



Kenai City Council - Regular Meeting

May 01, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

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

1. 2024 March for Meals Event, Velda Geller, Kenai Senior Connections.

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

E. PUBLIC HEARINGS

1. **Ordinance No. 3409-2024** - Increasing Estimated Revenues and Appropriations in the General Fund - Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association for the Purchase of a Ballistic Vest. (Administration)
2. **Ordinance No. 3410-2024** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
3. **Ordinance No. 3411-2024** - Amending Kenai Municipal Code 13.10.015 - Minor Offense Fine Schedule, to Increase the Paid Parking Fine and Make Housekeeping Changes. (Administration)

F. MINUTES

1. *Special Meeting of April 17, 2024. (City Clerk)
2. *Regular Meeting of April 17, 2024. (City Clerk)
3. *Special Meeting of April 18, 2024. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Renewal of a Package Store Liquor License for Country Liquor LLC., DBA: Country Liquor. - License No. 1308. (City Clerk)
3. ***Action/Approval** - Confirmation of Mayoral Nomination for Appointment to the Airport Commission. (Gabriel)
4. ***Ordinance No. 3412-2024** - Accepting and Appropriating Grant Funds from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
5. ***Ordinance No. 3413-2024** - Increasing Estimated Revenues and Appropriations in the General Fund - Police Department and Accepting a Grant from the US Department of Transportation Passed through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures. (Administration)
6. ***Ordinance No. 3414-2024** - Repealing Kenai Municipal Code Sections 13.10.010(a)(2) - Miscellaneous Offenses, 13.10.020 - Loitering and Sleeping on the Streets, Schools, and 13.10.030 - Curfew, to Remove Certain City Prohibitions Regarding Begging, Loitering and Sleeping, and Curfews in the City that are Not Enforceable as Specifically Written in Code. (Administration)
7. **Ordinance No. 3415-2024** - Authorizing a Donation of Surplus Sand from the Kenai Municipal Airport to the Triumvirate Theatre for the Construction of a New Theatre. (Administration)
8. **Ordinance No. 3416-2024** - Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks and Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning And Zoning Commission - Qualifications and Membership, and Approving Amendments to The Council on Aging Commission's By-Laws to Organize Streamline, and Improve the Efficiency of the City's Standing Commissions. (City Clerk)
9. **Ordinance No. 3417-2024** - Increasing Estimated Revenues and Appropriations by \$12,600 in the General Fund for the Purchase of Approximately 7.8 Acres of Real Property Described as Tract B, Kenai Bluff Stabilization Subdivision from David W. Salter to be Retained by the City for a Public Purpose and Determining that the Public Interest will not be Served by an Appraisal. (Administration)

I. COMMISSION / COMMITTEE REPORTS

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

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

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

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

1. CIRCAC Director's Report

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

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

<https://us02web.zoom.us/meeting/register/tZwud-urqD4tGNI6iDwCJtZZ2K1vf7NC3dEJ>



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3409-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND – POLICE DEPARTMENT AND ACCEPTING GRANTS FROM THE UNITED STATES DEPARTMENT OF JUSTICE AND ALASKA MUNICIPAL LEAGUE JOINT INSURANCE ASSOCIATION FOR THE PURCHASE OF A BALLISTIC VEST.

WHEREAS, the Kenai Police Department participates in a Ballistic Vest Partnership grant program through the Department of Justice, which covers 50% of the cost of ballistic vests purchased for officers; and,

WHEREAS, the City’s current insurance company, Alaska Municipal League Joint Insurance (AMLJIA), also has a ballistic vest reimbursement program, which covers 50% of the cost of ballistic vests purchased for officers; and,

WHEREAS, one ballistic vest was recently purchased for \$1,304 and the two programs together will cover 100% of the cost of that ballistic vest.

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

Section 1. That the City Manager is authorized to accept and expend United States Department of Justice and AMLJIA grant funds in the amount of \$1,304 for the purchase of a ballistic vest.

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

General Fund:

Increase Estimated Revenues -	
Federal Grants – Police	\$ 652
Miscellaneous Grants	<u>652</u>
	<u>\$1,304</u>
 Increase Expenditures –	
Police – Small Tools	<u>\$1,304</u>

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1st DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance:  _____

Introduced: April 17, 2023
Enacted: May 1, 2023
Effective: May 1, 2023



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: David Ross, Police Chief
DATE: April 2, 2024
SUBJECT: **Ordinance Accepting Grant Funds for Ballistic Vests**

The Police Department participates in the United States Department of Justice' Ballistic Vest Partnership (BVP), which provides grant funds for half the cost of officer ballistic vests. The City's insurance carrier, AMLJIA, also has a grant program by which they cover half the cost of ballistic vests purchased for officers.

The Police Department recently purchased one ballistic vest for an officer, at a cost of \$1,304 and anticipates that cost to be covered 100% by the two programs.

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



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3410-2024**

AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT RECEIVED THROUGH MADDIE’S FUND TO THE KENAI ANIMAL SHELTER FOR THE CARE OF ANIMALS.

WHEREAS, the Kenai Animal Shelter applied for a grant through Maddie’s Fund and received an award of \$5,000; and,

WHEREAS, Maddie’s Fund is a family foundation that provides grants to animal shelter organizations for ‘increased community collaborations and live outcomes’; and,

WHEREAS, the animal control chief has identified the need for security system upgrades at the shelter in addition to other equipment needs to be purchased with these grant funds; and,

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

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

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

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

General Fund:

Increase Estimated Revenues –	
Other Grants	<u>\$5,000</u>

Increase Appropriations –	
Animal Control – Small Tools	<u>\$5,000</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1ST DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

Ordinance No. 3410-2024
Page 2 of 2

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____



Introduced:
Enacted:
Effective:

April 17, 2024
May 1, 2024
May 1, 2024



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Terry Eubanks, City Manager
FROM: David Ross – Police Chief
DATE: April 5, 2024
SUBJECT: **Maddie’s Fund Grant to the Kenai Animal Shelter**

The Kenai Animal Shelter received an operating support grant from [Maddie's Fund®](#). The shelter received \$5,000.00 made possible by a grant from Maddie’s Fund #ThanksToMaddie, a national family foundation established by Dave and Cheryl Duffield to revolutionize the status and well-being of companion animals.

Thanks to Maddie’s Fund, this grant will be used to update the existing security system to ensure it operates in an efficient manner to safeguard the animals in our care. The grant funds will also be used to purchase a new dishwasher and other items needed for the operations of the Kenai Animal Shelter as identified by the Animal Control Chief.

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

About Maddie’s Fund:

[Maddie's Fund®](#) is a family foundation established in 1994 by Dave and Cheryl Duffield and is the fulfillment of a [promise](#) to an inspirational dog, Maddie. She provided them much joy for over ten years and continues to inspire them today.

The Foundation has awarded over \$275.7 million in grants toward increased community lifesaving, pioneering shelter medicine education and establishing foster care as a standard across the U.S.

Maddie’s Fund proudly offers the industry a national voice, important funding opportunities for bold ideas, learning resources and access to collaborate and share innovative solutions. The Foundation invests its resources in a commitment to keeping pets and people together, creating a safety net of care for animals in need and operating within a culture of inclusiveness and humility. #ThanksToMaddie.



Maddie’s Fund

#ThanksToMaddie



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3411-2024**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE 13.10.015 – MINOR OFFENSE FINE SCHEDULE, TO INCREASE THE PAID PARKING FINE AND MAKE HOUSEKEEPING CHANGES.

WHEREAS, Kenai Municipal Code 13.10.015 provides a fine schedule for certain violations of City Code; and,

WHEREAS, the fine for paid parking violations, off the airport, is provided for in Section 50 of the fine schedule and is currently set at \$50.00; and,

WHEREAS, the only City parking requiring payment off the airport is currently for the dipnet fishery; and,

WHEREAS, the fees for using the Personal Use Fishery parking areas in 2023 were \$22.05 for day use parking and ranged from \$49.61 to 60.64 for overnight parking; and,

WHEREAS, having a fine amount potentially less than a parking permit makes it more economical for users of the Personal Use Fishery parking area to not purchase a parking permit and chance receiving a paid parking fine; and,

WHEREAS, raising the paid parking fine from \$50 to \$100 is intended to encourage parking permit compliance.

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

Section 1. Amendment of Section 13.10.015 of Kenai Municipal Code: That Kenai Municipal Code, Section 13.10.015 – Minor Offence Schedule, subsections for Parking, Abandoned/Junk Vehicles/Littering, and Offenses Against Property is hereby amended as follows:

13.10.015 Minor ~~[O]~~Offense ~~[F]~~Fine ~~[S]~~Schedule.

In accordance with AS [29.25.070\(a\)](#), citations for the following offenses may be disposed of as provided in AS [12.25.195](#) through [12.25.230](#), without a court appearance, upon payment of the fine amounts listed below or on the State of Alaska Uniform Minor Offense Tables for AS [28](#) and AAC Title [13](#) offenses plus the state surcharge required by AS [12.55.039](#) and [29.25.074](#). Fines must be paid to the City of Kenai. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one (1) of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense. If an offense is not listed on this fine schedule or another fine schedule the defendant must appear in court to answer to the charges.

The fine amounts are doubled for motor vehicle or traffic offenses committed in a highway work zone, as those terms are defined in AS [28.90.990](#) and [13 AAC 40.010\(b\)](#).

An offense may not be disposed of without a court appearance if the offense is in connection with a motor vehicle accident that results in a death of a person.

Minor Offense Fine Schedule

	CITE	RULE/OFFENSE	FINE	
		PARKING		
48	KMC 13.10.060	Camping on private property.	50.00	
49	KMC 13.30.030	Street parking prohibitions.	50.00	
50	KMC 13.30.035	Paid parking.	[50.00] <u>100.00</u>	
[51]				
[52] <u>51</u>	KMC 18.35.010	Overnight camping.	50.00	
[53] <u>52</u>	AR 6.05.010 – 6.05.030	Parking at airport. (1st offense)	25.00	
[54] <u>53</u>	AR 6.05.010 – 6.05.030	Parking at airport. (2nd offense)	50.00	
		ABANDONED/JUNK VEHICLES/LITTERING		
[55] <u>54</u>	KMC 12.20.010	Deposit of refuse (littering).	500.00	
[56] <u>55</u>	KMC 12.20.010	No fish, fish carcasses, fish parts or offal may be deposited in dumpsters or receptacles unless marked specifically to allow for fish or fish parts.	150.00	
[57] <u>56</u>	KMC 12.25.020	Abandonment of vehicle.	100.00	
[58] <u>57</u>	KMC 12.25.030	Junk vehicle.	100.00	
		OFFENSES AGAINST PROPERTY		
[59] <u>58</u>	KMC 13.20.030	Protection of North and South Shore—No physical damage.	150.00	

	CITE	RULE/OFFENSE	FINE	
[60] <u>59</u>	KMC 13.20.030	Protection of North and South Shore— Physical damage.	500.00	
[61] <u>60</u>	KMC 13.20.035	Burning of pallets and other wood materials containing metal fasteners.	50.00	

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1ST DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: April 17, 2024
Enacted: May 1, 2024
Effective: May 31, 2024



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Dave Ross, Police Chief
DATE: April 2, 2024
SUBJECT: **Fine Increase for Paid Parking Violations**

This memo supports an increase to the fine for violations of paid parking requirements (excluding airport parking). Kenai Municipal Code 13.30.035 authorizes the City to charge for parking. Violations of paid parking are provided in the Minor Offense table codified in KMC 13.10.015. The current fine is \$50 for violating City Paid Parking requirements. Airport parking fines are listed separately in Code, and the only other parking requiring payment by the City is associated with the Dipnet Fishery.

In 2023 the “Day Use Parking” fee was \$22.05 and the Overnight Parking fees ranged from \$49.61 to \$60.64.

This Ordinance would increase in the fine from \$50 to \$100. Dipnet parking fees have risen over the years. The penalty for not paying the parking fee should also rise in a manner that the fine for violating the parking rules is greater than the fee for complying with the paid parking rules.

Thank you for your consideration.

**KENAI CITY COUNCIL – SPECIAL MEETING
APRIL 17, 2024 – 4:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Special Meeting of the Kenai City Council was held on April 17, 2024, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 4:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor
Phil Daniel
Alex Douthit
James Baisden

Henry Knackstedt, Vice Mayor
Deborah Sounart
Victoria Askin

A quorum was present.

Also in attendance were:

Scott Bloom, City Attorney
Shellie Saner, City Clerk

3. Agenda Approval

MOTION:

Vice Mayor Knackstedt **MOVED** to approve the agenda. Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

B. PUBLIC COMMENTS - None.

C. EXECUTIVE SESSION

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

MOTION:

Vice Mayor Knackstedt **MOVED** to enter into executive session to review and discuss the annual evaluation of the City Attorney and City Clerk which may be a subject that tends to prejudice the reputation and character of the City Attorney and City Clerk. [AS 44.62.310(C)(2)]. Mr. Bloom and Ms. Saner have elected to have the discussion regarding their evaluations take place in executive session. The executive session will include Mayor Gabriel and City Council Members; City Attorney Bloom will be included if the Council requests his presence; and City Clerk Saner will be included if the Council requests her presence.

Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

[Clerk's Note: Council Member Douthit arrived at 4:09 p.m.]

MOTION:

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

VOTE:

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

NAY: None

MOTION PASSED.

[Clerk's Note: The Council entered into executive session at 4:03 p.m. and reconvened into regular session at 5:16 p.m.]

D. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 5:17 p.m.

I certify the above represents accurate minutes of the Kenai City Council Special meeting of April 17, 2024.

Michelle M. Saner, MMC
City Clerk

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

**KENAI CITY COUNCIL – REGULAR MEETING
APRIL 17, 2024 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on April 17, 2024, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor
Phil Daniel
Alex Douthit
James Baisden

Henry Knackstedt, Vice Mayor
Deborah Sounart
Victoria Askin

A quorum was present.

Also in attendance were:

Terry Eubank, City Manager
Scott Bloom, City Attorney
David Swarner, Finance Director
Scott Curtin, Public Works Director
Kathy Romain, Senior Services Director
Derek Ables, Airport Manager
Dave Ross, Police Chief
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions and to the Packet:

Add to item H. 3.

- Action/Approval** - Special Use Permit to Jeremy Mastre,
DBA: River Rock Outdoors
- Amendment Memo
 - Substitute Special Use Permit

MOTION:

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

The following agenda item was removed from the consent agenda to be heard at its schedule place on the agenda:

- H. 3. Action/Approval** - Special Use Permit to Jeremy Mastre, DBA: River Rock Outdoors, LLC for Commercial Operations at the Kenai Municipal Airport Float Plane Basin. (Administration)

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

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

UNANIMOUS CONSENT was requested.

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS - None.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center reported that the new 2024 Visitor Guide was out; there was a new walking tour map; vacant positions were filled; there are a lot of activities going on and volunteers were very needed.

E. PUBLIC HEARINGS

- 1. Ordinance No. 3407-2024** - Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3407-2024. Council Member Askin **SECONDED** the motion.

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

VOTE:

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

NAY: None

MOTION PASSED.

- 2. Ordinance No. 3408-2024** - Accepting and Appropriating a State of Alaska Code Blue Fiscal Year 2025 Grant Passed through the Southern Region EMS Council, Inc. to Purchase Two Video Laryngoscopes. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3408-2024. Council Member Sounart **SECONDED** the motion.

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

It was reported that a laryngoscope is a tool that allows paramedics to see during intubation procedures.

VOTE:

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

NAY: None

MOTION PASSED.

3. **Resolution No. 2024-14** - Authorizing a Contract Award and Corresponding Purchase Order for Professional Architectural and Engineering Services for the Water Treatment Plant Pumphouse Project. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-14. Council Member Askin **SECONDED** the motion.

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

It was reported this would allow award of the project; and this was the project that was approved for funding through the State of Alaska, Department of Environmental Conservation, Division of Water, loan with 100 percent forgiveness.

UNANIMOUS CONSENT was requested.

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

4. **Resolution No. 2024-15** - Approving Amendments to the Agreement for Contract Services for Vintage Pointe Manor Congregate Housing. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-15. Council Member Sounart **SECONDED** the motion.

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

Appreciation was stated for the services provided by Mr. Sadler.

UNANIMOUS CONSENT was requested.

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

F. MINUTES

1. *Regular Meeting of April 3, 2024. (City Clerk)

G. UNFINISHED BUSINESS - None.

H. NEW BUSINESS

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

Approved by the consent agenda.

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

Approved by the consent agenda.

3. **Action/Approval** - Special Use Permit to Jeremy Mastre, DBA: River Rock Outdoors, LLC for Commercial Operations at the Kenai Municipal Airport Float Plane Basin. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to approve the Special Use Permit. Council Member Askin **SECONDED** the motion.

MOTION TO AMEND BY SUBSTITUTE:

Vice Mayor Knackstedt **MOVED** to amend the Special Use Permit, by Substitute Special Use Permit. Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend by substitute.

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

It was reported this item was removed from the consent agenda to address amendments that were included in the substitute as proposed by the Airport Commission.

UNANIMOUS CONSENT was requested on the main motion as amended by substitute.

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

4. ***Ordinance No. 3409-2023** - Increasing Estimated Revenues and Appropriations in the General Fund - Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association for the Purchase of a Ballistic Vest. (Administration)

Introduced by the consent agenda and Public Hearing set for May 1, 2024.

5. ***Ordinance No. 3410-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)

Introduced by the consent agenda and Public Hearing set for May 1, 2024.

6. ***Ordinance No. 3411-2023** - Amending Kenai Municipal Code 13.10.015 - Minor Offense Fine Schedule, to Increase the Paid Parking Fine and Make Housekeeping Changes. (Administration)

Introduced by the consent agenda and Public Hearing set for May 1, 2024.

7. **Action/Approval** - Authorizing a Letter of Support for House Bill 173 to Raise the Threshold for Municipal Contracts Qualifying for Little Davis Bacon Act. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to authorize the letter of support. Council Member Baisden **SECONDED** the motion.

There was discussion regarding this change could potentially encourage more contractors to bid on city projects; some contractors currently do not bid due to the administrative burden of the Little Davis Bacon Act; the affect on contracts would depend on the nature of work and funding sources; and Council provided general direction to include a paragraph in the letter stating that the Council unanimously supported issuing the letter.

UNANIMOUS CONSENT was requested on the motion.

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

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

Council Member Askin reported on the April 11, 2024 meeting, next meeting May 9, 2024.

2. Airport Commission

Vice Mayor Knackstedt reported on the April 11, 2024 meeting, next meeting May 9, 2024.

3. Harbor Commission

No report, next meeting May 6, 2024

4. Parks and Recreation Commission

Council Member Knackstedt reported on the April 4, 2024 meeting, next meeting May 2, 2024.

5. Planning and Zoning Commission

No report, next meeting April 24, 2024.

6. Beautification Committee

Council Member Daniel reported on the April 9, 2024, meeting, next meeting May 14, 2024

J. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Updates from the Boys & Girls Club of the Kenai Peninsula on the campus buildout.
- The State of the City presentation with City Manger Eubank.

K. ADMINISTRATION REPORTS

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

- The State of the City presentation with Mayor Gabriel
- The Senate Budget included funding for City projects, working with Representative Ruffridge to keep the funding in the House Budget.
- The State budget also included funding for the Bridge Access pathway.
- April 14 - 20, is national Public Safety Week and National Animal Control Officer Week.
- The Draft City budget should be going out by the end of the week.
- Store Front application period opens on May 17.

2. City Attorney - No report.

3. City Clerk - No report.

L. ADDITIONAL PUBLIC COMMENTS

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

2. Council Comments

Council Member Douthit reminded everyone that the chamber was selling raffle tickets and the proceeds would be used for the needed repairs to the Moose Meat John Cabin; he noted a new Custom Car Shop opening in the City.

Council Member Sounart stated her excitement for the success of the Senior Connections March for Meals.

Council Member Askin noted she had a great time at the Senior Connections March for Meals event.

Council Member Daniel noted he enjoyed the Senior Connections March for Meals event and stated his appreciation for the generosity of our community.

Council Member Knackstedt said he had a great time at the Senior Connections March for Meals event, thanked the Mayor Gabriel and City Manager Eubank for the State of the City presentation; and reported on filling in for Mayor Gabriel at a meeting held with the KPB Mayor Micciche and Soldotna Vice Mayor Parker providing an overview of the projects discussed.

M. EXECUTIVE SESSION - None.

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATIONAL ITEMS - None.

There being no further business before the Council, the meeting was adjourned at 6:47 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 17, 2024.

Michelle M. Saner, MMC
City Clerk

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

DRAFT

**KENAI CITY COUNCIL – SPECIAL MEETING
APRIL 18, 2024 – 5:30 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Special Meeting of the Kenai City Council was held on April 18, 2024, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 5:30 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor
Phil Daniel
Alex Douthit
James Baisden

Henry Knackstedt, Vice Mayor
Deborah Sounart
Victoria Askin

A quorum was present.

Also in attendance were:

Shellie Saner, City Clerk

3. Agenda Approval

MOTION:

Vice Mayor Knackstedt **MOVED** to approve the agenda. Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

B. PUBLIC COMMENTS - None.

C. EXECUTIVE SESSION

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

MOTION:

Vice Mayor Knackstedt **MOVED** to enter into executive session to review and discuss the annual evaluation of the City Manager which may be a subject that tends to prejudice the reputation and character of the City Manager. [AS 44.62.310(C)(2)]. Mr. Eubank has elected to have the discussion regarding his evaluations take place in executive session. The executive session will include Mayor Gabriel and City Council Members; City Manager Eubank will be included if the Council requests his presence.

Council Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION:

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

UNANIMOUS CONSENT was requested.

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

[Clerk's Note: The Council entered into executive session at 5:33 p.m. and reconvened into regular session at 6:03 p.m.]

D. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 6:04 p.m.

I certify the above represents accurate minutes of the Kenai City Council Special meeting of April 18, 2024.

Michelle M. Saner, MMC
City Clerk

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

**PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: MAY 1, 2024**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	110,380.48
ENSTAR NATURAL GAS	GAS USAGE	VARIOUS	UTILITIES	35,185.32
HOMER ELECTRIC	ELECTRIC USAGE	VARIOUS	UTILITIES	116,619.58

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
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MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Shellie Saner, City Clerk
DATE: April 17, 2024
SUBJECT: **Liquor License Renewal – Country Liquor**

The following establishment has submitted an application to the Alcohol and Marijuana Control Office (AMCO) for a renewal of license:

Applicant: Country Liquor, LLC
D/B/A: Country Liquor
License Type: Package Store
License No.: 1308

Pursuant to KMC 2.40, a review of City accounts has been completed on the applicants and they have satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the liquor license renewal will be forwarded to the ABC Board and the applicants.

Your consideration is appreciated.



THE STATE of ALASKA GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

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

March 14, 2024

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

Licensee: Country Liquor LLC

DBA: Country Liquor

VIA email: benjaminjackinsky@acsalaska.net

Local Government 1: Kenai Peninsula Borough

Local Government 2: Kenai

Via Email: micheleturner@kpb.us; sessert@kpb.us; mjenkins@kpb.us; nscarlett@kpb.us;

mboehmler@kpb.us; rraidmae@kpb.us; slopez@kpb.us; bcarter@kpb.us; mquainton@kpb.us;

cityclerk@kenai.city

Community Council: N/A

Via Email: N/A

RE: Package Store License #1308 Combined Renewal Notice

Table with 2 columns: Field Name, Value. Fields include License Number (1308), License Type (Package Store), Licensee (Country Liquor LLC), Doing Business As (Country Liquor), Physical Address (140 S Willow Street), Designated Licensee (Benjamin Jackinsky), Phone Number (907-283-7651), and Email Address (benjaminjackinsky@acsalaska.net).

[X] License Renewal Application

[] Endorsement Renewal Application

Dear Licensee:

Our staff has reviewed your application after receiving your application and required fees. Your renewal documents appear to be in order, and I have determined that your application is complete for purposes of AS 04.11.510, and AS 04.11.520.

Your application is now considered complete and will be sent electronically to the local governing body(ies), your community council if your proposed premises is in Anchorage or certain locations in the Matanuska-Susitna Borough, and to any non-profit agencies who have requested notification of applications. The local governing body(ies) will have 60 days to protest the renewal of your license.

Your application will be scheduled for the **April 16th, 2024**, board meeting for Alcoholic Beverage Control Board consideration. The address and call-in number for the meeting will be posted on our home page. The board will not grant or deny your application at the meeting unless your local government waives its right to protest per AS 04.11.480(a).

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

Dear Local Government:

We have received completed renewal applications for the above listed licenses within your jurisdiction. This is the notice required under AS 04.11.480. A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license with one or more endorsement, or issuance of an endorsement by sending the director and the applicant a protest and the reasons for the protest in a clear and concise statement within 60 days of the date of the notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer.

To protest any application(s) referenced above, please submit your written protest for each within 60 days to AMCO and provide proof of service upon the applicant and proof that the applicant has had reasonable opportunity to defend the application before the meeting of the local governing body.

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

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

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This letter serves to provide written notice to the above referenced entities regarding the above application, as required under AS 04.11.310(b) and AS 04.11.525.

Please contact the local governing body with jurisdiction over the proposed premises for information regarding review of this application. Comments or objections you may have about the application should first be presented to the local governing body.

