



## Kenai City Council - Regular Meeting

April 16, 2025 – 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

1. Fiscal Year 2024 Audit Report, Principal Assurance Practice Leader Joy Merriner, BDO USA, LLP.

#### C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker; twenty (20) minutes aggregated*)

1. Boys and Girls Club of the Kenai Peninsula, Chief Executive Officer Shanette Wik.
2. Central Area Rural Transit System (CARTS), Board of Directors Secretary Linda Hutchings and Executive Director Jessica Schultz.

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

#### E. PUBLIC HEARINGS

1. **Ordinance No. 3462-2025** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Purchase of Equipment and Supplies. (Administration)
2. **Ordinance No. 3463-2025** - Conditionally Donating Certain City Owned Property Described as Three Approximately 1½ Acre Parcels to be Subdivided from a Portion of the Approximately 69½ Acre Parcel Described as Kenai Meadows Addition No 1, Tract A1 According to Plat 2023-48 (KPB Parcel No. 03901067) to Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing. (Administration)
3. **Resolution No. 2025-23** - Redirecting Water & Sewer Capital Project Funds to Complete Citywide Lift Station Improvements. (Administration)
4. **Resolution No. 2025-24** - Implementing a New Fee for a Truck Fill Station Permit in the Water Fees Section of the Schedule of Rates, Charges and Fees. (Administration)

- [5.](#) **Resolution No. 2025-25** - Authorizing Award of the Contract to Use Cranes, Offices, and Operation Area at the Boating Facility. (Administration)
- [6.](#) **Resolution No. 2025-26** - Authorizing the City Manager to Enter into an Agreement with the City of Soldotna to Continue Providing Animal Shelter Services for the City of Soldotna at the Kenai Animal Shelter. (Administration)

#### F. **MINUTES**

- [1.](#) \*Regular Meeting of April 2, 2025. (City Clerk)

#### G. **UNFINISHED BUSINESS**

#### H. **NEW BUSINESS**

- [1.](#) \***Action/Approval** - Bills to be Ratified. (Administration)
- [2.](#) \***Action/Approval** - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)
- [3.](#) \***Action/Approval** - Special Use Permit to the State of Alaska, Division of Forestry for Use of Apron Space at the Kenai Municipal Airport. (Administration)
- [4.](#) \***Ordinance No. 3464-2025** - Amending Kenai Municipal Code 21.05.085 - Airport Fuel Flowage Fee, to Remove the Set Amount in Code and Instead Refer to the Annually Updated Schedule of Rates, Charges and Fees. (Administration)
- [5.](#) \***Ordinance No. 3465-2025** - Amending Kenai Municipal Code, Title 2 - Alcoholic Beverage and Marijuana, Standardizing How Licenses are Reviewed by the City, Allowing for Administrative Non-Objections for Renewal of Existing Licenses When No Grounds to Object to the Renewal are Identified, Updating Public Hearings for Protests or Conditional Non-Objections, Aligning Municipal Code with Requirements of Alaska Statutes, and Other Housekeeping Amendments. (City Clerk)
- [6.](#) \***Ordinance No. 3466-2025** - Amending Kenai Municipal Code, Chapter 4.32 Residential Code, to Reinstate Provisions Related to Engineered Design and Location, Including Fire Code Protection on Floors Provisions of the 2021 International Residential Code. (Administration)
- [7.](#) \***Ordinance No. 3467-2025** - Accepting and Appropriating a Grant Received Through the Alaska Animal Control Association to the Kenai Animal Shelter for Attendance at the Alaska Animal Control Association 2025 Training Conference. (Administration)
- [8.](#) \***Ordinance No. 3468-2025** - Accepting and Appropriating a Donation to the Kenai Community Library for the Summer Reading Program 2025. (Administration)
- [9.](#) \***Ordinance No. 3469-2025** - Amending KMC 1.85.060-Conflicts of Interest Prohibited, to Allow Municipal Officers and City Employees to Participate in Certain Sales Open to the Public Through a Public Process and Narrowing the Existing Prohibition on Purchases to Personal Property Items. (Douthit)
- [10.](#) **Action/Approval** - Confirmation of Mayoral Nomination for a Partial Term Appointment of Jeanne Reveal to the Planning & Zoning Commission. (Gabriel)

#### 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**

1. Review and Discussion of the City Clerk's Evaluation which May be a Subject that Tends to Prejudice the Reputation and Character of the City Clerk [AS 44.62.310(C)(2)].

**N. PENDING ITEMS**

**O. ADJOURNMENT**

**P. INFORMATION ITEMS**

1. CIRCAC Director's Report - Williams

*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/8Yr9FnwQoqEILV-k1WOIA>



# BOYS & GIRLS CLUBS OF THE KENAI PENINSULA

## 2024 KTC COMMUNITY IMPACT REPORT



**6,303**

Free Meals served at  
KTC, including  
Breakfast, Lunch  
and Snacks

**288**

Total youth  
served  
at the KTC

**\$273,920k**

Provided in  
scholarships for  
all Tweens & Teens  
attending KTC!

For 37 years, the Boys & Girls Clubs of the Kenai Peninsula has provided a safe, inclusive environment for youth aged 5-18. Our impact is seen in the number of youth we serve, the frequency of participation, and the accessibility of our programs.

## OUR MISSION

To enable all young people,  
especially those who need us most, to reach  
their full potential as productive, caring, responsible citizens.



## Boys & Girls Clubs Vision:

To provide a world-class Club experience that assures success is within reach of every young person who enters our doors with all members on track to graduate from high school with a plan for the future, demonstrating good character and citizenship, and living a healthy lifestyle.



## Programs offered at The Kenai Teen Center

### Workforce Readiness

**Goal:** To prepare youth for a great future. We help them prepare for life's next big steps, including the world of work. We want to prepare them for as many options as possible by intentionally developing the skills they need to be career and life-ready. We are uniquely positioned to engage young people in building the skills they need to have thriving careers.

### Torch Club and Keystone

**Goal:** Provide opportunities for members to demonstrate the positive impact youth and teens can have on their communities. Members identify needs in their Club or community and create and implement service projects to address them. Torch Club allows members to explore, practice, and strengthen critical leadership skills.

### The Arts

**Goal:** To give young people new art experiences by providing opportunities to explore, imagine, and communicate through creative expression.



### STEM

**Goal:** To provide innovative and creative programs, activity ideas, and resources for all our Clubs and the youth we serve. After-school and summer learning environments offer unique opportunities to advance STEM knowledge and increase interest in STEM-related careers.

### PowerHour

**Goal:** To help young people develop academic, behavioral, and social skills through homework completion, high-yield activities, and tutoring.

### Social Emotional Development

**Goal:** To help young people communicate effectively, work with others, and develop coping mechanisms to face challenging situations. With these skills, youth can manage their emotions, build meaningful relationships with others, and navigate social environments and interpersonal dynamics.

Month: February 2024

Clubhouse: KTC	Site Director: Jered Moore	Serves Grades: 6-12
Enrolled 2024: 178	Adult Staff: 3	Junior Staff: 0
Total Attendance: 837	Total Meals Served: 579	ADA: 39
Feeder Schools: Kenai Middle School, Kenai Central High School, Kenai Alt High School		

### **Programming**

- Power Hour: We have a provided Power Hour time where we turn off all TVs
  - Small Group Tutoring:
  - STEM:
  - Art:
  - Physical Movement: Taking groups downstairs to play football, basketball, and dodgeball. Use the indoor hoop to play a basketball game.
  - Cooking: Had the kids help make some snacks during parent teacher conference days.
  - Music: Provide Instruments/Amps. Lots of Rock Band playing.
  - Social Rec/Games Room: Lots of pool, air hockey, ping-pong, board/card games, social deduction games.
  - SEL: Lots of informal talk about topics like bullying, ect. while doing other casual activities.
- Stand Alone Program:
- Torch Club/Key Stone: Had conversations with individuals and small groups about what Keystone is and who would like to participate.
  - Family Engagement:
  - Other:

### **Youth Of The Month (please include photo)**

First Name, Last Initial: Axel Washington

Why was he/she chosen? Axel always comes in with a great and respectful attitude. Always participated in an activity when offered and tries to get others to do so as well.



Month: April 2024

Clubhouse: KTC	Site Director: Jered Moore	Serves Grades: 6-12
Enrolled 2024: 202	Adult Staff: 3	Junior Staff: 0
Total Attendance: 871	Total Meals Served: 599	ADA: 40
Feeder Schools: Kenai Middle School, Kenai Central High School, Kenai Alt High School, Home School		

### **Programming**

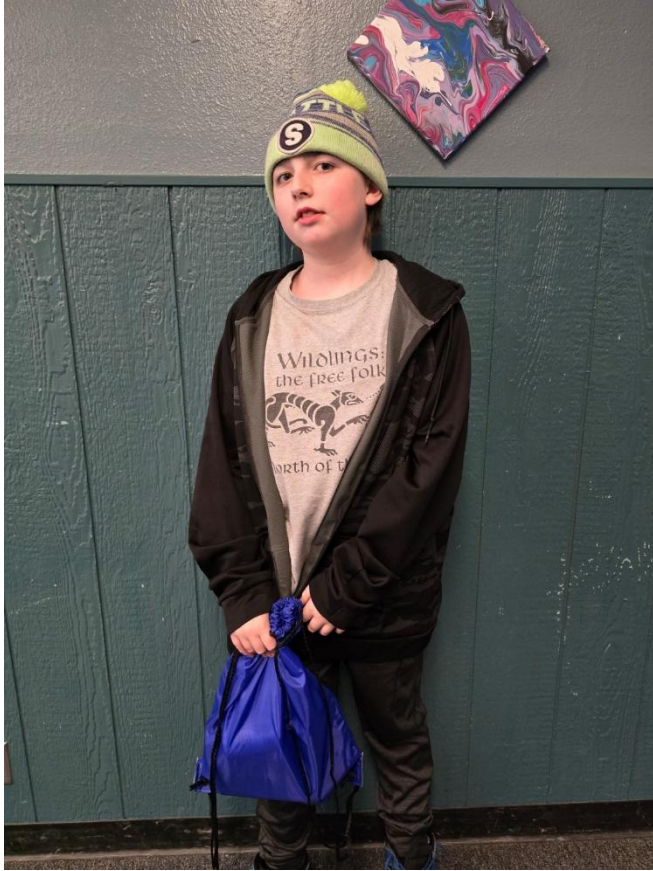
- Power Hour: We have a provided Power Hour time where we turn off all TVs
- Small Group Tutoring:
- STEM:
- Art:
- Physical Movement: Taking groups downstairs to play football, basketball, and dodgeball. Use the indoor hoop to play a basketball game. We've been playing football outside.
- Cooking:
- Music: Provide instruments/amps, with lots of rock band playing.
- Social Rec/Games Room: There is a pool, air hockey, ping-pong, board/card games, and social deduction games.
- SEL: Lots of informal talk about topics like bullying, etc., while doing other casual activities.
- Stand Alone Program:
- Torch Club/Key Stone: We met with members helping run the snack shack.
- Family Engagement:
- Other:

### **Youth Of The Month (please include photo)**

First Name, Last Initial: Deitrich Muller

Why were they chosen? Deitrich has come a long way with his behavior at the Teen Center. He is helpful to others regarding technology and attends nearly every day.











Month: May 2024

Clubhouse: KTC	Site Director: Jered Moore	Serves Grades: 6-12
Enrolled 2024: 218	Adult Staff: 3	Junior Staff: 0
Total Attendance: 594	Total Meals Served: 367	ADA: 35
Feeder Schools: Kenai Middle School, Kenai Central High School, Kenai Alt High School, Home School		

### **Programming**

- Power Hour: We have provided 60 minutes daily during PowerHour when we turn off all TVs.
- Small Group Tutoring:
- STEM: We received a grant from Kenai Elks to purchase supplies to build two PC's computers.
- Art:
- Physical Movement: Taking groups downstairs to play football, basketball, and dodgeball. Use the indoor hoop to play a basketball game. We've been playing football outside.
- Cooking:
- Music: Provide instruments/amps, with lots of rock band playing.
- Social Rec/Games Room: There is a pool, air hockey, ping-pong, board/card games, and social deduction games.
- SEL: Lots of informal talk about topics like bullying, etc., while doing other casual activities.
- Stand Alone Program:
- Torch Club/Key Stone: I've been doing meetings on Friday. Now, we have a handful of members helping run the snack shack.
- Family Engagement:
- Other: I have been helping some teens fill out job applications and directing them toward places to apply.

### **Youth Of The Month (please include photo)**

First Name, Last Initial: Carter N.

Why were they chosen? Carter will always attend the Teen Center, even when he has to ride a bike to get there. He has been very respectful and helpful to both existing members and new ones.









Month: October, 2024

Clubhouse: KTC	Site Director: Jered Moore	Serves Grades: 6-12
Enrolled 2024: 288	Adult Staff: 3 + Director	Junior Staff:
Total Attendance: 1170	Total Meals Served: 678	ADA: 62
Feeder Schools: Homeschool, Kenai Middle, KCHS, Kenai Alt HS		

### **Programming**

- Power Hour: We offer a block of no electronics for kids to get homework done.
- Art: Had some of the kids paint on canvas—painted 3D printed figures.
- Physical Movement: Played dodgeball downstairs.
- Cooking: Taught some members how to make spaghetti, macaroni and cheese, Rice Krispie Treats, and bake cookies.
- Social Rec/Games Room: Lots of playing pool/air hockey/foosball with new players, teaching them how to play.
- Torch Club/Key Stone: Keystone members helped run the snack shack.

### **Youth Of The Month (please include a photo)**

First Name, Last Initial: Kobi R.

Why were they chosen? Kobi has been a long-standing member of the Teen Center, always finding a way to come almost every day. Despite many difficulties in his life, he is a member who always has a positive attitude at the Teen Center.





Month: December, 2024

Clubhouse: KTC	Site Director: Jered Moore	Serves Grades: 6-12
Enrolled 2024: 288	Adult Staff: 3 + Director	Junior Staff:
Total Attendance: 909	Total Meals Served: 571	ADA: 53
Feeder Schools: Homeschool, Kenai Middle, KCHS, Kenai Alt HS		

### **Programming**

- Power Hour: We offer a block of no electronics for kids to get homework done.
- Art: Created figures and jewelry out of polymer clay.
- Physical Movement: Played dodgeball downstairs.
- Cooking: Had members help make waffles.
- Social Rec/Games Room: Lots of playing pool/air hockey/foosball.
- Torch Club/Key Stone: Keystone members helped run the snack shack.

### **Youth Of The Month (please include photo)**

First Name, Last Initial: Isabella S.

Bella has really become an active role model to others at the Teen Center. She started out very shy and had some behavior issues. She has become one of the most involved in the TLC program and Keystone and is really thriving.





Month: January 2025	Site Director: Jered Moore	Serves Grades: 6-12
Enrolled 2025: 66	Adult Staff: 3 + Director	ADA: 49
Attendance This Month: 1069	Jr. Staff: none	Meals: 685
Feeder Schools: Kenai Middle, KCHS, Kenai Alt, Homeschool		

### PROGRAMMING

- ♦ **ART:** In January a group of the teens painted pictures on canvases. We worked on how to blend colors and mix colors to get the desired color.
- ♦ **Tutoring / Power Hour:** We offer a block of time with no electronics so anyone who would like to get their homework done with less distractions can do so.
- ♦ **Physical Movement:** We have been taking groups downstairs to the Racquetball courts to play games. Some of the teens also play games on the VR that require a lot of physical activity.
- ♦ **Torch Club/Key Stone:** Key Stone members help work at the snack shack. They take the teens orders, handle the money, and use the Square.
- ♦ **Think, Learn, Create grant (TLC):** During the month of January the TLC participating teens attended 7 meetings. These meetings included conversations about choosing and finalizing our project topic. The TLC teens would like to focus on teen suicide prevention, and the effects of teen mental health. The participating TLC teens put in a lot of hard work this month and they all earned their 5 badges through their MyFuture accounts online. These badges include the "Think", "Learn", "Create change", "7Cs of resilience", and their "social justice" badge. The teens had very in depth conversations about their opinions on resources available focusing on teen mental health. This allowed for ideas to jump around and they came to the conclusion they would like to do a project involving art, with stickers or magnets. The TLC group has also decided on their quote for their project. "Every flower must grow in dirt".
- ♦ **Other Important Happenings:** We finished up the Teen Center fantasy football league again this year, with the winner receiving a trophy.

### Youth Of The Month:

**Drake**

We chose Drake to be our Youth of the Month for January. Drake is an exceptional role-model to the others at the Teen Center. He is always eager to help and attends most days.







Month: February 2025	Site Director: Jered Moore	Serves Grades: 6-12
Enrolled 2025: 110	Adult Staff: 3 + Director	ADA: 44
Attendance This Month: 888	Jr. Staff: none	Meals: 647
Feeder Schools: Kenai Middle, KCHS, Kenai Alt, Homeschool		

### PROGRAMMING

- ♦ **ART:** Made Rock candy, Homemade playdough, and homemade lava lamps this month
- ♦ **Tutoring / Power Hour:** We offer a block of time with no electronics so anyone who would like to get their homework done with less distractions can do so.
- ♦ **Physical Movement:** The grass has thawed outside so there is a pretty regular group going outside to play Flag Football. We have also been going downstairs to play dodgeball when we are able to.
- ♦ **Torch Club/Key Stone:**
- ♦ **TLC:** This month the TLC group learned about their Civil Rights, and what volunteering in the community may look like. They had the chance to volunteer at the Kenai Food Bank on February 21st. They spent their time learning the importance of a clean work environment. They were educated on how the Food bank is run, the meals they serve, and the placements of the donations they receive. The TLC group also drew up their first rough draft of their project, they were able to work well together and come up with a design they all agreed on. We also talked a lot this month about the volunteer options they would be interested in doing around the community. The TLC group has also partnered with the Kenai Clubhouse so they can mentor the clubhouse kids on Fridays.
- ♦ **Other Important Happenings:**

### Youth Of The Month:

Olsen G.

Olsen is a very kind hearted individual that is always showing compassion to others. He attends the Teen Center on most days and is always willing to help or participate.





**Organization:** The Boys & Girls Club of the Kenai Peninsula

**Site:** Kenai Teen Center

**Unit Number:** 26085

Budget Amount TOTAL	Account Title	Narrative Description
74,214.00	Unit Director	Annual Salary - \$54,080 + Ins/Pension/FICA/WC
43,071.00	Youth Development Leader	School Year - 52 weeks = TOTAL Hours 2,080 @ \$18 Hr + Pension, FICA/WC
22,888.00	Youth Development Leader	School Year - 52 weeks @ 25 hours = TOTAL Hours 1,300 @ \$16 Hr + FICA/WC
22,888.00	Youth Development Leader	School Year - 52 weeks @ 25 hours = TOTAL Hours 1,300 @ \$16 Hr + FICA/WC
	<b>Staff Development</b>	
	AK OST Conference	Scholarship
	<b>Supplies</b>	
4,500.00	Enrichment/Program	Art, Tech, Programs, Cleaning & Office
	<b>Other</b>	
165.00	Background cks	Per B&G National requirements for State/Federal checks
250.00	Staff Appreciation	Food, Gift Cards, misc.
1,350.00	Print/Ad	Community announcements, advertising, general copying
13,500.00	Contractual	Shared Financial Audit, Bookkeeping, Payroll Expense
1,600.00	Website	Shared Membership Tracking-MyCLubHub
8,000.00	Dues/Fees	Dues & Subscriptions including tech Support, Tax Exempt ID, Square & banking Fees, Phone, Internet
1,500.00	BGCA Dues	BGCA Membership dues (Shared Expense)
9,000.00	Insurance	Commerical, Auto & Membership Insurance
7,000.00	Other	Shared Administration Expense, Events, Auto Expenses, Equipment
46,000.00	CNP-SFSP, CACFP	Food Expense
200.00	Shipping	Shipping Cost & Shared Postage Costs
	In-Kind	Scholarships 2024 Memberships @ 284 Registered Members; Yearly Membership \$125 = \$35,500 Monthly \$70 = \$238,560 In-Kind Rent \$58,420
-112,000.00	Revenue	City of Kenai \$10,000. Hilcorp Donors \$2,000. Concessions Net \$4,000, Gary Wendt BGCA Grant \$25,000, TLC-NFL BGCA Grant \$25,000, CNP Foor Reimbursment \$46,000
<b>144,126.00</b>		



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3462-2025**

AN ORDINANCE ACCEPTING AND APPROPRIATING DONATIONS TO THE KENAI ANIMAL SHELTER FOR THE PURCHASE OF EQUIPMENT AND SUPPLIES.

WHEREAS, the Kenai Animal Shelter recently received monetary donations from a number of donors totaling \$1,906, intended to support the Kenai Animal Shelter; and,

WHEREAS, the Animal Control Chief has identified equipment and supply needs for the utilization of those donated funds; and,

WHEREAS, the acceptance of these donations to further the mission of the Animal Shelter is in the best interest of the City and its residents.

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

**Section 1.** That the City Manager is authorized to accept these donated funds and to expend them as authorized by this ordinance and in line with the intentions of the donors.

**Section 2.** That the following budget revision is authorized:

General Fund:

Increase Estimated Revenues –	
Donations – Animal Control	<u>\$1,906</u>
Increase Appropriations –	
Animal Control – Small Tools/Equipment	\$ 750
Animal Control – Operating Supplies	<u>1,156</u>
	<u>\$1,906</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 16<sup>th</sup> DAY OF APRIL, 2025.

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

ATTEST:

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

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



Introduced:	April 2, 2025
Enacted:	April 16, 2025
Effective:	April 16, 2025



# 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:** March 19, 2025

**SUBJECT:** **Ordinance No. 3462-2025 - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Purchase of Equipment and Supplies.**

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The Kenai Animal shelter received a number of unsolicited private donations recently totaling \$1906. The individual donors include: Daniel Adair, Deborah McCarthy, Kimberly Adams, Loren and Melody Morgan, Johnathan and Michelle Teates, Jim Satathite, Sierra Swain, Jim Carpenter, Tamara Overturf, Cheryl Hamann, Terridale Larkin, Susan Barnett, Kevin Buettner, and Lupe Hamilton. The Animal Control Chief has identified the need for various small tools and public outreach supplies to be purchased with these funds.

I am respectfully requesting consideration of the ordinance accepting and designating those funds to the Kenai Animal Shelter as they were intended.



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3463-2025**

AN ORDINANCE CONDITIONALLY DONATING CERTAIN CITY OWNED PROPERTY DESCRIBED AS THREE APPROXIMATELY 1 ½ ACRE PARCELS TO BE SUBDIVIDED FROM A PORTION OF THE APPROXIMATELY 69 ½ ACRE PARCEL DESCRIBED AS KENAI MEADOWS ADDITION NO 1, TRACT A1 ACCORDING TO PLAT 2023-48 (KPB PARCEL NO. 03901067) TO KENAI PENINSULA HOUSING INITIATIVE FOR THE DEVELOPMENT OF RESTRICTED INCOME AND SENIOR HOUSING.

WHEREAS, Kenai Municipal Code 22.05.110, Determination as to Need for Public Purpose in conjunction with KMC 22.05.095-Methods of Sale or Disposal, allows the Council, by Ordinance, to donate real property that is no longer needed by the City for a public purpose, to a non-profit corporation for a consideration agreed upon between the City and grantee without a public sale if the donation is in the best interest of the City; and,

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

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

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

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

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

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

**Section 1.** That the City Council determines that three approximate 1 1/2-acre parcels to be subdivided from a portion of the 69 ½ acre portion of the parcel described as Kenai Meadows Addition No 1, Tract A1, according to Plat 2023-48 (KPB PARCEL No. 03901065), are not needed for a public purpose.

**Section 2.** That the Kenai City Council hereby authorizes the City Manager to execute, upon completion of a subdivision and necessary proof of financing for the development, the transfer of title for the properties: three approximate 1 1/2-acre parcels to be subdivided from a portion of the 69 ½ acre portion of the parcel described as Kenai Meadows Addition No 1, Tract A1, according to Plat 2023-48 (KPB PARCEL No. 03901065), to Kenai Peninsula Housing Initiatives, Inc. (KPHI), on a form approved by the City Attorney, for less than fair market value (\$1.00), for the sole purpose of developing income restricted and senior housing, and with conditions upon sale if sold to a for profit entity within 20 years.



