



## Kenai City Council - Regular Meeting

August 07, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

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

### Agenda

#### A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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

#### B. SCHEDULED ADMINISTRATIVE REPORTS

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

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

#### E. PUBLIC HEARINGS

1. **Ordinance No. 3425-2024** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds, Accepting a Grant from the Federal Aviation Administration and Awarding a Professional Services Agreement for the Kenai Municipal Airport Master Plan. (Administration) [*KMC 1.15.070(d)*]
  1. Motion for Introduction
  2. Motion for Second Reading (Requires a Unanimous Vote)
  3. Motion for Enactment (Requires Five Affirmative Votes)
2. **Ordinance No. 3426-2024** - Increasing Estimated Revenues and Appropriations in the Airport Snow Removal Equipment Capital Project Fund and Accepting a Grant from the Federal Aviation Administration for the Purchase of Snow Removal Equipment - Wheel Loader & Plow/Sanding Truck for the Kenai Municipal Airport and Authorizing the Utilization of the State of Alaska Fleet Purchasing Agreement. (Administration) [*KMC 1.15.070(d)*]
  1. Motion for Introduction
  2. Motion for Second Reading (Requires a Unanimous Vote)
  3. Motion for Enactment (Requires Five Affirmative Votes)
3. **Resolution No. 2024-36** - Approving a Revised Memorandum of Agreement Between the City of Kenai and the Kenai Peninsula Borough for Intergovernmental Administration of Borough and City Municipal Elections. (City Clerk)

- [4.](#) **Resolution No. 2024-37** - Authorizing A Contract Award Utilizing an Innovative Procurement Procedure and Corresponding Purchase Order for the Public Safety Building Tower Guy System Upgrade Project. (Administration)

**F. MINUTES**

- [1.](#) \*Regular Meeting of July 3, 2024. (City Clerk)

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

- [1.](#) \***Action/Approval** - Bills to be Ratified. (Administration)
- [2.](#) \***Action/Approval** - Approving Official Bond Amounts for City Manager, City Clerk and Finance Director. (Administration)
- [3.](#) \***Action/Approval** - Special Use Permit to Cook Inlet Natural Gas Storage Alaska for Vehicle Parking and Temporary Boardwalk Construction. (Administration)
- [4.](#) \***Ordinance No. 3427-2024** - Increasing Estimated Fiscal Year 2024 Revenues and Appropriations in the General Fund - Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
- [5.](#) \***Ordinance No. 3428-2024** - Increasing Estimated Revenue and Appropriations in the Airport Operations Facility Capital Project Fund, Accepting a Grant from the Federal Aviation Administration and Awarding a Construction Agreement for the Kenai Municipal Airport Aircraft Rescue and Fire Fighting Facility Rehabilitation Project. (Administration)
- [6.](#) \***Ordinance No. 3429-2024** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from the Federal Aviation Administration for the Kenai Municipal Airport Mobile Test Foam System Equipment Purchase. (Administration)

**I. COMMISSION REPORTS**

- [1.](#) Council on Aging Commission
- [2.](#) Airport Commission
- [3.](#) Harbor Commission
4. Parks and Recreation Commission
- [5.](#) Planning and Zoning Commission
6. Beautification Commission

**J. REPORT OF THE MAYOR**

**K. ADMINISTRATION REPORTS**

- [1.](#) City Manager
2. City Attorney
3. City Clerk

**L. ADDITIONAL PUBLIC COMMENTS**

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

**M. EXECUTIVE SESSION****N. PENDING ITEMS****O. ADJOURNMENT****P. INFORMATION ITEMS**

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](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.*

**Registration is required to join the meeting remotely through Zoom.** Please use the following link to register:

<https://us02web.zoom.us/meeting/register/tZ0sfuCrqzwvHtHI5YKX5cgVFahZVpWnS7N1>



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3425-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE AND AIRPORT IMPROVEMENTS CAPITAL PROJECT FUNDS, ACCEPTING A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION AND AWARDED A PROFESSIONAL SERVICES AGREEMENT FOR THE KENAI MUNICIPAL AIRPORT MASTER PLAN.

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WHEREAS, the existing Airport Master Plan update commenced in 2013 and was finalized in August 2017; and,

WHEREAS, all of the projects that the City identified as high priorities are either completed or in progress; and,

WHEREAS, a current master plan is required in order to receive Airport Improvement Program entitlement funds and compete for discretionary funding; and,

WHEREAS, the Phase I grant offer is for \$765,915, with \$718,045 Federal Aviation Administration Share and \$47,870 as the City share; and,

WHEREAS, the cost share for this agreement will be at the typical 93.75% Federal Aviation Administration and 6.25% City share; and,

WHEREAS, \$46,875 was previously appropriated in the Airport Improvement Capital Projects Fund; and,

WHEREAS, and additional City share of \$8,176 is being requested, \$995 to meet the City's share and \$7,181 for subsequent change orders and any ineligible grant expenditures; and,

WHEREAS, a contract will be awarded to HDL under the Airport's Architectural/Engineering & Construction Management Services for Kenai Municipal Airport Capital Improvement Projects Professional Services Term Agreement that expires March 16, 2025 in the amount of \$729,445; and,

WHEREAS, a new master plan will review the Airport existing facilities, passenger and cargo traffic, and Kenai's role in the transportation system; and,

WHEREAS, the plan will provide the City with a development plan for 5 years and an outlook to 20 years based on up-to-date data by comparing current facility conditions against reasonable future demands; and,

WHEREAS, Phase 1 includes public involvement, an airport inspection, issues identification, socioeconomic evaluation, aviation activity forecast, facility standards report, demand capacity analysis, facility requirements report, financial assessment, land use and economic development report, preliminary environmental review, and condition and needs assessment report; and,

WHEREAS, the master plan will provide the data to apply for grants; and,

WHEREAS, a double reading is requested due to the FAA requiring acceptance of this grant no later than August 11, 2024; and,

WHEREAS, pursuant to KMC 1.15.070(d) the City may introduce and finally pass on the same day, an ordinance making, repealing, transferring or otherwise changing an appropriation; and,

WHEREAS, completion of a Master Plan and acceptance of this grant is in the best interest of the City.

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

**Section 1.** That the City Manager is authorized to accept a grant from the Federal Aviation Administration in the amount of \$718,045 and expend the funds in accordance with the provisions of the grant.

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

Airport Special Revenue Fund:

Increase Estimated Revenues –	
Appropriation of Fund Balance	\$ <u>8,176</u>

Increase Appropriations–	
Transfer to Airport Improvements Capital Project Fund	\$ <u>8,176</u>

Airport Improvements capital projects fund:

Increase Estimated Revenues –	
Transfer from Airport Special Revenue Fund	\$ 8,176
FAA Grant Funds	<u>718,045</u>
	<u>\$726,221</u>

Increase Appropriations –	
Professional Services	\$689,751
City Administration	<u>36,470</u>
	<u>\$726,221</u>

**Section 3.** That the City Manager is authorized to enter into a professional services agreement with HDL in the amount of \$729,445, for completion of the Kenai Municipal Airport Master Plan Phase I.

**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 7<sup>TH</sup> DAY OF AUGUST, 2024.

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

ATTEST:

Ordinance No. 3425-2024  
Page 3 of 3

Michelle M. Saner, MMC, City Clerk

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

Introduced:	August 7, 2024
Enacted:	August 7, 2024
Effective:	August 7, 2024



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Derek Ables, Airport Manager

**DATE:** July 28, 2024

**SUBJECT:** **Ordinance No. 3425-2024 - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds, Accepting a Grant from the Federal Aviation Administration and Awarding a Professional Services Agreement for the Kenai Municipal Airport Master Plan.**

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The purpose of this memo is seeking the approval of the City Council to accept a grant offer for the Airport Improvement Program, project number **3-02-0142-077-2024**, from the Federal Aviation Administration for **\$718,045** to complete Phase I of a new airport master plan. This represents 93.75% of projected costs and requires a local match of \$47,870 (6.25%) for a total project cost of \$765,915. An additional match of \$7,181 is being requested to cover subsequent change orders and ineligible grant expenditures. The total match, including, \$7,181 of additional match, being requested is \$55,051. \$46,875 was previously appropriated with this ordinance appropriation the additional from the Airport Special Revenue Fund.

This master plan will review the Airport's existing facilities, passenger and cargo traffic and Kenai's role in the regional transportation system. This plan will provide the City with a development plan for 5 years and an outlook to 20 years based on up-to-date data by comparing current facility conditions against reasonable future demands.

Phase 1 includes survey base map, public involvement, airport inspection, issues identification, socioeconomic evaluation, aviation activity forecast, facility standards report, demand capacity analysis, facility requirements report, financial assessment, land use and economic development report, preliminary environmental review, and condition and needs assessment report.

A contract will be awarded to HDL under the Airport's Architectural/Engineering & Construction Management Services for Kenai Municipal Airport Capital Improvement Projects Professional Services Term Agreement that expires March 16, 2025 in the amount of **\$729,445**.

The Airport is requesting a double reading of this ordinance due to the FAA requiring acceptance of this grant no later than August 11, 2024.

Council's support is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3426-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SNOW REMOVAL EQUIPMENT CAPITAL PROJECT FUND AND ACCEPTING A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION FOR THE PURCHASE OF SNOW REMOVAL EQUIPMENT - WHEEL LOADER & PLOW/SANDING TRUCK FOR THE KENAI MUNICIPAL AIRPORT AND AUTHORIZING THE UTILIZATION OF THE STATE OF ALASKA FLEET PURCHASING AGREEMENT.

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WHEREAS, The City has received a grant offer from the Federal Aviation Administration (FAA) for the purchase of replacement snow removal equipment; and,

WHEREAS, new efficient equipment will support meeting operational requirements, minimize delays, and expedite a safe environment for the aircraft and traveling public; and,

WHEREAS, the FAA allows for the joint purchase of snow removal equipment utilizing Alaska State Fleet Purchasing Agreements; and,

WHEREAS, SRE purchases through this project include replacement of equipment that has exceeded its useful life cycle and replacement parts are difficult to procure and costly; and,

WHEREAS, the CAT 980 Wheel Loader will be purchased under State Contract SEF 2179 and the Plow Truck and Sander will be purchased under State Contract SEF 2277 respectively; and,

WHEREAS, the cost share for this purchase will be at the typical 93.75% FAA and 6.25% City share; and,

WHEREAS, the initial grant offer is for \$1,258,543, with \$1,179,884 FAA share and \$78,659 as the City share; and,

WHEREAS, an additional City share of \$11,799 is being requested for subsequent change orders and ineligible grant expenditures like maintenance manuals; and,

WHEREAS \$1,720,000 was previously appropriated in the Airport Snow Removal Equipment Capital Project Fund for the purchase of equipment will be utilized for the City share; and,

WHEREAS the remaining balance from the previously appropriated \$1,720,000 will be transferred back to the Airport Special Revenue Fund by a subsequent ordinance; and,

WHEREAS, a double reading is requested due to the FAA requiring acceptance of this grant no later than August 11, 2024; and,

WHEREAS, pursuant to KMC 1.15.070(d) the City may introduce and finally pass on the same day, an ordinance making, repealing, transferring or otherwise changing an appropriation; and,

WHEREAS, the purchase of this equipment is in the best interest of the City.

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



**Section 1.** That the City Manager is authorized to accept a Federal Aviation Administration grant in the amount of \$1,179,884 and expend the funds in accordance with the provisions of the grant.

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

Airport Snow Removal Equipment Capital Project Fund:

Increase Estimated Revenues –

Appropriation of FAA Grant Funds

\$1,179,884

Increase Appropriations:

Machinery & Equipment

\$1,154,884

City Administration

25,000

\$1,179,884

**Section 3.** That the City Manager is authorized to issue a purchase order to NC Machinery in the approximate amount of \$769,983 for the purchase of a CAT 980 Loader, and to Bob Services LLC in the approximate amount of \$440,000 for the purchase of a plow truck and sander utilizing State of Alaska Fleet Purchasing Agreements.

**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 7<sup>TH</sup> DAY OF AUGUST, 2024.

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

ATTEST:

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

Approved by Finance: DS

Introduced:

August 7, 2024

Enacted:

August 7, 2024

Effective:

August 7, 2024



# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Derek Ables, Airport Manager

**DATE:** July 28, 2024

**SUBJECT:** **Ordinance No. 3426-2024 - Increasing Estimated Revenues and Appropriations in the Airport Snow Removal Equipment Capital Project Fund and Accepting a Grant from the Federal Aviation Administration for the Purchase of Snow Removal Equipment - Wheel Loader & Plow/Sanding Truck for the Kenai Municipal Airport and Authorizing the Utilization of the State of Alaska Fleet Purchasing Agreement.**

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The purpose of this memo is seeking the approval of the City Council to accept a grant offer for the Airport Improvement Program, project number **3-02-0142-078-2024**, from the Federal Aviation Administration and purchase of Snow Removal Equipment (SRE) to include a wheel loader and plow/sanding truck for **\$1,179,884**. This represents 93.75% of projected cost and requires a local match of \$78,659 (6.25%) for a total project cost of \$1,258,543. An additional match of \$11,799 is being requested to cover subsequent change orders and ineligible grant expenditures like maintenance manuals.

SRE purchases through this project include replacement of equipment that has exceeded its useful life cycle and replacement parts are difficult to procure and costly. The wheeled loader will replace a 2012 Case loader 1021F that incurred part costs of almost \$70,000 since 2016. The plow truck/ sander will replace a 2000 Sweepster.

New efficient equipment will support meeting operational requirements, minimize delays, and expedite a safe environment for the aircraft and traveling public.

A purchase order will be issued to NC Machinery for a 2024 CAT 980 wheel loader package for approximately **\$769,983.00** and will be procured using the State of Alaska Equipment Fleet Contract Award 2179. The plow/sand truck will be procured using the State of Alaska Equipment Fleet Contract Award 2277. A purchase order for a 2026 model plow truck/ sander for approximately **\$440,000** will be issued to Bob's services, LLC.

The Airport is requesting a double reading of this ordinance due to the FAA requiring acceptance of this grant no later than August 11, 2024.

Council's support is respectfully requested.



Sponsored by: City Clerk

**CITY OF KENAI  
RESOLUTION NO. 2024-36**

A RESOLUTION APPROVING A REVISED MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF KENAI AND THE KENAI PENINSULA BOROUGH FOR INTERGOVERNMENTAL ADMINISTRATION OF BOROUGH AND CITY MUNICIPAL ELECTIONS.

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WHEREAS, the Kenai Peninsula Borough and the five cities within the Borough, have historically collaborated on the administration of their regular elections annually; and,

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

WHEREAS, the original Memorandum of Agreement was approved by the Borough and the cities of Homer, Kenai, Seldovia, Seward and Soldotna in July of 2021; and,

WHEREAS, the clerks continue to address updates to election process and associated costs reflected in the revised Memorandum of Agreement.

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

**Section 1.** That Kenai City Council supports minimizing costs and increasing efficiencies to ensure municipal elections are conducted in a fair and consistent way.

**Section 2.** The City Manager is authorized to execute the revised memorandum of agreement between the City of Kenai and the Kenai Peninsula Borough.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7<sup>TH</sup> DAY OF AUGUST, 2024.

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

ATTEST:

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



# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Shellie Saner, City Clerk

**DATE:** July 23, 2024

**SUBJECT:** **Resolution No. 2024-36 - Approving a Revised Memorandum of Agreement Between the City of Kenai and the Kenai Peninsula Borough for Intergovernmental Administration of Borough and City Municipal Elections.**

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Kenai Peninsula Borough Joint Resolution 2021-001 - A Joint Resolution of the Assembly of the Kenai Peninsula Borough and the Councils of the Cities of Homer, Kenai, Seldovia, Seward and Soldotna Respectively, for the Purpose of Intergovernmental Administration of Borough and City Elections, was adopted by the Kenai City Council on July 7, 2021 through Resolution 2021-46; the resolution also authorized the City Manager to execute a Memorandum of Agreement (MOA) with the Borough for intergovernmental administration of Borough and City Elections.

Election processes have changed since 2021 and the proposed changes within the revised MOA incorporates the changes.

The following identifies substantive changes to the agreement:

- The software vendor is now responsible for setting up the election database and ballot layouts, this was previously performed by the Borough Clerk.
- Absentee Voting Officials will remain employees of the Kenai Peninsula Borough; however, operations of the Absentee Voting Sites located within a City Clerk's Office and the management of those election workers is the respective City Clerk's responsibility.
- Updated fees associated with programming City Special Elections.

The attached Memorandum of Agreement identifies changes via track changes.

Your consideration is appreciated.

## Memorandum of Agreement

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

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

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

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

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

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

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

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

### 1. PURPOSE AND INTENT

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

## 2. BOROUGH'S OBLIGATIONS

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

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

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

### 3. CITIES OBLIGATIONS AND FEES

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

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

Voter Pamphlet	\$100 per page	See description of services in 2(c) above.
Shared services for absentee voting	No charge, in kind service provided	See description of services in 2(d) above.
Election worker recruitment, training, and administration	50% of wages and employer's share of FICA for all election officials working at polling locations within city's jurisdiction.	Wages are based on the current election worker hourly rate as set by the Division of Elections  See description of services in 2(e) above.
Equipment delivery and storage	No charge	See description of services in 2(f) above.
Precinct rental or lease fees	50/50, with a maximum charge to the city of \$50 if charged by the site	See description of services in 2(g) above.
City's Special Elections	<del>\$1500 flat rate</del> <u>Actual costs billed by election software vendor.</u>	See description of services in 2(h) above.