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

Sincerely,

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

Joan M. Wilson, Director
907-269-0350

Submit

by Meghan Thibodeau 3/14/2024 1:38:26 PM (Form Submission)

Approve

by Jeremy Hamilton 3/14/2024 2:18:03 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: March 25, 2024 5:00 PM 3/14/2024 1:38:27 PM

Approve

by Cindy Herr 3/14/2024 2:39:25 PM (Legal Asst Review)

■ No monies owed in traffic fines or restitution.

- The task was assigned to Cindy Herr. The due date is: March 25, 2024 5:00 PM 3/14/2024 1:38:28 PM

Approve

by David Ross 3/14/2024 3:49:32 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: March 25, 2024 5:00 PM 3/14/2024 1:38:28 PM

Approve

by Scott Curtin 3/14/2024 4:16:38 PM (Building Official Review)

■ No issues with Public Works

- The task was assigned to Scott Curtin. The due date is: March 25, 2024 5:00 PM 3/14/2024 1:38:27 PM

Approve

by Tina Williamson 3/14/2024 4:22:04 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: March 25, 2024 5:00 PM 3/14/2024 1:38:28 PM

Approve

by Brandon McElrea 3/26/2024 5:03:04 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: March 25, 2024 5:00 PM 3/14/2024 1:38:28 PM

- Linda Mitchell reassigned the task to Brandon McElrea 3/14/2024 1:59:35 PM

Approve

by David Swarner 3/26/2024 5:04:14 PM (Finance Review)

- The task was assigned to David Swarner. The due date is: April 4, 2024 5:00 PM 3/26/2024 5:03:04 PM

Approve

by Brandon McElrea 3/26/2024 5:12:19 PM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: April 4, 2024 5:00 PM 3/26/2024 5:03:05 PM
- Linda Mitchell reassigned the task to Brandon McElrea 3/26/2024 5:03:51 PM

Approve

by Scott Bloom 4/17/2024 9:12:54 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: April 4, 2024 5:00 PM 3/26/2024 5:03:05 PM

AMCO License Application

Date

3/14/2024

Establishment Information

License Type

Package Store

Licensee

Country Liquor LLC

Doing Business As

Country Liquor

Premises Address

140 S Willow Street

City, State

Kenai, AK

Contact Information

Contact Licensee

Benjamin Jackinsky

Contact Phone No.

907-283-7651

Contact Email

benjaminjackinsky@acsalaska.net

Additional Contact Information

Name

Phone No.

Email

Documents

File Upload

1308 Country Liquor.pdf

213.83KB

1308 Notice.pdf

294.36KB



AMCO
DEC 6 2023

Alaska Alcoholic Beverage Control Board

Form AB-17: 2024/2025 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than January 2, 2024 per AS 04.11.270, 3 AAC 305.050, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any complete application for renewal or any fees for renewal that have not been postmarked by February 28, 2024 will be expired per AS 04.11.540, 3 AAC 305.050(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the mandatory fees and all documents required, or the application will be returned without being processed, per AS 04.11.270.
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Section 1 - Establishment Contact Information

Doing Business As:	Country Liquor	License #:	1308
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If your mailing address has changed, write the NEW address below:

Mailing Address:	Box 2311		
City:	Kenai	State:	Alaska
		ZIP:	99611

Section 2 - Licensee Contact Information

Contact Licensee: The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license unless the Optional contact is completed.

Contact Licensee:	Benjamin Jackinsky	Contact Phone:	907 283-7651
Contact Email:	Benjamin.Jackinsky@qcsalaska.net		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee (such as legal counsel) about your license, list their information below:

Name of Contact:		Contact Phone:	
Contact Email:			

Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2024 and/or 2025? If so, you will need to apply for a Shipping Endorsement here:
<https://accis.license365.com/#>

YES NO

Section 4 - Ownership Structure Certification

Did the ownership structure of the licensed business change in 2022/2023?

YES NO

If Yes, and you have NOT notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application. If No, certify the statement below by initialing the box to the right of the statement:

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2022 or 2023.



#100722269 / #100722188



Form AB-17: 2024/2025 License Renewal Application

AMCO
DEC 6 2023

Section 5 - License Operation

Unless you operated more than 240 hours in 2022 or 2023, check ONE BOX for EACH CALENDAR YEAR that best describes how this alcoholic beverage license was operated as set forth in AS 04.11.330:

- | | 2022 | 2023 |
|---|--------------------------|--------------------------|
| 1. The license was only operated during a specified time each year. (Not to exceed 6 months per year)
<i>If your operation dates have changed, list them below:</i>
_____ to _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
<i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. <i>A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.</i> | <input type="checkbox"/> | <input type="checkbox"/> |

Section 6 - Violations and Convictions

- | | YES | NO |
|---|--------------------------|-------------------------------------|
| Have any Notices of Violation been issued for this license in 2022 or 2023? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Has any person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2022 or 2023? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2). If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.*

Section 7 - Certifications

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 305, and that this application, including all accompanying schedules and statements, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and the license being potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, has a direct or indirect financial interest in the licensed business.
- I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and I have provided AMCO with all required changes of the ownership structure of the business license and have provided all required documents for any new or changes of officers.
- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 305.700.
- I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.



Form AB-17: 2024/2025 License Renewal Application

AMCO
DEC 8 2023

Benjamin Jackrasky
Printed name of licensee

[Signature]
Signature of licensee

- Restaurant and Eating Place** applications must include a completed AB-33: Restaurant Receipts Affidavit
- Recreational Site** applications must include a completed AB-36: Recreational Site Statement
- Tourism** applications must include a completed AB-37: Tourism Statement
- Wholesale** applications must include a completed AB-25: Supplier Certification
- Common Carrier** applications must include a current safety inspection certificate

All renewal and supplemental forms are available online:
<https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx>

FOR OFFICE USE ONLY

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$



Office of the Borough Clerk

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

Michele Turner, CMC
Borough Clerk

Wednesday, March 27, 2024

Sent via email: cityclerk@kenai.city

Ms. Shellie Saner, City Clerk
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant	:	Country Liquor LLC
Business Name	:	Country Liquor
License Type	:	Package Store
License Location	:	140 S. Willow Street, City of Kenai
License No.	:	1308
Application Type	:	License Renewal

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: benjaminjackinsky@acsalaska.net;

<mailto:amco.localgovernmentonly@alaska.gov>



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Shellie Saner, City Clerk
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: April 24, 2024
SUBJECT: **Airport Commission Appointment**

A vacancy currently exists on the Airport Commission; an application for a partial term on the FBO seat has been received and is attached for consideration.

Pursuant to Kenai Municipal Code 1.90.010 members are nominated by the Mayor and confirmed by the City Council. Mayor Gabriel has requested Council confirmation of the following appointment:

Daniel Knesek – Airport Commission term ending December 31, 2024

Your consideration is appreciated.

From: [Daniel Knesek](#)
To: [City Clerk](#)
Subject: Form submission from: Commission/Committee Application (Webform)
Date: Tuesday, March 26, 2024 11:53:09 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Submitted on Tuesday, March 26, 2024 - 11:53am

Submitted by anonymous user: 63.237.139.114

Submitted values are:

Date: Tue, 03/26/2024

Name: Daniel Knesek

Resident of City of Kenai?: No

If resident, how long?:

Residence Address:

Mailing Address:

Home Telephone:

Home Fax:

Business Telephone: 9075190613

Business Fax:

Email address: dknesek@flygrant.com

May we include your contact information on our website?: Yes, but not all (specify below)

If not all, what may we include?: email address and business telephone

Employer: Grant Aviation

Job Title: Vice President of Commercial Operations

Name of Spouse:

Current Membership Organization: Alaska Air Carriers Association

Past organizational memberships:

Committees or commissions in which you are interested: Airport Commission

Why do you want to be involved with this commission or committee?:

I represent Grant Aviation that operates over 160 scheduled flights from the Kenai Municipal Airport to Ted Steven's International Airport in Anchorage each week. Grant Aviation is also a lease holder in the Kenai Municipal Airport. As a representative of Grant Aviation, I have a vested interest in ensuring the Kenai Municipal Airport remains the "Gateway to Alaska's Playground".

What background, experience, or credentials do you possess to bring the board, commission, or committee membership?:

I am an ATP rated pilot that has operating experience throughout the U.S. I possess a B.S. in Aeronautical Studies from the University of North Dakota and will complete a Graduate Certificate in Airline Financial Management from Purdue University in April. I have managed numerous air carriers since the mid 2000's. I have been an executive level manager in two different air carriers in the state of Alaska since 2011. I have been on the Alaska Air Carriers Association Board of Directors for the last four years and recently reelected to another two year term. I have spent the last year as the President of AACCA.

The results of this submission may be viewed at:



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3412-2024**

AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT FUNDS FROM THE ALASKA HIGH INTENSITY DRUG TRAFFICKING AREA FOR DRUG INVESTIGATION OVERTIME EXPENDITURES.

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

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

WHEREAS, the overtime expense that was eligible for reimbursement from July of 2023 through the end of March, 2024 was \$17,096.61; and,

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

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

Section 1. That the City Manager is authorized to accept these funds from the AK HIDTA in the amount of \$17,096.61 and to expend those funds to fulfill the purpose and intent of this ordinance

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

General Fund:

Increase Estimated Revenues – Federal Grants – Police	<u>\$17,096.61</u>
Increase Appropriations – Police – Overtime	<u>\$17,096.61</u>

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance:  _____

Introduced:	May 1, 2024
Enacted:	May 15, 2024
Effective:	May 15, 2024



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Terry Eubank, City Manager

FROM: David Ross – Police Chief

DATE: April 8, 2024

SUBJECT: **Ordinance No. 3412-2024 - An Ordinance Accepting and Appropriating Grant Funds from The Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures**

The Kenai Police Department participates in the regional drug task force. Between July of 2023 and March of 2024 certain overtime worked in conjunction with the regional drug task force was eligible for reimbursement through the Alaska High Intensity Drug Trafficking Area (AK HIDTA), which receives its funding through Federal appropriation. The Police Department requested reimbursement for \$17,096.61 in overtime expenditures.

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



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3413-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND – POLICE DEPARTMENT AND ACCEPTING A GRANT FROM THE US DEPARTMENT OF TRANSPORTATION PASSED THROUGH THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR TRAFFIC ENFORCEMENT OVERTIME EXPENDITURES.

WHEREAS, the Kenai Police Department joins with other law enforcement agencies statewide to support Alaska Highway Safety Office (AHSO) traffic safety programs to reduce fatalities and injuries on roadways; and,

WHEREAS, AHSO traffic-related overtime funds require no local match and allow the department to provide specific traffic safety patrols; and,

WHEREAS, the grant funds received for from AHSO for overtime in fiscal year 2024 were \$373.46; and,

WHEREAS, overtime for these additional traffic safety patrols was not budgeted and the Department is requesting appropriation into the overtime budget equal to the amount of the AHSO grant funding received.

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

Section 1. That the City Manager is authorized to accept these grant funds in the amount of \$373.46 and to expend those funds pursuant to all grant terms and conditions and to fulfill the purpose and intent of this ordinance.

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

General Fund:

Increase Estimated Revenues –	
Federal Grants – Police	<u>\$373.46</u>

Increase Appropriations –	
Police – Overtime	<u>\$373.46</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS

Introduced:	May 1, 2024
Enacted:	May 15, 2024
Effective:	May 15, 2024



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Terry Eubank, City Manager

FROM: David Ross, Police Chief

DATE: April 10, 2024

SUBJECT: **Ordinance No. 3413-2024 - An Ordinance Increasing Estimated Revenues and Appropriations in The General Fund – Police Department and Accepting a Grant from The Us Department of Transportation Passed Through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures.**

The Kenai Police Department continues to participate in traffic enforcement overtime patrols, reimbursed to the City of Kenai through a grant by the Alaska Highway Safety Office (AHSO).

Actual grant funds received from AHSO so far in FY24 is \$373.46.

I am respectfully requesting consideration of the ordinance accepting and appropriating the grant funds.



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3414-2024**

AN ORDINANCE REPEALING KENAI MUNICIPAL CODE SECTIONS 13.10.010(A)(2) - MISCELLANEOUS OFFENSES, 13.10.020 - LOITERING AND SLEEPING ON THE STREETS, SCHOOLS, AND 13.10.030 - CURFEW, TO REMOVE CERTAIN CITY PROHIBITIONS REGARDING BEGGING, LOITERING AND SLEEPING, AND CURFEWS IN THE CITY THAT ARE NOT ENFORCEABLE AS SPECIFICALLY WRITTEN IN CODE.

WHEREAS, the City has broad prohibitions against begging, loitering and sleeping, and curfews that are no longer enforced by the City and do not entirely comply with modern law; and,

WHEREAS, it is in the best interest of the City to repeal these code sections that are not enforced; and,

WHEREAS, repealing these sections of City Code will not impair the City Police Department's ability to protect public safety; and,

WHEREAS, if the need exists, the City may enact future more narrowly tailored prohibitions against certain conduct.

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

Section 1. Repeal of Sub-Section 13.10.010(a)(2) of Kenai Municipal Code: That Kenai Municipal Code, Sub-Section 13.10.010(a)(2) Miscellaneous Offenses, is hereby repealed as follows:

13.10.010 Miscellaneous Offenses.

(a) It shall be unlawful for any person to:

(1) Solicit or seek the aid of a person for the purpose of committing or assisting to commit any unlawful act[.];

[(2) BEG IN ANY STREET, ALLEY, PLACE OF BUSINESS, OR OTHER PUBLIC PLACE.]

Section 2. Repeal of Section 13.10.020 of Kenai Municipal Code: That Kenai Municipal Code, Section 13.10.020-Loitering and Sleeping on the Streets, School, is hereby repealed in its entirety as follows:

[13.10.020 LOITERING AND SLEEPING ON THE STREETS, SCHOOLS.

(A) IT IS UNLAWFUL FOR ANY PERSON, WITHOUT LAWFUL REASON, BETWEEN THE HOURS OF 12:00 MIDNIGHT AND SUNRISE, TO LOITER OR WANDER AIMLESSLY WITHIN THE CITY ON THE STREETS, IN OTHER PUBLIC PLACES OR ON PROPERTY OF ANOTHER; OR AT ANY TIME TO SLEEP ON ANY STREET, IN ANY OTHER PUBLIC PLACE OR ON ANY PROPERTY OF ANOTHER WITHOUT THE EXPRESSED OR TACIT CONSENT OF THE OWNER OR PERSON IN CHARGE OF SUCH PLACE.

(B) IT IS UNLAWFUL FOR A PERSON TO LOITER ON OR ABOUT THE PREMISES OF A PUBLIC OR PRIVATE SCHOOL, PUBLIC BUILDING, PROPERTY OF A PUBLIC CARRIER, OR DOCKS AND WHARVES.]

Section 3. Repeal of Section 13.10.030 of Kenai Municipal Code: That Kenai Municipal Code, Section 13.10.030-Curfew, is hereby repealed in its entirety as follows:

[13.10.030 CURFEW.

(A) NO PERSON UNDER SIXTEEN (16) YEARS OF AGE SHALL BE UPON OR IN A STREET, ALLEY, PUBLIC BUILDING, PLACE OF AMUSEMENT AND ENTERTAINMENT, VACANT LOT, OR OTHER UNSUPERVISED PLACE, BETWEEN THE HOURS OF 10:00 P.M. DURING SCHOOL TERM OR 11:00 P.M. AT OTHER TIMES, AND 5:00 A.M. OF ANY DAY, UNLESS SUCH PERSON SHALL BE ACCOMPANIED BY AND IN THE CHARGE OF HIS PARENT OR OTHER COMPETENT AND ADULT PERSON, OR BE UPON AN EMERGENCY ERRAND OR LEGITIMATE BUSINESS DIRECTED BY HIS PARENT, GUARDIAN, OR OTHER ADULT PERSON HAVING THE CARE AND CUSTODY OF THE MINOR.

(B) NO PARENT, GUARDIAN, OR OTHER PERSON HAVING THE CUSTODY AND CONTROL OF CHILDREN UNDER THE AGE OF SIXTEEN (16) YEARS SHALL ALLOW SUCH CHILD TO GO OR BE UPON OR IN ANY STREET, OR OTHER PLACES AS LISTED IN THIS SECTION, BETWEEN THE HOURS OF 10:00 P.M. DURING THE SCHOOL TERM OR 11:00 P.M. AT OTHER TIMES, AND 5:00 A.M. OF ANY DAY, UNLESS SUCH CHILD SHALL BE ACCOMPANIED BY HIS PARENT OR OTHER COMPETENT AND ADULT PERSON OR IS UPON AN EMERGENCY ERRAND OR LEGITIMATE BUSINESS DIRECTED BY HIS PARENT, GUARDIAN, OR OTHER ADULT PERSON HAVING THE CARE AND CUSTODY OF THE MINOR. IN ANY PROSECUTION FOR THE VIOLATION OF ANY PROVISION OF THIS SECTION, THE PRESENCE OF ANY PERSON UNDER SIXTEEN (16) YEARS OF AGE, NOT ATTENDED AS HEREIN REQUIRED, UPON ANY OF THE PUBLIC STREETS OR OTHER PLACES AS LISTED IN THIS SECTION SHALL BE DEEMED PRIMA FACIE EVIDENCE OF THE GUILT OF SUCH PARENT AND OF THE VIOLATION OF THE PROVISIONS HEREOF.]

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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: May 1, 2024
Enacted: May 15, 2024
Effective: June 14, 2024



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Terry Eubank, City Manager

FROM: David Ross – Police Chief

DATE: April 8, 2024

SUBJECT: **Ordinance No. 3414-2024 – An Ordinance Repealing Kenai Municipal Code Sections 13.10.010(A)(2) -Miscellaneous Offenses, 13.10.020 - Loitering and Sleeping on The Streets, Schools, and 13.10.030 - Curfew, To Remove Certain City Prohibitions Regarding Begging, Loitering and Sleeping, And Curfews in The City That Are Not Enforceable as Specifically Written in Code.**

This memo supports the removal of the following Sections from Chapter 13-Offenses and Penalties, of the Kenai Municipal Code.

- 1) Remove Section 13.10.010(a)(2). This section deals will “begging.”
- 2) Remove Section 13.10.020. This section deals with “loitering and sleeping.”
- 3) Remove Section 13.10.030. This section deals with “Curfew”

These sections of Code are out of date, not generally enforceable as they are currently written, and in fact, could be enforced in a manner that violates the rights of individuals. The Police Department has not issued citations for any of these offenses in recent history. Case law that impacts the enforcement of these regulations has evolved since these portions of Code were written.

For example, “begging” or asking for help, itself is no longer speech or conduct that can be prohibited on its own. Enforceable laws in this regard focus on specific conduct that threatens public safety or the impairment of rights of others. Likewise, the City code currently prohibits loitering, wandering aimlessly at night and sleeping in public. No definition of loitering is provided. Sleeping in public has been a hot topic in the 9th Circuit Federal Court of Appeals recently, and certain other municipal prohibitions are currently under review by the U.S. Supreme Court, but under current applicable federal decisions our prohibition is not enforceable. The prohibitions under existing City code are overly broad. Likewise, while curfews may be allowed in municipalities under certain conditions, our prohibition does not contain necessary findings and conditions to be enforceable.

While this ordinance would eliminate the specified sections of Code it does not change the Police Department's ability to enforce State Laws and address illegal conduct as it currently does. Rather than undertake a process to rewrite these code sections, it is recommended at this time that they be repealed, and re-enacted at a later time should the need arise.

Thank you for your consideration.





Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3415-2024**

AN ORDINANCE AUTHORIZING A DONATION OF SURPLUS SAND FROM THE KENAI MUNICIPAL AIRPORT TO THE TRIUMVIRATE THEATRE FOR THE CONSTRUCTION OF A NEW THEATRE.

WHEREAS, by Ordinance 3219-2021, the City of Kenai donated approximately two acres of land with an estimated value of \$200,000 to Triumvirate Theatre, a 501(c)3, for the construction of a new theatre in the City after their facility was destroyed by fire on February 20, 2021; and,

WHEREAS, the construction of the new Triumvirate Theatre is estimated to need 5,000 cubic yards of sand; and,

WHEREAS, at Triumvirate's request, the administration had previously agreed to sell surplus sand from the Kenai Municipal Airport for the project at a cost of \$6.50 a yard; and,

WHEREAS, the Airport has determined the sand to be surplus and is no longer using this sand in its operations due to its quality; and,

WHEREAS, the sand is located on the airport in an area easily accessible, not requiring airport resources to move, and its removal is not expected to cause disruptions to airport operations; and,

WHEREAS, the total value of the sand needed is estimated to be \$32,500; and,

WHEREAS, Federal Aviation Administration (FAA) grant assurances require the City to manage assets of the Airport for the betterment and benefit of the Airport; and,

WHEREAS, at the request of Triumvirate Theatre and approval by the City Council at its April 3, 2024 meeting, the administration requested a community purpose exemption from the FAA for the ability to donate sand to the construction project which was approved by the FAA on April 10, 2024; and,

WHEREAS, surplus sand from the Airport has been sold in the past to developers of airport projects and the City's General Fund for City projects and, if approved, the requested donation of sand would be the first such donation to a not-for-profit organization utilizing the FAA's community purpose exemption; and,

WHEREAS, at its meeting on May 9, 2024, the City of Kenai Airport Commission _____ enactment of this Ordinance; and,

WHEREAS, donation of surplus sand in support of the Triumvirate Theatre's efforts to construct a new theatre in Kenai is a benefit to the City by enhancing the quality of life for its resident, the expansion of economic activity and is in the best interest of the City. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. That the City Manager is authorized to donate up to 5,000 cubic yards of sand to the Triumvirate Theatre from the Kenai Municipal Airport.

Section 2. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder

of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 3. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	May 1, 2024
Enacted:	May 15, 2024
Effective:	May 15, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Derek Ables, Airport Manager

DATE: April 19, 2024

SUBJECT: **Ordinance No. 3415-2024 – An Ordinance Authorizing a Donation of Surplus Sand from The Kenai Municipal Airport to The Triumvirate Theatre for The Construction of a New Theatre.**

By Ordinance 3219-2021, the City of Kenai donated approximately two acres of land with an estimated value of \$200,000 to Triumvirate Theatre, a 501(c)3, for the construction of a new theatre in the City after their facility was destroyed by fire on February 20, 2021. In addition to this land donation, the Triumvirate Theatre has requested the donation of approximately 5,000 cubic yards of surplus sand from the Kenai Municipal Airport for the project.

Federal Aviation Administration grant assurances require the City to manage assets of the airport for the betterment and benefit of the airport. A community purpose exemption is needed to maintain compliance with FAA grant assurances in order to donate the requested sand. At the April 3, 2024 Kenai City Council Meeting, authorization was provided to seek a community purpose exemption from the FAA to donate surplus sand to the project. The Airport's request for a community purpose exemption was approved.

The Airport has determined the sand to be surplus due to its quality and the cost to refine the sand in order to meet FAA specifications for use on the airfield. The sand is also located in an easily accessible area, is within a short haul route to the construction site, and its removal is not expected to cause disruption to Airport operations.

Surplus sand from the Airport is valued at \$6.50 per yard and has been sold in the past in support of development on the Airport and other City projects with compensation paid to the Airport by developers or the City's General Fund. The estimated value of the requested donation is \$32,500. If approved, the requested donation of sand would be the first such donation to a not-for-profit organization utilizing a community purpose exemption.

At the upcoming May 9, 2024 Airport Commission Regular Meeting, the Commission will provide their recommendation on the enactment of this Ordinance.

Dear Council Members:

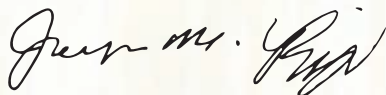
Thank you so much for considering approving the donation of sand from the airport for the construction of the new performing arts center here in Kenai. The construction and operation of this new children's theater will be a tremendous community benefit to the city of Kenai.

We greatly appreciate the city's wiliness and commitment to this project. The donation of land to build this new facility is a great blessing. Unfortunately, it is going to cost a great deal to develop this property because the water table is so high. Originally, the cost of developing the property was over \$800,000, a staggering sum, especially for us. Thanks to our architect and the city's administration, we were able to reduce parking, utilizing street parking to meet the requirement. This greatly reduced the area that had to be developed. However, the estimated cost of developing the lot is still \$408,000. I am looking for anyway to reduce that amount.

In order to pay for the construction of the \$3.5 million dollar building that has already begun, we are going to have to borrow up to \$500,000 from the Rasmuson Foundation's PRI program. Although this loan program has an incredibly favorable rate over a 12-year period, it still is going to necessitate a monthly payment. The less Triumvirate has to borrow from this program, the more sustainable our operations in Kenai will be after the building is completed early next year. I don't want to build a multi-million dollar building in Kenai, just to struggle to keep the doors open and provide theater programs for the kids here and the surrounding area. The lower the mortgage payment on the building, the more we can put into the children and youth of Kenai.

Thank you for considering helping us make our operations in Kenai as sustainable as possible. Every little bit helps and will make a measurable difference in providing the best service to kids here in our community.