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

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

**Section 5.** That the Kenai City Council further finds that if the action items described herein are not completed by April 16, 2030, the authorization to transfer the lands lapses unless further authorized by the City Council.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 16<sup>th</sup> DAY OF April, 2025.

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Brian Gabriel Sr., Mayor

ATTEST:

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Michelle M. Saner, MMC, City Clerk

Introduced:	April 2, 2025
Enacted:	April 16, 2025
Effective:	May 16, 2025



# 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:** Kevin Buettner, Planning Director

**DATE:** April 1, 2025

**SUBJECT:** **Ordinance No. 3463-2025 - Conditionally Donating a Portion of Tract A1, Kenai Meadows Addition to Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing.**

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On July 7, 2021, City Council approved Ordinance No. 3217-2021 authorizing the conditional donation of land along Redoubt Avenue to Kenai Peninsula Housing Initiative (KPHI) for the development of housing for low income and senior populations. Per the aforementioned ordinance, development is to be completed by July 16, 2026. Currently, development has been completed on two of the four lots, and land clearing is commencing on the remaining two lots. Construction on the third lot will start in Spring 2025 and the fourth lot will go to construction following the execution of a grant agreement, which is currently pending. All planned construction is forecast to be completed by the five-year deadline established by Council.

In late 2024 and early 2025, KPHI approached the City to discuss potential future development within the City of Kenai. The Administration acknowledges the need for safe, quality housing for low income and seniors in the community. The reliable performance of KPHI in obtaining grant funds and building the proposed housing according to their established timelines has also been noted. As discussions matured, it was suggested that KPHI update City Council about their progress.

KPHI is formally requesting a conditional land donation to complete future phases of development. The land is located on approximately five acres immediately to the north of their current development along Redoubt Avenue. Land would not be conveyed from the City of Kenai to KPHI until all funding is secured for their developments on each affected parcel. This land donation, if approved, would be subject to the five-year development window as was outlined in the ordinance for the 2021 land donation. Further conditions are recommended to be placed on the transfer to ensure low income and senior housing is developed or the property is returned to the City, including in the event of a land sale, to a for profit entity, the market value of the property shall be reimbursed to the City, if the sale occurs within twenty years after transfer to KPHI.

To demonstrate their continued commitment to developing housing in the City, KPHI is pursuing new funding, which is directly related to the petition for a conditional land donation. The current Federal Home Loan Banks' Affordable Housing Program funding opportunity is open for

applications. This funding source is one of the primary funding sources used by the Kenai Peninsula Housing Initiative (KPHI) to construct housing for low income and/or seniors. The current solicitation opened April 1, 2025 and closes May 1, 2025. All documentation, including a conditional allowance for use of the land is due to the funder by this date. Further information regarding the ordinance content is contained within a separate memorandum.

Due to the short application window, the applicant (KPHI) has requested an ordinance, regarding a conditional approval of a land donation of approximately five acres of land immediately to the north of their current development, be introduced by the City Council at tonight's meeting with public hearing and action at the April 16, 2025 meeting. The late notice of the grant cycle precluded the Administration from including this ordinance in the packet as normal necessitating laydown this evening.

If introduced as a laydown, and approved for public hearing on April 16, 2025, the ordinance would meet all applicable Alaska state statute and Kenai Municipal Code requirements regarding noticing of public hearings.

Additional development of housing along the Redoubt Avenue corridor is in line with the current Comprehensive Plan and associated Land Use Plan. Denser developments with multiple units are preferred directly along Redoubt Avenue, as the road functions as a collector and hosts more traffic than other local roads. Planned access to the new lots will reduce the number of needed driveways impacting traffic flow on Redoubt Avenue. Furthermore, the current and proposed developments are architecturally styled in a way that mimics existing single-family dwellings nearby and would be preferred in future suburban residential subdivisions in this area.

Quality affordable housing is needed to allow people of all ages and abilities to live, work, and age in place in the City of Kenai. Housing has been noted as a concern throughout the nation, and Kenai is no exception. Allowing future development and expanding the number of units available will enable the City to grow in a sustainable manner, supporting existing and future businesses as they seek to locate their operations within the City.

Based on the above information, the Administration believes it is advantageous to the City to proceed with the land donation, as it will serve as a catalyst for future market-rate development north of Redoubt Avenue. With 64.5 remaining acres of City-owned land immediately to the north of this development, this land donation will not preclude future subdivisions from being constructed. Development of low-income and senior housing will benefit the City and appropriate rights of way and utility easements will be conveyed to the City as a part of the platting process. As such, there would not be a public purpose remaining for the land proposed for donation.

Thank you for your consideration.







# Presented to: Kenai City Council

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April 2, 2025

Presented by:

Dana Gregoire, Finance Director

Brandy McGee, Executive Director

KPHI

Who we are

Accomplishments

What's next?

Request

# Who We Are

---

Non-profit housing developer  
that develops, owns and  
manages housing across the  
Kenai Peninsula

Rental Housing For:  
Low Income  
Senior Citizens  
Supportive Housing

Mission: KPHI provides the low-income, very low-income, senior, and special needs residents of the Kenai Peninsula area the opportunity to take a more active role in their lives and communities by providing a variety of affordable housing options.



## Development Accomplishments

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20 years of development

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31 residential rental properties, plus the  
Homer Office & Community Center

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155 units complete and rented up

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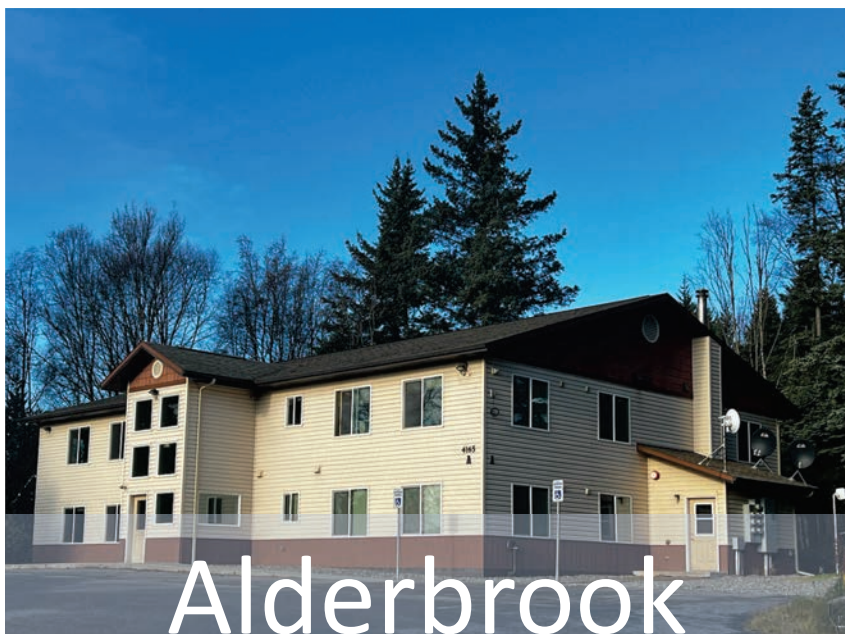
4 properties currently under development  
consisting of 26 additional units



Birch Terrace



Homer Office



Alderbrook



Terrace View



# Hillcrest Apartments









# Silverwood Senior Housing







# Clear Pointe Apartments

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- 10 units of Low-Income Multi-Family Housing





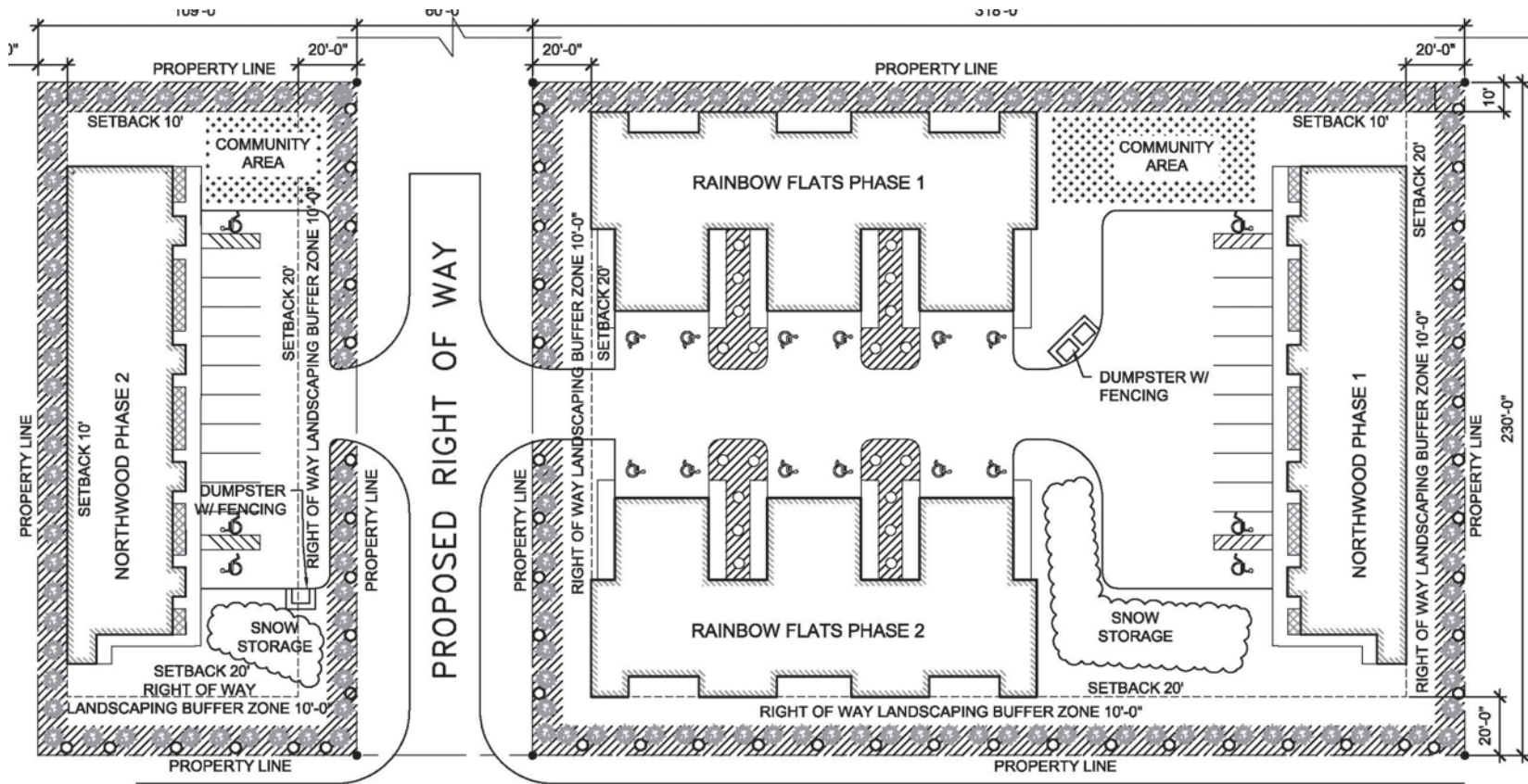
# Kenai Meadows Senior Housing

- 12 units of Senior Housing



# What's next?

## Lot 3 & 4



SITE PLAN

REDOUBT AVENUE

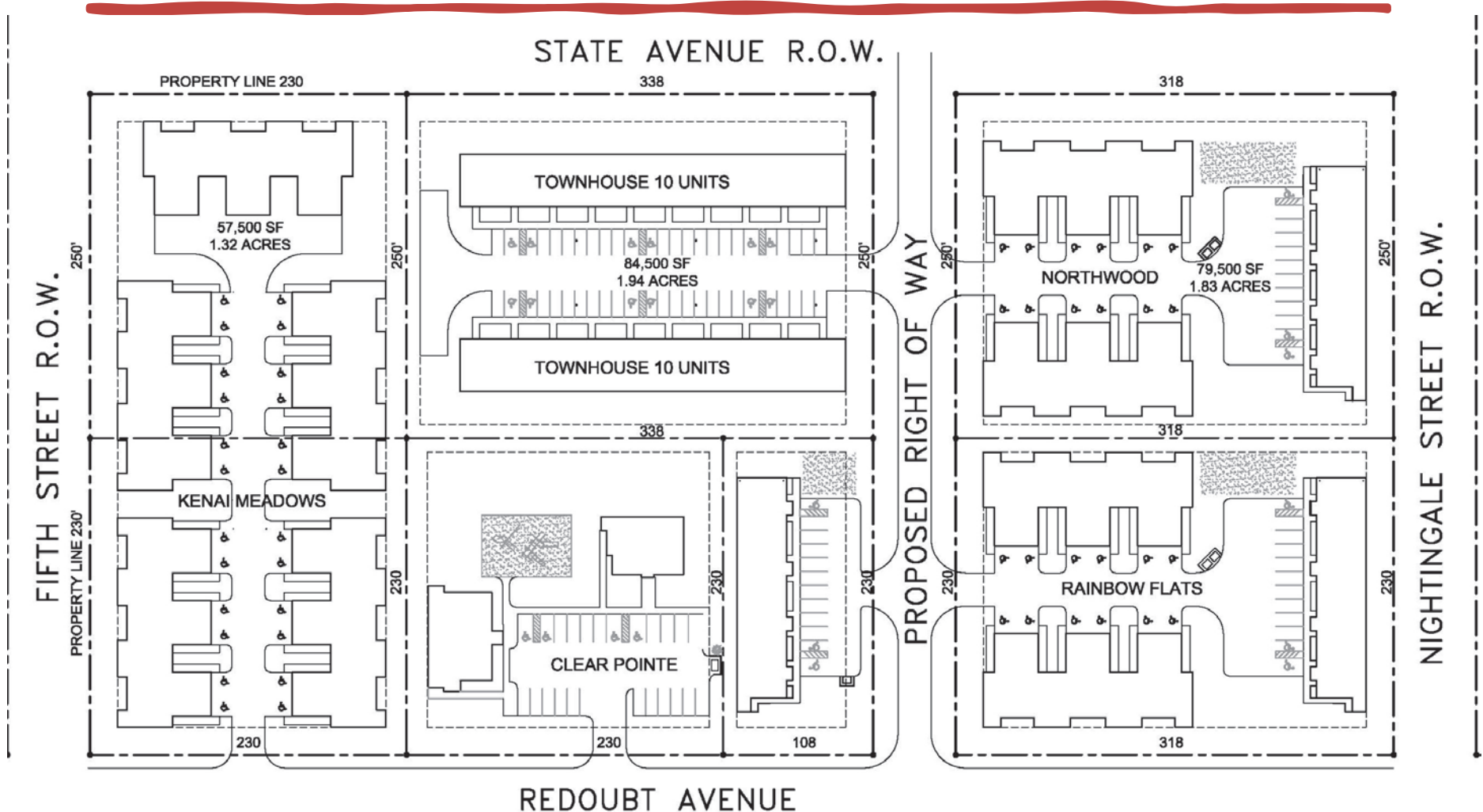


- 
- Tract A1*  
69.584Ac.
- (N90°00'00"W 569.81')
- Florida Avenue*
- 6  
5  
Blk 3
- 60'
- KN 76-66  
Tract A
- 60'
- See note 6.
- See note 6.
- Sixth Street*
- Land Donation Request - 5.09 Acres
- Fourth St.  
Blk 2
- 60'
- 5  
KN 2018-01
- 4
- Block 1
- Fifth Street (N00°00'00"W 989.87')
- Lot 1  
KN 2017-17
- Lot 2
- Lot 3  
0.991Ac.
- Lot 4  
1.320Ac.
- See note 6.
- Nightingale Street (N00°00'46"W 2591.10')
- 2361.10'  
2591.10'
- 66'
- (N90°00'00"W 497.71')
- ROW  
10' Utility easement  
Lot line
- Detail B  
Not to scale

# Community Impact

42 Additional Senior Units

44 Additional Low-Income Units





# Importance of Land Donations

- Leveraging Additional Funding
- Land donations allow KPHI to be viable in applying for very competitive funding sources
- Enable KPHI and the City of Kenai to meet the growing demand for senior and affordable housing.
- Support KPHI's mission.

# Call to Action

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We ask the City Council to take prompt action and consider the ordinance presented for additional land donation. This request is crucial for meeting the needs of our residents on the Kenai Peninsula, and the timing is critical for securing the necessary grant funding.

By supporting this ordinance, you can help ensure that our community has access to essential resources and opportunities for growth.

Let's work together to enhance the quality of life for all residents.

Your support is vital in making this vision a reality!

Thank you for considering our land donation request.



Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2025-23**

A RESOLUTION REDIRECTING WATER & SEWER CAPITAL PROJECT FUNDS TO COMPLETE CITYWIDE LIFT STATION IMPROVEMENTS.

WHEREAS, the City appropriated \$233,000 for renovation of the Mile Post 13 Lift Station, \$233,000 for the renovation of the Mile Post 14 Lift Station, \$234,000 for renovation of the Lawton Drive Lift Station, and \$220,000 for renovation of the Broad Street Lift Station; and,

WHEREAS, the total amount of \$861,400.15 remains unexpended in these capital accounts; and,

WHEREAS, the Public Works Department plans to complete renovations of the lift station panels at all 20 lift station locations to improve communications and operations; and,

WHEREAS, redirecting the remaining \$861,400.15 to a citywide lift station improvements fund is recommended to complete upgrades at all of the lift stations; and,

WHEREAS, after panel and communications upgrades are completed, remaining funds will be used for repairs to access hatches, guide rails or replacement of failing equipment; and,

WHEREAS, redirecting previously appropriated funds 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 following budget transfer be authorized;

Water & Sewer Capital Project Fund:

Decrease Expenditures:

Mile Post 13 Lift Station Maintenance	\$213,354.49
Mile Post 14 Lift Station Maintenance	213,193.43
Lawton Drive Lift Station Maintenance	214,852.23
Broad Street Lift Station Maintenance	<u>220,000.00</u>
	<u>\$861,400.15</u>

Increase Expenditures:

Citywide Lift Station Improvements	<u>\$861,400.15</u>
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**Section 2.** That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 16<sup>TH</sup> DAY OF APRIL, 2025.


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

ATTEST:

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

Resolution No. 2025-23

Page 2 of 2

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

**THROUGH:** Dave Swarner, Finance Director

**FROM:** Lee Frey, Public Works Director

**DATE:** April 8, 2025

**SUBJECT:** **Resolution No. 2025-23 - Redirecting Water & Sewer Capital Project Funds to Complete Citywide Lift Station Improvements.**

---

Previous appropriations totaling \$920,000 were made for improvements to the Mile Post 13, Mile Post 14, Lawton Drive and Broad Street lift stations. Of these appropriations, \$861,400.15 remain available. The Public Works Department has determined that the priority need for all lift stations is new communication and operations panels to provide reliability, connectivity and visibility to all the lift station for improved operation and maintenance. We recommend combining these capital funds into one Citywide Lift Station Improvements project to be able to complete a project replacing all of the lift station operations panels throughout the City. Once these improvements are completed, the remaining funds will be used to repair access hatches, guide rails and other failing equipment.

The Public Works Department recommends redirecting \$861,400.15 from the Mile Post 13, Mile Post 14, Lawton Drive and Broad Street lift station projects to the Citywide Lift Station Improvements project.

Your support is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2025-24**

A RESOLUTION IMPLEMENTING A NEW FEE FOR A TRUCK FILL STATION PERMIT IN THE WATER FEES SECTION OF THE SCHEDULE OF RATES, CHARGES AND FEES.

WHEREAS, the Public Works Department is installing a seasonal use truck fill station off of a hydrant on Daubenspeck Road for commercial water truck filling; and,

WHEREAS, the Public Works Department previously permitted and rented hydrant meters for use as needed throughout the water system which caused water quality and pressure issues throughout town; and,

WHEREAS, the new truck fill station is located in a portion of the water system that will have minimal disruptions to the water system and can be monitored by City staff regularly; and,

WHEREAS, an annual permit fee of \$200 is expected to generate a similar amount of revenue as previous years and will reduce staff time previously spent calculating charges and handling deposits for hydrant meters; and,

WHEREAS, the Public Works Department recommends implementing a new Truck Fill Station Permit fee of \$200 in Water Fees, Schedule B – Commercial service (non-metered).

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

**Section 1.** That the City of Kenai, Schedule of Rates, Charges and Fees for Public Works, Water Fees, Schedule B - Commercial services (non-metered) is amended to include a new Truck Fill Station Permit fee as follows:

**2. Schedule B - Commercial service (non-metered)**

Truck Fill Station Permit

\$200.00

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 16<sup>TH</sup> DAY OF APRIL, 2025.

\_\_\_\_\_  
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

**THROUGH:** Dave Swarner, Finance Director

**FROM:** Lee Frey, Public Works Director

**DATE:** April 8, 2025

**SUBJECT:** **Resolution No. 2025-24 - Implementing a New Fee for a Truck Fill Station Permit in the Water Fees Section of the Schedule of Rates, Charges and Fees.**

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The Public Works Department is installing a new truck fill station for commercial water operation needs in the summer. Previously the City gave out hydrant meters to allow contractors to fill their trucks as needed around town, but this created water quality and pressure issues throughout the water system. The new station will be installed on Daubenspeck Road off of a hydrant that can be regularly monitored by City staff and will have minimal impact to the water system. The proposed permit fee of \$200 is expected to offset the annual fees brought in from previously renting hydrant meters out and will reduce staff time associated with the billing and handling of deposit fees for the hydrant meters. We expect to have the new truck fill station operational by May 1st, 2025 for use.

The Public Works Department recommends implementing a new fee for a Truck Fill Station Permit.

Your support is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2025-25**

A RESOLUTION AUTHORIZING AWARD OF THE CONTRACT TO USE CRANES, OFFICES, AND OPERATION AREA AT THE BOATING FACILITY.

WHEREAS, the Public Works Department planned to request bids to use the operating area at the boating facility after the previous contract had expired using standard procurement procedures in KMC Chapter 7.15-Purchases and Sales; and,

WHEREAS, the Contractor constructing the Bluff Stabilization Project, Western Marine Construction Inc. needs a facility to access their vessels throughout the construction project; and,

WHEREAS, Western Marine Construction is agreeable to the same cost the City collected from operations last year and providing the contractor with site access provides a benefit to and support of the Bluff Stabilization Project that has been a priority of the City of Kenai; and,

WHEREAS, it is in the best interest of the City to contract with Western Marine Construction Inc. to use the cranes, offices, and operation area at the Boating Facility through KMC 7.15.070 (b) (6).

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

**Section 1.** That the City Manager is authorized to execute the contract to use cranes, offices, and operation area at the Boating Facility with Western Marine Construction Inc.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 16<sup>TH</sup> DAY OF APRIL, 2025.

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

ATTEST:

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

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





# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Lee Frey, Public Works Director

**DATE:** April 8, 2025

**SUBJECT:** **Resolution No. 2025-25 - Authorizing Award of the Contract to Use Cranes, Offices, and Operation Area at the Boating Facility.**

---

This Public Works Department had a five-year contract to use cranes, offices, and operating area at the Boating Facility that had expired and planned to release an invitation to bid for a new contract. Western Marine Construction Inc. will be constructing the Bluff Stabilization project in Kenai this summer and needs access to and from their barges in the river to move people, fuel and supplies regularly.

It was determined that the City of Kenai Boating Facility would be a feasible option and the Contractor is acceptable to paying the same costs of \$24,000 that was collected by the previous contractor last year for use of the facility. It is in the best interest of the City to support the Bluff Stabilization project by assisting as the project has been a priority for the City for many years.

The contract will be for a term of one-year and the Public Works Department will bid the contract as normal in 2026. The Public Works Department recommends approval of the contract through KMC 7.15.070 (b) (6). This direct negotiation fits with the newly enacted KMC 7.15.070(b)(6) because it is in the best interest of the City to assist the contractor working on the bluff erosion project for the City, we know the price is fair because it is the same as the prior years competitive contract price, and there are no funding sources that prohibit the City directly negotiating with Western Marine Construction for the use of the dock.



Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2025-26**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF SOLDOTNA TO CONTINUE PROVIDING ANIMAL SHELTER SERVICES FOR THE CITY OF SOLDOTNA AT THE KENAI ANIMAL SHELTER.

