinance.

It was noted flight path restrictions on certain parcels needed to be retained even if the property was sold. It was also noted that clarification would be added for situations where the decision was made to release Airport Fund property, the general fund needed to make the airport fund whole.

There was discussion regarding financing terms and down payment requirements; suggested the City shouldn't be in the business of financing if a bank wouldn't. It was also suggested that there should be flexibility to lend to a business to entice them to locate in the City. It was noted these were policy decisions and worth discussions.

It was noted sales and rehabilitation incentive options was what administration planned to review next.

Clarification was provided that the lease form was different than the application form; that the procedure section specified what was required on the application forms and the lease form was a boilerplate document approved by Council. Clarification was also provided that use of appraisers was dependent on price, that sometimes quotes from appraisers was needed, and

that sometimes appraisers couldn't comply with the insurance requirements in our procurement code.

**D. Public Comment**

Fred Braun thanked the Council and staff for the time spent on development of the regulations; anxious to put to use.

**E. Adjournment**

The work session adjourned at 7:48 p.m.

Notes were prepared by:

---

Jamie Heinz, CMC  
City Clerk



**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION  
COUNCIL MEETING OF: SEPTEMBER 18, 2019**

| <b>VENDOR</b>        | <b>DESCRIPTION</b>               | <b>DEPARTMENT</b> | <b>ACCOUNT</b>       | <b>AMOUNT</b> |
|----------------------|----------------------------------|-------------------|----------------------|---------------|
| PERS                 | PERS                             | VARIOUS           | LIABILITY            | 94,747.55     |
| INTEGRITY JANITORIAL | AUGUST SERVICE AT CITY HALL      | NON-DEPARTMENTAL  | REPAIR & MAINTENANCE | 1,389.00      |
| PRECIOUS JANITORIAL  | AUGUST SERVICE AT LIBRARY        | LIBRARY           | REPAIR & MAINTENANCE | 2,795.00      |
| PRECIOUS JANITORIAL  | AUGUST SERVICE AT TERMINAL       | AIRPORT           | REPAIR & MAINTENANCE | 4,495.00      |
| PRECIOUS JANITORIAL  | AUGUST SERVICE AT POLICE         | POLICE            | REPAIR & MAINTENANCE | 978.00        |
| PRECIOUS JANITORIAL  | AUGUST SERVICE AT VISITOR CENTER | VISITOR CENTER    | REPAIR & MAINTENANCE | 928.00        |

**INVESTMENTS**

| <b>VENDOR</b> | <b>DESCRIPTION</b> | <b>MATURITY DATE</b> | <b>AMOUNT</b> | <b>Effect. Int.</b> |
|---------------|--------------------|----------------------|---------------|---------------------|
|---------------|--------------------|----------------------|---------------|---------------------|

PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL  
 COUNCIL MEETING OF: SEPTEMBER 18, 2019

| VENDOR              | DESCRIPTION | DEPT.   | ACCOUNT            | AMOUNT    |
|---------------------|-------------|---------|--------------------|-----------|
| TWO RIVERS TERMINAL | UREA        | AIRPORT | OPERATING SUPPLIES | 17,200.00 |

INCREASE OF EXISTING PURCHASE ORDER

| VENDOR | DESCRIPTION | P.O. # - DEPT. | REASON | AMOUNT | TOTAL PO AMT |
|--------|-------------|----------------|--------|--------|--------------|
|--------|-------------|----------------|--------|--------|--------------|



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Mary L. Bondurant, Airport Manager  
**DATE:** August 9, 2019  
**SUBJECT:** Purchase Order – Two Rivers Terminal

The purpose of this memo is to request approval to purchase prilled urea in super sacks from Two Rivers Terminal. This is replenishing stock on hand for the 2019-2020 winter season. This urea meets the FAA specifications for use in runway deicing.

Three vendors were asked for quotes:

|                              |                           |
|------------------------------|---------------------------|
| <b>Two Rivers Terminal -</b> | <b>\$17,200 fob Kenai</b> |
| Alaska Garden & Pet -        | \$18,000 fob Kenai        |
| Univar -                     | \$24,203 fob Kenai        |

Two Rivers Terminal's price was found to be fair and reasonable.

Thank you for your consideration.





*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / FAX: 907-283-3014



## MEMORANDUM

TO: Mayor Gabriel and City Council Members

FROM: Jamie Heinz, City Clerk

DATE: September 12, 2019

RE: **Marijuana Product Manufacturing Facility License Renewal**

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has requested to renew their Limited Marijuana Cultivation Facility License:

Applicant: Red Run Cannabis Cultivators, LLC  
Owners: Marc Theiler  
D/B/A: Red Run Cannabis Cultivators, LLC

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicants have satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of the Marijuana Retail Store Licenses will be forwarded to the Alcoholic & Marijuana Control Office and the applicants.

Your consideration is appreciated.

Attachments



*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / FAX: 907-283-3014



## MEMORANDUM

TO: David Ross, Police Chief  
Tina Williamson, Finance Department  
Scott Bloom, Legal Department  
Willie Anderson, Lands Management  
Elizabeth Appleby, City Planner  
Mike Wesson, Building Official  
Jeremy Hamilton, Fire Marshal

FROM: Jamie Heinz, City Clerk

DATE: August 19, 2019

RE: Marijuana Product Manufacturing Facility License Renewal

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has applied for renewal of their license:

Applicant: Red Run Cannabis Cultivators, LLC  
Owners: Marc Theiler  
D/B/A: Red Run Cannabis Cultivators, LLC  
Phone: 907-953-9453  
Location: 12516 Kenai Spur Hwy, Kenai

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

Please review records maintained by your department (i.e. water and sewer billings, lease/property payment history, occupancy certifications, premises inspections, citations, etc.) regarding the above referenced applicant and/or property and advise if obligations have been met by marking the appropriate box on the next page. **If obligations have not been met, attach information to this memorandum indicating what obligations are outstanding and how the obligations can be cured.**

Once you have completed your section, please route to the next department.

Please let me know if you have any questions. Thanks.

- 1. **Police Department** DR. **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 2. **Finance** Th **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 3. **Legal** SS **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 4. **Lands Management** Wes **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 5. **Planning and Zoning** EA **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 6. **Building Official** MW **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 7. **Fire Marshal** [Signature] **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.

Returned to Clerk's office: 9/10/19



August 15, 2019

**City of Kenai**

Attn: Jamie Heinz

VIA Email: [jheinz@kenai.city](mailto:jheinz@kenai.city)

**Kenai Peninsula Borough**

Attn: Borough Clerk

Via Email: [tshassetz@kpb.us](mailto:tshassetz@kpb.us)  
[jblankenship@kpb.us](mailto:jblankenship@kpb.us)  
[micheleturner@kpb.us](mailto:micheleturner@kpb.us)

|                             |  |
|-----------------------------|--|
| <b>License Number:</b>      | 19372  |
| <b>License Type:</b>        | Marijuana Product Manufacturing Facility           |
| <b>Licensee:</b>            | Red Run Cannabis Cultivators, LLC                  |
| <b>Doing Business As:</b>   | RED RUN CANNABIS CULTIVATORS, LLC                  |
| <b>Physical Address:</b>    | 12516 Kenai Spur Hwy<br>Suite A<br>Kenai, AK 99611 |
| <b>Designated Licensee:</b> | Marc Theiler                                       |
| <b>Phone Number:</b>        | 907-953-9453                                       |
| <b>Email Address:</b>       | marc@kenaiattorney.com                             |

**License Renewal Application**       **Endorsement Renewal Application**

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 me 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](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

*Erika McConnell*

Erika McConnell  
Director





Alaska Marijuana Control Board  
**Form MJ-20: Renewal Application Certifications**

**What is this form?**

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 main 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:      | Product Manufacturing             |                 |       |
| Doing Business As: | RED RUN CANNABIS CULTIVATORS, LLC |                 |       |
| Premises Address:  | 12516 Kenai Spur Highway, Suite A |                 |       |
| City:              | Kenai                             | State:          | AK    |
|                    |                                   | ZIP:            | 99611 |

**Section 2 – Individual Information**

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

|        |                  |
|--------|------------------|
| Name:  | Marc Theiler     |
| Title: | Managing Partner |

**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 <b>not</b> been convicted of any criminal charge in the previous two calendar years.                          | Initials<br> |
| I certify that I have <b>not</b> 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 <b>not</b> been issued for this license.   |              |

**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). | Initials<br> |
|--|--------------|



# Form MJ-20: Renewal Application Certifications

## Section 4 – 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

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

MT

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

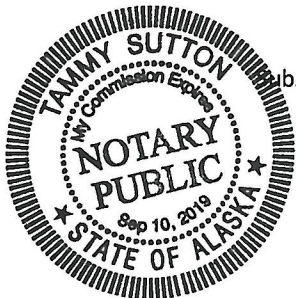
Signature of licensee

Notary Public in and for the State of Alaska

Marc Theiler

Printed name of licensee

My commission expires: Sept 10, 2019



Subscribed and sworn to before me this 1 day of July, 2019.



Alaska Marijuana Control Board

## Form MJ-20: Renewal Application Certifications

### What is this form?

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 main 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:      | Product Manufacturing             |                 |       |      |       |
| Doing Business As: | RED RUN CANNABIS CULTIVATORS, LLC |                 |       |      |       |
| Premises Address:  | 12516 Kenai Spur Highway, Suite A |                 |       |      |       |
| City:              | Kenai                             | State:          | AK    | ZIP: | 99611 |

### Section 2 – Individual Information

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

|        |                 |
|--------|-----------------|
| Name:  | Roger Boyd      |
| Title: | General Partner |

### 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.

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: Renewal Application Certifications

## Section 4 - 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*

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

*RB*

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

*RB*

Signature of licensee

*Tammy Sutton*

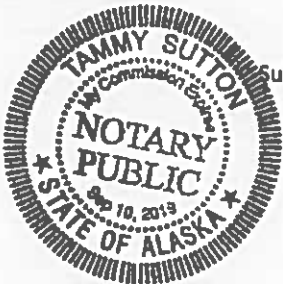
Notary Public in and for the State of Alaska

Roger Boyd

Printed name of licensee

My commission expires

*Sept 10, 2019*



Subscribed and sworn to before me this 1 day of July, 2019.

# Alcohol & Marijuana Control Office

**License Number:** 19372

**License Status:** Active-Operating

**License Type:** Marijuana Product Manufacturing Facility

**Doing Business As:** RED RUN CANNABIS CULTIVATORS, LLC

**Business License Number:** 1032376

**Designated Licensee:** Marc Theiler

**Email Address:** marc@kenaiattorney.com

**Local Government:** Kenai (City of)

**Community Council:**

**Latitude, Longitude:** 60.561105, -151.287650

**Physical Address:** 12516 Kenai Spur Hwy  
Suite A  
Kenai, AK 99611  
UNITED STATES

## Licensee #1

**Type:** Entity

**Alaska Entity Number:** 10035361

**Alaska Entity Name:** Red Run Cannabis Cultivators, L  
LC

**Phone Number:** 907-953-9453

**Email Address:** marc@kenaiattorney.com

**Mailing Address:** 5455 Kenai Spur Hwy  
Kenai, AK 99611  
UNITED STATES

## Entity Official #1

**Type:** Individual

**Name:** Marc Theiler

**SSN:** [REDACTED]

**Date of Birth:** [REDACTED]

**Phone Number:** 907-953-9453

**Email Address:** marc@kenaiattorney.com

**Mailing Address:** 5455 Kenai Spur Hwy  
Kenai, AK 99611  
UNITED STATES

## Entity Official #2

**Type:** Individual

**Name:** Roger Boyd

**SSN:** [REDACTED]

**Date of Birth:** [REDACTED]

**Phone Number:** 907-398-7848

**Email Address:** rogerboyd@hotmail.com

**Mailing Address:** 37095 K Beach Rd  
Kenai, AK 99611  
UNITED STATES

*Note: No affiliates entered for this license.*



# Office of the Borough Clerk

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

Johni Blankenship, MMC  
Borough Clerk

August 20, 2019

**Sent via email: [jheinz@kenai.city](mailto:jheinz@kenai.city)**

City of Kenai  
Kenai City Hall

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. Heinz,

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,

Johni Blankenship, MMC  
Borough Clerk

JB/TS

cc: [marc@kenaiattorney.com](mailto:marc@kenaiattorney.com)



*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / FAX: 907-283-3014



## MEMORANDUM

TO: Mayor Gabriel and City Council Members

FROM: Jamie Heinz, City Clerk

DATE: September 12, 2019

RE: **Standard Marijuana Cultivation Facility License Renewal**

---

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has requested to renew their Limited Marijuana Cultivation Facility License:

Applicant: Red Run Cannabis Cultivators, LLC  
 Owners: Marc Theiler  
 D/B/A: Red Run Cannabis Cultivators, LLC

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicants have satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of the Marijuana Retail Store Licenses will be forwarded to the Alcoholic & Marijuana Control Office and the applicants.

Your consideration is appreciated.

Attachments



*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / FAX: 907-283-3014



## MEMORANDUM

TO: David Ross, Police Chief  
Tina Williamson, Finance Department  
Scott Bloom, Legal Department  
Willie Anderson, Lands Management  
Elizabeth Appleby, City Planner  
Mike Wesson, Building Official  
Jeremy Hamilton, Fire Marshal

FROM: Jamie Heinz, City Clerk

DATE: August 19, 2019

RE: Standard Marijuana Cultivation Facility License Renewal

---

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has applied for renewal of their license:

Applicant: Red Run Cannabis Cultivators, LLC  
Owners: Marc Theiler  
D/B/A: Red Run Cannabis Cultivators, LLC  
Phone: 907-953-9453  
Location: 5455 Kenai Spur Highway, Kenai

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

Please review records maintained by your department (i.e. water and sewer billings, lease/property payment history, occupancy certifications, premises inspections, citations, etc.) regarding the above referenced applicant and/or property and advise if obligations have been met by marking the appropriate box on the next page. **If obligations have not been met, attach information to this memorandum indicating what obligations are outstanding and how the obligations can be cured.**

Once you have completed your section, please route to the next department.

Please let me know if you have any questions. Thanks.



- 1. **Police Department** DR initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 2. **Finance** Jh initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 3. **Legal** B initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 4. **Lands Management** Uma initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 5. **Planning and Zoning** EA initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 6. **Building Official** NGW initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 7. **Fire Marshal** [Signature] initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.

Returned to Clerk's office: 9/10/19



August 15, 2019

**City of Kenai**

Attn: Jamie Heinz

VIA Email: [jheinz@kenai.city](mailto:jheinz@kenai.city)

**Kenai Peninsula Borough**

Attn: Borough Clerk

Via Email: [tshassetz@kpb.us](mailto:tshassetz@kpb.us)  
[jblankenship@kpb.us](mailto:jblankenship@kpb.us)  
[micheleturner@kpb.us](mailto:micheleturner@kpb.us)

|                             |  |
|-----------------------------|--|
| <b>License Number:</b>      | 10052                                      |
| <b>License Type:</b>        | Standard Marijuana Cultivation Facility    |
| <b>Licensee:</b>            | Red Run Cannabis Cultivators, LLC          |
| <b>Doing Business As:</b>   | RED RUN CANNABIS CULTIVATORS, LLC          |
| <b>Physical Address:</b>    | 5455 Kenai Spur Highway<br>Kenai, AK 99611 |
| <b>Designated Licensee:</b> | Marc Theiler                               |
| <b>Phone Number:</b>        | 907-953-9453                               |
| <b>Email Address:</b>       | marc@redruncannabiscompany.com             |

License Renewal Application       Endorsement Renewal Application

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 me 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](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

*Erika McConnell*

Erika McConnell  
Director



Alaska Marijuana Control Board

# Form MJ-20: Renewal Application Certifications

## What is this form?

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 main 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 Cultivation Facility     |                 |       |      |       |
| Doing Business As: | RED RUN CANNABIS CULTIVATORS, LLC |                 |       |      |       |
| Premises Address:  | 5455 Kenai Spur Highway           |                 |       |      |       |
| City:              | Kenai                             | State:          | AK    | ZIP: | 99611 |

### Section 2 – Individual Information

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

|        |                  |
|--------|------------------|
| Name:  | Marc Theiler     |
| Title: | Managing Partner |

### 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.

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).

MT



**Section 4 – 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

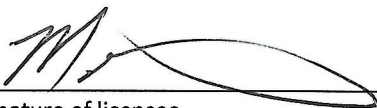
I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

MT

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

MT

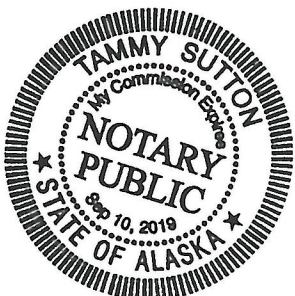
As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

  
\_\_\_\_\_  
Signature of licensee

  
\_\_\_\_\_  
Notary Public in and for the State of Alaska

**Marc Theiler**  
\_\_\_\_\_  
Printed name of licensee

My commission expires: Sept 10, 2019



Subscribed and sworn to before me this 1 day of July, 2019.



Alaska Marijuana Control Board

# Form MJ-20: Renewal Application Certifications

## What is this form?

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 main 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 Cultivation Facility     |                 |       |
| Doing Business As: | RED RUN CANNABIS CULTIVATORS, LLC |                 |       |
| Premises Address:  | 5455 Kenai Spur Highway           |                 |       |
| City:              | Kenai                             | State:          | AK    |
|                    |                                   | ZIP:            | 99611 |

### Section 2 – Individual Information

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

|        |                 |
|--------|-----------------|
| Name:  | Roger Boyd      |
| Title: | General Partner |

### 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.



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: Renewal Application Certifications

## Section 4 – 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

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

RB

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

*[Handwritten Signature]*

Signature of licensee

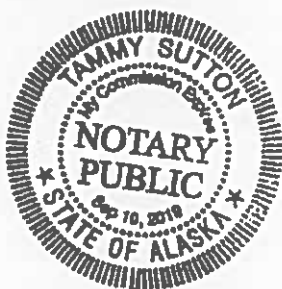
*[Handwritten Signature]*

Notary Public in and for the State of Alaska

Roger Boyd

Printed name of licensee

My commission expires: Sept 10, 2019



Subscribed and sworn to before me this 1 day of July, 2019.

# Alcohol & Marijuana Control Office

**License Number:** 10052

**License Status:** Active-Operating

**License Type:** Standard Marijuana Cultivation Facility

**Doing Business As:** RED RUN CANNABIS CULTIVATORS, LLC

**Business License Number:** 1032376

**Designated Licensee:** Marc Theiler

**Email Address:** marc@kenaiattorney.com

**Local Government:** Kenai (City of)

**Community Council:**

**Latitude, Longitude:** 60.332000, -151.063600

**Physical Address:** 5455 Kenai Spur Highway  
Kenai, AK 99611  
UNITED STATES

## Licensee #1

**Type:** Entity

**Alaska Entity Number:** 10035361

**Alaska Entity Name:** Red Run Cannabis Cultivators, L  
LC

**Phone Number:** 907-953-9453

**Email Address:** marc@redruncannabiscompany.  
com

**Mailing Address:** 5455 Kenai Spur Hwy  
Kenai, AK 99611  
UNITED STATES

## Entity Official #1

**Type:** Individual

**Name:** Marc Theiler

**SSN:** [REDACTED]

**Date of Birth:** [REDACTED]

**Phone Number:** 907-953-9453

**Email Address:** marc@redruncannabiscompany.  
com

**Mailing Address:** 5455 Kenai Spur Hwy  
Kenai, AK 99611  
UNITED STATES

## Entity Official #2

**Type:** Individual

**Name:** Roger Boyd

**SSN:** [REDACTED]

**Date of Birth:** [REDACTED]

**Phone Number:** 907-398-7848

**Email Address:** rogerboyd@hotmail.com

**Mailing Address:** 37095 K-Beach Road  
Kenai, AK 99611  
UNITED STATES

*Note: No affiliates entered for this license.*





# Office of the Borough Clerk

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

Johni Blankenship, MMC  
Borough Clerk

August 20, 2019

**Sent via email: [jheinz@kenai.city](mailto:jheinz@kenai.city)**

City of Kenai  
Kenai City Hall

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. Heinz,

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,

Johni Blankenship, MMC  
Borough Clerk

JB/TS

Encl.

cc: [marc@redruncannabiscompany.com](mailto:marc@redruncannabiscompany.com)



*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / FAX: 907-283-3014



## MEMORANDUM

TO: Mayor Gabriel and City Council Members

FROM: Jamie Heinz, City Clerk

DATE: September 12, 2019

RE: **Retail Marijuana Store License Renewal**

---

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has requested to renew their Limited Marijuana Cultivation Facility License:

Applicant: Red Run Cannabis Company, LLC  
 Owners: Marc Theiler  
 D/B/A: Red Run Cannabis Company, LLC

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicants have satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of the Marijuana Retail Store Licenses will be forwarded to the Alcoholic & Marijuana Control Office and the applicants.

Your consideration is appreciated.