Best,



Joe Rizzo
Executive Director



Sponsored by: City Clerk

**CITY OF KENAI
ORDINANCE NO. 3416-2024**

AN ORDINANCE REPEALING, REENACTING AND RENAMING KENAI MUNICIPAL CODE CHAPTER 1.90 - STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES, ENACTING CHAPTER 1.95 - STANDING ADVISORY COMMISSIONS, REPEALING CHAPTERS 11.10 - HARBOR COMMISSION, CHAPTER 19.05 PARKS AND RECREATION COMMISSION, CHAPTER 21.20 AIRPORT COMMISSION, ENACTING SECTION 14.05.050 - PLANNING AND ZONING COMMISSION - QUALIFICATIONS AND MEMBERSHIP, AND APPROVING AMENDMENTS TO THE COUNCIL ON AGING COMMISSION'S BY-LAWS TO ORGANIZE STREAMLINE, AND IMPROVE THE EFFICIENCY OF THE CITY'S STANDING COMMISSIONS.

WHEREAS, the City's Standing Advisory Commissions are intended to advise the Council and Administration on specific issues based on their experience, expertise and information presented before the commissions; and,

WHEREAS, each Advisory Commission has a unique purpose adding value to the decision-making process carried out by the Council and Administration; and,

WHEREAS, establishing general standards applicable to all standing Advisory Commissions ensures consistency and efficiency in process; and,

WHEREAS, establishing a clear scope of work for each Advisory Commission provides direction to the commissions and ensures effective use of the volunteer commission members time; and,

WHEREAS, while current information on various commissions is spread throughout the Code, organizing the code to address the advisory commissions primarily in one place, improves public interface and transparency; and,

WHEREAS, a new code section is needed for the Planning and Zoning Commission to carry forward applicable code provisions to the Planning and Zoning Commission, which is unique from other City commissions by virtue of the Commission's non-advisory duties; and,

WHEREAS, the City Manager, City Attorney and City Clerk met with each advisory commission and committee in early 2024 to review and discuss current code provisions applicable to each body; and,

WHEREAS, recommended amendments from each commission or committee were drafted, presented and approved by each body; and,

WHEREAS, after further consideration of those recommendations, the Administration in an effort to streamline and improve efficiencies for Standing Commissions, reevaluated the process and recommend a complete rewrite and renaming of Chapter 1.90; and,

WHEREAS, the Airport Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Beautification Committee at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Council on Aging at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Council on Aging at their February 8, 2024 regular meeting recommended that the City Council approve amendments to the By-Laws of the Council on Aging as attached; and,

WHEREAS, the Harbor Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Parks and Recreation Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Planning and Zoning Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance.

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

Section 1. Repeal, Reenact and Rename Chapter 1.90 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 1.90 Standards for Boards, Commissions and Committees is hereby repealed, reenacted and renamed as Chapter 1.90 General Standards for Standing Advisory Commissions, as follows:

[CHAPTER 1.90
STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

SECTIONS:

- 1.90.010 CREATION.
- 1.90.020 DUTIES.
- 1.90.030 QUALIFICATIONS.
- 1.90.040 TERMS.
- 1.90.050 PROCEEDINGS.
- 1.90.060 SPECIFIC REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES.

1.90.010 CREATION.

ALL BOARDS, COMMISSIONS AND COMMITTEES CREATED BY THE COUNCIL OF THE CITY OF KENAI, SHALL CONSIST OF SEVEN (7) MEMBERS WHO SHALL BE NOMINATED BY THE MAYOR AND CONFIRMED BY THE CITY COUNCIL FROM APPLICATIONS SUBMITTED TO THE CITY CLERK. A CHAIR AND VICE-CHAIR SHALL BE SELECTED ANNUALLY AND SHALL BE ELECTED FROM AND BY THE APPOINTED MEMBERS. AT THE ORGANIZATIONAL MEETING OF COUNCIL, OR AS SOON THEREAFTER AS PRACTICABLE, THE MAYOR, AFTER CONSULTATION WITH COUNCIL, SHALL NOMINATE COUNCIL MEMBERS AS A COUNCIL LIAISON TO ANY BOARD, COMMISSION OR COMMITTEE. AFTER CONFIRMATION BY COUNCIL, THE COUNCIL LIAISON MAY ATTEND ALL MEETINGS OF THE BOARD, COMMISSION OR COMMITTEE. A COUNCIL LIAISON IS NOT A MEMBER OF, AND SHALL HAVE NO VOTING POWER OR ANY OTHER RIGHTS OF MEMBERSHIP ON, THE BOARD, COMMISSION OR COMMITTEE. THE MAYOR AND OTHER COUNCIL MEMBERS MAY ATTEND MEETINGS OF BOARDS, COMMISSIONS OR COMMITTEES WHEN SERVING AS AN ALTERNATE FOR THE COUNCIL LIAISON, OR IN THEIR CAPACITY AS ELECTED OFFICIALS. CITY ADMINISTRATIVE STAFF SHALL ATTEND AND SUPPLY STAFF SUPPORT TO ALL MEETINGS OF BOARDS, COMMISSIONS AND COMMITTEES.

1.90.020 DUTIES.

- (A) MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES SHALL BE REQUIRED TO ESTABLISH POLICIES RELATING TO THEIR RESPECTIVE ORGANIZATION. THEY SHALL ACT IN AN ADVISORY CAPACITY TO CITY COUNCIL UNLESS OTHERWISE SPECIFIED IN THE CITY CODE.

- (B) IF THE BOARD, COMMISSION OR COMMITTEE HAS INCOME STATED WITHIN THE CITY OF KENAI ANNUAL BUDGET, SAID BOARD, COMMISSION OR COMMITTEE SHALL WORK WITH THE CITY MANAGER TO ESTABLISH EXPENSES PROJECTED FOR THE YEAR FOR APPROVAL BY THE CITY COUNCIL.

1.90.030 QUALIFICATIONS.

- (A) A MEMBER OF A BOARD, COMMISSION OR COMMITTEE MUST BE A RESIDENT OF THE CITY OF KENAI, UNLESS THE BOARD, COMMISSION OR COMMITTEE IS SPECIFICALLY EXEMPTED BY COUNCIL FROM THIS REQUIREMENT. THE MEMBER CANNOT BE AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI. IF ANY MEMBER SHOULD MOVE HIS OR HER RESIDENCE FROM THE CORPORATE LIMITS OF THE CITY OF KENAI (IF APPLICABLE), IS AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI, OR SHALL BE ELECTED OR APPOINTED AS AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI, THE SERVICE OF SUCH MEMBER SHALL TERMINATE IMMEDIATELY. HE OR SHE SHOULD BE AWARE THAT HE OR SHE WILL SERVE WITHOUT SALARY, BUT WILL BE REIMBURSED FOR ALL REASONABLE EXPENSES INCURRED IN CONNECTION WITH THIS SERVICE, ONLY AFTER APPROVAL BY COUNCIL.
- (B) THE BEAUTIFICATION COMMITTEE, AND HARBOR, LIBRARY, AND PARKS AND RECREATION COMMISSIONS MAY AT THE DISCRETION OF THE COUNCIL HAVE UP TO TWO (2) NON-RESIDENT MEMBERS EACH.
- (C) THE PLANNING AND ZONING COMMISSION MAY HAVE UP TO ONE MEMBER THAT IS NOT A RESIDENT OF THE CITY IF THEY HAVE A CONTROLLING OWNERSHIP INTEREST IN A BUSINESS PHYSICALLY LOCATED IN THE CITY. THIS PROVISION SPECIFICALLY DOES NOT CREATE A DESIGNATED SEAT FOR A NON-RESIDENT.

1.90.040 TERMS.

- (A) A MEMBER OF A BOARD, COMMISSION OR COMMITTEE SHALL SERVE FOR A TERM OF THREE (3) YEARS, UNLESS THE BOARD, COMMISSION OR COMMITTEE IS SPECIFICALLY EXEMPTED BY COUNCIL FROM THIS REQUIREMENT. AT RENEWAL DATE, THE MAYOR, WITH CONSENT OF THE COUNCIL, CAN REAPPOINT THE MEMBER OR RECOMMEND A REPLACEMENT.
- (B) THE TERMS OF THE INITIAL BOARD, COMMISSION OR COMMITTEE MEMBER SHALL BE STAGGERED SO THAT THREE (3) MEMBERS WILL BE APPOINTED FOR ONE (1) YEAR; TWO (2) MEMBERS WILL BE APPOINTED FOR TWO (2) YEARS; AND TWO (2) MEMBERS WILL BE APPOINTED FOR THREE (3) YEARS. TERMS SHALL COMMENCE ON JANUARY 1ST OF EACH YEAR.

1.90.050 PROCEEDINGS.

- (A) ALL BOARDS, COMMISSIONS AND COMMITTEES WILL HAVE REGULARLY SCHEDULED MEETINGS WHICH SHALL BE OPEN TO THE PUBLIC. EXCEPTIONS TO THE MEETING REQUIREMENTS SHALL BE ESTABLISHED BY COUNCIL. PERMANENT RECORDS OR MINUTES SHALL BE KEPT OF ALL PROCEEDINGS AND SUCH MINUTES SHALL RECORD THE VOTE OF EACH MEMBER UPON EVERY QUESTION. EVERY DECISION OR FINDING SHALL IMMEDIATELY BE FILED IN THE OFFICE OF THE CITY CLERK AND SHALL BE A PUBLIC RECORD OPEN TO INSPECTION BY ANY PERSON. ALL ACTS OF BOARDS, COMMISSIONS AND COMMITTEES ARE SUBJECT TO THE PARAMOUNT AUTHORITY OF THE CITY COUNCIL.
- (B) IF THE COMMISSION, COMMITTEE OR BOARD MEMBER SHALL BE ABSENT, WITHOUT THE BODY EXCUSING THE ABSENCE FOR GOOD CAUSE, FROM MORE THAN ONE-HALF OF ALL THE MEETINGS OF HIS OR HER COMMITTEE, COMMISSION OR BOARD, REGULAR AND SPECIAL, HELD WITHIN ANY PERIOD OF THREE (3) CONSECUTIVE CALENDAR MONTHS, HE OR SHE SHALL THEREUPON CEASE TO HOLD THE SEAT. A COMMISSION, COMMITTEE OR BOARD MEMBER MAY NOT HAVE MORE THAN THREE (3) EXCUSED ABSENCES DURING A TWELVE (12) MONTH CALENDAR YEAR.
- (C) IN ALL MATTERS OF PARLIAMENTARY PROCEDURE, THE MOST CURRENT EDITION OF ROBERT'S RULES OF ORDER NEWLY REVISED SHALL BE APPLICABLE AND GOVERN ALL MEETINGS, UNLESS AS SPECIFIED IN KMC 1.15.060, MOTIONS; KMC 1.15.100, SPEAKING; AND KMC 1.15.110, VOTING.

- (D) THE RESPONSIBILITY OF INSURING THAT ALL MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES RECEIVE A COPY OF THE STANDARD PROCEDURES OF BOARDS, COMMISSIONS AND COMMITTEES LIES WITH THE CITY CLERK.

1.90.060 SPECIFIC REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES.

REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES AS SET FORTH IN KMC 1.90 ARE GENERAL REQUIREMENTS AND SHALL BE FOLLOWED TO THE EXTENT THAT THEY DO NOT CONFLICT WITH SPECIFIC REQUIREMENTS FOUND IN CODE SECTIONS SPECIFICALLY PERTAINING TO INDIVIDUAL BOARDS, COMMISSIONS AND COMMITTEES.]

Chapter 1.90
General Standards for Standing Advisory Commissions.

Sections:

- 1.90.010 Creation.
- 1.90.020 Members, Appointments and Qualifications.
- 1.90.030 Terms.
- 1.90.040 Attendance.
- 1.90.050 Proceedings.
- 1.90.060 Liaisons.
- 1.90.070 Specific Requirements of Standing Advisory Commissions.

1.90.010 Creation.

- (a) Standing Advisory Commissions of the City may be created or dissolved by an ordinance of the City Council. The following Standing Advisory Commissions have been created by the Council:
 - (1) Airport Commission, as established in KMC 1.95.010;
 - (2) Beautification Commission, as established in KMC 1.95.020;
 - (3) Council on Aging Commission, as established in KMC 1.95.030;
 - (4) Harbor Commission, as established in KMC 1.95.040;
 - (5) Parks and Recreation Commission, as established in KMC 1.95.050;
- (b) Standing Advisory Commissions are created to advise the Council and Administration as requested and codified. Decisions of Standing Advisory Commissions may be considered by the Council and Administration, but standing advisory commissions may not direct Council or Administration.
- (c) This Chapter does not apply to the Planning and Zoning Commission which is not solely advisory to the Council and Administration.

1.90.020 Members, Appointments and Qualifications.

- (a) Unless otherwise specified standing advisory commissions will consist of seven members.
- (b) Commission members will be nominated by the Mayor and confirmed by the Council from applications submitted to the Clerk.
- (c) Members must be residents of the City unless otherwise specified and may not be an officer or employee of the City. If any member who is required to reside in the City, moves their residence outside of City limits, or if any member is elected or appointed as an officer or employee of the City, the term of such member will terminate immediately.

- (d) Members will serve without salary, but may be reimbursed for reasonable expenses incurred in connection with the service, only after approval by the Council.
- (e) After completion of a full or partial term, the Mayor with confirmation of the Council may reappoint the member or recommend a replacement.

1.90.030 Terms.

- (a) Terms of appointment will be for three-years beginning January 1st and ending December 31st, unless the commission is exempted by the Council from this requirement.
- (b) When an appointment is to fill a vacancy created prior to the end of a term, the appointment will be for the remainder of that term.
- (c) When appointments are first made to a newly established commission, the first appointments will be to staggered terms, so that three members will be appointed for one year; two members will be appointed for two years; and two members will be appointed for three years.

1.90.040 Attendance.

If a member is absent, without the body excusing the absence for good cause from more than one-half of all the regular or special meetings held within any period of three consecutive calendar months, the member will thereupon cease to hold the seat. A commission member may not have more than three excused absences during a twelve-month calendar year.

1.90.050 Proceedings.

- (a) Standing Advisory Commissions will have regularly scheduled meetings which will be open to the public. Annual meeting schedules, meeting cancellations or holding special meetings will conform to policy set by the City Council.
- (b) A chair and vice-chair will be elected annually from and by the appointed members.
- (c) The most current edition of Robert's Rules of Order Newly Revised will govern all meetings, unless otherwise specified in KMC 1.15.060 motions; KMC 1.15.100 speaking; and KMC 1.15.110 voting.
- (d) Permanent record or minutes will be kept for regular and special meetings, and such minutes will record the vote of each member upon every question.
- (e) Every decision or finding will be filed in the office of the Clerk and will be a public record open to inspection by any person.
- (f) The Clerk is responsible for ensuring that all members of commissions are provided a copy of this chapter.

1.90.060 Liaison.

- (a) Council Liaison. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, will nominate Council Members as a council liaison to Standing Advisory Commissions. The following applies to Council Liaisons:
 - (1) After confirmation by Council, the Council Liaison may attend all meetings of the commission.
 - (2) The Council Liaison is a non-voting member and may not participate in the debate of the commission.
 - (3) Any Council Member may attend meetings or work sessions when serving as an alternate for the Council Liaison, or in their capacity as elected officials.

- (4) Other Council Members may attend a meeting or work session of a commission; however, no more than three Council Members may attend any one meeting without additional public notice.
- (b) Staff Liaison. City administrative staff will attend and supply staff support to all meetings of the commissions of the City.

1.90.070 Specific Requirements of Standing Advisory Commissions.

Requirements of this chapter are general requirements and will be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual standing commissions.

Section 2. Enactment of Chapter 1.95 of Kenai Municipal Code: That Kenai Municipal Code, Section 1.95 Boards, Commissions and Committees is hereby enacted as follows:

Chapter 1.95
Standing Advisory Commissions.

Sections:

- 1.95.010 Airport Commission.
- 1.95.020 Beautification Committee.
- 1.95.030 Council on Aging Commission.
- 1.95.040 Harbor Commission.
- 1.95.050 Parks and Recreation Commission.

1.95.010 Airport Commission.

- (a) Purpose. The purpose of the Airport Commission is to advise the Council and Administration on issues involving the Airport and lands held for the benefit of the Airport.
- (b) Duties and Powers. The Airport Commission will:
 - (1) Review and provide recommendations on the master plan for the airport development. This may include:
 - (i) Development of type, location and sequence of all airport terminal facilities; and,
 - (ii) Development and use of all airport lands.
 - (2) Act in an advisory capacity to the Council and the Administration on matters affecting the airport.
 - (3) Make recommendations to the City Manager on the airport budget.
 - (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year.
 - (5) Provide information and recommendations as requested by the City Council and Administration.
- (c) Qualifications. Members of the Airport Commission will conform to the requirements as established by KMC 1.90, except that members of the Airport Commission need not be a resident of the City of Kenai.
- (d) Membership. The Commission will be comprised of seven members who will be chosen so as to represent broadly the following areas:

- (1) One member, fixed base operator (FBO); and,
- (2) One member, lessee of airport aeronautical lands or terminal facility; and,
- (3) One member, with expertise in Federal Aviation administration functions; and,
- (4) One member, representing the Civil Air Patrol; and,
- (5) Three members, at-large, representing the business and professional community.

1.95.020 Beautification Commission.

- (a) Purpose. The purpose of the Beautification Commission is to advise the Council and Administration on enhancing the appearance of the City.
- (b) Duties and Powers. The Beautification Commission will:
 - (1) Advise Administration on seasonal displays and decorations promoted by the City; and,
 - (2) Advise Administration on selection of annual plantings of flora to be displayed in the City; and,
 - (3) Advise Council and Administration on City beautification issues and/or projects as requested by the Council or Administration; and,
 - (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year.
- (c) Qualifications and Membership. Members of the Beautification Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

1.95.030 Council on Aging Commission.

- (a) Purpose. The purpose of the Council on Aging Commission is to advise the Council and Administration on issues involving the Kenai Senior Center and senior citizen programs supported by the City.
- (b) Duties and Powers. The Council on Aging Commission will:
 - (1) Review and provide recommendations on any master plans for senior citizen services provided by the City. This may include:
 - (i) City owned facilities providing senior citizen services; and,
 - (ii) Development and use of the Senior Center or other facilities owned or managed by the City for the provision of services for senior citizens, excluding Vintage Pointe-Independent Senior Housing.
 - (2) Act in an advisory capacity to the Council and the Administration on matters affecting the Senior Center and senior citizen services provided by the City; and,
 - (3) Make recommendations to the City Manager on the budget for the City's Senior Center; and,
 - (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year; and,

- (5) Provide information and recommendations as requested by the City Council and Administration.
- (c) Qualifications and Membership. Members of the Council on Aging Commission will conform to the requirements as established by KMC 1.90, except that members need only to reside on the Kenai Peninsula and 51% of whom must be 55 years or older. The Commission shall be comprised of not more than nine members who will be chosen based on their interest in challenges and opportunities for local senior citizens.
- (d) Bylaws. The Council on Aging Commission may have its own bylaws approved by the City Council that provide guidance and direction for the Council on Aging Commission to the extent that they do not conflict with the City's Code of Ordinances. If a conflict should arise between the bylaws and City's Code of Ordinances, City Code will control.

1.95.040 Harbor Commission.

- (a) Purpose. The purpose of the Harbor Commission is to advise the Council and Administration on issues involving City harbor facilities and tidal or submerged lands owned by the City.
- (b) Duties and Powers. The Harbor Commission will:
 - (1) Review and provide recommendations on any master plans for the development of harbor or port facilities for the City. This may include:
 - (i) Development of the type, location, and sequence of all public harbor facilities; and,
 - (ii) The relocation, removal, extension, or change of use of existing harbor facilities.
 - (2) Act in an advisory capacity to the Council and Administration regarding matters related to City harbor facilities, tide or submerged lands. Make recommendations to the Council and Administration relative to the care, control, and development of tide and submerged lands; and,
 - (3) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for constructed in which year; and,
 - (4) Review all City leases of City-owned tide and submerged lands and make recommendations to the City Council and Administration; and,
 - (5) Provide information and recommendations as requested by the City Council and Administration; and,
 - (6) Advise and provide recommendations to the Administration as requested on the qualifications for a Harbor Master.
- (c) Qualifications and Membership. Members of the Harbor Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

1.95.050 Parks and Recreation Commission.

- (a) Purpose. The purpose of the Parks and Recreation Commission is to advise the Council and Administration on issues involving the City's parks and recreational facilities.
- (b) Duties and Powers. The Parks and Recreation Commission will:
 - (1) Review and provide recommendations on any master plans for the physical development of recreation facilities for the City. Such master plans with accompanying maps, plats, charts,

descriptive, and explanatory matter, may show the Commission's recommendations for the development of the City's recreation facilities including:

- (i) Development of the type, location, and sequence of all public recreation facilities; and,
- (ii) The relocation, removal, extension, or change of use of existing recreation facilities.
- (2) Advise the Council and Administration on concerns and recommendations regarding parks and recreational facilities within the City including recommendations for consideration by the Administration in the development of the Parks and Recreation Department's annual budget; and,
- (3) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year; and,
- (4) Provide information and recommendations as requested by the City Council and Administration; and,
- (5) Advise and provide recommendations to the Administration as requested on the qualifications for a Director of Parks and Recreation.
- (c) Qualifications and Membership. Members of the Parks and Recreation Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

Section 3. Repeal of Chapter 11.10 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 11.10 Harbor Commission is hereby repealed as follows:

[CHAPTER 11.10
HARBOR COMMISSION

11.10.010 DUTIES AND POWERS.

- (A) THE HARBOR COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:
 - (1) DEVELOP, ADOPT, ALTER, OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF HARBOR OR PORT FACILITIES FOR THE CITY. SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE HARBOR COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY HARBOR FACILITIES MAY INCLUDE, AMONG OTHER THINGS:
 - (i) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC HARBOR FACILITIES;
 - (ii) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING HARBOR FACILITIES;
 - (2) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF THE RECOMMENDED CAPITAL IMPROVEMENTS WHICH, IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING THREE (3) YEAR PERIOD. SUCH LIST SHALL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS SHALL BE CONSTRUCTED IN WHICH YEAR.
 - (3) MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY HARBOR FACILITIES, TIDE OR SUBMERGED LANDS. MAKE RECOMMENDATIONS TO THE COUNCIL RELATIVE TO THE CARE, CONTROL, AND DEVELOPMENT OF TIDE AND SUBMERGED LANDS.

- (4) REVIEW ALL CITY LEASES OF CITY-OWNED TIDE, SUBMERGED, AND LANDS OR NAVIGABLE WATERS WITHIN THE CITY, AND AS TO THE PLANNED IMPROVEMENTS PROPOSED AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL.
- (5) MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL.
- (6) COORDINATE PUBLIC EFFORTS, INDIVIDUAL AND GROUP, TO THE EFFECTUATION OF APPROVED PLANS.
- (7) SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A HARBOR MASTER SHOULD SUCH A POSITION BE CREATED BY THE CITY COUNCIL.]

Section 4. Enactment of Section 14.05.050 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.05.050 - Membership, Qualifications and Proceedings, is hereby enacted as follows:

14.05.050 - Membership Qualifications and Procedures.

- (a) The Planning and Zoning Commission will consist of seven members, who will be nominated by the Mayor and confirmed by the City Council in accordance with KMC 14.05.015, and the following:
 - (1) Members must be a resident of the City of Kenai, except the commission may have up to one member that is not a resident of the City if that member has a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.
 - (2) Members may not be an officer or employee of the City.
 - (3) If a member who is required to reside in the City, moves their residence outside of City limits, or if a member who is required to have a controlling ownership interest in a business physically located in the City, relinquishes their controlling ownership interest of the business physically located in the City, or if a member is elected or appointed as an officer or employee of the City, the term of such member will terminate immediately.
 - (4) After completion of a partial term, the Mayor with confirmation of the Council may reappoint the member or recommend a replacement in accordance with KMC 14.05.015.
 - (5) If a member is absent, without the body excusing the absence for good cause from more than one-half of all the regular or special meetings held within any period of three consecutive calendar months, the member will thereupon cease to hold the seat. A commission member may not have more than three excused absences during a twelve-month calendar year.
- (b) The Commission will have regularly scheduled meetings which will be open to the public. Procedures and preceding of the commission will include, but are not limited to the following:
 - (1) Annual meeting schedules, meeting cancellations or holding special meetings will conform to policy set by the City Council.
 - (2) A chair and vice-chair will be elected annually from and by the appointed members.
 - (3) The most current edition of Robert's Rules of Order Newly Revised will govern all meetings, unless otherwise specified in KMC 1.15.060 motions; KMC 1.15.100 speaking; and KMC 1.15.110 voting.
 - (4) Permanent record or minutes will be kept for regular and special meetings, and such minutes will record the vote of each member upon every question.
 - (5) Every decision or finding will be filed in the office of the Clerk and will be a public record open to inspection by any person.

(6) The Clerk is responsible for ensuring that all members of commissions are provided a copy of this section.

(c) At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, will nominate a Council Members as Council Liaison to the Planning and Zoning Commission. The following applies to the Council Liaisons:

(1) After confirmation by Council, the Council Liaison may attend all meetings of the commission.

(2) The council liaison is a non-voting member and may not participate in the debate of the commission.

(3) Any Council Member may attend meetings or work sessions when serving as an alternate for the council liaison, or in their capacity as elected officials.