#### 4. ELECTION WEBPAGES AND LOCAL INFORMATION

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

#### 5. WITHDRAWAL

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

#### 6. TERM OF AGREEMENT

This Agreement shall be in effect for five (5) years beginning \_\_\_\_\_, 2020~~4~~ and terminating \_\_\_\_\_, 2025. This Agreement is eligible for two (2) 5-year renewals by mutual written consent of the parties.



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

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

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

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

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

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

## **9. DEFAULT**

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

## **10. AMENDMENT OF AGREEMENT**

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

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

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

## **12. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties. There are no other understandings or agreements between the parties, either oral or memorialized in writing regarding the matters addressed in this Agreement. The parties may not amend this

Agreement unless agreed to in writing with both parties signing through their authorized representatives.

### 13. SAVINGS CLAUSE

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

### 14. OBLIGATIONS

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

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

By: ~~Charlie Piercee~~ Peter A. Micciche, Mayor

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

ATTEST:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

~~Johni Blankenship~~ Michele Turner, Borough Clerk  
Attorney

Sean Kelley, ~~Deputy~~ Borough

**KACHEMAK CITY  
59906 BEAR CREEK DR.  
HOMER, AK 99603**

\_\_\_\_\_  
By: \_\_\_\_\_,

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

ATTEST:

\_\_\_\_\_  
~~Erica Fitzpatrick~~ Lauri Wallace, City Clerk

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

By: ~~Paul Ostrander~~ Terry Eubank, City Manager

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

ATTEST:

~~Jamie Heinz~~ Shellie Saner, City Clerk

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

By: ~~Rob Dumouchel~~ Melissa Jacobsen, ~~Acting~~ City Manager

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

ATTEST:

~~Melissa Jacobsen~~ Renee Krause, ~~Deputy Acting~~ City Clerk

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

By: \_\_\_\_\_Heidi Geagel, City Manager

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

ATTEST:

\_\_\_\_\_  
~~Heidi Geagel~~Elizabeth Diamant, City Clerk

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

By: \_\_\_\_\_ Kat Sorensen, City Manager

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

ATTEST:

\_\_\_\_\_  
~~Brenda Ballou~~ Kris Peck, City Clerk

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

By: ~~Stephanie Queen~~Janette Bower, City Manager  
Date: \_\_\_\_\_

ATTEST:

~~Shellie Sauer~~Johni Blankenship, City Clerk





Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2024-37**

A RESOLUTION AUTHORIZING A CONTRACT AWARD UTILIZING AN INNOVATIVE PROCUREMENT PROCEDURE AND CORRESPONDING PURCHASE ORDER FOR THE PUBLIC SAFETY BUILDING TOWER GUY SYSTEM UPGRADE PROJECT.

---

WHEREAS, the City of Kenai formally released an Invitation for Bids for the Public Safety Building Tower Guy Wire System project on January 17<sup>th</sup>, 2024 with no bids received on February 6<sup>th</sup>, 2024; and,

WHEREAS, the project was released for bids again on March 12<sup>th</sup>, 2024 with one bid received on March 26<sup>th</sup> in the amount of \$112,888, well above budgeted and estimated amounts resulting in the City declining to accept the bid; and,

WHEREAS, after two unsuccessful competitive bid solicitations, administration pursued securing a contractor to complete the work utilizing an innovative procurement procedure; and,

WHEREAS, in coordination with Motorola the City was able to locate other potential vendors, including Day Wireless Systems, that has provided has provided a quote to complete the work with an estimated cost of \$53,699.57 which is approximately \$59,000 less than the bid received in March and within the estimated cost for the project; and,

WHEREAS, time is of the essence due to previously encumbered work with Motorola that is unable to be completed until the tower improvements are finished and could require additional contract time extensions at an additional cost if the improvements are delayed much longer; and,

WHEREAS, Kenai Municipal Code section 7.15.070 allows for innovative procurements with a City Manager approved procurement plan; and,

WHEREAS, the City Manager has approved in writing an innovative procurement plan; and,

WHEREAS, based on the history of the attempts to get this work under contract and the time delays associated with those attempts, awarding a contract to Day Wireless Systems is in the best interest of the City.

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

**Section 1.** That the City Manager is authorized to execute a contract award and corresponding purchase order to Day Wireless Systems in the amount of \$53,699.57.

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


PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7<sup>TH</sup> DAY OF AUGUST, 2024.

---

Brian Gabriel Sr., Mayor

ATTEST:

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

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



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

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

**DATE:** July 31, 2024

**SUBJECT:** **Resolution No. 2024-37 - Authorizing A Contract Award Utilizing an Innovative Procurement Procedure and Corresponding Purchase Order for the Public Safety Building Tower Guy System Upgrade Project.**

---

The purpose of this memo is to request Council's approval of a construction agreement with Day Wireless Systems for the Public Safety Building Tower Guy Systems Upgrade Project. As Council may recall, the Police Department has been successful in receiving Department of Homeland Security Grant funding to assist with improvements to the City's radio and communications systems. As that work was progressing it was determined our existing tower was insufficient to carry additional loads without improvements and modifications to the systems guy wires and anchor points.

Engineering Services were contracted with Larson Engineering & Design to assess the existing tower and to provide bid ready construction documents for the required improvements. Invitation for construction bids were formally released in January 2024 with no bids received, again in March with a single bid received well above budgeted amounts. There are few contractors in state that do this type of work.

As a result, and after reaching out to counterparts with Motorola, Day Wireless Systems has offered to perform the work at a reasonable cost. Day Wireless Systems is a vendor that is known and used by Motorola in other parts of the country.

The negotiated quote is well below the last bid attempt and within estimated costs. Award to Day Wireless Systems at this time is in the best interest of the City. Procurement of these services in this way, was coordinated with the City Manager in compliance with KMC 7.15.070 which allows for innovative procurements with a City Manager approved procurement plan.

Work is anticipated to take place prior to the winter months setting in, and will allow Motorola to complete their work this year as well.

Council's support is respectfully requested.



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Terry Eubank, City Manager

**DATE:** July 31, 2024

**SUBJECT:** **Resolution No. 2024-37 - Authorizing A Contract Award Utilizing an Innovative Procurement Procedure and Corresponding Purchase Order for the Public Safety Building Tower Guy System Upgrade Project.**

---

Kenai Municipal Code 7.15.070 Innovative Procurement and Other Exceptions, provides certain alternatives to the City's normal competitive procurement processes. A contract may be awarded under an innovative procurement process when the City Manager determines in writing that it is advantageous to the City to achieve best value. Given the prior two unsuccessful attempts to competitively bid this project due to lack of bidders and only one unacceptably high bid, I have determined that utilization of an innovative procurement process is advantageous to the City to determine best value.

When utilizing an innovative procurement process, the requesting department is required to provide:

1. A detailed procurement plan for the City Manager to review and approve prior to public notice being issued. The procurement plan must address the method of solicitations, scope, method of award, protest procedures and proposed contract provisions. In this case Administration is relying on the prior two solicitations public notices to meet the public notice requirement. Twice the City has issued public notices soliciting contractors for the same project. The procurement method of solicitation was to directly contact industry manufacturers and sellers to learn of potential contractors and reach out to those entities. The scope of solicitation was to follow up on leads provided by industry manufacturers and sellers. Method of award consists of award to respondent that provides best value to City. Protests procedures and proposed contract provisions are standard appeals process as provided in code, and standard contract language, the same as in prior two competitive solicitations.
2. An explanation of how the procedure will achieve best value or is advantageous to the City. In this case the procedure both achieved best value and is advantageous to the City. Based on the prior two solicitations and engineer's estimate, Public Works had an understanding of the market to compare costs to. Additionally, based on the prior two failed solicitation, the innovative method of procurement allows the project to proceed in a timely manner that is advantageous to the City.

The Innovative procurement process also requires:

1. The City manager to approve the plan. I have approved the procurement plan.
2. All evaluation factors and subfactors that affect the contract award and their relative importance must be stated in the solicitation. In this case the only evaluation criteria was costs and reasonable ability to complete the work.
3. The solicitation must state whether factors other than costs will be evaluated. In this case only cost was evaluated, and all respondents must have some demonstrated means to complete the work, such as completion of similar prior work. This is consistent with the requirement that costs can be primary factor when requirement is clearly definable and risk of unsuccessful performance is minimal.

Having approved the Public Works Department's innovative procurement process and the required criteria being met, the administration respectfully requests enactment of Resolution 2024-37.

Your consideration is appreciated.



**KENAI CITY COUNCIL – REGULAR MEETING  
JULY 3, 2024 – 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 July 3, 2024, 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  
Deborah Sounart  
James Baisden

Henry Knackstedt, Vice Mayor  
Victoria Askin

A quorum was present.

Absent:

Alex Douthit

Phil Daniel

Also in attendance were:

Terry Eubank, City Manager  
Scott Bloom, City Attorney (*remote participation*)  
David Swarner, Finance Director  
Linda Mitchell, Planning Director  
Tyler Best, Parks and Recreation Director  
Shellie Saner, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following additions to the Packet:

Add to item E.3.

**Public Hearing - Resolution No. 2024-34**

- Amendment Memo
- Public Comment

**MOTION:**

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

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

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

**UNANIMOUS CONSENT** was requested.

**VOTE:** Motion **APPROVED**, without objection.

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

**B. SCHEDULED ADMINISTRATIVE REPORTS - None.**

**C. SCHEDULED PUBLIC COMMENTS**

1. Legislative Update, Representative Justin Ruffridge, State of Alaska House of Representatives.

Representative Justin Ruffridge provided a legislative update, which included a recap of the 33<sup>rd</sup> Legislative Session, focusing on education and energy: Education - significant efforts to increase the base student allocation and student transportation funding; charter school funding; Alaska Performance Scholarship; and concerns related to one-time education funding. Energy - declining natural gas production in Cook Inlet; potential need to import liquid natural gas; and carbon and gas storage. He noted future challenges include developing a long-term fiscal plan for Alaska, including addressing the decline in oil production and establishing a stable budget framework.

**D. UNSCHEDULED PUBLIC COMMENTS**

Marion Nelson, Kenai Fine Art Center Board Member provided an update on upcoming shows including Clay on Display and a Tattoo Art Show.

**E. PUBLIC HEARINGS**

1. **Resolution No. 2024-32** - Amending City Council Policy No. 20.000 Agenda & Packet - Preparation, Distribution and Publication to Remove Requirements Related to Publishing in a Newspaper of General Circulation. (City Clerk)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-32. Council Member Sounart **SECONDED** the motion.

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

It was reported that the Peninsula Clarion will be publishing only one day a week; changing their publication date from Saturdays to Fridays; moving the publication deadline from Thursdays to Wednesdays; these changes would cause difficulty in conducting City business in a timely matter if required to publish; and publishing a notice of meeting and where materials for the meeting would be posted would continue.

**UNANIMOUS CONSENT** was requested.

**VOTE:** Motion **APPROVED**, without objection.

2. **Resolution No. 2024-33** - Protesting the Issuance of a New Retail Marijuana Store License for Canna Get Happy, LLC, DBA Canna Get Happy, LLC – License No. 37844, Located at 11888 Kenai Spur Hwy #3. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-33. Council Member Askin **SECONDED** the motion.

It was reported that within the City of Kenai all marijuana establishments, whether they are cultivation or manufacturing require a conditional use permit, and in some zones, they are prohibited. The zone for this license is within an area where a conditional use permit is required. The protest is being issued because the establishment has not received a conditional use permit.

Mayor Gabriel opened the floor for public comment.

Sandra Millhouse, owner of Canna Get Happy LLC addressed Council stated after initially receiving confirmation from the Planning Department that the location would be suitable, she purchased the Swanson Strip Mall; after purchasing the property, she was then told the initial measurements were incorrect and the property could not be used for a dispensary; and she was now seeking a variance or changes to the current buffering code to resolve the issue.

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

There was discussion noting a variance would need to adhere to development standards; and changing the buffering distance would require a code amendment.

**UNANIMOUS CONSENT** was requested.

**VOTE:** Motion **APPROVED**, without objection.

3. **Resolution No. 2024-34** - Approving an Easement on Tract B, Kenai Bluff Stabilization Subdivision, Parcel No. 04701030, for the Construction and Maintenance of Seawalls Benefitting Certain Adjacent Upland Properties. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-34. Council Member Askin **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Bill Dunn addressed the Council noting he was a home owner of a parcel that would benefit from this easement; he had spoken to the Administration and the Council in the past regarding this complicated issue; and he expressed his gratitude to the City for taking this step, which allows property owners to address the erosion problem.

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

**MOTION TO AMEND:**

Council Member Baisden **MOVED** to amend Resolution No. 2024-34 as follows:

Seventh whereas cause to read, "at its meeting on July, 1, 2024 the Harbor Commission recommend approval."

Vice Mayor Knackstedt **SECONDED** the motion to amend.

**UNANIMOUS CONSENT** was requested on the motion to amend.

**VOTE:** Motion to amend **APPROVED**, without objection.

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

**VOTE:** Main motion as amended **APPROVED**, without objection.

4. **Resolution No. 2024-35** - Adopting Joint Resolution No. 2024-001 of the Assembly of the Kenai Peninsula Borough and the Councils of the City of Homer, Kachemak, Kenai, Seward, Seldovia, and Soldotna, Supporting the City of Kenai Small Community Air Service Development Grant Proposal to Support Incentives Aimed at Direct Air Services from the Kenai Municipal Airport to Seattle/Tacoma and the Lower 48. (Administration)



**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-35. Council Member Sounart **SECONDED** the motion.

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

There was discussion regarding the associated cost to the City being less than \$35,000; this would lend support for the City's efforts in applying for the Small Community Air Service Development (SCASD) grant; and if awarded, the grant would provide the funding to attract carriers.

**UNANIMOUS CONSENT** was requested.

**VOTE:** Motion **APPROVED**, without objection.

**F. MINUTES**

1. \*Regular Meeting of June 19, 2024. (City Clerk)

**G. UNFINISHED BUSINESS - None.****H. NEW BUSINESS**

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

Approved by the consent agenda.

2. \***Action/Approval** - FY2024 Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)

Approved by the consent agenda.

3. \***Action/Approval** - FY2025 Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)

Approved by the consent agenda.

4. \***Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for G & P Inc., DBA: The White Moose - License No. 204. (City Clerk)

Approved by the consent agenda.

5. \***Action/Approval** - Non-Objection to the Renewal of a Package Store Liquor License for Walmart, Inc., DBA: Wal-Mart Supercenter #4474 - License No. 4878. (City Clerk)

Approved by the consent agenda.

6. \***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License for Herban Extracts, LLC, DBA: Herban Extracts, LLC - License No. 14432. (City Clerk)

Approved by the consent agenda.

7. \***Action/Approval** - Authorizing a Utility Easement Homer Electric Association within Lot 2, Block 5, General Aviation Apron Subdivision No. 1 Amended. (Administration)

Approved by the consent agenda.

8. \***Action/Approval** - Authorizing an Extension to the Agreement with the Boys and Girls Club of the Kenai Peninsula to Operate a Teen Center within a Designated Area of the Kenai Recreation Center. (Administration)

Approved by the consent agenda.

- 9. \*Action/Approval** - Authorizing a Memorandum Agreement to the Boys and Girls Club to Provide Temporary Road Access on City Property During Utility Work. (Administration)

Approved by the consent agenda.

## **I. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging Commission

No report, next meeting July 11, 2024.

2. Airport Commission

No report, next meeting July 11, 2024.

3. Harbor Commission

Council Member Askin reported on the July 1, 224 special meeting.

4. Parks and Recreation Commission

No report, next meeting August 1, 2024.

5. Planning and Zoning Commission

No report, next meeting cancelled.

6. Beautification Commission

No report, next meeting September 10, 2024

## **J. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Attending:
  - Rasmuson Foundation Board meeting.
  - Kenai Peninsula Borough presentation by ORPC a Tidal Energy Company from Scotland.
  - Ribbon cutting ceremony for the Inclusive Seesaw at Municipal Park.
- Participating on the City Team for the annual Boys and Girls Club Golf Tournament.
- Reminded everyone tomorrow would be the annual City of Kenai, Fourth of July Parade.

## **K. ADMINISTRATION REPORTS**

1. City Manager – City Manager Eubank reported on the following:

- Attending:
  - Kenai Peninsula Borough meeting with Senior Center Director Romain regarding extending the Nikiski Senior Service Area.
  - Rasmuson Foundation Board meeting.
  - City Road Standard meeting with the Consultant and Public Works Director Curtin.
  - Ribbon cutting ceremony for the Inclusive Seesaw at Municipal Park.
  - Marketing meeting with Agnew Beck.
- Wished everyone a Happy Fourth of July; and thanked the Parks and Recreation Department and Kenai Chamber of Commerce for their work.
- Continued work to gather support for the SCASD grant application.

