



## Kenai City Council - Regular Meeting

October 07, 2020 – 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. Agenda Approval
4. Consent Agenda (*Public comment limited to three (3) minutes) per speaker; thirty (30) minutes aggregated*)

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

#### B. SCHEDULED PUBLIC COMMENTS

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

#### C. UNSCHEDULED PUBLIC COMMENTS

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

#### D. PUBLIC HEARINGS

1. **Resolution No. 2020-80** - Amending the City's Grant Disbursement Program Utilizing Funds from the Coronavirus Aid, Relief, And Economic Security (CARES) Act to Increase the Grant Amount Under the Individual Assistance to Commercial Fishers Program, Authorizing the City Manager to Enter Into an Agreement with Peninsula Community Health Services of Alaska (PCHS) for Mental Health Services in Kenai, and Authorizing a Budget Transfer in the COVID-19 Cares Act Recovery Fund. (Administration)

#### E. MINUTES

1. \*Regular Meeting of September 16, 2020. (City Clerk)

#### F. UNFINISHED BUSINESS

1. **Ordinance No. 3155-2020** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from The Federal Aviation Administration for Phase One Construction of a New Sand Storage Facility. (Administration) [**Clerk's Note:** *At the September 16 Meeting, this item was Postponed to the 10/07/20 Council Meeting; a motion to enact is on the floor.*]

- **Substitute Ordinance No. 3155-2020** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvement Capital Project Funds, Authorizing an Amendment to the Professional Services Agreement with HDL Engineering for Construction Administration Services, and Awarding a Contract for the 2020 Kenai Municipal Airport Sand Storage Facility Project.

**2. Ordinance No. 3157-2020** - Amending Kenai Municipal Code Section 1.85.010 – Report of Financial and Business Interests, to Allow for Certification by Municipal Officers that a Previously Filed Statement of Disclosure Remains Accurate and Approving an Alternate Certification. (Vice Mayor Molloy) [**Clerk's Note:** *At the September 2 Meeting, this item was Postponed to the 10/07/20 Council Meeting; a motion to enact is on the floor.*]

## **G. NEW BUSINESS**

- 1. \*Action/Approval** - Bills to be Ratified. (Administration)
- 2. Action/Approval** - Purchase Orders Over \$15,000. (Administration)
- 3. \*Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License and a Standard Marijuana Cultivation License for Majestic Gardens, LLC. (City Clerk)
- 4. \*Ordinance No. 3163-2020** - Amending Kenai Municipal Code Sections 23.30.030 – Probationary Period for Employees in the Classified Service, to Remove the Six-Month Waiting Period for New Employees to Utilize Annual Leave, 23.40.060 – Leave of Absence with Pay, to Allow for Transition Leave for New Police Officers on Completion of a Public Safety Academy, and 23.30.120 – Moving Expense for New Employees, to Amend Reimbursement Language. (Administration)
- 5. \*Ordinance No. 3164-2020** - Accepting and Appropriating a Grant from Marathon Petroleum Foundation to Purchase Firefighting Tools. (Administration)
- 6. Discussion** - Response to COVID-19. (Administration)

## **H. COMMISSION / COMMITTEE REPORTS**

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

## **I. REPORT OF THE MAYOR**

**J. ADMINISTRATION REPORTS**

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

**K. ADDITIONAL PUBLIC COMMENT**

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

**L. EXECUTIVE SESSION****M. PENDING ITEMS**

1. **Substitute Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [**Clerk's Note:** *At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) [**Clerk's Note:** *At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]

**N. ADJOURNMENT****O. INFORMATION ITEMS**

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

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

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Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2020-80**

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AMENDING THE CITY'S GRANT DISBURSEMENT PROGRAM UTILIZING FUNDS FROM THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT TO INCREASE THE GRANT AMOUNT UNDER THE INDIVIDUAL ASSISTANCE TO COMMERCIAL FISHERS PROGRAM, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PENINSULA COMMUNITY HEALTH SERVICES OF ALASKA (PCHS) FOR MENTAL HEALTH SERVICES IN KENAI, AND AUTHORIZING A BUDGET TRANSFER IN THE COVID-19 CARES ACT RECOVERY FUND.

WHEREAS, on May 20, 2020, the City Council enacted Ordinance 3130-2020 accepting Federal CARES Act funding passed through the State of Alaska for expenditures in response to the COVID-19 Public Health Emergency; and,

WHEREAS, on June 3, 2020, the City Council passed Resolution 2020-39, approving a \$3,000,000 Grant Disbursement Program for Small Businesses and Non-Profit Organizations Utilizing Funds from the CARES Act; and,

WHEREAS, on July 1, 2020, the Council amended the Grant Disbursement Program to re-open the application period from July 10, 2020 to July 17, 2020 to allow additional businesses and non-profits impacted by the COVID-19 public health emergency to seek relief without materially affecting available future funding; and,

WHEREAS, on July 1, 2020, the Council also amended the Grant Disbursement Program to establish additional grant programs to provide individual financial assistance to the community's smaller businesses that did not qualify for the City's Small Business Grant program, for commercial fisheries permit holders, for renters and homeowners, mental health services, and a program to assist the business community with professional marketing support in light of decreased customer demand; and,

WHEREAS, on July 15, 2020, the Council authorized a budget transfer to transfer \$1,000,000 from the City Resiliency and Recovery allocation within the COVID-19 Cares Act Recovery Fund for construction projects to the First Responder & Incident Management Team Payroll to cover payroll costs through the September 14, 2020 expiration of the City's Disaster Emergency Declaration; and,

WHEREAS, on September 2, 2020, Ordinance No. 3158-2020 increased the total disbursement of funds available through the Grant Disbursement Program by \$2,675,524.94 as a result of a grant in that amount from the Federal Government passed through the Kenai Peninsula Borough for expenditures in response to and recovery from the COVID-19 public health emergency; and,

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WHEREAS, Ordinance 3130-2020 established a budget of \$300,000 for CARES Act Administration and Non-Payroll Expenditures which was administratively increased to \$320,000; and,

WHEREAS, the administration estimates an additional \$100,000 will be needed for CARES Act Administration and Non-Payroll Expenditures through the end of the grant period, December 30, 2020; and,

WHEREAS, there are sufficient funds available in Business and Nonprofit Entity Recovery Grants due to funds that were not dispersed to businesses and nonprofits in Round 1; and,

WHEREAS, on September 2, Resolution 2020-70 amended the Grant Disbursement Program to provide additional opportunity for businesses through a second grant program (Round 2) similar in form to the first Grant Disbursement Program (Round 1); as well as authorize the City Manager to enter into an agreement with the Alaska Housing Finance Corporation (AHFC) to assist Kenai residents with housing costs, payable directly to their lender or landlord; as well as authorize the City Manager to enter into an agreement with the Kenai Peninsula Food Bank to distribute food boxes at sites in the City of Kenai weekly from September through December to families experiencing financial strain due to the COVID-19 public health emergency; and,

WHEREAS, Administration recommends providing additional funding and an additional opportunity for commercial fishers that may not have applied for grant funds during the first application period similar to the additional opportunity provided to small businesses; and,

WHEREAS, on July 20, the City issued a Request for Proposals for Kenai Mental Health Services Related to the COVID-19 Public Health Emergency and did not receive any proposals from qualified mental health service providers by the proposal delivery deadline of August 3, 2020; and,

WHEREAS, Administration worked with Peninsula Community Health Services of Alaska (PCHS) on a scope of services to provide mental health services related to the COVID-19 public health emergency; and,

WHEREAS, based on the number of applicants for housing assistance, Administration recommends providing additional funding to Alaska Housing Finance Corporation (AHFC) in the amount of \$600,000 to assist Kenai residents with housing costs; and,

WHEREAS, part of this will be accomplished by moving \$246,832 within the Individual Assistance Grants allocation; however, an estimated additional \$353,168 will be needed in Individual Assistance Grants to cover the increased costs of additional applicants; and,

WHEREAS, this use of these funds providing grants and services to residents experiencing economic hardship or other emergency individual needs follows CARES Act requirements as interpreted from U.S. Department of the Treasury's guidance for local governments, which allows for necessary expenditures incurred due to the COVID-19 public health emergency and for second order effects of the emergency; and,

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Resolution No. 2020-80  
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WHEREAS, due to the continued impacts to businesses and residents or the possibility of future mandated closures of businesses due to the COVID-19 public health emergency, it is in the best interests of the City to amend the City's grant disbursement program for commercial fishers utilizing funds from the CARES Act as referenced in the Updated Program Guide (Attachment A) and authorize the City Manager to enter into an agreement with PCHS to administer a program for mental health services in Kenai.

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

**Section 1.** That the following budget revision is authorized.

COVID-19 Cares Act Recovery Fund:

Decrease Expenditures:

Business and Nonprofit Entity Recovery Grants	\$100,000
First Responder and IMT Payroll	<u>353,168</u>
	<u>\$453,168</u>

Increase Expenditures:

CARES Act Administration & Non-Payroll	\$100,000
Individual Assistance Grants	<u>353,168</u>
	<u>\$453,168</u>

**Section 2.** That the Grant Disbursement Program for Commercial Fishers Utilizing Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act is approved as referenced in the Updated Program Guide (Attachment A) or modified in similar form.

**Section 3.** That the City Manager is authorized to enter into agreements with PCHS to administer a program for mental health services related to COVID-19 in Kenai.

**Section 4.** That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7<sup>th</sup> day of October, 2020.

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

ATTEST:

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

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





## Establishing City of Kenai COVID-19 Relief and Recovery Grant Programs



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*We're  
focused  
on getting  
relief funds  
into the  
community  
we serve*



**410**

small  
businesses in  
Kenai\*



**106**

nonprofits  
serving the  
community



**3,117**

individual  
households

\*Businesses with more than \$50,000 in gross revenues reported on 2019 sales tax returns

## Introduction

The Kenai City Council on May 20 approved an approach to distributing CARES Act funds received by the City- identifying broad categories, governmental, private, and nonprofit - to help provide economic relief due to the public health emergency. The Administration focused on developing the grant programs outlined in this document to provide meaningful impact in the community in an expeditious manner.

Along with myself, the team included Project Lead Larry Persily (hired as a temporary employee for this effort), Finance Director Terry Eubank, City Attorney Scott Bloom, and Assistant to City Manager Christine Cunningham. We considered a wide range of programs and guidance along with the need for timely relief support with as few restrictions as possible to ensure relief funds can be spent as needed, balanced with accountability, and a simplified process that is in the best interests of both the City and applicant.

I believe we have assessed the requirements and needs of the City soundly, producing a set of responsive programs to ensure we, as a City, succeed in expending funds to best serve the citizens of Kenai with responsible management.

*Paul Ostth*

# Overview

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The City of Kenai expects to receive \$7,700,832 from the Federal Government passed through the State of Alaska for expenditures in response to and to aid in the economic recovery from the COVID-19 Public Health Emergency. The City will also receive \$2,675,524 from the Kenai Peninsula Borough, which is distributing Federal funds it received from the State of Alaska to municipalities on the Peninsula, for a total of \$10,376,356 received by the City for COVID-19 response and economic recovery.

The Administration has evaluated an approach to distributing the economic recovery funds identifying how to best support the long-term recovery of our local economy. This approach includes an allocation plan for expenditure of these funds approved by City Council and designed to identify broad categories – governmental, private, and nonprofit – where help is needed due to impacts associated with the COVID-19 Public Health Emergency.

\$3,822,356 – First Responder and Incident Management Team Payroll. This allocation includes a reimbursement of City payroll expenses for Fire Department, Police Department, Public Safety Dispatch, and Incident Management Team.

\$4,880,000 – Business and Nonprofit Entity Recovery Grants. This allocation includes grant awards to qualifying City of Kenai businesses or nonprofits affected by COVID-19 to offset impacts or to provide mitigation. The City will administer grant programs to determine eligibility and requirements that may apply. The grant program guidelines are included in this document.

\$420,000 – CARES Act Administration & Non-Payroll Expenditures. This allocation includes reimbursement of City expenses related to COVID-19, which have been documented. These expenses include City purchases to ensure the health and safety of City employees and residents due to the disaster. All expenditures from this department will follow all City code requirements.

\$1,254,000 – Individual Assistance Grants. This allocation will include grants to assist Kenai households impacted by COVID-19. The City will administer the grant programs to determine eligibility restrictions and requirements that may apply. The grant program guidelines are included in this document.



# Small Business



## Round 1 Small Business Grants

The grant categories for small businesses were divided into four levels, based on each business' 2019 total gross sales for four quarters as reported on their tax returns to the Borough:

- Up to \$2,500 for businesses with 2019 revenues of \$50,000 to \$100,000
- Up to \$5,000 for businesses with 2019 revenues of \$100,000 to \$250,000
- Up to \$7,500 for businesses with 2019 revenues of \$250,000 to \$500,000
- Up to \$10,000 for businesses with 2019 revenues of more than \$500,000

***This first round of small business grants closed to applications on July 17, 2020.*** The City Council directed that any funds left over after all eligible business and nonprofit applicants are paid shall be distributed through a second grant program to businesses. (See Page 5)

A business must have been in existence as of January 1, 2020, to qualify. That would not exclude an existing business with a state license, and that has previously filed tax returns with the Borough even though it may have reported no operations in January 2020 (such as a seasonal business).