WHEREAS, the City of Kenai provides animal control services within the City and operates the Kenai Animal Shelter, providing the sheltering of animals for the City of Kenai and also providing some sheltering of animals for areas around the City within the Kenai Peninsula Borough; and,

WHEREAS, the City of Kenai first entered into an agreement to provide animal shelter services to the City of Soldotna in 2019, at which time the City of Soldotna closed their shelter, and those shelter services have been provided by the Kenai Animal Shelter continuously since that time; and,

WHEREAS, consolidating animal shelter services in Kenai has improved consistency across jurisdictional boundaries, enabled more cost-effective animal services by utilizing economies of scale, and provided ease of access for the public by providing a single location for shelter services in the central Kenai Peninsula; and,

WHEREAS, the current agreement expires on June 30, 2025; and,

WHEREAS, the City of Kenai Administration recommends the City enter a new agreement to provide animal shelter services to the City of Soldotna.

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

**Section 1.** That the City Manager is authorized to enter into an agreement with the City of Soldotna to provide animal shelter services at the Kenai Animal Shelter for a period of three years with the possibility of two one-year extensions. The City Manager may execute the two future extensions without further Council approval.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 16<sup>TH</sup> DAY OF APRIL, 2025.

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

ATTEST:

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



# 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:** Dave Ross, Police Chief

**DATE:** April 8, 2025

**SUBJECT:** **Resolution No. 2025-26 - Authorizing the City Manager to Enter into an Agreement with the City of Soldotna to Continue Providing Animal Shelter Services for the City of Soldotna at the Kenai Animal Shelter.**

---

The City of Kenai operates the only government run animal shelter in the central Kenai Peninsula. The Kenai Animal Shelter provides animal shelter services to the City of Kenai in addition to providing some shelter services for animals from areas around the City within the Kenai Peninsula Borough. The City of Kenai has also provided animal shelter services to the City of Soldotna since 2019. In 2019 the City of Kenai entered into an original one-year agreement with the City of Soldotna to provide animal shelter services, and that was followed by a three-year agreement with two one-year extensions. When the current agreement expires in June of 2025, Kenai will have provided animal shelter services to the City of Soldotna for six years.

This Resolution authorizes the City Manager to enter into another agreement whereby the City of Kenai will continue to provide animal shelter services to the City of Soldotna for another three years with the possibility of two more one-year extensions.

This collaboration has been mutually beneficial to both Cities. The City of Soldotna has benefited fiscally from not having to operate an animal shelter and the City of Kenai has benefited fiscally from receiving funds from the City of Soldotna to assist in operating the Kenai Animal Shelter. We also believe the public and the animals benefit from the consistencies created by having a single shelter for both Cities.

The original Agreement in 2019 was for the City of Soldotna to pay the City of Kenai \$42,000 annually for animal shelter services. That amount has increased annually to account for inflation. This proposed agreement will start at \$49,566 for fiscal year 2026 and continue to be adjusted annually by Alaska Urban CPI.

Thank you for your consideration.

## AGREEMENT FOR ANIMAL CONTROL SHELTER SERVICES

**THIS AGREEMENT** is entered into this \_\_\_\_ day of June, 2025, by and between the CITY OF KENAI (“**Kenai**”) and the CITY OF SOLDOTNA (“**Soldotna**”).

WHEREAS, the provision of animal control, sheltering and licensing services protects public health and safety and promotes animal welfare; and

WHEREAS, providing such services on a regional basis allows for enhanced coordination and tracking of public and animal health issues, consistency of regulatory approach across jurisdictional boundaries, economies of scale, and ease of access for the public; and

WHEREAS, the Cities of Kenai and Soldotna desire to partner, in making regional animal shelter services work effectively.

NOW THEREFORE, for good and valuable consideration, the receipt whereof is hereby acknowledged, Kenai and Soldotna agree as follows:

**1. Term.** The initial term of this Agreement shall be from July 1, 2025 through and including June 30, 2028, unless terminated earlier in accordance with the terms of this Agreement. This agreement may be extended for two additional one-year terms, upon the mutual agreement of both parties.

**2. Services Provided.** Kenai shall perform/provide the following services in accordance with the provisions of this Agreement:

- a. **Shelter Services.** Kenai shall provide shelter services for animals; 1) impounded by Soldotna; 2) owned by Soldotna residents who voluntarily relinquish custody; 3) taken into custody by members of the public within Soldotna boundaries; or 4) ordered quarantined at the animal shelter by Soldotna (collectively “Soldotna Animals”). Shelter Services include the general care, cleaning and nourishment of owner-released, lost or stray dogs, cats and other animals at the Kenai Animal Shelter (the “Shelter”) located at 510 N. Willow Street in Kenai. The Shelter shall generally be open to the public not less than 30 hours per week, and not less than 5 days per week excluding holidays, for purposes of pet redemption, adoption, license sales services and pet surrenders subject to staffing issues, maintenance and unforeseen events. The shelter has established a policy to limit the intake of animals when the Shelter approaches capacity. This policy may cause residents to be on a waiting list for the voluntary relinquishment of their owned animals to the Shelter.

In accordance with Kenai’s ordinances, policies and procedures, and subject to the provisions of Section 3 of this Agreement (Appeal), the following services shall be provided under this Agreement:



- i. exercise, care and feeding, and reasonable medical attention for Soldotna Animals impounded at the Shelter;
  - ii. provide for and manage adoptions and related activities leading to the placement of animals in appropriate homes.
  - iii. Kenai shall provide euthanasia services for animals in the custody of the Shelter.
  - iv. Kenai shall provide for the quarantine of animals.
  - v. Kenai shall provide the Soldotna Chief of Police a key and alarm code to the Shelter and allow Soldotna after-hours access to the Shelter for the limited purpose of impounding or quarantining Soldotna Animals when the Shelter is not open to the public. Only Soldotna employees that have received an orientation on after hours drop off procedures by Kenai staff may have access to the Shelter Key and alarm code. Soldotna employees must follow after hours drop off procedures.
- b. **Licensing Services.** Kenai shall provide for the sale of Soldotna pet licenses, available to the public in person, at the Kenai Shelter during regular business hours. Kenai may collect and retain the Soldotna's animal licensing fee for each Soldotna Animal licensed by Kenai. Soldotna licenses shall be provided to Kenai by the City of Soldotna.
- c. **Record Keeping and Reporting.** Kenai Animal Control will prepare a monthly report detailing animal intakes, which will be provided to Soldotna upon request. Kenai will maintain a database of licensed animals and, upon request, will provide current pet license data files—or otherwise grant shared electronic access to such files—to Soldotna. These data files will include information such as pet ownership, owner names, addresses, phone numbers, email addresses, violations, license renewal status, and any other relevant data maintained in Kenai's system for licensed animals residing in Soldotna. Soldotna will, in turn, provide Kenai with records of any licenses sold directly by Soldotna.

**3. Compensation.** Soldotna shall pay Kenai as compensation for the services rendered under this Agreement, a lump sum of Forty-Nine Thousand, Five Hundred and Sixty Six Dollars (\$49,566.00) annually. This amount shall be adjusted annually for the years beginning July 1, 2026 and July 1, 2027 by 100% of the annual Alaska Urban CPI. Compensation for services beyond the initial three-year term, if extended, shall be determined by mutual agreement of the parties.

Should more than one hundred fifty animals be placed with Kenai by Soldotna during any year of the contract (July 1- June 30), Kenai shall be paid an additional sum of Three Hundred Ninety Three Dollars per animal (\$399/animal) ("Surcharge"). The amounts payable to Kenai shall not exceed the sums identified in this paragraph without the prior written approval of the City of Soldotna.

Soldotna agrees to make quarterly payments of the pro-rated annual amount, payable on July 15, October 15, January 15, and April 15. Quarterly payments and any Surcharge due to Kenai shall be payable, provided Kenai submits a proper invoice for each billing, in such form accompanied by such evidence in support thereof as may be reasonably required by Soldotna. All invoices are otherwise due and payable within thirty (30) days of receipt by Soldotna.

**4. Shelter and Licensing Fees.** Kenai may collect applicable fees in accordance with Kenai's ordinances, policies and procedures and may collect applicable Soldotna licensing fees (collectively "Kenai Fees"). Kenai may retain all Kenai Fees. Under no circumstances may Kenai collect Kenai Fees from Soldotna.

**5. Services Supplied by Soldotna.** Soldotna shall:

- a. transport impounded Soldotna Animals to and from the Shelter.
- b. provide needed medical attention to Soldotna Animals prior to delivering them to the shelter, or make arrangement for (including payment of) medical treatment needed at the time an animal is taken into custody by Soldotna.
- c. impound or quarantine Soldotna Animals transported to the Shelter at times the Shelter is not open to the public.
- d. conduct Soldotna Appeals and notify Kenai of the decision on appeal.
- e. enforce violations of Soldotna animal control ordinances,
- f. perform neighborhood patrol and response to calls for service within Soldotna city limits.
- g. participate in the updating and sharing of information and data regarding pets, owners, addresses and violations, to be shared with Kenai or maintained in a way that is accessible to both parties.
- h. make reasonable attempts to contact owners and return animals to Soldotna residents during the period an animal is held at the Shelter prior to adoption.

**6. Independent Contractor Status.** In Performing services under this Agreement, Kenai acts as an independent contractor and shall have responsibility for and control over the details and means for performing the services required hereunder.

**7. Indemnification.** Soldotna shall defend and indemnify Kenai or any employee or other representative thereof from and against losses, damages, liabilities, expenses, claims and demands (collectively "Claim") arising out of Kenai's performance of this Agreement unless the Claim arises out of Kenai's failure to follow Kenai's ordinances, policies or procedures or Kenai's failure to comply with the provisions of this Agreement.

**8. Assignment.** Kenai shall not assign this Agreement or any of the monies due or to become due thereunder without the prior written consent of Soldotna.

**9. Subcontracting.** Kenai may not subcontract its performance under this Agreement without the prior written consent Soldotna. Any subcontractor must agree to be bound by the terms of this Agreement.

**10. Designation of Representatives.** The parties agree, for the purposes of the Agreement, that the Cities of Kenai and Soldotna shall be represented by and may act only through the following representatives and their successors who shall have the authority to act and bind the parties in connection with this Agreement:

For the City of Soldotna: Janette Bower, City Manager  
177 N. Birch Street  
Soldotna, AK 99669  
[jbower@soldotna.org](mailto:jbower@soldotna.org)

For the City of Kenai: Terry Eubank, City Manager  
210 Fidalgo Ave.  
Kenai, AK 99611  
[teubank@kenai.city](mailto:teubank@kenai.city)

**12. Insurance.** Kenai shall, at all times, at its own expense, keep in force the following described insurance for protection against the claims of employees or other persons, insuring both Kenai and Soldotna against liability that may accrue against them or either of them in connection with the performance of Kenai under this Agreement:

- a. Insurance in at least the required statutory amounts covering claims under worker's compensation, disability benefits and other similar employee benefit acts; and
- b. General liability insurance covering bodily injury, death, and property damage with a combined single limit of not less than \$500,000.

**13. Compliance with Applicable Laws.** Kenai and Soldotna shall, in the performance of this Agreement, comply with all applicable federal, state and local laws, ordinances, orders, rules and regulations applicable to their respective performance hereunder.

**14. Venue and Applicable Law.** The venue of any legal action between the parties arising as a result of this Agreement shall be laid in the Third Judicial District of the Superior Court of the State of Alaska, and this Agreement shall be interpreted in accordance with the laws of the State of Alaska.

**15. Waiver.** No failure on the part of either party to enforce any covenant or provision herein contained, nor any waiver of any right hereunder by either party, unless in writing and signed by the parties sought to be bound, shall discharge or invalidate such covenants or provisions or affect the right of either party to enforce the same or any other provision in the event of any subsequent breach or default.

**16. Binding Effect.** The terms, conditions and covenants contained in this Agreement shall apply to, insure to the benefit of, and bind the parties and their respective successors.

**17. Termination.** Either party may terminate this Agreement upon failure by the other party to comply with any terms or conditions of this Agreement. Prior to termination, the terminating party must provide the other party with written notice and a minimum of ten days opportunity from the date of the notice to cure the violation. If the violation is not cured within ten days, or additional time provided at the sole discretion of the terminating party, the terminating party may terminate the agreement in writing.

**18. Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and all prior negotiations and understandings are superseded and replaced by this Agreement and shall be of no further force and effect. No modification of this Agreement shall be of any force or effect unless reduced to writing, signed by both parties and expressly made a part of this Agreement.

**IN WITNESS WHEREOF,** the parties hereto have executed, or caused to be executed by their duly authorized representatives, this Agreement on the respective date indicated below.

**CITY OF SOLDOTNA**

DATED: \_\_\_\_\_

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

ITS: Janette Bower  
City Manager

**CITY OF KENAI**

DATED: \_\_\_\_\_

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

ITS: Terry Eubank  
City Manager



**KENAI CITY COUNCIL – REGULAR MEETING  
APRIL 2, 2025 – 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 April 2, 2025, 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  
Phil Daniel  
Alex Douthit  
Sovala Kisenia

Henry Knackstedt, Vice Mayor  
Deborah Sounart  
Victoria Askin

A quorum was present.

Also in attendance were:

\*\*Xiling Tanner, Student Representative  
Terry Eubank, City Manager  
Scott Bloom, City Attorney  
David Swarner, Finance Director  
Kevin Buettner, Planning Director - remote participation  
Lee Frey, Public Works Director  
Shellie Saner, City Clerk

**3. Agenda and Consent Agenda Approval**

Mayor Gabriel noted the following additions to the Packet:

Add item H.5.

**New Business - Ordinance No. 3463-2025** - Conditionally Donating Certain City Owned Property Described as Three Approximately 1½ Acre Parcels to be Subdivided from a Portion of the Approximately 69½ Acre Parcel Described as Kenai Meadows Addition No 1, Tract A1 According to Plat 2023-48 (KPB Parcel No. 03901067) to Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing. (Administration)

- Introduction and Scheduling of the Public Hearing

It was reported that the Administration had been working with Kenai Peninsula Housing Initiative (KPHI) on some development; KPHI recently identified another funding source for the project, which had a short application period closing on April 30, 2025; and the laydown was requested to allow for the public hearing on the Ordinance to be held on April 16, 2025.

**MOTION:**

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

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

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

**UNANIMOUS CONSENT** was requested.

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

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

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

**C. SCHEDULED PUBLIC COMMENTS**

1. Kenai River Quality Monitoring Funding, Kenai Watershed Forum, Environmental Scientist and Water Quality Coordinator, Benjamin Meyer.

Mr. Meyer stated this presentation was a follow up from the presentation on March 5, 2025; and to request Fiscal Year 2026 annual contribution from the City be restored to its previous level of \$5,000, noting it had been reduced to \$1,500 in Fiscal Year 2025. He reported the Kenai River water quality monitoring project was initiated in the year 2000; it was intended to be a twice a year health checkup on the river; he provided a video presentation on the Kenai River Water Quality Monitoring Program; and provided an overview of other features of the program.

There was discussion regarding other funding sources to included funding from the State of Alaska; the office location and number of employees; the City of Soldotna's donation of in-kind lab services; certification requirements for lab services; and the possibility of the City of Kenai offering in-kind lab services.

2. Request for Land Donation, Kenai Peninsula Housing Initiatives, Inc., Finance Director Dana Gregoire.

Ms. Gregoire provided information about Kenai Peninsula Housing Initiatives (KPHI), noting the type of housing they develop and the locations developed on the Kenai Peninsula; provided an overview of previous developments on lands donated by the City; reported the with the additional land donation it will bring the total development up to 54 senior housing units and 54 low-income multifamily units for the ten-acre parcel. She stated the request was time sensitive due to the application deadline for securing funding and the land donation was critical to KPHI's ability to remain competitive in securing funding.

There was discussion regarding the market price for units being established by HUD; occupants had to be income-certified to qualify for the restricted units in advance of occupancy and annually; rents would increase if the occupant's income increased; and this type of housing did not compete with for profit housing.

**D. UNSCHEDULED PUBLIC COMMENTS**

Marion Nelson, Board Member for the Kenai Art Center reported on the Current Student Show and the upcoming First Friday.

**E. PUBLIC HEARINGS**

- 1. Resolution No. 2025-21** - Amending City Council Policies 20.010 - Recording Council Meetings, and 20.020 Standing Commissions and Other Advisory Body Procedures, to Establish that Meeting Recordings are Retained in Accordance with the Records Management Schedule and Record Retention Policy of the City. (City Clerk)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2025-21. 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 retention in the current policies conflicted with the retention schedule; the current retention schedule aligned with the recommended retention for meeting recordings as established in the State of Alaska, Local Government Model; amendments to the retention schedule required Council approval; and the retention schedule was available in the City's online archives and would be made available from the Clerk's Office on request.

**UNANIMOUS CONSENT** was requested.

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

- 2. Resolution No. 2025-22** - Amending Council Policy 20.000 Agenda & Packet - Preparation, Distribution and Publication, to Establish a Twenty Minute Aggregate Time Limit for Scheduled Public Comment and a Thirty Minute Aggregate Time Limit for Unscheduled Public Comment. (Gabriel)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2025-22. Council Member Askin **SECONDED** the motion.

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

It was reported that establishing aggregated time limits at the beginning of the meeting ensured sufficient time to take up the business on the agenda; additional opportunity for public comment was allowed during individual public hearing items and again at the end of the agenda after business was completed; the Council may suspend the rules and by majority vote extend the aggregated time during a meeting.

**UNANIMOUS CONSENT** was requested.

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

**F. MINUTES**

- 1. \*Regular Meeting of March 19, 2025.** (City Clerk)

**G. UNFINISHED BUSINESS** - None.

**H. NEW BUSINESS**

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

Approved by the consent agenda.

- 2. \*Ordinance No. 3462-2025** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Purchase of Equipment and Supplies. (Administration)

Introduced by the consent agenda and Public Hearing set for April 16, 2025.

### 3. **Action/Approval** - Council on Aging Commission 2025 Work Plan. (City Clerk)

#### **MOTION:**

Vice Mayor Knackstedt **MOVED** to approve the Council on Aging Commission 2025 Work Plan. Council Member Daniel **SECONDED** the motion.

It was noted the three objectives aligned with the role of the Commission and gratitude was expressed for the work of the commission.

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

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

### 4. **Discussion** - Scheduling a Budget Work Session. (Administration)

The Fiscal Year 2026 Budget Work Session was scheduled for May 3, 2025, beginning at 9:00 a.m.

### 5. **Ordinance 3463-2025** - Conditionally Donating Certain City Owned Property Described as Three Approximately 1 ½ Acre Parcels to be Subdivided from a Portion of the Approximately 69 ½ Acre Parcel Described as Kenai Meadows Addition No 1, Tract A1 According to Plat 2023-48 (KPB Parcel No. 03901067) to Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing. (Administration)

#### **MOTION:**

Council Member Askin **MOVED** to introduce Ordinance 3463-2025 and schedule the public hearing for April 16, 2025. Council Member Douthit **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.

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

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

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

### 1. Council on Aging Commission

No report, next meeting cancelled.

### 2. Airport Commission

No report, next meeting April 10, 2025.

### 3. Harbor Commission

No report, next meeting April 7, 2025.

### 4. Parks and Recreation Commission

No report, next meeting April 3, 2025.

### 5. Planning and Zoning Commission

Council Member Sounart reported on the March 26, 2025 meeting.

### 6. Beautification Commission

No report, next meeting April 8, 2025.

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

Mayor Gabriel reported on the following:



- Attending the March for Meals dessert auction and thanked Senior Center staff for the work to make it happen.
- Presenting the State of the City with City Manager Eubank, and stated his appreciation for the City Employees.

## **K. ADMINISTRATION REPORTS**

1. City Manager - City Manager Eubank reported on the following:
  - Water and Sewer Department: James Hagar promoted to Utility Foreman; Cody Mackay and Bradley Barrett promoted to Utility Lead Operators; and currently recruiting for a Utility Operator.
  - Fire Department: Jessie Tauriainen promoted to Engineer; and two new firefighters joining in April and May.
  - Streets Department: Eric Lervig hired as Equipment Operator.
  - Parks and Recreation: Actively recruiting for summer positions.
  - Employee Appreciation Event scheduled for April 25 at the Senior Center.
  - Departmental budget reviews underway; draft budget to be presented to Council on April 18, 2025.
  - Economic Development, Industry Outlook Forum scheduled for April 24, 2025 at the Visitor and Cultural Center.
  - The March for Meals, dessert auction was a success.
  - Kenai Annual, Easter Egg Hunt scheduled for April 19, 2025 at Municipal Park.
  - Storefront and Streetscape Improvement Program applications deadline was April 11, 2025.
  - Army Corps of Engineer, Bluff Stabilization Project meeting scheduled for April 17, 2025 at the Visitor and Cultural Center.
2. City Attorney - No report.
3. City Clerk - City Clerk Saner reported on the following:
  - Reminder of the upcoming Financial Disclosure Statement deadline.

## **L. ADDITIONAL PUBLIC COMMENTS**

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

Council Member Douthit noted that the March for Meals event was great fun and complimented staff for the work involved with the event.

Student Representative Tanner reported on the upcoming Connections Art Show; provided a list of students recognized for their achievements by Connections; listed upcoming Kenai Central High School sport events; and the Kenai Central High School Prom.

Council Member Sounart noted that the March for Meals event was a wonderful evening; thanked Senior Center Director Romain and staff for all they do; complimented Ms. Saner on her cake entry; and thanked the Public Works Director Frey and Waste Water Treatment staff for the tour of the facility.

Council Member Askin noted the March for Meals event was fun; complimented Council Members Sounart and Douthit on their costumes; and thanked Public Works Director Frey and staff for the tour of the Waste Water Treatment facility.

Council Member Daniel thanked staff for the tour of the Waste Water Treatment Facility and tour of the Airport.

Council Member Kisenka thanked staff for the tour of the Waste Water Treatment Facility; attending the Kaleidoscope townhall for the principal hiring process; and attending the Kenai Central Highschool, Marching Band, Taco dinner and silent auction.

Vice Mayor Knackstedt stated his appreciation for the March for Meals event; thanked staff for the tour of the Waste Water Treatment facility; recognized the certification process required to work at the Waste Water Treatment facility; and reported attending the State of the City address.

#### **M. EXECUTIVE SESSION**

1. Review and Discussion of the City Manager's Evaluation Which May be a Subject that Tends to Prejudice the Reputation and Character of the City Manager [AS 44.62.310(C)(2)].
2. Review and Discussion of the City Attorney's Evaluation Which May be a Subject that Tends to Prejudice the Reputation and Character of the City Attorney [AS 44.62.310(C)(2)].
3. Review and Discussion of the City Clerk's Evaluation Which May be a Subject that Tends to Prejudice the Reputation and Character of the City Clerk [AS 44.62.310(C)(2)].

#### **MOTION:**

Vice Mayor Knackstedt **MOVED** to enter into executive session to review and discuss the annual evaluations of the City Manager, City Attorney and City Clerk which may be a subject that tends to prejudice the reputation and character of the City Manager, City Attorney or City Clerk. [AS 44.62.310(C)(2)]

Mr. Eubank, Mr. Bloom and Ms. Saner have elected to have the discussion take place in executive session.

The executive session will include Mayor Gabriel and City Council Members; City Manager Eubank, City Attorney Bloom and City Clerk Saner may be included if and when the Council requests their presence.

Council Member Askin **SECONDED** the motion.

#### **VOTE:**

YEA: Daniel, Sounart, Gabriel, Kisenka, Douthit, Askin, Knackstedt

NAY: None

#### **MOTION PASSED.**

#### **MOTION:**

Vice Mayor Knackstedt **MOVED** to reconvene into regular session. Council Member Askin **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested on the motion to reconvene into regular session.

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

*[Clerk's Note: City Council entered into executive session at 7:26 p.m. and reconvened into regular session at 8:40 p.m.]*

It was reported that the City Council convened in executive session to discuss the evaluations of the City Manager, City Attorney and City Clerk.

#### **N. PENDING ITEMS - None.**

#### **O. ADJOURNMENT**

**P. INFORMATIONAL ITEMS - None.**

There being no further business before the Council, the meeting was adjourned at 8:41 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 2, 2025.