- An application was received to purchase Kenai Meadows a 70-acre tract of land.
  - Agreement with Kenai Peninsula College and the Kenai Fire Department allowing enrolled students in the paramedic program to work with the Fire Department was extended.
  - New Fire Chief Teague will be starting on August 5, 2024.
  - Planning Director Mitchell's last day is July 5, 2024; Max Best will be returning as the temporary director.
  - Recruiting for Planning Director, Animal Control Officer and a temporary Library Aid.
  - King of the River Food Drive starts July 4, 2024.
  - Closing the land recently purchased by the City at the base of the bluff as it is an environmentally sensitive area.
  - Kenai Police Department hosted an Active Shooter Response Training, there were 105 participants, representing 15 different agencies.
2. City Attorney – City Attorney Bloom reported on the following:
    - The US Supreme Court just made a ruling giving the City more authority to deal with homelessness.
  3. City Clerk – City Clerk Saner reported on the following:
    - Council adopted policy book is updated when any policy is amended by Council and available on the City website.
    - Candidate filing packets will be available on July 12, 2024.
    - Participating in an KDLL interview with Soldotna City Clerk Johni Blankenship regarding the recommendations of the Voter Turn Out Working Group, the security and integrity of local municipal elections and the importance of voting local.

#### **L. ADDITIONAL PUBLIC COMMENTS**

##### **1. Citizen Comments (*Public comments limited to (5) minutes per speaker*)**

Ryan Tunseth thanked the Council for the approval of consent agenda items for the Boys and Girls Club; spoke in support to the SCASD grant; and stated that City Manager Eubank, City Attorney Bloom and City Clerk Saner and the Council were doing a great job.

##### **2. Council Comments**

Council Member Sounart thanked Planning Director Mitchell for her service to the City and wished everyone a Happy Fourth of July.

Council Member Askin thanked Planning Director Mitchell for her service to the City and wished everyone a Happy Fourth of July.

Council Member Baisden wished everyone a Happy Fourth of July and wished Planning Director Mitchell well.

Vice Mayor Knackstedt thanked Planning Director Mitchell noting she was very thorough.

Mayor Gabriel wished Planning Director Mitchell well.

#### **M. EXECUTIVE SESSION - None.**

#### **N. PENDING ITEMS**

**O. ADJOURNMENT**

**P. INFORMATIONAL ITEMS - None.**

There being no further business before the Council, the meeting was adjourned at 7:26 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of July 3, 2024.

---

Michelle M. Saner, MMC  
City Clerk

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

PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION  
COUNCIL MEETING OF: AUGUST 7, 2024

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	102,469.03
PREMERA	JULY PREMIUM	VARIOUS	HEALTH INSURANCE	197,776.66
AML-JIA	FY25 INSURANCE PREMIUMS	NON-DEPT.	INSURANCE	837,149.00
HOMER ELECTRIC	ELECTRIC USAGE	UTILITIES	VARIOUS	92,248.26

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
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# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** David Swarner, Finance Director

**DATE:** July 30, 2024

**SUBJECT:** **Approving Officials Bond Amounts for City Manager, City Clerk and Finance Director**

---

The purpose of this memo is to request approval for the bonding amounts of the City Manager, City Clerk and Finance Director. Kenai Municipal Charter Section 4-3 Official Bonds requires the City Administrator, the Finance Director, the City Treasurer, and other officers and employees as the Council may designate to be bonded for the faithful performance of their respective duties in such amounts as the Council may prescribe and the City shall pay the premiums.

The City's general liability insurance policy provides \$500,000 for employee dishonesty coverage for all City employees. In addition to this coverage, Council set the bonding amount for these positions at \$100,000 for FY2024. \$100,000 is the maximum inexpensive bonding amount available to the City. Higher amounts which include employee dishonesty provisions have been quoted in the past at \$1,750 per position for an additional \$500,000 of coverage for a total cost of \$5,250. The purchase of bonds in the amount of \$100,000 will provide \$600,000 of coverage for each position at a total cost of \$359.

I respectfully request a motion approving \$100,000 as the prescribed bonding amount for the City Manager, City Clerk and Finance Director positions respectively for FY2025.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**THROUGH:** Max Best, Planning Director

**FROM:** Brandon McElrea, Planning Technician

**DATE:** July 31, 2024

**SUBJECT:** **Action/Approval – Special Use Permit to Cook Inlet Natural Gas Storage Alaska for Vehicle Parking and Temporary Boardwalk Construction**

---

Cook Inlet Natural Gas Storage Alaska (CINGSA) has requested a Special Use Permit (SUP) to use an approximately 0.81 acres (35,284 square feet) portion of Tract E, Boat Ramp Subdivision, located at 1320 Bridge Access Road (Exhibit A) for the purpose of employee parking and the construction of a temporary boardwalk adjacent to their well pad. CINGSA was granted two (2) drilling permits earlier this year at the adjacent well pad necessitating more parking than the well pad site can accommodate.

A term of 143 days has been requested, beginning August 10, 2024 and ending December 31, 2024. CINGSA has reviewed the proposed SUP and agrees to the term, fees, and conditions. CINGSA has held and been complying with a Conditional Use Permit on the adjacent well pad site since 2010 (PZ10-42).

The subject parcel is within the Working Waterfront (WW) Zoning District. The permit fee of \$1,680.25 was calculated using the Kenai Peninsula Borough assessed value, formulated by the value per square foot, the proposed area of use, the length of use, and the City of Kenai current land lease rate (Exhibit B).

If the City Council approves the Special Use Permit, the City Manager will be authorized to execute the Special Use Permit Agreement for the use of employee parking and temporary boardwalk construction to Cook Inlet Natural Gas Storage Alaska.

Thank you for your consideration.

### Attachments

1. Special Use Permit Application
2. Special Use Permit Agreement
3. Exhibit A – Aerial Map
4. Exhibit B – Rate Calculation



## City of Kenai Special Use Permit Application

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

### Applicant Information

Name of Applicant:	Cook Inlet Natural Gas Storage Alaska				
Mailing Address:	1377 Beaver Loop Rd.	City:	Kenai	State:	AK
		Zip Code:	99611		
Phone Number(s):	Home Phone: (    )		Work/ Message Phone: (    ) 907-714-7582		
E-mail: (Optional)	stan.saner@enstarnaturalgas.com				
Name to Appear on Permit:	Cook Inlet Natural Gas Storage Alaska				
Mailing Address:	Same	City:	Same	State:	Same
		Zip Code:	Same		
Phone Number(s):	Home Phone: (    )		Work/ Message Phone: (    ) Same		
E-mail: (Optional)	Same				
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____				

### Property Information

Legal or physical description of the property:	KPB Parcel 04945009
Description of the proposed business or activity intended:	CINGSA proposes to construct a temporary boardwalk from the overflow parking lot to facilitate worker access to their well pad during planned well construction this fall. The parking lot would be used as temporary worker parking. CINGSA will also be responsible for snow removal along the outflow side of the parking lot during well drilling activities
Is the area to be used in front of or immediately adjacent to any established business offering the same or similar products or services upon a fixed location?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Would the use under this permit interfere with other businesses through excessive noise, odor, or other nuisances?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If you answered yes to any of the above questions, please explain:	
What is the term requested (not to exceed one year)?	August 10 through December 31, 2024
Requested Starting Date:	August 10, 2024
Signature:	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 5px;">Date:</div> </div>
Print Name:	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 5px; flex-grow: 1;">Stanley L Saner</div> <div style="border: 1px solid black; padding: 5px; flex-grow: 1;">Title:</div> </div>
CINGSA Supervisor	

For City Use Only:

- ☐ General Fund    ☐ Airport Reserve Land  
☐ Airport Fund    ☐ Outside Airport Reserve

Date Application Fee Received: \_\_\_\_\_

City Council Action/Resolution: \_\_\_\_\_

Account Number: \_\_\_\_\_



## SPECIAL USE PERMIT

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set out below, hereby grants to **COOK INLET NATURAL GAS STORAGE ALASKA** (PERMITTEE), whose address is 1377 Beaver Loop Road, Kenai Alaska 99611, the non-exclusive right to use approximately 0.81 acres (35,284 square feet) of area as described below (Exhibit A):

Approximately 35,284 square foot portion of Tract E, Boat Ramp Subdivision (1320 Bridge Access Road; Parcel ID: 04945009).

1. **TERM.** This special use permit shall be for 143 days from August 10, 2024 to December 31, 2024.
2. **PERMIT FEES.** The Permittee shall be charged a one-time permit fee (Exhibit B) of \$1680.25 plus applicable sales tax.

The permit fees must be paid prior to the use of the subject parcel.

Checks, bank drafts, or postal money orders shall be made payable to the City of Kenai and delivered to the City Hall, 210 Fidalgo Avenue, Kenai, Alaska 99611.

In addition to the permit fee specified above, the Permittee agrees to pay to the appropriate parties all levies, assessments, and charges as hereinafter provided:

- A. Sales tax not enforced, or levied in the future, computed upon the permit fee payable in monthly installments whether said fee is paid on a monthly or yearly basis;
  - B. All necessary licenses and permits; all lawful taxes and assessments which, during the term hereof may become a lien upon or which may be levied by the State, Borough, City, or by any other tax levying body, upon any taxable possessory right which Permittee may have in or to the Premises by reason of its use or occupancy or by reason of the terms of this Permit, provided however, that nothing herein contained shall prevent Permittee from contesting any increase in such tax or assessment through procedures provided by law.
  - C. Interest at the rate of eight percent (8%) per annum and penalties of ten percent (10%) of any amount of money owed under this Special Use Permit which are not paid on or before the due date.
  - D. Costs and expenses incident to this Special Use Permit, including but not limited to recording costs.
3. **USE.** The use by the Permittee of the Premises is limited to the purpose of Vehicle Parking and Temporary Boardwalk Construction. This use is subject to City, Borough, and State laws and regulations and the reasonable administrative actions of the City for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities. Use of the Premises is subject to the following conditions:

- A. Permittee shall use the Premises only for vehicle parking.
  - B. Vehicles must be parked in a manner that will not limit sight lines or create other unsafe driving conditions on adjacent rights-of-way.
  - C. Temporary boardwalk will be constructed in such a manner as to be easily removed by the Permittee at the expiration of this Permit.
  - D. The premises shall be returned to its current condition prior to the end of the term of this Special Use Permit. This shall include the removal of any trash or debris.
  - E. Permittee is responsible for snow removal and storage.
  - F. Vehicles shall be maintained such that there will not be oil or other hazardous fluids leaking onto the premises.
  - G. The Permittee shall follow requirements of the City Fire Marshal and allow City staff to inspect the premises if requested.
4. **INSURANCE.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee.
- A. Commercial General Liability Insurance, including Premises, all operations, property damage, personal injury and death, broad-form contractual, with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.
  - B. Worker's Compensation Insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.
  - C. Commercial Automobile Coverage with not less than \$1,000,000 combined single limit per occurrence. This insurance must cover all owned, hired, and non-owned motor vehicles the Permittee uses for snow moving and storage activities to, from, or on the Premises. The policy must name the City as an additional insured.
  - D. All insurance required must meet the following additional requirements:
    - i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
    - ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a

combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.

- iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
- iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
- v. Evidence of insurance coverage must be submitted within 30 days of the effective date of the Special Use Permit. The effective date of the insurance shall be no later than August 10, 2024.
- vi. This insurance shall be primary and exclusive of any other insurance carried by the City of Kenai. This insurance shall be maintained in force by Permittee at all times during the term of this Special Use Permit.

5. **INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** The Permittee shall fully indemnify, hold harmless, and defend the City of Kenai, its officers, agents, employees, and volunteers at its own expense from and against any and all actions, damages, costs, liability, claims, losses, judgments, penalties, including reasonable Attorney's fees of or for liability for any wrongful or negligent acts, errors, or omissions of the Permittee, its officers, agents or employees, or any subcontractor under this Permit. The Permittee shall not be required to defend or indemnify the City for any claims of or liability for any wrongful or negligent act, error, or omission solely due to the independent negligence of the City. If there is a claim of or liability for the joint negligence of the Permittee and the independent negligence of the City, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be established upon final determination of the percentage of fault. If any such determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. "Permittee" and "City" as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, for each party. The term "independent negligence of the City" is negligence other than in the City's selection, administration, monitoring, or controlling of the Permittee.

6. **PERMITTEE'S OBLIGATION TO PREVENT AND REMOVE LIENS.** Permittee will not permit any liens, including mechanic's, laborer's, construction, supplier's, mining, or any other liens obtainable or available under existing law, to stand against the Premises or improvements on the Premises for any labor or material furnished to Permittee or to any related entity or claimed entity. The Permittee shall have the right to provide a bond as contemplated by State of Alaska law and contest the validity or amount of any such lien or claimed lien. Upon the final determination of the lien or claim for lien, the Permittee will immediately pay any judgment rendered with all proper costs and charges and shall have such lien released or judgment satisfied at Permittee's own expense.

7. **PERSONALTY.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit. Personal property placed or used upon the Premises and not removed upon termination of this Permit will be removed and/or impounded by the City. Property removed or impounded by the City may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus a storage fee of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or its customers.
8. **FORBEARANCE.** Failure to insist upon a strict compliance with the terms, conditions, and/or any requirement herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.
9. **TERMINATION, DEFAULT.** This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. The City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety. The City may also terminate this Permit immediately, or upon notice shorter than 30 days, due to a failure of Permittee to comply with conditions and terms of this Permit, which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period to correct the violation or breach.
10. **NO DISCRIMINATION.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.
11. **ASSIGNMENT.** Permittee may not assign, by grant or implication, the whole any part of this Permit, the Premises, or any improvement on the Premises without the written consent of the City. Unless the City specifically releases the Permittee in writing, the City may hold the Permittee responsible for performing any obligation under this permit which an assignee fails to perform.
12. **ASSUMPTION OF RISK.** Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on the Premises and its exercise of the privileges granted in this Permit.
13. **NO JOINT VENTURE.** The City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.
14. **SURVIVAL.** The obligations and duties of Permittee under paragraphs 5 and 6 of this Permit shall survive the cancellation, termination, or expiration of this Permit.
15. **AUTHORITY.** By signing this Permit, Permittee represents that is has read this agreements and consents to be bound by the terms and conditions herein and that the person signing this Permit is duly authorized by the business to bind the business hereunder.

## Cook Inlet Natural Gas Storage Alaska

**CITY OF KENAI**

By: \_\_\_\_\_

Stan Saner  
Supervisor, CINGSA

Date:

By: \_\_\_\_\_

Terry Eubank  
City Manager of Kenai

Date:

## ACKNOWLEDGMENTS

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2024, the foregoing instrument was acknowledged before me by Terry Eubank, 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 )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2024, the foregoing instrument was acknowledged before me by Stan Saner, Supervisor for Cook Inlet Natural Gas Storage Alaska, an Alaskan corporation, on behalf of the company.

\_\_\_\_\_  
Notary Public for Alaska

My Commission Expires: \_\_\_\_\_

ATTEST:

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

SEAL:

APPROVED AS TO FORM:

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



# EXHIBIT A



## **EXHIBIT B**

### **Use Rate Calculation**

Parcel Size (Square feet)	285,318
KPB Assessed Value	\$432,600
	\$432,600
	÷
	<u>285,318</u>
Value per Square Foot	\$1.52
	X
Proposed Special Use Area (Square Feet)	35,284
Value of Special Use Area	\$53,631.68
Current COK Annual Lease Rate	8%
Annual Lease Amount (ALA)	\$4,290.53
Daily Lease Amount (ALA ÷ 365)	\$11.75
	X
Proposed Special Use Term (Days)	143
Proposed Special Use Fee	\$1,680.25





Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3427-2024**

AN ORDINANCE INCREASING ESTIMATED FISCAL YEAR 2024 REVENUES AND APPROPRIATIONS IN THE GENERAL FUND - POLICE DEPARTMENT AND ACCEPTING A GRANT FROM THE ALASKA HIGH INTENSITY DRUG TRAFFICKING AREA FOR DRUG INVESTIGATION OVERTIME EXPENDITURES.

WHEREAS, the Kenai Police Department assists the regional drug task force on initiatives with funding availability through the Alaska High Intensity Drug Traffic Area (AK HIDTA), which is funded through a Federal Government Appropriation; and,

WHEREAS, funding through AK HIDTA is available to reimburse certain overtime expenditures for the Kenai Police Officers that assist the regional drug task force or directly participate in the task force on those HIDTA initiatives; and,

WHEREAS, the overtime expense that was eligible for reimbursement from April of 2024 through the end of June, 2024 was \$10,538.10; and,

WHEREAS, overtime for these additional expenditures for drug investigations were not budgeted and the Department is requesting appropriation into the FY24 overtime budget equal to the amount of the AK HIDTA funding.

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

**Section 1.** That the City Manager is authorized to accept these funds from the AK HIDTA in the amount of \$10,538.10 and to expend those funds to fulfill the purpose and intent of this ordinance

**Section 2.** That the fiscal year 2024 estimated revenues and appropriations be increased as follows:

General Fund:

Increase Estimated Revenues –	
Federal Grants – Police	<u>\$10,538.10</u>

Increase Appropriations – Police Department -	
Overtime	<u>\$10,538.10</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 21<sup>ST</sup> DAY OF AUGUST, 2024.

---

Brian Gabriel Sr., Mayor

ATTEST:

---

Michelle M. Saner, MMC, City Clerk

Approved by Finance:



Introduced:  
Enacted:  
Effective:

August 7, 2024  
August 21, 2024  
August 21, 2024



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** David Ross, Police Chief

**DATE:** July 25, 2024

**SUBJECT:** **Ordinance No. 3427-2024 - Increasing Estimated Fiscal Year 2024 Revenues and Appropriations in the General Fund - Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures.**

---

The Kenai Police Department participates in the regional drug task force. Between April of 2024 and June of 2024 certain overtime worked in conjunction with the regional drug task force was eligible for reimbursement through the Alaska High Intensity Drug Trafficking Area (AK HIDTA), which receives its funding through Federal appropriation. The Police Department requested reimbursement for \$10,538.10 in overtime expenditures.