Attachments



*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / FAX: 907-283-3014



## MEMORANDUM

TO: David Ross, Police Chief  
Tina Williamson, Finance Department  
Scott Bloom, Legal Department  
Willie Anderson, Lands Management  
Elizabeth Appleby, City Planner  
Mike Wesson, Building Official  
Jeremy Hamilton, Fire Marshal

FROM: Jamie Heinz, City Clerk

DATE: August 19, 2019

RE: Retail Marijuana Store License Renewal

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has applied for renewal of their license:

Applicant: Red Run Cannabis Company, LLC  
Owners: Marc Theiler  
D/B/A: Red Run Cannabis Company, LLC  
Phone: 907-953-9453  
Location: 5455 Kenai Spur Highway, Suite B, Kenai

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

Please review records maintained by your department (i.e. water and sewer billings, lease/property payment history, occupancy certifications, premises inspections, citations, etc.) regarding the above referenced applicant and/or property and advise if obligations have been met by marking the appropriate box on the next page. **If obligations have not been met, attach information to this memorandum indicating what obligations are outstanding and how the obligations can be cured.**

Once you have completed your section, please route to the next department.

Please let me know if you have any questions. Thanks.

- 1. **Police Department** DR initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 2. **Finance** JK initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 3. **Legal** SS initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 4. **Lands Management** WMA initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 5. **Planning and Zoning** EA initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 6. **Building Official** MSW initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 7. **Fire Marshal** JD initials  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.

Returned to Clerk's office: 9/10/19



August 15, 2019

**City of Kenai**

Attn: Jamie Heinz

VIA Email: [jheinz@kenai.city](mailto:jheinz@kenai.city)

**Kenai Peninsula Borough**

Attn: Borough Clerk

Via Email: [tshassetz@kpb.us](mailto:tshassetz@kpb.us)  
[jblankenship@kpb.us](mailto:jblankenship@kpb.us)  
[micheleturner@kpb.us](mailto:micheleturner@kpb.us)

|                             |   |
|-----------------------------|---|
| <b>License Number:</b>      | 10056   |
| <b>License Type:</b>        | Retail Marijuana Store                                |
| <b>Licensee:</b>            | Red Run Cannabis Company, LLC                         |
| <b>Doing Business As:</b>   | RED RUN CANNABIS COMPANY, LLC                         |
| <b>Physical Address:</b>    | 5455 Kenai Spur Highway<br>Suite B<br>Kenai, AK 99611 |
| <b>Designated Licensee:</b> | Marc Theiler  |
| <b>Phone Number:</b>        | 907-953-9453  |
| <b>Email Address:</b>       | marc@kenaiattorney.com                                |

**License Renewal Application**       **Endorsement Renewal Application**

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 me 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](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

*Erika McConnell*

Erika McConnell  
Director



Alaska Marijuana Control Board  
**Form MJ-20: Renewal Application Certifications**

**What is this form?**

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 main 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:          | AK    | ZIP: | 99611 |

**Section 2 – Individual Information**

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

|        |                  |
|--------|------------------|
| Name:  | Marc Theiler     |
| Title: | Managing Partner |

**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. 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. 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: Renewal Application Certifications

## Section 4 – 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

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

MT

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

Notary Public in and for the State of Alaska

Marc Theiler

Printed name of licensee

My commission expires: Sept 10, 2019



Subscribed and sworn to before me this 1 day of July, 20 19.





Alaska Marijuana Control Board

## Form MJ-20: Renewal Application Certifications

### What is this form?

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 main 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:          | AK    |
|                    |                                  | ZIP:            | 99611 |

### Section 2 – Individual Information

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

|        |                 |
|--------|-----------------|
| Name:  | Roger Boyd      |
| Title: | General Partner |

### 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.

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.

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).

Initials



# Form MJ-20: Renewal Application Certifications

## Section 4 – 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*

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

*RB*

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

*Roger Boyd*

Signature of licensee

Roger Boyd

Printed name of licensee

*Thomas Pulla*

Notary Public in and for the State of Alaska

My commission expires: *Sept 10, 2019*

Subscribed and sworn to before me this 1 day of July, 2019.

# Alcohol & Marijuana Control Office

**License Number:** 10056

**License Status:** Active-Operating

**License Type:** Retail Marijuana Store

**Doing Business As:** RED RUN CANNABIS COMPANY, LLC

**Business License Number:** 1032472

**Designated Licensee:** Marc Theiler

**Email Address:** marc@kenaiattorney.com

**Local Government:** Kenai (City of)

**Community Council:**

**Latitude, Longitude:** 60.332000, -151.063600

**Physical Address:** 5455 Kenai Spur Highway  
Suite B  
Kenai, AK 99611  
UNITED STATES

## Licensee #1

**Type:** Entity

**Alaska Entity Number:** 10035362

**Alaska Entity Name:** Red Run Cannabis Company, LLC

**Phone Number:** 907-953-9453

**Email Address:** marc@redruncannabiscompany.com

**Mailing Address:** 5455 Kenai Spur Hwy  
Kenai, AK 99669  
UNITED STATES

## Entity Official #1

**Type:** Individual

**Name:** Roger Boyd

**SSN:** [REDACTED]

**Date of Birth:** [REDACTED]

**Phone Number:** 907-398-7848

**Email Address:** rogerboyd@hotmail.com

**Mailing Address:** 37095 K-Beach Road  
Kenai, AK 99611  
UNITED STATES

## Entity Official #2

**Type:** Individual

**Name:** Marc Theiler

**SSN:** [REDACTED]

**Date of Birth:** [REDACTED]

**Phone Number:** 907-953-9453

**Email Address:** marc@kenaiattorney.com

**Mailing Address:** 105 Trading Bay Road, Ste 103  
Kenai, AK 99611  
UNITED STATES

*Note: No affiliates entered for this license.*



# Office of the Borough Clerk

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

Johni Blankenship, MMC  
Borough Clerk

August 20, 2019

**Sent via email: [jheinz@kenai.city](mailto:jheinz@kenai.city)**

City of Kenai  
Kenai City Hall

RE: Renewal Application for Retail Marijuana Store

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

Dear Ms. Heinz,

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,

Johni Blankenship, MMC  
Borough Clerk

JB/TS

Encl.

cc: [marc@kenaiattorney.com](mailto:marc@kenaiattorney.com)



*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / FAX: 907-283-3014



## MEMORANDUM

TO: Mayor Gabriel and City Council Members

FROM: Jamie Heinz, City Clerk

DATE: September 9, 2019

RE: **Limited Marijuana Cultivation Facility License Renewal**

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has requested to renew their Limited Marijuana Cultivation Facility License:

Applicant: Grateful Bud, LLC  
Owners: Jennifer Huffman  
D/B/A: Grateful Bud, LLC

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicants have satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of the Marijuana Retail Store Licenses will be forwarded to the Alcoholic & Marijuana Control Office and the applicants.

Your consideration is appreciated.

Attachments



*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / FAX: 907-283-3014



## MEMORANDUM

TO: David Ross, Police Chief  
Tina Williamson, Finance Department  
Scott Bloom, Legal Department  
Willie Anderson, Lands Management  
Elizabeth Appleby, City Planner  
Mike Wesson, Building Official  
Jeremy Hamilton, Fire Marshal

FROM: Jamie Heinz, City Clerk

DATE: August 19, 2019

RE: Limited Marijuana Cultivation Facility License Renewal

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has applied for renewal of their license:

Applicant: Grateful Bud, LLC  
Owners: Jennifer Huffman  
D/B/A: Grateful Bud, LLC  
Phone: 907-283-2837  
Location: 1817 Sunset Blvd., Kenai

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

Please review records maintained by your department (i.e. water and sewer billings, lease/property payment history, occupancy certifications, premises inspections, citations, etc.) regarding the above referenced applicant and/or property and advise if obligations have been met by marking the appropriate box on the next page. **If obligations have not been met, attach information to this memorandum indicating what obligations are outstanding and how the obligations can be cured.**

Once you have completed your section, please route to the next department.

Please let me know if you have any questions. Thanks.

- 1. **Police Department** DR **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 2. **Finance** Jh **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 3. **Legal** 83 **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 4. **Lands Management** WLB **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 5. **Planning and Zoning** EA **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 6. **Building Official** NSW **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.
- 7. **Fire Marshal** [Signature] **initials**  
 I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.  
 The applicant has outstanding obligations and an additional page has been attached.

Returned to Clerk's office: 8/29/19



August 16, 2019

**City of Kenai**

Attn: Jamie Heinz

VIA Email: [jheinz@kenai.city](mailto:jheinz@kenai.city)

**Kenai Peninsula Borough**

Attn: Borough Clerk

Via Email: [tshassetz@kpb.us](mailto:tshassetz@kpb.us)  
[jblankenship@kpb.us](mailto:jblankenship@kpb.us)  
[micheleturner@kpb.us](mailto:micheleturner@kpb.us)

|                             |  |
|-----------------------------|--|
| <b>License Number:</b>      | 16474                                  |
| <b>License Type:</b>        | Limited Marijuana Cultivation Facility |
| <b>Licensee:</b>            | GRATEFUL BUD LLC                       |
| <b>Doing Business As:</b>   | GRATEFUL BUD LLC                       |
| <b>Physical Address:</b>    | 1817 Sunset Blvd<br>Kenai, AK 99611    |
| <b>Designated Licensee:</b> | Jennifer Huffman                       |
| <b>Phone Number:</b>        | 907-283-2837                           |
| <b>Email Address:</b>       | jhuffman_907@hotmail.com               |

**License Renewal Application**       **Endorsement Renewal Application**

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 me 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](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell  
Director



Alaska Marijuana Control Board

**Form MJ-20: Renewal Application Certifications**

**What is this form?**

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 main 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:          | Grateful Bud, LLC   | License Number: | 16474 |
| License Type:      | Limited Cultivation |                 |       |
| Doing Business As: | Grateful Bud, LLC   |                 |       |
| Premises Address:  | 1817 Sunset Blvd    |                 |       |
| City:              | Kenai               | State:          | AK    |
|                    |                     | ZIP:            | 99611 |

**Section 2 - Individual Information**

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

|        |                  |
|--------|------------------|
| Name:  | Jennifer Huffman |
| 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.

JNH

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.

JNH

I certify that a notice of violation has **not** been issued for this license.

JNH

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).



Alaska Marijuana Control Board  
**Form MJ-20: Renewal Application Certifications**

**Section 4 – 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.

JNH

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.

JNH

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

JNH

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

JNH

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

JNH

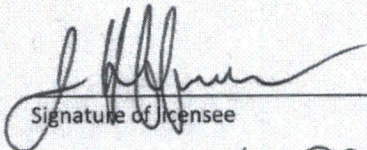
I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

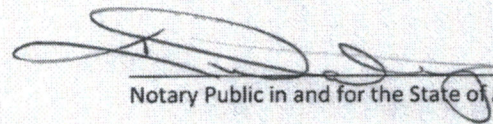
JNH

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

JNH

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

  
 Signature of licensee  
 Jennifer Huffman  
 Printed name of licensee

  
 Notary Public in and for the State of Alaska  
 My commission expires: 9.9.19

Subscribed and sworn to before me this 9 day of August 2019  
 (KW)



K. Waterbury  
 State of Alaska  
 Notary Public  
 My Commission Expires 09/09/19

# Alcohol & Marijuana Control Office

**License Number:** 16474

**License Status:** Active-Operating

**License Type:** Limited Marijuana Cultivation Facility

**Doing Business As:** GRATEFUL BUD LLC

**Business License Number:** 1064927

**Designated Licensee:** Jennifer Huffman

**Email Address:** gratefulbudllc@gmail.com

**Local Government:** Kenai (City of)

**Community Council:**

**Latitude, Longitude:** 60.588000, -151.332000

**Physical Address:** 1817 Sunset Blvd  
Kenai, AK 99611  
UNITED STATES

## Licensee #1

**Type:** Entity

**Alaska Entity Number:** 10075543

**Alaska Entity Name:** GRATEFUL BUD LLC

**Phone Number:** 907-283-2837

**Email Address:** gratefulbudllc@gmail.com

**Mailing Address:** 1817 Sunset Blvd  
Kenai, AK 99611  
UNITED STATES

## Entity Official #1

**Type:** Individual

**Name:** Jennifer Huffman

**Phone Number:** 907-283-2837

**Email Address:** jhuffman\_907@hotmail.com

**Mailing Address:** 1817 Sunset Blvd  
Kenai, AK 99611  
UNITED STATES

*Note: No affiliates entered for this license.*



# Office of the Borough Clerk

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

Johni Blankenship, MMC  
Borough Clerk

August 22, 2019

**Sent via email: [jheinz@kenai.city](mailto:jheinz@kenai.city)**

City of Kenai  
Kenai City Hall

RE: Renewal Application for Limited Marijuana Cultivation Facility

Business Name : Grateful Bud LLC  
License Location : Kenai/1817 Sunset Blvd, Kenai, AK 99611  
License No. : 16474

Dear Ms. Heinz,

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,

Johni Blankenship, MMC  
Borough Clerk

JB/TS

Encl.

cc: [jhuffman\\_907@hotmail.com](mailto:jhuffman_907@hotmail.com)



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz, City Clerk  
**DATE:** September 13, 2019  
**SUBJECT:** **October 1, 2019 Regular City Election - Precinct Election Boards**

Pursuant to KMC 6.05.040 which requires that City Council appoint the members of the election boards, I am respectfully requesting the following be appointed to work on the Election Board for Kenai Precincts as listed:

| Kenai No. 1, 30-220 | Kenai No. 2, 30-230 | Kenai No. 3, 30-240 |
|---------------------|---------------------|---------------------|
| Eileen Bryson       | TBD by the Clerk    | TBD by the Clerk    |
| Carol Freas         | TBD by the Clerk    | Sheila Phillips     |
| Barbara Norbeck     | Karen Monell        | TBD by the Clerk    |
| June Harris         | Sarah Castimore     | TBD by the Clerk    |

For various reasons it has been difficult to find election workers this year. We expect answers early next week from some who are currently out of town; an updated list will be provided as a laydown.

Thank you for your consideration.





Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3085-2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE WATER AND SEWER FUND FOR THE PURCHASE OF WELL RADIUS PROPERTY DESCRIBED AS TRACT A, ALASKA STATE LAND SURVEY NO. 2013-49, FILED UNDER PLAT 2017-8, FOR THE CITY'S PUBLIC WATER SYSTEM.

WHEREAS, the parcel adjacent to the Beaver Creek Subdivision located at the intersection of the Kenai Spur Highway and Shotgun Drive, described as Alaska State Land Survey 2013-49 Tract A and recorded as Plat 2017-8, Kenai Recording District and located in Section 36, Township 6 North, Range 11 West, Seward Meridian, will be used for well site and watershed protection; and,

WHEREAS, on August 31, 2010, the City of Kenai applied to purchase the property from the State of Alaska Department of Natural Resources, Division of Mining, Land, and Water; and,

WHEREAS, on October 29, 2012, pursuant to Alaska Statute 38.05, the State of Alaska Department of Natural Resources, Division of Mining, Land, and Water issued a Final Finding and Decision allowing the property to be sold through a non-competitive sale to the City subject to a reversionary interest by the State should the property cease to be used for public and charitable purposes; and,

WHEREAS, on March 27, 2014, pursuant to Alaska Statute 38.05, the State of Alaska Department of Natural Resources, Division of Mining, Land, and Water issued a First Amended Final Finding and Decision to address Boundbrook Drive and the dedication of a 30-foot right-of-way; and,

WHEREAS, on February 25, 2019, the Department of Natural Resources, Division of Mining, Land, and Water issued a Second Final Finding and Decision to address the School Trust Land, an appraisal valuation date, and fee; and,

WHEREAS, on February 25, 2019, the Alaska Department of Natural Resources, Division of Mining, Land, and Water gave notice to the City of Kenai to proceed to appraisal following the State requirements; and,

WHEREAS, on August 26, 2019, the City of Kenai received the final corrected appraisal report dated August 12, 2019, which estimated the market value of the parcel to be \$44,000 after taking into account deed restrictions and reversionary interest; and,

WHEREAS, on August 28, 2019, the City of Kenai received a letter dated August 26, 2019 from the State of Alaska giving notice to proceed to purchase the parcel by completing the Declaration of Intent form, paying the \$345.00 document handling fee, and giving options for paying the purchase price of \$44,000.00; and,

WHEREAS, paying the full purchase price of \$44,000.00 instead of entering into a Contract for the Sale of Real Property will avoid the City having to pay an interest rate of prime plus three percent and having ownership remain with the State of Alaska until the Contract for Sale of Real Property is paid off; and,

WHEREAS, sufficient funds are available for the purchase within the Water and Sewer Fund for the purchase of this property.

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:

Water & Sewer Fund – Water Department:

|                               |                 |
|-------------------------------|-----------------|
| Increase Estimated Revenues - |                 |
| Appropriation of Fund Balance | <u>\$44,345</u> |
| <br>                          |                 |
| Increase Appropriations –     |                 |
| Land                          | <u>\$44,345</u> |

**Section 3.** That the City Manager is authorized to complete the Declaration of Intent form and execute a purchase of Tract A, Alaska State Land Survey No. 2013-49, filed under Plat 2017-8 from the State of Alaska, Department of Natural Resources.

**Section 4.** 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 5.** 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 2<sup>nd</sup> day of October, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: September 18, 2019  
Enacted: October 2, 2019  
Effective: October 2, 2019





*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**Cc:** Scott Curtin, Public Works Director

**FROM:** Elizabeth Appleby, City Planner

**DATE:** September 9, 2019

**SUBJECT:** **Ordinance No. 3085 – 2019 – Increasing Estimated Revenues and Appropriations in the Water and Sewer Fund for the Purchase of Well Radius Property to Protect the City’s Public Water System**

In 2010, the City of Kenai applied to the State of Alaska to acquire a parcel as a preference right applicant for a public and charitable use of municipal well site and for protection of the Beaver Creek Watershed. In 2012, the State signed a Final Finding and Decision to approve the sale of the property to the City. The Decision allows for a non-competitive sale to the City for the appraised fair market value, subject to a reversionary interest by the State should the property cease to be used for public and charitable purposes. In 2014, pursuant to Alaska Statute 38.05, the State of Alaska Department of Natural Resources, Division of Mining, Land, and Water issued a First Amended Final Finding and Decision to address Boundbrook Drive and the dedication of a 30-foot right-of-way on the plat of the parcel.

The City paid for a survey of the property which created the subject parcel, described as Alaska State Land Survey 2013-49 Tract A and recorded as Plat 2017-8, Kenai Recording District. The parcel is approximately 28.77 acres within the Rural Residential Zone of the City.

In 2019, the City received a Second Final Finding and Decision to address the School Trust Land, appraisal valuation date, and appraisal fee. The City also received notice to proceed to appraisal in 2019. At the end of August 2019, the City received an appraisal of fair market value of \$44,000, which took into account deed restrictions and reversionary interest.

In late August 2019, the City received a notice to proceed with purchase from the State of Alaska Department of Natural Resources. In order to proceed with the purchase, the City must complete the Declaration of Intent form, pay the \$345.00 document handling fee, and either pay the full



purchase price of \$44,000.00 or enter into a Contract for the Sale of Real Property with a minimum five percent deposit (\$2,200.00). The Contract for the Sale of Real Property would have an interest rate of prime plus three percent and ownership would remain with the State of Alaska until the Contract for Sale of Real Property is paid off.

Sufficient funds are available for the purchase within the Water and Sewer Fund for the full purchase price and document handling fee of \$44,345.00. Ordinance No. 3085-2019 would appropriate \$44,345.00 from the Water and Sewer Fund to purchase Tract A, Alaska State Land Survey No. 2013-49, filed under Plat 2017-8 and authorize the City Manager to complete the Declaration of Intent form to the State of Alaska Department of Natural Resources and execute a purchase of Tract A.

Thank you for your consideration.



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Natural Resources

Page 107

DIVISION OF MINING, LAND & WATER  
Land Sales Section

550 West 7th Avenue, Suite 640  
Anchorage, Alaska 99501-3576  
Main: 907.269.8594  
TDD: 907.269.8411  
Fax: 907.269.8916

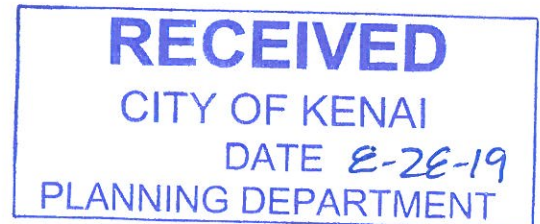
<http://landsales.alaska.gov>  
<http://facebook.com/alaskaland/>

August 26, 2019

Elizabeth Appleby, City Planner  
City of Kenai  
210 Fidalgo Ave  
Kenai, AK 99611

Re: Noncompetitive Purchase/ADL 231036

Dear Elizabeth Appleby,



I am pleased to inform you that the appraisal of Tract A, Alaska State Land Survey No. 2013-49, filed under Plat 2017-8 that you applied to purchase under AS 38.05.102 has been approved by the Department of Natural Resources. The appraised fair market value is \$44,000.00. Enclosed for your records is a copy of Appraisal Review Report #4507-0.

This letter constitutes your notice to proceed to purchase of Tract A, Alaska State Land Survey No. 2013-49, as depicted on Plat 2017-8. The purchase price is \$44,000.00. Within 90 days of your receipt of this letter the City of Kenai must do the following if they wish to proceed with the purchase:

1. Complete the enclosed Declaration of Intent (DOI) form;
2. Pay the \$265.00 document handling fee, preferably by cashiers check or money order payable to the State of Alaska with ADL 231036 written on the check or money order; and
3. Payment of either the full purchase price of \$44,000.00, or a minimum 5% deposit (\$2,200.00) to enter into a Contract for the Sale of Real Property, by cashiers check or money order payable to the State of Alaska, or by credit card.