---

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 will not affect the outcome of the official council vote. Advisory votes will 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: APRIL 16, 2025**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	112,954.78
PREMERA	APRIL INSURANCE PREMIUM	VARIOUS	HEALTH INSURANCE	214,603.29
HOMER ELECTRIC	ELECTRIC USAGE	VARIOUS	UTILITIES	101,943.45

**INVESTMENTS**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>MATURITY DATE</b>	<b>AMOUNT</b>	<b>Effect. Int.</b>
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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:** Derek Ables, Airport Manager

**DATE:** April 7, 2025

**SUBJECT:** **Action/Approval - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport.**

---

Rebecca Boettcher, owner of The Fishing Grounds, LLC is requesting a Special Use Permit to operate a snack/gift shop inside the terminal building, suite 120. This glass space consists of approximately 341 square feet.

Ms. Boettcher is proposing to pay 15% commission based on monthly gross sales, plus applicable sales tax. The term of this Permit shall be for twelve months commencing on May 1, 2025 and ending on April 30, 2026.

The Airport Commission reviewed the application at their regularly scheduled meeting on April 10th, and recommended approval.

Your support for a Special Use Permit to The Fishing Grounds, LLC is respectfully requested.

Attachments- SUP, Exhibit A, Exhibit B

## SPECIAL USE PERMIT 2025

The CITY OF KENAI (City) grants to Rebecca Boettcher with The Fishing Grounds, LLC (Permittee), whose address is \_\_\_\_\_ a Special Use Permit (Permit) for a snack/gift shop inside the Kenai Municipal Airport terminal building subject to the requirements and the conditions set forth below.

- 1. Premises.** Permittee shall have the exclusive right to use suite 120, the area described in the attached diagram (Exhibit A) for the uses identified in this Permit.
- 2. Term.** The term of this Permit shall be for twelve months commencing on May 1, 2025 and ending on April 30, 2026. Regardless of the date of signature, this Permit shall be effective as of May 1, 2025.
- 3. Permit Fees.** Permittee shall pay the following fees for the privileges extended to Permittee under this Permit: In-terminal Concession Certified Activity Report attached. (Exhibit B)

Permittee shall pay fifteen (15) percent of gross sales, plus applicable sales tax.

Payment shall be directed to City of Kenai, ATTN: Finance Department, 210 Fidalgo Avenue, Kenai, AK 99611 and a courtesy notice of payment provided to Airport Administration at 305 North Willow Street, Suite 200, Kenai, AK 99611. Failure to timely make the payment is grounds for termination of this Permit.

- 4. Use.** City authorizes Permittee's exclusive use of the Premises for the following purpose(s):

Office space, Suite 120, consisting of approximately 341 square feet, located on the first floor, terminal building, Kenai Municipal Airport, and as more particularly set forth on Exhibit A to this Permit (the Premises).

Permittee is authorized to use the Premises for the following purposes only:

Snack/gift shop

Use of the Premises by Permittee is subject to the reasonable administrative actions of the City of Kenai for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities and is further subject to the following conditions:

Permittee acknowledges that the use granted herein is subject to the Kenai Municipal Code and municipal regulations governing the Kenai Municipal Airport and as those laws and regulations may be amended from time to time.

Solicitation of donations or operation of a business or other commercial enterprise not contemplated by this Permit is prohibited without the written consent of City.

**5. Airport Operations.** Permittee shall ensure that the Permittee, its employees, their guests, and anyone else acting by, on behalf of, or under the authority of Permittee on the Airport, that perform any repairs or activities authorized under this Permit act in a manner that ensures the safety of people and the Airport, the protection of public health and the environment, and the safety and integrity of the Airport and any premises on the Airport. Permittee shall employ qualified personnel and maintain equipment sufficient for the purposes of this provision. The Permittee shall immediately notify City of any condition, problem, malfunction, or other occurrence that threatens the safety of the Airport, the safety of persons using the Airport, the public health or the environment, or the safety or integrity of any premises on the Airport.

**6. Inspection.** The Federal Aviation Administration (FAA) and/or City shall have the right and authority to inspect, at any time for any purpose whatsoever, the Premises as well as any and all equipment used by the Permittee under this Permit.

**7. Coordination with Airport Management.** Permittee shall coordinate all activities on the Airport with Airport Management, or a designated representative, and shall abide by all reasonable decisions and directives of the Airport Management regarding general use of the Airport by Permittee.

**8. Insurance.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, City is entitled to coverage to the extent of the higher limits.

**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 include an endorsement under which the insurer extends coverage to Permittee's fuel handling activities. 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 on the Airport. 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 to City by May 1, 2025. The effective date of the insurance shall be no later than May 1, 2025.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

**9. Assumption of Risk.** Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Airport. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on and access to the Kenai Municipal Airport and its exercise of the privileges granted in this Permit.

**10. Indemnity, Defend, and Hold Harmless Agreement.** Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City's staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as "Liabilities"), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the Permittee in connection with or arising from or out of Permittee's activities on or use of the Premises, Permittee's access to the Kenai Municipal Airport, and/or Permittee's exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

**11. No Discrimination.** Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

**12. Licenses and Permits.** Permittee shall obtain and maintain all required federal, state, and local licenses, certificates, and other documents required for its operations under the Permit. Permittee shall provide proof of compliance to City upon request by the City.

**13. Compliance with Law/Grant Assurances.** This Permit, and Permittee's activities conducted under this Permit, is subject to all executive orders, policies and operational guidelines and all applicable requirements of federal, state, and City statutes, ordinances, and regulations in effect during the term of this Permit. Further, Permittee shall comply with all applicable requirements imposed on the Airport by federal law to ensure that the Airport's eligibility for federal money or for participation in federal aviation programs is not jeopardized. This Permit is subordinate to the City's grant assurances and federal obligations.

**14. No Exclusivity.** The privileges granted under this Permit are not exclusive to Permittee. City has the right to grant to others any right or privilege on the Airport.

**15. Assignment.** The privileges granted under this Permit are personal to Permittee and may not be assigned by Permittee.



**16. No Joint Venture.** 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 or elsewhere at the Kenai Municipal Airport.

**17. No Waiver.** Failure to insist upon a strict compliance with the terms, conditions, and requirements 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.

**18. Personal Property.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25 per day. The City is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

**19. Termination; Default.** This Permit may be terminated by either party hereto by giving fourteen (14) days advance written notice to the other party. City may terminate the Permit immediately, or upon notice shorter than fourteen (14) days, to protect public health and safety or due to a failure of Permittee to comply with conditions or terms of this Permit which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period under the circumstances to correct the violation or breach.

**20. Definitions.** As used in this Permit, "Permittee" means Rebecca Boettcher with The Fishing Grounds, LLC, and where the context reasonably indicates, its officers, agents, and employees. "Airport" means the Kenai Municipal Airport.

**18. Janitorial and Cleaning Services.** Permittee will provide, at its own expense, the day-to-day janitorial cleaning services and supplies necessary to maintain the premises in a clean, neat, and sanitary condition.

**19. Security.** Permittee will adhere to all applicable responsibilities of the federal airport security program set out in Federal Aviation Regulations Part 107 and the Airport Master Security Program. Permittee will procure any required identification badges should it be necessary to access the premises or Permittee's operations authorized under this Permit.

**20. Smoking.** Neither the Permittee employees, nor customers may smoke in or around the terminal except in designated smoking areas.

**21. Employee Parking.** Employees may use non-exclusive employee vehicle parking spaces at no charge. All employees must register their vehicle(s) in the Airport Manager's office to receive a vehicle-parking permit to park while on the job. Permittee shall be held accountable for Permittee's employees' use of designated vehicle parking facilities and assure that employees comply with all Airport directives.

**22. Signs.** Permittee may, after consent by the Airport Manager, install signs at its premises identifying its business. Permittee will request the Airport Manager's advance written approval before installation of any signage.

**CITY OF KENAI**

By: \_\_\_\_\_  
Terry Eubank Date

**REBECCA BOETTCHER, THE  
FISHING GROUNDS, LLC**

By: \_\_\_\_\_  
Rebecca Boettcher Date

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2025, the foregoing instrument was acknowledged before me by Terry Eubank, City Manager, of the City of Kenai, an Alaska municipal corporation, 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 \_\_\_\_\_, 2025, the foregoing instrument was acknowledged before me by Rebecca Boettcher, Owner, The Fishing Grounds, LLC.

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

Approved as to form:

\_\_\_\_\_  
Scott Bloom  
City Attorney

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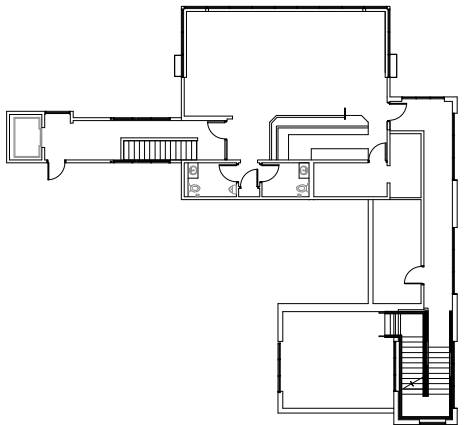
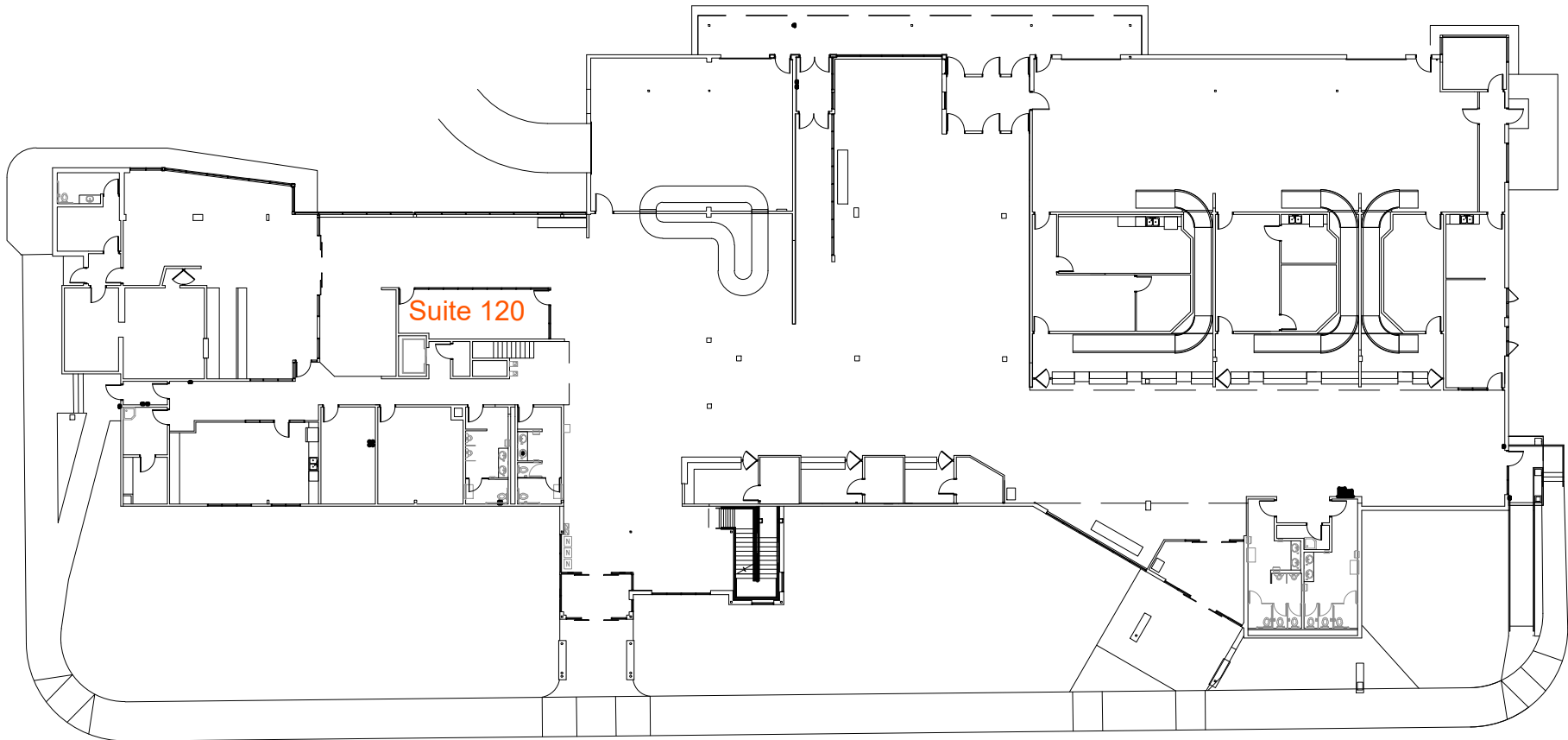


Exhibit A

THIS DRAWING IS NOT TO SCALE

WINCE-CORTHELL-BRYSON

JOB NO:REVISD: Plotted: 11/06/19

KENAI MUNICIPAL AIRPORT  
KENAI, ALASKA

**Kenai Municipal Airport  
THE FISHING GROUNDS, LLC  
Certified Activity Report**

For the Month of \_\_\_\_\_, 20\_\_

Date prepared \_\_\_\_\_

**Monthly Sales:** \$ \_\_\_\_\_

The Concessionaire will pay the City of Kenai the percentage fee (15%):

**Monthly Gross Sales:** \$ \_\_\_\_\_ x 15% = \$ \_\_\_\_\_ \$ \_\_\_\_\_

**Subtotal:** \$ \_\_\_\_\_

**Sales Tax:** (6% or \$30 whichever is less) \$ \_\_\_\_\_

**Total Amount Due:** (Must be paid by the 15<sup>th</sup> of the month) \$ \_\_\_\_\_

**Remit to: Kenai Municipal Airport  
Suite 200  
305 North Willow Street  
Kenai, AK 99611**

**Other Information:**

**Gross Sales Attributed to a DBE:** \$ \_\_\_\_\_

**Certification:**

I hereby certify that the above is a true statement from the records of the following business:

Business: The Fishing Grounds LLC

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

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





# 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:** April 7, 2025

**SUBJECT:** **Action/Approval - Special Use Permit to the State of Alaska, Division of Forestry for use of 30,000 square feet of apron space at the Kenai Municipal Airport.**

---

The State of Alaska, Division of Forestry is requesting a Special Use Permit for approximately 30,000 square feet for aircraft loading and parking related to firefighting activities. The Special Use Permit will be effective from May 1, 2025 through August 31, 2025.

The Division of Forestry has submitted the Special Use Permit application and paid the fee. They are current in all fees owed to the City and a current Certificate of Insurance is on file.

The Airport Commission reviewed the application at their regularly scheduled meeting on April 10th, and recommended approval.

Your support for a Special Use Permit to the State of Alaska, Division of Forestry is respectfully requested.

Attachments- SUP, Exhibit A

## SPECIAL USE PERMIT

The **CITY OF KENAI** (City) grants to **STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES/DIVISION OF FORESTRY** (Permittee), whose address is \_\_\_\_\_, a Special Use Permit to conduct aeronautical and/or aviation-related activities at the Kenai Municipal Airport subject to the requirements and the conditions set forth below.

**1. Premises.** Permittee shall have the non-exclusive right to use 30,000 square feet as described in the attached diagram shown in the attached Exhibit A for the uses identified in this Permit.

**2. Term.** The term of this Permit shall be for four months commencing on May 1, 2025, and ending on August 31, 2025. Regardless of the date of signature, this Permit shall be effective as of May 1, 2025.

**3. Permit Fees.** Permittee shall pay the following fees for the privileges extended to Permittee under this Permit:

**A. Permit:** Permittee shall pay a monthly fee plus applicable sales tax as follows:

May - June                      \$ 1600/ month

July - August\*                \$XXXX/ month

\*Adjusted for the published City of Kenai Fee Schedule of Rates, Charges and Fees for Fiscal Year 2026.

**B. Proximity Card for Gate Access:** In addition to the general permit fee, Permittee shall pay a deposit of One Hundred Dollars (\$100.00) for the use of each proximity card issued to Permittee by City to allow for gate access to the Airport to conduct the uses permitted hereunder. City shall refund this deposit to Permittee when the card is returned to City. City may exercise a right of offset to apply the deposit to any outstanding balance due to City from Permittee at the termination of this Permit.

**C. Other Fees:** City may assess additional fees for aviation or aviation support activities and uses not defined in this Permit. If a fee has not been established for those activities or services, a fee will be established by the Airport Manager.

Payment shall be directed to City of Kenai, ATTN: Finance Department, 210 Fidalgo Avenue, Kenai, AK 99611 and a courtesy notice of payment provided to Airport Administration at 305 North Willow Street, Suite 200, Kenai, AK 99611. All permit fees are payable in advance of each month unless otherwise provided. In the event of delinquency, interest at the rate of 10% per annum, and penalty of 10% shall also be due

(KMC 1.75.010). Interest shall accrue from the date due until the date paid in full. Failure to timely make payments is grounds for termination of this Permit. (See ¶ 22, Termination).

**4. Use.** City authorizes Permittee's non-exclusive use of the Premises for the following purpose(s):

Aircraft loading and parking.

**NOTE:** *This permit does not guarantee the exclusive use of the area identified in Exhibit A. City reserves the right to re-assign Permittee, upon reasonable notice, to other areas as airport needs may require.*

Permittee shall have the right of ingress and egress to the Airport using only designated gate access locations (which may require a proximity card) for the use of the Premises. This Permit, and any access rights allowed hereunder, are for Permittee's use only and may not be transferred or assigned.

Use of the Premises by Permittee is subject to the reasonable administrative actions of the City of Kenai for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities and is further subject to the following conditions:

Permittee acknowledges that the use granted herein is subject to the Kenai Municipal Code and municipal regulations governing the Kenai Municipal Airport and as those laws and regulations may be amended from time to time.

Solicitation of donations or operation of a business or other commercial enterprise not contemplated by this Permit is prohibited without the written consent of City.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager or designated representative. The Airport Manager or designated representative reserves the right to designate reasonable areas where aircraft owners may perform services on their own aircraft.

**5. Airport Operations.** Permittee shall ensure that the Permittee, its employees, and guests, and anyone else acting by, on behalf of, or under the authority of Permittee on the Airport, that perform any repairs or activities authorized under this Permit act in a manner that ensures the safety of people and the Airport, the protection of public health and the environment, and the safety and integrity of the Airport and any premises on the Airport. Permittee shall employ qualified personnel and maintain equipment sufficient for the

purposes of this provision. The Permittee shall immediately notify City of any condition, problem, malfunction, or other occurrence that threatens the safety of the Airport, the safety of persons using the Airport, the public health or the environment, or the safety or integrity of any premises on the Airport.

**6. Inspection.** The Federal Aviation Administration (FAA) and/or City shall have the right and authority to inspect, at any time for any purpose whatsoever, the Premises as well as any and all equipment used by the Permittee under this Permit.

**7. Coordination with Airport Management.** Permittee shall coordinate all activities on the Airport with Airport Management, or a designated representative, and shall abide by all reasonable decisions and directives of the Airport Management regarding general use of the Airport by Permittee.

**8. Radio Transmitting Equipment.** Permittee shall discontinue the use of any machine or device which interferes with any government-operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

**9. Insurance.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, City is entitled to coverage to the extent of the higher limits.

**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 include an endorsement under which the insurer extends coverage to Permittee's fuel handling activities. 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 on the Airport. 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 to City by May 1, 2025. The effective date of the insurance shall be no later than May 1, 2025.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

**10. Assumption of Risk.** Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Airport. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on and access to the Kenai Municipal Airport and its exercise of the privileges granted in this Permit.

**11. Indemnity, Defend, and Hold Harmless Agreement.** Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City’s staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as “Liabilities”), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the

Permittee in connection with or arising from or out of Permittee's activities on or use of the Premises, Permittee's access to the Kenai Municipal Airport, and/or Permittee's exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

**12. Hazardous Substances and Materials.** Permittee shall conform and be subject to the requirements of 14 CFR § 139.321 regarding the handling and storage of hazardous substances and materials.

**13. No Discrimination.** Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

**14. Licenses and Permits.** Permittee shall obtain and maintain all required federal, state, and local licenses, certificates, and other documents required for its operations under the Permit. Permittee shall provide proof of compliance to City upon request by the City.

**15. Compliance with Law/Grant Assurances.** This Permit, and Permittee's activities conducted under this Permit, is subject to all executive orders, policies and operational guidelines and all applicable requirements of federal, state, and City statutes, ordinances, and regulations in effect during the term of this Permit. Further, Permittee shall comply with all applicable requirements imposed on the Airport by federal law to ensure that the Airport's eligibility for federal money or for participation in federal aviation programs is not jeopardized. This Permit is subordinate to the City's grant assurances and federal obligations.

**16. No Exclusivity.** The privileges granted under this Permit are not exclusive to Permittee. City has the right to grant to others any right or privilege on the Airport.

**17. Assignment.** The privileges granted under this Permit are personal to Permittee and may not be assigned by Permittee.

**18. No Joint Venture.** 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 or elsewhere at the Kenai Municipal Airport.



**19. No Waiver.** Failure to insist upon a strict compliance with the terms, conditions, and requirements 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.

**20. Personality.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25.00 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

**21. Termination; Default.** This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety or due to a failure of Permittee to comply with condition or term of this Permit which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period under the circumstances to correct the violation or breach.

**22. Landing Fees; Fee Schedule.** Timely payment of landing fees and other required Airport fees is a condition of this Permit and, as such, failure to timely pay landing and other airport fees is grounds for termination. Without limiting the foregoing, Permittee shall pay landing fees for aircraft landings as set out in the City's comprehensive schedule of rates, charges and fees. Permittee shall make payment within 30 days following the end of each month and without demand or invoicing from City. Permittee shall also provide Airport Administration with monthly certified gross take-off weight reports within ten days following the end of each month for landings for the preceding month. Airport landing fees shall be paid at the Airport Administration Building, 305 North Willow Street, Suite 200, Kenai, AK 99611.

**23. Impoundment.** At the discretion of the Airport Manager, City may impound any aircraft parked on the Premises after termination of this Permit. Impoundment may be accomplished by affixing a seal to the door of the aircraft or the moving of the aircraft for impoundment purposes. Inconvenience or damage that may result from such movement will be at the risk of Permittee. An impoundment fee plus a towage fee shall be charged on each aircraft impounded. In addition, a daily storage fee shall be charged for each day the aircraft remains impounded. Any impounded aircraft that is not redeemed within 90 days after impoundment shall be considered abandoned and shall be subject to sale at public auction. Notice of any auction shall be published. Publication shall be in a newspaper of general circulation in that area for at least once during each of three

consecutive weeks not more than 30 days nor less than seven days before the time of the auction.

DRAFT

**CITY OF KENAI****SOA DNR, DIVISION OF FORESTRY**

By: \_\_\_\_\_  
 Terry Eubank Date  
 City Manager

By: \_\_\_\_\_  
 Madelyn Lowe Date  
 Fire Procurement Officer,  
 Division of Forestry

**ACKNOWLEDGMENTS**

STATE OF ALASKA )  
 ) ss.  
 THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2025, the foregoing instrument was acknowledged before me by Terry Eubank, City Manager, of the City of Kenai, an Alaska municipal corporation, 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 \_\_\_\_\_, 2025, the foregoing instrument was acknowledged before me by Madelyn Lowe, Fire Procurement Officer, DNR/Division of Forestry, on behalf of the State of Alaska.