I am respectfully requesting consideration of the ordinance accepting and appropriating the grant funds into the FY24 budget for the purpose they were intended.



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3428-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUE AND APPROPRIATIONS IN THE AIRPORT OPERATIONS FACILITY CAPITAL PROJECT FUND, ACCEPTING A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION AND AWARDED A CONSTRUCTION AGREEMENT FOR THE KENAI MUNICIPAL AIRPORT AIRCRAFT RESCUE AND FIRE FIGHTING FACILITY REHABILITATION PROJECT.

WHEREAS, the Kenai Municipal Airport Operations and Aircraft Rescue and Fire Fighting (ARFF) Facility was built with Airport Improvement Program (AIP) funds in 2002; and,

WHEREAS, the HVAC system has reached the end of its lifecycle due to it being obsolete and a boiler heat exchanger cracking and being temporarily sealed; and,

WHEREAS, the facility has Snow Removal Equipment (SRE) and ARFF housed inside; and,

WHEREAS, the ARFF Facility rehabilitation project is Federal Aviation Administration (FAA) eligible for grant funds comprised of 65% Airport Improvement Program funds and 35% City funds; and,

WHEREAS, the initial grant offer is for \$\_\_\_\_\_ with \$\_\_\_\_\_ Federal Aviation Administration share and \$\_\_\_\_\_ as the City share; and,

WHEREAS \$557,447 previously appropriated in the Airport Operations Facility Capital Project Fund for the project will be utilized for the City's 35% share; and,

WHEREAS the remaining balance from the previously appropriated \$557,447 will be transferred back to the Airport Special Revenue Fund by a subsequent ordinance; and,

WHEREAS, the Airport agrees to the grant condition that ARFF and SRE equipment and vehicles will be housed and maintained in a state of operational readiness on and for the airport; and,

WHEREAS, completion of this work will improve and stabilize the efficiency of the facility, reduce utility costs, and safeguard the HVAC system for years to come; and,

WHEREAS, the City advertised an Invitation to Bid on July 23, 2024 with bids due on August 13, 2024; and,

WHEREAS, the following bids were received:

Bidder	Price
_____	\$ _____
_____	\$ _____

WHEREAS, \_\_\_\_\_ bids were received and \_\_\_\_\_ was the lowest responsive bid; and,

WHEREAS, the recommendation from City Administration is to award the contract to \_\_\_\_\_ for the total cost of \$\_\_\_\_\_; and,

WHEREAS, award of the bid to \_\_\_\_\_, is in the best interest of the City.

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

**Section 1.** That the City Manager is authorized to accept a grant from the Federal Aviation Administration in the amount of \$\_\_\_\_\_ and to expend grant funds in accordance with the provisions of the grant.

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

Airport Operations Facility Capital Projects Fund:

Increase in Estimated Revenues –	
Appropriation of FAA Grant Funds	\$ <u>XX,XXX</u>
 Increase Appropriations –	
Construction	\$XX,XXX
City Administration	<u>XX,XXX</u>
	\$ <u>XX,XXX</u>

**Section 3.** That the City Manager is authorized to enter into a construction agreement with \_\_\_\_\_ for \$\_\_\_\_\_.

**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 21<sup>ST</sup> DAY OF AUGUST, 2024.

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

ATTEST:

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

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

Introduced:	August 7, 2024
Enacted:	August 21, 2024
Effective:	August 21, 2024



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Derek Ables, Airport Manager

**DATE:** July 28, 2024

**SUBJECT:** **Ordinance No. 3428-2024 - Increasing Estimated Revenue and Appropriations in the Airport Operations Facility Capital Project Fund, Accepting a Grant from the Federal Aviation Administration and Awarding a Construction Agreement for the Kenai Municipal Airport Aircraft Rescue and Fire Fighting Facility Rehabilitation Project.**

---

The purpose of this memo is seeking the approval of the City Council to accept a grant offer for the Airport Improvement Program, from the Federal Aviation Administration (FAA) replace the HVAC equipment at the Kenai Municipal Airport ARFF Building. The FAA will cover 65% of the costs with the other 35% covered by the City with funds previously appropriated in the Airport Operations Facility Capital Projects Fund.

The HVAC equipment, including two boilers and associated controls, needs replacement at the Kenai Municipal Airport ARFF Building. This project is grant eligible. Federal guidance requests a grant application based on hard bids, with a grant application being requested as soon as possible to meet the Federal Aviation Administration's year end on September 30<sup>th</sup>.

In order to meet the deadline, the City issued the Invitation to Bid on July 23, 2024 with bids due on August 13, 2024. The City will review the bids and Airport Administration will submit a grant application with the lowest responsive bid by the FAA deadline.

A substitute ordinance will be included in the August 21, 2024 Council packet with the results of the Invitation to Bid filling in the blanks on this ordinance.

Thank you for your consideration.



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3429-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT IMPROVEMENTS CAPITAL PROJECT FUND AND ACCEPTING A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION FOR THE KENAI MUNICIPAL AIRPORT MOBILE TEST FOAM SYSTEM EQUIPMENT PURCHASE.

WHEREAS, this Ordinance will provide for the purchase of test equipment to allow the safe annual operational testing of Airport Fire Fighting Equipment without the necessity of discharging potentially hazardous materials; and,

WHEREAS, due to recent regulations related to firefighting foam containing hazardous materials, the Federal Aviation Administration is offering to fully fund 100% of the purchase for a mobile test foam system, commonly referred to as an Eco Cart; and,

WHEREAS, the initial grant offer and Federal Aviation Administration share is \$34,950; and,

WHEREAS, acceptance of these grant funds is in the best interest of the City.

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

**Section 1.** That the City Manager is authorized to accept a grant from the Federal Aviation Administration in the amount of \$34,950 and expend the funds in accordance with the provisions of the grant.

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

Airport Improvements Capital Project Fund:

Increase Estimated Revenues –	
Appropriation of FAA Grant Funds	<u>\$34,950</u>
Increase Appropriations –	
Machinery & Equipment	\$33,350
City Administration	<u>1,600</u>
	<u>\$34,950</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 21<sup>ST</sup> DAY OF AUGUST, 2024.

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

ATTEST:

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

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



Introduced:	August 7, 2024
Enacted:	August 21, 2024
Effective:	August 21, 2024





# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Derek Ables, Airport Manager

**DATE:** July 28, 2024

**SUBJECT:** **Ordinance No. 3429-2024 - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from the Federal Aviation Administration for the Kenai Municipal Airport Mobile Test Foam System Equipment Purchase.**

The purpose of this memo is to request appropriation of funds from the Federal Aviation Administration (FAA) for ARFF vehicle portable test equipment.

The applied principle of this equipment is to measure the flow rates, which correspond to the foam-concentrate flow rates, and calculate the foam solution percentage based on the flow rates of each nozzle outlet. The NoFoam System, Model P, is the compact solution. It uses an external water tank (supplied with the system), and is battery powered and is designed to perform the same as the trailer-based system. The system will allow the City to meet its annual testing requirements without discharging any chemicals.

Resolution 2024-18 previously authorized the acceptance of grant funding from the Federal Aviation Administration of \$34,950. 100% of the project is funded through the Bipartisan Infrastructure Law (BIL).

Council's support is respectfully requested.



**KENAI COUNCIL ON AGING – REGULAR MEETING  
JULY 11, 2024 – 3:00 P.M.  
KENAI SENIOR CENTER  
361 SENIOR CT., KENAI, AK 99611  
CHAIR KEN AYERS, PRESIDING**

**ACTION MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Council on Aging was held on July 11, 2024, at the Kenai Senior Center, Kenai, AK. Chair Ayers called the meeting to order at approximately 3:00 p.m.

**1. Pledge of Allegiance**

Chair Ayers led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Ken Ayers, Chair  
Velda Geller  
William Sadler  
Jim Glendening

Rachael Craig, Vice Chair  
Barbara Modigh (*Electronic participation*)  
Kit Hill

A quorum was present.

Absent:

Frances Kilfoyle

Also in attendance were:

Kathy Romain, Senior Center Director  
Red Piersee, Senior Center Administrative Assistant

**3. Agenda Approval**

**MOTION:**

Vice Chair Craig **MOVED** to approve the agenda as presented. Member Hill **SECONDED** the motion.

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

**B. SCHEDULED PUBLIC COMMENTS - None.**

**C. UNSCHEDULED PUBLIC COMMENTS - None.**

**D. APPROVAL OF MINUTES**

1. May 9, 2024

**MOTION:**

Member Hill **MOVED** to approve the May 9, 2024 Council on Aging minutes. Member Glendening **SECONDED** the motion.

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

**E. UNFINISHED BUSINESS** – None.

**F. NEW BUSINESS**

1. **Discussion** - Senior Center Director's Update on Grants

*[Clerk's note: This item was not addressed at this point in the agenda, but was reviewed during the Senior Center Director's Report.]*

**G. REPORTS**

1. Senior Center Director – Director Romain reported on the following:
  - Two new drivers are to be hired.
  - Changes in NTS grant funding due to loss of COVID-19 funding.
  - Attended a meeting on the Nikiski Senior Center's plans to expand their service area to include the Salmantof area, which is currently part of the Kenai Senior Center service area assigned by the Kenai Peninsula Borough.
2. Commission Chair – Chair Ayers reported on reviewing the website for advertisement.
3. City Council Liaison – No report.

**H. ADDITIONAL PUBLIC COMMENTS** – None.

**I. NEXT MEETING ATTENDANCE NOTIFICATION** – August 8, 2024

**J. COMMISSION QUESTIONS AND COMMENTS**

Members Geller and Craig reported that they had not received their packets in the mail.

**K. ADJOURNMENT**

**L. INFORMATIONAL ITEMS**

There being no further business before the Council on Aging, the meeting was adjourned at 3:35 p.m.

I certify the above represents accurate minutes of the Council on Aging meeting of July 11, 2024.

---

Meghan Thibodeau  
Deputy City Clerk

**KENAI AIRPORT COMMISSION – REGULAR MEETING  
JULY 11, 2024 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR GLENDA FEEKEN, PRESIDING**

**ACTION MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Airport Commission was held on July 11, 2024, in the Kenai City Council Chambers, Kenai, AK. Chair Feeken called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Chair Feeken led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Glenda Feeken, Chair  
James Bielefeld  
Joshua Belter

Jacob Caldwell  
James Zirul

A quorum was present.

Absent:

Paul Minelga, Vice Chair

Dan Knesek

Also in attendance were:

Derek Ables, Airport Manager  
Sarah Conley, Airport Administrative Assistant  
Henry Knackstedt, City Council Liaison

**3. Agenda Approval**

**MOTION:**

Commissioner Caldwell **MOVED** to approve the agenda as presented. Commissioner Zirul **SECONDED** the motion.

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

**B. SCHEDULED PUBLIC COMMENTS - None.**

**C. UNSCHEDULED PUBLIC COMMENTS - None.**

**D. APPROVAL OF MINUTES**

1. June 13, 2024

**MOTION:**

Commissioner Bielefeld **MOVED** to approve the June 13, 2024 Airport Commission minutes. Commissioner Zirul **SECONDED** the motion.

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

**E. UNFINISHED BUSINESS – None.**

**F. NEW BUSINESS**

1. **Discussion/Recommendation** - Recommending approval of the Title VI Plan and Community Participation Plan.

**MOTION:**

Commissioner Bielefeld **MOVED** to recommend the Federal Aviation Administration Office of Civil Rights approve the Title VI and Community Participation Plans. Commissioner Zirul **SECONDED** the motion.

Airport Manager Ables gave a staff report from information provided in the packet.

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

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

**G. REPORTS**

1. Airport Manager – Airport Manager Ables reviewed the report provided in the packet.
2. Commission Chair – No report.
3. City Council Liaison – Council Member Knackstedt reported on recent actions of the City Council.

**H. ADDITIONAL PUBLIC COMMENTS – None.****I. NEXT MEETING ATTENDANCE NOTIFICATION – August 8, 2024****J. COMMISSION QUESTIONS AND COMMENTS****K. ADJOURNMENT****L. INFORMATIONAL ITEMS**

1. Administrative Report

There being no further business before the Airport Commission, the meeting was adjourned at 6:20 p.m.

I certify the above represents accurate minutes of the Airport Commission meeting of July 11, 2024.

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Meghan Thibodeau  
Deputy City Clerk

**KENAI HARBOR COMMISSION – SPECIAL MEETING  
JULY 1, 2024 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
VICE CHAIR JEANNE REVEAL, PRESIDING**

**ACTION MINUTES**

**A. CALL TO ORDER**

A Special Meeting of the Harbor Commission was held on July 1, 2024, in the Kenai City Council Chambers, Kenai, AK. Vice Chair Reveal called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Vice Chair Reveal led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Jeanne Reveal, Vice Chair  
Matthew Moffis

David Peck  
John Coston (*remote participation*)

A quorum was present.

Absent:

Lisa Gabriel, Chair

Also in attendance were:

Scott Curtin, Public Works Director  
Lisa List, Public Works Administrative Assistant  
Victoria Askin, City Council Liaison

**3. Agenda Approval**

**MOTION:**

Commissioner Peck **MOVED** to approve the agenda as presented. Commissioner Moffis **SECONDED** the motion.

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

**B. NEW BUSINESS**

- 1. Discussion/Recommendation** - Recommending the City Council Approve an Easement for Construction and Maintenance of a Seawall.

**MOTION:**

Commissioner Peck **MOVED** to recommend City Council approval an easement for construction and maintenance of a seawall. Commissioner Moffis **SECONDED** the motion.

City Attorney Bloom gave a staff report from information provided in the packet, noting that the easement had been drafted but not yet submitted.

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

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

- C. **ADDITIONAL PUBLIC COMMENTS** – None.
- D. **NEXT MEETING ATTENDANCE NOTIFICATION** – August 12, 2024
- E. **COMMISSION QUESTIONS AND COMMENTS**
- F. **ADJOURNMENT**

There being no further business before the Harbor Commission, the meeting was adjourned at 6:15 p.m.

I certify the above represents accurate minutes of the Harbor Commission Special Meeting of July 17, 2024

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Meghan Thibodeau  
Deputy City Clerk

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JUNE 26, 2024 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR PRO TEMPORE JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 26, 2024, in City Hall Council Chambers, Kenai, AK. Commissioner Twait called the meeting to order at approximately 7:00 p.m.

Having no presiding officer present, the first order of business was the election of a Chair Pro Tempore.

**MOTION:**

Commissioner Pettey **NOMINATED** Commissioner Twait to serve as Chair Pro Tempore for the meeting.

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

**1. Pledge of Allegiance**

Chair Pro Tempore Twait led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Jeff Twait  
Glenese Pettey  
Gwen Woodard

John Coston, Vice Chair (*electronic participation*)  
Sonja Barbaza  
Diane Fikes

A quorum was present.

Absent:

Joe Halstead, Chair

Also in attendance were:

Linda Mitchell, Planning Director  
Brandon McElrea, Planning Technician  
Alex Douthit, City Council Liaison  
Meghan Thibodeau, Deputy City Clerk

**3. Approval of Agenda and Consent Agenda**

Chair Pro Tempore Twait noted the following additions to the Packet:

Add Item B.1. **Approval of Minutes**

Deputy Clerk

- \*Regular Meeting of June 12, 2024

Add Item F.1. **Public Hearing** – Resolution No. PZ2024-16

Planning Director

- Public Comment

**MOTION:**



Commissioner Pettey **MOVED** to approve the agenda and consent agenda. Commissioner Woodard **SECONDED** the motion.

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

Chair Pro Tempore Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

**UNANIMOUS CONSENT** was requested.

There being no objection; **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.

## **B. APPROVAL OF MINUTES**

1. \*Regular Meeting of June 12, 2024

Approved by the consent agenda.

## **C. SCHEDULED PUBLIC COMMENTS - None.**

## **D. UNSCHEDULED PUBLIC COMMENTS - None.**

## **E. CONSIDERATION OF PLATS**

1. **Resolution No. PZ2024-15** – Recommending Approval on Preliminary Plat – Beaver Loop Acres Addition No. 2 Replat for a Replat of Tract A and Lot 2 of the Beaver Loop Acres Subdivision within the Rural Residential (RR) Zoning District.

### **MOTION:**

Commissioner Woodard **MOVED** to approve Resolution No. PZ2024-15. Commissioner Pettey **SECONDED** the motion.

Planning Technician McElrea provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-15, and explained the purpose of the replat. Staff's findings were reviewed, and it was noted that staff's recommendation is approval subject to the condition specified within the staff report as attached to Resolution No. PZ2024-15.

### **VOTE:**

YEA: Pettey, Barbaza, Woodard, Twait, Fikes

NAY: None.

ABSENT: Halstead

**MOTION PASSED WITHOUT OBJECTION.**

*[Clerk's Note: Vice Chair Coston was unable to cast a vote due to technical issues.]*

## **F. PUBLIC HEARINGS**

1. **Resolution No. PZ2024-16** – Granting a Conditional Use Permit to Operate Administrative Offices Within the Existing Building on the Property Described as Lot 1-A, Vacation & Replat, Rasmussen Subdivision, Located at 1311 Kiana Lane, Within the Suburban Residential (RS) Zoning District.