Please send the aforementioned purchase materials to the above letterhead address with Attn: Krista Weydahl as recipient. Credit card payments may be made at the Public Information Center at 550 West 7th Avenue, Suite 1360 in the Atwood Building in Anchorage in person or by phone at (907) 269-8400.

If you elect to make a deposit and enter into a contract for sale with the state for the parcel, the state will send you a contract to sign following receipt of the DOI and payment of the document handling fee and deposit. Under state regulation (11 AAC 67.875) the state can finance property with a sale price of \$44,000.00 or more for no more than 20 years. The interest rate is prime plus 3% set the first day of the month in which the contract for sale is sent to you for signature. Be aware that, until the contract for sale is paid off, ownership of the land remains with the state. If you have any questions, please contact Krista Weydahl at 269-5639 ([krista.veydahl@alaska.gov](mailto:krista.veydahl@alaska.gov)) or Ki Jung Contracts Manager, at 269-8594 ([kijung.lee@alaska.gov](mailto:kijung.lee@alaska.gov)).

Sincerely,



Krista Weydahl  
Natural Resource Specialist II  
Land Sales Section

Encl: Declaration of Intent

Cc: Ki Jung  
Contracts Unit

Cc: Mr. Kevin Hindmarch  
State Review Appraiser

**A. SUMMARY OF APPRAISAL NO. 4507-0**

1. ADL NO(S): 231036
2. SIZE: 28.78 acres
3. APPLICANT: City of Kenai
4. LOCATION: North side of Kenai Road at Beaver Loop Road and Shotgun Drive
5. LEGAL DESCRIPTION(S): Tract A, ASLS 2013-49, Plat 2017-8, Kenai Recording District
6. INTEREST APPRAISED: Fee Simple Title less Mineral Rights
7. PURPOSE OF THE APPRAISAL: Estimate Market Value
8. APPRAISED BY: MacSwain Associates
9. DATE of REPORT: August 12, 2019
10. DATE of VALUE(S): August 6, 2019
11. APPRAISED VALUE(S): \$44,000

**B. SUMMARY OF REVIEW**

1. DATE of REVIEW: August 23, 2019
2. REVIEWER'S CLIENT:  DNR  Other: \_\_\_\_\_
3. INTENDED USERS of the REVIEW:  DNR  General Public  Other: \_\_\_\_\_
4. INTENDED USE of the REVIEW: Establish market value for a preference right purchase
5. PURPOSE of REVIEW:  Evaluate for Technical Compliance with DNR Instructions & USPAP  
 Evaluate for Technical Compliance with UASFLA  Develop Independent Estimate of Value  
 Other: \_\_\_\_\_
6. SCOPE OF REVIEW: I Inspected the Subject on \_\_\_\_\_ I Did Not Inspect the Subject   
 I Inspected the Comparable Sales on \_\_\_\_\_ I Did Not Inspect the Comparable Sales   
 I Independently Verified the Comparable Sales in the Report  Yes  No  
 Data and Information Considered in Addition to that Contained in the Report:  None  See Sections C thru F  
 Extraordinary Assumptions, Hypothetical Conditions, & Other Limiting Conditions for this review:  
 None  See Section G Related appraisals reviewed: \_\_\_\_\_  
 Proofread DNR data entry:  Yes  No
7. RESULTS OF REVIEW:  Not Approved  Approved Approved Value: \$44,000

**C. COMPLETENESS OF APPRAISAL MATERIAL WITHIN SCOPE OF WORK APPLICABLE TO THE ASSIGNMENT/CONFORMANCE with APPRAISAL INSTRUCTIONS: Adequate****D. ADEQUACY and RELEVANCE of APPRAISAL DATA and PROPRIETY OF ADJUSTMENTS: Adequate****E. APPROPRIATENESS OF APPRAISAL METHODS and TECHNIQUES: Adequate****F. ANALYSES, OPINIONS, and CONCLUSIONS ARE APPROPRIATE and REASONABLE, except:**



### G. REVIEWER'S ASSUMPTIONS AND LIMITING CONDITIONS

1. This review is based on data and information contained in the appraisal report as well as any additional data from other sources that is identified in this review.
2. The reviewer assumes that the data and information in the appraisal are factual and accurate.
3. The reviewer reserves the right to consider any additional data or information that may subsequently become available, and to revise an opinion or conclusion, if such data and information warrant a revision.
4. All assumptions and limiting conditions contained in the appraisal report are part of this review unless otherwise stated.
5. A title report has not been provided to the appraiser and the reviewer. Unless specifically noted in the report or this review, it is assumed that the only easements and restrictions that affect the property are those shown on the plat.
6. The value of commercial timber, if any, is specifically excluded from the final conclusion of value.

### REVIEW APPRAISER'S CERTIFICATION APPRAISAL NO. 4507-0

I certify that, to the best of my knowledge and belief:

- The facts and data reported by the reviewer and used in the review process are true and correct.
- The analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or use of, this review.
- My analyses, opinions, and conclusions were developed and this review report was prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- I did  did not  personally inspect the subject property of the report under review.
- No one provided significant professional assistance to the person signing this review report.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment

Reviewed by Kevin Hindmarch  
Kevin Hindmarch, Review Appraiser

Date 8/23/19

Cc: Krista Weydahl  
Rachel Longacre

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER  
CONTRACT ADMINISTRATION  
550 W. 7<sup>th</sup> AVENUE, SUITE 640, ANCHORAGE, AK 99501  
907-269-8594

DECLARATION OF INTENT

ADL Number \_\_\_\_\_

AN INCOMPLETE AND/OR UNSIGNED APPLICATION MAY DELAY PROCESSING  
Complete required information on all pages as applicable.

**Purchaser 1: ENTER FULL LEGAL NAME (PLEASE PRINT)**

NAME PROVIDED MUST BE YOUR FULL LEGAL NAME AS IT APPEARS ON YOUR DRIVER'S LICENSE

|  |  |       |                               |            |             |        |  |
|--|--|-------|-------------------------------|------------|-------------|--------|--|
| Last Name  |  |       |                               | First Name | Middle Name | Suffix | <b>Marital Status (check one)</b><br><input type="checkbox"/> Single Person<br><input type="checkbox"/> Married Person                   |
| Mailing Address  |  |       |                               |            |             |        |  |
| City   |  | State | Zip Code                      |            |             |        | <b>Citizenship</b><br><input type="checkbox"/> U.S. Citizen<br><input type="checkbox"/> Non-U.S. Citizen<br>Alien Registration No. _____ |
| Contact Phone No.  |  |       | Alternative Contact Phone No. |            |             |        |  |
| Email address  |  |       |                               |            |             |        | <input type="checkbox"/> <b>Business Organization</b><br>(Over-the-Counter purchases only)<br>EIN No. _____                              |
| <b>Are you applying for a Veteran's Discount under AS 38.05.940?</b><br>See page 4 for further instruction |  |       |                               |            |             |        |  |
|  |  |       |                               |            |             |        | <input type="checkbox"/> Yes <input type="checkbox"/> No   |

**Purchaser 2: ENTER FULL LEGAL NAME (PLEASE PRINT)**

NAME PROVIDED MUST BE YOUR FULL LEGAL NAME AS IT APPEARS ON YOUR DRIVER'S LICENSE

|  |  |       |                               |            |             |        |  |
|--|--|-------|-------------------------------|------------|-------------|--------|--|
| Last Name  |  |       |                               | First Name | Middle Name | Suffix | <b>Marital Status (check one)</b><br><input type="checkbox"/> Single Person<br><input type="checkbox"/> Married Person                   |
| Mailing Address  |  |       |                               |            |             |        |  |
| City   |  | State | Zip Code                      |            |             |        | <b>Citizenship</b><br><input type="checkbox"/> U.S. Citizen<br><input type="checkbox"/> Non-U.S. Citizen<br>Alien Registration No. _____ |
| Contact Phone No.  |  |       | Alternative Contact Phone No. |            |             |        |  |
| Email address  |  |       |                               |            |             |        | <input type="checkbox"/> <b>Business Organization</b><br>(Over-the-Counter purchases only)<br>EIN No. _____                              |
| <b>Are you applying for a Veteran's Discount under AS 38.05.940?</b><br>See page 4 for further instruction |  |       |                               |            |             |        |  |
|  |  |       |                               |            |             |        | <input type="checkbox"/> Yes <input type="checkbox"/> No   |

If more than two purchasers, copy pages 1, 2, and 3 for applicable information and signatures

AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, AS 43.05.230, or AS 45.48). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original.

**TENANCY**

It may be advisable to seek legal counsel if you have concerns about how your estate and property are affected by the types of tenancy. For more information see page 4.

| ONE APPLICANT                                       |  |
|---|--|
| <input type="checkbox"/> TITLE TAKEN INDIVIDUALLY   | <b>Defined:</b> In the event of death of the sole owner, beneficiary is determined though Alaska property and probate law  |
| MORE THAN ONE APPLICANT                             |  |
| <input type="checkbox"/> AS TENANTS IN COMMON       | <b>Defined:</b> In the event of death of one applicant, beneficiary is determined though Alaska property and probate law   |
| <input type="checkbox"/> AS TENANTS BY THE ENTIRETY | <b>Defined:</b> In the event of death of one applicant, beneficiary is determined by rights of survivorship and all interest is transferred to the surviving spouse.<br><i>*This option is only available to a married couple.</i> |

**PAYMENT OPTIONS**

**Please complete CONTRACT or PAYOFF and indicate funds enclosed. Payment options include money order, check, or credit card. Required credit card info is on Page 3. CONTRACT**

A purchase agreement is available by Contract to those that meet eligibility requirements under 11 AAC 67.008. Ineligibility is determined if an applicant's previous or current contract:

- (1) has been administratively foreclosed or terminated for cause within the past three years;
- (2) is currently in default for nonpayment;
- (3) is currently in default for nonpayment of municipal taxes or assessments.

The Contract will provide a monthly level-payment unless the department determines a quarterly or annual payment is more administratively efficient, according to the following financed principal amounts pursuant to 11 AAC 67.875:

1. \$2,000.00 or less must be paid in full
2. \$2,000.01 to \$9,999.99, not more than 5 years;
3. \$10,000.00 to \$14,999.99, not more than 10 years;
4. \$15,000.00 to \$19,999.99, not more than 15 years;
5. \$20,000.00 or more, not more than 20 years.

| TERMS  | Receipt code |
|--|--------------|
| Down Payment, if enclosed<br>(5% of Purchase Price) † \$ _____ | 19           |
| Contract Application Fee* + _____                              | 5A           |
| Recording Fee* + _____   | VR           |
| <b>Total Enclosed</b> \$ _____                                 |              |

†If purchased at auction, 5% has already been applied; input \$0, unless applying additional down payment.

\* See current Director's Fee Order for applicable fees

| PAYOFF                          |    |
|---------------------------------|----|
| Payoff Price ‡ \$ _____         | 19 |
| Patent Application Fee* + _____ | 5C |
| Recording Fee* + _____          | VR |
| <b>Total Enclosed</b> \$ _____  |    |

‡If purchased at auction, the Payoff Amount is the bid price less the down payment.

\* See current Director's Fee Order for applicable fees

This Declaration of Intent is part of the offer to purchase on behalf of the person(s) listed on this form as Purchasers. In the event that the State of Alaska agrees to accept the offer to purchase, the person(s) signing below agree that he/she/they shall not transfer or attempt to transfer interest of this parcel without prior written approval from the State of Alaska or receipt of a final conveyance document (Patent or Quit Claim Deed). Such unauthorized transfer is prohibited and will be prosecuted in accordance with all applicable law.

By signing below, I, the purchaser(s), certify that I understand and accept the conditions of title as explained above and agree that I shall not transfer or attempt to transfer interest of the land that is subject to the Contract to Purchase without prior written approval from the State of Alaska.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



**SOCIAL SECURITY INFORMATION**

Social Security information will not become public information from the submission of this form. These are required identifiers for the internal customer information database, revenue and billing reporting system, and to report paid loan interest to the contract holder and the Internal Revenue Service.

|                    |                        |               |
|--------------------|------------------------|---------------|
| Purchaser 1 – Name | Social Security Number | Date of Birth |
| Purchaser 2 – Name | Social Security Number | Date of Birth |

**CREDIT CARD PAYMENT**

Credit card information is not kept on file and will be destroyed upon the completion of your application.

**Credit Card Users:** This authorization constitutes an unconditional promise to pay on demand or on the date of acceptance of this offer the amount due from Page 2. This authorization includes consent to adjust the amount charged if the amount you specify is less than the required 5% of the down payment amount plus fees. If at the time your Declaration of Intent form is processed and we are unable to obtain authorization to charge against the credit card presented due to specific limitations of the account, your application may be declared void. Please make prearrangements with your financial institutions to ensure funds will be available at the time of payment.

Check one:  Visa  MasterCard

Credit card number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Expiration date: \_\_\_\_\_

Applicant's name as embossed on card: \_\_\_\_\_

Amount of charge: \$ \_\_\_\_\_

Billing address: \_\_\_\_\_  
\_\_\_\_\_

Signature of card holder: \_\_\_\_\_

Card holder contact phone number: \_\_\_\_\_

*This page will be destroyed after payment has been processed.*

## DECLARATION OF INTENT INSTRUCTIONS AND DEFINITIONS

**Veteran's discount applicants:** Please provide a copy of your Form DD 214 showing character of discharge and length of service. You must currently be an Alaska resident and have been a resident for one year preceding the date of sale; submit proof of such residency. If there is more than one purchaser, all purchasers must be residents and submit proof of residency. If co-purchasers are eligible veterans, only one purchaser need submit their DD 214.

**Limited Liability Companies or Corporations:** Organizations are not individuals and are not required to disclose the marital status of the partners. Please submit business license, corporate resolution and signatory authorities.

**Address Changes:** It is your responsibility to notify the State of any changes in your mailing address, phone number or email. Address changes must be received in writing and signed by the primary purchaser to be considered valid. When a valid change of address form or a written letter submitted by the customer has been received, the address of record will be changed. To obtain an address change form, contact Contract Administration at 907-269-8594.

### TYPES OF TITLE

#### **A married couple, as tenants by the entirety**

This option is only available for married persons, e.g., "John Q. Smith and Deborah R. Smith, a married couple, as tenants by the entirety". The law presumes tenancy by the entirety for a married couple unless it is expressly declared otherwise. (AS 34.15.110)

#### **As tenants in common**

A married couple can choose to purchase property together as tenants in common. A married couple are encouraged to seek the services of an attorney before selecting this form of tenancy. Those persons who wish to purchase property together can do so as tenants in common. It is possible for each person to have a different marital status. This example illustrates a possible combination, e.g., "William P. Jones, a married person, Sandra S. Smith, a single person, and Andrew X. Read and Barbara A. Read, a married couple; as tenants in common." There is no right of survivorship for the tenants under this type of tenancy.

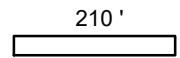
#### **Title taken individually**

If just one purchaser, whether single or married, that person can only select this option.

Alaska State Land Survey  
2013-49  
Tract A

(Kenai Peninsula Borough  
Parcel Number  
04103060)

460 Shotgun Drive



1 inch equals 250 feet

The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 4/26/2019





Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3086-2019**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE RASMUSON FOUNDATION AND ACCEPTING AND APPROPRIATING PRIVATE DONATIONS IN THE SENIOR CENTER CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF NEW FLOORING FOR THE DINING ROOM AND ADMINISTRATION OFFICES OF THE KENAI SENIOR CENTER.

WHEREAS, the City of Kenai received a grant in the amount of \$22,500 from the Rasmuson Foundation for the purchase of new flooring for the dining room and administration offices; and,

WHEREAS, private donations have been received in the amount of \$3,501 towards this new flooring; and,

WHEREAS, the Senior Center Improvement Capital Project Fund has \$34,500 appropriated to complete the purchase and installation of the new flooring; and,

WHEREAS, it is in the best interest of the City of Kenai to appropriate these grant and donation funds for the purpose intended.

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 and expend the grant, in the amount of \$22,500, from the Rasmuson Foundation for the purchase and installation of new flooring for the dining room and administrative offices at the Kenai Senior Center.

**Section 2.** That the City Manager is authorized to accept and expend donations, in the amount of \$3,501, from private donors for the purchase and installation of new flooring for the dining room and administrative offices at the Kenai Senior Center.

**Section 3.** That the estimated revenues and appropriations be increased as follows:

Senior Center Capital Improvement Fund:

|                               |                        |
|-------------------------------|------------------------|
| Increase Estimated Revenues – |                        |
| Other Grants                  | <u>\$22,500</u>        |
| Donations                     | <u>    3,501</u>       |
|                               | <u><u>\$26,001</u></u> |

|                           |                 |
|---------------------------|-----------------|
| Increase Appropriations – |                 |
| Construction              | <u>\$26,001</u> |

**Section 4.** 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 5.** 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 2<sup>nd</sup> day of October, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: September 18, 2019  
Enacted: October 2, 2019  
Effective: October 2, 2019



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Kathy Romain, Senior Center Director

**DATE:** September 5, 2019

**SUBJECT:** **Ordinance No. 3086-2019 – Ordinance Accepting and Appropriating a Rasmuson Grant and Private Donations for New Flooring for the Senior Center Dining Room and Administrative Offices**

---

The Kenai Senior Center has received a Tier I grant through the Rasmuson Foundation in the amount of \$22,500 for the purchase and installation of new flooring for the Center Dining Room and Administrative Offices. We have also received \$3,501 in private donations for this project. The remainder of the funds would come from the Senior Citizen Capital Project Fund.

I respectfully request consideration of the ordinance and accepting and appropriating the grant funds and donations for the flooring project.





Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3087-2019**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AUTHORIZING A BUDGET TRANSFER IN THE SENIOR CENTER CAPITAL IMPROVEMENT FUND AND INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE PUBLIC SAFETY IMPROVEMENT CAPITAL PROJECT FUND TO PROVIDE SUPPLEMENTAL FUNDING FOR THE FIRE DEPARTMENT KITCHEN REMODEL PROJECT.

WHEREAS, excess funds in the amount of \$15,000 are available in the Senior Center Improvement Capital Project fund as a result of private donations and receipt of a grant from the Rasmuson Foundation for the dining room and administrative offices flooring replacement project; and,

WHEREAS, recent testing has indicated the presence of asbestos in the flooring and drywall of the Kenai Public Safety building; and,

WHEREAS, prior to completion of the kitchen remodel project, asbestos in the kitchen area must be abated; and,

WHEREAS, the kitchen remodel project does not have sufficient funds for the abatement and requires supplemental funding to complete; and,

WHEREAS, \$15,000 will provide sufficient funds for asbestos abatement and provide a small contingency to complete the Kitchen Remodel project; and,

WHEREAS, the excess funds from the Senior Center Dining Room and Administrative Offices Flooring Replacement Project may be used to provide supplemental funding with any remaining funds to be transferred back to the General Fund.

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

**Section 1.** The following budget transfer is authorized as follows:

|   |                 |
|---|-----------------|
| Senior Center Capital Improvement Fund: |                 |
| Decrease – Construction                 | <u>\$15,000</u> |
| Increase – Transfer to Other Funds      | <u>\$15,000</u> |

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

Public Safety Capital Improvement Fund:

Increase Estimated Revenues –  
Transfer from Other Funds \$15,000

Increase Appropriations –  
Construction \$15,000

**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 2<sup>nd</sup> day of October, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance:

Introduced: September 18, 2019  
Enacted: October 2, 2019  
Effective: October 2, 2019





*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
[www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Terry Eubank, Finance Director  
**DATE:** September 5, 2019  
**SUBJECT:** **Ordinance No. 3087-2019**

The purpose of this memo is to recommend adoption of Ordinance 3087-2019 that will provide supplemental funding for the Fire Department Kitchen Remodel Project. Recent asbestos testing identified asbestos in the flooring mastic and sheetrock mud of the Public Safety Building. Abatement in the kitchen area is required prior to completion of the remodel project. The abatement costs were not included in the original project budget and are estimated at approximately \$12,500. An additional \$2,500 is being requested for project contingency.

With the receipt of a Rasmuson Grant in the amount of \$22,500 and private donations of \$3,501 funds previously appropriated for the Senior Center Dining Room and Administrative Office Flooring Replacement Project are available to provide the needed \$15,000 of supplemental funding for the Fire Department Kitchen Remodel Project. The remaining funds in Senior Center Improvement Capital Project Fund will be available for project contingency or redirection to other improvement projects by future Council action.

Utilization of previously appropriated General Funds for completion of the Fire Department Kitchen Remodel Project will allow for timely completion of that project and your support for Ordinance 3087-2019 is respectfully requested.





Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3088-2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA AMENDING KENAI MUNICIPAL CODE 14.20.330 - STANDARDS FOR COMMERCIAL MARIJUANA ESTABLISHMENTS, TO INCORPORATE LIMITATIONS ON HOURS OF OPERATION FOR RETAIL MARIJUANA ESTABLISHMENTS.