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

APPROVED AS TO FORM:

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

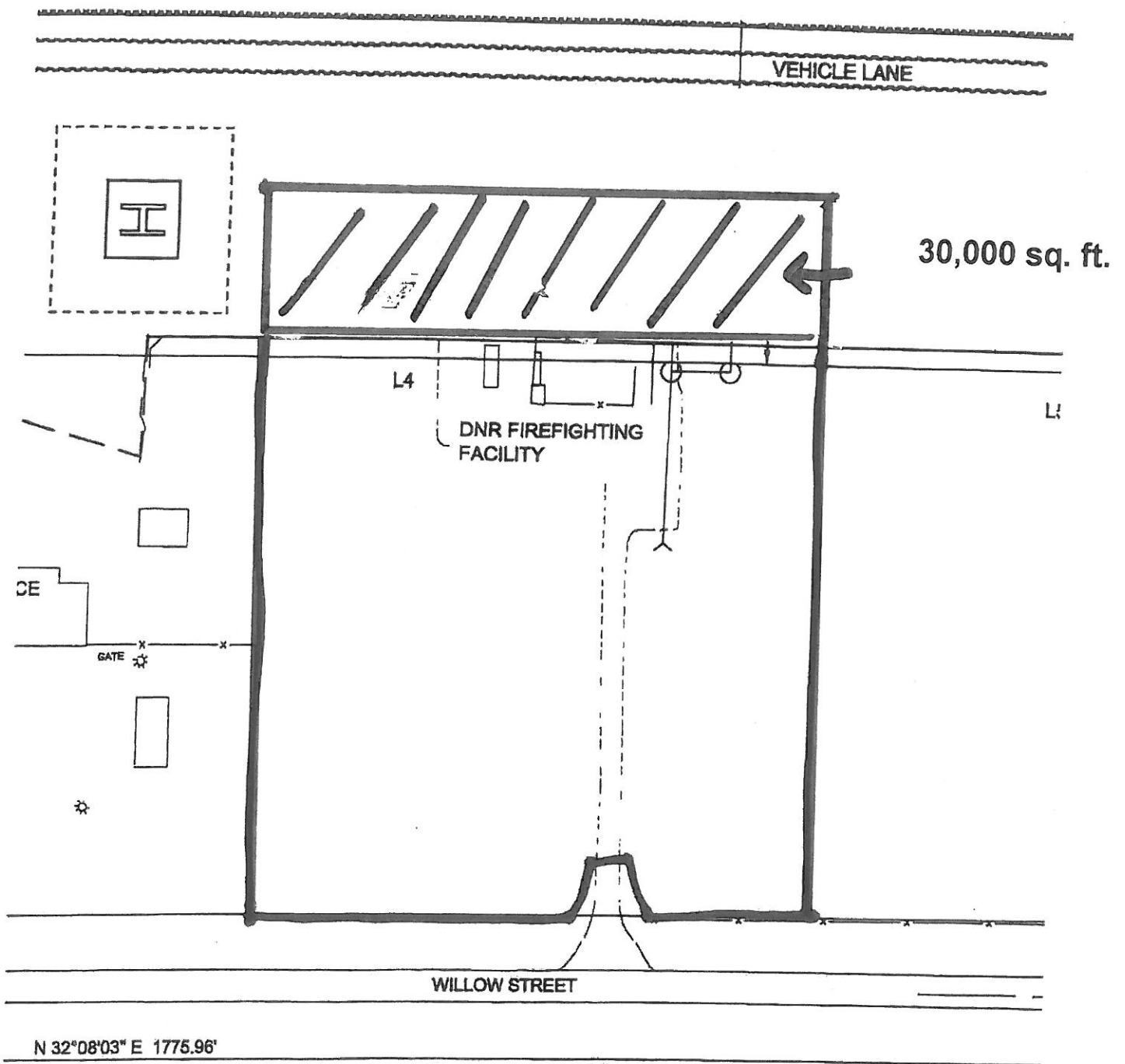


Exhibit A



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3464-2025**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE 21.05.085 - AIRPORT FUEL FLOWAGE FEE, TO REMOVE THE SET AMOUNT IN CODE AND INSTEAD REFER TO THE ANNUALLY UPDATED SCHEDULE OF RATES, CHARGES AND FEES.

WHEREAS, Kenai Municipal Code 21.05.085 - Airport Fuel Flowage Fee, establishes a fee for fuel flowage; and,

WHEREAS, the fuel flowage fee is also established in the Schedule of Rates, Charges and Fees; and,

WHEREAS, removing the exact amount of the fuel flowage fee from code and referring to the rate established in the Schedule of Rates, Charges and Fees eliminates the opportunity for conflict between the two sources of information and allows the fuel flowage fee to be reviewed annually and updated if necessary; and,

WHEREAS, the funds derived from fuel flowage fees are used solely for the maintenance, operation, and improvement of the Kenai Municipal Airport; and,

WHEREAS, the fuel flowage fee will continue to be charged and used for the Kenai Municipal Airport; and,

WHEREAS, the fuel flowage fee will continue to be updated periodically in the Schedule of Rates, Charges and Fees; and,

WHEREAS, the Airport Commission recommended approval at their regularly scheduled meeting on April 10, 2025.

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

**Section 1.** Amendment of Section 21.05.085 of Kenai Municipal Code: That Kenai Municipal Code, Section 21.05.085 - Airport Fuel Flowage Fee, paragraph (a) is hereby amended as follows:

- (a) Any person, firm or corporation who delivers aviation gasoline, motor vehicle gasoline, diesel fuel, kerosene, aviation jet fuel or like substance (hereafter referred to as fuel) to any person, firm or corporation at the Kenai Municipal Airport shall pay a fuel flowage fee [OF TWO CENTS (\$0.02) FOR EACH GALLON OF FUEL] as established in the City's Schedule of Rates, Charges and Fees; provided that fuel delivered to the airport solely for transport off the airport for delivery or resale to another entity is not subject to the fuel flowage fee.

**Section 2.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 3.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7<sup>TH</sup> DAY OF MAY, 2025.

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

ATTEST:

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

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	June 6, 2025



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Derek Ables, Airport Manager

**DATE:** April 7, 2025

**SUBJECT:** **Ordinance No. 3464-2025 - Amending Kenai Municipal Code 21.05.085 - Airport Fuel Flowage Fee, to Remove the Set Amount in Code and Instead Refer to the Annually Updated Schedule of Rates, Charges and Fees.**

---

This memo supports removing the exact amount of the fuel flowage fee from code and referring to the rate established in the Schedule of Rates, Charges and Fees. This eliminates the opportunity for conflict between the two sources of information and allows the fuel flowage fee to be reviewed annually and updated if necessary.

If approved Section 21.05.085, paragraph (a) of Kenai Municipal Code- Airport Fuel Flowage Fee, will be amended as follows:

- (a) Any person, firm or corporation who delivers aviation gasoline, motor vehicle gasoline, diesel fuel, kerosene, aviation jet fuel or like substance (hereafter referred to as fuel) to any person, firm or corporation at the Kenai Municipal Airport shall pay a fuel flowage fee [OF TWO CENTS (\$0.02) FOR EACH GALLON OF FUEL] as established in the City's Schedule of Rates, Charges and Fees; provided that fuel delivered to the airport solely for transport off the airport for delivery or resale to another entity is not subject to the fuel flowage fee.

Thank you for your consideration.



Sponsored by: City Clerk

**CITY OF KENAI  
ORDINANCE NO. 3465-2025**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE, TITLE 2 - ALCOHOLIC BEVERAGE AND MARIJUANA, STANDARDIZING HOW LICENSES ARE REVIEWED BY THE CITY, ALLOWING FOR ADMINISTRATIVE NON-OBJECTIONS FOR RENEWAL OF EXISTING LICENSES WHEN NO GROUNDS TO OBJECT TO THE RENEWAL ARE IDENTIFIED, UPDATING PUBLIC HEARINGS FOR PROTESTS OR CONDITIONAL NON-OBJECTIONS, ALIGNING MUNICIPAL CODE WITH REQUIREMENTS OF ALASKA STATUTES, AND OTHER HOUSEKEEPING AMENDMENTS.

WHEREAS, updating Kenai Municipal Code (KMC) by codifying license review practices will standardize how licenses are reviewed by the City; and,

WHEREAS, allowing Non-Objections to be issued administratively for renewals when no grounds to protest are identified, will promote efficiency and expedite the licensing process through the State of Alaska Alcohol & Marijuana Control Office; and,

WHEREAS, providing clear public hearing processes for protests and conditional non-objections provides transparency in process for the applicants and residents of the City; and,

WHEREAS, aligning the City's alcohol and marijuana licensing regulations with the State of Alaska regulations provides consistency for the businesses operating within the City.

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

**Section 1.** Amendment of Section of Kenai Municipal Code: That Kenai Municipal Code, Title 2 - Alcoholic Beverages and Marijuana is hereby amended as follows:

**Title 2  
Alcoholic Beverages and Marijuana**

- 2.05 Definitions
- 2.10 [TRANSFER] Review of License
- 2.15 Conformity to State Liquor Laws
- 2.20 Sales on Election Day
- 2.25 Consumption
- 2.35 Violation of Chapter
- 2.40 Approval of an Activity of a Licensee

**Chapter 2.05 - Definitions**

Sections:

- 2.05.010 Definitions.

**2.05.010 Definitions.**

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meanings given to them by this section:

- (a) "Board" means the Alaska Alcoholic Beverage Control Board or the Alaska Marijuana Control Board.
- (b) "Intoxicating Liquor" includes but is not limited to whiskey, brandy, rum, gin, wine, ale, port, or beer, and all other spirituous, vinous malt, and other fermented or distilled liquors intended for human consumption and containing more than one percent (1%) alcohol by volume.
- (c) "License" means a liquor or marijuana license, unless otherwise specified.
- (b) "Marijuana" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. The term does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

### **Chapter 2.10 - [TRANSFER] Review of License.**

#### Sections:

<u>2.10.005</u>	<u>Active License Review.</u>
<u>2.10.010</u>	<u>Review of Application.</u>
<u>2.10.0[1]20</u>	<u>Public Hearing.</u>
<u>[2.10.020</u>	<u>POLICE TO INVESTIGATE.]</u>
<u>2.10.030</u>	<u>[HEARING] <u>Review Standards.</u></u>

#### **2.10.005 Active License Review.**

- (a) To serve the public interest, the City Clerk or designee will annually prepare and present to the City Council a list of all active licenses issued by the Board that are operating within the City of Kenai. This list shall be presented no later than two months prior to the annual expiration date of each license type and shall include the following information:
  - (1) License Number;
  - (2) License Type;
  - (3) License Status;
  - (4) Business Name;
  - (5) Business Location;
  - (6) Licensee Name.

#### **2.10.010 Review of Application.**

- (a) License application received from the Board for issuance, renewal, relocation, or transfer of ownership will undergo an administrative review to determine whether the facility, licensee, transferee or transferor has met all obligations to the City, as established within Kenai Municipal Code.
- (b) Administrative review will be completed within a timeframe that allows the item to be placed on a City Council agenda within 60 days of receiving notice of application from the Board. Departments or Officials responsible for the review include, but are not limited to, the following:
  - (1) Building Official;
  - (2) Finance Department;
  - (3) Fire Marshall;
  - (4) Legal Department;
  - (5) Planning and Zoning Department;
  - (6) Police Department.

(c) After completion of the administrative review, license applications will be placed on a City Council agenda as an Action Approval item with the following exceptions:

- (1) Renewals. When a license renewal application is received without any modifications to the existing license, and the administrative review confirms that the applicant has fulfilled all obligations to the City, the City Clerk or their designee may issue a letter of non-objection to the renewal for submission to the Board.
- (2) Protest or Conditions. If it is determined that the applicant has not fulfilled all obligations to the City, the matter shall be placed on a City Council agenda in accordance with KMC 2.10.020.

## **2.10.0[1]20 Public Hearing.**

[A PUBLIC HEARING MAY BE HELD PRIOR TO ANY CITY COUNCIL APPROVAL OF TRANSFER OR ISSUANCE OF SUCH LICENSES AND ESTABLISHMENTS. SAID PUBLIC HEARING SHALL BE HELD BY THE CITY COUNCIL OF THE CITY OF KENAI, ALASKA, AT ITS REGULAR MEETING TIMES OR SUCH OTHER SPECIAL HEARING DATE AS MAY BE CONVENIENT TO ALL PARTIES CONCERNED. SUCH PUBLIC HEARINGS SHALL BE PUBLICLY ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION AT LEAST ONCE PRIOR TO THE HOLDING OF THE PUBLIC HEARING, AND NOTICE THEREOF SHALL BE POSTED ON THE CITY COUNCIL BULLETIN BOARD, AND SUCH OTHER NOTICE AS MAY BE DIRECTED BY THE CITY COUNCIL.]

(a) An application subject to protest or conditions, will be placed on a City Council agenda as a Resolution within 60 days of receipt of application from the Board. A written notice of public hearing will be sent to the applicant, and include the following information:

- (a) The date and time of the meeting at which the Council will consider the application; and,
- (b) A statement that the applicant may appear before the Council at the meeting to defend the application; and,
- (c) A summary of any unresolved obligations to the City, resulting the protest or conditions.

(b) Prior to taking action on the application under this section, the Council will provide the applicant an opportunity for public comment in defense of the application, and provide opportunity for citizen comment.

## **[2.10.020 POLICE TO INVESTIGATE.**

A POLICE INVESTIGATION OF THE PREMISES AND APPLICATION FOR TRANSFER OR ISSUANCE MAY BE CONDUCTED PRIOR TO THE PUBLIC HEARING FORM THE PROPOSED TRANSFER OR ISSUANCE.]

## **2.10.030 [HEARING] Review Standards.**

[A PUBLIC HEARING MAY BE HELD PRIOR TO ANY CITY COUNCIL APPROVAL OF TRANSFER OR ISSUANCE OF SUCH LICENSES AND ESTABLISHMENTS. SAID PUBLIC HEARING SHALL BE HELD BY THE CITY COUNCIL OF THE CITY OF KENAI, ALASKA, AT ITS REGULAR MEETING TIMES OR SUCH OTHER SPECIAL HEARING DATE AS MAY BE CONVENIENT TO ALL PARTIES CONCERNED. SUCH PUBLIC HEARINGS SHALL BE PUBLICLY ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION AT LEAST ONCE PRIOR TO THE HOLDING OF THE PUBLIC HEARING, AND NOTICE THEREOF SHALL BE POSTED ON THE CITY COUNCIL BULLETIN BOARD, AND SUCH OTHER NOTICE AS MAY BE DIRECTED BY THE CITY COUNCIL.]

Review under this Chapter will examine the conduct of a liquor or commercial marijuana operation. The Council may establish standards for individual licenses, such standards will be applied in accordance with KMC 2.10.020.

- (a) Conduct of the business by the transferee or applicant and employees, as well as past conduct of the transferor;
- (b) Maintenance of health standards on the premises in question or any improvements to be required;

- (c) Set an amount of public liability insurance to apply to the licensed premises which shall carry reasonable limits consistent with industry standards;
- (d) Payment to the City of all taxes or obligations of the premises involved and limited to such premises;
- (e) A requirement that the operations of the premises shall be for a period of not less than nine (9) months out of each calendar year of operation;
- (f) A finding that disorderly conduct has occurred on the premises at least three times in the course of any one particular calendar year-such violations to include instances where the licensee has failed to request assistance of the police in maintaining order;
- (g) And such other aspects of the proposed operation as would reasonably be a matter for public concern pursuant to the police powers of the City of Kenai, Alaska.

### **Chapter 2.15 - Conformity to State Liquor Laws**

#### Sections:

2.15.010 Incorporation of State Statutes.

#### **2.15.010 Incorporation of State Statutes.**

[INCORPORATED AS THOUGH SET FORTH IN FULL HEREIN, ARE THE FOLLOWING QUOTED PROVISIONS OF THE STATUTES OF THE STATE OF ALASKA WHICH ARE IDENTIFIED BY SECTION NUMBER AND CATCHLINE TITLE BELOW:] The provisions of Alaska Statutes related to furnishing alcohol to persons under the age of 21 and purchase of alcoholic beverages by persons under the age of 21 are hereby incorporated as if fully set forth herein.

[SEC. 04.16.052 - FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF 21 BY LICENSEES.

SEC. 04.16.060 - PURCHASE BY PERSONS UNDER THE AGE OF 21.]

### **Chapter 2.20 - Sales on Election Day**

#### Sections:

2.20.010 Sales Permitted.

#### **2.20.010 Sales Permitted.**

The provisions of Alaska Statute [04.16.070] related to sales of alcohol on election day do not apply within the City of Kenai. [WHEN ELECTIONS ARE BEING HELD. AND I] Intoxicating liquor and marijuana may be sold or otherwise disposed of within the City of Kenai on election days in the same manner and pursuant to the same regulations as on other days.

### **Chapter 2.25 - Consumption**

#### Sections:

2.25.010 Prohibited in Certain Places.

#### **2.25.010 Prohibited in Certain Places.**

No person shall consume intoxicating liquor on the public streets, alleys, parks, or other public places, unless specifically exempted in this chapter. A person shall not be held in violation of this section where it is shown that:

- (a) Such person obtained such intoxicating liquor from a holder of a caterer's permit, special events permit, or recreational site license issued by the State of Alaska; and,
- (b) Such person consumed such intoxicating liquor only while upon the premises described in the license or permit referred to in (1) above.

## **Chapter 2.35 - Violation of Chapter**

Sections:

2.35.010 Penalty.

### **2.35.010 Penalty.**

Any person, firm, or corporation who commits a violation as defined by this chapter or who otherwise violates any provision of this chapter, shall be guilty of a [MISDEMEANOR] minor offence, and upon conviction shall be punished [AS PROVIDED FOR MISDEMEANORS] in accordance with KMC 13.05.010.

## **Chapter 2.40 - Approval of an Activity of a Licensee**

Sections:

2.40.010 Obligations to City.

2.40.020 Approval by Council.

### **2.40.010 Obligations to City.**

[IT IS DETERMINED TO BE IN THE PUBLIC INTEREST THAT HOLDERS OF OR APPLICANTS FOR LICENSES ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL BOARD AND THE MARIJUANA CONTROL BOARD OF THE STATE OF ALASKA SHALL HAVE ALL OBLIGATIONS TO THE CITY OF KENAI ON A SATISFACTORY BASIS PRIOR TO THE CITY COUNCIL APPROVAL OF ANY ACTIVITY OF SAID LICENSE HOLDER OR APPLICANT.] To serve the public interest, holders and applicants of licenses issued by the Board must fulfill all financial and regulatory obligations to the City of Kenai.

### **2.40.020 Approval by Council.**

[THE COUNCIL MAY APPROVE A NOTICE OF NON-OBJECTION FOR THE ISSUANCE, TRANSFER, OR RENEWAL OF ANY LICENSE OR PERMIT ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL BOARD OR THE MARIJUANA CONTROL BOARD IN THE CITY OF KENAI AS LONG AS THE LICENSEE(S) OR PERMITTEE(S) HAS SATISFIED ALL OBLIGATION TO THE CITY OR ENTERED INTO A CITY APPROVED PAYMENT PLAN WITH THE BOROUGH OR CITY ON ANY OBLIGATIONS OWED TO THE CITY AND THE LICENSEE(S) OR PERMITTEE(S) IS IN COMPLIANCE WITH SUCH PAYMENT PLAN. IF THE LICENSEE(S) OR PERMITTEE(S) HAS AN OUTSTANDING OBLIGATION TO THE CITY AND A CITY APPROVED PAYMENT PLAN HAS NOT BEEN ENTERED INTO, OR IF THE LICENSEE(S) OR PERMITTEE(S) IS NOT IN COMPLIANCE WITH THE PLAN, THE COUNCIL MAY CAUSE A PROTEST TO BE FILED WITH THE STATE ALCOHOLIC BEVERAGE CONTROL BOARD OR MARIJUANA CONTROL BOARD.] The City Council may approve a notice of non-objection for the issuance, renewal, relocation, transfer of ownership or continuation of a license operating within the City of Kenai, provided the applicant(s) have satisfied all obligations to the City or entered into a City approved plan with the Borough or City to satisfy unfulfilled obligations. If the applicant is not in compliance with the plan, the Council may cause a protest to be filed with the Board in accordance with KMC 2.10.020.

**Section 2.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 3.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7<sup>TH</sup> DAY OF MAY, 2025.



ATTEST:

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Brian Gabriel Sr., Mayor

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Michelle M. Saner, MMC, City Clerk

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	June 6, 2025

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Shellie Saner, City Clerk

**DATE:** April 4, 2025

**SUBJECT:** **Ordinance No. 3465-2025 - Amending Kenai Municipal Code, Title 2 - Alcoholic Beverage and Marijuana, Standardizing How Licenses are Reviewed by the City, Allowing for Administrative Non-Objections for Renewal of Existing Licenses when No Grounds to Object to the Renewal are Identified, Updating Public Hearings for Protests or Conditional Non-Objections, Aligning Municipal Code with Requirements of Alaska Statutes, and Other Housekeeping Amendments.**

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During the April 2, 2025 City Council provided direction to update Kenai Municipal Code (KMC) Title 2. If approved the Ordinance will make the following changes to KMC Title 2:

**Chapter 2.05 - Definitions:** This chapter was updated to include new definitions for "Board" and "License." These additions enable consistent reference throughout the code to the Alaska Alcoholic Beverage Control Board and Alaska Marijuana Control Board simply as "Board," and to Liquor and Marijuana Licenses collectively as "License."

**Chapter 2.10 - Review of License:** This chapter underwent substantial updates, including two new sections, revisions to public hearing procedures for alignment with State statute, and general housekeeping amendments:

2.10.005 - Active License Review. This section implements Council's request to receive an annual list of active licenses operating in the city, submitted no later than:

October 31 for liquor licenses (expire December 31 every two years).

June 30 for marijuana licenses (expire August 31 annually).

This new section will allow timely review by City Council before the protest deadlines issued by the Board.

2.10.010 - Review of Application. Formalizes the internal review process used when a license application is received from the Board; allows for administrative issuance of non-objection when no issues are identified; and clear guidance when a protest or conditional non-objection are warranted.

2.10.020 - Public Hearings. Rewritten to align with the Alaska Administrative Code regarding liquor license protests. *Note: The provisions for marijuana licenses is for a hearing before the*

*Marijuana Control Board. Holding a public hearing during a City Council meeting would show local process prior to the issuance of a protest.*

2.10.020 - Police to Investigate. Proposed for repeal. Police review is now identified in the new section 2.10.010.

2.10.030 - Review Standards. Rephrased for clarity and ease of interpretation.

**Chapter 2.15 Conformity to State Liquor Laws:** The single section within this chapter was rewritten to refer to subject matter rather than referencing specific Alaska Statute sections, which may change over time.

**Chapter 2.20 - Sales on Election Day:** The single section within this chapter was updated to refer to the subject matter rather than referencing a specific Alaska Statute section, which may change over time.

**Chapter 2.25 - Consumption:** No proposed changes to this chapter.

**Chapter 2.35 - Violations of Chapter:** Update to reflect that City only prosecutes minor offences and to reference the appropriate section of KMC regarding penalties.

**Chapter 2.40 - Approval of Activity of a Licensee:** Both sections were rewritten to modernize the language. The intent remains unchanged.

Thank you for your consideration.





Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3466-2025**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE, CHAPTER 4.32 RESIDENTIAL CODE, TO REINSTATE PROVISIONS RELATED TO ENGINEERED DESIGN AND LOCATION, INCLUDING FIRE CODE PROTECTION ON FLOORS PROVISIONS OF THE 2021 INTERNATIONAL RESIDENTIAL CODE.

WHEREAS, the current residential code prohibits buildings to exceed prescriptive path limits of the International Residential Code (IRC); and,

WHEREAS, it is in the best interest of new housing developments to provide safe design paths for new house construction; and,

WHEREAS, repealing and amending these code sections will retain building safety while giving additional design options is in the best interest of the City and its residents.

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

**Section 1.** Amendment of Section 4.32.015 of Kenai Municipal Code: That Kenai Municipal Code, Section 4.32.015, Local Amendments to the 2021 International Residential Code amended as follows:

*R105.2 Work Exempt from Permit.* Amend #1 to read:

One story accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 300 square feet. Permits are required for any electrical, mechanical or plumbing provided.

Amend #10 to read:

Freestanding decks not structurally attached to another building and not exceeding 30 inches above grade.

*R105.5 Expiration.* Amend by adding a new sentence to read:

A building permit shall expire two (2) years after the date of issuance unless an extension has been granted and approved by the building official. Extensions to a building permit may not exceed 6 months.

*R107.3 Temporary Power.* Amend by deleting the reference to “NFPA 70” and replacing it with “Electrical Code adopted by KMC.”

*R108.3 Building Permit Valuations.* Amend by inserting a new sentence after the first sentence to read:

The Building Valuation Data Table shown in the latest edition of the Building Safety Journal published by the International Code Council shall be used to determine value.

*R108.4 Related Fees.* Amend by inserting a new sentence after the first sentence to read:

Any person who commences any work on a building before obtaining the necessary permits shall be subject to an additional fee, equal to the cost of the building permit.

*Section R112 Board of Appeals.* Delete the entire section. Refer to KMC Chapter 4.40.