(4) Other Council Members may attend a meeting or work session of the commission; however, no more than three Council Members may attend any one meeting without additional public notice.

(d) City administrative staff will attend and supply staff support to all meetings of the commission.

Section 5. Repeal of Chapter 19.05 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 19.05 Parks and Recreation Commission is hereby repealed as follows:

[CHAPTER 19.05
PARKS AND RECREATION COMMISSION

SECTIONS:

- 19.05.010 CREATION.
- 19.05.020 DUTIES AND POWERS.
- 19.05.030 TERMS AND APPOINTMENTS TO VACANCIES.
- 19.05.040 QUALIFICATIONS OF COMMISSION MEMBERS.
- 19.05.050 PROCEEDINGS OF COMMISSION.

19.05.010 CREATION. (ORD. 416, REPEALED ORD. 1161)

19.05.020 DUTIES AND POWERS.

THE COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:

- (A) DEVELOP, ADOPT, ALTER, OR REVISE SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF RECREATION FACILITIES FOR THE CITY. SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE COMMISSION’S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY’S RECREATION FACILITY MAY INCLUDE, AMONG OTHER THINGS:
 - (1) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC RECREATION FACILITIES; AND
 - (2) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING RECREATION FACILITIES.
- (B) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF RECOMMENDED CAPITAL IMPROVEMENTS, WHICH IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING THREE (3) YEAR PERIOD. SUCH LIST SHALL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS SHALL BE CONSTRUCTED IN WHICH YEAR.
- (C) MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY RECREATION.
- (D) MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL.

(E) SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A DIRECTOR OF PARKS AND RECREATION.

19.05.030 TERMS AND APPOINTMENTS TO VACANCIES. (ORDS. 416, 430, REPEALED ORD. 1161)

19.05.040 QUALIFICATIONS OF COMMISSION MEMBERS. (ORDS. 416, 619, REPEALED ORD. 1161)

19.05.050 PROCEEDINGS OF COMMISSION. (ORD. 416, REPEALED ORD. 1161)]

Section 6. Repeal of Chapter 21.20 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 21.20 Airport Commission is hereby repealed as follows:

**[21.20
AIRPORT COMMISSION**

SECTIONS:

- 21.20.010 DUTIES AND POWERS.
- 21.20.020 QUALIFICATIONS.
- 21.20.030 MEMBERSHIP.

21.20.010 DUTIES AND POWERS.

THE COMMISSION SHALL:

- (A) DEVELOP, ADOPT, ALTER OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE AIRPORT DEVELOPMENT. THIS MAY INCLUDE:
 - (1) DEVELOPMENT OF TYPE, LOCATION AND SEQUENCE OF ALL AIRPORT TERMINAL FACILITIES;
 - (2) DEVELOPMENT AND USE OF ALL AIRPORT AERONAUTICAL LANDS.
- (B) OBSERVE, OVERSEE AND GUIDE IN AN ADVISORY CAPACITY, ANY MATTERS RELATING TO USE OF AIRPORT RUNWAYS, AIRPORT TERMINAL, AND AIRPORT AERONAUTICAL LANDS.
- (C) ACT IN AN ADVISORY CAPACITY TO THE COUNCIL AND THE AIRPORT MANAGER.
- (D) MAKE RECOMMENDATIONS TO THE CITY MANAGER ON THE AIRPORT BUDGET.

21.20.020 QUALIFICATIONS.

MEMBERS OF THE AIRPORT COMMISSION WILL CONFORM TO THE REQUIREMENTS OF THE CITY OF KENAI BOARDS, COMMISSIONS, AND COMMITTEES STANDARD PROCEDURES AS ESTABLISHED BY KMC 1.90, EXCEPT THAT MEMBERS OF THE AIRPORT COMMISSION NEED NOT BE RESIDENTS OF THE CITY OF KENAI.

21.20.030 MEMBERSHIP.

THE COMMISSION SHALL COMPRISE OF SEVEN (7) MEMBERS WHO SHALL BE CHOSEN SO AS TO REPRESENT BROADLY THE FOLLOWING AREAS:

- (A) ONE MEMBER, FIXED BASE OPERATOR (FBO).
- (B) ONE MEMBER, LESSEE OF AIRPORT AERONAUTICAL LANDS OR TERMINAL FACILITY.
- (C) ONE MEMBER, WITH EXPERTISE IN FEDERAL AVIATION ADMINISTRATION FUNCTIONS.
- (D) ONE MEMBER, REPRESENTING THE CIVIL AIR PATROL.
- (E) THREE MEMBERS, AT-LARGE, REPRESENTING THE BUSINESS AND PROFESSIONAL COMMUNITY.
- (F) ONE NON-VOTING MEMBER, REPRESENTING AD HOC MEMBER OF THE KENAI CITY COUNCIL.]

Section 7. That the Council on Aging Commission By-Laws as amended and attached as Attachment E are hereby approved.

Section 8. 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 9. 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 15th DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: May 1, 2024
Enacted: May 15, 2024
Effective: June 14, 2024



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Shellie Saner, City Clerk

DATE: April 19, 2024

SUBJECT: **Ordinance No. 3416-2024 - An Ordinance Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks and Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning and Zoning Commission - Qualifications and Membership, and Approving Amendments to The Council on Aging Commission’s By-Laws to Organize Streamline, and Improve The Efficiency of The City’s Standing Commissions.**

The proposed Ordinance would change the Beautification Committee to a Commission; the Council on Aging to the Council on Aging Commission and codify for the first time both the Beautification Commission and Council on Aging Commission. It will enact a new section of code for the Planning and Zoning commission which incorporates sections of the current 1.90 that are applicable to the Planning and Zoning Commission, and also organize and standardize sections of code for the City of Kenai Advisory Commissions.

It is recommended that the ordinance be introduced, scheduled for public hearing and referred to the Parks & Recreation Commission May 2, 2024 meeting; the Harbor Commission May 6, 2024 meeting; the Planning and Zoning Commission May 8, 2024 meeting; the Council on Aging May 9, 2024 meeting; the Airport Commission May 9, 2024 meeting; and the Beautification Committee May 14, 2024 meeting.

The proposed Ordinance as attached takes current information located in multiple sections of code and relocates them into one location specific to Advisory Commissions. Providing and clarifying general standards will ensure consistency and efficiency in process as well as improve interface with the public and commission member. The following is a section analysis identifying changes as proposed within the ordinance.

Section 1. Proposes to repeal current Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees and replace it with a new Chapter 1.90 - General Standards for Standing Advisory Commissions.

Repealed Chapter 1.90 Standard Procedures for Boards, Commissions and Committees

Section Repealed - 1.90.010 Creation: The existing paragraph is being broken out as three separate section topics in the new proposed code.

- The first sentence of the paragraph related to the makeup of commission and appointment of members was relocated to the new Advisory Commission code as 1.90.020(a - b); and also, in the new P&Z Commission code as 14.05.050(a), it was modified in the P&Z code to refer to KMC 14.05.015, which is specific to the appointment procedures for P&Z Commissioners.
- The second sentence related to commission procedures, selection of a chair and vice chair was relocated to the new Advisory Commission code as 1.90.050(b); and in the new P&Z Commission code as 14.05.050(b)(2).
- The third through sixth sentences were related to the selection and appointment of Council Liaisons to Commissions. The new language was modified to align with the adopted Council Policy 20.020 - Commissions Committees and COA Procedures. The new language is included the new Advisory Commission code as Section 1.90.060(a)(1-3), paragraph (a)(4) is from Policy 20.020; and in the new P&Z Commission code as 14.05.050(c)(1-3), paragraph (c)(4) is from Policy 20.020.
- The seventh sentence regarding administrative staff was relocated to the new Advisory Commission code as 1.90.060(b), and in the new P&Z Commission code as 14.05.050(d).

Section Repealed - 1.90.020 Duties: Both paragraphs of this section were omitted from the proposed new 1.90 code; however, the proposed new Chapter 1.95 - Standing Advisory Commissions has a section for each Standing Advisory Commission, the new sections were drafted to align with the recommendations of the commissions in the meetings held earlier this year and include subsections related to duties. Additional details regarding changes to commission duties will be identified within this memo under the analysis of Section 2.

Additional Notes: The Airport Commission at their March 14, 2024 meeting, the Beautification Committee at their February 13, 2024 meeting, the Council on Aging at their February 8, 2024 meeting, the Harbor Commission at their February 12, 2024 meeting, and the Parks and Recreation Commission at their February 1, 2024 meeting recommended the last sentence of paragraph (a) in 1.90.020 Duties read, "They shall act in an advisory capacity to the City Council and administration unless otherwise specified in City Code"

Duties were removed from 1.90; however, a modified version of duties with the recommendation of the commissions were included in Airport Commission 1.95.010(b)(2); Beautification Commission 1.95.020(b)(3); Council on Aging Commission 1.95.030(b)(2); Harbor Commission 1.95.040(a),(b)(2); and Parks and Recreation Commission 1.95.050(b)(2).

Section Repealed - 1.90.030 Qualifications:

- Paragraph (A), the first three sentences address eligibility requirements pertaining to residency and employees. These requirements were relocated to the new Advisory Commission code as 1.90.020(c), and the new P&Z Commission code as 14.05.050(a)(1-3).
- Paragraph (A), last sentence was related to salary and expenses, it was included in the new Advisory Commission code as 1.90.020(d); and it was omitted from the new P&Z Commission code as P&Z commissioners do receive a stipend.
- Paragraph (B) identifies that the Beautification Committee, Harbor, Library and Parks and Recreation Commission may have up to 2 non-resident members each. This language was included in the proposed new Chapter 1.95 applicable to each commission, except the Library commission which was sunset in 2015, and the Airport Commission and COA as they have different requirements.
- Paragraph (C) allowed the P&Z Commission to have one member that was not a resident if that member had a controlling interest in a business within the City, those provisions were included in the new P&Z Commission code in 14.05.050(a)(1&3).

Section Repealed - 1.90.040 Terms:



- Paragraph (A), the first sentence established three-year terms unless exempted by Council, this language was included in the new Advisory Commission code as 1.90.030(a), and the new language was expanded to codify that regular terms start on January 1 and end on December 31; and,
This language already existing P&Z Commission code 14.05.015(d).
- Paragraph (A), second sentence regarding reappointment was included in the new Advisory Commission code as 1.90.020(e); and also included in the new P&Z Commission code as 14.05.050(a)(4) and the new language refers to the existing KMC 14.05.015 relate to P&Z Commissioner appointments.
- Paragraph (B), this language addresses establishing new commissions with staggered terms, it was included in the new Advisory Commission code as 1.90.030(c). It was not included in the P&Z Commission code; this language would be applicable when forming new commissions and is not needed for an existing commission.

Section Repealed - 1.90.050 Proceedings:

- Paragraph (A), first sentence regarding regular meeting schedules was included in the new Advisory Commission code as 1.90.050(a), the language was modified to reflect Council Policy 20.020. The modified language was also included in the new P&Z Commission code 14.05.050(b)(1).
- Paragraph (A), second and third sentences regarding permanent records, minutes and decisions, were included in the new Advisory Commission code as 1.90.050(d-e); and in the new P&Z Commission code as 14.05.050(b)(4-5).
- Paragraph (A), fourth sentence regarding the paramount authority of the Council was omitted from the Advisory Commission code; however, new language establishing the advisory nature of Commissions was included in the new Advisory Commission code as 1.90.010(b). This language was not included in the P&Z Commission code, although the P&Z Commission are advisory on some subjects they do have decision making authority.
- Paragraph (B), regarding Commissioner attendance, was included in the new Advisory Commission code as 1.90.040, and in the new P&Z Commission code as 14.05.050(a)(5).
- Paragraph (C), regarding parliamentary procedure was included in the new Advisory Commission code as 1.90.050(c), and in the new P&Z Commission code as 14.05.050(b)(3).
- Paragraph (D), ensuring all members are provided a copy of the chapter was included in the new Advisory Commission code as 1.90.050(f), and in the new P&Z Commission code as 14.05.050(b)(6).

Section Repealed - 1.90.060 Specific Requirements of Boards, Commissions and Committees:

- This section was included in the new Advisory Commission code as 1.90.070; and it was omitted from the new P&Z Commission code as the new code is specific to only the P&Z Commission.

New Chapter 1.90 General Standards for Advisory Commissions

Part of the proposed changes include dropping the terms Board or Committee for standing bodies of the City. Uniformly referring to the standing advisory bodies of the City as Commission will create consistency and efficiency.

New Section - 1.90.010 Creation:

- Paragraph's (a)(1-5) are new, and establish that Standing Advisory Commissions are created or dissolved by the Council, and lists the current Standing Advisory Commissions.
- Paragraph (b) was developed based on the last sentence repealed in 1.90.050(a), which addressed to the paramount authority of the Council regarding the actions of Commissions.



The new language addresses the advisory nature of the Commissions to the Council and Administration.

- Paragraph (c) clarifies this chapter does not apply to the P&Z Commission. Any information from the repealed chapter 1.90 that was applicable to the P&Z Commission was incorporated into the new 14.05.050.

Additional Notes: The Airport Commission at their March 14, 2024 meeting, the Beautification Committee at their February 13, 2024 meeting, the Council on Aging at their February 8, 2024 meeting, the Harbor Commission at their February 12, 2024 meeting, and the Parks and Recreation Commission at their February 12, 2024 meeting recommended amending the first sentence of 1.90.010 to read, "All boards, commissions and committees created by the Council of the City of Kenai, unless otherwise specified, will consist of [7] seven members..." The above referenced recommendation was incorporated into the new Advisory Commission code as 1.90.020(a).

New Section - 1.90.020 Member, Appointment and Qualifications:

- Paragraph (a) and (b) were from first sentence of the repealed 1.90.010.
- Paragraph (c) and (d) were from paragraph (a) of the repealed 1.90.030.
- Paragraph (e) was from the second sentence of the repealed 1.90.040(a).

New Section - 1.90.030 Terms:

- Paragraph (a) was from the first sentence of repealed 1.90.040(a) and modified to include the start and end date of a term.
- Paragraph (b) is a new paragraph, the purpose is to codify current practice related to partial terms.
- Paragraph (c) was from the repealed 1.90.040(b).

New Section - 1.90.040 Attendance:

- This section was from the repealed 1.90.050(b).

New Section - 1.90.050 Proceedings:

- Paragraph (a) was from the first sentence of repealed 1.90.050(a), and modified to reflect procedure established within Council Policy 20.020.
- Paragraph (b) was from the second sentence of repealed 1.90.010.
- Paragraph (c) was from repealed 1.90.050(c).
- Paragraph (d) was from the second sentence of repealed 1.90.050(a).
- Paragraph (e) was from the third sentence of repealed 1.90.050(a).
- Paragraph (f) was from repealed 1.90.050(d).

New Section 1.90.060 Liaison:

- Paragraph's (a)(1-3) are from sentences 3-6 of the repealed 1.90.010.
- Paragraph (a)(4) is from Council Policy 20.020.
- Paragraph (b) is from the last sentence of repealed 1.90.010.

New Section 1.90.070:

- This new section is from the repealed 1.90.060.

Section 2. Proposes to enact a completely new Chapter of code, "1.95 - Standing Advisory Commissions", this new chapter will relocate the existing code sections for Advisory bodies to one location and create new code for the Beautification Commission and Council on Aging Commission.

These new code sections were developed based on current existing code and meetings held with each commission earlier this year.

New Chapter 1.90 Standing Advisory Commissions



The sections within this chapter will be applicable to individual Standing Advisory Commissions.

New Section - 1.95.010 Airport Commission: *Note: Section 6 of the ordinance proposes to repeal the existing code section for the Airport Commission, KMC 21.20.*

- The Airport Commission at their March 14, 2024 meeting recommended amendments to their current code which are incorporated into the new proposed 1.95.010, the following identifies any changes made since their recommendation.
 - Paragraph (b)(5) is new language for the Airport Commission and has also been included some of the other Commissions.
 - Paragraph (c) regarding qualifications was added and incorporates the information from sections of the current 1.90 proposed to be repealed.
 - Paragraph (f) from the repealed 21.20.030 Membership was omitted. This currently provides for, “One non-voting member, representing and ad hoc member of the Kenai City Council.” This was left out as it is not a current practice; however, the Airport Commission is assigned a non-voting Council Liaison annually.

New Section - 1.95.020 Beautification Commission: *Note: The Beautification Committee has never been formed by City Council, this new section of code would create a Standing Beautification Commission.*

- The Beautification Committee at their February 13, 2024 meeting recommended enactment of code for the Beautification Commission substantially in the form presented within the Ordinance; however, since that recommendation the following changes have been made.
 - Paragraph (b)(3) was changes to read, “Advise the Council and administration on City beautification issues and/or projects as requested by the Council or administration; and,”
 - Paragraph (c) regarding qualifications was added and incorporates the information from sections of the current 1.90 proposed to be repealed.

New Section - 1.95.030 Council on Aging Commission: *Note: The Council on Aging operates under By-Laws, including provisions for the Council on Aging in code is new.*

- The Council on Aging at their February 8, 2024 meeting recommended enactment of municipal code for the Council on Aging Commission substantially in the form presented within the Ordinance; however, since that recommendation the following changes have been made.
 - Paragraph (b)(5) is new language for the Council on Aging Commission and has also been included some of the other Commissions.
 - Paragraph (c) Qualifications and Membership, the section referencing the requirements of KMC 1.90 has been reworded to align with the language in other Commissions sections of code; however, it does not change the intent.
 - Paragraph (c), the current By-Laws establishes members must be 60 years or older, the Council on Aging has requested that age be lowered to 55 years or older.

New Section - 1.95.040 Harbor Commission: *Note: Section 3 of the ordinance proposes to repeal the existing code section for the Harbor Commission, KMC 11.10.*

- The Harbor Commission at their February 12, 2024 meeting recommended amendments to their current code which are incorporated into the new proposed 1.95.040, the following identifies any changes made since their original recommendation.
 - Paragraphs (b)(2) and (3) changed positions, this was done to align with the outline format of code for other commissions.
 - Paragraph (b)(5) was amended to include “and administration” at the end of the sentence to align with language in code for other commissions.
 - Paragraph (c) regarding qualifications was added and incorporates the information from sections of the current 1.90 proposed to be repealed.



New Section - 1.95.050 Parks and Recreation Commission: Note: Section 5 of the ordinance proposes to repeal the existing code section for the Parks and Recreation Commission, KMC 19.05.

- The Parks and Recreation Commission at their February 1, 2024 meeting recommended amendments to their current code which are incorporated into the new proposed 1.95.050, the following identifies any changes made since their recommendation.
 - Paragraphs (b)(2) and (3) changed positions, this was done to align with the outline format of codes for other commissions.
 - Paragraph (b)(5) was amended to include “and administration” at the end of the sentence to align with language in code for other commissions.
 - Paragraph (c) regarding qualifications was added and incorporates the information from sections of the current 1.90 proposed to be repealed.

Section 3. Proposes to repeal KMC Chapter 11.10 Harbor Commission.

Section 4. Proposes to enact a completely new Section 14.05.050-Membership, Qualifications and Procedures within Chapter 14 Planning and Zoning.

- Paragraph (a) was from the first sentence in repealed 1.90.010.
- Paragraph’s (a)(1-3) were from the repealed 1.90.030(a) and (c).
- Paragraph (a)(4) was from the second sentence of repealed 1.90.040(a).
- Paragraph (a)(5) was from the repealed 1.90.050(b).
- Paragraph (b) is new and provides an outline beginning for procedures of the Commission.
- Paragraph (b)(1) is from the first sentence of repealed 1.90.050(a) and has been modified to align with Council Policy 20.020.
- Paragraph (b)(2) is from the second sentence of repealed 1.90.010.
- Paragraph (b)(3) is from the repealed 1.90.050(c).
- Paragraph (b)(4) is from the second sentence of repealed 1.90.050(a).
- Paragraph (b)(5) is from the third sentence of repealed 1.90.050(a).
- Paragraph (b)(6) is from the repealed 1.90.050(d).
- Paragraph’s (c)(1-3) is sentences 3, 4 and 5 of the repealed 1.90.010.
- Paragraph (c)(4) is from Council Policy 20.020.
- Paragraph (d) is from the last sentence of repealed 1.90.010.

Section 5. Proposes to repeal KMC Chapter 19.05 Parks and Recreation Commission.

Section 6. Proposes to repeal Chapter 21.20 Airport Commission.

Thank you for your consideration.

Attachments:

- A - Draft Ordinance Copy with Comments
- B - March 14, 2024 Airport Commission Packet Item and Approved Minutes
- C - February 13, 2024 Beautification Packet Item and Draft Minutes
- D - February 8, 2024 Council on Aging Packet Item(s) and Approved Minutes
- E - Amended Council on Aging By-Laws as recommended by the Council on Aging
- F - February 12, 2024 Harbor Commission Packet Item and Draft Minutes
- G - February 1, 2024 Parks and Recreation Commission Packet Item and Approved Minutes



Attachment A

Sponsored by: City Clerk

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

AN ORDINANCE REPEALING, REENACTING AND RENAMING KENAI MUNICIPAL CODE CHAPTER 1.90 - STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES, ENACTING CHAPTER 1.95 - STANDING ADVISORY COMMISSIONS, REPEALING CHAPTERS 11.10 - HARBOR COMMISSION, CHAPTER 19.05 PARKS AND RECREATION COMMISSION, CHAPTER 21.20 AIRPORT COMMISSION, ENACTING SECTION 14.05.050 - PLANNING AND ZONING COMMISSION - QUALIFICATIONS AND MEMBERSHIP AND APPROVING AMENDMENTS TO THE COUNCIL ON AGING COMMISSION BY-LAWS TO ORGANIZE STREAMLINE, AND IMPROVE THE EFFICIENCY OF THE CITY'S STANDING COMMISSIONS.

WHEREAS, the City's Standing Advisory Commissions are intended to advise the Council and administration on specific issues based on their experience, expertise and information presented before the commissions; and,

WHEREAS, each Advisory Commission has a unique purpose adding value to the decision-making process carried out by the Council and administration; and,

WHEREAS, establishing general standards applicable to all standing Advisory Commissions ensures consistency and efficiency in process; and,

WHEREAS, establishing a clear scope of work for each Advisory Commission provides direction to the commissions and ensures effective use of the volunteer commission members time; and,

WHEREAS, while current information on various commissions is spread throughout the Code, organizing the code to address the advisory commissions primarily in one place, improves public interface and transparency; and,

WHEREAS, a new code section is needed for the Planning and Zoning Commission to carry forward applicable code provisions to the Planning and Zoning Commission, which is unique from other City commissions by virtue of the Commission's non-advisory duties; and,

WHEREAS, the City Manager, City Attorney and City Clerk met with each advisory commission and committee in early 2024 to review and discuss current code provisions applicable to each body; and,

WHEREAS, recommended amendments from each commission or committee were drafted, presented and approved by each body; and,

WHEREAS, after further consideration of those recommendations, the administration in an effort to streamline and improve efficiencies for Standing Commissions, reevaluated the process and recommend a complete rewrite and renaming of Chapter 1.90; and,

WHEREAS, the Airport Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Beautification Committee at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

New Text Underlined; [DELETED TEXT BRACKETED]

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WHEREAS, the Council on Aging at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Council on Aging at their February 8, 2024 regular meeting recommended that the City Council approve amendments to the By-Laws of the Council on Aging as attached; and,

WHEREAS, the Harbor Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Parks and Recreation Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Planning and Zoning Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance.

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

Section 1. ~~Repeal, Reenact and Rename Chapter 1.90 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 1.90 Standards for Boards, Commissions and Committees is hereby repealed, reenacted and renamed as Chapter 1.90 General Standards for Standing Advisory Commissions, as follows:~~

**[CHAPTER 1.90
STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES**

- SECTIONS:
- 1.90.010 CREATION.
 - 1.90.020 DUTIES.
 - 1.90.030 QUALIFICATIONS.
 - 1.90.040 TERMS.
 - 1.90.050 PROCEEDINGS.
 - 1.90.060 SPECIFIC REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES.

1.90.010 CREATION.

ALL BOARDS, COMMISSIONS AND COMMITTEES CREATED BY THE COUNCIL OF THE CITY OF KENAI, SHALL CONSIST OF SEVEN (7) MEMBERS WHO SHALL BE NOMINATED BY THE MAYOR AND CONFIRMED BY THE CITY COUNCIL FROM APPLICATIONS SUBMITTED TO THE CITY CLERK. A CHAIR AND VICE-CHAIR SHALL BE SELECTED ANNUALLY AND SHALL BE ELECTED FROM AND BY THE APPOINTED MEMBERS. AT THE ORGANIZATIONAL MEETING OF COUNCIL, OR AS SOON THEREAFTER AS PRACTICABLE, THE MAYOR, AFTER CONSULTATION WITH COUNCIL, SHALL NOMINATE COUNCIL MEMBERS AS A COUNCIL LIAISON TO ANY BOARD, COMMISSION OR COMMITTEE. AFTER CONFIRMATION BY COUNCIL, THE COUNCIL LIAISON MAY ATTEND ALL MEETINGS OF THE BOARD, COMMISSION OR COMMITTEE. A COUNCIL LIAISON IS NOT A MEMBER OF, AND SHALL HAVE NO VOTING POWER OR ANY OTHER RIGHTS OF MEMBERSHIP ON, THE BOARD, COMMISSION OR COMMITTEE. THE MAYOR AND OTHER COUNCIL MEMBERS MAY ATTEND MEETINGS OF BOARDS, COMMISSIONS OR COMMITTEES WHEN SERVING AS AN ALTERNATE FOR THE COUNCIL LIAISON, OR IN THEIR CAPACITY AS ELECTED OFFICIALS. CITY ADMINISTRATIVE STAFF SHALL ATTEND AND SUPPLY STAFF SUPPORT TO ALL MEETINGS OF BOARDS, COMMISSIONS AND COMMITTEES.