WHEREAS, on November 4, 2014, the Alaskan voters passed Ballot Measure 2, an Act to Tax and Regulate the Production, Sale and Use of Marijuana; and,

WHEREAS, the City, can enact ordinances regulating commercial marijuana establishments in the city; and,

WHEREAS, on January 20, 2016, the City of Kenai enacted regulations governing commercial marijuana establishments in the City, which did not include a local regulation on operating hours for retail marijuana stores; and,

WHEREAS, retail marijuana stores are limited in their hours of operation by State Regulation 3 ACC 306.310 which requires the businesses to be closed between the hours of 5:00 a.m. and 8:00 a.m.; and,

WHEREAS, there is a need to further regulate hours of operation for retail marijuana stores in the City to reduce negative impacts on residential neighborhoods and protect public health and safety; and,

WHEREAS, the proposed closure between 2:00 a.m. and 8:00 a.m. daily for retail marijuana stores within the City is no more restrictive than the regulations of adjacent jurisdictions and would match the regulations of hours of operation for retail marijuana stores within the Kenai Peninsula Borough under Kenai Peninsula Borough Code Section 7.30.020(C)(2) – Assembly Review-Standards; and,

WHEREAS, during a public hearing at a regular meeting on August 14, 2019 the City of the Kenai Planning and Zoning Commission recommended the Kenai City Council enact a change to Kenai Municipal Code that would prohibit retail marijuana stores from operating between the hours of 2:00 a.m. and 8 a.m. daily.

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

**Section 1.** Amendment of Section of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.330 – Standards for Commercial Marijuana Establishments, is hereby amended as follows:

14.20.330 Standards for commercial marijuana establishments.

The purpose of this section is to establish general standards for commercial marijuana establishments.

(a) Commercial marijuana establishments may be permitted or allowed with a conditional use permit under KMC 14.20.150, as provided in the City of Kenai's land use table, KMC 14.22.010, and the provisions of this section.

(b) Applicants applying for a conditional use permit must include an area map drawn to scale indicating all land uses on other properties within a five hundred (500) foot proximity of the lot upon which the applicant is seeking a conditional use permit. This shall be in addition to the conditional use permit submission requirements in KMC 14.20.150.

(c) A public hearing shall be scheduled before the Planning and Zoning Commission to review the conditional use permit application once it has been deemed complete. The public hearing shall be scheduled in accordance with the requirements in KMC 14.20.280, except that notification shall be mailed to all real property owners on record on the Borough Assessor's records within a five hundred (500) foot periphery of the parcel affected by the proposed action.

(d) The preparation, packaging, manufacturing, processing, and storing of all marijuana, marijuana concentrate or marijuana products must be conducted within a fully enclosed, secure indoor facility. The growing and cultivating of marijuana must be conducted within a fully enclosed, secure indoor facility or greenhouse with view-obscuring rigid walls, a roof and doors, unless a nonrigid greenhouse, or other structure, is specifically approved, in which case the cultivation must be enclosed by a sight-obscuring wall or fence at least six (6) feet high.

(e) All commercial marijuana establishments shall not emit an odor that is detectable by the public from outside the commercial marijuana establishment.

(f) No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:

(1) One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (500) feet of any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and state licensed substance abuse treatment facilities providing substance abuse treatment; and

(2) Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment

from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, or a substance abuse treatment facility providing substance abuse treatment.

(g) As provided in the Land Use Table, a person or licensee may apply for a conditional use permit to allow for a marijuana cultivation facility, standard, on lots of forty thousand (40,000) square feet or greater in size, and a marijuana cultivation facility, limited, on any size lot.

(h) A marijuana cultivation facility, standard, or a marijuana cultivation facility, limited, shall only be allowed on a lot which has an existing structure consistent with a principal permitted use.

(i) A marijuana cultivation facility located in an accessory building shall be subject to the setback provisions in KMC 14.24.020, Development Requirements Table. A person or licensee seeking relief from the provisions in the Development Requirements Table may apply for a variance subject to the provisions of KMC 14.20.180.

(j) No retail marijuana store may conduct business on, or allow any customer or consumer to access, the licensed premises between the hours of 2:00 a.m. and 8:00 a.m. daily.

**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 2<sup>nd</sup> day of October, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Introduced: September 18, 2019  
Enacted: October 2, 2019  
Effective: November 1, 2019



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** September 9, 2019

**SUBJECT:** **Ordinance No. 3088 – 2019 – Amending Kenai Municipal Code Section – Standards for Commercial Marijuana Establishments to Incorporate Hours of Operation Requiring a Closure Between 2:00a.m. and 8:00a.m. Daily**

The City of Kenai Planning and Zoning Commission acts in an advisory capacity to the Kenai City Council on the City of Kenai Zoning Code as specified in Kenai Municipal Code 14.05.010 Duties and Powers. As such, the Planning and Zoning Commission approved Resolution PZ2019-29 recommending the Council of the City of Kenai amend Kenai Municipal Code to incorporate hours of operation for retail marijuana stores. The Planning and Zoning Commission recommended requiring closure between the hours of 2:00 a.m. and 8:00 a.m. daily.

The proposed closure for retail marijuana stores between 2:00 a.m. and 8:00 a.m. would match regulations for hours of operation within the Kenai Peninsula Borough under Kenai Peninsula Borough Code Section 7.30.020(C)(2) and would not be any more restrictive than other neighboring jurisdictions. The City of Kenai currently has no local regulation for hours of operation of retail marijuana stores. State of Alaska regulation 3 AAC 306.310-Acts prohibited at retail marijuana store, states, "A licensed retail marijuana store may not (1) conduct business on or allow a consumer to access the retail marijuana store's licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day". There are currently no additional limitations on hours of operation in any of the conditional use permits granted to retail marijuana stores within the City of Kenai.

The proposed Code change would allow the City of Kenai to customize marijuana retail store hours to meet the needs of our community as allowed under State law regarding marijuana. It would not provide an unreasonable restriction on commerce within the City and may have public safety and quality of life benefits to prevent late-night driving and reduce late-night lighting.



Please reference the attached Resolution PZ2019-29 and associated staff report presented to the Planning and Zoning Commission. I have also included a written comment received from a resident requesting a closure time of midnight instead of 2:00 a.m. with concerns for late night drivers and headlights as well as a comment recorded in the notes of the Planning and Zoning Commission public hearing for PZ2019-29 from a retail marijuana store owner who opposed the hours restriction because it removed flexibility to stay open longer during times of high volume, such as during the dipnet fishery.

Thank you for your consideration.



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

## STAFF REPORT

To: Planning & Zoning Commission

From: Elizabeth Appleby, City Planner

Date: August 1, 2019

Subject: Resolution PZ2019-29 - Recommending the Council of the City of Kenai Amend Kenai Municipal Code 14.20.330 - Standards for Commercial Marijuana Establishments, to Incorporate Hours of Operation for Retail Marijuana Establishments into the City of Kenai's Code of Ordinances.

## GENERAL INFORMATION

The City of Kenai Planning and Zoning Commission acts in an advisory capacity to the Kenai City Council on the City of Kenai Zoning Code as specified in *KMC 14.05.010 Duties and powers* under *Title 14 Planning and Zoning Commission*. As requested by the Planning and Zoning Commission, City Staff is providing background information and a recommendation with Resolution PZ2019-29 for a change to Kenai Municipal Code that would restrict the operating hours of retail marijuana stores within the City of Kenai.

Alaska State Statutes prohibit consumers to access a retail marijuana store's premises or for business to be conducted between the hours of 5:00 a.m. and 8:00 a.m. each day. Those hours are the current limitation in the City of Kenai on hours of operation for retail marijuana stores. None of the conditional use permits within the City for retail marijuana stores have a condition for a specific hours of operation limitation as part of a conditional use permit.

Local governments may enact more stringent regulations on hours of operation than those set by the State of Alaska. City staff recommends prohibiting retail marijuana store sales between the hours of 2:00 a.m. and 8:00 a.m. within the City of Kenai.

### Public Notice, Public Comment

Pursuant to *KMC 14.20.280, Public hearing and notifications*, City staff published notice of the Planning and Zoning Commission public hearing in the *Peninsula Clarion* and posted notice in three public places. No public comments have been submitted to the City of Kenai as of August 1, 2019.

## **ANALYSIS**

---

The following is a selection of retail marijuana store hour limitations for other jurisdictions in Alaska to provide comparative information:

- Kenai Peninsula Borough – may not operate between 2:00 a.m. and 8:00 a.m. daily
- City of Soldotna – may not operate between 12:00 a.m. and 8:00 a.m. daily
- City of Seward – may not operate between 2:00 a.m. and 10:00 a.m. daily
- Municipality of Anchorage – may not operate between 12:00 a.m. and 8:00 a.m. daily

There are currently four permitted retail marijuana stores in the City of Kenai and one pending conditional use permit application that would allow for a fifth retail marijuana store within the City of Kenai. All owners of these stores were contacted by the City Planner to obtain informal feedback on potential hours of operation restrictions via a phone conversation. All retail marijuana store owners voiced support for required retail marijuana store closures between 2:00 a.m. and 8:00 a.m. Most owners said they would also not object to a 1:00 a.m. closure and one store owner would support a midnight closure time. Two owners requested to open earlier than 8:00 a.m., particularly to serve customers fishing early in the morning in summer. State laws, however, prohibit an opening time before 8:00 a.m.

## **RECOMMENDATIONS**

---

City staff recommends the Planning and Zoning Commission advise the Kenai City Council to amend Kenai Municipal Code to prohibit retail marijuana stores from operating between 2:00 a.m. and 8:00 a.m. daily through Resolution PZ2019-29. This would not be any more restrictive than neighboring jurisdictions and would not limit the potential commercial activity of retail marijuana store businesses within the City of Kenai. This change to City Code may provide public safety benefits, particularly to discourage late night driving to or from retail marijuana stores within the City.

## **ATTACHMENTS**

---

- A. Resolution No. PZ2019-29





**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2019 - 29**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI AMEND KENAI MUNICIPAL CODE, 14.20.330 - STANDARDS FOR COMMERCIAL MARIJUANA ESTABLISHMENTS, TO INCORPORATE HOURS OF OPERATION FOR RETAIL MARIJUANA ESTABLISHMENTS INTO THE CITY OF KENAI'S CODE OF ORDINANCES.

WHEREAS, Kenai Municipal Code 14.05.010 states the City of Kenai Planning and Zoning Commission will act in an advisory capacity to the Kenai City Council regarding the Kenai Zoning Code; and,

WHEREAS, on November 4, 2014, the Alaskan voters passed Ballot Measure 2, an Act to Tax and Regulate the Production, Sale and Use of Marijuana and Marijuana Local Option Laws are found in Title 17.38 of Alaska Statutes and Title 3 of the Alaska Administrative Code; and,

WHEREAS, on January 20, 2016 the City of Kenai enacted regulations governing commercial marijuana establishments in the City; and,

WHEREAS, the hours of operation limitations on retail marijuana stores would not unreasonably limit the potential commercial activity of retail marijuana store businesses within the City of Kenai and are not any more restrictive than those of adjacent jurisdictions; and,

WHEREAS, setting a standard limitation on hours of operation for all retail marijuana stores in the City will ensure the businesses are compatible with surrounding uses; and,

WHEREAS, setting the hours of closure between 2:00 a.m. and 8:00 a.m. is consistent with Kenai Peninsula Borough Ordinances; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing regarding Resolution PZ2019-29 on August 14, 2019.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the Kenai City Council amend Kenai Municipal Code 14.20.330 – Standards for Commercial Marijuana Establishments, to incorporate hours of operation for retail marijuana stores through a public hearing process as follows:

14.20.330 Standards for commercial marijuana establishments.

The purpose of this section is to establish general standards for commercial marijuana establishments.

- (a) Commercial marijuana establishments may be permitted or allowed with a conditional use permit under KMC 14.20.150, as provided in the City of Kenai's land use table, KMC 14.22.010, and the provisions of this section.
- (b) Applicants applying for a conditional use permit must include an area map drawn to scale indicating all land uses on other properties within a five hundred (500) foot proximity of the lot upon which the applicant is seeking a conditional use permit. This shall be in addition to the conditional use permit submission requirements in KMC 14.20.150.
- (c) A public hearing shall be scheduled before the Planning and Zoning Commission to review the conditional use permit application once it has been deemed complete. The public hearing shall be scheduled in accordance with the requirements in KMC 14.20.280, except that notification shall be mailed to all real property owners on record on the Borough Assessor's records within a five hundred (500) foot periphery of the parcel affected by the proposed action.
- (d) The preparation, packaging, manufacturing, processing, and storing of all marijuana, marijuana concentrate or marijuana products must be conducted within a fully enclosed, secure indoor facility. The growing and cultivating of marijuana must be conducted within a fully enclosed, secure indoor facility or greenhouse with view-obscuring rigid walls, a roof and doors, unless a nonrigid greenhouse, or other structure, is specifically approved, in which case the cultivation must be enclosed by a sight-obscuring wall or fence at least six (6) feet high.
- (e) All commercial marijuana establishments shall not emit an odor that is detectable by the public from outside the commercial marijuana establishment.
- (f) No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:
- (1) One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (500) feet of any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and state licensed substance abuse treatment facilities providing substance abuse treatment; and
  - (2) Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, or a substance abuse treatment facility providing substance abuse treatment.

(g) As provided in the Land Use Table, a person or licensee may apply for a conditional use permit to allow for a marijuana cultivation facility, standard, on lots of forty thousand (40,000) square feet or greater in size, and a marijuana cultivation facility, limited, on any size lot.

(h) A marijuana cultivation facility, standard, or a marijuana cultivation facility, limited, shall only be allowed on a lot which has an existing structure consistent with a principal permitted use.

(i) A marijuana cultivation facility located in an accessory building shall be subject to the setback provisions in KMC 14.24.020, Development Requirements Table. A person or licensee seeking relief from the provisions in the Development Requirements Table may apply for a variance subject to the provisions of KMC 14.20.180.

(j) No retail marijuana store may conduct business on, or allow any customer or consumer to access, the licensed premises between the hours of 2:00 a.m. and 8:00 a.m. each day.

**Section 2.** That a copy of Resolution PZ2019-29 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
this 14th day of August, 2019.

  
\_\_\_\_\_  
JEFF WAIT, CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
JAMIE HEINZ, CMC, CITY CLERK



8/14/19

Elizabeth - and Planning Commission  
I'm registering an objection to a 2 AM closure  
for pet stores in Kenai - I have a couple of  
reasons.

#1 is that if pet stores close in Soldotna  
at midnight, will that increase traffic between  
Kenai & Soldotna so folks who suddenly "need"  
a pet will make the drive? That may be a  
public safety issue. I think midnight is  
plenty late enough for people to be out and  
about looking for a pet.

#2 The newest shop in Kenai already keeps  
erratic closing hours - between 11<sup>PM</sup> and 4 AM  
at his whim - no guarantee anyone will police  
him to keep any restrictive hours no matter what is  
set.

#3 I've lived in my home 23 years with  
quiet enjoyment despite the assorted businesses  
that have moved in and out of that premises -  
now headlights flash through my house at all  
hours of the night. At least a midnight closing  
will be less disruptive - if he even complies.

Thank you for your time.

Marilyn Wheeler  
Box 3, Kenai

meow2@qci.net

Text 907-252-1880

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

Clarification was provided that in 2017, it was found that the main entrance door to be 504-feet from the marijuana establishment using GIS Software and a survey showed 516-feet from proposed establishment to the main, covered entrance of the church.

The applicant noted the double glass doors would be the main entrance to the Marijuana Retail Store; the same entrance as the former establishment.

It was noted that the establishment had been operating as a manufacturing facility without complaint and legally met the requirements.

Clarification was provided that, in 2017, there wasn't a condition put in place regarding signage, just that a sign permit be obtained.

Appreciation was expressed for the testimony presented, it was noted the legal criteria had been met and the Commission members agreed with staff's findings and would support the Permit.

Clarification provided that a Conditional Use Permit for each use was preferred so, if one use was ended, the associated permit would expire with the specific use.

**VOTE:**

YEA: Springer, Fikes, Twait, Halstead

NAY:

**MOTION PASSED UNANIMOUSLY.**

Commission Chair Twait noted the fifteen-day appeal period.

2. **Resolution PZ2019-29** - Recommending the Council of the City of Kenai Amend Kenai Municipal Code 14.20.330 - Standards for Commercial Marijuana Establishments, to Incorporate Hours of Operation for Retail Marijuana Establishments into the City of Kenai's Code of Ordinances.

**MOTION:**

Commissioner Halstead **MOVED** to approve Resolution No. PZ2019-29 and Commissioner Springer **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the recommendation would go to City Council to amend the Municipal Code to provide local closure requirement be from 2:00 a.m. to 8:00 a.m., consistent with other areas in the Kenai Peninsula Borough; also noted the State of Alaska's regulations were from 5:00 a.m. to 8:00 a.m.

Chair Twait opened the floor for public testimony.

Ron Isaacs spoke against the resolution noting alcohol establishments could be open later; suggested alcohol and other drugs were more dangerous than marijuana. Mr. Isaacs also suggested that if a retail marijuana store wanted to stay open until 5:00 a.m. during times of high

volume, such as during the Dipnet Fishery, they should be able to.

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

It was noted the desire was to match the Kenai Peninsula Borough regulations so there was no undue advantage.

The suggestion was made that it may be an issue for Kenai to be open later than Soldotna in terms of a customer driving to get product. Cost effectiveness of being open versus being closed during slow times was also discussed.

**VOTE:**

YEA: Springer, Fikes, Twait, Halstead

NAY:

**MOTION PASSED UNANIMOUSLY.**

3. **Resolution PZ2019-32** - Recommending the Council of the City of Kenai Enact Ordinance 3072-2019 to Renaming, Repealing, and Re-enacting Kenai Municipal Code Title 22-General Fund Lands, Renaming Title 21-City Airport and Airport Lands, and Repealing Kenai Municipal Code Chapter 21.15-Lease and Sale of Airport Lands Outside of the Airport Reserve to Encourage Responsible Growth and Development to Support a Thriving Business, Recreation and Cultural Community through Responsible Land Policies and Practices.

**MOTION:**

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-32 and Commissioner Halstead **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting that a working group within Administration developed the policies and procedures and Council had referred the Ordinance to the Commission for a recommendation. She added that the Ordinance offered development incentives, provided for a competitive lease and sale process, and required development to discourage speculation. Appleby also noted the proposed changes aligned with two objectives identified in the Comprehensive Plan.

Chair Twait opened the floor for public testimony; there being no one wishing to be heard, public comment was closed.

**VOTE:**

YEA: Springer, Fikes, Twait, Halstead

NAY:

**MOTION PASSED UNANIMOUSLY.**

**G. UNFINISHED BUSINESS – None.**



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
[www.kenai.city](http://www.kenai.city)

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** September 9, 2019

**SUBJECT:** **Action/Approval - Assignment of Shore Fishery Lease – Tract Two (2), Shore Fishery Plat No. 71**

Michael Markham, lessee, submitted a request to the City to assign his shore fishery lease of Tract Two (2), Shore Fishery Plat No. 1 to Nancy Hillman-Scow. A map showing the location of the lease is attached to this memorandum. Drafts of the Consent to Assignment and Assignment of the Shore Fishery Lease are also attached to this memorandum.

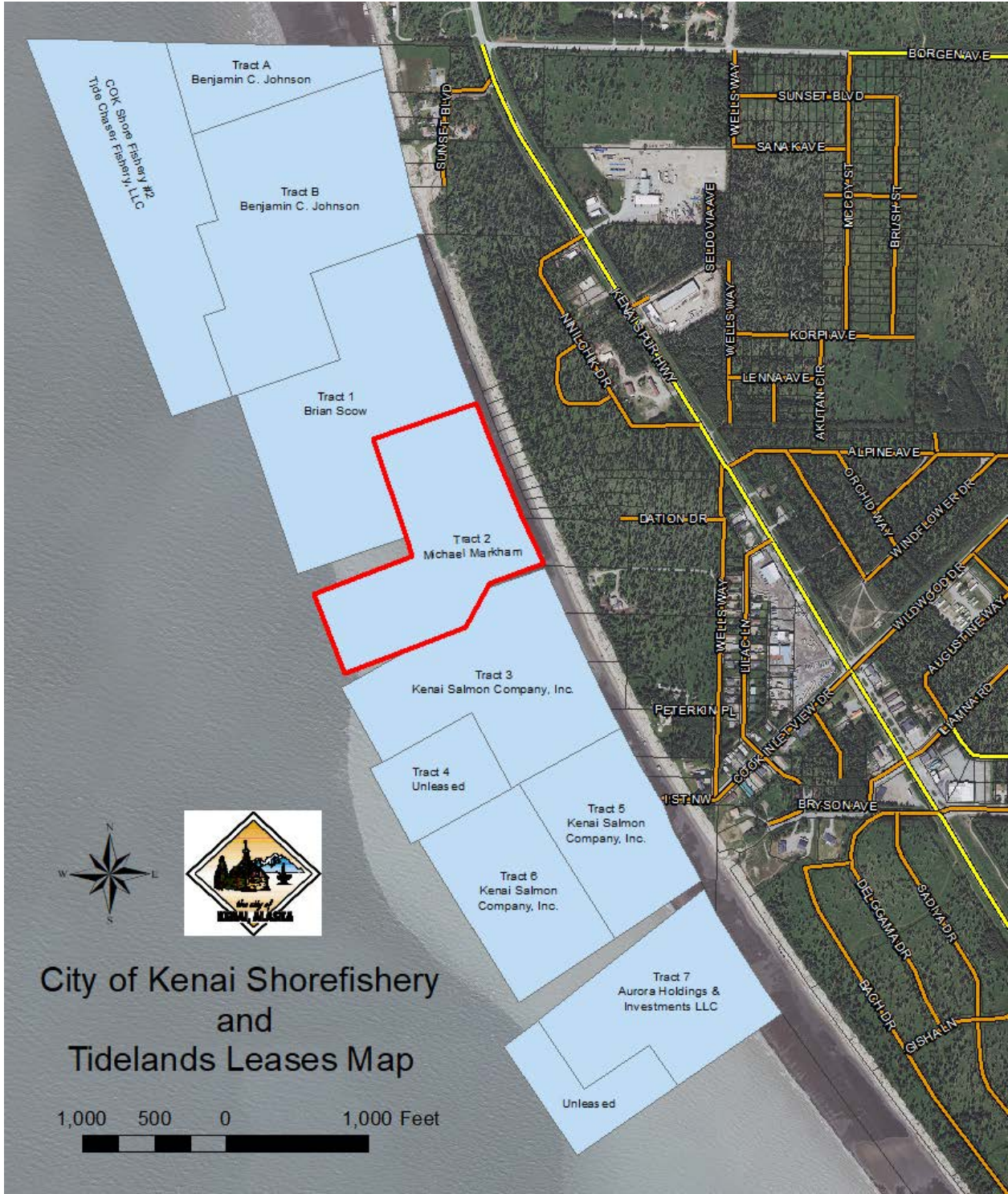
Before Tract 2, Shore Fishery Plat No. 1 was leased by the City to Michael Markham, it was leased to Markham-Scow, LLC. Markham-Scow, LLC, which was involuntarily dissolved in 2013. The lessee is current on obligations due to the City, has submitted a formal written request to assign the shore fishery lease, and paid the assignment fee. There would not be a change of use or terms of the lease with the assignment. The lease expires in 2026.