*[Clerk's Note: Commissioner Barbaza declared a possible conflict with Resolution No. PZ2024-16 as her employer intended to occupy the location if the CUP was granted. Chair Pro Tempore Twait ruled a conflict existed and Commissioner Barbaza abstained from discussion and voting on the resolution.]*

#### **MOTION:**

Commissioner Fikes **MOVED** to approve Resolution No. PZ2024-16. Commissioner Pettey **SECONDED** the motion.

Planning Director Mitchell provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-16, noting previous uses of the building include a martial art/yoga studio. Clarification was provided that the permitted use for this CUP was for administrative offices only, and any expanded uses would require reevaluation by Planning & Zoning Commission to include the public hearing process. It was noted that the application met the CUP criteria and City staff recommends approval subject to the conditions as specified within the staff report as attached to Resolution No. PZ2024-16.

Chris Mumford, President and CEO of Salamatof Native Association (applicant), explained that the organization had applied for the CUP with intention of purchasing the building on Kiana Lane for the Salamatof Tribe's administrative offices; the building had suitable space for administrative offices including bathrooms, a large kitchen, and areas for potential youth and cultural classes. He described the association's commitment to Kenai; their community-oriented focus; social services offered by the association; and the future intent to expand services to include youth classes and elder gatherings after applying for and receiving the necessary permits. Mumford apologized to his neighbors for not reaching out prior to the public hearing.

Chair Pro Tempore Twait opened the floor for public hearing.

Eric Morrison, Director of Salamatof Tribe, noted the prospective tenants to occupy the building would be the Tribe; the proposed use fits within the Institutional land use and would provide social and cultural services to the community. He identified services provided by the Tribe included support for the homeless, youth programs focusing on pride, culture, health, and services for elders. In response to questions from the Commission, he clarified that the Tribe intended to grow, although firefighting services will not be at this location.

Brad Brown, resident, addressed the Commission in opposition to the CUP expressing concerns regarding being a property owner within the 300-foot radius and not receiving notification from the City; inconsistencies in the CUP regarding use and future expansions; the proposal violates the suburban residential zone by potentially generating heavy traffic, which poses a danger to children who play in the street; and how it may worsen existing issues with street parking. Mr. Brown requested a clearer definition of what is being approved with the CUP and urged the Commission to consider the impact on the neighborhood from traffic and future expansion plans.

In response to questions from the Commission, Mr. Brown stated that he was unaware of the facility being used as a yoga studio; and had not experienced issues when the building was operating under previous institutional uses. He noted that he had not received notification from the City, Planning Director Mitchell clarified that was due to Mr. Brown having his information removed from Kenai Peninsula Borough map; she clarified that this CUP was strictly for administrative offices only, and if the applicant wanted to expand their use of the building they would have to reapply for a new CUP; Brown further expressed concerns that the approval of this CUP would make it more likely that the Commission would approve a future CUP for additional uses.

Raymond Hanson, resident, addressed the Commission in opposition to the CUP expressing concerns about the potential expansions not detailed in the permit application; noted disappointment with the vacation of public access and traditional trail use when the church property expanded and the increase in stop signs in the neighborhood; and noted that he shared some of Brad Brown's concerns and would like the intent to be made clearer on the permit.

*[Clerk's Note: Paula Carlyle attempted to provide testimony at this time, however, was unable to be heard due to technical issues.]*

In response to questions from the Commission, Mr. Mumford identified the initial phase would focus on improving the existing building for administrative use; long-term plans may include adding more buildings and hosting community events; that traffic to the property would be strictly administrative at the beginning; that expansion plans would be designed to minimize traffic and maintain a clean, well-maintained environment to allow them to hold more community and family-focused events. He emphasized Salamatof's values of betterment of youth and being good community members.

*[Clerk's Note: Paula Carlyle attempted to provide testimony at this time; however, was unable to be heard due to technical issues.]*

Tim Davenport, resident, addressed the Commission in opposition to the CUP, stating concerns regarding the lack of detailed notice received; and the potential impacts on his neighborhood; inadequate access and infrastructure; lack of a buffer between his home and the building. Mr. Davenport clarified that he lived with his five children, the new use would significantly increase traffic in a residential neighborhood where children play; it would disrupt his family's quality of life and decrease property values; stated that the location was unsuitable for the proposal; and cautioned against the potential for future commercial development.

Danette Howland, current occupant of the building, addressed the Commission in support of the CUP, noting the building once housed a successful yoga and martial arts business attracting up to 30-people at a time; she acknowledged traffic issues, stating the kids on four wheelers and motorcycles on the street were not supposed to be doing that and a separate issue from the CUP. Ms. Howland identified potential improvements to the parking lot, fence and buildings.

Kathy McMurray, resident, addressed the Commission in opposition to the CUP, noting concerns regarding the proposed changes to the building; not receiving any notification regarding the hearing; there were ongoing issues with traffic and safety in the neighborhood, especially regarding children playing in the area. Ms. McMurray questioned how the new development would affect access to her home.

*[Clerk's Note: Paula Carlyle attempted to provide testimony at this time; however, was unable to be heard due to technical issues.]*

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

Director Mitchell clarified that the lot line on Baker Street had been vacated when the plat had been approved in 1979. She reviewed staff's recommended conditions on the CUP, including a requirement for the property owners to either plant and maintain necessary landscaping or install a minimum six-foot fence, and ensure that existing setbacks and landscape buffers are maintained. The timeframe for compliance with these conditions was discussed, and it was noted that typically they have up to two years to meet the requirement. The location of the buffering was discussed.

Chair Pro Tempore Twait stated that he would be in support of the resolution and that the CUP meets criteria. He addressed the concerns shared during public testimony, noting that it would be inappropriate to deny the CUP based on potential future uses not included in this permit, and that any traffic issues would likely be limited to normal business hours.

Commissioner Fikes stated support for the resolution, noting that the previous commercial use had been successful and the applicants intend to use the property for the good of the community and neighborhood. She noted that the CUP meets criteria, the conditions requiring buffering will help to mitigate potential issues, and that it will be low impact.

Commissioner Pettey also noted that the previous commercial use had been successful, that the current CUP application met criteria, and with the additional buffering requirements staff had added she supported approval.

Commissioner Woodard stated she would not be in support of this CUP. She stated that despite the criteria being met, she did not want to go against the residents who opposed the CUP and disagreed with letting businesses go into neighborhoods.

Chair Pro Tempore Twait addressed comments made during public testimony, noting that concerns with the notification process and traffic issues are separate issues that should be addressed by the City.

**VOTE:**

YEA: Fikes, Twait, Pettey

NAY: Woodard

ABSENT: Halstead

ABSTAIN: Barbaza, Coston

**MOTION PASSED.**

*[Clerk's note: Commissioner Coston abstained from discussion and voting on Resolution PZ2024-16 pursuant to KMC 14.05.025(e)]*

Chairperson Pro Tempore Twait noted the 15-day appeal period.

2. **Resolution No. PZ2024-17** - Granting a Conditional Use Permit to Operate a Cabin Rental (i.e., Short-Term Rental) of the Existing Single-Family Dwelling on the Property Described as Lot 1, Block 4, Central Heights Subdivision, Located at 213 Portlock Street Within the Suburban Residential (RS) Zoning District.

**MOTION:**

Commissioner Fikes **MOVED** to approve Resolution No. PZ2024-17. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-17, noting that another short-term rental CUP on the same street had been approved with the added condition of quiet hours, and so the same condition was added to this CUP to maintain consistency in the area; the application met the CUP criteria and City staff recommends approval subject to the conditions as specified within the staff report as attached to Resolution No. PZ2024-17.

Frank Duniphin, applicant, addressed the Commission in support of the CUP, noting that his family had lived in the neighborhood for eleven years; were friends with many neighbors; clarified that tenants would be limited to three vehicles and no more than four adults per night.

In response to questions from the Commission, Mr. Duniphin clarified that he would not be allowing boat trailers; that he will be living within a five-minute drive of the property; and is friends with neighbors if any issues arise with tenants.

Chair Pro Tempore Twait opened the floor for public hearing; there being no one wishing to be heard, the public hearing period was closed.

Chair Pro Tempore Twait stated support, noting that no issues had been reported on the other short-term rental CUP on the street, and that this kind of business is good for the community.

**VOTE:**

YEA: Barbaza, Woodard, Pettey, Fikes, Twait

NAY: None

ABSENT: Halstead

ABSTAIN: Coston

**MOTION PASSED WITHOUT OBJECTION.**

*[Clerk's note: Commissioner Coston abstained from discussion and voting on Resolution PZ2024-17 pursuant to KMC 14.05.025(e)]*

Chair Pro Tempore Twait noted the 15-day appeal period.

**G. UNFINISHED BUSINESS** – None.

**H. NEW BUSINESS**

1. **\*Action/Approval** – Requesting an Excused Absence for the June 12, 2024 Regular Meeting – Barbaza

Approved by the consent agenda.

**I. REPORTS**

1. Planning Director – Planning Director Mitchell reported on the following:
  - This was her last Planning & Zoning Commission meeting; last day with the City is July 5<sup>th</sup>.
  - Max Best serve as Interim Planner, and will be working part-time starting next week.
  - Expressed appreciation for working with Commission; emphasized the importance of the Comprehensive Plan.
2. Commission Chair – No report.
3. Kenai Peninsula Borough Planning – Commissioner Fikes reported on recent actions of the Kenai Peninsula Borough Planning Commission.
4. City Council Liaison – Council Member Douthit reported on recent actions of the City Council.

**J. ADDITIONAL PUBLIC COMMENT** – None.

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: July 10, 2024

**L. COMMISSION COMMENTS AND QUESTIONS**

Commissioners Barbaza, Woodard, Pettey and Fikes expressed appreciation for Director Mitchell.

**M. PENDING ITEMS**

**Discussion/Recommendation** – Proposal to Reduce the Number of Meetings for Planning and Zoning Commission. *[On 6/12/24 this item was postponed to the 7/24/24 Planning & Zoning Commission meeting.]*

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS** – None.

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 9:29 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of June 26, 2024.

\_\_\_\_\_  
Meghan Thibodeau, Deputy City Clerk



# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Terry Eubank, City Manager

**DATE:** August 1, 2024

**SUBJECT:** Kenai Peninsula Borough Spruce Bark Beetle Mitigation in City

---

The Kenai Peninsula Borough has received federal funding to address the spruce bark beetle infestation. The Borough's project is intended to reduce public risk by managing dead spruce trees. Components of this project include land surveying of identified parcels to delineate treatment areas, the cutting of dead/standing trees, and the completion of forest fuel treatments. Approval to access and perform work on City parcels has been provided in support of these projects.

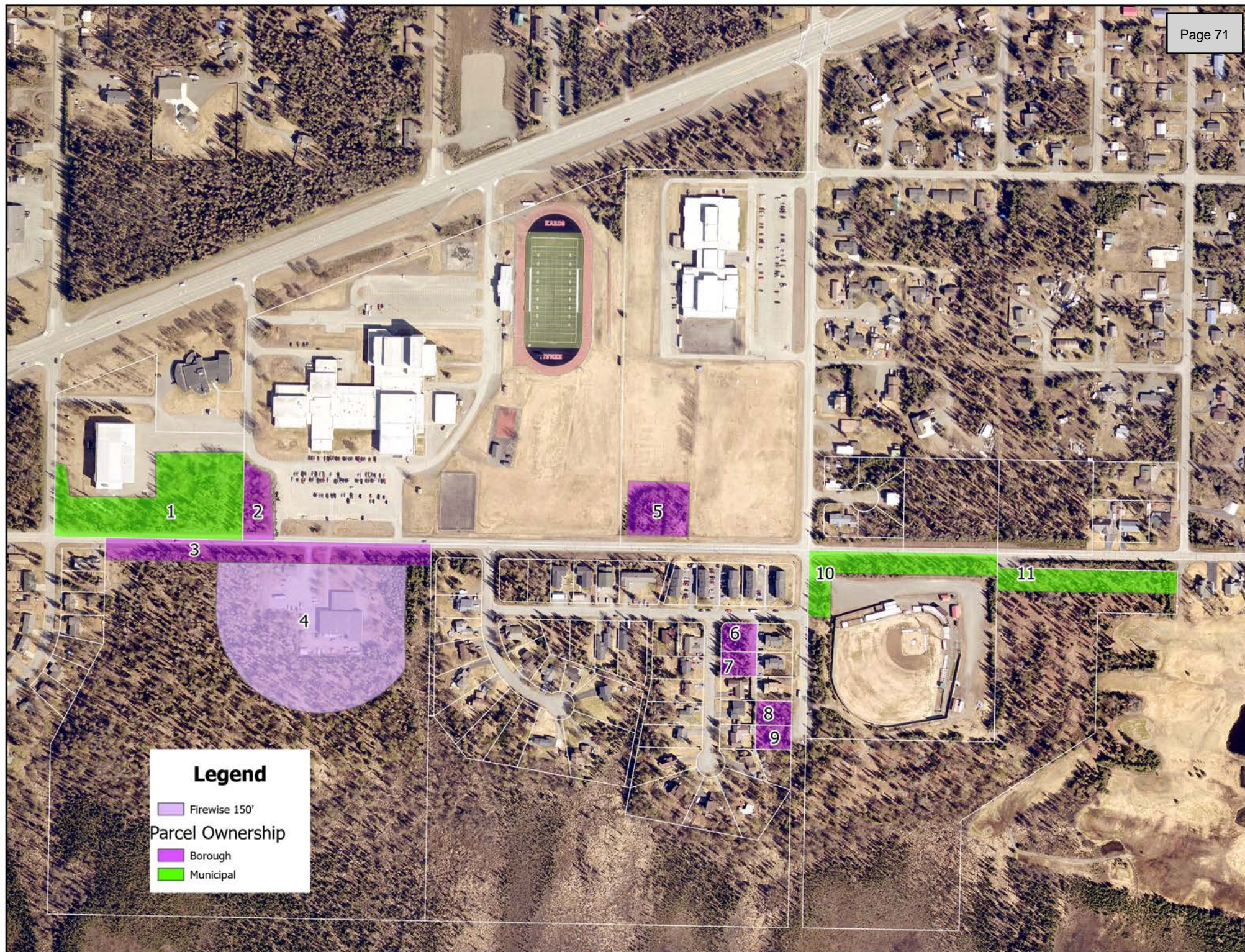
The Borough's contractor will selectively cut down all dead beetle-infested spruce trees (all size classes). Any spruce trees that are previously jack-strawed, windthrown, or have broken stems, will be cut/felled when broken stumps are two feet (2') or higher above the ground surface. Felling operations require a tree stump height no greater than one foot (1') from the adjoining forest ground surface area; as measured from the highest point near the tree stump. All healthy, live trees will be protected and not disturbed to the maximum extent practicable.

All merchantable log material will be harvested and removed from the project area. The contractor will utilize and remove sound log material from each tree up to a four-inch (4") diameter top. Accumulations of waste log debris or slash material will be redistributed and scattered across the nearby forest floor landscape. At the conclusion of operations, the standard for slash height is for material to lay within one foot (1') of the forest floor.

Maps of the areas affected by the two projects within the City are attached for reference.

Attachments

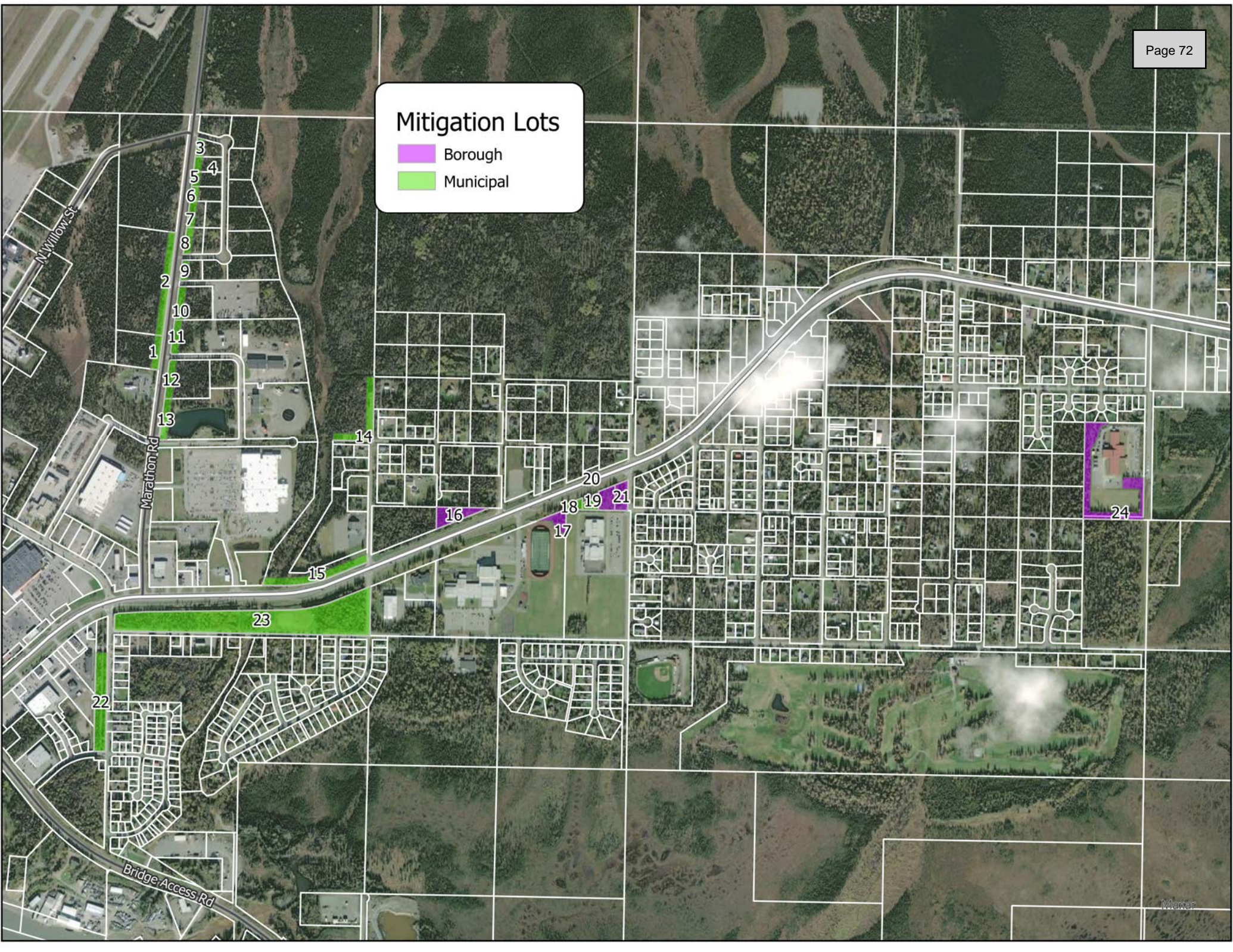






Mitigation Lots

- Borough
- Municipal







# KENAI

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## MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** Derek Ables, Airport Manager

**DATE:** July 26, 2024

**SUBJECT:** **Airport Mid-month Report June 2024**

Kenai Peninsula Air Fair- The Airport held an Air Fair on June 8<sup>th</sup>, 2024 where it kicked off in Soldotna with a pancake breakfast. This event was the result of months of planning and coordination. New this year we had 7 food trucks attend. There were also 12 exhibitor booths that included activities for both kids and adults and a booth from the Airport Commission. Several Aircraft were on display including the C46 from Everts and helicopters flew in from Life Med and Guardian. Civil Air Patrol helped control traffic which made the event flow smoothly.