For purposes of determining eligibility for a new business without a full year's tax returns for 2019, the City would take gross sales reported for any quarters in 2019 or the first quarter 2020 and

extrapolate the numbers to estimate a full year's sales for the business.

Businesses that are not required to file sales tax returns with the Borough must provide a copy of their most recent federal income tax return or other proof of revenues as deemed suitable by the City review committee to determine the level of grant award they might qualify to receive.

The business must be located within the City of Kenai, with a valid state business license and be current in its sales tax registration with the Kenai Peninsula Borough. The business owner(s) does not have to be a resident of the City of Kenai.

The program was open to all qualifying businesses, regardless of whether they have applied for or have obtained any other state or federal COVID-19-related assistance.

The program excluded from eligibility:

- C Corporations traded on a U.S. stock exchange or a corporate-equivalent entity traded on a foreign stock exchange, and businesses owned in whole or majority-owned by such a publicly traded corporation
- National chains that own and operate their premises in Kenai; franchise owned-and-operated businesses in Kenai would be eligible
- Businesses with a City lien or are in violation of a payment agreement with the City
- Businesses with a Borough lien for unpaid sales taxes. A sales tax delinquency would not disqualify a business from the grant program unless the borough has initiated a lien on that debt. Businesses that have entered into a payment plan with the Borough and are adhering to that plan would be eligible for the grant, so long as the lien has been lifted

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# Small Business

- Businesses currently in bankruptcy proceedings
- Businesses that lack a permanent physical presence in the City for the sale of goods or the provision of services, with at least one worker assigned to that facility
- Marijuana businesses licensed under Alaska Statute 17.38.

Businesses sharing physical quarters may each apply and qualify for their own grant, so long as each business has its own state license, files a sales tax return under its own name and does not share the same ownership with the other co-located businesses.

Applicants were required to self-certify that they have been affected by the COVID-19 public health emergency and resulting economic impacts. The intent of the federally funded CARES Act program is to assist communities and businesses that suffered economic harm from the public health emergency. Impacts could include, though are not limited to, loss of sales due to mandatory shutdown, inventory loss, additional operating expenses of reopening and protecting staff and customers, including funds already spent for those purposes.

Businesses were not required to detail specifically (in dollars) how they were affected.

Business were asked how they might use the money, making clear that the application question is voluntary and for informational purposes only to gauge community need and effectiveness of the program.

Applicants were required to check a box that states they intend to remain in business into 2021. The grant funds must be fully expended by December 30, 2020.

The applicant must certify that the information provided is true and accurate and that they agree to assist in the verification of information provided in the application and to provide additional information to the City, if requested.

The application period was initially open for two weeks, June 5 to June 19, 2020, and re-opened from July 10 to July 17 to allow additional businesses to apply.

The City review committee determined whether the application was complete and the business was eligible under the program requirements. The committee did not judge the need or use of the money.

An applicant denied by the review committee may appeal to the City Manager (in writing). Any appeal must be filed in writing by 5 p.m. the 10th calendar day after the day the applicant received notice from the City.

It is the City's intent, to the extent allowed by law, that the review committee's work and discussions, and the applications themselves, will not be available to the public. The names of businesses that receive grants and the amount each receives will be considered a public record.

The City reserves the right to amend any criteria or procedures as may be required if new state or federal guidelines are issued.

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# Small Business

## Round 2 Small Business Grants

The City is offering a second round of grants to Kenai businesses that provides larger grant amounts than Round 1, so that the total grant funds available for each eligible business in the City of Kenai is equal to the size of the grants offered by the Kenai Peninsula Borough to businesses located outside of City limits.

Round 2 also lowers the minimum revenues a business needs to be eligible to receive a grant to \$20,000, consistent with the Borough's program. Businesses that received grants in Round 1 of the City program will need to reapply for Round 2 — the application form will request additional information. Also, businesses that did not apply in Round 1 will be eligible to apply in Round 2 to receive the maximum allowed under both programs.

The City will begin accepting applications on October 1 for Round 2 of its COVID-19 Relief and Recovery Grant Program for businesses.

The Round 2 grant categories will be divided into five levels based on each business' 2019 total gross sales for four quarters as reported on their tax returns to the Borough:

These amounts are in addition to the amount the business was eligible to receive in Round 1.






- Up to \$750 for businesses with 2019 revenues of \$20,000 to \$50,000
- Up to \$1,000 for businesses with 2019 revenues of \$50,000 to \$100,000
- Up to \$3,750 for businesses with 2019 revenues of \$100,000 to \$250,000:
- Up to \$10,000 for businesses with 2019 revenues of \$250,000 to \$500,000
- Up to \$25,000 for businesses with 2019 revenues of over \$500,000

NOTE: If the Borough grant levels are increased, the City of Kenai grant levels will be increased to match the Borough levels.

Similar to Round 1, a business must have been in existence as of January 1, 2020, to qualify. That would not exclude an existing business with a state license, and that has previously filed tax returns with the Borough even though it may have reported no operations in January 2020 (such as a seasonal business).

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The City of Kenai is matching the size of individual business grants available for Borough businesses as follows:

Business Revenues		Total Grant Amounts
\$20K - \$50K	 \$1,000   \$750	\$1,750
\$50K - \$100K	 \$2,500   \$1,000	\$3,500
\$100K - \$250K	 \$5,000   \$3,750	\$8,750
\$250K - \$500K	 \$7,500   \$10,000	\$17,500
>\$500K	 \$10,000   \$25,000	\$35,000



Round 1 Grant Amount



Round 2 Grant Amount

# Small Business

For purposes of determining eligibility for a new business without a full year's tax returns for 2019, the City would take gross sales reported for any quarters in 2019 and the first quarter 2020 and extrapolate the numbers to estimate a full year's sales for the business.

Businesses that are not required to file sales tax returns with the Borough must provide a copy of their most recent federal income tax return or other proof of revenues as deemed suitable by the City review committee to determine the level of grant award they might qualify to receive.

The amount of the grant for businesses with locations inside and outside the City will be based solely on their revenues from the business location within the City of Kenai.

The business must be located within the City of Kenai, with a valid state business license and be current in its sales tax registration with the Kenai Peninsula Borough. That could be an office, warehouse, shop or other premise owned, leased or rented and operated by the applicant. The business owner(s) does not have to be a resident of the City of Kenai.

Businesses sharing physical quarters may each apply and qualify for their own grant, so long as each business has its own state license, files a sales tax return under its own name and does not share the same ownership with the other co-located businesses. Such so-located businesses under the same owner will be eligible for one grant.

Businesses that have applied for or have obtained any other state or federal COVID-19-related assistance are not necessarily disqualified from the City program.

The program will exclude from eligibility the same list of businesses excluded in Round 1, including:

- C Corporations traded on a U.S. stock exchange or a corporate-equivalent entity traded on a foreign stock exchange, and businesses owned in whole or majority-owned by such a publicly traded corporation
- National chains that own and operate their premises in Kenai; franchise owned-and-operated businesses in Kenai would be eligible
- Businesses with a City lien or are in violation of a payment agreement with the City
- Businesses with a Borough lien for unpaid sales taxes. A sales tax delinquency would not disqualify a business from the grant program unless the borough has initiated a lien on that debt. Businesses that have entered into a payment plan with the Borough and are adhering to that plan would be eligible for the grant, so long as the lien has been lifted

Applicants will be required to certify that they have been affected by the COVID-19 public health emergency and resulting economic impacts. Because the grants in Round 2 are significantly larger than in Round 1, the City will ask for additional information of applicants:

- Additional information on economic hardship suffered by the business, either lost revenue or additional costs of operations.
- Additional information on other similar financial assistance received from the Borough or other cities on the Kenai Peninsula.

As with Round 1 grants, the funds in Round 2 must be fully expended by December 30, 2020.

If the demand for grants in the second round exceeds the City's available funds, the City reserves the right to prorate the grants to stay within available funding.

# Nonprofits



The grants for nonprofits were divided into three levels to help meet the needs of repairing the economic damage to nonprofits caused by the COVID-19 public health emergency:

- Up to \$10,000 for nonprofits of less than \$50,000 in annual revenue
- Up to \$25,000 for nonprofits of between \$50,000 and \$250,000 in annual revenue
- Up to \$50,000 for nonprofits of more than \$250,000 in annual revenue

***This application period for nonprofit grants closed on July 17, 2020.*** The initial application period for grants was open for two weeks, June 5, 2020 to June 19, 2020, and the City Council re-opened the application period from July 10, 2020 to July 17, 2020 to allow additional nonprofits to apply that did not apply in the first round.

Annual income was determined by the nonprofit's most recent IRS Form 990 from 2018 or 2019. For those nonprofits that do not file with the IRS, the City accepted an audited financial statement or an unaudited statement by a third-party preparer.

The program was open to nonprofits that provide services to residents of the City, regardless of where the nonprofit has its main office — though the nonprofit must have a physical or service presence within the City of Kenai — and regardless of whether the local chapter or affiliate is part of a larger statewide or national organization.

Additional eligibility rules:

- The grants were available only to IRS-certified 501 nonprofits (the full list of IRS 501 nonprofit categories were on the application)
- The nonprofit must have been in operation serving City of Kenai residents since at least January 1, 2019
- A majority of the group's local board of directors or local advisory board and its officers must be Alaska residents. A local affiliate of a national organization must have a local advisory or governing board
- Faith-based nonprofits are eligible, so long as they provide services which are promoted and available to the general public without regard to religious affiliation
- Nonprofit organizations "that are principally engaged in teaching, instructing, counseling, or indoctrinating religion or religious beliefs, whether in a religious or secular setting, or primarily engaged in political or lobbying activities" are not eligible (as per 13 CFR § 120.110(k) in the Code of Federal Regulations)

The grant funds must be fully expended by December 30, 2020.

The program was limited to nonprofits economically damaged by the COVID-19 public health emergency. The nonprofit was required to certify and briefly describe how it and/or its work has been affected, but was not required to provide financial statements, budgets, receipts or other records detailing the financial damages.

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# Nonprofits

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The program was open to all qualifying nonprofits, regardless of whether they applied or obtained any other state or federal COVID-19-related assistance.

Applicants were asked to provide a brief report to the City no later than one year after receipt of the grant funds, reviewing the use of the money. This is voluntary and is requested to assist the City in evaluating the impact of the program.

A nonprofit cannot obtain a grant through the City's CARES Act-funded grant program for nonprofits while also receiving a grant as a small business, even if the nonprofit also operates a business enterprise in Kenai.

The applicant needed to certify that the information provided is true and accurate, and they agree to assist in the verification of information provided in the application and to provide additional information to the City, if requested.

The review committee determined whether the application was complete and the nonprofit was eligible under the program requirements. The committee did not judge the need or use of the money.

An applicant denied by the review committee may appeal to the City Manager (in writing). Any appeal must be filed in writing by 5 p.m. the 10th calendar day after the day the applicant received notice from the City.

It is the City's intent, to the extent allowed by law, that the review committee's work and discussions, and the applications themselves, will not be available to the public. The names of businesses that receive grants and the amount each receives will be considered a public record.

The City reserves the right to amend any criteria or procedures as may be required if new state or federal guidelines are issued.



# Individual Assistance



The City of Kenai has worked to establish several grant programs to provide individual financial assistance to the community's smaller businesses that did not qualify for Round 1 of the City's Small Business Grant program, for commercial fishers, and for renters and homeowners. The City continues to look into a program to assist residents in need of mental health services in the months ahead as the emotional strains of the COVID-19 public health emergency continue to weigh on the community. It has also established a program to assist the business community with professional marketing support in light of decreased customer demand.

The specifics of the programs are:

## Individual Assistance to Small Business

The program provided grants of \$1,000 each to small businesses with 2019 reported gross revenues (as per sales tax records or other acceptable forms of proof of revenues) of between \$25,000 and \$50,000. The eligibility requirements were similar to Round 1 of the City's Small Business grant program that provided funds for business with revenues above \$50,000 a year.

*The application period for this program closed on Monday, August 31.*

To qualify for the program, the smaller business:

- Must certify it was impacted by the COVID-19 public health emergency.
- Must be physically located in Kenai, with a valid state business license showing a Kenai address for the business (a home-based business would be eligible).
- Must not be in violation of a payment plan on a debt to the City.
- Must not be under a borough lien for unpaid sales taxes.
- Must not be in bankruptcy proceedings.

Businesses must have been in existence in Kenai as of January 1, 2020, to qualify.

Applicants were required to briefly describe how the COVID-19 public health emergency has affected their operations but were not required to provide detailed financial information on lost revenues due to shutdowns or additional expenses of reopening under public health guidelines.

The City has set aside \$150,000 for this program, subject to demand.

NOTE: The Round 2 business grants opened up the program to businesses with a minimum of \$20,000 in annual revenues. (See also p. 5)

## Individual Assistance to Commercial Fishers

The summer program provided grants of \$1,000 each to Alaska Commercial Fisheries Entry Commission permit holders who reside in the City of Kenai and reported at least \$10,000 in landings in 2019. The application period closed August 31. The City Council on October 7 reopened the commercial fishers grant program for new applicants, October 8 through October 30, and increased the grant to \$2,000 for eligible commercial fisheries permit holders.