Kenai Municipal Code 11.10.010(a)(5) states the Harbor Commission is to review leases of City-owned tide, submerged, and lands or navigable waters within the City and make recommendations to City Council. The Harbor Commission will review the lease assignment during their September 16, 2019 meeting.

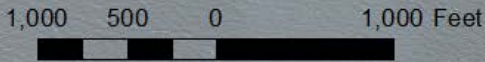
If the City Council approves of the assignment of the shore fishery lease from Michael Markham to Nancy Hillman-Scow, City Administration would move forward to complete the assignments.

Thank you for your consideration.





### City of Kenai Shorefishery and Tidelands Leases Map





**CITY OF KENAI**  
**CONSENT TO ASSIGNMENT**

The Assignment of that certain Shore Fishery Lease entered into on June 3, 2016, and recorded under document number 2016-005237-0, on June 20, 2016, in the Kenai Recording District, from MICHAEL MARKHAM whose address is 6209 E. Baseline Road, Mesa, Arizona, AZ 85206, to NANCY A. HILLMAN-SCOW, whose address is P.O. Box 2199, Kenai, AK 99611, covering the following-described property:

Tract 2, Shore Fishery Plat No 71

is hereby ACKNOWLEDGED AND CONSENTED TO, subject to the same terms and conditions as contained in the above-described original Shore Fishery Lease, and any and all amendments thereto.

This Consent is given by the City of Kenai without waiving any right or action, or releasing the Assignor from any liability or responsibility under the aforementioned Lease, and does not relieve the Assignee from the condition requiring the City's approval for any subsequent sublease or assignment.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Paul Ostrander  
City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA                    )  
  ) ss  
THIRD JUDICIAL DISTRICT        )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, Paul Ostrander, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires: \_\_\_\_\_

Approved as to form:



\_\_\_\_\_  
Scott Bloom, City Attorney

After Recording, Return to:

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

**ASSIGNMENT OF SHORE FISHERY LEASE**

This assignment is entered into between MICHAEL MARKHAM whose address is 6209 E. Baseline Road, Mesa, AZ 85206 (Assignor) and NANCY A. HILLMAN-SCOW, whose address is P.O. Box 2199, Kenai, Alaska, 99611 (Assignee).

Assignor does hereby assign and transfer all of Assignor’s interest in the leasehold estate as provided by that certain Shore Fishery Lease with the CITY OF KENAI as Lessor, entered into on June 3, 2016, and recorded under document number 2016-005237-0 on June 20, 2016, in the Kenai Recording District and for the following-described property:

Tract Two (2), Shore Fishery Plat No. 71

to Assignee to have and to hold the same from the date hereof, for and during all of the remainder of the term of said Shore Fishery Lease.

Assignee agrees to comply fully with all the terms and provisions of the Shore Fishery Lease.

This Assignment of Lease is effective beginning on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ASSIGNOR:

By: \_\_\_\_\_  
Michael Markham

ASSIGNEE:

By: \_\_\_\_\_  
Nancy A. Hillman-Scow

**ACKNOWLEDGEMENTS**

State of Alaska )  
 ) ss  
Third Judicial District )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by Michael Markham being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

State of Alaska )  
 ) ss  
Third Judicial District )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by Nancy A. Hillman-Scow being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

Return to:  
City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** September 9, 2019

**SUBJECT:** **Action/Approval - Assignment of Tidelands Lease – Tract B, Kenai Tidelands Survey No. 2, according to Plat No. 89-2**

Snug Harbor Seafoods, Inc., lessee, submitted a request to the City to assign their tidelands lease of Tract B, Kenai Tidelands Survey No. 2 to CRS Can Operate, Inc. A map showing the location of the lease is attached to this memorandum. Drafts of the Consent to Assignment and Assignment of the Tidelands Lease are also attached to this memorandum.

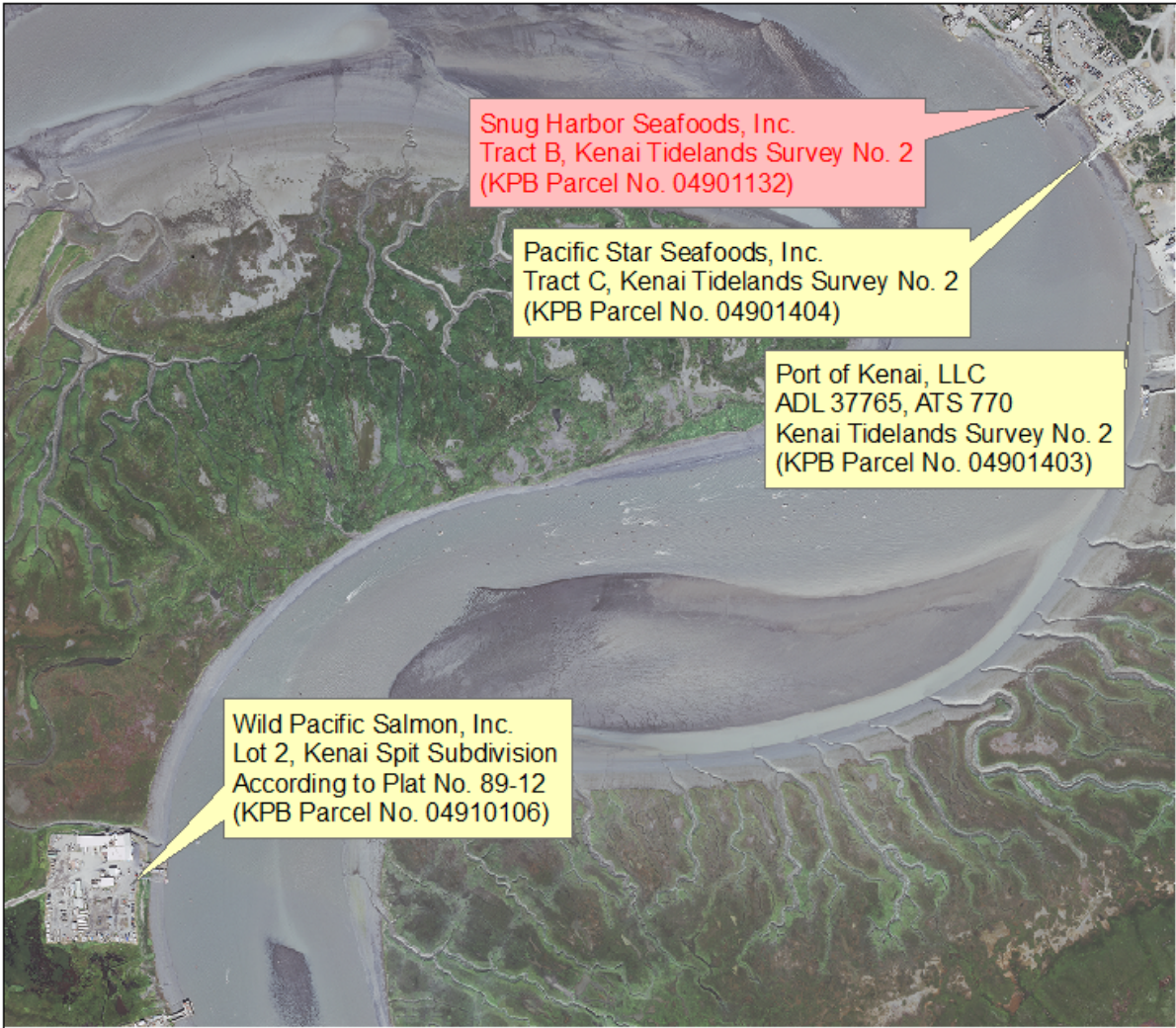
Snug Harbor Seafoods, Inc. was assigned the lease in 1999. The original lessee was Royal Pacific Seafoods, Inc. and Marvin Dragseth, Individually and the lease was entered into in 1989. The lease expires in 2043 and has a term of 55 years. The lessee is current on obligations due to the City, has submitted a formal written request to assign the tidelands lease, and paid the assignment fee. There would not be a change of use or terms of the lease with the assignment.

Kenai Municipal Code 11.10.010(a)(5) states the Harbor Commission is to review leases of City-owned tide, submerged, and lands or navigable waters within the City and make recommendations to City Council. The Harbor Commission will review the lease assignment during their September 16, 2019 meeting.

If the City Council approves of the assignment of the tidelands leases from Snug Harbor Seafoods, Inc. to CRS Can Operate, Inc., City Administration would move forward to complete the assignments.

Thank you for your consideration.





Snug Harbor Seafoods, Inc.  
Tract B, Kenai Tidelands Survey No. 2  
(KPB Parcel No. 04901132)

Pacific Star Seafoods, Inc.  
Tract C, Kenai Tidelands Survey No. 2  
(KPB Parcel No. 04901404)

Port of Kenai, LLC  
ADL 37765, ATS 770  
Kenai Tidelands Survey No. 2  
(KPB Parcel No. 04901403)

Wild Pacific Salmon, Inc.  
Lot 2, Kenai Spit Subdivision  
According to Plat No. 89-12  
(KPB Parcel No. 04910106)

### City of Kenai Tidelands Leases Map



**CITY OF KENAI**  
**CONSENT TO ASSIGNMENT**

The Assignment of that certain Lease of Tidelands entered into on January 24, 1989, and recorded in Book 341 at Pages 16 - 41, on January 27, 1989, in the Kenai Recording District, from SNUG HARBOR SEAFOODS, INC. whose address is P.O. Box 701, Kenai, Alaska, 99611, to CRS CAN OPERATE, INC., whose address is 1500 Georgia, Ste. 800, Vancouver, BC Canada V6G 2Z6 , covering the following-described property:

Tract B, Kenai Tidelands Survey No. 2, according to Plat No. 89-2, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

is hereby ACKNOWLEDGED AND CONSENTED TO, subject to the same terms and conditions as contained in the above-described original Lease of Tidelands, and any and all amendments thereto.

This Consent is given by the City of Kenai without waiving any right or action, or releasing the Assignor from any liability or responsibility under the aforementioned Lease, and does not relieve the Assignee from the condition requiring the City's approval for any subsequent sublease or assignment.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Paul Ostrander  
City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, PAUL OSTRANDER, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires: \_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_  
Scott Bloom, City Attorney

After recording, return to:  
City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611



**ASSIGNMENT OF TIDELANDS LEASE**

This assignment is entered into between SNUG HARBOR SEAFOODS, INC. whose address is P.O. Box 701, Kenai, Alaska 99611 (Assignor) and CRS CAN OPERATE, INC., whose address is 1500 Georgia, Ste. 800, Vancouver, BC Canada V6G 2Z6, (Assignee).

Assignor does hereby assign and transfer all of Assignor's interest in the leasehold estate as provided by that certain Lease of Tidelands with the CITY OF KENAI as Lessor, and MARVIN DRAGSETH, Individually, and ROYAL PACIFIC FISHERIES, INC. as Lessees, entered into on January 24, 1989, and recorded In Book 341 at Pages 16 – 41, on January 27, 1989. The Lessee's interest was assigned to SNUG HARBOR SEAFOODS, INC., on May 26, 1999, and recorded in Book 564 at Pages 245 and 246, on July 29, 1999, in the Kenai Recording District and for the following-described property:

Tract B, Kenai Tidelands Survey No. 2, according to Plat No. 89-2, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

to Assignee to have and to hold the same from the date hereof, for and during all of the remainder of the term of said Lease Agreement.

Assignee agrees to comply fully with all the terms and provisions of the Lease and any amendments thereto.

This Assignment of Lease is effective beginning on, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ASSIGNOR:

ASSIGNEE:

By: \_\_\_\_\_

Paul Dale

Its: President

By: \_\_\_\_\_

Merle Chaisson

Its: Signor

ACKNOWLEDGEMENTS

State of Alaska )  
 ) ss  
Third Judicial District )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by PAUL DALE, President of SNUG HARBOR SEAFOODS, INC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

State of Alaska )  
 ) ss  
Third Judicial District )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by MERLE CHAISSON, Signor for CRS CAN OPERATE, INC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

After recording, return to:  
City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**Cc:** Mary Bondurant, Airport Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** September 13, 2019

**SUBJECT:** **Action/Approval - Kenai Municipal Airport Reserve Leases Assignment of Lot 3, Block 1 and Lot 2, Block 3, General Aviation Apron Subdivision No. 1 Amended and Lot 1A, Block 2, General Aviation Apron Subdivision No. 3**

---

SOAR International Ministries, Incorporated (SOAR) has requested an assignment of three of its existing leases within the Airport Reserve to Schilling Rentals, LLC. A map showing the location of the leases, the application from SOAR, and drafts of the Consents to Assignment and Assignments of the Leases are attached to this memorandum.

SOAR and Schilling Rentals, LLC do not have outstanding obligations to the City for their existing leases. Schilling Rentals, LLC would not change the uses of the parcels. A description of each parcel and a brief history of the existing leases follow:

### **04324003**

#### **1.43 acres, 125 FBO Road, Lot 3, Block 1, General Aviation Apron Subd. No. 1**

The lease for this parcel was assigned to SOAR in 2000. SOAR was assigned the 55-year lease initially entered into by South Central Air, Inc. in 1985. The lease expires in 2040. The most recent amendment to the lease was made in 2011 and the City consented to a sublease to North Air, Inc. in 2016. The lease gives the use as charter operations and operation and maintenance of aircraft used in scheduled commuter service.

### **04324004**

#### **1.35 acres, 135 Granite Court, Lot 1A, Block 2, General Aviation Apron Subd. No. 3**

The lease for this parcel was assigned to SOAR in 2000. SOAR was assigned the 55-year lease initially entered into by Andy's Flying Service, Inc. in 1977, and subsequently assigned to



Southcentral Air, Inc. in 1982. The lease expires in 2032. The most recent amendment to the lease was made in 2012. The lease gives the use as passenger waiting room and lounge, pilot lounge and offices.

**04324024**

**0.72 acres, 110 FBO Road, Lot 2, Block 3, General Aviation Apron Subd. No. 1 Amended**  
SOAR entered into a lease with the City for this parcel in 2004. The lease expires in 2022. The most recent amendment to the lease was made in 2018. The lease gives the use as aircraft storage and maintenance.

The parcels are within the Airport Light Industrial (ALI) Zone. Pursuant to KMC 14.20.065, the purpose of the ALI Zone is to protect the viability of the Kenai Municipal Airport as a significant resource to the community by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. Schilling Rentals, LLC would continue the same permitted and compatible uses of the parcels in the ALI Zone as outlined in the existing leases.

The Imagine Kenai 2030 Comprehensive Plan outlines goals, objectives, and action items for the City, including this one pertaining to the Kenai Municipal Airport:

- Objective T-1: *Support future development near or adjacent to the airport when such development is in alignment with the Kenai Municipal Airport's primary mission, "To be the commercial air transportation gateway to the Kenai Peninsula Borough and Cook Inlet."*

The proposed continued uses by Schilling Rentals, LLC comply with the Imagine Kenai 2030 Comprehensive Plan in that it supports development on lease lots and the development is in alignment with the Kenai Municipal Airport's marketing strategy.

The Airport Land Use Plan was developed to identify the highest and best uses of Kenai Municipal Airport land. The Airport Land Use Plan discusses leasing land and enhancing opportunities for local economic development. The proposed continued uses by Schilling Rentals, LLC comply with the Airport Land Use Plan and would continue to enhance local economic development.

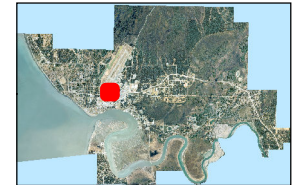
The Airport Commission did not have a quorum when these lease assignments were on their agenda at their meeting on September 12, 2019. The Airport Manager recommends approval based on the proposed development's compliance with the Airport Land Use Plan, Airport Layout Plan, Federal Aviation Administration regulations, Airport Master Plan, Airport Improvement Program grant assurances, and Airport operations.

If the City Council approves of the assignment of the three leases from SOAR to Schilling Rentals, LLC, City Administration would move forward to complete the assignments.

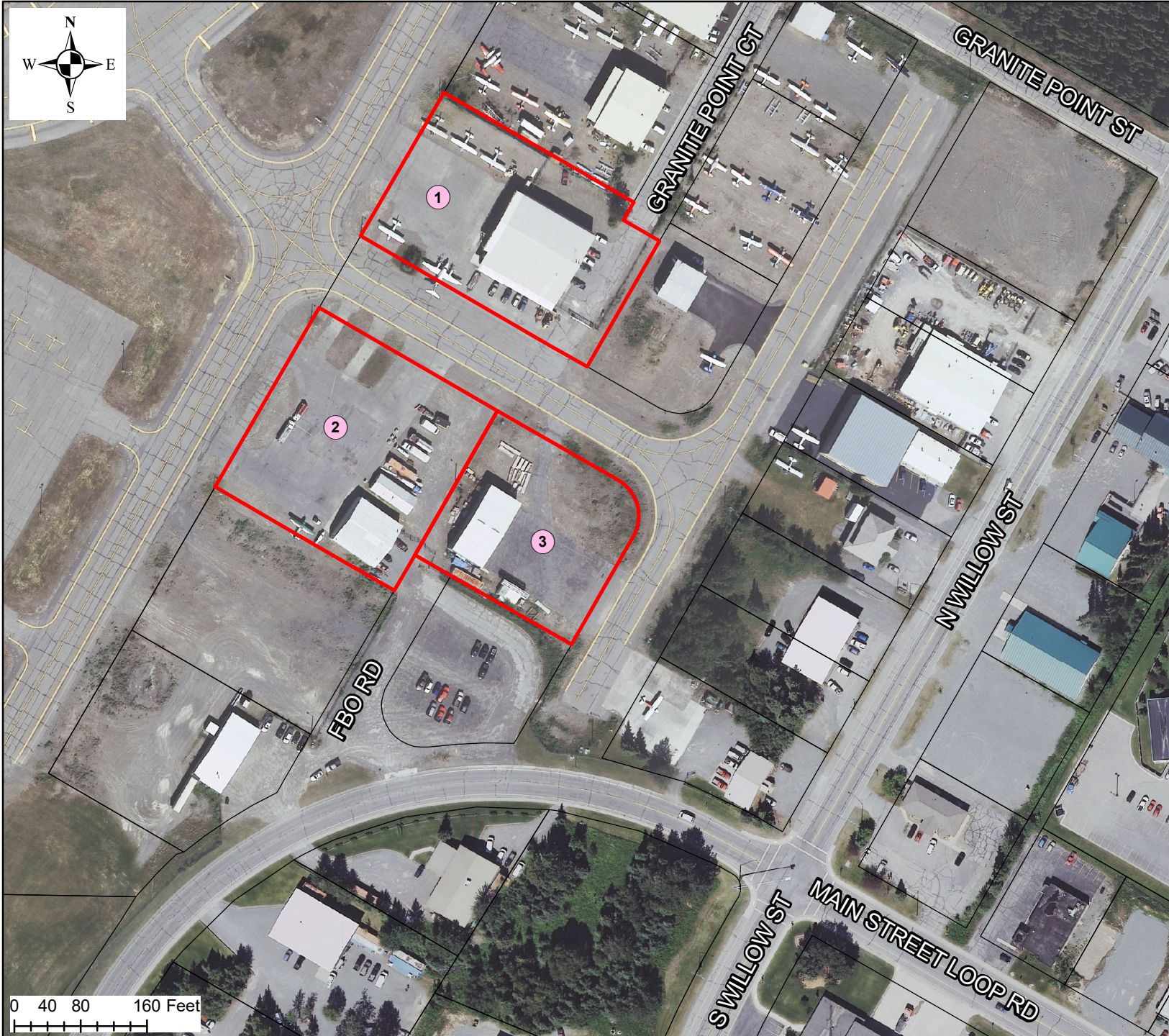
Thank you for your consideration.