### In-house Activities

- In June the Airports three operations employees enrolled in the American Association of Airport Executive's Airport Certified Employee Airfield Operations program. This allows them to gain a thorough knowledge of Part 139 operations to improve the safety and efficiency at our airport. This is an extensive curriculum that is considered the go-to certification in Airport Operations.

### Enplanements

Month	Grant 2024	Kenai 2024	Ravn 2023	Grant 2023	Kenai 2023	Total 2024	Total 2023	Change from 2023 to 2024
January	3218	1719	2799	2326	305	4937	5430	-493
February	3207	1553	2711	1199	229	4760	4139	621
March	3508	1325	2982	2236	280	4833	5498	-665
April	3847	1326	2529	2087	220	5173	4836	337
May	4024	1546	2547	2432	608	5570	5587	-17
June	4635	1624	2371	2740	590	6259	5701	558
July			4241	3067	836		8144	
August			4936	3592	1105		9633	
September			3429	2474	610		6513	
October			2159	2865	797		5821	
November			33	3508	1669		5210	
December			0	3439	1654		5093	
Total	22439	9093	30737	31965	8903	31532	71605	341



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**THROUGH:** Dave Ross, Police Chief  
**FROM:** Kris Giordano, Animal Control Chief  
**DATE:** July 2, 2024  
**SUBJECT:** June 2024 Monthly Report

This month the Kenai Animal Shelter took in **40** animals. Animal intake and disposition:

DOGS:				
	INTAKE	<b>14</b>	DISPOSITION	<b>8</b>
	Waiver	6	Adopted	3
	Stray	7	Euthanized	1
	Impound	0	Claimed	3
	Protective Custody	0	Field Release	0
	Quarantine	1	Transferred	1
	Other Intakes	0	Other Dispositions	0
CATS:				
	INTAKE	<b>23</b>	DISPOSITION	<b>22</b>
	Waiver	7	Adopted	16
	Stray	16	Euthanized	4
	Impound	0	Claimed	2
	Protective Custody	0	Field Release	0
	Quarantine	0	Transferred	0
	Other Intakes	0	Other Dispositions	0

OTHER ANIMALS:				
	INTAKE	3	DISPOSITION	0
	Guinea Pig	0	Rabbit	0
	Rabbit	3	Bird	0
	Other	0	Guinea Pig	0
DOA:		8	OTHER STATISTICS:	
	Dog	6	Licenses (City of Kenai Dog Licenses)	4
	Cat	2	Rabies Clinic	0
	Rabbit	0		

4 Animal dropped with After Hours (days we are closed but cleaning and with KPD)

19 Field Investigations & patrols

8 Volunteer Hours Logged

0 Citations

0 Educational Outreach

0 Microchip

Total Animal Contacts:

12 Animals are *known* borough animals

17 Animals are *known* City of Kenai

4 Animals are *known* City of Soldotna

0 Animals are *unknown* location

Statistical Data:

164 2022 YTD Intakes

231 2023 YTD Intakes

238 2024 YTD Intakes





# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Dave Swarner, Finance Director

**DATE:** July 30, 2024

**SUBJECT:** Finance Department Mid-Month Report – June 2024

---

In preparation for the 2024 Personal Use Fishery, the department assured all shacks were online and ready to process transactions, the Dipnet App was updated, and City Hall was prepared for daily reconciling activities. We will be working to assist Parks and Recreation staff to train seasonal employees to work in the dipnet shacks.

The Cyber Security Audit initial draft was received and expected completion of this project by the end of August.

With the completion of the FY25 budget, the department's focus has switched to closing of FY24 and completion of the City's Annual Comprehensive Financial Report. This process includes the closing of the FY24 financial records, fiscal year-end grant reporting, and finally, financial statement preparation. The annual audit is scheduled for the first week of November.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** John Harris, Deputy Chief (Acting Fire Chief)

**DATE:** July 9, 2024

**SUBJECT:** Fire Department Mid-Month Report – June

For May, we experienced a 1.8% call volume increase from the previous year. This was consistent with our increasing annual call volume increase of 4.8%. During the month of June, the Kenai Fire Department experienced eleven (11) incidents of multiple calls in which at least two (2) rescue units were engaged in simultaneous emergency responses.

June	2023	2024	% change
Month totals	114	116	1.8%
EMS	88	74	-15.9%
All Other	26	42	61.5%
Year total	713	747	4.8%

### Training:

- All KFD members participated in a multi-company drill with Dr. Michael Levy on 6/3 regarding QA reviews.
- All KFD members participated in an “Active Shooter Drill,” on the dates of 6/18 and 6/19. This was done in conjunction with KPD personnel and various other agencies (CES, NFD, HPD, and AST).
- Several KFD members attended “Legal Boot Camp,” which was a class covering EMS Defense Law. The class was conducted by David Givot, Esq.
- All KFD personnel participated in “Rescue Boat Training” operations.
- All KFD personnel completed their required ARFF training for June (Application of Extinguishing Agent).

### Projects/Grants:

- Several KFD members met with Blain Schumacher on 6/4, Mr. Schumacher was a candidate for the vacant Fire Chief position. Ultimately, Jay Teague was chosen for the position, and he will start on 7/15.



# KENAI

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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Stephanie Randall, Human Resources Director  
**DATE:** July 17, 2024  
**SUBJECT:** Human Resources Activity – June 2024

---

### Recruitment

Human Resources continued working with the City Manager's office to recruit for the Fire Chief position. Two candidates were brought on site for second interviews. An offer was made and accepted by Chief Jay Teague who began work on July 15, 2024. The Fire Department also successfully recruited and hired a firefighter with paramedic certification. Two new dispatchers were onboarded and began training in June. The new Building Official started on June 3. Temporary summer hires began working in the Parks and Recreation Department and Police departments. Recruitment began for a new Planning Director.

### Safety

There was one accident reported in June with a workers compensation claim.

### Special Projects

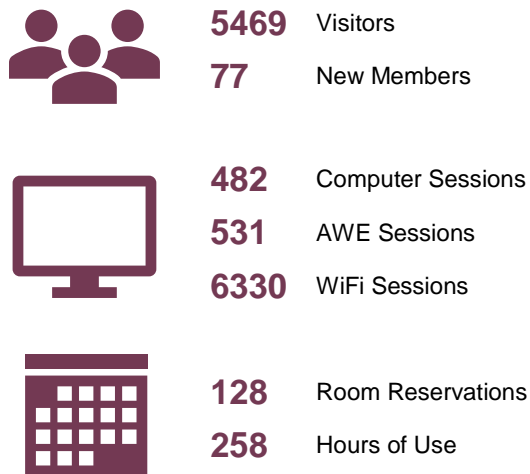
Human Resources worked with administration and finance to implement the new salary schedule and personnel regulations. Personnel Action Forms were completed for all employees.

Human Resources Director attended the Society for Human Resource Management (SHRM) annual conference in Chicago.

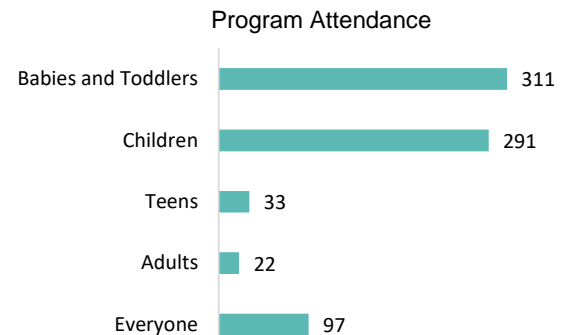
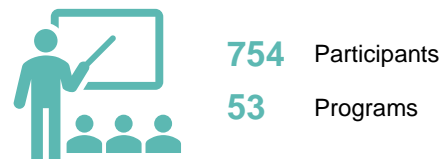
# MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Katja Wolfe, Library Director  
**DATE:** July 10, 2024  
**SUBJECT:** Library Report for June 2024

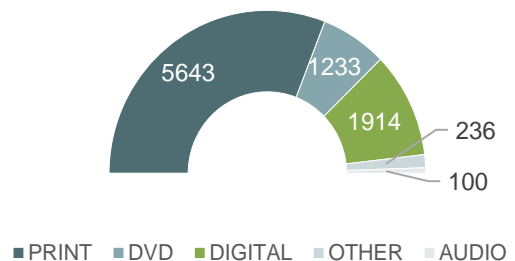
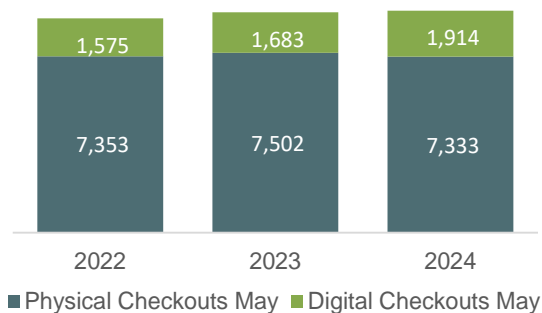
## SERVICES



## PROGRAMS AND EVENTS



## CIRCULATION





# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Tyler Best, Parks and Recreation Director

**DATE:** July 30<sup>th</sup>.

**SUBJECT:** Mid-Month Report-June

Parks and Recreation held its annual Kite Festival in June at Millennium Square. Parks partnered with the Library to have a kite-building class before the event. Then, Walmart brought over 150 kites to the event to give away for free, but they ran out during the first hour, so they had to return to the store to get more. Between the Library, Walmart, and the Salvation Army, who gave away mini kites, over 250 kites were estimated to be given away to members of the public during the Kite Festival.

In Partnership with the Kenai Rotary, we created a map of a 10,000-step path through Kenai. This will help promote Kenai's trail system and health and wellness in the community. The Path includes Daubenspeck Trails, Ryan's Creek Trail, Bernie Huss Trail, Meeks Trail, and the Municipal Park Walking Trail system.

The Rec Center has been open for its regular hours for a whole month after many closures during May for the Gym floors to be refinished, and patrons appreciate all the work that has been done. The lobby and locker room floors are planned to be redone in September, which may include some closures at the facility this fall.

At the beginning of June, Parks and Rec held a ribbon-cutting ceremony to celebrate the installation of a new piece playground equipment at Municipal Park. Marathon Petroleum issued a grant to the City so it could purchase a new see-saw (see photo attached)

### Kenai Rec. Center Visits-June

Weight Room/Cardio Room	931
Racquetball	100
Wallyball	60
Shower/Sauna	4
Gymnasium	879
Other	16
Gym Rental Visits	420
<b>Total Number of Visits</b>	<b>2410</b>





# KENAI

AK Kites setting up their unique kites! Over \$100,000 of these large kites went up in the sky!



A field full of kites!



New Inclusive See Saw at Municipal Park







# KENAI

## KENAI

### 10,000 Steps Trail



The 10,000 Steps to Health and Wellness Trail is brought to you by



**Kenai Rotary Club** 

**Walking 10,000 steps a day can increase your chance of living longer!**

- Eases anxiety and helps you sleep better
- Reduces diseases such as diabetes, Covid-19, cardiovascular disease, flu and some cancers
- Strengthens your bones and muscles
- Helps manage your weight

<https://www.cdc.gov/physical-activity-basics/benefits/index.html>





# KENAI

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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**THROUGH:** Max Best, Interim Planning Director  
**FROM:** Beth McDonald, Planning Assistant  
**DATE:** July 9, 2024  
**SUBJECT:** Planning and Zoning – June 2024 Monthly Report

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### General Information

- Planning Director job posted and open until filled.

### Public Inquiry

See attached report.

### Application Summary

- Lands - See attached report.
- Leases – See attached report.
- Planning & Zoning – See attached report.

### Code Enforcement and Compliance

In June, Planning and Zoning received nine (9) new complaints. Seven (7) complaints were active cases and five (5) cases were closed. There is a cumulative total of eighteen (18) open cases.

Due to other priorities, the implementation of the code enforcement solution was temporarily placed on-hold.

### Planning and Zoning Commission

Two (2) public meetings were held in the month of June with the following actions/recommendations.

- **Resolution PZ2024-13** - Granted a Conditional Use Permit for a Day Care Center, Recreation, and Youth Center on the Property Described as Tract A, City Park Subdivision No. 2, Located at 320 and 330 S. Spruce Street Within the Suburban Residential (RS) Zoning District

- **Resolution PZ2024-14** - Granted a Conditional Use Permit for Cabin Rentals (i.e., Short-Term Rentals) on the Property Described as Lot 3, Block 1, of Scalf Subdivision, Located at 106 N. Tinker Lane Within the Suburban Residential (RS) Zoning District.
- **Resolution PZ2024-15** – Recommended Approval on Preliminary Plat – Beaver Loop Acres Addition No. 2 Replat for a Replat of Tract A and Lot 2 of the Beaver Loop Acres Subdivision within the Rural Residential (RR) Zoning District.
- **Resolution PZ2024-16** - Granted a Conditional Use Permit to Operate Administrative Offices Within the Existing Building on the Property Described as Lot 1-A, Vacation & Replat, Rasmussen Subdivision, Located at 1311 Kiana Lane, Within the Suburban Residential (RS) Zoning District.
- **Resolution PZ2024-17** - Granted a Conditional Use Permit to Operate a Cabin Rental (i.e., Short-Term Rental) of the Existing Single-Family Dwelling on the Property Described as Lot 1, Block 4, Central Heights Subdivision, Located at 213 Portlock Street Within the Suburban Residential (RS) Zoning District.