*Section R113.4 Violation Penalties.* Delete the entire section. Refer to KMC Chapter 4.40.

*[R301.1.3 ENGINEERED DESIGN. DELETE THE ENTIRE SECTION.]*

*Table R301.2(1) Climatic and Geographic Design Criteria.* Add the following information to the table:

Ground Snow Load	70 PSF
Wind Speed	100 mph
Seismic Design Category	D2
Subject to Damage from:	
Weathering	Yes, severe
Frost Line Depth	42"
Termite	No
Decay	No
Winter Design Temperature	-18 deg F
Flood Hazards	No
Ice Shield Underlayment Required	Yes
Air Freezing Index	3000

Mean Annual Temperature	35 degrees
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*R301.2.2.1.2 Alternate Determination of Seismic Design Category.* Amend by deleting paragraphs R301.2.2.1.2, R301.2.2.2, and Table R301.2.2.1.1 and replacing them with the following:

The seismic design category for the City of Kenai shall be D2.

R302.13 Fire protection of floors. Delete exception #2 to and relace with:

2. Floor assemblies located directly over a crawl space shall be permitted to be unprotected where complying with either of the following:

2.1 The crawl space not intended for storage or for the installation of fuel-fired or electric-powered heating appliances.

2.2 If the crawl space contains an a direct-vent sealed combustion appliance with forced draft exhaust; combustion air intake must terminate to the building exterior. Application of this exception requires installation of a Smoke Alarm in the crawl space in accordance with the requirement of Section R314 Smoke alarms, with the exception of R314.3 Location, and a Carbon Monoxide Alarm in accordance with the requirements of Section R315 Carbon Monoxide Alarms, with the exception of R315.3 Location.

*R302.2.4 Structural Independence.* Amend by deleting the phrase “one-hour fire resistance rated wall” and replacing it with “two-hour fire resistance rated wall unless sprinklered per NFPA 13D.”

*R302.2.4 Structural Independence.* Delete Exception #5 and replace with:

5. Townhouses separated by a common 2-hour fire resistance rated wall as provided in Section R302.2 or a 1-hour wall as provided in Section R302.2 and sprinklered per NFPA 13D.

*R302.5.1 Opening Protection.* Amend the second sentence by adding the words “self closing” before the words “solid wood doors.”

*Table R302.6 Dwelling/Garage Separation.* Amend by replacing all references to 1/2-inch material with references to 5/8-inch material.

*R313 Automatic Fire Sprinkler Systems.* Delete the entire section.

*[R314.3 LOCATION. AMEND THE FIRST SENTENCE OF #3 TO READ:*

3. ON EACH ADDITIONAL STORY OF THE DWELLING, INCLUDING BASEMENTS, HABITABLE ATTICS AND CRAWL SPACES BUT NOT INCLUDING UNINHABITABLE ATTICS.]

*R316.5.4 Crawl Spaces.* Add the following:



Exception: Foam plastics used in crawl space areas do not require thermal barrier provided the following conditions are met:

1. Entry to crawl space is only to serve utilities.
2. There are no interconnected basement areas.
3. Air to the crawl space is not circulated to other parts of the building.
4. Foam plastic does not exceed a 2-inch thickness and a 2.5 pounds per cubic foot nominal density.
5. Ventilation complying with section R408 is provided.
6. No gas-fired equipment is located in crawl space.

*R401.1 Application.* Add the following exception 3:

Wood foundations shall have a minimum 16-inch x 10-inch reinforced concrete footing.

*R402.1.3 Restraint for Wood Foundations.* Add a new subsection, R402.1.3 Restraint for Wood Foundations, to read:

Basement. A 4-inch thick concrete slab poured against the studs. If a wooden screed is used, it shall be pressure treated Douglas fir or hem fir.

Crawlspace.

Option 1: A minimum 5-inch wide by 4-inch deep concrete curb poured against the inside face of the studs. The kicker shall be reinforced with a continuous horizontal No. 3 reinforcing bar. If the kicker is not poured with the continuous concrete footing, it may be poured later provided vertical #3 reinforcing bars x 10 inches long shall be cast into the footing at 2 feet on center. They shall extend 2 inches above the top of the footing. The continuous #3 bar shall be secured to the vertical #3 bars.

Option 2: Installation of preservative treated 4" x 4"s with a minimum 1/2" x 12" galvanized anchor bolts at 24" O.C. installed in footing against the inside face of studs along the entire perimeter.

Exception: The above need not apply if a suitable alternate design is prepared by an engineer registered in the State of Alaska and is approved by the Building Official.

*R402.1.4 Dampproofing for Wood Foundation Walls.* Add a new subsection, R402.1.4 Dampproofing for Wood Foundation Walls, to read:

Approved dampproofing shall be applied over the below-grade portion of exterior basement and crawlspace walls prior to backfilling. A treated lumber or plywood strip shall be attached to the wall to cover the top edge of the approved dampproofing. The wood strip shall extend at least two (2) inches above and five (5) inches below finish grade level to protect the

approved dampproofing from exposure to light and from mechanical damage at or near grade. The joint between the strip and the wall shall be caulked full length prior to fastening the strip to the wall. Alternatively, brick, stucco, or other covering appropriate to the architectural treatment may be used in place of the wood strip. The approved dampproofing shall extend down to the bottom of the concrete footing.

*R403.1.1 Minimum Size.* Amend the third sentence to read:

All footings shall be at least 10 inches in thickness.

*R403.1.3 Seismic Reinforcing.* Revise the second paragraph first sentence by changing “4 feet” to “24 inches.”

*R403.1.6 Foundation Anchorage.* Amend by deleting the phrase “6 feet on center” and replacing it with “four feet on center.” Further amend by deleting the measure of “1/2 inch” and replacing it with “5/8 inch.”

*R404.1.4 Seismic Design Category D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.* Add Subsection 5 to read “minimum reinforcement shall consist of No. 4 horizontal bar placed at 24” on center for poured concrete walls and No. 5 horizontal bar placed at 48” on center for CMU walls.”

Revise Subsection 3 by deleting the word “plain.”

Revise Subsection 4 by changing the changing the number “3” to “5” and the words “4 feet” to “32 inches” and adding to the end of the paragraph “and minimum vertical reinforcement of one No. 4 bar located a maximum of 24 inches on center in poured concrete walls.”

*R404.3 Wood Sill Plates.* Delete the paragraph and substitute with the following:

Wood sill plates shall be minimum 2-inch x 6-inch and shall be bolted to the foundation or foundation wall with not less than ten (10) inch-long by five-eighths (5/8) inch nominal diameter galvanized steel bolts embedded at least seven (7) inches into the concrete or in fully grouted cells of reinforced masonry and spaced not more than four (4) feet zero (0) inches apart. There shall be a minimum of two bolts per piece with one bolt located within 12 inches of each end of each piece. Wood sill plates must be treated material specified in Section R323.1.

*R702.3.5.1 Screw Fastening.* Amend by adding the following sentence at the end of the paragraph:

Gypsum board shall be attached with screws. Nails are not allowed.

*R806.1 Ventilation Required.* Amend by adding the following sentence to the end of the paragraph:

A non-ventilated roof system may be allowed as an alternate method when its design is approved by the Building Official.

**Section 2.** Severability. That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall

be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 3.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7<sup>TH</sup> DAY OF MAY, 2025.

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Brian Gabriel Sr., Mayor

ATTEST:

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Michelle M. Saner, MMC, City Clerk

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	June 6, 2025



# 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:** Joe Fisher, Building Official

**DATE:** April 4, 2025

**SUBJECT:** **Ordinance No. 3466-2025 - Amending Kenai Municipal Code, Chapter 4.32 Residential Code, to Reinstate Provisions Related to Engineered Design and Location, Including Fire Code Protection on Floors Provisions of the 2021 International Residential Code.**

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This memo supports the removal of the following Sections from Title 4-Uniform Codes, of the Kenai Municipal Code.

- 1) Remove Section 4.32.015 Subparagraph R301.1.3 Engineered Design. This subparagraph deals with non-prescriptive design.
- 2) Amend Section 4.32.015 by Adding Subparagraph R302.13 Fire Protection of Floors. This subparagraph deals with Under floor fire protection.
- 3) Remove Section 4.32.015 Subparagraph R314.3 Location. This subparagraph deals with location of Smoke and Carbon Dioxide Alarms.

Subparagraph R301.1.3 deletes the provision that allows structural elements exceeding the limits of the 2021 International Residential Code (IRC) to be designed in accordance with accepted engineering practice thus exceeding the limits of the IRC. Without this provision all houses and building built to the IRC could not exceed the design limitations of the IRC.

Subparagraph R302.13 amendment would allow an additional option for Fire Protection of floors. This additional option would allow Smoke and Carbon Monoxide Alarms as an alternative to fire protection of floors in crawlspaces when a sealed combustion heating appliance is installed in the crawl space. This is a practice is common in most of our neighboring jurisdictions.

Subparagraph R314.3 was an amendment that will fall under new subparagraph R302.13.

While this ordinance would eliminate two subparagraphs and add another subparagraph it does not reduce building safety. These amendments would however give our contractors and homeowners options.

Thank you for your consideration.



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3467-2025**

AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT RECEIVED THROUGH THE ALASKA ANIMAL CONTROL ASSOCIATION TO THE KENAI ANIMAL SHELTER FOR ATTENDANCE AT THE ALASKA ANIMAL CONTROL ASSOCIATION 2025 TRAINING CONFERENCE.

WHEREAS, the Kenai Animal Shelter received a grant through the Alaska Animal Control Association in the amount of \$400; and,

WHEREAS, the Alaska Animal Control Association is hosting a training conference in Anchorage in May of this year and the grant funds are designated to support staff attendance at the conference; and,

WHEREAS, the acceptance of these grant funds to further the mission of the Animal Shelter is in the best interest of the City and its residents.

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

**Section 1.** That the City Manager is authorized to accept these grant funds and to expend them as authorized by this ordinance and in line with the intentions of the grant.

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

General Fund:

Increase Estimated Revenues –  
Grants – Animal Control

\$400

Increase Appropriations –  
Animal Control – Transportation

\$400

**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 7<sup>TH</sup> DAY OF MAY, 2025.

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

Ordinance No. 3467-2025  
Page 2 of 2

ATTEST:

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

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



Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	May 7, 2025



# 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:** April 4, 2025

**SUBJECT:** **Ordinance No. 3467-2025 - Accepting and Appropriating a Grant Received Through the Alaska Animal Control Association to the Kenai Animal Shelter for Attendance at the Alaska Animal Control Association 2025 Training Conference.**

---

The Kenai Animal Shelter received a \$400 scholarship from the Alaska Animal Control Association to assist with attendance to the Alaska Animal Control Association 2025 Training Conference. The Conference will take place May 2nd-4th in Anchorage. There are two Animal Control staff scheduled to attend the conference.

I am respectfully requesting consideration of the ordinance accepting and designating those funds to the Kenai Animal Shelter as they were intended.





Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3468-2025**

AN ORDINANCE ACCEPTING AND APPROPRIATING A DONATION TO THE KENAI COMMUNITY LIBRARY FOR THE SUMMER READING PROGRAM 2025.

WHEREAS, the Kenai Community Library received a \$1,000 donation for general support from Derek Kaufman Fund, a Hilcorp donor advised fund of the Alaska Community Foundation; and,

WHEREAS, the funds will be used to enhance our Summer Reading Program; and,

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

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

**Section 1.** That the City Manager is authorized to accept miscellaneous donations in the amount of \$1,000.

**Section 2.** That the following budget revision is authorized:

General Fund:

Increase Estimated Revenues –  
Miscellaneous Donation

\$1,000

Increase Appropriations –  
Library – Operating and Repair Supplies

\$1,000

**Section 3.** That the City Manager is authorized to expend these funds in line with the intentions of the donors and this ordinance.

**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 MAY, 2025.

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

ATTEST:

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

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

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	May 7, 2025



# 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:** Katja Wolfe, Library Director

**DATE:** April 8, 2025

**SUBJECT:** **Ordinance No. 3468-2025 - Accepting and Appropriating a Donation to the Kenai Community Library for the Summer Reading Program 2025.**

---

The Kenai Community Library received a donation of \$1,000 for general support from Derek Kaufman Fund, a Hilcorp donor advised fund of the Alaska Community Foundation. The donation will be used to support this year's Summer Reading Program, our biggest programs of the year.

We are deeply grateful for the continued support of our library!

Your consideration is appreciated.



Sponsored by: Council Member Douthit

**CITY OF KENAI  
ORDINANCE NO. 3469-2025**

AN ORDINANCE AMENDING KMC 1.85.060-CONFLICTS OF INTEREST PROHIBITED, TO ALLOW MUNICIPAL OFFICERS AND CITY EMPLOYEES TO PARTICIPATE IN CERTAIN SALES OPEN TO THE PUBLIC THROUGH A PUBLIC PROCESS AND NARROWING THE EXISTING PROHIBITION ON PURCHASES TO PERSONAL PROPERTY ITEMS.

WHEREAS, in 2008, KMC 1.85.060-Conflicts of Interest Prohibited, was last amended by Ordinance 2319-2008, to include a prohibition prohibiting municipal officials and employees from acquiring surplus or unneeded property of the City; and,

WHEREAS, the available legislative history indicates the intent of Ordinance 2319-2008 related to prohibitions on acquiring City property, was to prohibit municipal officers and employees from bidding on items in the City's annual surplus auction, however the provision can be interpreted to prohibit municipal officers or employees from acquiring anything from the City whether it be personal or real property which is broader than necessary to protect the public interest and could have unnecessary adverse consequences; and,

WHEREAS, while it is in the City's best interest to have laws regarding conflicts of interest and ethics that hold government officers and employees responsible and provide transparency for the public, employees and municipal officers should not be prohibited from all arms-length transparent public sales made generally available to the public; and,

WHEREAS, the proposed amendment continues the prohibition against bidding in the City's annual surplus auction, and also strikes a reasonable balance by allowing municipal officers and employees to purchase real property from the City when offered to the general public in an arms-length transaction and the employee or officer has no information regarding the property or sales process that is not available to the general public.

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

**Section 1.** Amendment of Section of Kenai Municipal Code 1.85.060: That Kenai Municipal Code, Section 1.85.060, Conflicts of Interest Prohibited is hereby amended as follows:

**1.85.060 Conflicts of Interest Prohibited.**

- (a) A municipal officer, appointed commission member, or employee of the City of Kenai may not solicit or receive money for advice or assistance given in the course of their official duties for the City of Kenai.
- (b) A municipal officer, appointed commission member, or employee of the City of Kenai may not represent a client before the City Council for a fee. However, a commission member may represent a client before a commission or the City Council for a fee if it does not involve a matter that is/was before the member's commission.
- (c) A municipal officer, appointed commission member, or employee of the City of Kenai may not accept a gift, loan, gratuity, or other valuable consideration, or a promise of any of them, with the

understanding or agreement, expressed or implied, that he or she will cast a vote or given an opinion, decision, or judgment in a particular manner, in a matter, question, cause, or proceeding which then is or may by law come or be brought before him or her, or with the understanding or agreement that the officer or employee will, in his or her official capacity, act in a particular manner to produce or prevent a particular result.

- (d) No Council or commission member may vote on any question in which he or she has a substantial direct or indirect financial interest. Direct or indirect financial interests shall be disclosed to the presiding officer prior to a vote on the question and the presiding officer shall determine whether the financial interest exists and whether the prohibition from voting is applicable. A decision by the presiding officer may be overridden by a unanimous vote of the members present, exclusive, of the member presenting the possible conflict.

(1) Whether the direct or indirect financial interest is substantial shall be determined by the presiding officer on a case-by-case basis, with evaluation of these factors:

- (i) Whether the financial interest is a substantial part of the consideration;
- (ii) Whether the financial interest directly and substantially varies with the outcome of the official action;
- (iii) Whether the financial interest is immediate and known or conjectural and dependent on factors beyond the official action;
- (iv) Whether the financial or private interest is significant monetarily;
- (v) Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council or commission.

- (e) A municipal officer, commission member or employee of the City of Kenai may not use, or permit others to use, any property owned by the City for profit or personal use or benefit, except:

- (1) When available to the public generally, or to a class of residents, on the same terms and conditions;
- (2) When permitted by written personnel policies approved by the City of Kenai;
- (3) When, in the conduct of official business, used in a relatively minor way for personal convenience.

- (f) A municipal officer, commissioner or employee of the City of Kenai shall not take or participate in official action on matters, other than minor or routine issues, affecting a former employer for a period one (1) year from the date of termination of the prior employment.

- (g) A City employee may not participate in an official action in which he or she, or a member of his or her household, has a substantial financial interest.

- (h) A municipal officer, commissioner or employee of the City of Kenai who leaves municipal service may not for one (1) year after leaving municipal service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the City if the person participated personally and substantially in the matter through the exercise of official action. This restriction on employment after leaving municipal service does not prohibit the City from contracting with a former City employee, commissioner or municipal officer on a matter on behalf of the City. The City Council may waive application of this restriction by motion upon determination that a proposed action is not adverse to the public interest.

- (i) A municipal officer or employee of the City of Kenai is prohibited from bidding upon or otherwise obtaining any personal property items which [IS] are unneeded or surplus by the City. Municipal officers and employees may bid or propose on real property sales, or other interests in real property, when offered to the general public. A municipal officer or employee cannot acquire a real property interest through a negotiated sale or lease not available or advertised to the general public and my not acquire property in which they were in a position to obtain information not available to the general public with regard to the property itself or process of sale.
- (j) A current or former municipal officer, commissioner or employee may not disclose or use information gained in the course of, or by reason of, the person's official duties that could reasonably result in the receipt of any substantial personal or substantial financial benefit for the person or his or her immediate family member unless the information has also been disseminated to the public.
- (k) A current or former municipal officer, commissioner or employee may not use or disclose without appropriate authorization, information acquired in the course of official duties that is confidential.
- (l) If any section or provision of this ordinance is held to be contrary to law by a court of competent jurisdiction, that section or provision shall be deemed invalid. All other sections and provisions of this chapter shall continue in full force and effect.
- (m) The City Clerk shall cause a copy of this section to be distributed to every municipal officer, commissioner and employee of the City of Kenai within thirty (30) days after its enactment. Each municipal officer, commissioner and employee elected, appointed or engaged thereafter shall be furnished a copy before entering into the duties of his or her office or employment.

**Section 2.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 3.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7<sup>TH</sup> DAY OF MAY, 2025.

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

ATTEST:

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

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	June 6, 2025



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Alex Douthit, Council Member

**DATE:** April 8, 2025

**SUBJECT:** **Ordinance 3469-2025 - Amending KMC 1.85.060-Conflicts of Interest Prohibited, to Allow Municipal Officers and City Employees to Participate in Certain Sales Open to the Public Through a Public Process and Narrowing the Existing Prohibition on Purchases to Personal Property Items.**

---

Kenai Municipal Code 1.85.060-Conflicts of Interest Prohibited, provides numerous limitations on municipal officials (Council members, Mayor, planning and zoning commission members, City Manager, Clerk and Attorney) and employees regarding their interactions with the City outside of the official purpose of their engagement with the City. It is in the City's best interest to have laws regarding conflicts of interest and ethics that hold government officers and employees responsible and provide transparency for the public. However, when KMC 1.85.060 was last amended in 2008 by Ordinance 2319-2008, new language was added that can be interpreted to be overly broad and have unnecessary consequences. The 2008 Ordinance added a new section that reads:

- (i) A municipal officer or employee of the City of Kenai is prohibited from bidding upon or otherwise obtaining any property which is unneeded or surplus by the City.

While the minutes from the meeting when the Ordinance was passed indicate the intent was to prohibit Kenai municipal employees and officials from bidding on items in the City's surplus auctions where unneeded personal property items are sold, <sup>1</sup> the language can be interpreted to prohibit employees and officials from purchasing or acquiring anything from the City. This prohibition could include submitting sealed bids on real property offered to the public, participating in outcry auctions, or even buying retail items if the City sold them.

Recently the City held an outcry auction for residential property sold to the general public. The City has several new employees, even some that would have qualified for a veteran's discount like other participating veterans, that depending on how 1.85.060(i) is interpreted may not have been able to participate in the auction and build homes in the City on those lots, including employees who had nothing to do with the auction and had no advantage or information that was not available to the general public.

---

<sup>1</sup> See attached exert of June 18, 2008 meeting minutes related to subsection (i).



Other municipalities like the Kenai Peninsula Borough allow their employees and officers to purchase land offered by the municipality as long as it is an arms-length transaction and the person does not have special knowledge about the property or transaction. Borough code 17.10.120-Terms of a Land Sale, provides in relevant part:

F. Restrictions:

1. A person who is delinquent in the payment of any tax, debt or obligation owed to the borough may not buy, lease, or be authorized for any other use or disposition of borough land.
2. An employee of the Kenai Peninsula Borough is not eligible to acquire land by negotiated sale or negotiated lease.
3. An employee or contractor of the Kenai Peninsula Borough that was in a position to obtain information not available to the general public about the disposal process may not submit an application for a sealed bid sale held under 17.10.100(F) within the final 15 days of the offering period.

The proposed amendment narrows the scope of prohibitions in Kenai Code by continuing to prohibit participation of officials and employees in the City's annual surplus property auction or purchase of other personal property, but allows municipal officials and employees to participate in other sales or leases that are available to the general public, except when the property is through a negotiated sale not offered or advertised to the general public or the person was in a position to obtain information not available to the general public with regard to the property itself or process of sale.

The proposed amendment intends to continue to hold employees and officials responsible, provide transparency for the public, but not unnecessarily restrict employees and officials from purchasing City owned real property otherwise available for public purchase.

Your consideration is appreciated.



KENAI CITY COUNCIL MEETING  
JUNE 18, 2008  
PAGE 4

Council Member Molloy **MOVED** to amend the last sentence of subparagraph (h) (page 5 of packet), adding "by motion" between "restriction" and "upon." Council Member Ross **SECONDED** the motion.

**VOTE ON AMENDMENT:**

\*Student Representative Johnson: Absent

Swarner	Yes	Smalley	Yes	Eldridge	Yes
Ross	Yes	Molloy	Yes	Boyle	Yes
Porter	Yes				

**MOTION PASSED UNANIMOUSLY.**

**MOTION TO AMEND:**

Council Member Molloy **MOVED** to amend subparagraph (l) (page 6 of the packet) by deleting "or by action of the Alaska State Legislature" Council Member Boyle **SECONDED** the motion.

It was explained, new language could be drafted if the Legislature amends Title 29.

**VOTE ON AMENDMENT:**

\*Student Representative Johnson: Absent

Swarner	Yes	Smalley	Yes	Eldridge	Yes
Ross	Yes	Molloy	Yes	Boyle	Yes
Porter	Yes				

**MOTION PASSED UNANIMOUSLY.**

**\* MOTION TO AMEND:**

Council Member Ross **MOVED** to amend subparagraph (i) by deleting ", commissioner" after "A municipal officer" and by ending the sentence at ..."surplused by the city" adding a period and deleting the remaining portion of the paragraph. Council Member Swarner **SECONDED** the motion.

It was explained, there was some concern of unfair advantage if an employee would bid on a surplus items and the amendment would eliminate the city manager from making the decision of whether an employee had an advantage.

KENAI CITY COUNCIL MEETING  
JUNE 18, 2008  
PAGE 5

Note: The motion to amend was changed, with the consent of the second, to include the removal of ", commissioner" after a brief discussion of concern how such a restriction from commissioners bidding on surplus equipment/item would be policed.

**VOTE ON AMENDMENT:**

\*Student Representative Johnson: Absent

Swarner	Yes	Smalley	Yes	Eldridge	Yes
Ross	Yes	Molloy	Yes	Boyle	Yes
Porter	Yes				

**MOTION PASSED UNANIMOUSLY.**

Council Member Molloy requested that if a future amendment is made to the ordinance with regard to the Legislature, to also include a definition of what is "confidential."

**VOTE ON MAIN MOTION AS AMENDED:**

\*Student Representative Johnson: Absent

Swarner	Yes	Smalley	Yes	Eldridge	Yes
Ross	Yes	Molloy	Yes	Boyle	Yes
Porter	Yes				

**MOTION PASSED UNANIMOUSLY.**

**E-3. Ordinance No. 2320-2008** -- Amending KMC 1.90.030 to Permit Appointment of Up to Two Members to Certain Advisory Boards, Commissions or Committees Who are Non-Residents of the City of Kenai Providing They Work at Least One-Half Time Within the City.