Commented [SS1]: This section proposes to repeal and replace the current chapter 1.90.

Notes in the section being repealed will indicate how the code was modified, included or omitted within the new section.

Notes in the new section will indicate that it is a new provision that was not in the previous code.

Commented [SS2]: First sentence included in 1.90.020 (a) and (b) and in the new 14.05.050 (a).

Commented [SS3]: Second sentence included in 1.90.050(b) and in the new 14.05.050(b)(2).

Commented [SS4]: Sentences 3 through 6 were included in 1.90.060(a)(1-3), paragraph (a) is from Council adopted policy 20.020 and in the new 14.05.050 (c)(1-3), paragraph (d) is from Council Policy 20.020.

Commented [SS5]: Sentence 7 was included as 1.90.060(b).

1.90.020 DUTIES.

- (A) MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES SHALL BE REQUIRED TO ESTABLISH POLICIES RELATING TO THEIR RESPECTIVE ORGANIZATION. THEY SHALL ACT IN AN ADVISORY CAPACITY TO CITY COUNCIL UNLESS OTHERWISE SPECIFIED IN THE CITY CODE.
- (B) IF THE BOARD, COMMISSION OR COMMITTEE HAS INCOME STATED WITHIN THE CITY OF KENAI ANNUAL BUDGET, SAID BOARD, COMMISSION OR COMMITTEE SHALL WORK WITH THE CITY MANAGER TO ESTABLISH EXPENSES PROJECTED FOR THE YEAR FOR APPROVAL BY THE CITY COUNCIL.

Commented [SS6]: Paragraphs (A) and (B) were both omitted in the new 1.90; however, duties have been included in the new code sections for each individual commission based on meetings with each body.

Section 2 of the Ordinance:
 1.95.010 (b)(2) - Airport Duties
 1.95.015 (b)(3) - Beautification Duties
 1.95.020 (b)(2) - COA Duties
 1.95.025 (b)(2) - Harbor Duties
 1.95.030 (b)(2) - Parks & Rec Duties

1.90.030 QUALIFICATIONS.

- (A) A MEMBER OF A BOARD, COMMISSION OR COMMITTEE MUST BE A RESIDENT OF THE CITY OF KENAI, UNLESS THE BOARD, COMMISSION OR COMMITTEE IS SPECIFICALLY EXEMPTED BY COUNCIL FROM THIS REQUIREMENT. THE MEMBER CANNOT BE AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI. IF ANY MEMBER SHOULD MOVE HIS OR HER RESIDENCE FROM THE CORPORATE LIMITS OF THE CITY OF KENAI (IF APPLICABLE), IS AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI, OR SHALL BE ELECTED OR APPOINTED AS AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI, THE SERVICE OF SUCH MEMBER SHALL TERMINATE IMMEDIATELY. HE OR SHE SHOULD BE AWARE THAT HE OR SHE WILL SERVE WITHOUT SALARY, BUT WILL BE REIMBURSED FOR ALL REASONABLE EXPENSES INCURRED IN CONNECTION WITH THIS SERVICE, ONLY AFTER APPROVAL BY COUNCIL.

Commented [SS7]: The first three sentences were included in newly proposes 1.90.020(c) and in the new 14.05.050 paragraphs (a)(1-3)

Commented [SS8]: This last sentence was included in newly proposed 1.90.020(d), it was omitted from the new 14.05.050 as Planning Commissioners receive a stipend.

- (B) THE BEAUTIFICATION COMMITTEE, AND HARBOR, LIBRARY, AND PARKS AND RECREATION COMMISSIONS MAY AT THE DISCRETION OF THE COUNCIL HAVE UP TO TWO (2) NON-RESIDENT MEMBERS EACH.

Commented [SS9]: This paragraph was omitted in the new 1.90; however, was included in the new code sections for the individual commission.

Section 2 of the ordinance:
 1.95.020(c) - Beautification
 1.95.040(c) - Harbor
 1.95.050(c) - Parks & Rec

Note: Library Commission sunset in 2015. Airport and COA have different membership requirements.

- (C) THE PLANNING AND ZONING COMMISSION MAY HAVE UP TO ONE MEMBER THAT IS NOT A RESIDENT OF THE CITY IF THEY HAVE A CONTROLLING OWNERSHIP INTEREST IN A BUSINESS PHYSICALLY LOCATED IN THE CITY. THIS PROVISION SPECIFICALLY DOES NOT CREATE A DESIGNATED SEAT FOR A NON-RESIDENT.

Commented [SS10]: This paragraph was omitted in the new 1.90; however, was included in the new section of code proposed within Title 14.

Section 4 of this ordinance:
 14.05.050 (a)(1)&(3)

1.90.040 TERMS.

(A) ~~A MEMBER OF A BOARD, COMMISSION OR COMMITTEE SHALL SERVE FOR A TERM OF THREE (3) YEARS, UNLESS THE BOARD, COMMISSION OR COMMITTEE IS SPECIFICALLY EXEMPTED BY COUNCIL FROM THIS REQUIREMENT. AT RENEWAL DATE, THE MAYOR, WITH CONSENT OF THE COUNCIL, CAN REAPPOINT THE MEMBER OR RECOMMEND A REPLACEMENT.~~

Commented [SS11]: Included and modified to included term start of Jan1 and end Dec 31 in new 1.90.030(a) and already exists in 14.05.015(d)

Commented [SS12]: Included in new 1.90.020(e) and in the new 14.05.050(a)(4)

(B) ~~THE TERMS OF THE INITIAL BOARD, COMMISSION OR COMMITTEE MEMBER SHALL BE STAGGERED SO THAT THREE (3) MEMBERS WILL BE APPOINTED FOR ONE (1) YEAR; TWO (2) MEMBERS WILL BE APPOINTED FOR TWO (2) YEARS; AND TWO (2) MEMBERS WILL BE APPOINTED FOR THREE (3) YEARS. TERMS SHALL COMMENCE ON JANUARY 1ST OF EACH YEAR.~~

Commented [SS13]: Included in new 1.90.030(c)

1.90.050 PROCEEDINGS.

(A) ~~ALL BOARDS, COMMISSIONS AND COMMITTEES WILL HAVE REGULARLY SCHEDULED MEETINGS WHICH SHALL BE OPEN TO THE PUBLIC. EXCEPTIONS TO THE MEETING REQUIREMENTS SHALL BE ESTABLISHED BY COUNCIL. PERMANENT RECORDS OR MINUTES SHALL BE KEPT OF ALL PROCEEDINGS AND SUCH MINUTES SHALL RECORD THE VOTE OF EACH MEMBER UPON EVERY QUESTION. EVERY DECISION OR FINDING SHALL IMMEDIATELY BE FILED IN THE OFFICE OF THE CITY CLERK AND SHALL BE A PUBLIC RECORD OPEN TO INSPECTION BY ANY PERSON. ALL ACTS OF BOARDS, COMMISSIONS AND COMMITTEES ARE SUBJECT TO THE PARAMOUNT AUTHORITY OF THE CITY COUNCIL.~~

Commented [SS14]: Included and modified to reflect current practice in new 1.90.050(a) and included in the new 14.05.050(b)(1)

Commented [SS15]: Included in new 1.90.050(d) - (e) and in the new 14.05.050(b)(4-5)

Commented [SS16]: Omitted and replaced as the new 1.90.010 (b)

(B) ~~IF THE COMMISSION, COMMITTEE OR BOARD MEMBER SHALL BE ABSENT, WITHOUT THE BODY EXCUSING THE ABSENCE FOR GOOD CAUSE, FROM MORE THAN ONE-HALF OF ALL THE MEETINGS OF HIS OR HER COMMITTEE, COMMISSION OR BOARD, REGULAR AND SPECIAL, HELD WITHIN ANY PERIOD OF THREE (3) CONSECUTIVE CALENDAR MONTHS, HE OR SHE SHALL THEREUPON CEASE TO HOLD THE SEAT. A COMMISSION, COMMITTEE OR BOARD MEMBER MAY NOT HAVE MORE THAN THREE (3) EXCUSED ABSENCES DURING A TWELVE (12) MONTH CALENDAR YEAR.~~

Commented [SS17]: Included in new 1.90.040 and in the new 14.05.050(a)(5)

(C) ~~IN ALL MATTERS OF PARLIAMENTARY PROCEDURE, THE MOST CURRENT EDITION OF ROBERT'S RULES OF ORDER NEWLY REVISED SHALL BE APPLICABLE AND GOVERN ALL MEETINGS, UNLESS AS SPECIFIED IN KMC 1.15.060, MOTIONS; KMC 1.15.100, SPEAKING; AND KMC 1.15.110, VOTING.~~

Commented [SS18]: Included in new 1.90.050(c) and in the new 14.05.050 (b)(3)

(D) ~~THE RESPONSIBILITY OF INSURING THAT ALL MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES RECEIVE A COPY OF THE STANDARD PROCEDURES OF BOARDS, COMMISSIONS AND COMMITTEES LIES WITH THE CITY CLERK.~~

Commented [SS19]: Included in new 1.90.050(f) and in the new 14.05.050(b)(6)

1.90.060 SPECIFIC REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES.

~~REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES AS SET FORTH IN KMC 1.90 ARE GENERAL REQUIREMENTS AND SHALL BE FOLLOWED TO THE EXTENT THAT THEY DO NOT CONFLICT WITH SPECIFIC REQUIREMENTS FOUND IN CODE SECTIONS SPECIFICALLY PERTAINING TO INDIVIDUAL BOARDS, COMMISSIONS AND COMMITTEES.]~~

Commented [SS20]: Included in new 1.90.070

Chapter 1.90
General Standards for Standing Advisory Commissions.

Sections:

- 1.90.010 Creation.
- 1.90.015 Members, Appointments and Qualifications.
- 1.90.020 Terms.
- 1.90.025 Attendance.
- 1.90.030 Proceedings.
- 1.90.035 Liaisons.
- 1.90.040 Specific Requirements of Standing Advisory Commissions.

1.90.010 **Creation.**

(a) Standing Advisory Commissions of the City may be created or dissolved by an ordinance of the City Council. The following Standing Advisory Commissions have been created by the Council:

- (1) Airport Commission, as established in KMC 1.95.010;
- (2) Beautification Commission, as established in KMC 1.95.020;
- (3) Council on Aging Commission, as established in KMC 1.95.030;
- (4) Harbor Commission, as established in KMC 1.95.040;
- (5) Parks and Recreation Commission, as established in KMC 1.95.050;

(b) Standing Advisory Commissions are created to advise the Council and Administration as requested and codified. Decisions of Standing Advisory Commissions may be considered by the Council and administration, but standing advisory commissions may not direct Council or Administration.

(c) This Chapter does not apply to the Planning and Zoning Commission which is not solely advisory to the Council and Administration.

Commented [SS21]: The blue highlighted portion of this sections new and is establishing in code one location that identifies the Standing Advisory Commissions of the City.

1.90.020 Member, Appointment and Qualifications.

- (a) Unless otherwise specified standing advisory commissions will consist of seven members.
- (b) Commission members will be nominated by the Mayor and confirmed by the Council from applications submitted to the Clerk.
- (c) Members must be residents of the City unless otherwise specified and may not be an officer or employee of the City. If any member who is required to reside in the City, moves their residence outside of City limits, or if any member is elected or appointed as an officer or employee of the City, the term of such member will terminate immediately.
- (d) Members will serve without salary, but may be reimbursed for reasonable expenses incurred in connection with the service, only after approval by the Council.
- (e) After completion of a full or partial term, the Mayor with confirmation of the Council may reappoint the member or recommend a replacement.

1.90.030 Terms.

- (a) Terms of appointment will be for three-years beginning January 1st and ending December 31st, unless the commission is exempted by the Council from this requirement.
- (b) When an appointment is to fill a vacancy created prior to the end of a term, the appointment will be for the remainder of that term.
- (c) When appointments are first made to a newly established commission, the first appointments will be to staggered terms, so that three members will be appointed for one year; two members will be appointed for two years; and two members will be appointed for three years.

Commented [SS22]: This is a new paragraph. The purpose is to codify practices related to partial term appointments.

1.90.040 Attendance.

If a member is absent, without the body excusing the absence for good cause from more than one-half of all the regular or special meetings held within any period of three consecutive calendar months, the member will thereupon cease to hold the seat. A commission member may not have more than three excused absences during a twelve-month calendar year.

1.90.050 Proceedings.

- (a) Standing Advisory Commissions will have regularly scheduled meetings which will be open to the public. Annual meeting schedules, meeting cancellations or holding special meetings will conform to policy set by the City Council.
- (b) A chair and vice-chair will be elected annually from and by the appointed members.
- (c) The most current edition of Robert's Rules of Order Newly Revised will govern all meetings, unless otherwise specified in KMC 1.15.060 motions; KMC 1.15.100 speaking; and KMC 1.15.110 voting.
- (d) Permanent record or minutes will be kept for regular and special meetings, and such minutes will record the vote of each member upon every question.
- (e) Every decision or finding will be filed in the office of the Clerk and will be a public record open to inspection by any person.
- (f) The Clerk is responsible for ensuring that all members of commissions are provided a copy of this chapter.

1.90.060 Liaison.

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- (a) Council Liaison. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, will nominate Council Members as a council liaison to Standing Advisory Commissions. The following applies to Council Liaisons:
 - (1) After confirmation by Council, the council liaison may attend all meetings of the commission.
 - (2) The council liaison is a non-voting member and may not participate in the debate of the commission.
 - (3) Any Council Member may attend meetings or work sessions when serving as an alternate for the council liaison, or in their capacity as elected officials.
 - (3) Other Council Members may attend a meeting or work session of a commission; however, no more than three Council Members may attend any one meeting without additional public notice.
- (b) Staff Liaison. City administrative staff will attend and supply staff support to all meetings of the commissions of the City.

Commented [SS23]: From Council Policy 20.020 (G)(2)

Commented [SS24]: From Council Policy 20.020 (G)(1)

1.90.070 Specific Requirements of Standing Advisory Commissions.

Requirements of this chapter are general requirements and will be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual standing commissions.

Section 2. Enactment of Chapter 1.95 of Kenai Municipal Code: That Kenai Municipal Code, Section 1.95 Boards, Commissions and Committees is hereby enacted as follows:

Chapter 1.95
Standing Advisory Commissions.

Sections:

- 1.95.010 Airport Commission.
- 1.95.020 Beautification Committee.
- 1.95.030 Council on Aging Commission.
- 1.95.040 Harbor Commission.
- 1.95.050 Parks and Recreation Commission.

1.95.010 Airport Commission.

- (a) Purpose. The purpose of the Airport Commission is to advise the Council and administration on issues involving the Airport and lands held for the benefit of the Airport.
- (b) Duties and Powers. The Airport Commission will:
 - (1) Review and provide recommendations on the master plan for the airport development. This may include:
 - (i) Development of type, location and sequence of all airport terminal facilities; and,
 - (ii) Development and use of all airport lands.
 - (2) Act in an advisory capacity to the Council and the Administration on matters affecting the airport.
 - (3) Make recommendations to the City Manager on the airport budget.
 - (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year.

Commented [SS25]: This new section of code incorporates KMC 21.20 and includes amendments which were recommended by the Airport Commission during their March 14, 2024 meeting.

Section 5 of this ordinance will repeal KMC 21.20 in its entirety.

New Text Underlined; [DELETED TEXT BRACKETED]

(5) Provide information and recommendations as requested by the City Council and administration.

(c) Qualifications. Members of the Airport Commission will conform to the requirements as established by KMC 1.90, except that members of the Airport Commission need not be a resident of the City of Kenai.

(d) Membership. The Commission will be comprised of seven members who will be chosen so as to represent broadly the following areas:

(1) One member, fixed base operator (FBO); and,

(2) One member, lessee of airport aeronautical lands or terminal facility; and,

(3) One member, with expertise in Federal Aviation Administration functions; and,

(4) One member, representing the Civil Air Patrol; and,

(5) Three members, at-large, representing the business and professional community.

1.95.020 Beautification Commission.

(a) Purpose. The purpose of the Beautification Commission is to advise the Council and administration on enhancing the appearance of the City.

(b) Duties and Powers. The Beautification Commission will:

(1) Advise administration on seasonal displays and decorations promoted by the City; and,

(2) Advise administration on selection of annual plantings of flora to be displayed in the City; and,

(3) Advise Council and administration on City beautification issues and/or projects as requested by the Council or administration; and,

(4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year.

(c) Qualifications and Membership. Members of the Beautification Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

Commented [SS26]: This is a new section of Code, based on the recommendations of the Beautification Committee.

1.95.030 Council on Aging Commission.

(a) Purpose. The purpose of the Council on Aging Commission is to advise the Council and Administration on issues involving the Kenai Senior Center and senior citizen programs supported by the City.

(b) Duties and Powers. The Council on Aging Commission will:

(1) Review and provide recommendations on any master plans for senior citizen services provided by the City. This may include:

(i) City owned facilities providing senior citizen services; and,

(ii) Development and use of the Senior Center or other facilities owned or managed by the City for the provision of services for senior citizens, excluding Vintage Pointe-Independent Senior Housing.

Commented [SS27]: This is a new section of code, based on the recommendations of the Council on Aging.

- (2) Act in an advisory capacity to the Council and the Administration on matters affecting the Senior Center and senior citizen services provided by the City; and,
- (3) Make recommendations to the City Manager on the budget for the City's Senior Center; and,
- (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year; and,
- (5) Provide information and recommendations as requested by the City Council and administration.

- (c) Qualifications and Membership. Members of the Council on Aging Commission will conform to the requirements as established by KMC 1.90, except that members need only to reside on the Kenai Peninsula and 51% of whom must be 55 years or older. The Commission shall be comprised of not more than nine members who will be chosen based on their interest in challenges and opportunities for local senior citizens.
- (d) Bylaws. The Council on Aging Commission may have its own bylaws approved by the City Council that provide guidance and direction for the Council on Aging Commission to the extent that they do not conflict with the City's Code of Ordinances. If a conflict should arise between the bylaws and City's Code of Ordinances, City Code will control.

Commented [SS28]: Council on Aging recommended lowering this age from 60 to 55.

1.95.040 Harbor Commission.

- (a) Purpose. The purpose of the Harbor Commission is to advise the Council and administration on issues involving City harbor facilities and tidal or submerged lands owned by the City.
- (b) Duties and Powers. The Harbor Commission will:
 - (1) Review and provide recommendations on any master plans for the development of harbor or port facilities for the City. This may include:
 - (i) Development of the type, location, and sequence of all public harbor facilities; and,
 - (ii) The relocation, removal, extension, or change of use of existing harbor facilities.
 - (2) Act in an advisory capacity to the Council and administration regarding matters related to City harbor facilities, tide or submerged lands. Make recommendations to the Council and administration relative to the care, control, and development of tide and submerged lands; and,
 - (3) Submit annually to the City Manager and Council, not less than ninety (90) days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for constructed in which year; and,
 - (4) Review all City leases of City-owned tide and submerged lands and make recommendations to the City Council and administration; and,
 - (5) Provide information and recommendations as requested by the City Council and administration; and,
 - (6) Advise and provide recommendations to the administration as requested on the qualifications for a Harbor Master.

Commented [SS29]: This new section of code incorporates KMC 11.10 and includes amendments which were recommended by the Harbor Commission during their February 12, 2024 meeting.

Section 3 of this ordinance will repeal KMC 11.10 in its entirety.

(c) Qualifications and Membership. Members of the Harbor Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

1.95.050 Parks and Recreation Commission.

(a) Purpose. The purpose of the Parks and Recreation Commission is to advise the Council and administration on issues involving the City's parks and recreational facilities.

(b) Duties and Powers. The Parks and Recreation Commission will:

(1) Review and provide recommendations on any master plans for the physical development of recreation facilities for the City. Such master plans with accompanying maps, plats, charts, descriptive, and explanatory matter, may show the Commission's recommendations for the development of the City's recreation facilities including:

- (i) Development of the type, location, and sequence of all public recreation facilities; and,
- (ii) The relocation, removal, extension, or change of use of existing recreation facilities.

(2) Advise the Council and Administration on concerns and recommendations regarding parks and recreational facilities within the City including recommendations for consideration by the Administration in the development of the Parks and Recreation Department's annual budget; and,

(3) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year; and,

(4) Provide information and recommendations as requested by the City Council and administration; and,

(5) Advise and provide recommendations to the Administration as requested on the qualifications for a Director of Parks and Recreation.

(c) Qualifications and Membership. Members of the Parks and Recreation Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

Commented [SS30]: This new section of code incorporates KMC Title 19 and includes amendments which were recommended by the Parks & Recreation Commission during their February 1, 2024 meeting.

Section 4 of this ordinance will repeal KMC Title 19 in its entirety.

Section 3. Repeal of Chapter 11.10 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 11.10 Harbor Commission is hereby repealed as follows:

**[CHAPTER 11.10
HARBOR COMMISSION**

11.10.010 DUTIES AND POWERS.

(A) THE HARBOR COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:

(1) DEVELOP, ADOPT, ALTER, OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF HARBOR OR PORT FACILITIES FOR THE CITY. SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE HARBOR COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY HARBOR FACILITIES MAY INCLUDE, AMONG OTHER THINGS:

- (i) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC HARBOR FACILITIES;**
- (ii) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING HARBOR FACILITIES;**

New Text Underlined: [DELETED TEXT BRACKETED]

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- (2) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF THE RECOMMENDED CAPITAL IMPROVEMENTS WHICH, IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING THREE (3) YEAR PERIOD. SUCH LIST SHALL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS SHALL BE CONSTRUCTED IN WHICH YEAR.
- (3) MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY HARBOR FACILITIES, TIDE OR SUBMERGED LANDS. MAKE RECOMMENDATIONS TO THE COUNCIL RELATIVE TO THE CARE, CONTROL, AND DEVELOPMENT OF TIDE AND SUBMERGED LANDS.
- (4) REVIEW ALL CITY LEASES OF CITY-OWNED TIDE, SUBMERGED, AND LANDS OR NAVIGABLE WATERS WITHIN THE CITY, AND AS TO THE PLANNED IMPROVEMENTS PROPOSED AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL.
- (5) MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL.
- (6) COORDINATE PUBLIC EFFORTS, INDIVIDUAL AND GROUP, TO THE EFFECTUATION OF APPROVED PLANS.
- (7) SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A HARBOR MASTER SHOULD SUCH A POSITION BE CREATED BY THE CITY COUNCIL.]

Section 4. Enactment of Section 14.05.050 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.05.050 - Membership, Qualifications and Proceedings, is hereby enacted as follows:

14.05.050 - Membership Qualifications and Procedures.

- (a) The Planning and Zoning Commission will consist of seven members, who will be nominated by the Mayor and confirmed by the City Council in accordance with KMC 14.05.015, and the following:
 - (1) Members must be a resident of the City of Kenai, except the commission may have up to one member that is not a resident of the City if that member has a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.
 - (2) Members may not be an officer or employee of the City.
 - (3) If a member who is required to reside in the City, moves their residence outside of City limits, or if a member who is required to have a controlling ownership interest in a business physically located in the City, relinquishes their controlling ownership interest of the business physically located in the City, or if a member is elected or appointed as an officer or employee of the City, the term of such member will terminate immediately.
 - (4) After completion of a partial term, the Mayor with confirmation of the Council may reappoint the member or recommend a replacement in accordance with KMC 14.05.015.
 - (5) If a member is absent, without the body excusing the absence for good cause from more than one-half of all the regular or special meetings held within any period of three consecutive calendar months, the member will thereupon cease to hold the seat. A commission member may not have more than three excused absences during a twelve-month calendar year.
- (b) The Commission will have regularly scheduled meetings which will be open to the public. Procedures and preceding of the commission will include, but are not limited to the following:
 - (1) Annual meeting schedules, meeting cancellations or holding special meetings will conform to policy set by the City Council.
 - (2) A chair and vice-chair will be elected annually from and by the appointed members.

Commented [SS31]: This would be a completely new section to the Planning and Zoning Commissions Code within Title 14. The intent is to include the current provisions from 1.90 that apply to the Planning and Zoning Commission into their section of code. The Planning and Zoning Commission does not fall under the description of an Advisory Body; although they do at time make advisory decisions, they also have decision making authority and act in a quasi-judicial capacity.