# SOAK Leases Assignment Request

- ① 04324004  
Lot 1A Blk 2  
GAA Subd No. 3
- ② 04324003  
Lot 3 Blk 1  
GAA Subd No. 1
- ③ 04324024  
Lot 2 Blk 3  
GAA Subd No. 1  
Amended



The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.





# City of Kenai Kenai Municipal Airport Land Lease Application

Application for:  ASSIGNMENT  
 New Lease  
 Amendment  
 Extension/Renewal

Application Date: 7/22/2019

### Applicant Information

Name of Applicant: SOAR International Ministries - (as assignor)

Mailing Address: PO Box 1714 City: Kenai State: AK Zip Code: 99611

Phone Number(s): Home Phone: ( ) Work/ Message Phone: (907) 252 1841

E-mail: (Optional) richardpage@soarinternational.org

Name to Appear on Lease: Schilling Rentals, LLC - (as assignee)

Mailing Address: 420 N Willow Street City: Kenai State: AK Zip Code: 99611

Phone Number(s): Home Phone: ( ) Work/ Message Phone: ( ) 283 3660

E-mail: (Optional) duane@uptownmotel.com

Type of Applicant:  Individual (at least 18 years of age)  Partnership  Corporation  
 Limited Liability Company (LLC)  Government  Other \_\_\_\_\_

### Description of Property and Term Requested

Legal Description of Property: GENERAL AVIATION APRON SUB NO 3 LOT 1A BLK 2 - 04324004  
 GENERAL AVIATION APRON SUB NO 1 AMENDED LOT 3 BLK 1 - 04324003  
 GENERAL AVIATION APRON SUB NO 1 AMENDED LOT 2 BLK 3 - 04324024

Does the Property Require Subdivision? (if Yes, answer next two questions)  YES  NO

Are you prepared to be responsible for all costs associated with subdivision?  YES  NO

Do you believe the proposed subdivision would serve other Airport purposes?  YES  NO

Do you have or have you ever had a lease with the City of Kenai?  YES  NO

If Yes, please provide description of property leased (e.g. legal or physical description):  
 Schilling Rentals, LLC has multiple leases with the City of Kenai. Descriptions will be included in forthcoming renewal application

Is this application for renewal or term extension of an existing lease?  YES  NO

If Yes, please provide a description of the property leased:

Lease Term Requested: Starting Date:

### Proposed Use and Activities

Proposed Use (check one):  Aeronautical  Non-Aeronautical

Do you plan to construct new or additional improvements?  YES  NO

Will the proposed improvement change or alter the use under an existing lease?

If yes, what is the new proposed use?

What is the type (e.g. building, land) and nature (e.g. maintenance, new construction) of the proposed improvement?

What is the estimated amount of investment in the construction of new permanent improvements on the premises?

List of proposed use and business activities:

SOAR International Ministries is requesting Assignment of Lease to Schilling Rentals, LLC for the above referenced three (3) lease lots

It is anticipated that Schilling Rentals, LLC will apply for a Lease Renewal on the three (3) lots subsequent to these assignments

**Lease Extension or Renewal\***

\*This section not required for new lease or amendment applications

Method to determine value of improvements/term for a lease renewal or expiring lease:

- Professional estimate of the remaining useful life of the principle improvement on the property
- Market value appraisal of the principle improvement on the property
- Purchase price of improvements

Submitting an application for a lease does not give the applicant a right to lease or use the land requested in the application. The application shall expire twelve (12) months after the date the application has been made if the City and the applicant have not, by that time, entered into a lease, unless the City Council for good cause grants an extension for a period not to exceed six (6) months. The City has no obligation to amend, renew or extend a lease and may decline to do so upon making specific findings as to why a lease renewal, extension, or amendment is not in the best interest of the City

|             |                     |        |           |
|-------------|---------------------|--------|-----------|
| Signature:  | <i>Richard Page</i> | Date:  | 7/22/2019 |
| Print Name: | Richard Page        | Title: | Director  |

**RECEIVED**  
 CITY OF KENAI  
 DATE 7-29-19  
 PLANNING DEPARTMENT



July 22 , 2019

City of Kenai  
210 Fidalgo Avenue  
Kenai, Alaska 99611

SOAR International Ministries would like to request that the City of Kenai assign the following leases to Shilling Rentals, LLC:

Lot 1A, Block 2, General Aviation Apron Subdivision, according to Plat No. 87-93

Lot 3, Block 1, General Aviation Apron

Lot 2, Block 3, General Aviation Apron

Richard Page  
Director, SOAR International Ministries

7-22-19  
**RECEIVED**  
CITY OF KENAI  
DATE  
PLANNING DEPARTMENT



**ASSIGNMENT OF LEASE OF AIRPORT LANDS AND FACILITIES**

This assignment is entered into between SOAR INTERNATIONAL MINISTRIES, INC. whose address is P.O. Box 1714, Kenai, Alaska 99611 (Assignor) and SCHILLING RENTALS, LLC, whose address is 420 N. Willow St., Kenai, AK 99611, (Assignee).

Assignor does hereby assign and transfer all of Assignor's interest in the leasehold estate as provided by that certain Lease of Airport Lands and Facilities with the CITY OF KENAI as Lessor, and ANDY'S FLYING SERVICE, INC., as Lessee, entered into on August 3, 1977, and recorded In Book 113 at Pages 61 -74, on August 25,1977. The Lessee's interest was assigned to SOAR INTERNATIONAL MINISTRIES, INC. on March 14, 2000, and recorded in Book 578 at Pages 269 - 272, on March 15, 2000, in the Kenai Recording District and for the following-described property:

Lot 1A, Block 2, General Aviation Apron Subdivision No. 3, according to Plat No. 87-93, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

to Assignee to have and to hold the same from the date hereof, for and during all of the remainder of the term of said Lease Agreement.

Assignee agrees to comply fully with all the terms and provisions of the Lease and any amendments thereto.

This Assignment of Lease is effective beginning on, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ASSIGNOR:

ASSIGNEE:

By: \_\_\_\_\_  
Richard L. Page  
Its: Director

By: \_\_\_\_\_  
Michael K. Schilling  
Its: Manager

ACKNOWLEDGEMENTS

State of Alaska )  
 ) ss  
Third Judicial District )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by RICHARD L. PAGE, Director of SOAR INTERNATIONAL MINISTRIES, INC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

State of Alaska )  
 ) ss  
Third Judicial District )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by MICHAEL K. SCHILLING, Manager, of SCHILLING RENTALS, LLC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

After recording, return to:  
City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611

**CITY OF KENAI**  
**CONSENT TO ASSIGNMENT**

The Assignment of that certain Lease of Airport Lands or Facilities entered into on August 3, 1977, and recorded in Book 113 at Pages 61 - 74, on August 25, 1977, in the Kenai Recording District, from SOAR INTERNATIONAL MINISTRIES, INC. whose address is P.O. Box 1714, Kenai, Alaska, 99611, to SCHILLING RENTALS, LLC, whose address is 420 N. Willow St.,Kenai, AK 99611, covering the following-described property:

Lot 1A, Block 2, General Aviation Apron Subdivision No. 3, according to Plat No. 87-93, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

is hereby ACKNOWLEDGED AND CONSENTED TO, subject to the same terms and conditions as contained in the above-described original Lease of Airport Lands and Facilities, and any and all amendments thereto.

This Consent is given by the City of Kenai without waiving any right or action, or releasing the Assignor from any liability or responsibility under the aforementioned Lease, and does not relieve the Assignee from the condition requiring the City's approval for any subsequent sublease or assignment.

Dated this \_\_\_\_day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Paul Ostrander  
City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA            )  
  ) ss  
THIRD JUDICIAL DISTRICT    )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, PAUL OSTRANDER, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires: \_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_  
Scott Bloom, City Attorney

After recording, return to:

City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611

**ASSIGNMENT OF LEASE OF AIRPORT LANDS**

This assignment is entered into between SOAR INTERNATIONAL MINISTRIES, INC. whose address is P.O. Box 1714, Kenai, Alaska 99611 (Assignor) and SCHILLING RENTALS, LLC, whose address is 420 N. Willow St., Kenai, AK 99611, (Assignee).

Assignors do hereby assign and transfer all of Assignors' interest in the leasehold estate as provided by that certain Lease of Airport Lands with the CITY OF KENAI as Lessor, and SOAR INTERNATIONAL MINISTRIES, INC. and RICHARD PAGE, Individually, as Lessees, entered into on November 29, 2004, and recorded under document number 2004-012339-0 on December 6, 2004, in the Kenai Recording District and for the following-described property:

Lot 2, Block 3, General Aviation Apron, according to Plat No. 73-68, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

to Assignee to have and to hold the same from the date hereof, for and during all of the remainder of the term of said Lease Agreement.

Assignee agrees to comply fully with all the terms and provisions of the Lease and any amendments thereto.

This Assignment of Lease is effective beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ASSIGNORS:

ASSIGNEE:

By: \_\_\_\_\_  
Richard L. Page  
Its: Director

By: \_\_\_\_\_  
Michael K. Schilling  
Its: Manager

\_\_\_\_\_  
Richard L. Page, Individually

**ACKNOWLEDGEMENTS**

State of Alaska                    )  
  ) ss  
Third Judicial District         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by RICHARD L. PAGE, Director of SOAR INTERNATIONAL MINISTRIES, INC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

State of Alaska                    )  
  ) ss  
Third Judicial District         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by RICHARD L. PAGE, Individually, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

State of Alaska                    )  
  ) ss  
Third Judicial District         )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by MICHAEL K. SCHILLING, Manager, of SCHILLING RENTALS, LLC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

After recording, return to:  
City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611

**CITY OF KENAI**  
**CONSENT TO ASSIGNMENT**

The Assignment of that certain Lease of Airport Lands entered into on November 29, 2004, and recorded under document number 2004-12339-0, on December 6, 2004, in the Kenai Recording District, from SOAR INTERNATIONAL MINISTRIES, INC., and RICHARD PAGE, Individually, whose address is P.O. Box 1714, Kenai, Alaska, 99611, to SCHILLING RENTALS, LLC, whose address is 420 N. Willow St., Kenai, AK 99611, covering the following-described property:

Lot 2, Block 3, General Aviation Apron, according to Plat No. 73-68, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

is hereby ACKNOWLEDGED AND CONSENTED TO, subject to the same terms and conditions as contained in the above-described original Lease of Airport Lands, and any and all amendments thereto.

This Consent is given by the City of Kenai without waiving any right or action, or releasing the Assignors from any liability or responsibility under the aforementioned Lease, and does not relieve the Assignee from the condition requiring the City's approval for any subsequent sublease or assignment.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Paul Ostrander  
City Manager



ACKNOWLEDGEMENT

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, PAUL OSTRANDER, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires: \_\_\_\_\_

Approved as to form:



\_\_\_\_\_  
Scott Bloom, City Attorney

After recording, return to:  
City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611

**ASSIGNMENT OF LEASE OF AIRPORT LANDS**

This assignment is entered into between SOAR INTERNATIONAL MINISTRIES, INC. whose address is P.O. Box 1714, Kenai, Alaska 99611 (Assignor) and SCHILLING RENTALS, LLC, whose address is 420 N. Willow St., Kenai, AK 99611, (Assignee).

Assignor does hereby assign and transfer all of Assignor's interest in the leasehold estate as provided by that certain Lease of Airport Lands and Facilities with the CITY OF KENAI as Lessor, and VERN LOFSTEDT, Individually, and SOUTHCENTRAL AIR, INC., as Lessees, entered into on August 19, 1985, and recorded In Book 269 at Pages 985 – 999c, on September 4, 1985. The Lessee's interest was assigned to SOAR INTERNATIONAL MINISTRIES, INC. on March 14, 2000, and recorded in Book 578 at Pages 269 - 272, on March 15, 2000, in the Kenai Recording District and for the following-described property:

Lot 3, Block 1, General Aviation Apron No 1, Amended, according to Plat No. 2004- 20, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

to Assignee to have and to hold the same from the date hereof, for and during all of the remainder of the term of said Lease Agreement.

Assignee agrees to comply fully with all the terms and provisions of the Lease and any amendments thereto.

This Assignment of Lease is effective beginning on, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ASSIGNOR:

ASSIGNEE:

By: \_\_\_\_\_  
Richard L. Page  
Its: Director

By: \_\_\_\_\_  
Michael K. Schilling  
Its: Manager

ACKNOWLEDGEMENTS

State of Alaska )  
 ) ss  
Third Judicial District )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by RICHARD L. PAGE, Director of SOAR INTERNATIONAL MINISTRIES, INC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

State of Alaska )  
 ) ss  
Third Judicial District )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by MICHAEL K. SCHILLING, Manager, of SCHILLING RENTALS, LLC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public of Alaska  
My Commission Expires: \_\_\_\_\_

After recording, return to:  
City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611

**CITY OF KENAI****CONSENT TO ASSIGNMENT**

The Assignment of that certain Lease of Airport Lands entered into on August 19, 1985, and recorded in Book 269 at Pages 985 – 999c, on September 4, 1985, in the Kenai Recording District, from SOAR INTERNATIONAL MINISTRIES, INC. whose address is P.O. Box 1714, Kenai, Alaska, 99611, to SCHILLING RENTALS, LLC, whose address is 420 N. Willow St., Kenai, AK 99611, covering the following-described property:

Lot 3, Block 1, General Aviation Apron No 1, Amended, according to Plat No. 2004- 20, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

is hereby ACKNOWLEDGED AND CONSENTED TO, subject to the same terms and conditions as contained in the above-described original Lease of Airport Lands, and any and all amendments thereto.

This Consent is given by the City of Kenai without waiving any right or action, or releasing the Assignor from any liability or responsibility under the aforementioned Lease, and does not relieve the Assignee from the condition requiring the City's approval for any subsequent sublease or assignment.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Paul Ostrander  
City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, PAUL OSTRANDER, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires: \_\_\_\_\_

Approved as to form:



\_\_\_\_\_  
Scott Bloom, City Attorney

After recording, return to:  
City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611

**KENAI COUNCIL ON AGING MEETING  
 SEPTEMBER 12, 2019 – 4:30 P.M.  
 KENAI SENIOR CENTER  
 361 SENIOR CT., KENAI, AK 99611  
<http://www.kenai.city>**

**MEETING SUMMARY**

**1. CALL TO ORDER**

The meeting was called to order by Chair Roy Williams at 4:30 p.m.

**a. Pledge of Allegiance**

Chair Williams led those assembled in the Pledge of Allegiance.

**b. Roll was confirmed as follows:**

Members Present: Williams, Geller, Nelson, Thornton, Bise,  
 Members Absent: Milewski, Weeks, Erwin, Modigh

A quorum was present.

Staff/Council Liaison  
 Present: Senior Director Romain, Council Member Glendening

**e. Agenda Approval**

Additional samples of codes of conduct were added to Item 6a.

**MOTION:**

Member Geller **MOVED** for approval of the agenda and Member Thornton **SECONDED** the motion. There were no objections. **SO ORDERED.**

2. **SCHEDULED PUBLIC COMMENTS** (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregate*) – None.

3. **UNSCHEDULED PUBLIC COMMENT** (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregate*) -- None.

**4. APPROVAL OF MEETING SUMMARY**

**a. June 13, 2019**

Member Thornton **MOVED** to approve the June 13, 2019 meeting summary and Member Geller **SECONDED** the motion. There were no objections. **SO ORDERED.**

5. **UNFINISHED BUSINESS** – None.

6. **NEW BUSINESS**

a. **Discussion/Recommendation** – Code of Conduct for the Senior Center

Discussion took place regarding development of a Code of Conduct for the Center. Several examples of codes were included in the packet, as well as additional ones distributed at the beginning of the meeting. Comments included:

- Laws and obedience;
- Being raised with strong right/wrong values;
- Intent, issues, implementation.

Concerns resulting in bringing the development of a code of conduct were noted as follows:

- Pilfering;
- That the Center was also a place of business and constant interruptions of the workers;
- Hygiene issues;
- Weapons (knives, guns, etc.);
- Drugs, alcoholic beverages, etc.

Members were requested to review the information for further discussions in future meetings with the end result of developing a code applicable to the Senior Center.

7. **REPORTS**

a. **Senior Center Director** – Romain reported the following:

- She was notified her grant application to the Rasmusson Foundation for flooring funding was approved; and,
- She applied to The Home Depot for a grant for cabinets.

b. Council on Aging Chair – No report.

c. City Council Liaison – Council Member Glendening reported the following:

- He reviewed the action agenda of the September 4 council meeting;
- Discussed the LNG plant situation;
- Provided a brief update of the bluff erosion project;
- Provided an update with regard to the cemetery expansion project.

8. **NEXT MEETING ATTENDANCE NOTIFICATION** – October 10, 2019

It was noted Member Modigh would be absent from the October meeting. There were no other notifications of expected absences for the October 10, 2019 meeting.

9. **COUNCIL MEMBERS COMMENTS AND QUESTIONS**

Councilor Williams stated his appreciation of the efforts made by the Senior Center staff and the City Council.

10. **ADDITIONAL PUBLIC COMMENT** – None.

11. **INFORMATION ITEMS** – None.

12. **ADJOURNMENT**

**MOTION:**

Member Thornton **MOVED** for adjournment and Member Geller **SECONDED** the motion. There were no objections. **SO ORDERED.**

There being no further business, the Council on Aging meeting adjourned at 5:43 p.m.

Meeting summary prepared and submitted by:

---

Jamie Heinz, CMC  
City Clerk



**KENAI AIRPORT COMMISSION  
REGULAR MEETING  
SEPTEMBER 12, 2019 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
VICE CHAIR KIMBERLY DODGE, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

Vice Chair Dodge called the meeting to order at 6:00 p.m.

**a. Pledge of Allegiance**

Vice Chair Dodge led those assembled in the Pledge of Allegiance.

**b. Roll was confirmed as follows:**

Commissioners Present: K. Dodge, P. Minelga, J. Zirul

Commissioners Absent: G. Feeken, J. Bielefeld, D. Pitts

Staff/Council Liaison Present: Airport Manager M. Bondurant

A quorum was not present.

**c. Agenda Approval**

**2. SCHEDULED PUBLIC COMMENT – None.**

**3. UNSCHEDULED PUBLIC COMMENT**

**4. APPROVAL OF MEETING SUMMARY**

a. August 8, 2019

**5. UNFINISHED BUSINESS – None.**

**6. NEW BUSINESS**

a. **Discussion/Recommendation** – SOAR International Ministries Request to Assign Leases to Schillings Rentals, LLC

**7. REPORTS**

a. Airport Manager  
b. City Council Liaison

**8. NEXT MEETING ATTENDANCE NOTIFICATION – October 10, 2019**

9. COMMISSIONER COMMENTS AND QUESTIONS
10. ADDITIONAL PUBLIC COMMENT
11. INFORMATION ITEMS
12. ADJOURNMENT

Meeting summary prepared and submitted by:

---

Jamie Heinz  
City Clerk

DRAFT

**KENAI HARBOR COMMISSION  
JUNE 10, 2019 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
CHAIR MIKE DUNN, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

Chair Dunn called the meeting to order at approximately 6:00 p.m.

**a. Pledge of Allegiance**

Chair Dunn led those assembled in the Pledge of Allegiance.

**b. Roll Call**

Roll was confirmed as follows:

Commissioners present: Chair M. Dunn, Vice-Chair C. Crandall, B. Peters, G. Greenberg, J. Desimone, N. Berga, C. Hutchison

Commissioners absent:

Staff/Council Liaison present: Public Works Director S. Curtin, City Manager P. Ostrander, Assistant to City Manager C. Cunningham, City Attorney S. Bloom Administrative Assistant K. Feltman, Council Member J. Glendening

A quorum was present.

**c. Agenda Approval**

**MOTION:**

Commissioner Crandall **MOVED** to approve the agenda and Commissioner Peters **SECONDED** the motion. There were no objections; **SO ORDERED**.

**2. SCHEDULED PUBLIC COMMENTS – (10 minutes) None scheduled.**

**3. UNSCHEDULED PUBLIC COMMENT – None.**

**4. APPROVAL OF MEETING SUMMARY**

a. June 10, 2019

**MOTION:**

Commissioner Peters **MOVED** to approve the meeting summary of June 10, 2019; and Commissioner Crandall **SECONDED** the motion. There were no objections; **SO ORDERED**.

**5. UNFINISHED BUSINESS**

a. **Discussion** – Potential for Dredging at the City Dock

Public Works Director Curtin reported that dredging is accomplished by engaging the Corps of Engineers and would cost between \$500,000 and \$1 million. He added that he would reach out to the Corps of Engineers and, if any new information was provided, he would provide an update at a future Commission meeting.

6. **NEW BUSINESS**

a. **Discussion/Recommendation** – Land Sale and Leasing Policies and Procedures Presentation

City Manager Ostrander and Assistant to City Manager Cunningham presented on proposed changes to the Land Sale Leasing Policy noting the administration was striving for uniform policies for both leasing and sale, development of a Land Management Plan, and being proactive instead of reactive with the sale or leasing of City land.

b. **Discussion/Recommendation** – Ordinance No. 3072-2019

City Attorney Bloom reviewed the ordinance explaining the policy changes suggested by administration.

c. **Discussion/Recommendation** – Assignment of Shore Fishery Lease – Tract 2, Shore Fishery Plat No. 71.