(continued on next page)

# Individual Assistance

## Individual Assistance to Commercial Fishers (Con't)

Applicants must certify their fishing income was affected by the COVID-19 public health emergency (such as lower prices due to reduced market demand) and will be asked to briefly describe how the public health emergency has affected their finances and operations but will not be required to provide detailed financial information on lost revenues due to shutdowns or decreased customer demand, or additional expenses of operating under public health guidelines.

Recipients of the \$1,000 grant will automatically receive a second check for \$1,000 under the expanded program. First-time applications may be submitted online at the City website, by mail to or dropped off at City Hall. The City intends to review the applications and distribute the funds as quickly as possible. The City of Kenai has set aside \$150,000 for this program, subject to actual demand.

The program is open to commercial fisheries permit holders but not crew members.

## Rental and Mortgage Relief

The City of Kenai executed a Memorandum of Understanding with the Alaska Housing Finance Corporation (AHFC) to extend for City of Kenai residents by four months (September through December) the rental assistance and mortgage relief program the State funded for July. Using a portion of the State's share of federal CARES Act funds, AHFC provided up to \$1,200 in rental assistance or mortgage relief for one month for Alaska households.

The City of Kenai and several other municipalities around the State contacted AHFC to extend the assistance program at each city's expense. Working with AHFC provides an efficient and cost effective method to handle the online applications, income verification and payment distribution, rather than the City of Kenai setting up its own operation. In addition, AHFC has agreed to handle the work at no cost to the City. The City of Kenai will reimburse AHFC only for the actual rental assistance and mortgage relief payments it sends out each month on behalf of eligible Kenai residents to their landlords or mortgage holders.

The payments can only go toward rent or a mortgage payment, at a maximum \$1,200 per household per month. The program has a household income cap, and the maximum household income in Kenai to qualify for the program is \$71,760 a year. The application will ask residents to verify their loss of income due to the COVID-19 public health emergency and to verify the information to remain eligible each month.

Applicants to this summer's AHFC program will be notified to apply for the City-funded assistance program, and the City will publicize the CARES Act assistance to ensure that anyone who did not apply for the AHFC payments in July has the opportunity to apply for the City's four-month program.

The City has set aside \$1,000,000 for this program, subject to available funding and demand.

(continued on next page)



# Individual Assistance

## Mental Health Services

The City continues to look into contracting with mental health professionals in Kenai to provide counseling for individual residents affected by the COVID-19 public health emergency and in need of mental health services. The program would cover a resident's out-of-pocket expenses after any insurance or if they lack insurance coverage for the services. There would be no income limit for participating in the program.

If the City determines this program is feasible, it will announce the service provider after a procurement process and will publicize the availability of the service to the public. The intent is that the City would issue a contract for an amount not to exceed \$50,000 for mental health counseling services, with individuals limited to no more than six counseling sessions to ensure that as many people as possible can participate.

The contractor would bill the City for its services without identifying the individuals. The identity of individuals would be held confidential by the service provider, the same as any other doctor-patient relationship. Individuals would inquire about the services and make appointments directly with the mental health provider; the City would not be involved in anything more than payments to the provider.

The service would be provided prior to December 30, 2020, subject available funding and demand. The City expects to have the program available to the public in September.

## Small Business Development/Marketing Services

The City of Kenai has contracted with a marketing service provider to assist local businesses that reported gross revenues of at least \$10,000 in 2019 (as per sales tax records or other acceptable forms of proof of revenues) in their marketing, social media and online presence, as businesses focus on repairing the economic damage suffered during the COVID-19-related shutdown and restructuring their business to operate under the new rules of commerce and social activity.

The City issued a contract for an amount not to exceed \$50,000 to provide a \$1,000 credit to each eligible business in Kenai that can be used with the marketing service provider.

The eligibility requirements are similar to the City Small Business Grant and Individual Assistance for Small Business programs. The business must certify it was impacted by the COVID-19 public health emergency and be physically located in Kenai. Once the business has been approved for the program, the marketing service provider will provide an assessment and customize marketing services for each participating business limited to \$1,000 in services covered by the City funding.

The application period opened August 13, and will close at 5 p.m. on November 6. Applications may be submitted online at the City website, by mail to or dropped off at City Hall. The City intends to review the applications and distribute the funds as quickly as possible.

The service would be provided prior to December 30, 2020, subject available funding and demand.

(Continued on next page)

# Individual Assistance

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## Food Assistance Services

The City issued a grant to the Kenai Peninsula Food Bank to purchase and distribute food boxes at sites in the City of Kenai weekly for September through December. The grant requires the organization to distribute 150 food boxes a week for 16 weeks to City of Kenai residents, comparable to the number of households that have participated in recent food distribution events organized by the Food Bank and one of its volunteer partners in the City of Kenai. Strong demand at those events and at partner food pantry sites in the community indicates a substantial need for food assistance for many Kenai households. The program assists Kenai families experiencing financial strain due to the COVID-19 public health emergency in the months ahead.

The \$65,000 grant ensures an assortment of healthy foods each week, delivered to convenient locations in the City for easy pickup by City of Kenai residents. To the extent that other foods are available from federal surplus programs, those items would be added to the City of Kenai distribution at no additional cost to the City.

The City and the Food Bank will actively publicize this temporary assistance program to ensure maximum participation by City of Kenai residents who need the assistance.

The service will be provided prior to December 30, 2020, subject available funding and demand. The City expects to have the program available to the public by early September.

# Conclusion

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The City of Kenai will administer the grant programs without incurring the additional cost of an outside group or foundation to screen, process or assist in administration of the grant program, except for programs in with the City contracts with a service provider for individual assistance programs.

In order to reach the small businesses and nonprofit organizations and individuals in the City that may be eligible, a successful community outreach strategy is necessary. This strategy will include the following:

- Press Releases to local media
- Direct mail to small businesses, nonprofits, permit holders or other groups
- Coordination with the Kenai Peninsula Economic Development District (KPEDD), Kenai Chamber of Commerce and Visitor Center (KCCVC), and Small Business Development Center (SBDC)
- Social Media posts

Information about the programs as well as application forms, FAQs, a summary of the program and application process, and timetable will be provided on the City's website at [www.kenai.city](http://www.kenai.city) as well as a direct contact email and phone number for inquiries.



# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Paul Ostrander, City Manager

**DATE:** September 30, 2020

**SUBJECT:** **Resolution 2020-80 – Amending the City’s Grant Disbursement Program**

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Administration originally presented the City’s CARES Act grant programs to City Council for approval on June 3. Since then, the program has been amended to allow additional businesses and nonprofits to apply and any remaining funds from the first grant program be distributed through a second grant program to businesses. The program was also expanded to include individual assistance grant programs to provide individual financial assistance to the community’s smaller businesses that did not qualify for the City’s Small Business Grant program, for commercial fishers, and programs to assist residents in need of mental health services and provide small business development and marketing services.

On September 2, the City Council approved a Round 2 grant disbursement program to small businesses, which will open to receive applications on October 1. The Council also authorized two individual assistance programs for Rental and Housing Assistance and Food Assistance Services administered under grant agreements with the Kenai Peninsula Food Bank and Alaska Housing Finance Corporation (AHFC). These agreements have been executed, with the Food Bank commencing twice-weekly food distributions in the City of Kenai and AHFC accepting applications through an online application system for Kenai Housing Relief. An update on the total expenditures as of September 30, 2020 related to the City’s Relief and Recovery Grant Program is included as Attachment B.

Resolution 2020-80 amends the City’s Relief and Recovery Grant Program to increase the amount provided to Commercial Fishers and authorizes the City Manager to enter into a grant agreement with Peninsula Community Health Services of Alaska (PCHS) to provide mental health services in Kenai

This Resolution also authorizes two budget transfers. The first is a budget transfer of \$100,000 from the Business and Nonprofit Entity Recovery Grants Department to the CARES Act Administration and Non-Payroll Department to cover the costs of non-payroll COVID-19-related expenses. These expenses include the purchase of a HoldIT™ external locker for \$25,730 included as a Purchase Order Over \$15,000. Approval of the Purchase Order is contingent on the passage of Resolution 2020-80. The additional funds that are being requested for transfer to

the CARES Act Administration and Non-Payroll Department will continue to cover City expenses related to COVID-19 to ensure the health and safety of City employees and residents due to the disaster. The second is a budget transfer totaling \$600,000 from the First Responder and Incident Management Team Payroll Department and the Individual Assistance Grants Department – Small Business and Commercial fishers to the Individual Assistance Grants Department – Rental and Mortgage Relief to cover expected expenditures through the AHFC Rental and Housing Assistance Program due to applications far exceeding our projections. Transfers out were justified for the following reasons:

- The Individual Assistance Grants – Small Business Program was completed and the businesses that were included in that program are now eligible to apply under the Round 2 grant disbursement program.
- Only \$22,000 of grants were awarded during the first round of Commercial Fishers grants and even with the passage of Resolution 2020-80 administration is confident that \$75,000 will be sufficient to cover the remaining grant payments in this program.
- We have sufficient money in the First Responder and Incident Management Team Payroll Department to cover payroll through at least October.

An update on the total budget and allocations as a result of Resolution 2020-80 is included as Attachment C.

An update on total expenditures and encumbrances to date from the Individual Assistance Grants is included for the Council's information as Attachment D.

The updated grant program guidelines for commercial fishers are included in the City of Kenai's Relief and Recovery Grant Program Guide included as attachment A to Resolution 2020-80.

Your consideration is appreciated.

Attachments





City of Kenai COVID-19 CARES Act  
Relief and Recovery Grant Programs  
Program Update  
Attachment B

	Current Budget	Actual FY20	Actual FY21	Total Expenditures	Available
<b>First Responder and Incident Management Team Payroll</b>	\$ 4,175,524.00	\$ 2,005,476.77	\$ 932,058.63	\$ 2,937,535.40	\$ 1,237,988.60
<b>Business and Nonprofit Entity Recovery Grants</b>					
Round 1: Small Business and Nonprofit Grants	2,215,000.00	1,905,000.00	310,000.00	2,215,000.00	-
Round 2: Small Business Grants	<u>2,765,000.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2,765,000.00</u>
Total Business and Nonprofit Entity Recovery	4,980,000.00	1,905,000.00	310,000.00	2,215,000.00	2,765,000.00
<b>CARES Act Administration &amp; Non-Payroll</b>	320,000.00	146,609.73	32,591.49	179,201.22	140,798.78
<b>Individual Assistance Grants</b>					
Small Business	150,000.00	-	14,000.00	14,000.00	136,000.00
Commerical Fishers	150,000.00	-	22,000.00	22,000.00	128,000.00
Rental and Mortgage Relief	400,000.00	-	-	-	400,000.00
Mental Health Services	50,000.00	-	-	-	50,000.00
Small Business Marketing Services	50,000.00	-	2,000.00	2,000.00	48,000.00
Food Assistance Services	65,000.00	-	-	-	65,000.00
Unassigned	<u>35,832.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>35,832.00</u>
Total Individual Assistance Grants	<u>900,832.00</u>	<u>-</u>	<u>38,000.00</u>	<u>38,000.00</u>	<u>862,832.00</u>
<b>Total All</b>	<u>\$ 10,376,356.00</u>	<u>\$ 4,057,086.50</u>	<u>\$ 1,312,650.12</u>	<u>\$ 5,369,736.62</u>	<u>\$ 5,006,619.38</u>

September 30, 2020



City of Kenai COVID-19 CARES Act  
Relief and Recovery Grant Programs  
Resolution 2020-80  
Proposed Program Amendments  
Attachment C

	Current Budget	Budget After Reso. 2020-80	Actual FY20	Actual FY21	Total Expenditures	Available After Reso. 2020-80
<b>First Responder and Incident Management Team Payroll*</b>	\$ 4,175,524.00	\$ 3,822,356.00	\$ 2,005,476.77	\$ 932,058.63	\$ 2,937,535.40	\$ 884,820.60
<b>Business and Nonprofit Entity Recovery Grants</b>						
Round 1: Small Business and Nonprofit Grants	2,215,000.00	2,215,000.00	1,905,000.00	310,000.00	2,215,000.00	-
Round 2: Small Business Grants	<u>2,765,000.00</u>	<u>2,665,000.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2,665,000.00</u>
Total Business and Nonprofit Entity Recovery	4,980,000.00	4,880,000.00	1,905,000.00	310,000.00	2,215,000.00	2,665,000.00
<b>CARES Act Administration &amp; Non-Payroll</b>	320,000.00	420,000.00	146,609.73	32,591.49	179,201.22	240,798.78
<b>Individual Assistance Grants</b>						
Small Business	150,000.00	14,000.00	-	14,000.00	14,000.00	-
Commerical Fishers	150,000.00	75,000.00	-	22,000.00	22,000.00	53,000.00
Rental and Mortgage Relief	400,000.00	1,000,000.00	-	-	-	1,000,000.00
Mental Health Services	50,000.00	50,000.00	-	-	-	50,000.00
Small Business Marketing Services	50,000.00	50,000.00	-	2,000.00	2,000.00	48,000.00
Food Assistance Services	65,000.00	65,000.00	-	-	-	65,000.00
Unassigned	<u>35,832.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Individual Assistance Grants	900,832.00	1,254,000.00	-	38,000.00	38,000.00	1,216,000.00
<b>Total All</b>	<u>\$ 10,376,356.00</u>	<u>\$ 10,376,356.00</u>	<u>\$ 4,057,086.50</u>	<u>\$ 1,312,650.12</u>	<u>\$ 5,369,736.62</u>	<u>\$ 5,006,619.38</u>

\*First Responder Actual payroll includes the months of July and August

September 30, 2020





# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Terry Eubank, Finance Director

**DATE:** October 2, 2020

**SUBJECT:** Resolution 2080-20 Attachment D - CARES Act Administration & Non-Payroll Expenditures to Date

The purpose of this memo is to provide a breakdown of City expenditures to date and obligated funds utilizing funds budgeted in the CARES Act Administration & Non-Payroll allocation.