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- (3) The most current edition of Robert’s Rules of Order Newly Revised will govern all meetings, unless otherwise specified in KMC 1.15.060 motions; KMC 1.15.100 speaking; and KMC 1.15.110 voting.
- (4) Permanent record or minutes will be kept for regular and special meetings, and such minutes will record the vote of each member upon every question.
- (5) Every decision or finding will be filed in the office of the Clerk and will be a public record open to inspection by any person.
- (6) The Clerk is responsible for ensuring that all members of commissions are provided a copy of this section.
- (c) At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, will nominate a Council Members as council liaison to the Planning and Zoning Commission. The following applies to the Council Liaisons:
 - (1) After confirmation by Council, the council liaison may attend all meetings of the commission.
 - (2) The council liaison is a non-voting member and may not participate in the debate of the commission.
 - (3) Any Council Member may attend meetings or work sessions when serving as an alternate for the council liaison, or in their capacity as elected officials.
 - (4) Other Council Members may attend a meeting or work session of the commission; however, no more than three Council Members may attend any one meeting without additional public notice.
- (d) City administrative staff will attend and supply staff support to all meetings of the commission.

Commented [SS32]: From Council Policy 20.020 G.2.

Commented [SS33]: From Council Policy 20.020 G.1.

Section 5. Repeal of Chapter 19.05 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 19.05 Parks and Recreation Commission is hereby repealed as follows:

**[CHAPTER 19.05
PARKS AND RECREATION COMMISSION**

SECTIONS:

- 19.05.010 CREATION.*
- 19.05.020 DUTIES AND POWERS.*
- 19.05.030 TERMS AND APPOINTMENTS TO VACANCIES.*
- 19.05.040 QUALIFICATIONS OF COMMISSION MEMBERS.*
- 19.05.050 PROCEEDINGS OF COMMISSION.*

19.05.010 CREATION. (ORD. 416, REPEALED ORD. 1161)

19.05.020 DUTIES AND POWERS.

THE COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:

- (A) DEVELOP, ADOPT, ALTER, OR REVISE SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF RECREATION FACILITIES FOR THE CITY. SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE COMMISSION’S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY’S RECREATION FACILITY MAY INCLUDE, AMONG OTHER THINGS:
 - (1) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC RECREATION FACILITIES; AND
 - (2) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING RECREATION FACILITIES.

New Text Underlined: [DELETED TEXT BRACKETED]

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- (B) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF RECOMMENDED CAPITAL IMPROVEMENTS, WHICH IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING THREE (3) YEAR PERIOD. SUCH LIST SHALL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS SHALL BE CONSTRUCTED IN WHICH YEAR.
- (C) MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY RECREATION.
- (D) MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL.
- (E) SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A DIRECTOR OF PARKS AND RECREATION.

19.05.030 TERMS AND APPOINTMENTS TO VACANCIES. (ORDS. 416, 430, REPEALED ORD. 1161)

19.05.040 QUALIFICATIONS OF COMMISSION MEMBERS. (ORDS. 416, 619, REPEALED ORD. 1161)

19.05.050 PROCEEDINGS OF COMMISSION. (ORD. 416, REPEALED ORD. 1161)]

Section 6. Repeal of Chapter 21.20 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 21.20 Airport Commission is hereby repealed as follows:

**[21.20
AIRPORT COMMISSION**

SECTIONS:

- 21.20.010 DUTIES AND POWERS.
- 21.20.020 QUALIFICATIONS.
- 21.20.030 MEMBERSHIP.

21.20.010 DUTIES AND POWERS.

THE COMMISSION SHALL:

- (A) DEVELOP, ADOPT, ALTER OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE AIRPORT DEVELOPMENT. THIS MAY INCLUDE:
 - (1) DEVELOPMENT OF TYPE, LOCATION AND SEQUENCE OF ALL AIRPORT TERMINAL FACILITIES;
 - (2) DEVELOPMENT AND USE OF ALL AIRPORT AERONAUTICAL LANDS.
- (B) OBSERVE, OVERSEE AND GUIDE IN AN ADVISORY CAPACITY, ANY MATTERS RELATING TO USE OF AIRPORT RUNWAYS, AIRPORT TERMINAL, AND AIRPORT AERONAUTICAL LANDS.
- (C) ACT IN AN ADVISORY CAPACITY TO THE COUNCIL AND THE AIRPORT MANAGER.
- (D) MAKE RECOMMENDATIONS TO THE CITY MANAGER ON THE AIRPORT BUDGET.

21.20.020 QUALIFICATIONS.

MEMBERS OF THE AIRPORT COMMISSION WILL CONFORM TO THE REQUIREMENTS OF THE CITY OF KENAI BOARDS, COMMISSIONS, AND COMMITTEES STANDARD PROCEDURES AS ESTABLISHED BY KMC 1.90, EXCEPT THAT MEMBERS OF THE AIRPORT COMMISSION NEED NOT BE RESIDENTS OF THE CITY OF KENAI.

21.20.030 MEMBERSHIP.

THE COMMISSION SHALL COMPRISE OF SEVEN (7) MEMBERS WHO SHALL BE CHOSEN SO AS TO REPRESENT BROADLY THE FOLLOWING AREAS:

- (A) ONE MEMBER, FIXED BASE OPERATOR (FBO).
- (B) ONE MEMBER, LESSEE OF AIRPORT AERONAUTICAL LANDS OR TERMINAL FACILITY.

New Text Underlined: [DELETED TEXT BRACKETED]

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- (C) ONE MEMBER, WITH EXPERTISE IN FEDERAL AVIATION ADMINISTRATION FUNCTIONS.
- (D) ONE MEMBER, REPRESENTING THE CIVIL AIR PATROL.
- (E) THREE MEMBERS, AT-LARGE, REPRESENTING THE BUSINESS AND PROFESSIONAL COMMUNITY.
- (F) ONE NON-VOTING MEMBER, REPRESENTING AD HOC MEMBER OF THE KENAI CITY COUNCIL.]

Section 7. That the Council on Aging Commission By-Laws as amended and attached are hereby approved.

Section 8. 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 8. 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 15th DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	May 1, 2024
Enacted:	May 15, 2024
Effective:	June 14, 2024



KENAI

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MEMORANDUM

Attachment B

TO: Airport Commission

FROM: Scott Bloom, City Attorney

DATE: January 31, 2024

SUBJECT: **Proposed Amendments to KMC Chapter 21.20 and KMC Chapter 1.90**

On January, 11, 2024 Terry Eubank, City Manager, Shellie Saner, City Clerk, and I met with your Commission in a work session to discuss possible code changes to KMC Chapter 21.20- Airport Commission and KMC Chapter 1.90- Standard Procedures for Board, Commissions and Committees, as well as other procedures (such as an annual work plan) with the goal of improving the efficiency of your commission and making sure your valuable time as a commissioner is used wisely.

Attached to this Memorandum in Attachment A are the code changes we discussed. The changes are shown in legislative format. Underlined words are new suggestions while words in all caps are suggested for removal. In addition, comments regarding each change are provided in red. These comments are for discussion purposes only for this Commission.

If the Commission wishes to recommend Council approve the proposed amendments to code, a motion will be needed. For example, "I move to recommend that the City Council adopt the proposed amendments to KMC Chapter 21.20 and Chapter 1.90 as provided in attachment A". After the main motion has been made and seconded the subject will be before the commission for discussion and additional amendments. If additional amendments are proposed they must be made in the form of a motion, be seconded and voted on. Once discussion is complete and no additional amendments are proposed, the main motion will be voted on. All proposed amendment(s) that are approved by a majority of the Commission will be forwarded by the Administration to the Council in the form of an Ordinance, the Ordinance will also likely include recommended changes from other City Commissions that are relevant to their code sections.

The Administration may also recommend moving code provisions pertaining to the Airport Commission into a different section of code, from KMC 21.20 into KMC 1.90, for organizational purposes only, but a final recommendation on this change is still in the works. It would not have any material effect on the Commission.

Thank you for your consideration.

Chapter 21.20 AIRPORT COMMISSION

Sections:

21.20.005 Purpose

- 21.20.010 Duties and powers.**
- 21.20.020 Qualifications.**
- 21.20.030 Membership.**

21.20.005 Purpose

The purpose of the Airport Commission is to advise the Council and administration on issues involving the Airport and lands held for the benefit of the Airport. This proposed new section of code is intended just to clearly state the purpose of the commission.

21.20.010 Duties and powers.

The Commission shall:

(a) [DEVELOP, ADOPT, ALTER OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A] Review and provide recommendations on the master plan for the airport development . This may include: As discussed previously, these changes reflect that the commission itself is not independently responsible for any master plans, but that the Commission's role to provide recommendations on such plans as they are developed.

- (1) Development of type, location and sequence of all airport terminal facilities;
- (2) Development and use of all airport [AERONAUTICAL] lands. This change reflects current practice as discussed.

[(B) OBSERVE, OVERSEE AND GUIDE IN AN ADVISORY CAPACITY, ANY MATTERS RELATING TO USE OF AIRPORT RUNWAYS, AIRPORT TERMINAL, AND AIRPORT AERONAUTICAL LANDS.] This change would delete this paragraph and the new language in the paragraph below is expanded as a catchall.

[[c] b) Act in an advisory capacity to the Council and the [AIRPORT MANAGER] Administration on matters affecting the airport. This new language expands this section a little as a catchall.

([d] c) Make recommendations to the City Manager on the airport budget.

([e] d) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list shall be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year. This new section reflects input on a capital plan similar to other commissions.

21.20.020 Qualifications.

Members of the Airport Commission will conform to the requirements of the City of Kenai Boards, Commissions, and Committees Standard Procedures as established by KMC [1.90](#), except that members of the Airport Commission need not be residents of the City of Kenai.

21.20.030 Membership.

The Commission shall comprise of seven (7) members who shall be chosen so as to represent broadly the following areas:

- (a) One member, fixed base operator (FBO).
- (b) One member, lessee of airport aeronautical lands or terminal facility.
- (c) One member, with expertise in Federal Aviation Administration functions.
- (d) One member, representing the Civil Air Patrol.
- (e) Three members, at-large, representing the business and professional community.
- (f) One non-voting member, representing ad hoc member of the Kenai City Council.

Chapter 1.90

STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

Sections:

- 1.90.010** **Creation.**
- 1.90.020** **Duties.**
- 1.90.030** **Qualifications.**
- 1.90.040** **Terms.**
- 1.90.050** **Proceedings.**
- 1.90.060** **Specific requirements of boards, commissions and committees.**

1.90.010 **Creation.**

All boards, commissions and committees created by the Council of the City of Kenai, [SHALL] unless otherwise specified, will consist of seven [(7)] members who shall be nominated by the Mayor and confirmed by the City Council from applications submitted to the City Clerk. A chair and vice-chair shall be selected annually and shall be elected from and by the appointed members. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, shall nominate Council Members as a council liaison to any board, commission or committee. After confirmation by Council, the council liaison may attend all meetings of the board, commission or committee. A council liaison is not a member of, and shall have no voting power or any other rights of membership on, the board, commission or committee. The Mayor and other Council Members may attend meetings of boards, commissions or committees when serving as an alternate for the Council liaison, or in their capacity as elected officials. City administrative staff shall attend and supply staff support to all meetings of boards, commissions and committees. **This change is just to reflect that the Council on Aging can have a different number of members.**

1.90.020 **Duties.**

- (a) Members of boards, commissions and committees shall be required to establish policies relating to their respective organization. They shall act in an advisory capacity to City Council and administration unless otherwise specified in the City Code. **This change reflects that commission advise administration and not just the City Council.**

(b) If the board, commission or committee has income stated within the City of Kenai annual budget, said board, commission or committee shall work with the City Manager to establish expenses projected for the year for approval by the City Council.

1.90.030 Qualifications.

(a) A member of a board, commission or committee must be a resident of the City of Kenai, unless the board, commission or committee is specifically exempted by Council from this requirement. The member cannot be an officer or employee of the City of Kenai. If any member should move his or her residence from the corporate limits of the City of Kenai (if applicable), is an officer or employee of the City of Kenai, or shall be elected or appointed as an officer or employee of the City of Kenai, the service of such member shall terminate immediately. He or she should be aware that he or she will serve without salary, but will be reimbursed for all reasonable expenses incurred in connection with this service, only after approval by Council.

(b) The Beautification Committee, and Harbor, Library, and Parks and Recreation Commissions may at the discretion of the Council have up to two (2) non-resident members each.

(c) The Planning and Zoning Commission may have up to one member that is not a resident of the City if they have a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.

1.90.040 Terms.

(a) A member of a board, commission or committee shall serve for a term of three (3) years, unless the board, commission or committee is specifically exempted by Council from this requirement. At renewal date, the Mayor, with consent of the Council, can reappoint the member or recommend a replacement.

(b) The terms of the initial board, commission or committee member shall be staggered so that three (3) members will be appointed for one (1) year; two (2) members will be appointed for two (2) years; and two (2) members will be appointed for three (3) years. Terms shall commence on January 1st of each year.

1.90.050 Proceedings.

(a) All boards, commissions and committees will have regularly scheduled meetings which shall be open to the public. Exceptions to the meeting requirements shall be established by Council. Permanent records or minutes shall be kept of all proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk and shall be a public record open to inspection by any person. All acts of boards, commissions and committees are subject to the paramount authority of the City Council.

(b) If the commission, committee or board member shall be absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of his or her committee, commission or board, regular and special, held within any period of three (3) consecutive calendar months, he or she shall thereupon cease to hold the seat. A commission, committee or board member may not have more than three (3) excused absences during a twelve (12) month calendar year.

(c) In all matters of parliamentary procedure, the most current edition of Robert's Rules of Order Newly Revised shall be applicable and govern all meetings, unless as specified in KMC [1.15.060](#), motions; KMC [1.15.100](#), speaking; and KMC [1.15.110](#), voting.

(d) The responsibility of insuring that all members of boards, commissions and committees receive a copy of the Standard Procedures of Boards, Commissions and Committees lies with the City Clerk.

1.90.060 Specific requirements of boards, commissions and committees.

Requirements of boards, commissions and committees as set forth in KMC [1.90](#) are general requirements and shall be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual boards, commissions and committees.

**KENAI AIRPORT COMMISSION – REGULAR MEETING
MARCH 14, 2024 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR GLENDA FEEKEN, PRESIDING**

ACTION MINUTES

A. CALL TO ORDER

A Regular Meeting of the Airport Commission was held on March 14, 2024, in the Kenai City Council Chambers, Kenai, AK. Chair Feeken called the meeting to order at approximately 6:05 p.m.

1. Pledge of Allegiance

Chair Feeken led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Glenda Feeken, Chair
James Bielefeld
Dan Pitts

Paul Minelga, Vice Chair
Jacob Caldwell

A quorum was present.

Absent:

James Zirul

Joshua Daily

Also in attendance were:

Derek Ables, Airport Manager
Scott Bloom, City Attorney
Henry Knackstedt, City Council Liaison

3. Agenda Approval

Chair Feeken noted that staff had requested the removal of item F4 from the agenda, along with the following additions to the packet:

Add to Item F.5

Discussion/Recommendation – Recommending Council Adoption of a Resolution Authorizing the City Manager to Enter into a Bar and Lounge Concession Agreement for the Kenai Municipal Airport

- Memo
- Upper Deck Agreement & Attachments
- Draft Resolution No. 2024-12

MOTION:

Commissioner Bielefeld **MOVED** to approve the agenda with the requested revisions. Vice Chair Minelga **SECONDED** the motion.

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

1. January 11, 2024
2. February 8, 2024

MOTION:

Commissioner Bielefeld **MOVED** to approve the January 11 and February 8, 2024 Airport Commission minutes.

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

E. UNFINISHED BUSINESS – None.**F. NEW BUSINESS**

1. **Discussion/Recommendation** - Recommendations to Council for Changes to Kenai Municipal Code Chapter 21.20 Airport Commission, and Chapter 1.90 Standards for Boards, Commissions and Committees.

MOTION:

Vice Chair Minelga **MOVED** to recommend City Council adopt the proposed amendments to KMC Chapter 21.20 and Chapter 1.90 as provided in attachment A in the packet. Commissioner Bielefeld **SECONDED** the motion.

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

Discussion ensued.

UNANIMOUS CONSENT was requested on the motion.

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

2. **Discussion/Recommendation** - Recommendation to Council to Change the Location of Airport Commission Regular Meetings to Kenai City Hall Council Chambers.

MOTION:

Commissioner Bielefeld **MOVED** to recommend City Council approval of amend Policy 20.020 to change the location of Airport Commission regular meetings to Kenai City Hall Council Chambers. Commissioner Caldwell **SECONDED** the motion.

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

Discussion ensued.

UNANIMOUS CONSENT was requested on the motion.

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

3. **Discussion/Recommendation** – Recommending Council Enactment of Ordinance No. 3403-2024 - Amending Sections of Kenai Municipal Code Chapters 21.10- Leasing and Acquisition of Airport Reserve Lands, and 22.05-Disposition of City Lands, to Extend the Time Allowed for Private Development on City Leased Lots and Requiring Certain Financial Assurances Prior to Lease Execution.

MOTION:

Commissioner Bielefeld **MOVED** to recommend City Council enact Ordinance No. 3403-2024. Commissioner Caldwell **SECONDED** the motion.

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

Discussion ensued.

UNANIMOUS CONSENT was requested on the motion.

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

4. **Discussion/Recommendation** – Recommending Council Adoption of a Resolution Authorizing the City Manager to Enter into a Restaurant Concession Agreement for the Kenai Municipal Airport.

This item was removed during agenda approval.

5. **Discussion/Recommendation** – Recommending Council Adoption of a Resolution Authorizing the City Manager to Enter into a Bar and Lounge Concession Agreement for the Kenai Municipal Airport.

MOTION:

Commissioner Caldwell **MOVED** to recommend City Council adopt a Resolution Authorizing the City Manager to Enter into a Bar and Lounge Concession Agreement. Vice Chair Minelga **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested on the motion.

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

G. REPORTS

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

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – April 11, 2024

Commissioner Caldwell noted that he would be absent.

J. COMMISSION QUESTIONS AND COMMENTS – None.


K. ADJOURNMENT

L. INFORMATIONAL ITEMS

1. Memorandum of Agreement with Greatland Consulting and Training LLC for Use of the Alaska Regional Fire Training Facility.
2. Repair and Maintenance Services Contract for Security Guard Services at the Kenai Municipal Airport.
3. A Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport.

There being no further business before the Airport Commission, the meeting was adjourned at 6:47 p.m.

I certify the above represents accurate minutes of the Airport Commission meeting of March 14, 2024.



Meghan Thibodeau
Deputy City Clerk



KENAI

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MEMORANDUM

Attachment C

TO: Beautification Committee

FROM: Scott Bloom, City Attorney

DATE: February 5, 2024

SUBJECT: **Proposed codification of the Beautification Commission and Amendments KMC Chapter 1.90**

On January, 9, 2024 Terry Eubank, City Manager, Shellie Saner, City Clerk, and I met with your Committee in a work session to discuss possible changes to the Beautification Committee and KMC Chapter 1.90- Standard Procedures for Board, Commissions and Committees, as well as other procedures (such as an annual work plan) with the goal of improving the efficiency of your committee and making sure your valuable time as a member of this body is used wisely.

Attached to this Memorandum in Attachment A are the code changes we discussed. The changes are shown in legislative format. Underlined words are new suggestions while words in all caps are suggested for removal. In addition, comments regarding each change are provided in red. These comments are for discussion purposes only for this Committee.

If the Committee wishes to recommend Council approve the proposed amendments to code, a motion will be needed. For example, "I move to recommend that the City Council adopt the proposed enactment of code for the Beautification Commission and amendments KMC Chapter 1.90 as provided in attachment A". After the main motion has been made and seconded the subject will be before the committee for discussion and additional amendments. If additional amendments are proposed they must be made in the form of a motion, be seconded and voted on. Once discussion is complete and no additional amendments are proposed, the main motion will be voted on. All proposed amendment(s) that are approved by a majority of the Committee will be forwarded by the Administration to the Council in the form of an Ordinance, the Ordinance will also likely include recommended changes from other City Commissions that are relevant to their code sections.

The Administration will also recommend an appropriate location in the City's Code of Ordinances for this newly proposed code section for organizational purposes only, but a final recommendation on this change is still in the works. It would not have any material effect on the Committee/Commission.

Thank you for your consideration.

Chapter XX.XX
BEAUTIFICATION COMMISSION

(if this body is to be established permanently in code, we recommend changing it from a temporary committee to a permanent commission)

Sections:

XX.XX.XXX **Purpose.**
XX.XX.XXX **Duties and powers.**

XX.XX.XXX **Purpose.**

The purpose of the Beautification Commission is to advise the Council and administration on enhancing the appearance of the City. This proposed new section of code is intended to clearly state the purpose of the commission. Beautification means enhancing or improving the appearance of something or someone.

XX.XX.XXX **Duties and powers.**

(a) The Beautification Commission will:

- (1) Advise administration on seasonal displays and decorations promoted by the City,**
- (2) Advise administration on selection of annual plantings of flora to be displayed in the City,**
- (3) Advise Council and administration on City beautification issues as requested by the Council or administration, and**
- (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list shall be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year. These proposed duties were discussed with the beautification committee. They allow flexibility to allow the Commission to advise as needed when requested by administration or Council and also provide some specific duties. It is important to recognize that the City already has a parks and recreation commission and planning commissions, and this proposed newly created commission would be distinct and have a different area of focus though it could assist other departments as needed when requested by administration or the City Council.**

Chapter 1.90
STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

Sections:

1.90.010 **Creation.**
1.90.020 **Duties.**

- 1.90.030** **Qualifications.**
- 1.90.040** **Terms.**
- 1.90.050** **Proceedings.**
- 1.90.060** **Specific requirements of boards, commissions and committees.**

1.90.010 **Creation.**

All boards, commissions and committees created by the Council of the City of Kenai, [SHALL] unless otherwise specified, will consist of seven [(7)] members who shall be nominated by the Mayor and confirmed by the City Council from applications submitted to the City Clerk. A chair and vice-chair shall be selected annually and shall be elected from and by the appointed members. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, shall nominate Council Members as a council liaison to any board, commission or committee. After confirmation by Council, the council liaison may attend all meetings of the board, commission or committee. A council liaison is not a member of, and shall have no voting power or any other rights of membership on, the board, commission or committee. The Mayor and other Council Members may attend meetings of boards, commissions or committees when serving as an alternate for the Council liaison, or in their capacity as elected officials. City administrative staff shall attend and supply staff support to all meetings of boards, commissions and committees. **This change is just to reflect that the Council on Aging can have a different number of members.**

1.90.020 **Duties.**

- (a) Members of boards, commissions and committees shall be required to establish policies relating to their respective organization. They shall act in an advisory capacity to City Council and administration unless otherwise specified in the City Code. **This change reflects that commission advise administration and not just the City Council.**
- (b) If the board, commission or committee has income stated within the City of Kenai annual budget, said board, commission or committee shall work with the City Manager to establish expenses projected for the year for approval by the City Council.

1.90.030 **Qualifications.**

- (a) A member of a board, commission or committee must be a resident of the City of Kenai, unless the board, commission or committee is specifically exempted by Council from this requirement. The member cannot be an officer or employee of the City of Kenai. If any member should move his or her residence from the corporate limits of the City of Kenai (if applicable), is an officer or employee of the City of Kenai, or shall be elected or appointed as an officer or employee of the City of Kenai, the service of such member shall terminate immediately. He or she should be aware that he or she will serve without salary, but will be reimbursed for all reasonable expenses incurred in connection with this service, only after approval by Council.
- (b) The Beautification Committee, and Harbor, Library, and Parks and Recreation Commissions may at the discretion of the Council have up to two (2) non-resident members each.
- (c) The Planning and Zoning Commission may have up to one member that is not a resident of the City if they have a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.

1.90.040 Terms.

(a) A member of a board, commission or committee shall serve for a term of three (3) years, unless the board, commission or committee is specifically exempted by Council from this requirement. At renewal date, the Mayor, with consent of the Council, can reappoint the member or recommend a replacement.

(b) The terms of the initial board, commission or committee member shall be staggered so that three (3) members will be appointed for one (1) year; two (2) members will be appointed for two (2) years; and two (2) members will be appointed for three (3) years. Terms shall commence on January 1st of each year.

1.90.050 Proceedings.

(a) All boards, commissions and committees will have regularly scheduled meetings which shall be open to the public. Exceptions to the meeting requirements shall be established by Council. Permanent records or minutes shall be kept of all proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk and shall be a public record open to inspection by any person. All acts of boards, commissions and committees are subject to the paramount authority of the City Council.

(b) If the commission, committee or board member shall be absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of his or her committee, commission or board, regular and special, held within any period of three (3) consecutive calendar months, he or she shall thereupon cease to hold the seat. A commission, committee or board member may not have more than three (3) excused absences during a twelve (12) month calendar year.

(c) In all matters of parliamentary procedure, the most current edition of Robert's Rules of Order Newly Revised shall be applicable and govern all meetings, unless as specified in KMC [1.15.060](#), motions; KMC [1.15.100](#), speaking; and KMC [1.15.110](#), voting.

(d) The responsibility of insuring that all members of boards, commissions and committees receive a copy of the Standard Procedures of Boards, Commissions and Committees lies with the City Clerk.

1.90.060 Specific requirements of boards, commissions and committees.

Requirements of boards, commissions and committees as set forth in KMC [1.90](#) are general requirements and shall be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual boards, commissions and committees.

**KENAI BEAUTIFICATION COMMITTEE – SPECIAL MEETING
FEBRUARY 13, 2024 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR SARAH DOUTHIT, PRESIDING**

ACTION MINUTES

A. CALL TO ORDER

A Special Meeting of the Beautification Committee was held on February 13, 2024, in the Kenai City Council Chambers, Kenai, AK. Chair Douthit called the meeting to order at approximately 6:10 p.m.