Not discussed.

d. **Discussion/Recommendation** – Assignment of Tidelands Lease – Tract B, Kenai Tidelands Survey No. 2, According to Plat No. 89-2.

Not discussed.

7. **REPORTS**

a. **Public Works Director** – S. Curtin reported on the following:

- Working with the Insurance Adjuster and engineers on dock repairs;
- Well house damage from the earthquake;
- Potential lessee for dock next year;
- Special Use Permit for dock use working well this year;
- Dock & Harbor Survey results to be provided at the next meeting.

b. **Commission Chair** – M. Dunn asked about the following:

- Asked about an update on the Airport Terminal Rehabilitation Project;
- Asked about a better way to record fish counts during dipnet.

c. **City Council Liaison** – J. Glendening thanked the Public Works Director and the team that developed the Land Sale and Leasing Policies and Procedures and provided an overview of the August 7<sup>th</sup> City Council meeting.

8. **NEXT MEETING ATTENDANCE NOTIFICATION** – September 9, 2019

**MOTION:**

Commissioner Hutchison **MOVED** to move the September meeting to September 16 and Commissioner Crandall **SECONDED** the motion. There were no objections; **SO ORDERED**.

**9. COMMISSIONER COMMENTS AND QUESTIONS**

Commissioner Peters thanked staff for participating.

Commissioner Crandall thanked the Public Works Director for the update regarding the City Dock, Coast Guard follow-up, and dipnet follow-up; also thanked staff for making the dock accessible.

Commissioner Desimone spoke about the Coast Guard presence and safety on the river; thanked the Public Works Director for smooth operations at the dock during the dipnet fishery.

Commissioner Hutchison thanked the Public Works Director.

Commissioner Berga noted a donation of salmon to the Food Bank; a festival event being planned for next June to include a fish bake; management of fish was the responsibility of Fish & Game.

**10. ADDITIONAL PUBLIC COMMENT** – None.

**11. INFORMATION ITEMS** – None.

**12. ADJOURNMENT**

**MOTION:**

Commissioner Hutchison **MOVED** to adjourn and Commissioner Peters **SECONDED** the motion. There were no objections; **SO ORDERED**.

There being no further business before the Commission, the meeting was adjourned at 8:34 p.m.

Meeting summary prepared and submitted by:

---

Jamie Heinz, CMC  
City Clerk

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
SEPTEMBER 11, 2019 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
VICE CHAIR DIANE FIKES, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

Commission Vice Chair Fikes called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

Commission Vice Chair Fikes led those assembled in the Pledge of the Allegiance.

2. Roll Call

Commissioners present: Vice-Chair D. Fikes, J. Halstead, V. Askin, G. Greenberg

Commissioners absent: Chair J. Twait, R. Springer, T. McIntyre

Staff/Council Liaison present: City Planner E. Appleby, Planning Assistant W. Anderson,  
City Clerk J. Heinz, Council Liaison B. Molloy

A quorum was present.

3. Agenda Approval

**MOTION:**

Commissioner Halstead **MOVED** to approve the agenda and Commissioner Greenberg **SECONDED** the motion.

There were no objections on the amendment; **SO ORDERED.**

4. Consent Agenda

**MOTION:**

Commissioner Askin **MOVED** to approve the consent agenda and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED.**

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

5. \*Excused absences – Chair J. Twait, Commissioner R. Springer, Commissioner T. McIntyre

**B. APPROVAL OF MINUTES**

1. \*August 28, 2019

The minutes were approved by the Consent Agenda.

**C. SCHEDULED PUBLIC COMMENT – None.**

**D. UNSCHEDULED PUBLIC COMMENT – None.**

**E. CONSIDERATION OF PLATS – None.**

1. **Resolution PZ2019-36** - Original Preliminary Plat of Bridge Road Subdivision 2019 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Peninsula Mini Storage LLC, 47 Spur View Dr., Kenai, AK 99611.

**MOTION:**

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-36 and Commissioner Halstead **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the plat would vacate a property line between four lots creating two lots, one to be developed as mini-storage and the other to be leased to a third party. She also noted special arrangements through Ordinance No. 2009-2017 for water and sewer that would remain in place. It was recommended the preliminary plat be approved with the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations;
- A City of Kenai Water and Sewer Waiver Agreement be signed for the new parcel with the new owner.

Vice Chair Fikes opened the floor for public testimony; there being no one wishing to be heard, public comment was closed.

Clarification was provided there were no utilities in the easement and there were no objections to vacation.

**VOTE:**

YEA: Greenberg, Fikes, Askin, Halstead

NAY:

**MOTION PASSED UNANIMOUSLY.**

**F. PUBLIC HEARINGS – None.**

**G. UNFINISHED BUSINESS** – None.

**H. NEW BUSINESS**

1. **Resolution PZ2019-38** - Application for Transfer of Conditional Use Permit PZ15-28, for Professional Office in a Rural Residential Zone, from Clifford and Kristin Smith, to VIP Monitoring Services, LLC, located at 2785 Beaver Loop Road, and described as a portion of the NW ¼, Section 11, Township 5 North, Range 11 West, Seward Meridian.

**MOTION:**

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-38 and Commissioner Halstead **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the Conditional Use Permit was for a professional office and would be transferred for the same use to VIP Monitoring Services, LLC, and recommended approval with the following condition:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations;
- Property owner must obtain a sign permit prior to placing a sign on the premises to advertise the business;
- Property owner must provide five (5) parking spaces and one of the spaces must be an ADA parking space pursuant to the guidelines as set forth in the 2009 International Building Code;
- Property owner shall submit an annual report for the Conditional Use Permit as set forth in KMC 14.20.150(f).

Vice Chair Fikes opened the floor for public testimony.

Clifford Smith noted Stacy Smith, the new owner, was also present and requested approval noting the new owners would be operating the same business.

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

Clarification was provided the most recent annual report was conducted in November with no issues.

**VOTE:**

YEA: Greenberg, Fikes, Askin, Halstead

NAY:

**MOTION PASSED UNANIMOUSLY.**

**I. PENDING ITEMS** – None.

**J. REPORTS**

1. **City Council** – Council Member Molloy reported the Council participated in a Work



Session regarding Ordinance No. 3072-2019, an ordinance amending the land sale and leasing policies and procedures, noting amendments were suggested and, at the September 4<sup>th</sup> regular meeting an amendment was made to substitute the ordinance and it was ultimately postponed to their first meeting in October. He also reviewed the action agenda from the September 4 meeting.

2. **Borough Planning** – Vice-Chair Fikes reported action from the September 9 Borough Planning Commission and Platting Committee meetings.
3. **Administration** – City Planner Appleby reported on the following:
  - A public meeting in Nikiski regarding the Draft Environmental Impact Study for the AK LNG Project which was open for comment;
  - Staff inspected a gravel pit, a report of which would become a part of her annual report to the Commission on gravel pits;
  - Reviewed upcoming matters for the Commission;
  - The consultant assisting with the Hazard Mitigation Plan would be coming to a future meeting to discuss the plan.

**K. ADDITIONAL PUBLIC COMMENT** – None.

**L. INFORMATIONAL ITEMS** – None.

**M. NEXT MEETING ATTENDANCE NOTIFICATION** – September 25, 2019

**N. COMMISSION COMMENTS & QUESTIONS**

Commissioner Askin commended Vice Chair Fikes for chairing the meeting.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:33 p.m.

Minutes prepared and submitted by:

---

Jamie Heinz, CMC  
City Clerk



*"Village with a Past, City with a Future"*


210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

**MEMORANDUM**

**TO:** Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Mary Jo Joiner  
**DATE:** September 4, 2019  
**SUBJECT:** Library Mid-Month Report

**AUGUST Circulation Figures**

|                      |              |                        |              |
|----------------------|--------------|------------------------|--------------|
| Adult Fiction        | 1,424        | Internet Access        | 825          |
| Adult Non-Fiction    | 1,013        | iPad use               | 160          |
| Young Adult Fiction  | 217          | Games                  | 4            |
| Periodicals          | 68           | Room Booking           | 131          |
| Juvenile Fiction     | 382          | Music                  | 27           |
| Juvenile Non-Fiction | 399          | DVDs                   | 1,972        |
| Easy Fiction         | 970          | Audio books            | 90           |
| Easy Non-Fiction     | 172          | Miscellaneous          | 91           |
| Interlibrary Loan    | 0            | Computer Programs      |              |
| Books – Consortium   | 255          | Media – Consortium     | 145          |
| <b>Total Print</b>   | <b>4,900</b> | <b>Total Non-Print</b> | <b>3,445</b> |

|   |                               |              |                                 |            |
|---|-------------------------------|--------------|---------------------------------|------------|
|  | <b>Total Circulation 8/19</b> | <b>8,345</b> | <b>Downloadable Audio</b>       | <b>710</b> |
|   | <b>Total Circulation 8/18</b> | <b>9,769</b> | <b>Downloadable EBooks</b>      | <b>553</b> |
|   | <b>% change</b>               | <b>-14%</b>  | <b>% change in downloadable</b> | <b>0%</b>  |
|   | <b>In-House circulation</b>   | <b>263</b>   |                                 |            |





**Library Door Count..... 7,687**

**Income**

|                     |                  |
|---------------------|------------------|
| Fines               | \$ 399.15        |
| Xerox               |                  |
| Lost/Damaged        | 1.00             |
| Test Proctoring Fee |                  |
| Printing            | 300.75           |
| <u>Other</u>        |                  |
| <b>Total income</b> | <b>\$ 700.90</b> |



**Library Cards Issued AUGUST**

|                 |           |
|-----------------|-----------|
| Anchor Point    | 1         |
| Kasilof         | 1         |
| Kenai           | 32        |
| Nikiski         | 8         |
| Non-Resident    | 7         |
| Other Peninsula | 5         |
| <u>Soldotna</u> | <u>8</u>  |
| <b>Total</b>    | <b>62</b> |

**Programs**

In August 4 volunteers worked about 33 hours. There were 17 children's programs with 450 total in attendance, and 12 adult and family programs with 314 attendees.

The summer food program served 140 meals to children.



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** September 2019  
**SUBJECT:** Mid-Month Report; Public Works / Capital Projects

- Terminal Building Rehabilitation Project – Blazy Construction was issued a Notice to Proceed on October 1, 2018. The project is approximately 68% complete to date. *Inside the facility Ravn's new space has now been reopened. New baggage conveyors have been installed for both Ravn and baggage claim. See photos below. Exterior sidewalks and snow melt systems continue to be installed. The roofing remains 85% complete, with final roof completion anticipated by end of September. Project Completion date remains scheduled for February 2, 2020. The A/E Team and Contractor have processed roughly 98% of the required submittals, as well as responding to 225 RFIs; 125 Change Requests have been processed through Five Change Orders to date; the project is proceeding well.*



*Ravn's New Space*



*New Baggage Conveyor*



- Automated Flight Service Station Renovations Phase 3 (Interior remodel) – Invitations to Bid were released on November 16, 2018 with Bids due on December 14, 2018. Ordinance 3049-2019 was enacted on February 20, 2019 accepting additional Funding from the FAA for the Project to be completed as requested. Polar North Construction was issued a formal Notice of Award on February 27, 2019; Agreement has been executed with a Notice to Proceed issued on March 14, 2019. *Update: The FAA is now utilizing all spaces within the project. Contractor is awaiting delivery of a few ADA lockers, project will begin close out later this month. All other work is completed and accepted.*
- WWTP Improvements – The combined Aeration Blower Replacement / DO Probes project Invitation to Bid was released on February 13, 2019 with Bids due on March 27, 2019. Two Bids were received with Peninsula Construction being the lowest responsive and responsible bidder. The City elected to execute a deductive alternate #1 which removed the digester blowers and associated DO probe from the project for budget purposes. Executed Contract is for \$1,035,000.00 and shall provide for complete replacement of the three Aeration Basin Blowers and associated DO Probes and analyzer. Project is anticipated to take place throughout the summer with completion in the fall. Council approved the project through Resolution 2019-21 at the April 3, 2019 meeting. Notice to Award was issued to Peninsula Construction on April 10, 2019. *Update: The Blowers, Stainless Steel blower piping, DO Probes and Controller are nearing completion with Startup scheduled for the end of September ahead of schedule! See photos below.*



*Stainless Piping installed*



*New Blowers installed*



- Dock repair – The City Dock received some new damages as a result of the November 30, 2018 Earthquake. Public Works and Finance are coordinating with the insurance company to complete an Engineer's assessment of the damages. Anticipating the current project documents being modified to account for the new damages. Insurance company and engineer will be on site 6/21 to further inspect the property from the water. *Update: Due to weather conditions Engineer rescheduled for August 2, 2019 high tide to complete inspection of trestle from boat. A report was provided on August 28, 2019 identifying eight additional areas requiring modification. Working with Insurance Company to get the project docs finalized and out for bid.*
- Recreation Center Improvements – Grant extension was requested to allow additional time to coordinate with other projects. *Finalizing a grading & storm water drainage project which will include a small retaining wall on the southwest side of building.*
- Kenai Cemetery Expansion 2018 – Project Documents were recently finalized. The Public Works Department is completing a majority of this work in house. Storm Water Protection Plan has been developed and submitted with the state. *Clearing of the site is now complete, installation of parking lot base is now complete. Project will now be on hold until spring when fencing, HEA Power, and asphalt work will be completed.*
- Peninsula Avenue Bluff Erosion 2018 – Design Documents are now 100% complete. Invitation to Bid is pending, working with Granting agency for approval to advertise.
- Alaska Regional Fire Training Facility – RFP for Engineering, Design, and Construction Administration Services Released March 14, 2019 with Proposals due on April 4, 2019. A Professional Services Agreement was executed with Morrison Maierle on May 8, 2019. On June 4, 2019 a Preliminary Design Report was received detailing the deficiencies throughout the property. *On July 31, 2019 Final Design Bid Documents were received from Morrison Maierle and two formal Invitation's to Bid were released on August 1, 2019 with Bids due on August 29, 2019. The project was split into to two parts one for equipment related work and the other for Building related work to promote a more competitive bidding environment. Kirila Fire Inc was the lowest of three responsive and responsible bidders for the Equipment project with a successful bid of \$1,993,000. Orion Construction Inc. was the lowest of two responsive and responsible bidders for the Building project with a successful bid of \$1,938,755. Resolutions 2019-61&62 were approved at the 9/4/19 Council Meeting authorizing the award of these contracts and acceptance of an FAA grant which is covering 93.75% of the costs.*
- Kenai Municipal Airport Crack Seal and Pavement Marking – The City released a formal Invitation to Bid on May 7, 2019 with Bids received on 5/28/19. Two Bids were received with Northwest Contracting dba Pacific Asphalt being the lowest responsive responsible bidder at \$713,998.50. Notice to Proceed was issued on July 11, 2019 to Northwest Contracting LLC, *the project is approximately 95% complete; with the passage of Ordinance 3078-2019 which added additional funds, \$169,900, to complete some additional crack sealing and hydro-*



*blasting as requested through Change Order 1. Substantial Completion per the contract is September 24, 2019 and the Contractor remains on schedule to meet this date.*

- USACE Bluff Erosion – See City Manager’s report. Director’s Report from the Army Corp of Engineers was signed April 10, 2019.
- DOT KSH Rehabilitation (Widening to 5 lanes) Phase 1 Swires Rd. to Eagle Rock Dr. - The bid was on March 30, 2018. City of Kenai water main replacement crossing KSH at Shotgun/Beaver Loop designed, funded, and will be bid with DOT project. The 16” new water main associated with this project has now been installed under the Highway. *Update: Wolverine continues with the project, half of the roadway has now been paved, remaining half has final sub-base being compacted for additional paving taking place later this month.*
- DOT KSH Rehabilitation (Widening to 5 lanes) Phase 2 Eagle Rock Dr. to Sports Lake – *ADOT advises this project will may have some right of way clearing taking place before winter with the majority of the work taking place next year.*
- DOT Beaver Loop Road and Pedestrian Pathway Project – QAP was awarded the project. Signage was posted the week of June 10<sup>th</sup>, clearing of the right of ways and directional boring of utilities is actively underway. DOT advises final asphalt for both the new road and bike path will not be until May/June 2020. *Update: Subgrade and driveway approaches continue to be worked on for this period.*





*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Mary Bondurant, Airport Manager  
**DATE:** September 10, 2019  
**SUBJECT:** **September Mid-month Report**

---

2018 Terminal Rehabilitation Project – Construction: This project is well underway with new changes every week. RAVN's new ticket counters were opened up on September 7, 2019.

2019 Airfield Marking, Crack Sealing, & Pavement Repair – This project is around 90% complete and should be complete in another week (weather permitting).

2019 Alaska Fire Training Facility Rehabilitation & Acquire Aircraft Rescue and Firefighting Trucks (ARFF) – This project was bid and a request to award along with a grant application was sent to the FAA on September 4, 2019. At the direction of the FAA, the new ARFF trucks were rolled into the grant for the rehab of the training props and the building.

### In-house Activities –

Tri-annual Mass Casualty – A requirement of CFR 139.325 for a holder of a Class 1 Airport Operating Certificate is a full-scale mock airport emergency plan exercise at least once every 36 consecutive calendar months. This drill is scheduled for October 2, 2019. The Kenai Municipal Airport Emergency Control Plans (AECPP) have been delivered to all plan participants. If you would like to volunteer, please call 283-7951.

Out of Office – Airport Manager will be out of the office from Saturday, September 21<sup>st</sup>, through September 25, 2019 to attend the Northwest AAAE Conference in Fairbanks, AK. I will be back in the office on Thursday, September 26<sup>th</sup>.







*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**THROUGH:** Dave Ross, Police Chief  
**FROM:** Jessica "JJ" Hendrickson, Animal Control Chief  
**DATE:** September 3, 2019  
**SUBJECT:** August 2019 Monthly Report

This month the Kenai Animal Shelter took in **118** animals. Animal intake and disposition:

| DOGS:          |                    |           |                       |           |
|----------------|--------------------|-----------|-----------------------|-----------|
|                | INTAKE             | <b>38</b> | DISPOSITION           | <b>30</b> |
|                | Waiver             | 6         | Adopted               | 11        |
|                | Stray              | 20        | Euthanized            | 1         |
|                | Impound            | 3         | Claimed               | 18        |
|                | Protective Custody | 3         | Field Release         | 0         |
|                | Quarantine         | 1         | Transferred to Rescue | 0         |
|                | Other Intakes      | 5         | Other Dispositions    | 0         |
| CATS:          |                    |           |                       |           |
|                | INTAKE             | <b>74</b> | DISPOSITION           | <b>67</b> |
|                | Waiver             | 32        | Adopted               | 23        |
|                | Stray              | 41        | Euthanized            | 5         |
|                | Impound            | 0         | Claimed               | 9         |
|                | Protective Custody | 0         | Field Release         | 0         |
|                | Quarantine         | 0         | Transferred to Rescue | 30        |
|                | Other Intakes      | 1         | Other Dispositions    | 0         |
| OTHER ANIMALS: |                    |           |                       |           |
|                | INTAKE             | <b>6</b>  | DISPOSITION           | <b>4</b>  |
|                | Rabbit             | 4         | Ferret                | 1         |
|                | Ferret             | 1         | Guinea Pig            | 2         |
|                | Guinea Pig         | 1         | Rabbit                | 1         |



|      |          |                                       |    |
|------|----------|---------------------------------------|----|
| DOA: | <b>3</b> | OTHER STATISTICS:                     |    |
| Dog  | 2        | Licenses (City of Kenai Dog Licenses) | 10 |
| Cat  | 1        | Microchips (Dog and Cat)              | 2  |

- 18** Animal dropped with After Hours (days we are closed but cleaning and with KPD)
- 44** Animals are *known* borough animals
- 18** Animals are *known* City of Kenai
- 29** Animals are *known* City of Soldotna
- 2** Animals from unknown location
- 30** Field Investigations & patrols
- 55.21** Volunteer Hours Logged
- 2** Citations
- 1** Educational Outreach

Statistical Data:

- 554** 2017 YTD Intakes
- 540** 2018 YTD Intakes
- 623** 2019 YTD Intakes





*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
[www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Terry Eubank, Finance Director  
**DATE:** September 11, 2019  
**SUBJECT:** **Finance Department, September 2019 Mid-month Report**

The department has been closing the books on FY2019 and preparing for the annual audit scheduled for the week of October 7<sup>th</sup>. Financial statements are being drafted with anticipation of issuing late in November followed by an auditor presentation to Council in early December.

The implementation of electronic timesheets is underway with a goal of all departments utilizing electronic timesheets by the end of the fiscal year. Electronic timesheet increase efficiency by eliminating multiple points of data entry but more importantly provide departments with the ability to track employee time in greater detail.

IT is working to complete the public safety building camera project. The project includes installation of 24 cameras, installation of a new video server, and software configuration. Funds for the project were provided by a grant.

Telephones have been provided to the Kenai Visitor Center by the City effective August 29<sup>th</sup>. Providing of phones and internet to the building included new equipment installation and training of Visitor Center Staff.

An application for the Government Finance Officers of the United States and Canada's distinguished budget presentation has been submitted. Review of the document typically takes months before issuance of the award or detailed comments on areas needing improvement or inclusion before receiving the award.





*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Elizabeth Appleby, City Planner  
**DATE:** September 9, 2019  
**SUBJECT:** **Planning and Zoning August 2019 Report**

Below are a summary of activity in August 2019 for the Planning and Zoning Department.