## Public Inquiries

July 09, 2024 | 09:40:01

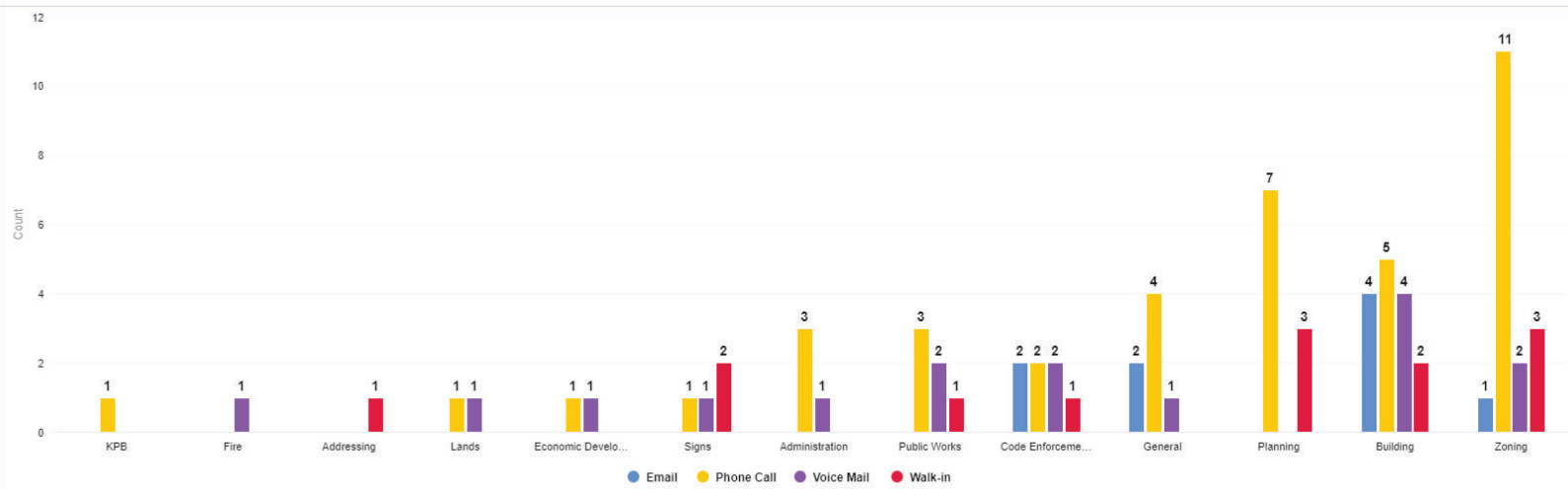
Average Days to Respond to a Public Inquiry

1.651

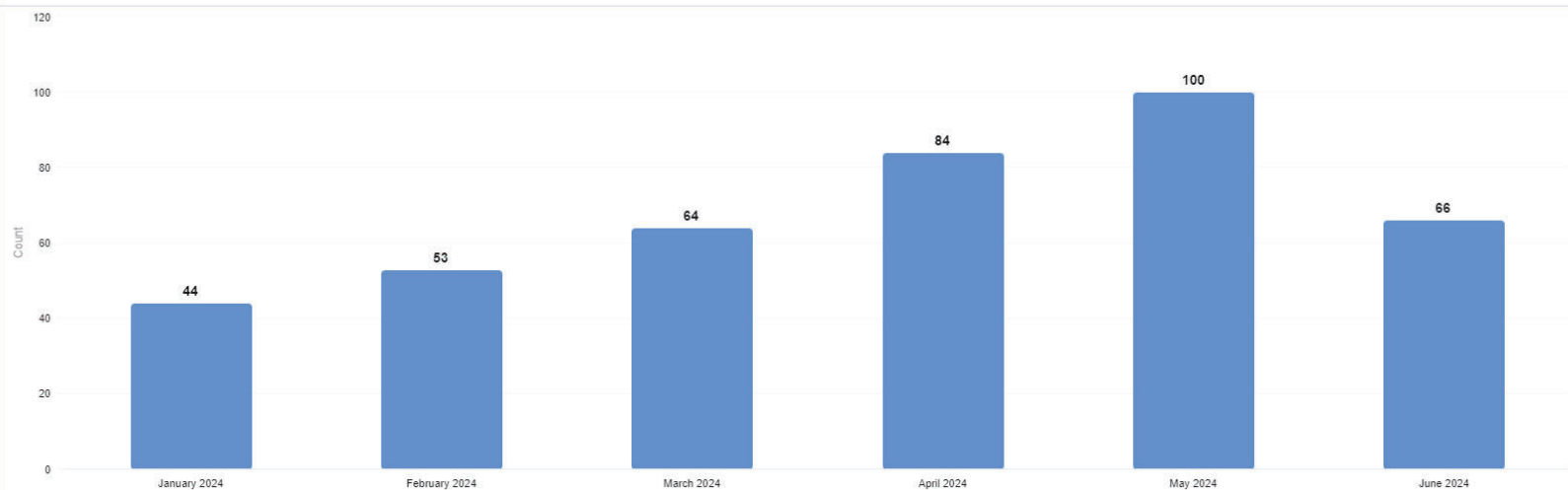
No. of Public Inquiries

66

No. of Inquiries by Department/Division and Contact Type



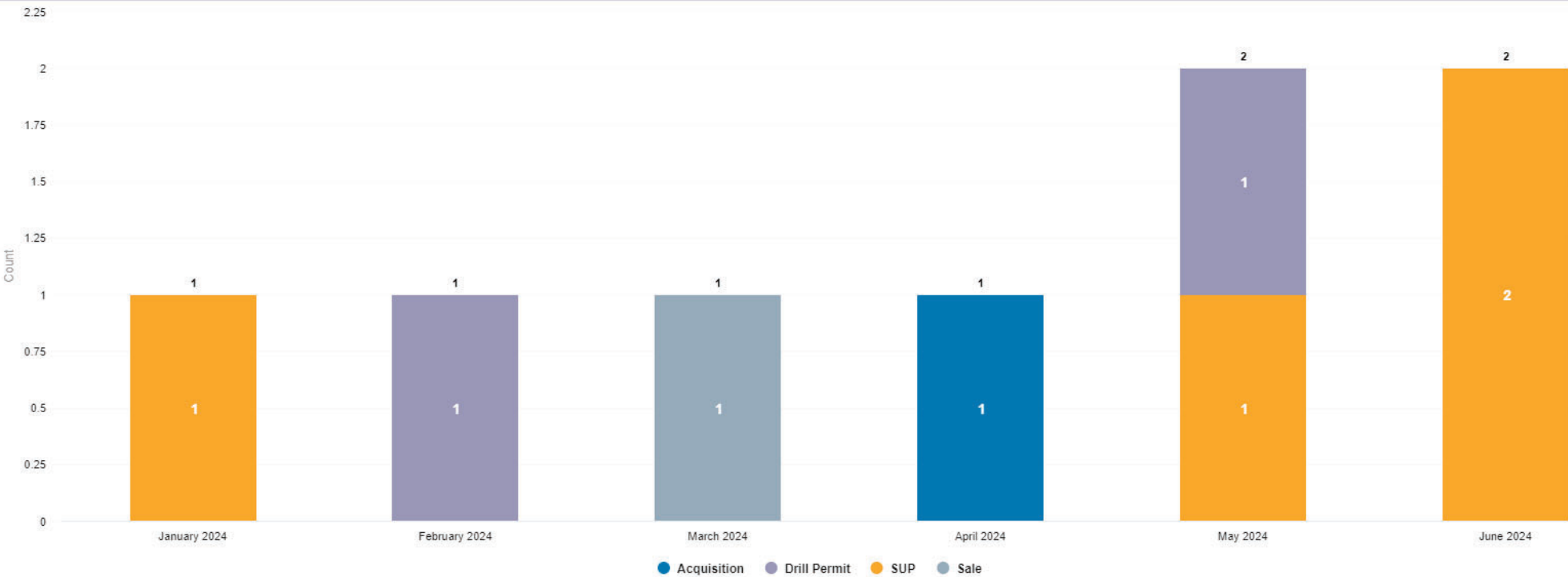
Year-to-Date: No. of Public Inquiries by Month



Lands

July 09, 2024 | 09:44:35

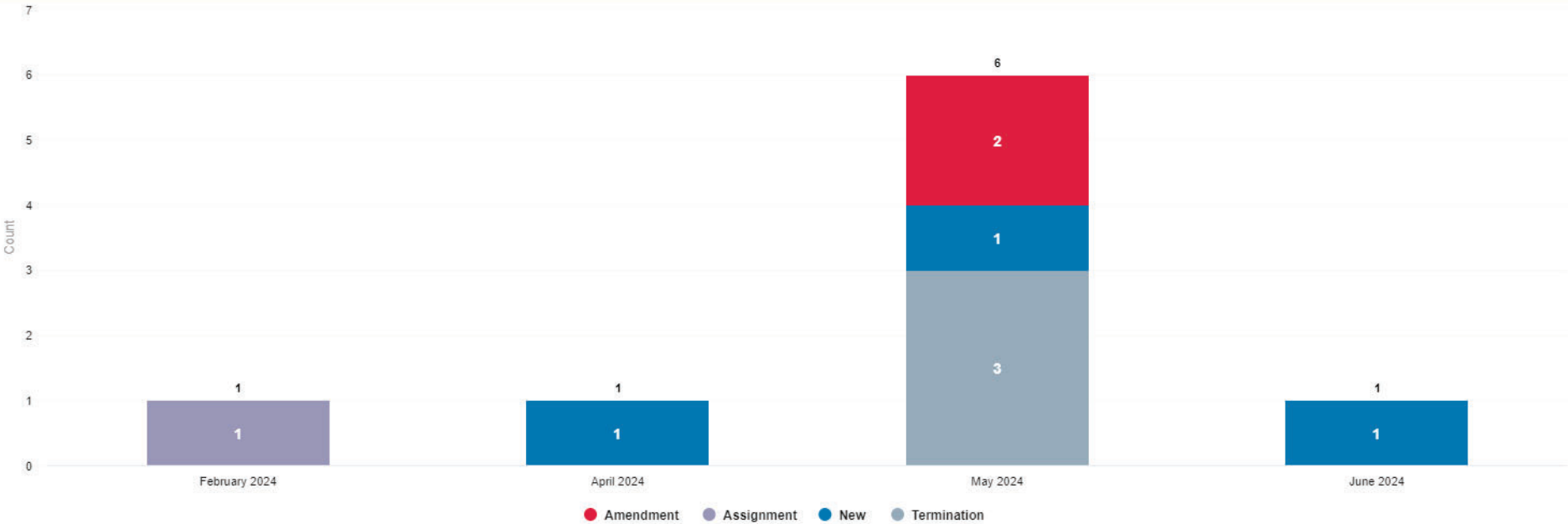
YTD Land Applications



Leases

July 09, 2024 | 09:44:53

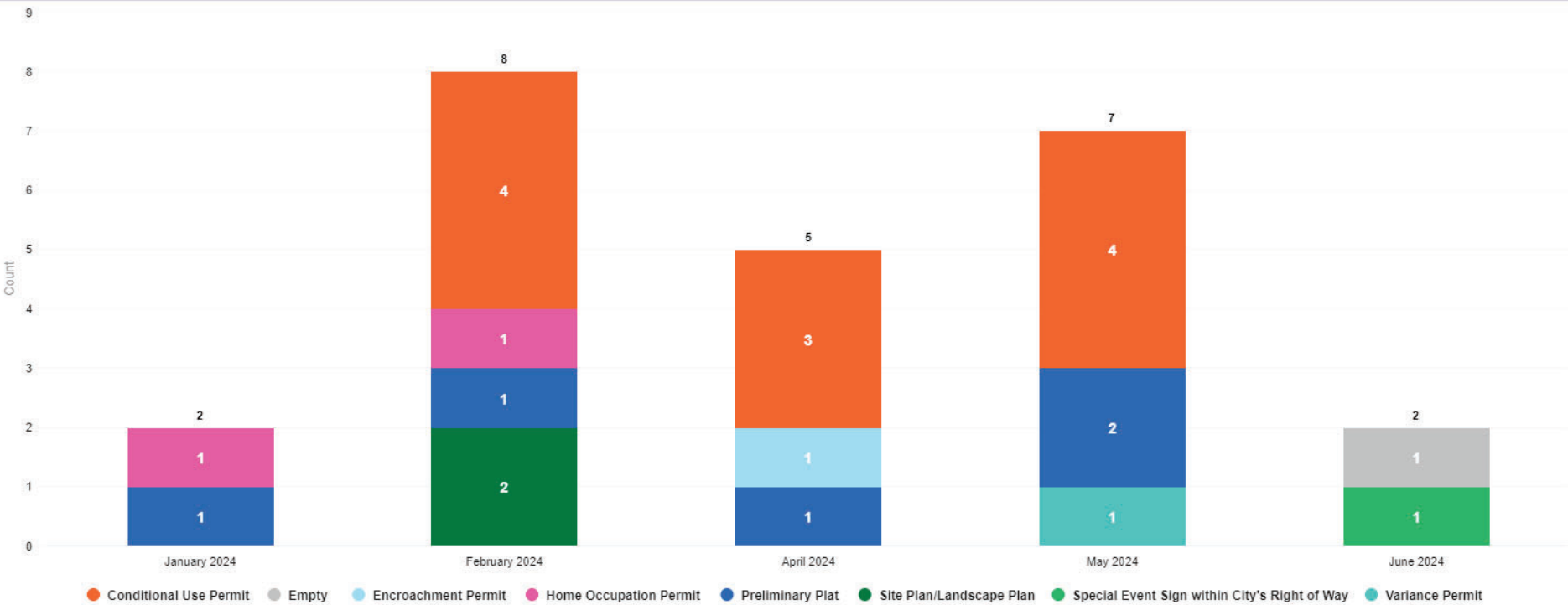
YTD Lease Applications



# Project Planning

July 09, 2024 | 09:44:15

YTD Planning Applications







## MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** David Ross, Police Chief

**DATE:** July 10, 2024

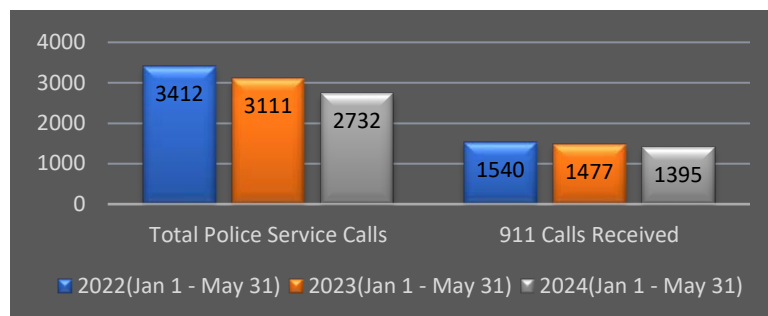
**SUBJECT:** Police & Communications Department Activity – June 2024

Police handled 512 calls for service in June and 265 calls were received by dispatch via 911. Officers made 39 arrests. Traffic enforcement resulted in 199 traffic contacts with 44 traffic citations issued and there were 7 DUI arrests. There were 13 reported motor vehicle collisions in June.

One new officer continued in field training for the month of June. Two new dispatchers started employment in the month of June and are in field training. Four Temporary Enforcement Officers started in June and all five were trained and prepared for the dipnet season.

One investigator spent two weeks at a homicide class in Kentucky. One officer spent four days at interview training in Anchorage. The KPD officer on the regional SWAT team spent two days in training.

In collaboration with Kenaitze security, the Kenai Police Department hosted 12 different law enforcement, dispatch, and EMS agencies in training for a critical incident response. This training occurred over two days at the Kenaitze Kahtnuht'ana Duhdeldiht Campus on Forest Dr. in Kenai and involved over 100 participants.





# KENAI

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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** June 2024  
**SUBJECT:** Mid-Month Report; Public Works / Capital Projects

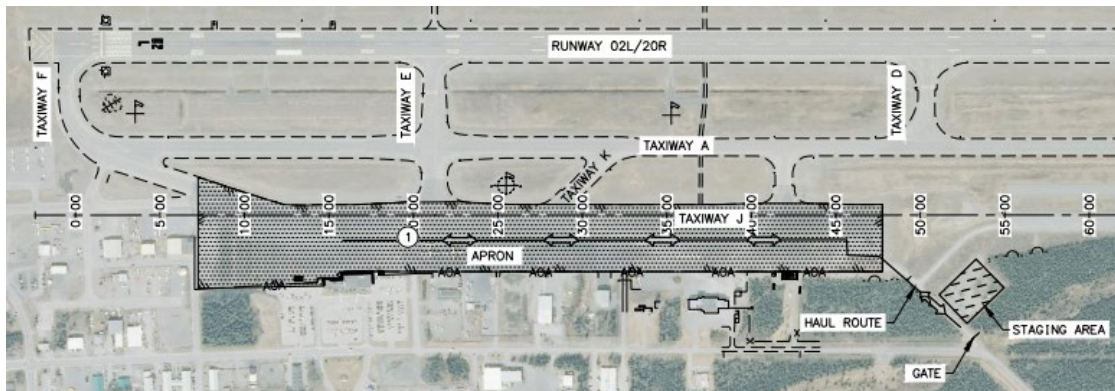
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### ***Airport Fund Projects:***

- Kenai Municipal Airport Runway Rehabilitation Project – Currently in Preconstruction Design Phase, with HDL Engineering Consultants currently under contract at a total to date cost of \$1,132,886. This project known as Task 4 within HDL Engineering Consultants LLC term service agreement will provide bid ready construction documents to rehabilitate Runway 2L/20R as well as Taxiways A/B/C/D/E/K/L/M under a second construction phase. *Work is approaching 65% design completion as of July 31, 2024.* On April 1, 2024 the City received the Environmental Investigation Report conducted by Shannon & Wilson. On May 20<sup>th</sup>, 2024 a microsoft teams meeting was held in coordination with DEC representatives where the environmental report was reviewed. On a good note the water and soil sampling conducted at the airport did not find PFAS above actionable levels. It was requested by DEC to conduct additional sampling in several ditchline locations to determine if any restrictions would be necessary within those areas. The additional sampling work will take place during the summer months. The project continues toward a grant application in 2025 and dependent upon timing of receipt of grant funds ground breaking may not be until spring 2026 for the runway and 2027 for the taxiway.
- Kenai Municipal Airport (KMA) Terminal Landscaping Project – Moore's Landscaping was the successful bidder at a total contract amount of \$94,733 as approved by Council on June 5<sup>th</sup>, 2024 through passage of Resolution 2024-22. Earthscape LLC provided the landscape design at a cost of \$28,255 and has completed their contracted efforts. *A Preconstruction meeting was held at the site on July 29<sup>th</sup>, 2024. Construction is scheduled to start on August 5<sup>th</sup> and is expected to take approximately three weeks to complete.* Fund raising for the bronze bears will continue and will complement the work if and when they become available.



- Kenai Municipal Airport (KMA) Operations Building HVAC Controls Upgrade & Boiler Replacement Project – This project will replace existing mechanical equipment including boilers, pumps and controls that have reached the end of their intended life cycle. Project was not originally started as being grant eligible, however after coordinations with Airport Managers past and present as well as our FAA counterparts, the project is now grant eligible at a 65% FAA and 35% City of Kenai financial cost share. *Grant funds are now available, and the project was formally released for construction bids on July 23, 2024 with bids due on August 13<sup>th</sup>. Hard bid numbers will be used in execution of the pending grant agreement. Council can expect Ordinance 3428-2024 at the August 21<sup>st</sup> meeting to accept these grant funds and award a construction agreement. Project is anticipated to run seven months to completion.*
- Kenai Municipal Airport (KMA) Apron Crack Seal and Seal Coat Project – Currently awaiting grant funding to enter construction bid phase. HDL Engineering Consultants currently contracted at a total of \$121,730 in support of the project has finalized the construction bid documents. The project is awaiting FAA receipt of their anticipated cost share funding which will be delayed until first quarter 2025. Assuming funds become available at that time the project will bid in March 2025 for a May 2025 construction start. Map below defines the anticipated project area.