**MOTION:**

Council Member Molloy **MOVED** to enact Ordinance No. 2320-2008 and Council Member Eldridge **SECONDED** the motion.

The floor was opened for public hearing. There being no one wishing to be heard, the public hearing was closed. Council discussion followed during which concerns were expressed with the addition of "up to two" non-residents on a commission/committee would allow a majority of members to be non-residents.



# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Shellie Saner, City Clerk

**FROM:** Meghan Thibodeau, Deputy City Clerk

**DATE:** April 9, 2025

**SUBJECT:** **Action/Approval - Confirmation of Mayoral Nomination for a Partial Term Appointment of Jeanne Reveal to the Planning & Zoning Commission.**

---

The Planning & Zoning Commission currently has a vacancy; all requirements pursuant to Kenai Municipal Code (KMC) have been met to fill this vacancy. Two applications were received and are attached for consideration.

Pursuant to KMC 14.05.015 (b), "... the Mayor shall make nominations only from the list of persons who timely submitted an application..." and, as per KMC 14.15.015 (c), "... The Kenai City Council shall review the Mayor's nomination no later than the next regular Council meeting following the meeting in which the Mayor made the nomination, at which time the Council shall consider whether to confirm the nominations."

Mayor Gabriel has nominated the following for consideration and confirmation of the City Council:

- Jeanne Reveal for appointment to a partial term ending on December 31, 2026.

Council shall consider confirmation of the Mayor's nominations no later than the May 7, 2025 meeting.



## Commission Application

Application for Appointments to the Airport, Beautification, Council on Aging, Harbor, Parks & Recreation, and Planning and Zoning Commissions

**First Name: \***

Jeanne

**Last Name: \***

Reveal

**Residence Address: \***

Street Number & Street Name.

**If appointed, select items approved for publication on City Website:**

☒ Primary Phone

☐ Home Phone

☒ Email

**Mailing Address: \***

**Mailing City: \***

Kenai

**Mailing State: \***

AK

**Mailing Zip: \***

99611

**Primary Phone: \***

**Home Phone:**

NA

**E-mail \***

**Are you a Resident of the City of Kenai? \***

☒ Yes

☐ No

**If resident, how long?**

4.5 years

**Name of Spouse:**

Ronnie Reveal Deceased

**Name of Employer:**

Disabled

### Commission Membership Requirements:

**Airport Commission:** The Airport Commission has four designated seats and three at-large seats. *If applying for the Airport Commission, be sure and select the Seat you are applying for in the next column.*

**Beautification, Harbor and Parks & Recreation Commissions:** May at the discretion of the Council have up to two non-resident members.

**Council on Aging Commission:** Members need only to reside on the Kenai Peninsula and 51% of whom must be 55-years or older.

**Planning & Zoning Commission:** May have 1 member that is not a resident of the City if that member has controlling ownership in a business physically located in the City.

**Commission in which you are interested: \***

Planning and Zoning Commission

**Why do you want to be involved with this Commission?**

I believe my experience and hardworking attitude will be an asset to the team.

**List Current Organization Memberships:**

Harbor Commission

Republican Women of the Kenai

District 7 Republican Party

**List Past Organization Memberships:**

Cowlitz County Fire District 1 Battalion Chief, EMS

Fraternal Order of Police WA #16 Secretary

Washington Association of Coroners and Medical Examiners

**What background, experience or other credentials do you possess to bring to the Commission?**

Page 122

I have been either a member or employee of City, County and State agencies. I have a great sense of duty to help the people where I live. I believe that meaningful low impact government keeps us safe and gives us a great sense of community.



## Commission Application

Application for Appointments to the Airport, Beautification, Council on Aging, Harbor, Parks & Recreation, and Planning and Zoning Commissions

**First Name: \***

Bridget

**Last Name: \***

Grieme

**Residence Address: \***

Street Number & Street Name.

**If appointed, select items approved for publication on City Website:**

☒ Primary Phone

☐ Home Phone

☒ Email

**Mailing Address: \***

**Mailing City: \***

Kenai

**Mailing State: \***

AK

**Mailing Zip: \***

99611

**Primary Phone: \***

**Home Phone:**

**E-mail \***

**Are you a Resident of the City of Kenai? \***

☒ Yes

☐ No

**If resident, how long?**

22 years

**Name of Spouse:**

Jeremy Grieme

**Name of Employer:**

State of Alaska - Division of Juvenile Justice

### Commission Membership Requirements:

**Airport Commission:** The Airport Commission has four designated seats and three at-large seats. *If applying for the Airport Commission, be sure and select the Seat you are applying for in the next column.*

**Beautification, Harbor and Parks & Recreation Commissions:** May at the discretion of the Council have up to two non-resident members.

**Council on Aging Commission:** Members need only to reside on the Kenai Peninsula and 51% of whom must be 55-years or older.

**Planning & Zoning Commission:** May have 1 member that is not a resident of the City if that member has controlling ownership in a business physically located in the City.

**Commission in which you are interested: \***

Planning and Zoning Commission

### Why do you want to be involved with this Commission?

As a lifelong Alaskan, and a city of Kenai resident for over twenty years, I have a vested interest in making Kenai a great place to live, work, and visit. I am dedicated to helping preserve the small town feel of our country's largest state. As a commissioner on the Planning & Zoning Commission, I would have the ability to provide recommendations to the City Council that impact the daily lives of my friends and neighbors. Through an understanding of comprehensive planning, platting, zoning, and the land management needs of Kenai and her people, I would promote the public interest in regard to community planning and development. Kenai is a city with a rich history, and a bright future. As a commissioner member, I would work to strike a balance between preserving Kenai's past with an eye on the future. My husband and I chose to raise our family in Kenai, and have been so grateful for the opportunities provided to them by the community. I would like to be part of giving back to our community that played a large role in the lives of my family.



**List Current Organization Memberships:**

Borough Mayor Citizen Advisory Board  
City of Kenai Parks & Recreation Commission

**List Past Organization Memberships:**

Kaleidoscope PTA  
Kenai Middle School Site Council Secretary  
Kenai Central High School Site Council Secretary  
Kenai Peninsula Youth Court Board Member  
Alaska State Employees Association Steward  
Our Lady of the Angels Parish Council Member  
Cub Scout Den Leader  
Daisy/Brownie Leader

**What background, experience or other credentials do you possess to bring to the Commission?**

I have served on numerous school and extra curricular boards in leadership positions over the years. Professionally, I am a senior manager responsible for a diverse team of data professionals in a criminal justice agency. I have a masters degree and over two decades of experience interpreting and applying Alaska statutes, case law, and delinquency rules. I have copious amounts of experience in a court room in a non-adversarial prosecutorial role. As a parent of grown children I would like the opportunity to continue to give back to my community. Professionally, and in my personal endeavors I have shown myself to be a respected leader and team player.

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MARCH 26, 2025 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR JOE HALSTEAD, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai Planning & Zoning Commission was held on March 26, 2025, in City Hall Council Chambers, Kenai, AK. Chair Halstead called the meeting to order at approximately 7:00 p.m.

**1. Pledge of Allegiance**

Chair Halstead led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Joe Halstead, Chair  
Glenese Pettey  
Stacie Krause

Jeff Twait, Vice Chair  
Sonja Earsley  
Gwen Woodard

A quorum was present.

Absent:

Diane Fikes

Also in attendance were:

Kevin Buettner, Planning Director  
Deborah Sounart, City Council Liaison  
Meghan Thibodeau, Deputy City Clerk

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

Chair Halstead noted the following additions to the Packet:

Add Item O.1

**Staff Report**

- Updated Staff Report for PZ2025-05

**MOTION:**

Vice Chair Twait **MOVED** to approve the agenda and consent agenda with the requested revisions. Commissioner Woodard **SECONDED** the motion.

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

Chair Halstead 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 March 12, 2025

Approved by the consent agenda.

**C. SCHEDULED PUBLIC COMMENTS - None.****D. UNSCHEDULED PUBLIC COMMENTS - None.****E. CONSIDERATION OF PLATS**

1. **Resolution No. PZ2025-05** – Recommending Conditional Approval of Preliminary Plat – Black Gold Estates 2025 Replat Merging Lots 11, 12, 16, 17 and 60 feet of Right-of-Way into a Single Lot in the Suburban Residential (RS) Zoning District.

**MOTION:**

Commissioner Woodard **MOVED** to approve Resolution PZ2025-05. Commissioner Pettey **SECONDED** the motion.

Planning Director Buettner noted that a substitute staff report was provided in the laydown, provided an overview of the staff report, and explained the purpose of the plat was to merge four parcels and 60 feet of unnamed Right-of-Way (ROW) into one lot. It was noted that staff's recommendation is approval subject to the conditions specified within the staff report as attached to Resolution No. PZ2025-05.

Alex Douthit, applicant, provided background regarding the plat and vacation of the portion of ROW. He explained and that the lot would be more suitable for development once merged.

There was Commission discussion regarding the background of the unnamed ROW. Clarification was provided that this ROW was not involved in a dispute between the Kenai Native Association and the City of Kenai, and that a Conditional Use Permit is not needed for the proposed uses.

**VOTE:**

YEA: Twait, Woodard, Earsley, Pettey, Krause, Halstead

NAY: None

ABSENT: Fikes

**MOTION PASSED WITHOUT OBJECTION.**

2. **PZ2025-15** - Recommending Approval of Preliminary Plat – Bailey Estates Karpik Rice Replat to Relocate the Lot Line Separating Lots 1 and 2, Bailey Estates Amended in the Suburban Residential 2 (RS-2) Zoning District.

**MOTION:**

Vice Chair Twait **MOVED** to approve Resolution PZ2025-15. Commissioner Woodard **SECONDED** the motion.

Planning Director Buettner provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2025-15, and explained the purpose of the plat was to adjust the lot lines between two lots, to allow a shop building to meet setback requirements. It was noted that staff's recommendation is approval subject to the condition specified within the staff report as attached to Resolution No. PZ2025-15.

**VOTE:**

YEA: Earsley, Pettey, Woodard, Twait, Halstead, Krause

NAY: None

ABSENT: Fikes

**MOTION PASSED WITHOUT OBJECTION.**

3. **PZ2025-16** – Recommending Approval of Preliminary Plat – Highlands Subdivision 2025 Replat Merging Lots 10,11 and 12 into a Single Lot in the Rural Residential (RR) Zoning District.

**MOTION:**

Commissioner Woodard **MOVED** to approve Resolution PZ2025-16. Commissioner Pettey **SECONDED** the motion.

Planning Director Buettner provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2025-16, and explained the purpose of the plat was to merge three lots into a single lot. It was noted that staff's recommendation is approval subject to the condition specified within the staff report as attached to Resolution No. PZ2025-16.

**UNANIMOUS CONSENT** was requested.  
There being no objection; **SO ORDERED.**

**F. PUBLIC HEARINGS** – None.

**G. UNFINISHED BUSINESS**

1. **Discussion** – Aspen Creek, 701 N. Forest Drive Conditional Use Permit

It was reported that there were no new developments to the issue; that construction was anticipated to finish during the first week of May; and that City staff visited the site and noted less traffic than their visit a few months prior. Clarification was provided that the vehicles observed were mostly pickup trucks, but ownership of the vehicles cannot be confirmed.

It was noted that this discussion will be continued on the next Commission meeting agenda.

2. **Discussion** - Schedule a Work Session Meeting for May 14, 2025 at 5:30 pm to discuss Conditional Use Permits.

The work session was scheduled for May 14, 2025 at 5:30 p.m.

**H. NEW BUSINESS** – None.

**I. REPORTS**

1. Planning Director – Planning Director Buettner reported on the following:
  - The Kenai Peninsula Borough will be holding public workshops on the Comprehensive Safety Action Plan, and a Joint Work Session with the City Council and Planning & Zoning Commission on April 16, 2025 at 5:00 p.m.
2. Commission Chair – Chair Halstead noted that it would be his last meeting due to a schedule change with his new employment, and expressed appreciation for his time working on the Commission.
3. Kenai Peninsula Borough Planning – No report.
4. City Council Liaison – No report.

**J. ADDITIONAL PUBLIC COMMENT**

Arllys Miskinis, resident, expressed concerns with the Aspen Creek Conditional Use Permit; reported that there was an “emergency vehicles only” sign on Ponderosa Street; that she had continued to

observe increased traffic; and that Aspen Creek had not installed a street camera to monitor traffic. She discussed speed limits and signage in residential neighborhoods.

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: April 9, 2025

It was noted that the April 9, 2025 meeting would be cancelled due to lack of agenda items. Commissioner Krause noted that she would attend remotely at the April 23, 2025 meeting.

**L. COMMISSION COMMENTS AND QUESTIONS**

Commissioner Woodard stated that it had been nice serving with Chair Halstead.

Commissioner Pettey noted that she would be absent at the April 23, 2025 meeting.

**M. PENDING ITEMS – None.**

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS – None.**

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 7:32 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of March 26, 2025.

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Meghan Thibodeau  
Deputy City Clerk



# 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:** April 7, 2025  
**SUBJECT:** **Airport Mid-month Report March 2025**

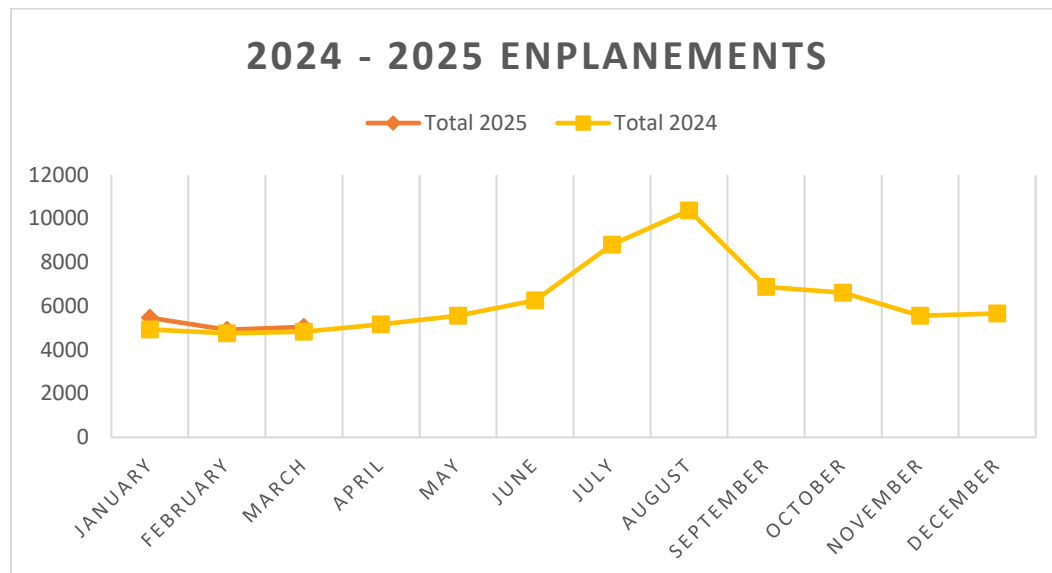
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Airport Master Plan Phase 1- The Master Plan has continued to move ahead. Phase 1 of the plan is the conditions and needs assessment and March has been a month of gathering data. Since the public meeting HDL has worked on conducting interviews and survey outreach. 90% of the FAA equipment locates have been completed which will be used to complete the base map of the Airport. The draft Inventory report and the building assessment report is being prepared and expected in April. Additionally, HDL is in the final stages of developing the summary of issues identified through the questionnaires, surveys, and evaluations. Work has also begun on the Aviation Activity Forecast and Socioeconomic Evaluation.

Volaire Forum- Airport Management attended the Volaire Conference in Colorado where tailored meetings with airline representatives were held. Along with Kenai were 24 other airports which allowed for the opportunity to gain valuable insight into industry trends and potential opportunities. Airport Management met with five different airlines to discuss the opportunities for future service to Kenai. Each meeting was tailored to the specific airline's business model and network strategy, allowing for productive conversations about where Kenai might align with their growth plans. They emphasized the importance of staying engaged in the long-term route development process.

### ENA Airline Enplanements

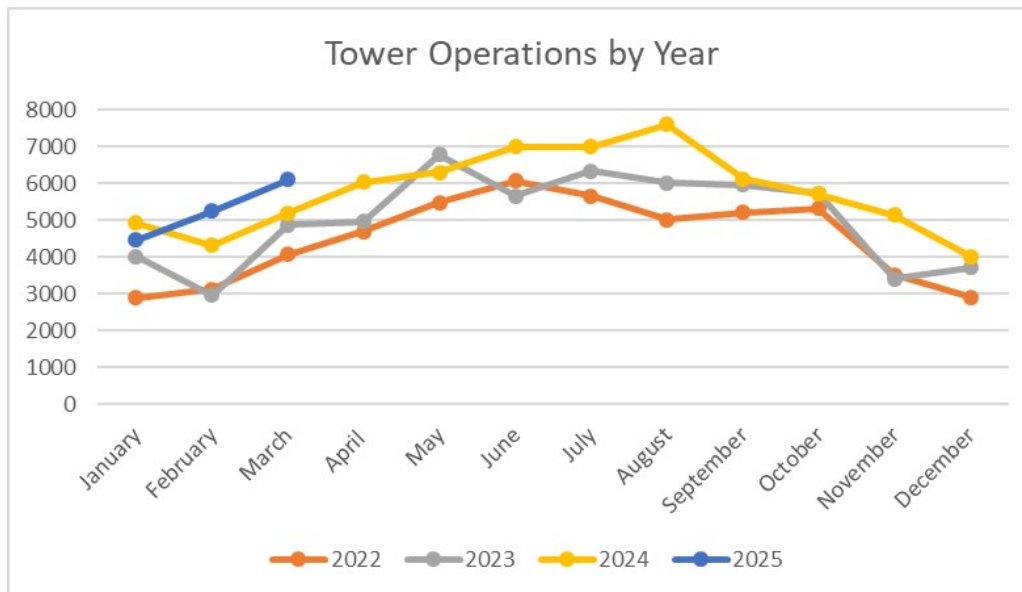
Month	Grant 2025	Kenai 2025	Grant 2024	Kenai 2024	Total 2025	Total 2024	Change from 2024 to 2025
January	4466	1003	3218	1719	5469	4937	532
February	4001	917	3207	1553	4918	4760	158
March	3973	1072	3508	1325	5045	4833	212
April			3847	1326		5173	
May			4024	1546		5570	
June			4635	1624		6259	
July			6585	2231		8816	
August			7584	2798		10382	
September			5291	1583		6874	
October			5090	1528		6618	
November			4301	1267		5568	
December			4338	1321		5659	
<b>Total</b>	<b>12440</b>	<b>2992</b>	<b>55628</b>	<b>19821</b>	<b>15432</b>	<b>75449</b>	<b>902</b>





## Tower Operations

Year	2022	2023	2024	2025
January	2882	4009	4927	4451
February	3117	2965	4313	5250
March	4069	4874	5192	6099
April	4697	4957	6022	
May	5472	6786	6297	
June	6072	5660	6998	
July	5654	6337	6991	
August	5020	6007	7602	
September	5215	5950	6118	
October	5312	5724	5710	
November	3517	3404	5140	
December	2907	3699	4010	
<b>Total</b>	<b>53934</b>	<b>60372</b>	<b>69320</b>	15800





# KENAI

City of Kenai - Animal Control | 510 N. Willow St, Kenai, AK 99611 | 907.283.7353 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**THROUGH:** Dave Ross, Police Chief  
**FROM:** Juliana Scherma, Animal Control Chief  
**DATE:** April 3, 2025  
**SUBJECT:** March 2025 Monthly Report

This month the Kenai Animal Shelter took in 31 animals.

DOGS:				
	INTAKE	21	DISPOSITION	22
	Waiver	13	Adopted	16
	Stray	5	Euthanized	0
	Impound	2	Claimed	6
	Protective Custody	0	Field Release	0
	Quarantine	0	Transferred	0
	Transfer In	1		
CATS:				
	INTAKE	7	DISPOSITION	26
	Waiver	5	Adopted	25
	Stray	2	Euthanized	0
	Impound	0	Claimed	1
	Protective Custody	0	Field Release	0
	Quarantine	0	Transferred	0

OTHER ANIMALS:				
	INTAKE	2	DISPOSITION	2
	Hamster	2	Hamster	2
	DOA:	1	OTHER STATISTICS:	
	Dog		Licenses (City of Kenai Dog Licenses)	36
	Cat		Rabies Clinic	0
	Rabbit	1		
	Bird			

3 Animal dropped with After Hours (days we are closed but cleaning and with KPD)  
 35 Field Investigations  
 9 Patrols  
 4 Pet Food Bank Request  
 2.5 Volunteer Hours Logged  
 8 Citations  
 1 Educational or Community Outreach  
 28 Microchips

Total Animal Contacts:

11 Animals are *known* borough animals  
 14 Animals are *known* City of Kenai  
 2 Animals are *known* City of Soldotna  
 4 Animals are *unknown* location

Statistical Data:

142 2023 YTD Intakes  
 98 2024 YTD Intakes  
 89 2025 YTD Intakes

This month, the Kenai Animal Shelter and Kenai Library successfully collaborated on a "Make Your Own Scratch Pad" event, bringing together 25 participants to create scratch pads—some of which were donated to the shelter while others were taken home. Outside of this event, the staff spent most of March focused on loose dog calls and facilitating successful shelter adoptions.





# 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:** Dave Swarner, Finance Director

**DATE:** April 8, 2025

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

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The FY24 Budget is now a major focus of the department, the City Manager has met with all the department heads to review their budgets. The Council is scheduled to receive its first draft of the FY2025 budget on April 18<sup>th</sup>, with the budget work session scheduled for May 3rd.

The audit for FY24 financials is complete and will be presented to council on April 16<sup>th</sup>

We are still catching up on PERS submissions for prior periods. Currently we have three left to submit and expect to get them in by the end of April.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Jay Teague, Fire Chief

**DATE:** April 09, 2025

**SUBJECT:** Fire Department Mid-Month Report – March.

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March	2024	2025	% change
Month totals	123	131	+6.5%
EMS	84	98	+16.7%
All Other	39	33	-15.4%
Year Total	426	400	-6.1%

### Total training hours:

- Total recorded hours- (221)

### Special Topics/external training

- Attended AVO (Alaska Volcano Observatory briefing for Peninsula agencies.
- Began internal ARFF audit in preparation for FAA inspection.
- Fire Marshall conducted 15 facility inspections and 1 fire investigation.
- Chief Teague is now on Borough Review Board for updating the EOP (Emergency Operations Plan)
- FF Nelson enrolled in ARFF Certification Academy
- KPC had 2 Paramedic Student Ride Along shifts
- HEA completed annual powerline safety training with all 3 shifts
- Designed KPAT (Kenai Physical Applicant Testing) this allows us to accept CPAT firefighter candidate test results allowing us access to a wider applicant pool for vacancies.

### Upcoming training/events

- Coast Guard Auxiliary Training
- CINGSA Annual Safety Training (Last week of April)

- Kenai hosting FEMA ICS 300/400 Courses at Regional Training Center in April

**Projects/Grants/Misc:**

- Still waiting for awarding of AFG grant (April timeframe for awarding).
- Have not received SEMT Final Payments.
- Working toward implementation of new Fire Department RMS Platform (Will significantly improve data collection, reporting and program management.)

**Budget/Misc:**

- Completed testing and interviews; selected 2 firefighter candidates for Oden and Luecker vacancies. (Over 30 applicants)





# 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:** Stephanie Randall, Human Resources Director

**DATE:** April 7, 2025

**SUBJECT:** Human Resources Activity – March 2025

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### Recruitment

Human Resources worked with the Public Works Department to recruit Utility Lead Operators, resulting in the promotion of two internal candidates. The Fire Department conducted an internal recruitment for a Fire Engineer and successfully filled this position. In addition, the Fire Department hired two new firefighters, one of whom holds a paramedic license. The Police Department extended offers to four Temporary Enforcement Officers for the summer. The Parks Department is actively recruiting for Temporary Maintenance and Temporary Fishery Workers as well as a part-time Recreation Center Attendant.