<u>Description</u>	<u>Expended through 9/30/2020</u>	<u>Encumbered or Projected</u>	<u>Total Expended &amp; Encumbered</u>
Program administration payroll & benefits	\$ 29,674.99	\$ 20,000.00	\$ 49,674.99
City employee COVID-19 leave taken	111,606.69	25,000.00	136,606.69
Dipnet shack upgrades for cashless transaction and customer self-pay	12,069.34	-	12,069.34
Additional cleaning services, supplies and employee protective gear	18,128.17	7,500.00	25,628.17
Grant program postage	674.84	1,000.00	1,674.84
Paperless paystub distribution software	3,168.00	-	3,168.00
COVID-19 procurement advertising	463.06	1,000.00	1,463.06
Video conferencing	1,529.07	1,000.00	2,529.07
Employee recruitment/screening software	889.00	-	889.00
Voting supplies	998.06	-	998.06
Facility occupancy compliance project	-	121,000.00	121,000.00
Area school outdoor tents	-	31,190.92	31,190.92
Library expanded wireless	-	1,700.00	1,700.00
Library patron self-service material pick- up lockers	-	26,886.00	26,886.00
Library patron mobile printing solution	-	995.00	995.00
Undetermined	-	3,526.86	3,526.86
	<u>\$179,201.22</u>	<u>\$240,798.78</u>	<u>\$420,000.00</u>

**KENAI CITY COUNCIL – REGULAR MEETING  
SEPTEMBER 16, 2020 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR BRIAN GABRIEL, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on September 16, 2020, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Mayor Gabriel led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Brian Gabriel, Mayor	Robert Molloy
Henry Knackstedt	Tim Navarre
Jim Glendening	Robert Peterkin
Glenese Pettey	

A quorum was present.

Also in attendance were:

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

**3. Agenda Approval**

Mayor Gabriel noted the following revisions to the agenda and packet:

- |                  |   |
|------------------|---|
| Add to item D.4. | <b>Resolution No. 2020-78</b> <ul style="list-style-type: none"> <li>• Stipulation Regarding Rejection of Unexpired Leases</li> </ul> |
| Add item D.5.    | <b>Resolution No. 2020-79</b> <ul style="list-style-type: none"> <li>• Resolution</li> <li>• Memo</li> </ul>                          |
| Add to item F.1. | <b>Ordinance No. 3155-2020</b> <ul style="list-style-type: none"> <li>• Postponement Memo</li> </ul>                                  |
| Add to item G.4. | <b>Election Workers</b> <ul style="list-style-type: none"> <li>• Revised Memo</li> </ul>  |

Add to item G.5.

**Response to COVID-19**

- Revised People Counter Project Memo

**MOTION:**

Vice Mayor Molloy **MOVED** to approve the agenda with the requested additions and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **SECONDED** the motion.

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

**4. Consent Agenda**

**MOTION:**

Council Member Knackstedt **MOVED** to approve the consent agenda and requested **UNANIMOUS CONSENT**; Vice Mayor Molloy **SECONDED** the motion.

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

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

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

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

**B. SCHEDULED PUBLIC COMMENTS**

- 1. Tim Dillon, Kenai Peninsula Economic Development District – Census and AK Cares Update.**

Tim Dillon provided a reminder of who Kenai Peninsula Economic Development District (KPEDD) is, an update on their current projects, an overview of their funding, provided an update of the FY21 Comprehensive Economic Development Strategy (CEDs), and an update on the Alaska CARES Act funding within the Kenai Peninsula Borough and the City.

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

**D. PUBLIC HEARINGS**

- 1. Ordinance No. 3162-2020 - Amending Municipal Code Section 23.50.010 – Employee Classification, to Amend a Class Title in the Supervisory and Professional Class. (Administration)**

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3162-2020 and Vice Mayor Molloy **SECONDED** the motion.

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

An overview of the changes were provided noting the Human Resources Director reviewed the scope and responsibilities of the position and recommended the change.

Clarification was provided that code enforcement would still be a responsibility of the City Planner and that the new range made the City competitive with similar positions in the area.

**VOTE:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

2. **Resolution No. 2020-76** - Renaming Daubenspeck Circle to Daubenspeck Road on the Plat of Baron Park 2020 Replat. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-76 and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

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

It was noted that the Planning and Zoning Commission unanimously recommended approval.

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

3. **Resolution No. 2020-77** - Approving the Execution of a Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Kenai Aviation Operations, LLC, for Lot 9A, Block 5, General Aviation Apron Subdivision No. 5. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-77 and Vice Mayor Molloy **SECONDED** the motion.

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

There was enthusiasm for this project as well as four other hangars being constructed on the airport. It was added that the Planning and Zoning Commission also unanimously recommended approval of this.

**UNANIMOUS CONSENT** was requested.

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

4. **Resolution No. 2020-78** - Approving an Airline Operating Agreement and Terminal Area Lease with FLOAT Shuttle/Corvus Airlines Inc., D/B/A Ravn Alaska and Ratifying a Stipulation Regarding Rejection of Unexpired Lease of Non-Residential Real Property with Ravn Group, Inc. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-78 and Vice Mayor Molloy **SECONDED** the motion.

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

The City Attorney clarified this resolution would approve a stipulation with Ravn Group, Inc. to terminate their lease in the airport, and it would approve an Airline Operating Agreement with FLOAT Shuttle doing business as Ravn Alaska, beginning September 8.

**UNANIMOUS CONSENT** was requested.

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

5. **Resolution No. 2020-79** – Authorizing the City Manager to Accept a Grant from the Federal Aviation Administration for the Construction of the Kenai Municipal Airport's New Sand Storage Facility. (Administration)

*[Clerk's Note: This item was added to the agenda during the approval of the agenda.]*

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-79 and Vice Mayor Molloy **SECONDED** the motion.

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

It was noted that this was similar to other legislation adopted on an emergency basis based on the nearing end of the Federal Fiscal Year.

Clarification was provided that entitlement funding would be utilized, and the additional funding could be coming from discretionary funding as well as funding from other projects reserves. It was also clarified that the funding would allow for the project to be completed in one phase.

**UNANIMOUS CONSENT** was requested.

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

**E. MINUTES**

1. \*Regular Meeting of September 2, 2020. (City Clerk)

Approved by the consent agenda.

## F. UNFINISHED BUSINESS

1. **Ordinance No. 3155-2020** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from The Federal Aviation Administration for Phase One Construction of a New Sand Storage Facility. (Administration)

*[Clerk's Note: At the September 2 Meeting, this item was Postponed to the 09/16/20 Council Meeting; a motion to enact is on the floor.]*

### MOTION TO POSTPONE:

Vice Mayor Molloy **MOVED** to postpone Ordinance No. 3155-2020 to the October 7, 2020 meeting. Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

## G. NEW BUSINESS

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

Approved by the consent agenda.

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

Approved by the consent agenda.

3. **\*Action/Approval** - Non-Objection to the Renewal of Marijuana License for Grateful Bud LLC. (City Clerk)

Approved by the consent agenda.

4. **\*Action/Approval** - Approving Election Workers for the October 6, 2020 Regular Election. (City Clerk)

Approved by the consent agenda.

5. **Discussion** - Response to COVID-19. (Administration)

The number of cases, case rate, and hospitalizations were provided.

The people counter project as provided in the laydown was reviewed. Concern was expressed regarding the project being a Capital Improvement Project and the project not being on a published agenda. Discomfort was expressed using cameras for counting people; it was noted infrastructure issues could be dealt with through the budget as well.

### MOTION:

Council Member Navarre **MOVED** to approve the people counting project and Council Member Knackstedt **SECONDED** the motion.

It was noted the project was CARES Act funding and the deadlines for expenditure of the funds.

It was suggested the need for counting people would end once the public health emergency had ended.

There was discussion regarding blurred facial recognition and who was making the decision regarding blurring; it was noted if the purpose of the camera changed to security, the facial recognition option may be optimized. Clarification was provided that the value of the system at the library in the long term was to provide statistical data regarding users of the facility. It was added the statistical data of facility use had been used for many years and helped with grant applications. Clarification was provided that the laser beam system purchased several years ago for the library was toward the end of the industry standard for laser beams and the industry standard had moved to cameras or machine vision.

Clarification regarding the funding for the project was provided noting it did not affect the grant programs for local businesses.

#### **MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend the project that cameras only be used for counting until Council approves for any other purpose and Council Member Navarre **SECONDED** the motion.

There was further discussion regarding occupancy monitoring by facility staff, camera view and placement, and public notice.

It was added that the Council on Aging had been looking to install security cameras at the Senior Center for some time.

#### **VOTE ON AMENDMENT:**

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

#### **MOTION PASSED.**

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

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

#### **MOTION PASSED.**

A bonfire on City property for the high school was noted; the City Manager was working with the parent group trying to put it together. The need for a COVID mitigation plan could be making it difficult to plan such an event. Clarification was provided that there were no mandates or restrictions in place regarding limiting a gathering.

There was discussion regarding the powers provided by the emergency declaration.

### **H. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging – No report; next meeting October 8.
2. Airport Commission – No report; next meeting October 8.



3. Harbor Commission – No report; next meeting October 12.
4. Parks and Recreation Commission – No report; next meeting October 1.
5. Planning and Zoning Commission – The items of the Planning and Zoning Commission at their meeting on September 9 were noted; next meeting September 23.
6. Beautification Committee – No quorum on September 8 but discussed the tour and repair needed at Leif Hansen Park; next meeting October 13.
7. Mini-Grant Steering Committee – No report.

#### **I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Thanked the American Legion for their display for September 11;
- He spun the magic wheel for the kickoff of the Silver Salmon Derby;
- Noted some Aircraft Rescue and Fire Fighting (ARFF) people in Homer went through the BEACON training and were impressed; praise was expressed; and
- He thanked those that were running for the election.

#### **J. ADMINISTRATION REPORTS**

1. City Manager - City Manager P. Ostrander reported on the following:
  - He was bringing forth legislation to consider whether or not to approve the Challenger Center for a cold weather facility;
  - City of Kenai issued 29 CARES Act marketing grants;
  - Alaska Housing Finance Corporation housing assistance grants; received applications from 44 households on opening day – in addition to 79 applications received in the previous housing grant period. May want to consider to extend to all families beyond City of Kenai boundaries; the Borough does not have a similar program;
  - Ready to launch Round 2 of Business Grants on October 1;
  - Still working on mental health services;
  - Provided an update on the Kenai Silver Salmon Derby;
  - Bluff erosion project update – the Preconstruction Engineering Design (PED) was signed, fully executed; 30-day period to complete planning phase.
2. City Attorney – No report.
3. City Clerk – City Clerk J. Heinz reported on the following:
  - As of today, received 206 absentee vote by mail ballot applications; four times as many as ever had in past five years;
  - Absentee voting in-person begins on September 21; City Hall is an absentee voting site for both City and Kenai Peninsula Borough ballots; polling locations for October 6 voting were noted;
  - Goal this week, launching of email notifications from our website, allowing the public to subscribe to one or many pages, newsletters and updates on the City of Kenai website;
  - She is supporting the Silver Salmon Derby; purchased tickets for the whole derby;
  - Currently recruiting for the Deputy Clerk position; closes on September 22.

## K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*) - None.
2. Council Comments

Council Member Knackstedt noted he participated in the Chamber's Luncheon forum for the Council candidates.

Vice Mayor Molloy wished best to all of the candidates; appreciated the healthy debate tonight.

Council Member Pettey appreciated the signed PED agreement for the Bluff Erosion project; thanked everyone involved. She noted the flowers around the City beautified the city this year; the touching remembrance and appreciation for the display on September 11; and expressed thanks for the discussion tonight.

Council Member Navarre appreciated Clarion interview with the City Manager and updating the public on the Bluff Erosion Project. He noted he participated in the candidate forum at the Chamber of Commerce Luncheon; thanked the Clerk's Offices and the election workers for the work and commitment to pull off the election.