- Kenai Municipal Airport (KMA) Master Plan Update – Staff has received word from the FAA that grant funds are now available for this project. Ordinance 3425-2024 is being introduced on August 7<sup>th</sup> with a double reading planned for enactment the same day to meet the FAA's grant application deadlines to secure the funding. Phase 1 work will continue over the next year. HDL Engineering Consultant's initial contract to date will be \$729,445. Airport Master Plans are typically updated approximately every ten years to clearly communicate the direction of the airport. Completion of this work allows the City to continue to coordinate and receive federal grant funds in support of airport operations.

### **General Fund Projects:**

- USACE Kenai Bluff Bank Stabilization Project – Currently in the construction phase. This project encompasses approximately 5000 lineal feet of coastal bluff starting at the mouth of the Kenai river extending upriver along the northern river bank. The bluff in this area varies from 55'-70' above the toe. A protective armored rock berm with a crest elevation of approximately 12' in height is planned. The Design and Bid phases have now concluded and



Construction is anticipated to continue through the 2024 & 2025 construction seasons. Milestones to date listed below.

- This project was formally released through USACE for Construction Bids on 11/29/23 with a Pre-Bid Meeting conducted on 12/12/23.
- On February 7<sup>th</sup>, 2024 the City received word from USACE that Western Marine Construction Inc, based out of Seattle, Washington was awarded a construction contract for \$19,321,000 as a firm fixed price. There is an additional construction element related to an inspection path that was requested, by the City and our design team, to be included within the project. That element will cost \$864,000 and will be funded 100% by the City. The larger amount has a 90/10 cost share split with the City share costing \$1,932,100 + \$864,000 for a total anticipated City share of \$2,796,100, USACE total cost share of \$17,388,900.
- Western Marine Construction Inc was provided a Notice to Proceed on February 20, 2024.
- The Initial Construction Kick-off Meeting took place in Anchorage on March 28, 2024. Contractor currently is not anticipated to mobilize to the site until spring 2025.
- Formal Ribbon Cutting Ceremony was well attended on June 10<sup>th</sup>, 2024.
- *Rock Production continues in Sand Point, AK and is anticipated to be completed by October 1<sup>st</sup> with all rock materials needed stockpiled. Photo below is from rock production activities in July 2024 at the Sand Point location.*





- Community Wildfire Prevention Plan (CWPP) Mitigation Project Phase One – Doug Koch Professional Tree Service contracted with the City on February 28, 2023 in the amount of \$282,000 to mitigate 105 acres within the no name creek drainage extending from Redoubt Avenue down to the City's North Beach through Municipal Park. *Phase One work is now completed and paid for. As this is a phased project grant closeout will extend for some time until the other phases are fully completed.*
- Multi-purpose Facility Project – Design documents have now been completed and were received on May 30, 2024. MBA Consulting Engineers have completed their work at a total cost of \$30,580. Design work covers ventilation, lighting, bleacher radiant heating. Currently project estimates exceed budgeted amounts. The department is coordinating with the administration on next steps. We will likely be bidding the ventilation and radiant heating components later this summer, with additional fund raising to complete the lighting portions of the project. *No new update at this time.*
- Cemetery Expansion – This project is located at the corner of First Ave and Float Plane Rd and will provide for additional burial space as the existing adjacent cemetery has reached capacity. The Public Works Department using in house personnel has already cleared, leveled and graded the site, and placed and compacted gravel sub-base for the parking area. Staff has successfully surveyed in 64 adult plot sites and 12 infant plot sites. These sites are available through the Clerk's office. Cemetery Phase 2 Fencing was completed in the fall 2023 by AAA Fence, Inc at a total cost of \$147,595. *Nelson Engineering has completed the site paving plan and this work is expected to bid in August 2024.*
- Softball Shelter Dugouts – Larsen Engineering has been awarded the design work for the dugouts. Design requirements are being discussed with the engineer, however this project is moving slowly as staff and engineer are heavily involved in other projects. Project will move forward shortly as staff time becomes available. *Parks & Rec Director and Public Works Director had phone conference with design engineer on April 30<sup>th</sup>. Draft plans were received on May 30, 2024, final comments are expected to be incorporated prior to June 30, 2024. The Streets Department in order to stretch available funding for the project will be demolishing the existing structures in late August 2024 and will excavate and install new foundation gravel base pad for each structure. Project will then be on hold until first quarter 2025 when the project will be released for construction bids with an anticipated construction start of May 2025.*
- Lilac Ln. Roadway Improvements Project – Construction contract documents are routing for final signatures as of June 12<sup>th</sup>. To date Nelson Engineering has completed their design efforts at a total cost of \$38,840. Peninsula Construction, the successful bidder at a total cost of \$637,765, as approved by council on June 5<sup>th</sup> through passage of Ordinance 3420-2024. Construction mobilization is anticipated for the week of June 24<sup>th</sup> with work expected to continue through the summer months. Map below highlights the project area.





Continued excavation of bury pit near STA 6+85  
Repaired sewer service pipes bedded & covered



Partial backfill of STA 5+80 to 6+89 excavation



Compacted backfill at Sta 11+14



- Cemetery Creek Culvert Replacement – Currently on hold in design phase awaiting grant funding. This project is in coordination with the US Fish & Wildlife. Work involves replacement of several aging culverts with fish passage type culverts. 35% design documents have been completed and will be used to apply for grant funding. Documents have been provided to the Kenaitze and Salamatof tribes to assist with grant opportunities. *On July 11, 2024 representatives from the Kenaitze tribal association met with the Administration and discussed upcoming grant opportunities to be pursued in support of this project. As of July 31, 2024, nothing new to report.*
- Community Wildfire Prevention Plan (CWPP) Mitigation Phase Two – Currently in construction phase. Doug Koch Professional Tree Service was the low bidder on this project that was released for bids on November 1, 2023 with bids due on November 29, 2023. His bid in the amount of \$177,700 to mitigate 84.75 acres within the Cemetery Creek drainage extending from Float Plane Basin down to the Lee Shore Center. Resolution 2023-67 awarded the project. Work will continue throughout the next year. Contractor was out of state for some time, Contract was fully executed on January 29, 2024. Contractor is anticipating starting work in February 2024. *To date 45 of 85 acres has been mitigated with much of the airport side of the project now complete with the drainage extending down Spruce St. Work will be shut down for a period over the summer months and will start back up as temperatures subside.*
- Public Safety Building Tower Guy Wire System Upgrade – This project will provide improvements to our existing communications tower located at the Public Safety Building to allow additional components to be mounted to the tower. Procurement for this work has been challenging as they are few companies performing this work in state. Resolution 2024-37 will be introduced on August 7<sup>th</sup>, 2024 for approval for a construction contract award. If approved this work is expected to be completed prior to the winter months.

#### ***Water & Sewer Fund Projects:***

- Lift Station Renovations – *Currently in design phase.* Resolution 2021-58 awarded HDL Engineering agreement in the amount of \$59,560 to provide bid ready construction documents for three lift stations. These locations included the stations at mile posts 13 and 14, which are near the soccer fields and Spur / Redoubt Ave respectively, as well as a station on Lawton Drive. These locations are intended to receive new pumps and pump control panels as part of this project. After determination of which lift stations would receive renovations to start, a design meeting was held on 12/3/21 to discuss pump and control panel design. Basis of design memo received on January 6, 2022. Design documents are approaching 95%. Design is finally approaching completion. Challenges with our current SCADA team required some changes to different lift station controllers which has now been resolved. Supplemental funding will be needed to complete these three locations, staff is working on finalizing those estimated costs, with upcoming legislation to be expected. Construction expected for summer 2024. Resolution 2024-16 in the May 15<sup>th</sup> council packet is transferring funds in support of this project.



- Wastewater Plant Digester Blowers Replacements – Currently awaiting finalization of grant application to enter construction bid phase, funds are available. HDL Engineering was authorized to proceed on design documents for this project through passage of Resolution 2022-29 on May 18, 2022. Design Agreement is currently in the amount of \$382,513 and will provide bid ready construction documents for the replacement of two 40+ year old blowers at the WWTP. The Department received 35% Design Study Report on September 23, 2022 and the project is currently moving toward 65% design documents. A grant for this project has been applied for through Senator Murkowski's office through the Congressional Directed Spending (CDS) program. We are awaiting word on if we were successful in receiving grant funds. This is a high priority project for the department and is anticipated to provide further energy savings similar to the aeration basin blower replacement project completed a few years ago. Final 65% plan reviews are being conducted on site with HDL on 12/19/22, bid documents are expected to be ready 5/1/23 and if funding is in place will be bid immediately, if not will be delayed until funding arrives. Environmental review process is delayed as we are not sure of the grant requirements at this time, and may not know until a future grant is executed. Until then this will be a shovel ready project waiting on funding. May 5<sup>th</sup> a Community Grants Webinar was held to discuss the pending grant requirements, the Public Works Director and HDL Engineering participated in the webinar. Consultants are reviewing requirements and hope to have the design moving forward shortly. Project will not be able to be bid until funding formally arrives. Design team is actively working with granting agency. Construction expected for summer 2024. *This project is behind schedule due to difficulties with grant application process, staff is working to remedy. HDL Engineering is actively working on environmental requirements associated with the application.*
- Water Treatment Plant Pumphouse – *Grant application was successfully submitted to DEC on April 30<sup>th</sup>, 2024.* This project will construct a new pumphouse building and provide replacement distribution pumps for the City's Water System. On August 1, 2023 received letter that the State of Alaska Department of Environmental Conservation (ADEC) has awarded the City of Kenai a \$1,200,000 loan through the state's revolving fund program and that the loan would receive 100% forgiveness in support of this project. Resolution 2023-56 was approved by Council at the September 20, 2023 Council Meeting to allow access to these funds. Ordinance 3384-2023 is being introduced 12/20/23 to move funding into place for the design work to proceed. HDL Engineering Consultant's pending design agreement as detailed within Resolution 2024-14 up for council approval at the April 17, 2024 meeting totals \$187,461. *Currently working on additional grant requested environmental paperwork and financial statements.*
- WWTP & WTP Electronic Access Gate & Controls – On August 13, 2023 HDL Engineering provided a proposal under their term agreement to begin design work on the Electronic Access Gates projects at both the Water and Wastewater Plants. The project identified as Task 13 under their agreement has a proposed design cost of \$24,902. Design work will continue over the winter months for construction to take place summer 2024. HDL working under purchase order 127771 is now actively working on this project. *No new update.*





### ***Senior Citizens Fund Projects:***

- Senior Center Front Entry Modifications – Capital Project Manager has completed the construction bid documents for this work, which is now under review. This work will make repairs to the automatic doors entering the facility.

### ***Congregate Housing Fund Projects:***

- Vintage Pointe Boiler Replacement – This project will replace outdated boiler heat systems for the facility as well as providing a direction on backup power generation to support the heating system when grid power is unavailable. Council approved Resolution 2023-53 at the September 6, 2023 meeting which awarded construction agreement to Orion Construction in the total amount of \$503,850. *This project is now complete and working through closeout. We have a pending Change Order 1 for \$9,629.28 to address some snow melt system components that were discovered to be inoperable. Materials are on order and expected to be replaced soon. The project overall was a tremendous success, big thank you to Orion Construction and RSA Engineering for their support on the project, and to the residents for their patience while the work was taking place. We look forward to seeing the utility savings these boilers are expected to provide.*



**Other Projects Informational:**

- DOT Kenai Spur Highway to Sports Lake Rd – This project continues to wait for appropriation of state funds. Reached out to DOT staff on September 13, 2023, no new information provided at this time. *Update July 31, 2024: this project, listed as no. 92 under STIP ID 30549 linked here <https://publicinput.com/stip/#tab-53339>*
- DOT Bridge Access Road Bike Path – Council passed Resolution 2021-53 on August 4, 2021 authorizing the City Manager execute a memorandum of agreement with DOT for design, construction, and maintenance of the Kenai Bridge Access Road Pathway project. In speaking with representatives from DOT the state has not provided funding as yet for this project to move forward. To date the City has appropriated \$294,947 in support of this project which is intended to provide a 1.2 mile path connecting the paths between the Spur Highway and Beaver Loop. Total cost of project per DOT estimates equals \$3,266,301. Per communications with the DOT, design funding is in place and they are waiting on final signatures for the Reimbursable Services Agreement (RSA) with DNR. Once the RSA is approved they will be able to begin design work. Process is expected to be completed by the end of January. *Update: Formal kickoff meeting took place on March 30<sup>th</sup> with the City Manager and Public Works Director in attendance. From appearances this design process will be a slow one, we are not anticipating seeing construction on the path this calendar year. Will continue to update as more information becomes available. Update: A site meeting will be taking place between the City, DNR, & DOT on 6/9/22 to review the project. HDL Engineering appears to be conducting surveying services in support of the project, crews were in the area on 6/7/22. On June 29, 2022 the City Manager & Public Works Director met with DOT representatives and discussed projects. State funding continues to be an issue. Reached out to DOT staff on September 13, 2023, no new information provided at that time. Update: this project, listed as No. 126 under STIP ID 33038 is listed as programmed for STIP 24-27 with funds indicated within the 2025 construction season on the States website <https://publicinput.com/stip/#tab-53339>*
- DOT Kenai River Flats Pedestrian Improvements – *Update: This is a new project listed on the States website, identified as project No 91 under STIP ID 33039 at the link above as well. Intended to construct a walkway along the banks of the Kenai River for ADA compliant access. This project is listed for 2024 construction within the STIP 24-27 program.*



publicinput.com/stip/#tab-53339

myAlaska Departments State Employees

Alaska Department of Transportation and Public Facilities > Final STIP 2024 to 2027

**ALASKA DEPT. OF TRANSPORTATION & PUBLIC FACILITIES**

**2024-2027 STIP**  
(STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM)

Translate

2024-2027 STIP with partial approval Vision Framework for Transportation Dig Deep Jan. 19, 2024 Submission of 2024-2027 STIP

Feb. 2024 FHWA and DOT&PF Correspondence 2024-2027 STIP Revisions **Amendment #1 Open For Public Review** Draft 2024 - 2027 STIP Amendment #1 Projects

**STIP Amendment #1 Documents Now Available for Public Review and Comment!**  
**Public Comment Portal Open Below--Public Comment Extended to Monday, Aug. 5, 2024**

**Public comment open for Amendment #1 from Wednesday, July 3 through Monday, Aug. 5, 2024.**  
Comments received after Aug. 5, 2024 will be considered in subsequent public comment periods.

STIP Narrative: [Alaska DOT&PF 2024-2027 STIP Narrative](#)

STIP Amendment #1 Volume 1: [STIP 24-27: Volume 1 PROJECTS and PROGRAMS IN THE 2024-2027 STIP \(alaska.gov\)](#)

STIP Amendment #1 Volume 2: [STIP 24-27: Volume 2 ADOPTED BY REFERENCE \(alaska.gov\)](#)

**Documents**

- 02.12.2024 2024 - 2027 STIP FHWA FTA Joint Federal Planning Finding (Transmitted 021224).pdf
- 02.12.2024 2024-2027 Alaska STIP FHWA Planning Finding Transmittal Letter 020924 (Transmitted 021224).pdf
- 02.16.2024 Alaska DOT&PF Tier 1 Communication to FHWA.pdf





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**THROUGH:** Kathy Romain, Senior Center Director  
**FROM:** Astrea Piersee, Administrative Assistant III  
**DATE:** July 12, 2024  
**SUBJECT:** June 2024 Monthly Report

June was full of exciting extras added to an already busy schedule of activities. Kicking off the month, the Kenai Senior Center (KSC) hosted the Bluff Stabilization ribbon-cutting ceremony. Various legislators, both past and present, were in attendance, along with members of the City of Kenai and the general public. Seniors enjoyed mingling and sharing their thoughts on this momentous occasion. The KSC was host to a presentation by Samuel Adams, MD, of Kenai Spine on the topic of cervical myelopathy. Additionally, a listening session was held with Ella Juszczak, Elder Service Coordinator for RurAL CAP, who presented information on the Senior Companion Program. Yasmin Radbod, Rural Outreach Coordinator for the Alaska Commission on Aging, provided information regarding healthy aging and gathered feedback on what seniors would like to see in terms of senior services in Alaska, and Senator Jesse Bjorkman provided an update on what's been happening in the legislature.

	2024	2023
Home Delivered Meals	1906	2000
Individuals	89	99
Dining Room (Congregate) Meals	1093	582
Individuals	189	98
Transportation (1-way rides)	202	221
Individuals	16	19
Grocery Shopping Assistance	12/24	10/22
Writers Group	24	26
Caregiver Support Group	14	4
Growing Stronger Exercise	290	276
Tai Chi Class	44	52
TOPS Weight Loss Class	59	28
Bluegrass & Music Sessions	59	51
Card Games	146	104
Wii Bowling	18	29
Arts & Crafts	39	23
Total Event Sign-ins *	1953	1658
Individuals *	231	167
Vintage Pointe Manor Vacancies	1	0

\*(not including home meals clients)