### Safety

Two accident reports were completed in March, with no employee injuries reported. Additionally, the Risk Control Specialist from Alaska Municipal League Joint Insurance Association (AMLJIA) visited Kenai to conduct a walkthrough of the public safety buildings. The purpose of the visit was to identify potential safety improvements and provide recommendations to help reduce risk and enhance employee safety.

### Special Projects

Human Resources is working with Administration to develop written Human Resources policies and procedures that support and align with Kenai Municipal Code. Having clear policies and procedures will help to provide consistent guidance to employees, ensuring that expectations, responsibilities, and processes are understood across all departments.

Human Resources continues to work with Administration on personnel revision requests in preparation of the upcoming budget work session.



# MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** Katja Wolfe, Library Director

**DATE:** April 3, 2025

**SUBJECT:** Library Report for March 2025

## SERVICES



**6532** Visitors

**55** New Members



**611** Computer Sessions

**6350** WiFi Sessions



**217** Room Reservations

**413** Hours of Use

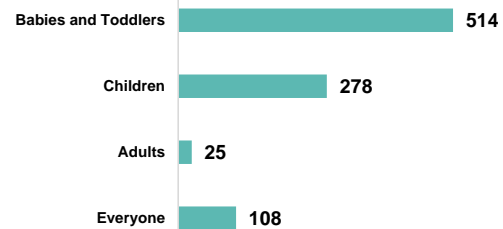
## PROGRAMS AND EVENTS



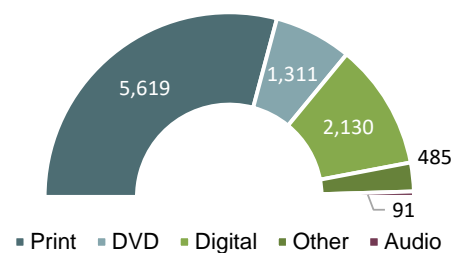
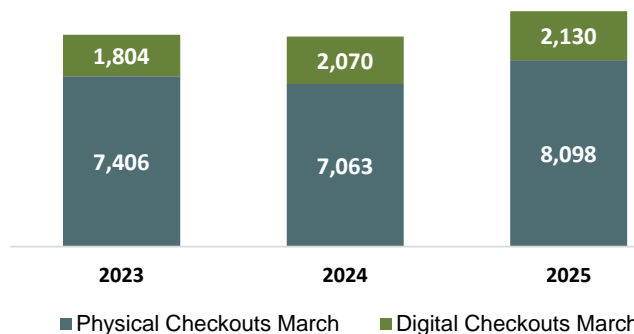
**925** Participants

**53** Programs

### Program Attendance



## CIRCULATION



\*Does not include in-house use.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

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

**DATE:** April, 8th

**SUBJECT:** **Mid-Month Report-March**

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With the early “false” spring, the Parks Department has been prepping our baseball and softball fields. The softball teams even practiced on the field a few times before it started snowing again. The baseball fields aren’t dried out yet, but the Kenai High School team held several field days for ballfield maintenance.

Parks and Recreation summer positions are now posted. The Department is hiring for summer maintenance and PU Fishery (dipnet) positions. Several jobs are available for 17-year-olds, and the application period closes on April 18.

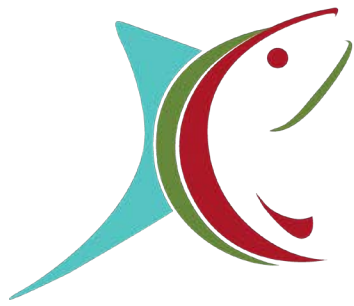
We have several upcoming events: the Easter Day Hunt (see attached flyer) on April 19th, and Clean-Up Day on May 3rd (see attached flyer). These are great annual events that the community seems to enjoy every year!

On April 29, the Kenai Chamber and Visitor Center will host a Parks and Recreation Master Plan Workshop. This will be the kickoff meeting, which the public will be invited to attend, and it will help guide the plan's development over the next year.

### Rec Center Visits

#### February

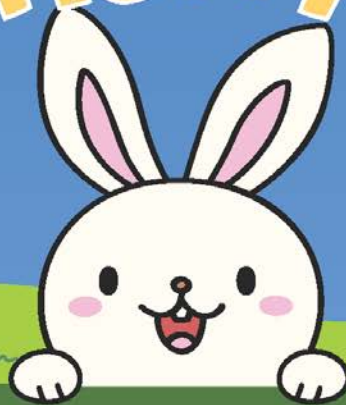
Weight Room/Cardio Room	1205
Racquetball /Wallyball	271
Shower/Sauna	71
Gymnasium	1584
Gym Rental Visits	154
<b>Total Number of Visits</b>	<b>3,285</b>



# KENAI

THE CITY OF KENAI PRESENTS  
SATURDAY, APRIL 19TH, 2025

## EASTER EGG HUNT

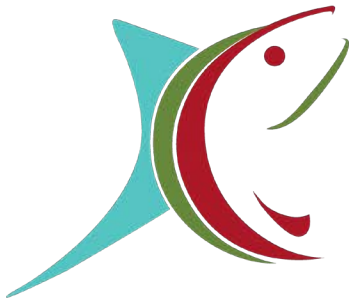


**FUN EGG HUNT, BUBBLES,  
MUSIC, HOT COCOA,  
AND EGGS GALORE!**

11:00 AM – 12:30 PM  
hunt begins @ 11:15!  
AGE: 2-5 & AGE: 6-9



KENAI MUNICIPAL PARK - 301 S FOREST DR



# KENAI



**CITY OF KENAI**

**PARKS AND RECREATIONS**

**MASTER PLAN PUBLIC WORKSHOP**

Meet with us and to learn about the project and provide initial input

**FREE HOT DOGS AVAILABLE AT 6:15PM!**

**WHERE :** KENAI CHAMBER, 11471 KENAI SPUR HWY, KENAI, AK 99611

**WHEN:** TUESDAY APRIL 29TH 6:30 PM-8:00 PM

**WORKSHOP LEAD BY CORVUS DESIGN**



FOR MORE INFORMATION FOLLOW THIS CODE



**DON'T MISS IT!**





Come together with fellow residents for a day of environmental stewardship as we work to remove litter and beautify Kenai. Clean up supplies will be provided. Every hand makes a lighter load!

**Saturday May, 3rd 10:00 AM - 12:30PM**

**Meet at:** Kenai Chamber of Commerce & Visitors Center  
parking area - 11471 Kenai Spur Hwy

Contact: [parks@kenai.city](mailto:parks@kenai.city)



# 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

**THROUGH:** Kevin Buettner, Planning Director

**FROM:** Beth McDonald, Planning Assistant

**DATE:** April 7, 2025

**SUBJECT:** Planning and Zoning – April 2025 Monthly Report

---

### General Information

The Planning and Zoning Department has joined the CDC's Walkability Action Institute Kenai Peninsula group as their planning liaison and team leader. This group will explore alternatives to make communities on the peninsula (including Kenai) more walkable and accessible. The Department has also begun implementation of the new Code Enforcement procedures and cleared a number of old cases through renewed noticing. The Planning and Zoning Department has also been active in the City working group for the Airport Master Plan, guiding development at the Kenai Municipal Airport into the future.

### Department Summary

#### **Lands & Leases:**

- Continued updating of P/W water and sewer map
- Continued cleaning up Zoning map
- Continued reviewing and itemizing of leases
- Wisniewski site plan review, correction and approval
- Met with the Wards to discuss easements and impending subdivision
- Met with Airport Manager to discuss lessees propane storage proposal
- Reviewed final plat; Beaver Loop Acres No. 3 Subdivision
- Discussions with KPHI re: revised site plan and lot clearing
- Kenai Municipal Golf Course; KNC lease amendments
- Obtained signed easement agreement for Little League fence/B&GCKP
- Discussed plats, easements and leases with various departments, surveyors and members of the public

#### **Planning & Zoning:**

- See attached report.

### **Code Enforcement and Compliance**

In March, Planning and Zoning received nine (9) complaints, and eleven (11) cases were closed. Cumulatively, there are a total of nine (9) still open cases for 2024, nine (9) for 2025. Staff continues to work to stay up to date with Code Enforcement, and work with property owners to bring their properties into compliance with Kenai Municipal Code.

See attached report for the current case breakdown and statuses.

### **Planning and Zoning Commission**

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

**PZ2025-05** – Recommending Conditional Approval of Preliminary Plat – Black Gold Estates 2025 Replat Merging Lots 11, 12, 16, 17 and 60 feet of Right-of-Way into a Single Lot in the Suburban Residential (RS) Zoning District.

**PZ2025-13** - Recommending Approval of Preliminary Plat – Friday Replat, merging Government Lots 128 and 129 into a single, approximately 2.247-acre parcel and dedicating the 33-foot Second Avenue right-of-way

**PZ2025-15** - Recommending Approval of Preliminary Plat – Bailey Estates Karpik Rice Replat to Relocate the Lot Line Separating Lots 1 and 2, Bailey Estates Amended in the Suburban Residential 2 (RS-2) Zoning District.

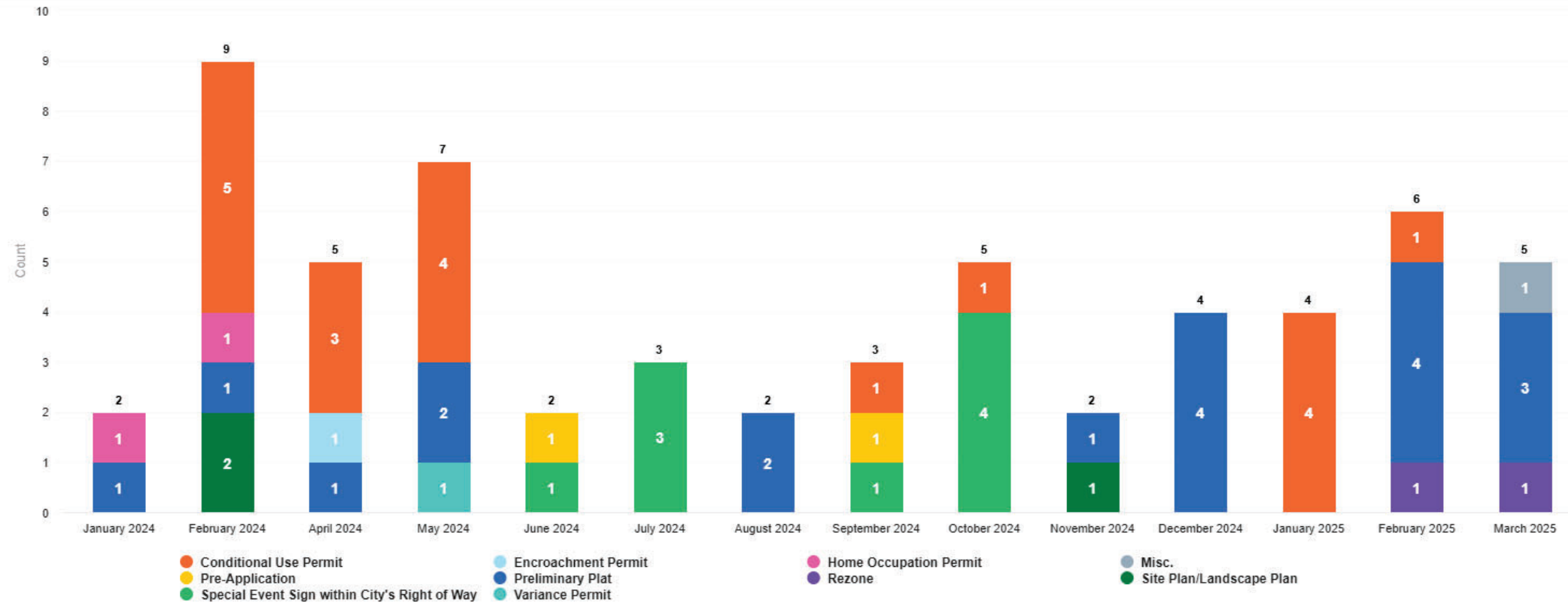
**PZ2025-16** – Recommending Approval of Preliminary Plat – Highlands Subdivision 2025 Replat Merging Lots 10,11 and 12 into a Single Lot in the Rural Residential (RR) Zoning District.





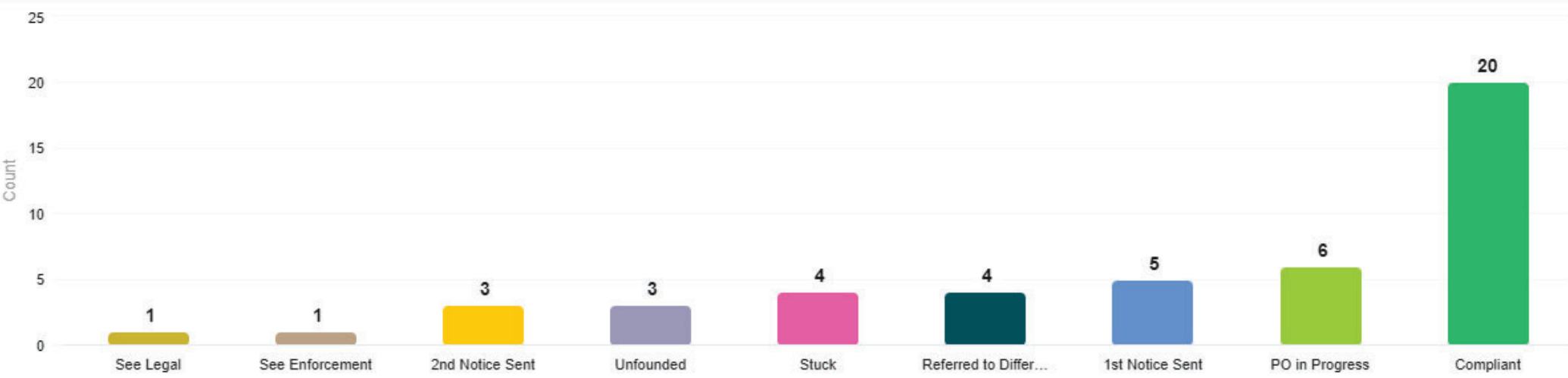
## YTD Planning Applications

April 07, 2025 | 10:55:35



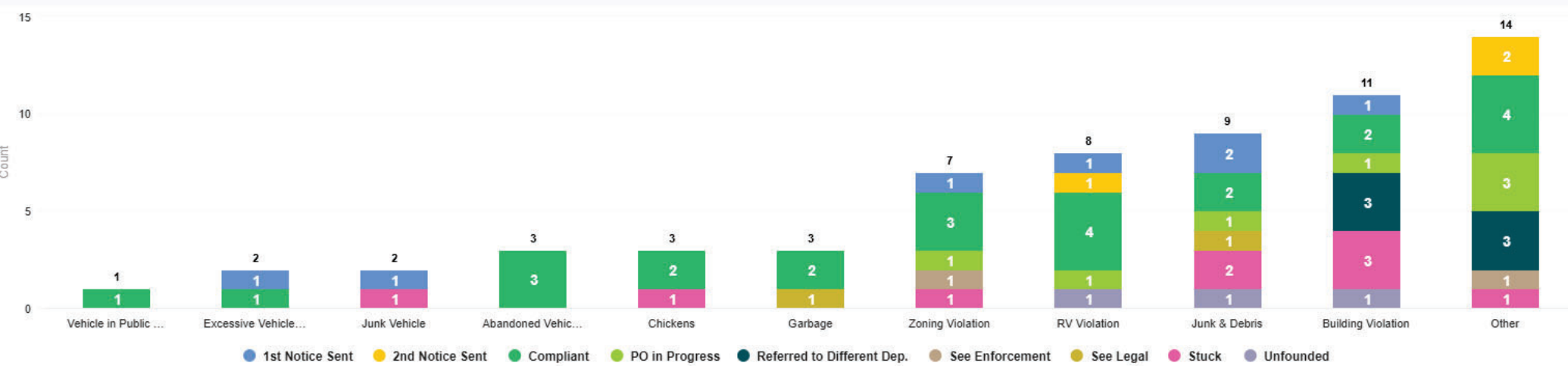
# Case Status

April 07, 2025 | 11:09:03



# Cases by Violation Type (Can Overlap)

April 07, 2025 | 11:09:14





## MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** David Ross, Police Chief

**DATE:** April 4, 2025

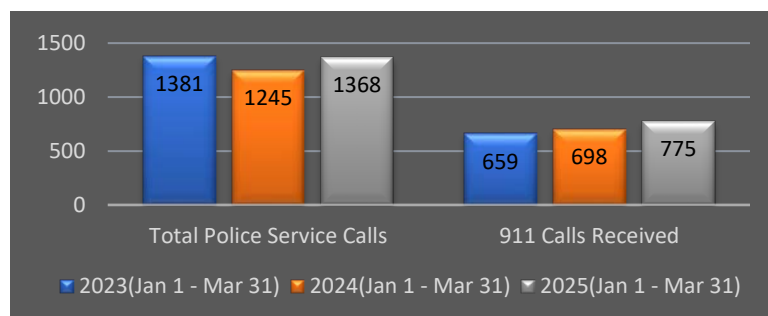
**SUBJECT:** **Police & Communications Department Activity – March 2025**

Police handled 509 calls for service in March and 285 calls were received by dispatch via 911. Officers made 32 arrests. Traffic enforcement resulted in 193 traffic contacts with 38 traffic citations issued and there were 5 DUI arrests. There were 16 reported motor vehicle collisions. There were 8 collisions involving moose or caribou and 1 collision involving drugs or alcohol.

One new Officer completed his second of four months at the Police Academy in Sitka. One Officer attended a week-long Use of Force Instructor class in Anchorage. Two officers attended wildlife hazing training at the airport.

The Police Department is working through the hiring process for summer Temporary Enforcement Officers and anticipates that hiring to be completed in April.

The School Resource Officer (SRO) taught DARE at Kaleidoscope Elementary, taught Internet Safety at Kenai Middle School, and handled a number of police related calls at the schools.





# 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:** Lee Frey, Public Works Director  
**DATE:** April 8, 2025  
**SUBJECT:** **Public Works Mid-month Report April 2025**

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Capital Projects currently in process:

- Parks & Recreation Master Plan – Project started
- Emergency Services Facility Assessment – Project started
- Dugout Replacement Construction – Project started
- KMA Apron Sealcoating and Crack Sealing – Bids opened, Waiting for FAA Funding
- Kenai Municipal Airport Runway Rehabilitation Project - In design phase
- Kenai Municipal Airport Operations Building HVAC Controls Upgrade & Boiler Replacement Project – Construction/Submittal approvals through FAA
- Kenai Municipal Airport Master Plan Update – In process
- USACE Kenai Bluff Bank Stabilization Project – Construction to start May 16
- Wastewater Plant Digester Blowers Replacements – Out to Bid
- Water Treatment Plant Pumphouse – In design
- Harbor Float Replacement – Procuring materials
- Aliak Storm Drain Repairs – Request for Proposals Issued
- Community Wildfire Protection – ITB Package completed, releasing in May
- Vintage Pointe Recarpeting – Requesting Quotes

Capital Projects in planning to be released this fiscal year:

- Senior Center Front Entry and Canopy Repair
- Vintage Point Kitchen/Bathroom Remodel Design
- Sewer Lift Station Upgrades
- Street Lighting Improvement Design

The Building Department has issued 22 residential and 8 commercial building permits so far in calendar year 2025.

The City Dock opened April 3<sup>rd</sup> for use. First round of street sweeping was completed and hydrant flushing is ongoing.

We have promoted Brad Barrett and Cody Maki for our vacant Utility Lead Operator positions.  
We are working to fill our vacant Utility Operator position.



## 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:** April 7, 2025  
**SUBJECT:** March 2025 Monthly Report

The Kenai Senior Center played host to many celebrations throughout the month of March. Seniors enjoyed a festive St. Patrick's Day luncheon, a no-host dinner at The Duck Inn, and a creative "Painting with Lori" session. The annual kickoff to the growing season featured a presentation by Steve Latz and his popular "Grow with Me" program. To round out the month, the Center held its annual March for Meals fundraiser- Gilligan's Island Style, bringing the community together in support of our vital services.

	2025	2024
Home Delivered Meals	2002	1827
Individuals	99	98
Dining Room (Congregate) Meals	744	1382
Individuals	129	138
Transportation (1-way rides)	199	276
Individuals	18	17
Grocery Shopping Assistance	13/19	12/39
Writers Group	26	29
Caregiver Support Group	10	10
Growing Stronger Exercise	262	372
Tai Chi Class	47	48
TOPS Weight Loss Class	56	69
Bluegrass & Music Sessions	117	22
Card Games	73	50
Wii Bowling	12	27
Arts & Crafts	36	24
Total Event Sign-ins *	1674	2143
Individuals *	180	179
Vintage Pointe Manor Vacancies	0	0

\*(not including home meals clients)





John Williams, Vice President, representing the  
City of Kenai

## Update from the Board of Directors

### Cook Inlet Regional Citizens Advisory Council

The Cook Inlet Regional Citizens Advisory Council held its regular and annual meeting April 4th in Kenai.

Casey Sullivan, Manager of Government Affairs for Marathon Petroleum gave a presentation titled “Energy Matters to Alaska”. The company transports crude oil and refined products in Alaska. The presentation included a brief history of the Kenai refinery in Nikiski, which he says ranks near the top of the company’s operations in terms of safety and reliability, though changing market conditions are making the facility’s profitability more difficult. The refinery currently employs 280 people, and more than 100 associated contractors.

University of Alaska Fairbanks graduate student Sonia Kumar gave an update on her beluga whale studies, which have been funded in part by CIRCAC. The project uses acoustic monitoring techniques to gauge abundance of belugas and other species in the Kenai and Kasilof rivers. The gathered data in the rivers is analyzed as beluga positive minutes. No acoustic evidence of belugas was found in the Kasilof, despite traditional use of the species there. Sonia is working on a paper to try and explain this phenomenon. eDNA samples have also been taken, wherein water samples can be analyzed for DNA material and extrapolated to reflect species abundance. The eDNA studies produced data for king, silver, pink and sockeye salmon as well as eulachon, or hooligan. In the Kenai, belugas were detected during peak pink salmon runs, even though silver salmon make up the bulk of their diet according to earlier studies. The beluga population in Cook Inlet, last surveyed in 2021, showed marginal growth, potentially leveling off a decades-long decline.

We also received an update from the Alaska Department of Environmental Conservation. Ytamar Rodriguez, ADEC Interagency Coordination Manager for the Spill Prevention and Response (SPAR) Program reported that the central region is fully staffed and has seen nearly full employee retention in Fiscal Year 2025. We learned that Deputy Commissioner Christina Carpenter will soon be appointed as Department Commissioner, following the departure of Emma Pokon, who has moved to the Environmental Protection Agency Region 10 (Alaska, Washington, Oregon, Idaho, and Tribal entities). ADEC has planned upcoming training with all staff in Anchorage for presentations on migrating Geographic Response Strategies (GRS) to Geographic Information Systems (GIS), a more readily accessible and dynamic platform for responders to use during a spill event. ADEC issued a permit for tanker transportation to the Don Young Port of Alaska in Anchorage for Bear Logistics on March 10th. The Department is also working on removing the Drift River Terminal on the west side of Cook Inlet from current GRS maps.

Caryn Smith is our Ex-Officio member representing the Bureau of Ocean Energy Management. As Outer Continental Shelf (OCS) Oceanographer, she gave an update on proposed BOEM studies for Cook Inlet that are subject to available funding - two are bird studies for Lower Cook Inlet and another is for passive acoustic studies of Lower Cook Inlet. BOEM has so far lost one staffer in Alaska as a result of recent cuts to federal programs and agencies.

The April meeting also serves as our annual meeting, where we seat new and reelected Board and Committee members. Sean MacKenzie, representing the Municipality of Anchorage; Walt Sonen, representing the City of Seldovia; Robert Peterkin II, representing Tourism Interest Groups; Bob Flint, representing Recreation Interest Groups were all seated to the Council. We also recognized Council members for their years of service and our Volunteer of the Year:

Rob Lindsey (City of Kodiak) – 25 Years

Carla Stanley (City of Homer) – 20 Years

Michael Ophiem (Alaska Native Interest Groups) – 15 Years

Scott Arndt (Kodiak Island Borough) – 5 Years

Dr. Eric Klein (Environmental Monitoring Committee, public member) – 10 Years.

CIRCAC Volunteer of the Year – Scott Arndt

Our next meeting is scheduled for September 5th in Seldovia.