Council Member Glendening attended the last Market in Old Town - hoping it will be amplified in the next year. He noted the care the Fire Department took in their flag display; watched the candidate forum at the Chamber Luncheon; and hoped the fishing industry could have a better result for the CARES Act funding.

Council Member Peterkin expressed content about low COVID-19 numbers; it was encouraging that numbers have not increased but actually decreasing.

## L. EXECUTIVE SESSION – None.

## M. PENDING ITEMS

1. **Ordinance No. 3157-2020** - Amending Kenai Municipal Code Section 1.85.010 – Report of Financial and Business Interests, to Allow for Certification by Municipal Officers that a Previously Filed Statement of Disclosure Remains Accurate and Approving an Alternate Certification. (Vice Mayor Molloy) (**Clerk's Note:** *At the 09/02/20 meeting, this item was postponed to the 10/7/20 meeting.*)
2. **Substitute Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [**Clerk's Note:** *At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]
3. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) [**Clerk's Note:** *At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]

**N. ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 8:45 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of September 16, 2020.

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Jamie Heinz, CMC  
City Clerk



Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3155-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT IMPROVEMENTS CAPITAL PROJECT FUND AND ACCEPTING A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION FOR PHASE ONE CONSTRUCTION OF A NEW SAND STORAGE FACILITY.

WHEREAS, On August 10, 2020 a formal Invitation to Bid was released in coordination with the Federal Aviation Administration for the construction of a new 5600sf Sand Storage Facility for the Kenai Municipal Airport, with Bids due on August 31, 2020; and,

WHEREAS, The City received the following bids with \_\_\_\_\_ being determined to be the lowest responsive and responsible bidder

Contractor	Phase 1 Bid	Phase 2 Bid	Total Bid

; and,

WHEREAS, the Project is being awarded in two phases, with Phase 1 consisting of site civil work which is anticipated to take place in the Fall of 2020. Phase 2 consists of the complete building package and all other work anticipated for a Spring 2021 start and Fall 2021 completion; and,

WHEREAS, the phasing is intended to provide the City with the largest funding available from the Federal Aviation Administration (FAA), with CARES Act funds anticipated to cover the City's 6.25% share of Phase 1 costs, and Airport Entitlements for 2020 covering the remaining costs; and,

WHEREAS, Phase 2 will be awarded under a separate Ordinance in early 2021 in anticipation of receiving an FAA grant for the remaining costs using the Airport entitlements for 2021 and if necessary, FAA discretionary funds with the City's share being 6.25% unless there are CARES Act funds remaining, whereby there would not be a City match required; and,

WHEREAS, Council should anticipate the City needing to fund Phase 2 initially to allow the building package to be ordered in time for a summer installation, with an FAA grant anticipated for May 2021 where the City will be reimbursed; and,

WHEREAS, failure to forward fund the project will likely result in the construction carrying into next winter and would increase overall construction costs; and,

WHEREAS, the Federal Aviation Administration (FAA) and City Staff are in agreement that this path is the most beneficial to the City.

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

**Section 1.** The City Manager is authorized to accept grant funding from the Federal Aviation Administration in the amount of \$\_\_\_\_\_ for the Construction of the new Sand Storage Building.

**Section 2.** The City Manager is authorized to award a construction contract for Phase 1 of construction of a new sand storage facility to \_\_\_\_\_ in the amount of \$\_\_\_\_\_ and issue a Purchase Order to \_\_\_\_\_ in the amount of \$\_\_\_\_\_ which includes contingency funds for the processing of change orders.

**Section 3.** The City Manager is authorized to amend HDL Engineering's Design Agreement to include Construction Administrative (CA) Services in the amount of \$\_\_\_\_\_.

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

Airport Improvement Capital Project Fund:

Increase Estimated Revenues –  
FAA Grant

\$XXX,XXX

Increase Appropriations:  
Construction

\$XXX,XXX

**Section 5.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 6.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

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

ATTEST:

Ordinance No. 3155-2020

Page 2 of 3

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Jamie Heinz, CMC, City Clerk

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

Introduced: August 19, 2020

Enacted: September 2, 2020

Effective: September 2, 2020



# 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:** Paul Ostrander, City Manager

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

**DATE:** August 11, 2020

**SUBJECT:** Ordinance 3155-2020

---

The purpose of this memo is to request support for the Kenai Municipal Airport Sand Storage Building. Staff, in coordination with the Federal Aviation Administration (FAA), has been developing the project. HDL Engineering completed design documents on August 7, 2020. The project was formally released for Bids on August 10, 2020 with bids due on August 31, 2020.

The project will be developed in two phases to allow the City the greatest opportunity to take advantage of federal grants. Phase 1 is anticipated to take place this fall and will cover Site Civil work. The grant will cover all of the FAAs normal share, and CARES Act funds are anticipated to cover the City's normal share of 6.25%.

Phase 2 will begin early 2021, and will be awarded under a separate future Ordinance. It will be funded by the Airport's annual entitlements and possibly discretionary funds through the FAA and is anticipated for the City to short term finance the work until the grant can be issued likely in May 2021. The structural steel and insulated wall and roof panels will need to be ordered in March 2021 to make sure they arrive in Alaska in time for the summer construction season.

Phase 2 will likely require the usual grant matching funds, with the FAA contributing 93.75% and the City share being 6.25% of construction costs however, if there are remaining CARES Act funds, there would be no match requirement of the City. The funds to cover the start of Phase 2 shall be taken from the Airport Special Revenue Fund and will be reimbursed upon receipt of grant.

This project is the number one priority for the Airport from the Capital Improvement Plan. Completion of the facility will allow the airport to store all of their required sand for the runway under roof in a conditioned space, which will allow their sanding operations to proceed more efficiently, reducing wear and tear on equipment from breaking into frozen sand piles that would otherwise be stored outdoors.

Council should anticipate an amendment memo being provided prior to the September 2, 2020 council meeting to fill in the blanks associated with the current Ordinance.

Council's support of this Ordinance is respectfully requested.





Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3155-2020 (SUBSTITUTE)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE AND AIRPORT IMPROVEMENT CAPITAL PROJECT FUNDS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDL ENGINEERING FOR CONSTRUCTION ADMINISTRATION SERVICES, AND AWARDDING A CONTRACT FOR THE 2020 KENAI MUNICIPAL AIRPORT SAND STORAGE FACILITY PROJECT.

WHEREAS, on August 10, 2020 a formal Invitation to bid was released in coordination with the Federal Aviation Administration for the construction of a new 5600sf combined Sand Storage and Snow Removal Equipment (SRE) Building for the Kenai Municipal Airport, with bids due on August 31, 2020; and,

WHEREAS, the City received the following bids with Orion Construction, Inc determined to be the lowest responsive and responsible bidder; and,

Contractor	Base Bid	Add Alt #1	Total Bid
Orion Construction Inc	\$2,237,000	\$52,000	\$2,289,000
Watterson Construction Co	\$2,307,000	\$35,000	\$2,342,000
Polar North Construction LLC	\$2,418,933	\$62,300	\$2,481,233
Jay-Brant General Contractors LLC	\$2,488,333	\$45,034	\$2,533,367

WHEREAS, on August 28, 2020 HDL Engineering provided a proposal to provide Construction Administration Services totaling \$190,332 and the current agreement to date for Design Services through bid phase totals \$265,681 making the total professional services agreement for the project through completion \$456,013; and,

WHEREAS, on September 2, 2020 a grant request was submitted by Administration to the Federal Aviation Administration (FAA) requesting a total grant project cost of \$2,835,263 which includes all costs associated with design, construction, administration, and permitting; and,

WHEREAS, on September 16, 2020 Council approved Resolution 2020-79 Authorizing the City Manager to accept pending grant funds from the Federal Aviation Administration (FAA); and,

WHEREAS, on September 24, 2020 a formal grant offer from the Federal Aviation Administration (FAA) was received in the amount \$1,954,101, and was returned executed by Administration on September 25, 2020 as requested by the Federal Aviation Administration (FAA); and,

WHEREAS, these funds are available for the project, with CARES Act funds dedicated to the airport included to cover the normal City share of 6.25% of the current grant offer and the remaining project costs of \$2,835,263 - \$1,954,101 total \$881,162 will be funded by airport

entitlements available next spring under the Federal Aviation Administration's next fiscal budget starting October 1, 2020; and,

WHEREAS, it is anticipated that the remaining required funds will be split under the typical apportionment of Federal share of 93.75% and the City share of 6.25%, which results in \$826,089 for the remaining Federal share and \$55,073 for the remaining City share; and,

WHEREAS, the total project cost share will then be \$2,780,190 Federal Aviation Administration (FAA) share, and \$55,073 City share on a total current project cost of \$2,835,263; and,

WHEREAS, the Administration is requesting Council approval to appropriate funds from the Airport Special Revenue Fund to allow for the full contract award plus 5% contingency to allow for the processing of any change orders that may arise, with the City able to reimburse these funds as the remaining grant funds become available from the Federal Aviation Administration (FAA) in Spring 2021; and,

WHEREAS, Ordinance 3116-2020 adopted on April 15, 2020 previously appropriated \$265,681 for project design services which are now reimbursable by the awarded grant reducing the additional funding need from the Airport Special Revenue Fund at this time to \$729,931; and,

WHEREAS, the Administration will bring forth to Council in spring 2021 a separate additional ordinance to appropriate the remaining grant dollars once they are finalized; and,

WHEREAS, funding the project in this way shall allow the project to proceed with submittals and ordering of materials through the winter months and to take advantage of the summer season for construction resulting in cost and time savings to the City; and,

WHEREAS, the Federal Aviation Administration (FAA) and City staff are in agreement that this path is the most beneficial to the City.

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

**Section 1.** The City Manager is authorized to award a construction contract to Orion Construction Inc. in the amount of \$2,289,000 and issue a purchase order to Orion Construction Inc. in the amount of \$2,403,450 which includes 5% contingency for the processing of change orders.

**Section 2.** The City Manager is authorized to amend HDL Engineering's Design Agreement to include construction administrative (CA) services in the amount of \$190,332.

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

Airport Special Revenue Fund:

Increase Estimated Revenues –	
Appropriation of Fund Balance	<u>\$729,931</u>

Increase Appropriations –	
Transfer to Airport Improvement Capital Project Fund	<u>\$729,931</u>

Airport Improvement Capital Project Fund:

Increase Estimated Revenues –

FAA Grant	\$1,954,101
Transfer from Airport Special Revenue Fund	<u>729,931</u>
Total	<u>\$2,684,032</u>

Increase Appropriations:

Construction	<u>\$2,684,032</u>
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**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 upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7th day of October, 2020.

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

ATTEST:

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

Approved by Finance: 

Introduced: August 19, 2020  
Enacted: October 7, 2020  
Effective: October 7, 2020



# 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:** Paul Ostrander, City Manager

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

**DATE:** September 29, 2020

**SUBJECT:** **Substitute Ordinance 3155-2020**

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The purpose of this memo is to update Council on the status of the Kenai Municipal Airport (KMA) Sand Storage Facility Project. Staff has worked in close coordination with the Federal Aviation Administration (FAA), and the City has received and executed Grant ENA-ALG-3-02-0142-064-2020 in the amount of \$1,954,101 for Construction of the facility.

Resolution 2020-79 approved at the September 16, 2020 Council Meeting, authorized the City Manager to execute a grant upon receipt from the FAA. The Administration received the formal grant offer on September 24, 2020 and returned the executed grant offer back to the FAA on September 25, 2020.

To summarize the project to date, the City funded the design at \$265,681 which is now reimbursable under this grant. On August 31, 2020 formal construction bids were received with Orion Construction being the successful low bidder with a total bid of \$2,289,000. HDL Engineering on August 28, 2020 provided a proposal for construction administration services totaling \$190,332 which includes required third party special inspections.

On September 2, 2020 a formal grant application was completed by the Administration and submitted to the FAA requesting a total project cost of \$2,835,263 which included additional costs for City Admin, Permitting, and Utilities. Our counterparts at the FAA gathered remaining available funding for their fiscal year end of September 30 and provided the City with a grant of about \$1,000,000 more than we were anticipating.

The balance of the cost difference between the total project costs and the grant just received is anticipated to be funded by the FAA under a second grant in their new fiscal year, and will likely be available sometime in May 2021. Administration is requesting through this ordinance to fund the project with the Airport Special Revenue Fund until the second grant becomes available at which time the fund will be reimbursed for a majority of the costs minus the normal City share as detailed within the Ordinance.

With Council's approval construction is expected to start in October 2020 and continue through October 2021. Council's support of this ordinance is respectfully requested.



Sponsored by: Vice Mayor Molloy

## CITY OF KENAI

### ORDINANCE NO. 3157-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTION 1.85.010 – REPORT OF FINANCIAL AND BUSINESS INTERESTS, TO ALLOW FOR CERTIFICATION BY MUNICIPAL OFFICERS THAT A PREVIOUSLY FILED STATEMENT OF DISCLOSURE REMAINS ACCURATE AND APPROVING AN ALTERNATE CERTIFICATION.

WHEREAS, Kenai Municipal Code 1.85 requires that certain elected and appointed officials complete financial disclosure forms annually; and,

WHEREAS, for some, financial information does not change annually; and,

WHEREAS, the ability to certify that a previously filed statement remains accurate would provide the same level of disclosure and eliminate the sometimes burdensome requirement to complete the form in its entirety on an annual basis.