### Planning and Zoning Commission Agenda Items and Resolutions

The Planning and Zoning Commission approved of one conditional use permit, one plat, two recommendations to City Council to amend Kenai Municipal Code, recommended approval of one lease of land within the Airport Reserve, had one discussion item, and had one work session:

- Resolution PZ2019-31 - The Original Preliminary Plat of Evergreen Subdivision 2019 Replat, submitted by McLane Consulting, Inc., P.O. Box 498, Soldotna, AK 99669, on behalf of Wallace and Leona Jackson, P.O. Box 1948, Kenai, AK 99611
- Resolution PZ2019-27 - Application for a Conditional Use Permit to Operate an Approximately Retail Marijuana Store Described as Lot 2, C Plaza Subdivision and Located at 12516 Kenai Spur Highway. The application was submitted by ACG, LLC, 5455 Kenai Spur Highway, Kenai, AK 99611
- Resolution PZ2019-29 - Recommending the Council of the City of Kenai Amend Kenai Municipal Code 14.20.330 - Standards for Commercial Marijuana Establishments, to Incorporate Hours of Operation for Retail Marijuana Establishments into the City of Kenai's Code of Ordinances



- Resolution PZ2019-32 - Recommending the Council of the City of Kenai Enact Ordinance 3072-2019 to Renaming, Repealing, and Re-enacting Kenai Municipal Code Title 22-General Fund Lands, Renaming Title 21-City Airport and Airport Lands, and Repealing Kenai Municipal Code Chapter 21.15-Lease and Sale of Airport Lands Outside of the Airport Reserve to Encourage Responsible Growth and Development to Support a Thriving Business, Recreation and Cultural Community through Responsible Land Policies and Practices.
- Action/Approval - Application for Lease of City-owned Land within the Airport Reserve Described as a Portion of Tract A, General Aviation Apron Subdivision No. 2 and Located at 209 N. Willow Street. The application was submitted by SOAR International Ministries, P.O. Box 1714, Kenai, AK 99611.
- Discussion Item - Resolution PZ2019-33 - Recommending the Kenai City Council Amend Kenai Municipal Code 14.20.175 - Adult Businesses, To Increase The Buffer Distances Between Adult Businesses And Sensitive Uses From 500 Feet To 1,000 Feet And Define Sensitive Uses
- Work Session - iPad training for Commissioners

#### Code Enforcement

7 cases were opened in August 2019 for Garbage or Debris & Junk.

1 case was opened in August 2019 for an Abandoned Vehicle.

Staff responded to 3 complaints for gravel pits for dust, activity within the buffer zone, and worked with ADF&G to respond to a potential anadromous stream violation. All have been resolved.



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
[www.kenai.city](http://www.kenai.city)

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Robert J. Frates, Parks & Recreation Director

**DATE:** September 10, 2019

**SUBJECT:** **Mid-month Activity Report**

The month of August was particularly challenging for our maintenance staff due to the shortage of rainfall. The staff responsible for watering flowers are to be commended for keeping all the flowerbeds and planters watered during this difficult stretch of time. The number of mowing hours, on the other hand, are comparatively low from previous years since some of the lawn areas went dormant and had very little growth.

Below is a list of work accomplishments and activities:

- A total of six bike racks have been received by the department with another two anticipated; the department plans to get these installed this fall.
- A total of 9 shelter reservations occurred during the month of August.
- The department received its third Little Free Library. This is the second one donated by Joe Halstead. The plan is to install this one at Daubenspeck Family Park.
- The National Park Service Rivers, Trails and Conservation Assistance Program (RTCA) has selected the Kenai Community Dog Park project to receive technical assistance in the federal fiscal year 2020 (October 1, 2019 – September 30, 2020). A collaborative work plan for the upcoming year will be developed.
- The Industry Appreciation Picnic (August 24, 2019) saw record attendance.
- An estimated three (3) tons of trash was removed from our park system during the month of August and another 21 hours cleaning restrooms.
- The department participated in a collaborative community weed-pull with the Kenai Watershed Forum and folks with the Kenai Cooperative Weed Management Area.
- A total of 19 spruce bark beetle kill trees were removed by the department in August. Areas included the Kenai cemetery and along Ryan's Creek Trail.
- Kenai Little League has expanded their program and implemented a fall ball program.





*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
 Telephone: (907) 283-7535 | Fax: (907) 283-3014  
 www.kenai.city

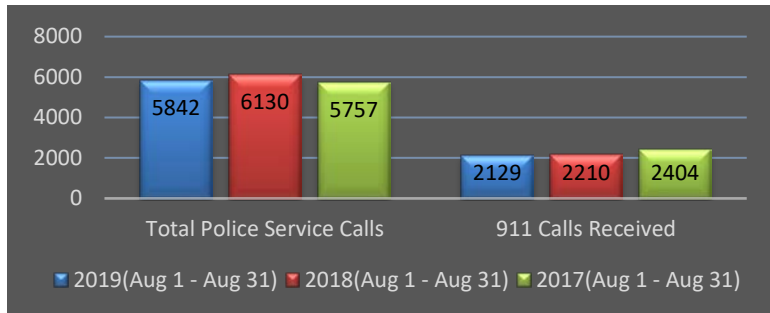
**MEMORANDUM**

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** David Ross, Police Chief  
**DATE:** September 5, 2019  
**SUBJECT:** **Police & Communications Department Activity – August 2019**

Police handled 779 calls for service in August. Dispatch received 335 9-1-1 calls. Officers made 66 arrests. Traffic enforcement resulted in 164 traffic contacts and 63 traffic citations. There were 9 DUI arrests. Officers investigated 12 motor vehicle crashes. There were two collisions involving moose. There were two collisions involving drugs or alcohol.

August training included: The KPD officer on the SERT team completed two days of training. One officer attended two week of defensive tactics instructor training in Nebraska. Four officers attended a one day firearms training in Kenai. One new hire continued through the month of August at the DPS Academy in Sitka.

We continue to operate short staffed with one new officer at the police academy and two other vacancies are in the process of being filled. We have communicated with the School District our inability to maintain a School Resource Officer position this year do to staffing, however, we do anticipate trying to continue teaching some classes like D.A.R.E.





*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

**MEMORANDUM**

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Kathy Romain, Senior Center Director  
**DATE:** September 9, 2019  
**SUBJECT:** August 2019 Monthly Report

|  |                        |
|--|------------------------|
| Congregate Meals Served (Dining Room)                    | 1477                   |
| Home Delivered Meals                                     | 1456                   |
| Volunteer Hours  | (25 individuals) = 337 |
| Unassisted Transportation Rides                          | 399                    |
| Assisted Transportation Rides                            | 145                    |
| Social Security Video Service                            | 32 individuals         |
| Senior Center Rentals                                    | 2                      |
| Total Event Sign-Ins (through MySeniorCenter)            | 2703                   |
| Total Unduplicated Participants (through MySeniorCenter) | 319                    |

August activities highlights included:

- The Senior Center once again hosted the Anchorage Bowl Chamber Orchestra on August 7. This was the group’s second performance at our Center this summer and with over 100 in attendance, they will be back again next year.
- The Mystery Drive started out at ADF&G to check out the animal and fish mounts. The next stop was at a local master gardener Kathy Haas’ to learn about veggies, flowers and berries and the garden she propagates from seed. She sent them with goodie bags from the garden and herbs they could raise at home. The traditional ice cream stop was next on the list as well as a drive-by of area gardens. The group continued on to Snowshoe Gun Club to tour the facility and grounds.
- Our No-Host Dinner to Cooper Landing and the Russian River Hike were both cancelled this month due to the smoke from the Swan Lake Fire.
- August 29 was the 24<sup>th</sup> Annual Old Timer’s Luncheon, hosted this year by the Porter & Taurianien families. Turkey, stuffing and all of the extras along with stories of life on the homestead made for an ideal time for the full house.





PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW

COUNCIL MEETING OF: SEPTEMBER 18, 2019

| <b>VENDOR</b>           | <b>DESCRIPTION</b>       | <b>DEPT.</b>     | <b>ACCOUNT</b>       | <b>AMOUNT</b> |
|-------------------------|--------------------------|------------------|----------------------|---------------|
| BEST TRANSIT MIX        | WINTER SAND              | STREET           | OPERATING SUPPLIES   | 9,000.00      |
| ALERT-ALL CORP.         | FIRE PREVENTION SUPPLIES | FIRE             | OPERATING SUPPLIES   | 3,138.14      |
| EN POINTE TECHNOLOGIES  | VMWARE RENEWAL           | NON-DEPARTMENTAL | SOFTWARE             | 3,120.32      |
| SUPERIOR ELECTRIC MOTOR | FLYGT PUMP REPAIR        | SEWER            | REPAIR & MAINTENANCE | 7,078.45      |
| CROWLEY                 | FLOAT PLANE FUEL         | AIRPORT          | OPERATING SUPPLIES   | 4,500.00      |
| HENRY SCHEIN INC.       | MISC EMS SUPPLIES        | FIRE             | OPERATING SUPPLIES   | 3,812.03      |



September 2019 Newsletter

## Kenai Historical Society

P.O. Box 1348  
Kenai, Alaska 99611

### Officers:

President—June Harris  
Vice President—Virginia Walters  
Secretary—Sharon Fisher  
Treasurer—Ron Fullinck

### Board of Directors:

|                  |                |
|------------------|----------------|
| Jim Glendenning  | Joe Harris     |
| Henry Knackstedt | Bill Nelson    |
| Marion Nickelson | Frosty Walters |

## Preserving History

"A fire starting from road construction on June 3, 1947, burned relatively unimpeded for six weeks until extinguished by late summer rains. (At this time, forest fire control organizations were inadequately equipped to cope with fires of this size.) The heart of the lowland (310,000 acres) from Skilak Lake northwest to Swanson River was burned."

From *Moose and Fire on the Kenai* by David Spencer and John Hakala 1964

**Credit to Jim Taylor for posting this in "A Work in Progress, Growing Up on the Kenai"**

*For perspective, the Swan Lake Fire, as of September 1, has reached 162,179 acres and is 29% contained. Editor*



KENAI HISTORICAL SOCIETY NEWSLETTER

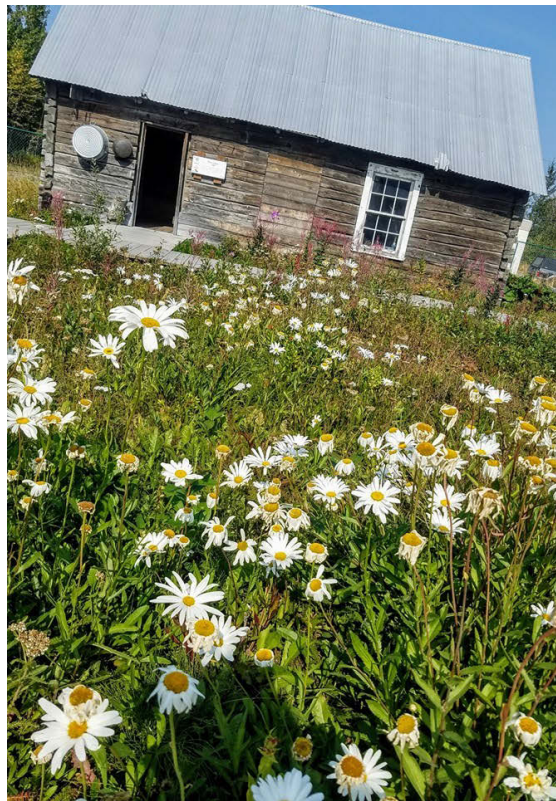
Written by Sharon Fisher

If you would like to contribute ideas and information to the newsletter, please contact me at 776-8254. I welcome and would entertain any ideas you may have for articles, and would appreciate being contacted if you see errors in the information contained in the newsletter.

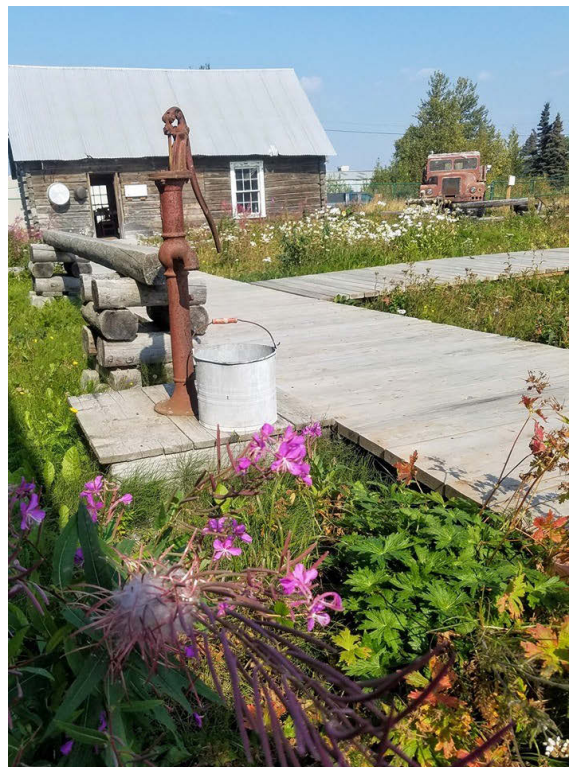


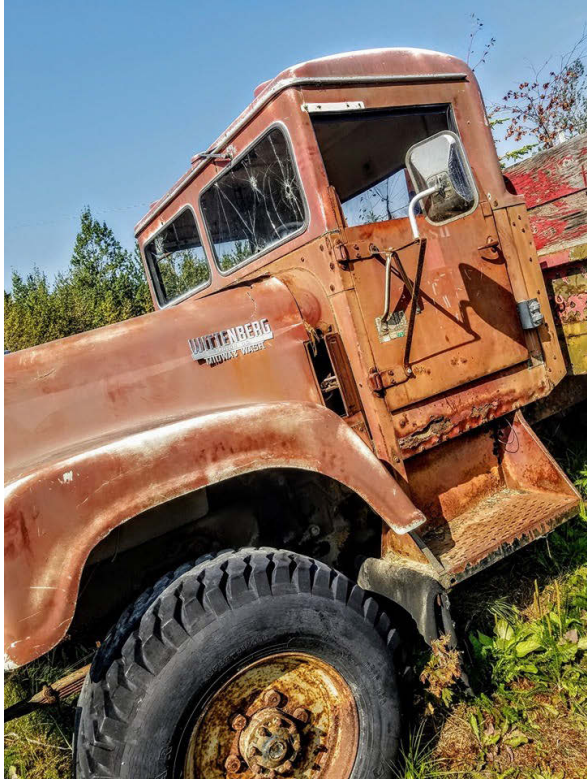
KENAI's  
4TH OF JULY  
PARADE  
2019

This beautifully-restored 1946 Chevrolet pickup was our ride in the parade. Owner Freddie Pollard (pictured above right) donated the use of this vehicle for the Kenai Historical Society, with Frosty and Virginia Walters representing our group in the parade. Freddie is President of the Kaknu Kruisers and will be speaking at our meeting in November. This pickup has a lengthy history in Kenai. It first came to Alaska as part of the equipment brought up with the Air Force to the Wildwood Station. It was new, painted blue, and bore the number P21 when it arrived for service. Freddie acquired it about 25 years ago from a man in Sterling, replaced the engine, restored the entire vehicle, and painted it yellow.

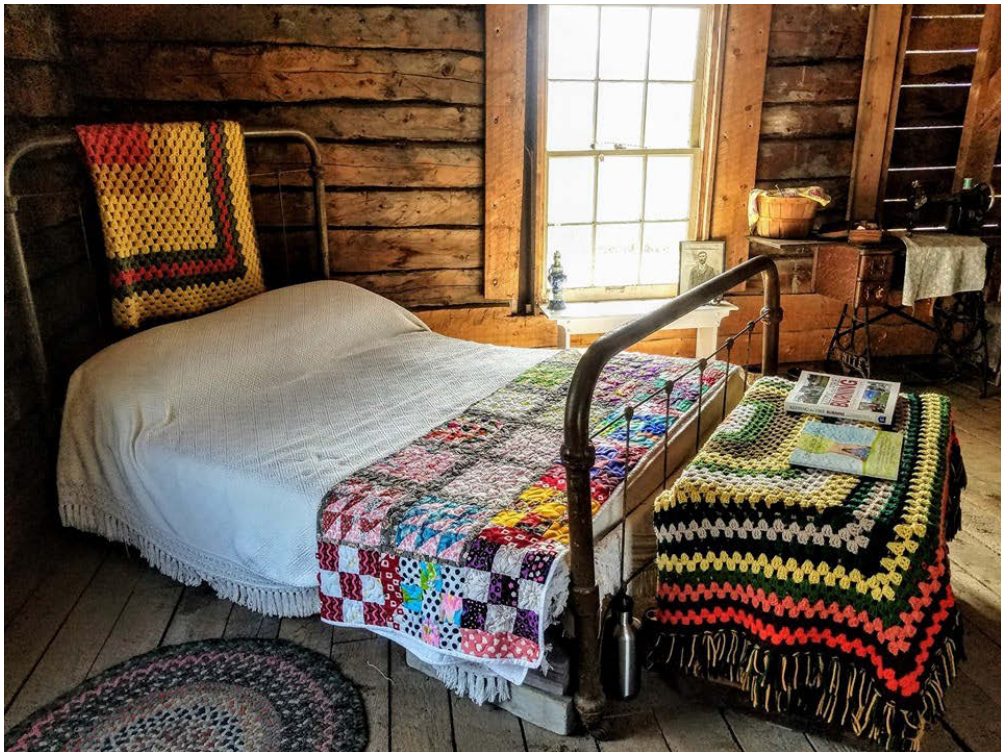


Photographs of Alaska's wild-life, pets, people.....  
Sybille Castro Nikiski Alaska





Through the eyes of an artist—Nikiski photographer Sybille Castro of Nikiski visited the Historic Cabins Park in August of this year and took these beautiful photos. Her facebook link is posted on the previous page. Please visit and look at more of her work.





P.O. Box 1348  
Kenai, AK 99611

[kenaihistory@gmail.com](mailto:kenaihistory@gmail.com)

MINUTES \*\*\* APRIL 2019

On Sunday, April 7, 2019, the Kenai Historical Society met at the Kenai Visitor's and Convention Center in Kenai. President June Harris opened the meeting at 1:33 p.m.

The minutes of the March 2019 meeting were reviewed by the membership and with two typos to be corrected were approved as written.

The treasure report shows the Alaska USA checking balance stands at \$13,754.03 and our Credit Union Money Market account balance is \$10,324.65. The Kenai Community Foundation balance as of December 31, 2018 stands at \$57,164.03 (from \$50,000.00 invested on February 18, 2016). Motion and 2<sup>nd</sup> by Virginial Walters and Jim Glendenning approved the report. The Board will be meeting with the Edward Jones Account manager to discuss any potential changes to the account

Old Business:

The Cabin Fund Balance of \$14,027.11, with \$6000.00 salary for the 2019 summer cabin guide. The position of cabin docent closes April 19. Cabins will be cleaned during the last week of April and during May the park will host 2 school groups. Additionally, the Roads Scholars will be visiting again, once in May, and twice in August; and on the first Sunday in August the local Pioneers of Alaska will hold their annual picnic.

New Business:

The Scholarship Committee noted that there had been only one applicant for the two \$2000 scholarships we are to award; it was suggested that the 2<sup>nd</sup> one be rolled over to the following year; also suggested that we post ads on our Facebook page, in the Clarion, and several other public information sites.

A donation from Tim Navarre of personal items belonging to Billy McCann was made. We will be keeping, reviewing, and displaying photos, clippings and boxing clothes. Billy was owner of Rig Bar and was active as Kenai City Councilman and Lion's Club.

Kenai Peninsula Historical Association will meet in Seward on May 4<sup>th</sup>. June announced the passing of KPHA President Willard Dunham.

The meeting adjourned so that we could enjoy a talk by Ray Rowley on his history with the Kenai area.

Respectfully submitted by Sharon Fisher, Secretary.

KENAI HISTORIC SOCIETY

Our Organization

There has been a Historic Society since the days before Kenai becoming a city. The Society was formed a few years before Statehood in 1959, and then went inactive in the early 60's. It restarted in the latter part of the 60's and has met regularly since. The Society had a museum in Fort Kenay for some years, and then continued to meet after that closed. The non-profit Society implemented and operates the Kenai Historic Cabins Park, open for tours in the summer months. We have office space at the Moosemeat John cabin, but are not open to the public in that building. Our member meetings are Sept., Nov., Dec., Jan., Feb., Mar., and April at the Kenai Visitor Center. For Oct. and May, we meet with the Kenai Peninsula Historical Association. Please check the Meetings and Announcements section on this page for date information.

MEETINGS AND ANNOUNCEMENTS

**Kenai Historical Society Monthly Meeting**

**September 8, 2019—1:30 p.m.**

**Kenai Visitor Center**

**Speaker—Don Johnson**

**Kenai River Guide and**

**Author of numerous books which will be available for purchase**

Kenai Historic Society  
P.O. Box 1348  
Kenai, AK 99611

Phone: 283-1946  
Phone: 776-8254  
E-mail: ak.kyaker@yahoo.com

[www.facebook.com/Kenai-Historical-Society](http://www.facebook.com/Kenai-Historical-Society)

PLEASE  
PLACE  
STAMP  
HERE