1. Pledge of Allegiance

Chair Douthit led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Sarah Douthit, Chair
Sonja Barbaza

Emily Heale, Vice Chair
Terri Wilson (*remote participation*)

A quorum was present.

Absent:

Christina Warner, Vice Chair

Brittney Hoffert

Also in attendance were:

Tyler Best, Parks & Recreation Director
Jenna Brown, Parks & Recreation Assistant Director
Phil Daniel, City Council Liaison
Terry Eubank, City Manager
Shellie Saner, City Clerk

3. Agenda Approval

MOTION:

Committee Member Heale **MOVED** to approve the agenda as presented. Committee Member Barbaza **SECONDED** the motion.

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

B. NEW BUSINESS

- 1. **Discussion/Recommendation** - Recommendations to Council for Adoption of a New Section of Kenai Municipal Code Titled Beautification Commission, and Amendments to Chapter 1.90 Standards for Boards, Commissions and Committees.

MOTION:

Committee Member Heale **MOVED** to recommend that the City Council adopt of a new section of Kenai Municipal Code titled Beautification Commission, and amendments to Chapter 1.90 Standards for Boards, Commissions and Committees. Committee Member Barbaza **SECONDED** the motion.

City Clerk Saner and City Manager Eubank gave a staff report from information provided in the packet.

Discussion ensued; additional clarification was provided by City Clerk Saner. Members spoke in support.

VOTE:

YEA: Douthit, Heale, Wilson, Barbaza

NAY: None

ABSENT: Warner, Hoffert

MOTION PASSED WITHOUT OBJECTION.**C. ADDITIONAL PUBLIC COMMENTS – None.****D. NEXT MEETING ATTENDANCE NOTIFICATION – March 12, 2024 Work Session**

It was noted that a work session had tentatively been set for March 12, 2024. Members noted they would not be available, and the meeting was rescheduled to April 9, 2024.

E. COMMISSION QUESTIONS AND COMMENTS

Committee Member Barbaza expressed appreciation for the efforts of staff.

Committee Member Heale expressed appreciation for the previous meeting and efforts of staff.

Chair Douthit said she was excited for the direction of the commission.

F. ADJOURNMENT

There being no further business before the Beautification Committee, the meeting was adjourned at 6:26 p.m.

I certify the above represents accurate minutes of the Beautification Committee special meeting of February 13, 2024.

Meghan Thibodeau
Deputy City Clerk



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MEMORANDUM

Attachment D

TO: Council on Aging

FROM: Scott Bloom, City Attorney

DATE: February 1, 2024

SUBJECT: **Proposed Amendments to Bylaws and Creation of Code and Commission**

On January, 11, 2024 Terry Eubank, City Manager, Shellie Saner, City Clerk, and I met with your Commission in a work session to discuss possible changes the Council’s bylaws, creation of code for the Council, and changes to KMC Chapter 1.90- Standard Procedures for Board, Commissions and Committees, as well as other procedures (such as an annual work plan) with the goal of improving the efficiency of your Council and making sure your valuable time as a commissioner/ council member is used wisely.

Attached to this Memorandum in Attachment A are proposed new code section for the Council on Aging. The new code provisions convert the Council on Aging into a City Commission and codify the general principals of the commission as provided in the current bylaws. In addition, comments regarding each change are provided in red. These comments are for discussion purposes only for this body.

In addition, a set of revised bylaws are provided for discussion and recommendation to Council. These changes reflect discussions at your last meeting, as well as the conversion from a council to a commission and housekeeping changes. The changes are shown in color blue and red

If the Council wishes to recommend Council approve the proposed codification of the Council on Aging, a motion will be needed. For example, “I move to recommend that the City Council adopt a new section of Kenai Municipal Code and amendments to KMC 1.90 as provided in attachment A”. After the main motion has been made and seconded the subject will be before the Council for discussion and additional amendments. If additional amendments are proposed they must be made in the form of a motion, be seconded and voted on. Once discussion is complete and no additional amendments are proposed, the main motion will be voted on. All proposed amendment(s) that are approved by a majority of the council will be forwarded by the Administration to the City Council in the form of an Ordinance, the Ordinance will also likely include recommended changes from other City Commissions that are relevant to their code sections. A similar process would be appropriate to change the bylaws.

The Administration will also likely recommend to the City Council moving code provisions pertaining to commissions within the existing code for organizational purposes only, but a final

recommendation on this change is still in the works. It would not have any material effect on the Council.

Thank you for your consideration.



Chapter XX.XX
COUNCIL ON AGING COMMISSION

Sections:

- [XX.XX.005 Purpose](#)
- [XX.XX.010 Duties and powers.](#)
- [XX.XX.020 Qualifications and membership.](#)
- [XX.XX.030 Bylaws.](#)

XX.XX.005 Purpose

The purpose of the Council on Aging Commission is to advise the Council and Administration on issues involving the Kenai Senior Center and senior citizen programs supported by the City. This proposed new section of code is intended to clearly state the purpose of the commission.

XX.XX.010 Duties and powers.

The Commission shall:

- (a) Review and provide recommendations on any master plans for senior citizen services provided by the City. This may include:
 - (1) City owned facilities providing senior citizen services;
 - (2) Development and use of the Senior Center or other facilities owned or managed by the City for the provision of services for senior citizens, excluding Vintage Pointe-Independent Senior Housing.
- (c) Act in an advisory capacity to the Council and the Administration on matters affecting the Senior Center and senior citizen services provided by the City.
- (d) Make recommendations to the City Manager on the budget for the City's Senior Center.
- (e) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list shall be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year. This sets out the duties and powers for the commission

XX.XX.020 Qualifications and membership.

Members of the Council on Aging Commission will conform to the requirements of the City of Kenai Boards, Commissions, and Committees Standard Procedures as established by KMC 1.90, except that members need only to reside on the Kenai Peninsula and 51% of whom must be 60 years or older. The Commission shall comprise of not more than nine members who shall be chosen based on their interest in challenges and opportunities for local senior citizens. This section defines the qualification and membership as provided in the bylaws.

XX.XX.030 Bylaws.

The Council on Aging Commission may have its own bylaws approved by the City Council that provide guidance and direction for the Council on Aging Commission to the extent that they do not conflict with the City’s Code of Ordinances. If a conflict should arise between the bylaws and City’s Code of Ordinances, City Code will control. **This section acknowledges the existence of the bylaws and describes their purpose.**

**Chapter 1.90
STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES**

Sections:

- 1.90.010 Creation.**
- 1.90.020 Duties.**
- 1.90.030 Qualifications.**
- 1.90.040 Terms.**
- 1.90.050 Proceedings.**
- 1.90.060 Specific requirements of boards, commissions and committees.**

1.90.010 Creation.

All boards, commissions and committees created by the Council of the City of Kenai, [SHALL] unless otherwise specified, will consist of seven [(7)] members who shall be nominated by the Mayor and confirmed by the City Council from applications submitted to the City Clerk. A chair and vice-chair shall be selected annually and shall be elected from and by the appointed members. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, shall nominate Council Members as a council liaison to any board, commission or committee. After confirmation by Council, the council liaison may attend all meetings of the board, commission or committee. A council liaison is not a member of, and shall have no voting power or any other rights of membership on, the board, commission or committee. The Mayor and other Council Members may attend meetings of boards, commissions or committees when serving as an alternate for the Council liaison, or in their capacity as elected officials. City administrative staff shall attend and supply staff support to all meetings of boards, commissions and committees. **This change is just to reflect that the Council on Aging can have a different number of members.**

1.90.020 Duties.

- (a) Members of boards, commissions and committees shall be required to establish policies relating to their respective organization. They shall act in an advisory capacity to City Council and administration unless otherwise specified in the City Code. **This change reflects that commission advise administration and not just the City Council.**
- (b) If the board, commission or committee has income stated within the City of Kenai annual budget, said board, commission or committee shall work with the City Manager to establish expenses projected for the year for approval by the City Council.

1.90.030 Qualifications.

- (a) A member of a board, commission or committee must be a resident of the City of Kenai, unless the board, commission or committee is specifically exempted by Council from this requirement. The member cannot be an officer or employee of the City of Kenai. If any member should move his or her residence from the corporate limits of the City of Kenai (if applicable), is an officer or employee of the City of Kenai, or shall be elected or appointed as an officer or employee of the City of Kenai, the service of such member shall terminate immediately. He or she should be aware that he or she will serve without salary, but will be reimbursed for all reasonable expenses incurred in connection with this service, only after approval by Council.
- (b) The Beautification Committee, and Harbor, Library, and Parks and Recreation Commissions may at the discretion of the Council have up to two (2) non-resident members each.
- (c) The Planning and Zoning Commission may have up to one member that is not a resident of the City if they have a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.

1.90.040 Terms.

- (a) A member of a board, commission or committee shall serve for a term of three (3) years, unless the board, commission or committee is specifically exempted by Council from this requirement. At renewal date, the Mayor, with consent of the Council, can reappoint the member or recommend a replacement.
- (b) The terms of the initial board, commission or committee member shall be staggered so that three (3) members will be appointed for one (1) year; two (2) members will be appointed for two (2) years; and two (2) members will be appointed for three (3) years. Terms shall commence on January 1st of each year.

1.90.050 Proceedings.

- (a) All boards, commissions and committees will have regularly scheduled meetings which shall be open to the public. Exceptions to the meeting requirements shall be established by Council. Permanent records or minutes shall be kept of all proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk and shall be a public record open to inspection by any person. All acts of boards, commissions and committees are subject to the paramount authority of the City Council.
- (b) If the commission, committee or board member shall be absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of his or her committee, commission or board, regular and special, held within any period of three (3) consecutive calendar months, he or she shall thereupon cease to hold the seat. A commission, committee or board member may not have more than three (3) excused absences during a twelve (12) month calendar year.
- (c) In all matters of parliamentary procedure, the most current edition of Robert's Rules of Order Newly Revised shall be applicable and govern all meetings, unless as specified in KMC [1.15.060](#), motions; KMC [1.15.100](#), speaking; and KMC [1.15.110](#), voting.

(d) The responsibility of insuring that all members of boards, commissions and committees receive a copy of the Standard Procedures of Boards, Commissions and Committees lies with the City Clerk.

1.90.060 Specific requirements of boards, commissions and committees.

Requirements of boards, commissions and committees as set forth in KMC [1.90](#) are general requirements and shall be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual boards, commissions and committees.

**BY-LAWS [AND RULES OF PROCEDURE] FOR
COUNCIL ON AGING COMMISSION
KENAI, ALASKA**

[THE MEMBERS OF THE COUNCIL ON AGING, KENAI, ALASKA, A LOCAL COMMITTEE ORGANIZED UNDER THE LAWS OF THE STATE OF ALASKA, PURSUANT TO FEDERAL AND STATE FUNDING, HAVING AS ITS OBJECT, THE FOLLOWING CODE OF BY-LAWS AND RULES OF PROCEDURE AS ITS GUIDELINES IN ALL FUTURE OPERATIONS.] The members of the Council on Aging Commission adopt the following by-laws as its guidelines for all future operations subject to the City of Kenai Code of Ordinances.

The mission of the Council on Aging Commission is to advise the [MAYOR,]City Council and City Administration, [DIRECTOR, AND THE CITY OF KENAI,]of the needs of the elderly in the area, support the programs which enable the continued independence of senior citizens and to serve as an advisory [COMMITTEE,]commission [WHOSE PURPOSE AND MAKE-UP WILL BE SET FORTH UNDER ARTICLE I, SECTION 3].

The adoption of these by-laws [AND RULES] supersedes, replaces, and nullifies any and all previously enacted, utilized, or governing rules or by-laws except the City's Code of Ordinances. [AND FURTHER, BY ADOPTION OF THESE BY-LAWS AND RULES, THE PREVIOUSLY EXISTING COUNCIL ON AGING IS DEEMED DISSOLVED.]

**Article I
MEMBERSHIP**

The Council Commission may have a membership of not more than nine (9) members. Over one-half of the members shall be participants of the Senior Citizens' programs, sponsored by the City of Kenai.

- (a) The members of the Council Commission shall be chosen in the following manner:
 1. Members shall be chosen from among persons who have shown an interest in the areas of the problems of the elderly challenges to the senior population.
 - [2. THE MAYOR WILL APPOINT MEMBERS TO THE COUNCIL ON AGING COMMISSION SUBJECT TO CONFIRMATION BY THE CITY COUNCIL.]

- (b) The duties of the Council will be as follows:
 - [a]1. Advise the Director of Senior Citizen Programs on matters dealing with the budgets for senior programs and programs operated at the Senior Center.
 - [B] FORWARD COPIES OF MEETING SUMMARIES TO THE CITY CLERK [MAYOR OF THE CITY OF KENAI], WHO, IN TURN, WILL FORWARD THE REPORT TO THE CITY COUNCIL.]
 - [c]2. To the extent practical, communications, advice, and reports shall be in written form and shall represent a consensus of the committee.

**Article II
ELIGIBILITY RESTRICTIONS**

[A MEMBER OF THE COMMISSION ~~UNCL~~ SHALL BE AN ADULT PERSON RESIDING IN THE CITY OF KENAI PENINSULA-AREA, AND 51 % OF WHICH MUST BE SIXTY (~~60~~55) YEARS OF AGE OR OLDER.]

No employee of the City of Kenai is eligible for membership.

There will be no more than one member per household.

Members

Commented [SS1]: In the new proposed Council on Aging Commission code "Qualifications and Membership" establishes that the commission conforms to KMC1.90; and KMC 1.90.010 establishes that members are nominated by the Mayor and confirmed by the City Council. This is no longer needed in the By-Laws.

Commented [SS2]: City Council Policy 20.020 establishes that action minutes for all commissions are produced by the Clerk's Office, from notes kept by the Department Liaison during the meeting. This conflicts with that policy, I recommend removal from the By-Laws.

Commented [SS3]: This same information has been included in the new proposed Council on Aging Commission Code "Qualifications and Membership" I recommend removal from the By-Laws to prevent any future amendments that may cause a conflict between code and the bylaws.

**[Article III
MEETINGS**

[REGULAR MEETINGS SHALL BE HELD MONTHLY ON THE SECOND THURSDAY OF THE MONTH AT THE SENIOR CENTER.] Special meetings may be called by the chairperson with approval of the Kenai City Clerk and notification of ~~Commission~~ and City Manager. Meetings may be cancelled by the City Clerk, with notification of ~~Commission~~ and City Manager, if cancellation is warranted, i.e. lack of agenda items, pre-knowledge of lack of quorum, etc. Participating senior citizens shall be notified of the date, time, and place of the meeting by the monthly newsletter, as well as receipt of the meeting agenda and packet. All meetings shall be open to the public. However, this does not automatically ensure participation by non-members of the ~~Commission~~.

Commented [S54]: Council Policy 20.020 establishes commission meeting schedules and is based on recommendations from the individual commissions.

If the COA commission wished to recommend a change in their meeting schedule, having to recommend the change in only one document would streamline the process.

**Article IV
PLACE OF MEETINGS**

The meetings shall be held at the place designated as the Kenai Senior Citizens Center in Kenai, Alaska, or at the City of Kenai offices.

**Article V
QUORUM**

A quorum shall be a majority of the current appointed membership as established in Article I. The affirmative vote of a majority present at a meeting is required to take action on any matter. A quorum of the ~~Commission~~ is defined as follows:

- 1. When the appointed membership is eight (8) or nine (9), a quorum shall be five (5).
- 2. When the appointed membership is seven (7) or lower, a quorum shall be (4).

**Article VI
POWERS OF THE ~~COUNCIL~~ COMMISSION**

The powers of the ~~Commission~~ are advisory only and are derived from the federal, state, and city local governments which provide the funds for operation and all powers and activities shall be exercised in accordance with law. All action taken by this ~~Commission~~ shall be submitted to the City ~~Administrator Council for~~ and shall be subject to approval ~~by the Kenai City Council~~ unless otherwise specified in these By-Laws or City Code.

**Article VII
OFFICERS**

Officers shall be elected annually for one-year terms at the first meeting each year when a quorum is present. There shall be a Chairperson and Vice-Chairperson. ~~Officers are limited to two (2) successive terms in the same office.~~

**Article VIII
TERM OF APPOINTMENT AND ATTENDANCE**

Members of the ~~Commission~~ are appointed by the City of Kenai to serve three (3) years or until termination by:

1. Resignation;
2. Request of Council on Aging Commission;
3. Upon request of the City of Kenai; or
4. If the member is absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of the Council on Aging Commission, regular and special, held within any period of three (3) consecutive calendar months, the member shall thereupon cease to hold the seat. A member may not have more than three (3) excused absences during a twelve-month calendar year.

The term of each appointed member of the ~~Commission~~ shall be three (3) years. The terms shall be staggered so that three (3) members shall be appointed every third year and three (3) members shall be appointed in each of the other years of every such three-year period.

**Article IX
HONORARY MEMBER APPOINTMENT**

When a member is no longer able to actively participate on the Council on Aging Commission, the remaining membership may, by majority vote, request the Mayor to appoint the nonactive member to the Council on Aging Commission as an honorary member. The honorary member would be a non-voting member.

**Article X
VOLUNTEERS**

Volunteers wishing to serve upon committees established by the Council on Aging Commission may be appointed by the ~~Commission~~ chairperson or his representative to do so without, therefore, becoming members of the ~~Co~~Commission.

**Article XI
RULES OF MEETING**

All meetings of the ~~Commission~~ ~~uncil~~ ~~sh~~ ~~will~~ be conducted in accordance with rules of parliamentary practice and, in the absence of other authority, shall be governed by the provisions of Roberts Rules of Order.

The Council on Aging Commission during their February ~~XX~~10, 202~~4~~2 meeting by a majority vote of the membership recommended Council approval of the amended By-Laws and Rules of Procedures.

The Kenai City Council at their ~~February 16, 2022~~ _____ meeting approved the amended By-Laws and Rules of Procedures.

**KENAI COUNCIL ON AGING – REGULAR MEETING
FEBRUARY 8, 2024 – 3:00 P.M.
KENAI SENIOR CENTER
361 SENIOR CT., KENAI, AK 99611
CHAIR KEN AYERS, PRESIDING**

ACTION MINUTES

A. CALL TO ORDER

A Regular Meeting of the Council on Aging was held on February 8, 2024, at the Kenai Senior Center, Kenai, AK. Chair Ayers called the meeting to order at approximately 3:00 p.m.

1. Pledge of Allegiance

Chair Ayers led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Ken Ayers, Chair	Rachael Craig, Vice Chair
Velda Geller	William Sadler
Frances Kilfoyle	Kit Hill
Jim Glendening	

A quorum was present.

Absent:

Barbara Modigh

Also in attendance were:

Kathy Romain, Senior Center Director
 Red Piersee, Senior Center Administrative Assistant
 Kayla Feltman, Senior Center Volunteer/Activities Coordinator
 James Baisden, City Council Liaison
 Terry Eubank, City Manager
 Scott Bloom, City Attorney

3. Agenda Approval

MOTION:

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

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

1. January 16, 2024

MOTION:

Member Hill **MOVED** to approve the January 16, 2024 Council on Aging minutes. Vice Chair Craig **SECONDED** the motion.

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

E. UNFINISHED BUSINESS – None.

F. NEW BUSINESS

1. **Discussion/Recommendation** - Recommendations to Council for Adoption of a New Section of Kenai Municipal Code Titled Council on Aging Commission, and Amendments to Chapter 1.90 Standards for Boards, Commissions and Committees.

MOTION:

Vice Chair Craig **MOVED** to recommend that the City adopt a new section of Kenai Municipal Code, proposed amendments to KMC 1.90 and the Council on Aging Bylaws as provided in the packet. Member Glendening **SECONDED** the motion.

Director Romain gave a staff report from information provided in the packet; additional clarification was provided by City Manager Eubank and City Attorney Bloom.

Discussion ensued; members spoke in support.

UNANIMOUS CONSENT was requested on the motion.

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

2. **Discussion/Recommendation** – Recommendations to Council for Amendments to Council on Aging Bylaws.

Approved during the previous agenda item.

G. REPORTS

1. Senior Center Director – Director Romain and Assistants Piersee and Feltman reported on the following:
 - Upcoming March for Meals Fundraiser event.
 - Cabinets have been added to the Senior Center craft room.
 - City Departments are preparing for the upcoming budget process.
 - Member surveys will be coming out in March; feedback from these surveys is important for Senior Center programs.
 - Upcoming Superbowl party at the Senior Center.
2. Commission Chair – Chair Ayers recognized new members Glendening, Sadler and Hill; asked for feedback on changes members would like to see regarding senior housing.
3. City Council Liaison – Council Member Baisden reported on recent actions of the City Council.

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – March 14, 2024

J. COMMISSION QUESTIONS AND COMMENTS

K. ADJOURNMENT

L. INFORMATIONAL ITEMS – None.

There being no further business before the Council on Aging, the meeting was adjourned at 3:30 p.m.

I certify the above represents accurate minutes of the Council on Aging meeting of February 8, 2024.



Meghan Thibodeau
Deputy City Clerk

**BY-LAWS FOR
COUNCIL ON AGING COMMISSION
KENAI, ALASKA**

Attachment E

The members of the Council on Aging Commission adopt the following by-laws as its guidelines for all future operations subject to the City of Kenai Code of Ordinances.

The mission of the Council on Aging Commission is to advise the City Council and City Administration, of the needs of the elderly in the area, support the programs which enable the continued independence of senior citizens and to serve as an advisory commission.

The adoption of these by-laws supersedes, replaces, and nullifies any and all previously enacted, utilized, or governing rules or by-laws except the City’s Code of Ordinances.

**Article I
MEMBERSHIP**

The Commission may have a membership of not more than nine (9) members. Over one-half of the members shall be participants of the Senior Citizens' programs, sponsored by the City of Kenai.

(a) The members of the Commission shall be chosen in the following manner:

- 1. Members shall be chosen from among persons who have shown an interest in the areas of challenges to the senior population.

(b) The duties of the Council will be as follows:

- 1. Advise the Director of Senior Citizen Programs on matters dealing with the budgets for senior programs and programs operated at the Senior Center.
- 2. To the extent practical, communications, advice, and reports shall be in written form and shall represent a consensus of the committee.

**Article II
ELIGIBILITY RESTRICTIONS**

No employee of the City of Kenai is eligible for membership.

There will be no more than one member per household.

**Article III
MEETINGS**

Special meetings may be called by the chairperson with approval of the Kenai City Clerk and notification of Commission and City Manager. Meetings may be cancelled by the City Clerk, with notification of Commission and City Manager, if cancellation is warranted, i.e. lack of agenda items, pre-knowledge of lack of quorum, etc. Participating senior citizens shall be notified of the date, time, and place of the meeting by the monthly newsletter, as well as receipt of the meeting agenda and packet. All meetings shall be open to the public. However, this does not automatically ensure participation by non-members of the Commission.

**Article IV
PLACE OF MEETINGS**

The meetings shall be held at the place designated as the Kenai Senior Citizens Center in Kenai, Alaska, or at the City of Kenai offices.

Article V QUORUM

A quorum shall be a majority of the current appointed membership as established in Article I. The affirmative vote of a majority present at a meeting is required to take action on any matter. A quorum of the Commission is defined as follows:

1. When the appointed membership is eight (8) or nine (9), a quorum shall be five (5).
2. When the appointed membership is seven (7) or lower, a quorum shall be (4).

Article VI POWERS OF THE COMMISSION

The powers of the Commission are advisory only and are derived from the federal, state, and city local governments which provide the funds for operation and all powers and activities shall be exercised in accordance with law. All action taken by this Commission shall be submitted to the City Council for approval unless otherwise specified in these By-Laws or City Code.

Article VII OFFICERS

Officers shall be elected annually for one-year terms at the first meeting each year when a quorum is present. There shall be a Chairperson and Vice-Chairperson.

Article VIII TERM OF APPOINTMENT AND ATTENDANCE

Members of the Commission are appointed by the City of Kenai to serve three (3) years or until termination by:

1. Resignation;
2. Request of Council on Aging Commission;
3. Upon request of the City of Kenai; or
4. If the member is absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of the Council on Aging Commission, regular and special, held within any period of three (3) consecutive calendar months, the member shall thereupon cease to hold the seat. A member may not have more than three (3) excused absences during a twelve-month calendar year.

The term of each appointed member of the Commission shall be three (3) years. The terms shall be staggered so that three (3) members shall be appointed every third year and three (3) members shall be appointed in each of the other years of every such three-year period.

Article IX HONORARY MEMBER APPOINTMENT

When a member is no longer able to actively participate on the Council on Aging Commission, the remaining membership may, by majority vote, request the Mayor to appoint the nonactive member to the Council on Aging Commission as an honorary member. The honorary member would be a non-voting member.

Article X VOLUNTEERS

Volunteers wishing to serve upon committees established by the Council on Aging Commission may be appointed by the Commission chairperson or his representative to do so without, therefore, becoming members of the Commission.

Article XI
RULES OF MEETING

All meetings of the Commission will be conducted in accordance with rules of parliamentary practice and, in the absence of other authority, shall be governed by the provisions of Roberts Rules of Order.