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

**Section 1.** Amending Section 1.85.010 – Report of financial and business interests of the Kenai Municipal Code: That Kenai Municipal Code, Section 1.85.010 – Report of financial and business interests is hereby amended as follows:

#### **1.85.010 Report of financial and business interests.**

(a) A candidate for elective municipal office shall file a statement under oath with the City Clerk, at the time of filing a nominating petition and declaration of candidacy, specifying his or her business interests and income sources.

(b) Each municipal officer shall file a statement under oath with the City Clerk, within thirty (30) days after appointment to office specifying his or her business interests and income sources.

(c) Each municipal officer file a similar statement of income sources and business interests or shall certify a previously filed statement remains true, correct, and complete with the City Clerk not later than April 15<sup>th</sup> of each year that he or she holds office.

**Section 2.** That the attached certification form is hereby approved.

**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

Ordinance No. 3157-2020  
Page 2 of 2

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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

---

BRIAN GABRIEL SR., MAYOR

ATTEST:

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Jamie Heinz, CMC, City Clerk

Introduced: August 19, 2020, 2020  
Enacted: September 2, 2020  
Effective: October 2, 2020



**CITY OF KENAI  
2021 PUBLIC OFFICIAL FINANCIAL  
DISCLOSURE STATEMENT**

**CERTIFICATION**

I certify under penalty of perjury the information previously provided in the Statement attached hereto is up to date and, to the best of my knowledge, true, correct and complete and shall serve as my Statement covering the period **between January 1, 2020 and December 31, 2020**. A person who makes a false sworn certification which he or she does not believe to be true is guilty of perjury.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Printed Name of Filer

\_\_\_\_\_  
Place

**Where to obtain copies of previous Statements for attachment and file this Certification:**


**Kenai City Clerk  
210 Fidalgo Avenue  
Kenai, AK 99611**

**Telephone: (907) 283-8231  
Fax: (907) 283-5068**





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**CC:** City Manager and Administration  
**FROM:** Vice Mayor Molloy   
**DATE:** August 11, 2020  
**SUBJECT:** Ordinance No. 3157-2020

---

This proposed ordinance is the product of a discussion with Council in March 2020 about financial disclosure statements.

This ordinance amends KMC 1.85.010 **Report of financial and business interests**, paragraph (c), to allow a municipal officer to sign a form certifying that a previously filed financial disclosure statement "remains true, correct and complete." This ordinance also approves the attached certification form, which also was drafted by the City Clerk.

A "municipal officer" is defined to mean "the Mayor, City Manager, members of the Council, members of the Planning and Zoning Commission, City Attorney and City Clerk."

This ordinance will reduce paperwork burden for municipal officers where there is no change in the officer's previously filed financial disclosure statement. The officer's filing of the signed certification form will be sufficient, because there has been no change from the previously filed disclosure statement.

Council's support is respectfully requested.



# KENAI

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## MEMORANDUM

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

**THROUGH:** Vice Mayor Molloy

**FROM:** Jamie Heinz, City Clerk

**DATE:** September 21, 2020

**SUBJECT:** Ordinance No. 3157-2020

---

During Council discussion regarding Ordinance No. 3157-2020 at the 09/02/2020 meeting, it was suggested amendments be made to the ordinance, and a substitute brought, to provide for the opportunity to make some changes to a previously filed financial disclosure statement and certifying the somewhat altered and/or piecemealed statement was correct. When initially reviewing a way to simplify the financial disclosure process and thinking about what changes should be allowed, if any, the questions listed below left me uncomfortable with proposing to Vice Mayor Molloy anything more than a simple form, certifying a previously filed statement, in its entirety, was still correct, in an effort to simplify the financial disclosure process.

- If allowing pages with updated information to be substituted in, where would that end? Could someone who was a candidate one year substitute in a new page 2, to indicate that they are now filing the annual statement instead of a candidate statement?
- Are pages from statements submitted two, three, or four years back going to be acceptable to be substituted in?
- If it was decided substituting in pages would be permissible, who would be responsible for ensuring that the full document, though piecemealed, was submitted? Is Clerk's Office staff going to be asked to pull specific pages from a previous statement and then combine the document? In the event of an error, who would be responsible?

As of now, the amount of time that Clerk's Office staff spends on administering financial disclosure statements is negligible. We have about three that request a copy of their previous year's statement and beyond that, we simply date stamp the incoming statements and check the submitter's name off of a list. If the Clerk's Office is tasked with reviewing each statement to ensure all pages of each schedule have been submitted, the Clerk's Office will be spending a good deal more time on the submissions.

- Again, there is concern about who would be ultimately responsible if a page ended up missing.

Prefilled statements was another suggestion; however, prefiling the statements would be a significant increase in staff time spent on administering financial disclosure statements. The question of who would be responsible in the event of an error also still existed in this scenario.

An online form that could be updated was also suggested; however, the City doesn't have the technology to create an account and update previously provided information.

Your consideration of Ordinance No. 3157-2020 as originally presented is appreciated.



**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION**  
**COUNCIL MEETING OF: OCTOBER 7, 2020**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	96,823.84
HOMER ELECTRIC	ELECTRIC USAGE	VARIOUS	UTILITIES	101,805.93

**INVESTMENTS**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>MATURITY DATE</b>	<b>AMOUNT</b>	<b>Effect. Int.</b>
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**PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL**  
**COUNCIL MEETING OF: OCTOBER 7, 2020**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPT.</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
SIEMENS	LIBRARY & VISITOR CENTER DDC CONTROLS	LIBRARY & VISITOR CENTER CAP. PROJ.	CONSTRUCTION	15,435.00
B&H PHOTO-VIDEO	CAMERAS FOR FACILITY OCCUPANCY COMPLIANCE	ADMIN, COMPLIANCE	SMALL TOOLS	21,607.36
D-TECH	EXTERNAL LOCKERS	ADMIN, COMPLIANCE	MACHINERY & EQUIP.	25,730.00
UNITED ROTARY BRUSH CORP.	CASSETTE BROOMS	AIRPORT	OPERATING SUPPLIES	28,200.00
ZONES	CISCO NETWORK EQUIPMENT	ADMIN, COMPLIANCE	SMALL TOOLS	16,413.69

**INCREASE OF EXISTING PURCHASE ORDER**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>P.O. # - DEPT.</b>	<b>REASON</b>	<b>AMOUNT</b>	<b>TOTAL PO AMT</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 Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin  
**DATE:** October 1, 2020  
**SUBJECT:** **Purchase Order Exceeding \$15,000**

---

The purpose of this memo is to request approval of a purchase order to Siemens Industry, Inc in the amount of \$15,435 to migrate the existing outdated Building Automation System (BAS) software over to the new Siemens Desigo CC system at the Library and Visitor's Center. This is the same system which was recently put into service at the KMA Terminal project.

The new software will allow staff to more effectively manage the Buildings' HVAC systems and is the first step in making improvements to the Direct Digital Control (DDC) System in both facilities. As Council may recall this work is detailed within the Capital Improvement Plan for this fiscal year, within the General Fund, as project priorities number five and six respectively.

This first step will assist staff in directing additional budgeted repairs to both facilities systems. Step 2 will involve rebalancing of the HVAC system and replacement of any failing components identified.

Council's support is respectfully requested.



# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Dan Castimore, IT Manager

**DATE:** October 1, 2020

**SUBJECT:** Purchase Order over \$15,000 – B&H Photo Video

---

The purpose of this memo is to request approval to purchase equipment for the 2020 Facility Occupancy Compliance Project.

Pricing for this equipment was requested from 4 vendors with 2 responding. The list of vendors and their responses is provide below.

B&H Photo Video	\$21,607.36
CDW Government	\$22,966.78
Zones Inc.	N/A
Alcan Electric	N/A

This project was approved by Council at the September 16<sup>th</sup>, 2020 City Council meeting.

I respectfully request that you approve the purchase to B&H Photo Video for the amount of \$21,607.36.





# 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:** Paul Ostrander, City Manager  
**FROM:** Katja Wolfe, Library Director  
**DATE:** September 29, 2020  
**SUBJECT:** **Purchase Order Over \$15,000**

---

The purpose of this correspondence is to request approval of a purchase order of \$25,730 to D-Tech for the purchase of a HoldIT™ external locker (24 bays). This locker will allow our library users to access their holds 24/7. The purchase of the equipment is contingent on the passage of Resolution 2020-80.

Three vendors provided quotes:

D-Tech-	\$25,730
Bibliotheca -	\$31,187
Envisionware-	\$115,770

Thank you for your consideration.



# 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:** Paul Ostrander, City Manager

**FROM:** Mary Bondurant, Airport Manager

**DATE:** September 21, 2020

**SUBJECT:** Purchase Order over \$15,000 – United Rotary Brush

---

The purpose of this memo is to request approval to purchase runway broom cassettes from United Rotary Brush for the two runway brooms.

There were three vendors who provided quotes FOB Kenai:

<b>United Rotary Brush -</b>	<b>\$ 28,200.00</b>
Airgas/Air Liquide -	\$ 30,900.00
Yukon Equipment -	\$ 39,555.94

This airfield operating expense was approved in the FY21 budget and United Rotary Brush's price was found to be fair and reasonable.

Thank you for your consideration.



# 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:** Paul Ostrander, City Manager

**FROM:** Dan Castimore, IT Manager

**DATE:** October 1, 2020

**SUBJECT:** **Purchase Order over \$15,000 – Zones LLC**

---

The purpose of this memo is to request approval to purchase Cisco network equipment for the 2020 Facility Occupancy Compliance Project.

Pricing for this equipment was requested from 3 vendors with 2 responding. The list of vendors and their responses is provide below.

Zones LLC	\$16,413.69
CDW Government	\$17,396.16
World Wide Technologies	N/A

This project was approved by Council at the September 16<sup>th</sup>, 2020 City Council meeting.

I respectfully request that you approve the purchase to Zones LLC for the amount of \$16,413.69



# 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 Kenai Council Members  
**FROM:** Jamie Heinz, City Clerk  
**DATE:** September 30, 2020  
**SUBJECT:** Marijuana License Renewals

---

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has requested license renewals:

Applicant: Majestic Gardens, LLC  
Owners: Deniece Isaacs  
D/B/A: Majestic Gardens, LLC  
Licenses: Standard Marijuana Cultivation Facility & Retail Marijuana Store

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

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

Your consideration is appreciated.

Submit

by Jamie Heinz 9/24/2020 9:40:38 AM (Form Submission)

Approve

by Wilma Anderson 9/24/2020 10:44:01 AM (Lands Review)

- The task was assigned to Wilma Anderson. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:40 AM

Approve

by Jeremy Hamilton 9/29/2020 10:19:21 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:40 AM

Approve

by Michael Wesson 9/28/2020 12:19:44 PM (Building Official Review)

- The task was assigned to Michael Wesson. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:40 AM

Approve

by David Ross 9/28/2020 2:56:38 PM (Police Department Review)

- Jamie Heinz reassigned the task to David Ross 9/24/2020 2:00 PM
- Jamie Heinz reassigned the task to Jamie Heinz 9/24/2020 9:44 AM
- The task was assigned to Jacquelyn LaPlante. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:40 AM

Approve

by Tina Williamson 9/24/2020 10:46:13 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:40 AM

Approve

by Cindy Herr 9/24/2020 9:45:54 AM (Legal Asst Review)

■ *No Monies owed for citations, COJ's or restitution.*

- The task was assigned to Cindy Herr. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:40 AM

Approve

by Terry Eubank 9/28/2020 9:30:33 AM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: October 5, 2020 5:00 PM 9/24/2020 10:46 AM

Approve

by Scott Bloom 9/28/2020 9:33:54 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: October 5, 2020 5:00 PM 9/24/2020 10:46 AM

Approve

by Paul Ostrander 9/29/2020 9:48:02 AM (P&amp;Z Department Review)

- The task was assigned to Paul Ostrander. The due date is: October 5, 2020 5:00 PM 9/24/2020 10:46 AM

**Date**

9/24/2020

**Establishment Information****License Type**

Marijuana Retail

**Licensee**

Majestic Gardens, LLC

**Doing Business As**

Majestic Gardens, LLC

**Premises Address**

12656 Kenai Spur Highway

**City, State**

Kenai, AK

**Contact Information****Contact Licensee**

Deniece Isaacs

**Contact Phone No.**

398-3267

**Contact Email**

majesticgardens@alaska.net

**Additional Contact Information****Name****Phone No.****Email****Documents****File Upload**

15395 Renewal Local Government Notice.pdf	184.37KB
15395 Entity Documents.pdf	5.42MB
15395 MJ-20 Renewal Application Certifications.pdf	4.19MB
15395 POPPP.pdf	2.88MB
15395 Renewal Online Application_Redacted.pdf	94.65KB



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

September 23, 2020

**City of Kenai**

Attn: Jamie Heinz

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

**Kenai Peninsula Borough**

Attn: Borough Clerk

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

[jblankenship@kpb.us](mailto:jblankenship@kpb.us)

[micheleturner@kpb.us](mailto:micheleturner@kpb.us)

[sness@kpb.us](mailto:sness@kpb.us)

[MJenkins@kpb.us](mailto:MJenkins@kpb.us)

<b>License Number:</b>	15395
<b>License Type:</b>	Standard Marijuana Cultivation Facility
<b>Licensee:</b>	Majestic Gardens llc
<b>Doing Business As:</b>	MAJESTIC GARDENS LLC
<b>Physical Address:</b>	12656 KENAI SPUR HIGHWAY KENAI, AK 99611
<b>Designated Licensee:</b>	Deniece M Isaacs
<b>Phone Number:</b>	907-398-3267
<b>Email Address:</b>	majesticgardens@alaska.net

☒ **License Renewal Application**

☐ **Endorsement Renewal Application**

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

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

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



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

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Glen Klinkhart", with a stylized flourish at the end.

Glen Klinkhart, Interim Director

Submit

by Jamie Heinz 9/24/2020 9:29:21 AM (Form Submission)

Approve

by Wilma Anderson 9/24/2020 10:40:21 AM (Lands Review)

- The task was assigned to Wilma Anderson. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:29 AM

Approve

by Jeremy Hamilton 9/29/2020 10:19:34 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:29 AM

Approve

by Michael Wesson 9/28/2020 12:20:57 PM (Building Official Review)

- The task was assigned to Michael Wesson. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:29 AM

Approve

by David Ross 9/28/2020 2:56:32 PM (Police Department Review)

- Jamie Heinz reassigned the task to David Ross 9/24/2020 2:01 PM
- Jamie Heinz reassigned the task to Jamie Heinz 9/24/2020 9:45 AM
- The task was assigned to Jacquelyn LaPlante. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:29 AM

Approve

by Tina Williamson 9/24/2020 10:41:17 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:29 AM

Approve

by Cindy Herr 9/24/2020 9:45:05 AM (Legal Asst Review)

■ *No monies owed for citations, COJ's or restitution.*

- The task was assigned to Cindy Herr. The due date is: October 5, 2020 5:00 PM 9/24/2020 9:29 AM

Approve

by Terry Eubank 9/28/2020 9:30:12 AM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: October 5, 2020 5:00 PM 9/24/2020 10:41 AM

Approve

by Scott Bloom 9/28/2020 9:34:19 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: October 5, 2020 5:00 PM 9/24/2020 10:41 AM

Approve

by Paul Ostrander 9/29/2020 9:48:41 AM (P&amp;Z Department Review)

- The task was assigned to Paul Ostrander. The due date is: October 5, 2020 5:00 PM 9/24/2020 10:41 AM

**Date**

9/24/2020

**Establishment Information****License Type**

Marijuana Standard Cultivation

**Licensee**

Majestic Gardens, LLC

**Doing Business As**

Majestic Gardens, LLC

**Premises Address**

12656 Kenai Spur Highway

**City, State**

Kenai, AK

**Contact Information****Contact Licensee**

Deniece Isaacs

**Contact Phone No.**

398-3267

**Contact Email**

majesticgardens@alaska.net

**Additional Contact Information****Name****Phone No.****Email****Documents****File Upload**

15395 Renewal Local Government Notice.pdf	184.37KB
15395 Entity Documents.pdf	5.42MB
15395 MJ-20 Renewal Application Certifications.pdf	4.19MB
15395 POPPP.pdf	2.88MB
15395 Renewal Online Application_Redacted.pdf	94.65KB



Alaska Marijuana Control Board

## Form MJ-20: Renewal Application Certifications

### What is this form?

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

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

### Section 1 – Establishment Information

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

Licensee:	Majestic Gardens llc	License Number:	15395		
License Type:	Standard Marijuana Cultivation				
Doing Business As:	Majestic Gardens llc				
Premises Address:	12656 Kenai Spur				
City:	Kenai	State:	Alaska	ZIP:	99611

### Section 2 – Individual Information

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

Name:	Deniece M Isaacs
Title:	Owner member

### Section 3 – Violations & Charges

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

Initials

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

*DM*

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

*DM*

I certify that a notice of violation has not been issued to this license between July 1, 2019 and June 30, 2020.

*DM*

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

Initials

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



**Form MJ-20: Renewal Application Certifications****Section 4 – Certifications****Read each line below, and then sign your initials in the box to the right of each statement:****Initials**

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

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

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

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

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

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

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

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

Signature of licensee

  
 Notary Public in and for the State of Alaska
**Deniece M Isaacs**

Printed name of licensee

My commission expires: 12/15/2022Subscribed and sworn to before me this 22 day of June, 2020.





Alaska Marijuana Control Board

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

**What is this form?**

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

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

**Section 1 – Establishment Information**

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

Licensee:	Majestic Gardens llc	License Number:	15395		
License Type:	Standard Marijuana Cultivation				
Doing Business As:	Majestic Gardens llc				
Premises Address:	12656 Kenai Spur				
City:	Kenai	State:	Alaska	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Ronald D Isaacs
Title:	Owner member

**Section 3 – Violations & Charges**

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

Initials

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

RI

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

RI

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

RI

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

Initials

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



**Form MJ-20: Renewal Application Certifications****Section 4 – Certifications**

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

Initials

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

RI

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

RI

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

RI

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

RI

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

RI

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

RI

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

RI

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

Signature of licensee

Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 12/15/2022

Subscribed and sworn to before me this 22 day of June, 2020.





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

September 23, 2020

**City of Kenai**

Attn: Jamie Heinz

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

**Kenai Peninsula Borough**

Attn: Borough Clerk

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

[jblankenship@kpb.us](mailto:jblankenship@kpb.us)

[micheleturner@kpb.us](mailto:micheleturner@kpb.us)

[sness@kpb.us](mailto:sness@kpb.us)

[MJenkins@kpb.us](mailto:MJenkins@kpb.us)

<b>License Number:</b>	15393
<b>License Type:</b>	Retail Marijuana Store
<b>Licensee:</b>	Majestic Gardens Ilc
<b>Doing Business As:</b>	MAJESTIC GARDENS LLC
<b>Physical Address:</b>	12656 Kenai Spur Hwy Kenai, AK 99611
<b>Designated Licensee:</b>	Deniece M Isaacs
<b>Phone Number:</b>	907-398-3267
<b>Email Address:</b>	magicalgardens@alaska.net

☒ **License Renewal Application**

☐ **Endorsement Renewal Application**

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

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

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



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

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Glen Klinkhart', with a stylized flourish at the end.

Glen Klinkhart, Interim Director



Alaska Marijuana Control Board

## Form MJ-20: Renewal Application Certifications

### What is this form?

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

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

### Section 1 – Establishment Information

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

Licensee:	Majestic Gardens llc	License Number:	15393		
License Type:	Retail marijuana store				
Doing Business As:	Majestic Gardens llc				
Premises Address:	12656 Kenai Spur				
City:	Kenai	State:	Alaska	ZIP:	99611

### Section 2 – Individual Information

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

Name:	Deniece M Isaacs
Title:	Owner member

### Section 3 – Violations & Charges

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

Initials

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

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

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

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

Initials

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



**Form MJ-20: Renewal Application Certifications****Section 4 – Certifications**

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

Initials

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

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

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

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

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

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

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

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

Signature of licensee

Notary Public in and for the State of Alaska

**Deniece M Isaacs**

Printed name of licensee

My commission expires: 12/15/2022

Subscribed and sworn to before me this 22 day of June, 2020.







Alaska Marijuana Control Board

## Form MJ-20: Renewal Application Certifications

### What is this form?

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

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

### Section 1 – Establishment Information

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

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

### Section 2 – Individual Information

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

Name:	Ronald D Isaacs
Title:	Owner member

### Section 3 – Violations & Charges

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

Initials

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

RI
----

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

RI
----

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

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

Initials

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

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**Form MJ-20: Renewal Application Certifications****Section 4 – Certifications**

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

Initials

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

RI

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

RI

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

RI

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

RI

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

RI

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

RI

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

RI

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

*Ronald Isaacs*

Signature of licensee

*Cassandra Johnson*

Notary Public in and for the State of Alaska

**Ronald D Isaacs**

Printed name of licensee

My commission expires: 12/15/2022Subscribed and sworn to before me this 22 day of June, 2020.



Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3163-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTIONS 23.30.030 – PROBATIONARY PERIOD FOR EMPLOYEES IN THE CLASSIFIED SERVICE, TO REMOVE THE SIX-MONTH WAITING PERIOD FOR NEW EMPLOYEES TO UTILIZE ANNUAL LEAVE AND 23.40.060 – LEAVE OF ABSENCE WITH PAY, TO ALLOW FOR TRANSITION LEAVE FOR NEW POLICE OFFICERS UPON COMPLETION OF A PUBLIC SAFETY ACADEMY.

WHEREAS, Police Officers are the only city employees that may be required to attend a 16 week academy prior to assuming full job duties; and,

WHEREAS, amendments to KMC 23.30.030 and 23.40.060 are necessary to address leave for police officers that may be required to assist them in transitioning to full duty requirements following academy attendance; and,

WHEREAS, KMC 23.30.030 prevents new employees from using their personal accrued annual leave within the first six months of employment, except in the case of sickness; and,

WHEREAS, to address this issue, the Human Resources Director worked with the Police Chief to recommend amendments to the Personnel Code which would allow officers to use personal accrued annual leave and grant additional leave to officers to transition to duty responsibilities after completion of a full public safety academy; and,

WHEREAS, an amendment to KMC 23.30.030, would allow new employees to use their personal accrued annual leave within the first six months of employment and would address a number of issues new employees encounter such as attending major life events that obligate employees away from work such as weddings or graduations, and funerals not covered under bereavement leave; and,

WHEREAS, proposed amendments to KMC 23.40.060 allows for police officers who have completed an academy to receive 40 hours of leave to help with the transition to regular duties; and,

WHEREAS, amendments to KMC 23.30.030 and KMC 23.40.060, addressing leave, will not require an increase to the adopted FY2021 Budget; and,

WHEREAS, amendments to the Kenai Municipal Code to remove the six-month waiting period for new employees before using accrued annual leave and add a new section of Code to provide for transition leave for new police officers upon completion of a public safety academy is in the best interests of the City of Kenai.

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

**Section 1.** Amendment of Section 23.30.030 of the Kenai Municipal Code: That Kenai Municipal Code, Section 23.30.030 – Probationary period for employees in the classified service, is amended as follows:

**23.30.030 Probationary period for employees in the classified service.**

(a) All original appointments for employees in the classified service including those that result from transfers shall be tentative and subject to a probationary period of not less than six (6) months consecutive service, except for Police, Fire, and Communications, which shall be normally twelve (12) months, subject to meeting criteria for certification which may be accomplished following six (6) months of service and except for seasonal employees whose probationary period is established by the term of the first season of employment. Promotional appointment probationary period shall, for all employees in the classified service, be not less than six (6) months.

(b) In cases where the responsibilities of a position in the classified service are such that a longer period is necessary to demonstrate an employee's qualifications, the probationary period may be extended; however, no probationary period shall be extended beyond twelve (12) months, or eighteen (18) months for Police, Fire, and Communications, or one (1) additional season for seasonal employees. The employee shall be notified in writing of any extension and the reasons therefor.

(c) [DURING THE FIRST SIX (6) MONTHS OF ORIGINAL PROBATIONARY PERIOD, A NEW EMPLOYEE (INCLUDING POLICE, FIRE, AND COMMUNICATIONS) SHALL NOT BE ELIGIBLE FOR ANNUAL LEAVE BENEFITS, BUT HE OR SHE SHALL EARN ANNUAL LEAVE CREDIT FROM THE FIRST DAY OF EMPLOYMENT AND MAY TAKE LEAVE FOR SICKNESS DURING THAT PERIOD TO THE MAXIMUM OF THE AMOUNT OF LEAVE ACCRUED.]

[(D)] Upon completion of the probationary period, employees in the classified service shall be considered as having satisfactorily demonstrated qualifications for the position, shall gain regular status, one (1) step in pay raise, and shall be so informed through his or her supervisor. The employee's anniversary date shall be the first of the month in which the employee's original probation ends. Employees who have gained regular status at the effective date of the ordinance codified in this section shall have their anniversary dates changed to the first of the month in which the employee's present anniversary date falls.

[(E)] (d) During the probationary period, a new employee hired in the classified service may be terminated at any time without advance notice, without cause, and without appeal.

[(F)] (e) In the case of promotional appointments, the promoted employee may be demoted at any time during the probationary period without appeal; provided, that the probationary employee be reinstated in the class designation from which he or she was promoted, even though this necessitates the layoff of the employee occupying the position.

**Section 2.** Amendment of Section 23.40.060 of the Kenai Municipal Code: That Kenai Municipal Code, Section 23.40.060 – Leave of absence with pay, is amended as follows:

**23.40.060 Leave of absence with pay.**

(a) Employees may request leave of absence with pay for:

(1) *Witness or Jury Duty.* When a City employee is called for jury duty or is subpoenaed as a witness, he or she shall not suffer any loss of his or her regular City compensation during such absence; however, he or she shall be required to transfer any compensation he or she receives for the performance of such duty to the City. Time not worked because of such duty shall not affect annual leave accrual.

(2) *Military Leave.* Employees shall be eligible for military leave or associated benefits in compliance with State and Federal law.

(3) *Conferences, Conventions and Other Related City Business.* Decisions concerning attendance at conferences, conventions, or other functions pertaining to City business at City expense shall be made by the department heads with the approval of the City Manager. Permission shall be granted on the basis of an employee's participation in or the direct relationship of the function to the City. Members of professional societies may be permitted to attend meetings of their society when such attendance is considered to be in the best interest of the City.

(4) *Death in the Immediate Family.* Leave of absence with pay is provided to assist an employee who must be absent from work as a result of a death in the immediate family. The employee's absence would be for funeral attendance, or to handle matters arising due to the death of an immediate family member, that cannot practicably be taken care of outside of regular business hours. Upon the City Manager's approval, employees shall be entitled to the following leave, which will not directly affect their personal leave account: three (3) working days, up to twenty-four (24) hours maximum.

(5) *Transition Leave for New Police Officers Following a full Public Safety Academy.* Newly hired police officers who successfully complete a full public safety academy in Alaska are eligible for forty (40) hours leave of absence with pay, which will not directly affect their personal leave account. The employee's absence from work is intended for the transition to work following the employee's completion of a full public safety academy.

**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 21st day of October, 2020.

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BRIAN GABRIEL SR., MAYOR



Ordinance No. 3163-2020

Page 4 of 4

ATTEST:

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Jamie Heinz, CMC, City Clerk

Introduced: October 7, 2020

Enacted: October 21, 2020

Effective: November 20, 2020



# 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:** Paul Ostrander, City Manager

**FROM:** Stormy Brown, Human Resource Director  
David Ross, Police Chief

**DATE:** September 23, 2020

**SUBJECT:** **Ordinance No. 3163-2020 – Probationary Period for Employees in the Classified Service and Leave of Absence with Pay for New Police Officers**

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The changes requested in this ordinance are intended to address two areas of Kenai Municipal Code which focus on new employees – annual leave availability for new employees in the classified service and adding a new type of leave for new Police Officers after they complete the Public Safety Academy and come into service for Kenai.

Currently, KMC 23.30.030 prevents new employees from using their personal accrued annual leave within the first six months of employment, except in the case of sickness. This ordinance would amend that section to allow all employees the use of the personal leave which they accrued from the beginning of employment. This change will help address a number of issues that have come to light with new employees in recent years including but not limited to: 1. Vacations planned prior to hire, 2. Major life events like weddings or funerals not covered under bereavement leave, 3. Moving to Kenai or finishing the moving process after employment. This change is anticipated to benefit recruitment and make a positive early impression with new employees of the City and improve competitiveness with other employers in the area that do not require an employee to wait six months to utilize personal leave

This ordinance also amends KMC 23.40.060 to provide a new type of leave for new police officers that have completed the full public safety academy (currently 16 weeks in Sitka), the equivalent of one week of additional leave upon completion of that academy. Newly recruited police officers are asked to leave their family and their home for three and a half months, working seven days per week in Sitka to complete a required police academy. This ordinance would give them 40 hours of annual leave called transition leave upon completion of that academy. Providing leave will resolve a common leave issue experienced by new officers. For example, if a new employee is hired from out of the area, it is common that they would leave their family where they are currently living until such a time as they complete the academy. Currently, upon completion of the academy, the new officer will often return to field training at the Kenai Police Department

without reasonable time to get their family settled or moved to our area. The rush to get our new employee started following the academy attendance often causes additional stress for the officer and the family at a time when we want them to have a positive transition to a career protecting the Kenai community. We believe one week is a reasonable amount of leave to provide for the employee after a long and often stressful training academy, prior to more months of on the job training at the police department. The addition of this transitional leave also makes us competitive with other agencies in the state. This change is anticipated to help with the recruitment and retention of employees and to make a positive early impression with employees as they transition into their new job.

Thank you for your consideration.





Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3164-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM MARATHON PETROLEUM FOUNDATION TO PURCHASE FIREFIGHTING TOOLS.

WHEREAS, the City of Kenai Fire Department (KFD) applied for a \$5,000 grant through the Marathon Petroleum Foundation to purchase a portable ground monitor; and,

WHEREAS, KFD was successful in receiving the grant for \$5,000.00 to purchase a portable ground monitor to be placed on KFD apparatus; and,

WHEREAS, it is in the best interest of the City to accept grant funding to purchase equipment.

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

**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$5,000.00 from Marathon Petroleum Foundation for the purchase of firefighting tools, execute the necessary grant agreement, and expend the funds in accordance with grant provisions and this ordinance.

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

General Fund:

Increase Estimated Revenues –	
–Miscellaneous Grants	<u>\$5,000.00</u>

Increase Appropriations –	
Fire – Small Tools/Minor Equipment	<u>\$5,000.00</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 21<sup>st</sup> day of October, 2020.

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BRIAN GABRIEL SR., MAYOR

ATTEST:

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Jamie Heinz, City Clerk

Approved by Finance:



Introduced: October 7, 2020  
Enacted: October 21, 2020  
Effective: October 21, 2020



# 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:** Paul Ostrander, City Manager

**FROM:** Tony Prior, Fire Chief

**DATE:** September 24, 2020

**SUBJECT:** Ordinance 3164-2020 Marathon Petroleum Foundation Grant

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I was approached by the Fire Chief of Marathon Petroleum to apply for a grant program they have, which is available to the City. In the event of a fire at Marathon's Nikiski facility, we would most likely provide auto-aid to the Nikiski Fire Department to respond and assist with firefighting efforts as we have in the past.

We have established a working relationship with Marathon's Fire Brigade, and we conduct joint training annually with their group that is mutually beneficial. As part of that training, one technique is moving "Big Water," which involves moving portable ground monitors capable of flowing 500 gallons per minute. The piece of equipment we are requesting funding for is a portable ground monitor.

This particular monitor will be placed on our newest engine that is capable of flowing higher gallons per minute than any of our other fire engines. If called to the Marathon facility in Nikiski, a high-flow apparatus and monitor would be ideal for the high fire potential of that facility. Once we receive this monitor, we will schedule and conduct training with the Nikiski Fire Department and Marathon's Fire Brigade to test our equipment's capabilities and develop pre-fire plans for that facility. This type of training also fulfills the requirement by the Insurance Service Office (ISO) to conduct joint training with auto aid/mutual aid agencies.

Your consideration of accepting this grant is greatly appreciated.

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
SEPTEMBER 23, 2020 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

Commission Chair Twait called the meeting to order at 7:00 p.m.

**1. Pledge of Allegiance**

Commission Chair Twait led those assembled in the Pledge of the Allegiance.

**2. Roll Call**

Commissioners present: J. Twait, D. Fikes, J. Halstead, G. Greenberg

Commissioners absent: T. McIntyre, R. Springer, V. Askin

Staff/Council Liaison present: City Manager P. Ostrander, Planning Assistant W. Anderson, Deputy City Clerk J. LaPlante, Animal Control Officer J. Hendrickson, Council Liaison H. Knackstedt

A quorum was present.

**3. Agenda Approval**

Chair Twait noted the following revisions to the packet:

Add to item F.1.

**Resolution No. PZ2020-30**

- Memorandum to Commission
- Revised Staff Report and Resolution to Add an Additional Condition of Approval
- Pictures of Shetland Sheep Dog (Sheltie)
- Informational Sheet for Shetland Sheep Dog

**MOTION:**

Commissioner Halstead **MOVED** to approve the agenda with the requested additions and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED.**

**4. Consent Agenda**

**MOTION:**

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Greenberg

**SECONDED** the motion. There were no objections; **SO ORDERED**.

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

5. \*Excused absences – T. McIntyre, R. Springer, V. Askin

**B. APPROVAL OF MINUTES**

1. \*September 9, 2020

The minutes were approved by the Consent Agenda.

**C. SCHEDULED PUBLIC COMMENT** – None.

**D. UNSCHEDULED PUBLIC COMMENT** – None.

**E. CONSIDERATION OF PLATS** – None.

**F. PUBLIC HEARINGS**

1. **Resolution PZ2020-30** – Application for a Conditional Use Permit for the breeding and sale of dogs, for the property described as Lot 1, Block 7, North 90 feet thereof, Mommsens Subdivision Replat Additions No. 1 and 2, located at 1115 First Street, Kenai, Alaska 99611. The application was submitted by Robert H. and Donna L. Myers, 1115 First Street, Kenai, Alaska 99611

**MOTION:**

Commissioner Greenberg **MOVED** to approve Resolution No. PZ2020-30 and Commissioner Halstead **SECONDED** the motion.

The staff report was reviewed as provided in the laydown. The memorandum in the laydown was referenced, specifically noting it was the intent of the applicant to only have one litter of puppies a year and the Kenai Animal Control agreed it was a reasonable condition.

Chair Twait opened the floor for public testimony.

The applicants, Robert and Donna Meyers introduced themselves noting the business would be small in scale and a financial opportunity for their teenage daughter, assuring that the dogs were a well-cared for part of the family, living indoors with them, and well socialized. They described the temperament and herding behavior of that type of dog and added that their dogs were current on vaccines, and medically healthy.

It was clarified that puppy vaccinations would be done by a veterinarian's office and it was the intent to re-home the puppies before the age of 3 months.



Noise concerns, training, and the market of demand for the puppies were also addressed.

The Kenai Animal Control provided information on the current kennel certification and inspection process per Kenai Code, and clarified that this was the only commercial kennel permit in the City of Kenai, noting all of the others were private kennel permits.

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

Concern was expressed regarding the letter in the packet from a nearby neighbor. The Animal Control Officer noted the protocols in place and action steps with any form of complaint, adding the permit compliance requirements.

**VOTE:**

YEA: Twait, Fikes, Halstead, Greenberg  
NAY:

**MOTION PASSED UNANIMOUSLY.**

Chair Twait noted the 15-day appeal period.

**G. UNFINISHED BUSINESS** – None.

**H. NEW BUSINESS** – None.

**I. PENDING ITEMS** – None.

**J. REPORTS**

1. **City Council** – Council Member Knackstedt reported on the actions from the September 16 City Council meeting, and noted protocols put in place in Council Chambers as guided by CDC to safely allow all Commission members to meet in-person.
2. **Borough Planning** – Commissioner Fikes reported on the actions of the Borough Planning Commission meeting of September 14. The next meeting is scheduled for September 28.
3. **Administration** – City Manager reported on the following:
  - Bluff erosion project update – the Preconstruction Engineering Design (PED) was signed, fully executed;
  - Land Management Plan is passed the draft stage, being reviewed internally, hopefully will go before the Planning & Zoning Commission and Council this year;
  - Provided an update on the new Ravn airlines – new date to start scheduled for October 9; intending to operate 7 days a week.

**K. ADDITIONAL PUBLIC COMMENT** – None.

**L. INFORMATIONAL ITEMS** – None.

**M. NEXT MEETING ATTENDANCE NOTIFICATION** – October 14, 2020

**N. COMMISSION COMMENTS & QUESTIONS** – None.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:58 p.m.

Minutes prepared and submitted by:

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Jacquelyn LaPlante  
Deputy City Clerk

**PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW**  
**COUNCIL MEETING OF: OCTOBER 7, 2020**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPT.</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
ZONES	VMWARE RENEWAL	NON-DEPARTMENTAL	SOFTWARE	3,086.95
ARCTIC ELEVATOR	ELEVATOR MAINT/INSPECTION	VARIOUS	REPAIR & MAINTENANCE	7,760.00
DOORS & WINDOWS	DOOR REPLACEMENT AT FAA	BUILDINGS	REPAIR & MAINTENANCE	3,057.50
HACH COMPANY	INFLUENT SAMPLER	WWTP	MACHINERY & EQUIPMENT	5,453.26
ALASKA LIBRARY NETWORK	ANNUAL ILS FEE	LIBRARY	REPAIR & MAINTENANCE	4,851.00
MOTOROLA	SPILLMAN ANNUAL MAINTENANCE	COMMUNICATIONS	REPAIR & MAINTENANCE	10,178.84
MARVIN FREDRICKSON	SOFTWARE CUSTOM DEVELOPMENT	ADMIN, COMPLIANCE	PROFESSIONAL SERVICES	5,000.00
LEGACY ELECTRIC	FY21 LINE LOCATES/REPAIRS	STREET LIGHTS	REPAIR & MAINTENANCE	14,000.00
CDWG	IPADS	ADMIN, COMPLIANCE	SMALL TOOLS	5,068.70
B&H PHOTO-VIDEO	DIGITAL SIGNAGE	ADMIN, COMPLIANCE	SMALL TOOLS	14,501.10
ASPEN REFRIGERATION	R-22	RECREATION	OPERATING SUPPLIES	4,486.80
WEST COAST PAPER	MEAL TRAYS	TITLE III	OPERATING SUPPLIES	5,250.00
INDUSTRIAL SOFTWARE SOLUTIONS	WONDERWARE RENEWAL	WATER, SEWER, WWTP	SOFTWARE	7,914.00