* * * * *

The Council on Aging Commission during their February 8, 2024 meeting by a majority vote of the membership recommended Council approval of the amended By-Laws and Rules of Procedures.

The Kenai City Council at their May 15, 2024 meeting approved the amended By-Laws and Rules of Procedures.



KENAI

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

MEMORANDUM

Attachment F

TO: Harbor Commission

FROM: Scott Bloom, City Attorney

DATE: February 5, 2024

SUBJECT: **Proposed Amendments to KMC Chapter 11.10 and KMC Chapter 1.90**

On January, 8, 2024 Terry Eubank, City Manager, Shellie Saner, City Clerk, and I met with your Commission in a work session to discuss possible code changes to KMC Chapter 11.10 - Harbor Commission and KMC Chapter 1.90- Standard Procedures for Board, Commissions and Committees, as well as other procedures (such as an annual work plan) with the goal of improving the efficiency of your commission and making sure your valuable time as a commissioner is used wisely.

Attached to this Memorandum in Attachment A are the code changes we discussed. The changes are shown in legislative format. Underlined words are new suggestions while words in all caps are suggested for removal. In addition, comments regarding each change are provided in red. These comments are for discussion purposes only for this Commission.

If the Commission wishes to recommend Council approve the proposed amendments to code, a motion will be needed. For example, "I move to recommend that the City Council adopt the proposed amendments to KMC Chapter 11.10 and Chapter 1.90 as provided in attachment A". After the main motion has been made and seconded the subject will be before the commission for discussion and additional amendments. If additional amendments are proposed they must be made in the form of a motion, be seconded and voted on. Once discussion is complete and no additional amendments are proposed, the main motion will be voted on. All proposed amendment(s) that are approved by a majority of the Commission will be forwarded by the Administration to the Council in the form of an Ordinance, the Ordinance will also likely include recommended changes from other City Commissions that are relevant to their code sections.

The Administration may also recommend moving code provisions pertaining to the Harbor Commission into a different section of code, from KMC 11.10 into KMC 1.90, for organizational purposes only, but a final recommendation on this change is still in the works. It would not have any material effect on the Commission.

Thank you for your consideration.

Chapter 11.10 HARBOR COMMISSION

Sections:

<u>11.10.005</u>	<u>Purpose.</u>
11.10.010	Duties and powers.

11.10.005 Purpose.

The purpose of the Harbor Commission is to advise the Council and administration on issues involving City harbor facilities and tidal or submerged lands owned by the City. This proposed new section of code is intended just to clearly state the purpose of the commission.

11.10.010 Duties and powers.

(a) The Harbor Commission shall [BE REQUIRED TO DO THE FOLLOWING]:

(1) [DEVELOP, ADOPT, ALTER, OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A] Review and provide recommendations on any master plans for the [PHYSICAL] development of harbor or port facilities for the City. [SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE HARBOR COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY HARBOR FACILITIES] This may include, among other things:

- (i) Development of the type, location, and sequence of all public harbor facilities;
- (ii) The relocation, removal, extension, or change of use of existing harbor facilities;

As discussed previously, these changes reflect that the commission itself is not independently responsible for any master plans, but that the Commission's role to provide recommendations on such plans as they are developed.

(2) Submit annually to the City Manager and Council, not less than ninety (90) days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming [THREE (3)] five-year period. Such list shall be arranged in order of preference, with recommendations as to which projects [SHALL BE] are recommended for constructed in which year. The changes in this section are intended to reflect the actual timeline utilized by the City in its capital planning and that these are recommendations dependent on funding.

(3) Act in an advisory capacity to the Council and administration [MAKE INVESTIGATIONS] regarding [ANY] matters related to City harbor facilities, tide or submerged lands. Make recommendations to the Council and administration relative to the care, control, and development of tide and submerged lands. This change is recommended to reflect that the commission really doesn't have a budget or authority to independently carry out investigations, but instead its role is to advise and make recommendations to administration and the City Council.

(4) Review all City leases of City-owned tide[,] and submerged lands [, AND LANDS OR NAVIGABLE WATERS WITHIN THE CITY, AND AS TO THE PLANNED IMPROVEMENTS PROPOSED] and make recommendations to the City Council and administration. **These are just housekeeping changes**

(5) Provide information and recommendations as requested by the City Council. [MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL **This change again reflects that the role of the Harbor Commission is to advise the Council, as opposed to independently acting.**

(6) COORDINATE PUBLIC EFFORTS, INDIVIDUAL AND GROUP, TO THE EFFECTUATION OF APPROVED PLANS.] **This language is recommended for removal as City Administration generally carries out plans approved by the Council as opposed to advisory bodies.**

[(6)] Advise and provide recommendations to the administration as requested on the qualifications for a Harbor Master. [SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A HARBOR MASTER SHOULD SUCH A POSITION BE CREATED BY THE CITY COUNCIL.] **Because this role is unique in current code to this Commission and the parks and Recreation it is the City Manager's preference that this be removed entirely, but with the new language the City manager is not strongly opposed to it.**

Chapter 1.90 STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

Sections:

- 1.90.010** **Creation.**
- 1.90.020** **Duties.**
- 1.90.030** **Qualifications.**
- 1.90.040** **Terms.**
- 1.90.050** **Proceedings.**
- 1.90.060** **Specific requirements of boards, commissions and committees.**

1.90.010 **Creation.**

All boards, commissions and committees created by the Council of the City of Kenai, [SHALL] unless otherwise specified, will consist of seven [(7)] members who shall be nominated by the Mayor and confirmed by the City Council from applications submitted to the City Clerk. A chair and vice-chair shall be selected annually and shall be elected from and by the appointed members. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, shall nominate Council Members as a council liaison to any board, commission or committee. After confirmation by Council, the council liaison may attend all meetings of the board, commission or committee. A council liaison is not a member of, and shall have no voting power or any other rights of membership on, the board, commission or committee. The Mayor and other Council Members may attend meetings of boards, commissions or committees when serving as an alternate for the Council liaison, or in their capacity as elected officials. City administrative staff shall attend and supply staff support to all meetings of boards, commissions and committees. **This change is just to reflect that the Council on Aging can have a different number of members.**

1.90.020 Duties.

- (a) Members of boards, commissions and committees shall be required to establish policies relating to their respective organization. They shall act in an advisory capacity to City Council and administration unless otherwise specified in the City Code. **This change reflects that commission advise administration and not just the City Council.**
- (b) If the board, commission or committee has income stated within the City of Kenai annual budget, said board, commission or committee shall work with the City Manager to establish expenses projected for the year for approval by the City Council.

1.90.030 Qualifications.

- (a) A member of a board, commission or committee must be a resident of the City of Kenai, unless the board, commission or committee is specifically exempted by Council from this requirement. The member cannot be an officer or employee of the City of Kenai. If any member should move his or her residence from the corporate limits of the City of Kenai (if applicable), is an officer or employee of the City of Kenai, or shall be elected or appointed as an officer or employee of the City of Kenai, the service of such member shall terminate immediately. He or she should be aware that he or she will serve without salary, but will be reimbursed for all reasonable expenses incurred in connection with this service, only after approval by Council.
- (b) The Beautification Committee, and Harbor, Library, and Parks and Recreation Commissions may at the discretion of the Council have up to two (2) non-resident members each.
- (c) The Planning and Zoning Commission may have up to one member that is not a resident of the City if they have a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.

1.90.040 Terms.

- (a) A member of a board, commission or committee shall serve for a term of three (3) years, unless the board, commission or committee is specifically exempted by Council from this requirement. At renewal date, the Mayor, with consent of the Council, can reappoint the member or recommend a replacement.
- (b) The terms of the initial board, commission or committee member shall be staggered so that three (3) members will be appointed for one (1) year; two (2) members will be appointed for two (2) years; and two (2) members will be appointed for three (3) years. Terms shall commence on January 1st of each year.

1.90.050 Proceedings.

- (a) All boards, commissions and committees will have regularly scheduled meetings which shall be open to the public. Exceptions to the meeting requirements shall be established by Council. Permanent records or minutes shall be kept of all proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk and shall be a public record open to inspection by any person. All acts of boards, commissions and committees are subject to the paramount authority of the City Council.

(b) If the commission, committee or board member shall be absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of his or her committee, commission or board, regular and special, held within any period of three (3) consecutive calendar months, he or she shall thereupon cease to hold the seat. A commission, committee or board member may not have more than three (3) excused absences during a twelve (12) month calendar year.

(c) In all matters of parliamentary procedure, the most current edition of Robert's Rules of Order Newly Revised shall be applicable and govern all meetings, unless as specified in KMC [1.15.060](#), motions; KMC [1.15.100](#), speaking; and KMC [1.15.110](#), voting.

(d) The responsibility of insuring that all members of boards, commissions and committees receive a copy of the Standard Procedures of Boards, Commissions and Committees lies with the City Clerk.

1.90.060 Specific requirements of boards, commissions and committees.

Requirements of boards, commissions and committees as set forth in KMC [1.90](#) are general requirements and shall be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual boards, commissions and committees.

**KENAI HARBOR COMMISSION – REGULAR MEETING
FEBRUARY 12, 2024 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR LISA GABRIEL, PRESIDING**

ACTION MINUTES

A. CALL TO ORDER

A Regular Meeting of the Harbor Commission was held on February 12, 2024, in the Kenai City Council Chambers, Kenai, AK. Chair Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Chair Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Lisa Gabriel, Chair
David Peck
John Coston

Jeanne Reveal, Vice Chair
Matthew Moffis

A quorum was present.

Also in attendance were:

Scott Curtin, Public Works Director
Lisa List, Public Works Administrative Assistant
Victoria Askin, City Council Liaison
Terry Eubank, City Manager
Shellie Saner, City Clerk
Linda Mitchell, Planning Director

3. Agenda Approval

MOTION:

Commissioner Peck **MOVED** to approve the agenda as presented. Vice Chair Reveal **SECONDED** the motion.

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

- 1. November 6, 2023
- 2. January 8, 2024

MOTION:

Commissioner Peck **MOVED** to approve the November 6, 2023 and January 8, 2024 Harbor Commission minutes. Commissioner Reveal **SECONDED** the motion.

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

E. UNFINISHED BUSINESS – None.

F. NEW BUSINESS

1. **Discussion/Recommendation** - Recommending City Council Adoption of Proposed Amendments to KMC Chapter's 11.10 Harbor Commission and KMC 1.90 Standard Procedures for Boards, Commissions and Committees.

MOTION:

Commissioner Coston **MOVED** to recommend that the City Council adopt the proposed amendments to KMC Chapter 11.10 and Chapter 1.90 as provided in attachment A in the packet. Vice Chair Reveal **SECONDED** the motion.

City Manager Eubank and City Clerk Saner gave a staff report from information provided in the packet.

VOTE:

YEA: Gabriel, Reveal, Peck, Moffis, Coston

NAY: None

MOTION PASSED UNANIMOUSLY.

2. **Discussion/Recommendation** - Recommending City Council Enact Ordinance 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use.

MOTION:

Vice Chair Reveal **MOVED** to recommend City Council enactment of Ordinance No. 3391-2024. Commissioner Peck **SECONDED** the motion.

Commissioner Moffis declared a possible conflict of interest, stating that he owns property in the area affected. Chair Gabriel ruled that there was a conflict, and recused Commissioner Moffis from deliberation and voting.

Commissioner Costin declared that he serves on both the Harbor Commission and Planning & Zoning Commission, but that his vote this evening would be in regards to how this item relates to his role as a member of the Harbor Commission.

Planning Director Mitchell gave a staff report from information provided in the packet.

VOTE:

YEA: Gabriel, Reveal, Peck, Moffis, Coston.

NAY: None.

MOTION PASSED UNANIMOUSLY.

3. **Discussion/Recommendation** - Recommending City Council Enact Ordinance 3392-2024 - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District.

MOTION:

Commissioner Peck **MOVED** to recommend City Council enactment of Ordinance No. 3392-2024. Vice Chair Reveal **SECONDED** the motion.

Commissioner Moffis declared a possible conflict of interest, stating that he owns property in the area affected. Chair Gabriel ruled that there was a conflict, and recused Commissioner Moffis from deliberation and voting.

Commissioner Costin declared that he serves on both the Harbor Commission and Planning & Zoning Commission, but that his vote this evening would be in regards to how this item relates to his role as a member of the Harbor Commission.

Planning Director Mitchell gave a staff report from information provided in the packet.

UNANIMOUS CONSENT was requested on the motion.

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

G. REPORTS

1. Public Works Director – Director Curtin reported on the following:
 - The US Army Corps of Engineers has awarded a contract for the Kenai Bluff Bank Stabilization Project to Western Marine Construction Inc.
2. Commission Chair – Chair Gabriel thanked staff.
3. City Council Liaison – Council Member Askin reported on recent City Council actions.

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – March 11, 2024

J. COMMISSION QUESTIONS AND COMMENTS

Commissioner Coston thanked staff for the proposed code modifications.

Commissioner Peck thanked staff for the presentations.

Commissioner Moffis thanked staff.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS – None.

There being no further business before the Harbor Commission, the meeting was adjourned at 6:18 p.m.

I certify the above represents accurate minutes of the Harbor Commission meeting of February 12, 2024.

Meghan Thibodeau
Deputy City Clerk



KENAI

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

MEMORANDUM

Attachment G

TO: Parks and Recreation Commission

FROM: Scott Bloom, City Attorney

DATE: January 24, 2024

SUBJECT: **Proposed Amendments to KMC Chapter 19.05 and KMC Chapter 1.90**

On January, 4, 2024 Terry Eubank, City Manager, Shellie Saner, City Clerk, and I met with your Commission in a work session to discuss possible code changes to KMC Chapter 19.05- Parks and Recreation Commission and KMC Chapter 1.90- Standard Procedures for Board, Commissions and Committees, as well as other procedures (such as an annual work plan) with the goal of improving the efficiency of your commission and making sure your valuable time as a commissioner is used wisely.

Attached to this Memorandum in Attachment A are the code changes we discussed. The changes are shown in legislative format. Underlined words are new suggestions while words in all caps are suggested for removal. In addition, comments regarding each change are provided in red. These comments are for discussion purposes only for this Commission.

If the Commission wishes to recommend Council approve the proposed amendments to code, a motion will be needed. For example, "I move to recommend that the City Council adopt the proposed amendments to KMC Chapter 19.05 and Chapter 1.90 as provided in attachment A". After the main motion has been made and seconded the subject will be before the commission for discussion and additional amendments. If additional amendments are proposed they must be made in the form of a motion, be seconded and voted on. Once discussion is complete and no additional amendments are proposed, the main motion will be voted on. All proposed amendment(s) that are approved by a majority of the Commission will be forwarded by the Administration to the Council in the form of an Ordinance, the Ordinance will also likely include recommended changes from other City Commissions that are relevant to their code sections.

The Administration may also recommend moving code provisions pertaining to the Parks and Recreation Commission into a different section of code, from KMC 19.05 into KMC 1.90, for organizational purposes only, but a final recommendation on this change is still in the works. It would not have any material effect on the Commission.

Thank you for your consideration.

Chapter 19.05 PARKS AND RECREATION COMMISSION

Sections:

- 19.05.010** *Creation.*
- 19.05.020** *Duties and powers.*
- 19.05.030** *Terms and appointments to vacancies.*
- 19.05.040** *Qualifications of Commission members.*
- 19.05.050** *Proceedings of Commission.*

19.05.010 **[Creation] Purpose.**

The purpose of the Parks and Recreation Commission is to advise the Council and administration on issues involving the City's parks and recreational facilities. *This proposed new section of code is intended just to clearly state the purpose of the commission.*

19.05.020 **Duties and powers.**

The Commission shall be required to do the following:

- (a) [DEVELOP, ADOPT, ALTER, OR REVISE SUBJECT TO APPROVAL BY THE CITY COUNCIL, A] Review and provide recommendations on any master plans for the physical development of recreation facilities for the City. Such master plans with accompanying maps, plats, charts, descriptive, and explanatory matter, [SHALL] may show the Commission's recommendations for the development of the City's recreation facilitieses[Y MAY] includingg[E], among other things: *As discussed previously, these changes reflect that the commission itself is not independently responsible for any master plans, but that the*

Commission's role to provide recommendations on such plans as they are developed. Changes are also included to reflect that the City does not currently have any parks or recreation master plans, and while they are desired by the current administration it is unclear when funding might be available to hire a consultant to assist in completing such plans.

(1) Development of the type, location, and sequence of all public recreation facilities; and

(2) The relocation, removal, extension, or change of use of existing recreation facilities.

(b) Submit annually to the City Manager and Council, not less than ninety [(90)] days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming [THREE (3)] five year period. Such list shall be arranged in order of preference, with recommendations as to which projects [SHALL BE] are recommended for construction [ED] in which year. The changes in this section are intended to reflect the actual timeline utilized by the City in its capital planning and that these are recommendations dependent on funding.

(c) [MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY RECREATION] Advise the Council and Administration on concerns and recommendations regarding parks and recreational facilities within the City including recommendations for consideration by the Administration in the development of the Parks and Recreation Department's annual budget. This change is recommended to reflect that the commission really doesn't have a budget or authority to independently carry out investigations, but instead its role is to advise and make recommendations to administration and the City Council. Changes to this section further specifically seek recommendations in the Department's annual budget preparations.

(d) Provide information and recommendations as requested [MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL] by the City Council. This change reflects again that rather than acting independently, the commission's role is really to gather information and make recommendation on issues requested by the Council.

(e) Advise and provide recommendations to the Administration as requested on the qualifications for [SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF] a Director of Parks and Recreation. This change was requested by some members of the commission. Because this role is unique in current code to this Commission and the harbor Commission in the selection of a harbor master, it is the City Manager's preference that this be removed entirely, but with the new language the City manager is not strongly opposed to it.

Chapter 1.90

STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

Sections:

- 1.90.010** **Creation.**
- 1.90.020** **Duties.**
- 1.90.030** **Qualifications.**
- 1.90.040** **Terms.**
- 1.90.050** **Proceedings.**
- 1.90.060** **Specific requirements of boards, commissions and committees.**

1.90.010 **Creation.**

All boards, commissions and committees created by the Council of the City of Kenai, [SHALL] unless otherwise specified, will consist of seven [(7)] members who shall be nominated by the Mayor and confirmed by the City Council from applications submitted to the City Clerk. A chair and vice-chair shall be selected annually and shall be elected from and by the appointed members. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, shall nominate Council Members as a council liaison to any board, commission or committee. After confirmation by Council, the council liaison may attend all meetings of the board, commission or committee. A council liaison is not a member of, and shall have no voting power or any other rights of membership on, the board, commission or committee. The Mayor and other Council Members may attend meetings of boards, commissions or committees when serving as an alternate for the Council liaison, or in

their capacity as elected officials. City administrative staff shall attend and supply staff support to all meetings of boards, commissions and committees. **This change is just to reflect that the Council on Aging can have a different number of members.**

1.90.020 Duties.

(a) Members of boards, commissions and committees shall be required to establish policies relating to their respective organization. They shall act in an advisory capacity to City Council and administration unless otherwise specified in the City Code. **This change reflects that commission advise administration and not just the City Council.**

(b) If the board, commission or committee has income stated within the City of Kenai annual budget, said board, commission or committee shall work with the City Manager to establish expenses projected for the year for approval by the City Council.

(Ord. 2748-2014)

1.90.030 Qualifications.

(a) A member of a board, commission or committee must be a resident of the City of Kenai, unless the board, commission or committee is specifically exempted by Council from this requirement. The member cannot be an officer or employee of the City of Kenai. If any member should move his or her residence from the corporate limits of the City of Kenai (if applicable), is an officer or employee of the City of Kenai, or shall be elected or appointed as an officer or employee of the City of Kenai, the service of such member shall terminate immediately. He or she should be aware that he or she will serve without salary, but will be reimbursed for all reasonable expenses incurred in connection with this service, only after approval by Council.

(b) The Beautification Committee, and Harbor, Library, and Parks and Recreation Commissions may at the discretion of the Council have up to two (2) non-resident members each.

(c) The Planning and Zoning Commission may have up to one member that is not a resident of the City if they have a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.

(Ords. 1948-2002, 2320-2008, 2829-2015)

1.90.040 Terms.

(a) A member of a board, commission or committee shall serve for a term of three (3) years, unless the board, commission or committee is specifically exempted by Council from this requirement. At renewal date, the Mayor, with consent of the Council, can reappoint the member or recommend a replacement.

(b) The terms of the initial board, commission or committee member shall be staggered so that three (3) members will be appointed for one (1) year; two (2) members will be appointed for two (2) years; and two (2) members will be appointed for three (3) years. Terms shall commence on January 1st of each year.

1.90.050 Proceedings.

(a) All boards, commissions and committees will have regularly scheduled meetings which shall be open to the public. Exceptions to the meeting requirements shall be established by Council. Permanent records or minutes shall be kept of all proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk and shall be a public record open to inspection by any person. All acts of boards, commissions and committees are subject to the paramount authority of the City Council.

(b) If the commission, committee or board member shall be absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of his or her committee, commission or board, regular and special, held within any period of three (3) consecutive calendar months, he or she shall thereupon cease to hold the seat. A

commission, committee or board member may not have more than three (3) excused absences during a twelve (12) month calendar year.

(c) In all matters of parliamentary procedure, the most current edition of Robert’s Rules of Order Newly Revised shall be applicable and govern all meetings, unless as specified in KMC [1.15.060](#), motions; KMC [1.15.100](#), speaking; and KMC [1.15.110](#), voting.

(d) The responsibility of insuring that all members of boards, commissions and committees receive a copy of the Standard Procedures of Boards, Commissions and Committees lies with the City Clerk.

(Ords. 1610-94, 2017-2003, 2050-2004, 2140-2006, 2614-2012, 3202-2021)

1.90.060 Specific requirements of boards, commissions and committees.

Requirements of boards, commissions and committees as set forth in KMC [1.90](#) are general requirements and shall be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual boards, commissions and committees. (Ords. 1223, 1239)

The Kenai Municipal Code is current through Ordinance 3380-2023, passed November 15, 2023.

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

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

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

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**KENAI PARKS & RECREATION COMMISSION – REGULAR MEETING
FEBRUARY 1, 2024 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
VICE CHAIR SOVALA KISENA, PRESIDING**

ACTION MINUTES

A. CALL TO ORDER

A Regular Meeting of the Parks & Recreation Commission was held on February 1, 2024, in the Kenai City Council Chambers, Kenai, AK. Vice Chair Kisena called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

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

2. Roll Call

There were present:

Sovala Kisena, Vice Chair	Nigel LaRicca
Kyle Graham	Jennifer Joanis
Michael Bernard	Charlie Stephens

A quorum was present.

Absent:

Grant Wisniewski, Chair

Also in attendance were:

Tyler Best, Parks & Recreation Director
Jenna Brown, Parks & Recreation Assistant Director
Terry Eubank, City Manager
Shellie Saner, City Clerk

3. Agenda Approval

MOTION:

Commissioner Joanis **MOVED** to approve the agenda as presented. Commissioner Stephens **SECONDED** the motion.

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF ACTION MINUTES

1. January 4, 2024

MOTION:

Commissioner Joanis **MOVED** to approve the January 4, 2024 Parks & Recreation Commission minutes. Commissioner LaRicca **SECONDED** the motion.

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

E. UNFINISHED BUSINESS

1. **Discussion/Recommendation** - Recommendations to Council for Changes to Kenai Municipal Code Chapter 19.05 Parks and Recreation Commission, and Chapter 1.90 Standards for Boards, Commissions and Committees.

MOTION:

Commissioner Stephens **MOVED** to recommend City Council approval of the changes to Kenai Municipal Code Chapter 19.05 Parks and Recreation Commission, and Chapter 1.90 Standards for Boards, Commissions and Committees. Commissioner Joanis **SECONDED** the motion.

Director Best gave a staff report from information provided in the packet; City Clerk saner clarified the intent of the changes.

Discussion ensued; Commissioner Joanis and Vice Chair Kisena spoke in support.

UNANIMOUS CONSENT was requested on the motion.

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

F. NEW BUSINESS

G. REPORTS

1. Parks & Recreation Director – No report.
2. Commission Chair – No report.
3. City Council Liaison – No report.

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – March 7, 2024

Commissioner Stephens noted he would be absent.

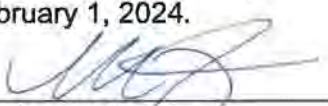
J. COMMISSION QUESTIONS AND COMMENTS – None.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS – None.

There being no further business before the Parks & Recreation Commission, the meeting was adjourned at 6:11 p.m.

I certify the above represents accurate minutes of the Parks & Recreation Commission meeting of February 1, 2024.



 Meghan Thibodeau
 Deputy City Clerk



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3417-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS BY \$12,600 IN THE GENERAL FUND FOR THE PURCHASE OF APPROXIMATELY 7.8 ACRES OF REAL PROPERTY DESCRIBED AS TRACT B, KENAI BLUFF STABILIZATION SUBDIVISION FROM DAVID W. SALTER TO BE RETAINED BY THE CITY FOR A PUBLIC PURPOSE AND DETERMINING THAT THE PUBLIC INTEREST WILL NOT BE SERVED BY AN APPRAISAL.

WHEREAS, the subject real property to be purchased through approval of this Ordinance is described as Tract B, Kenai Bluff Stabilization Subdivision, filed under Plat No. 2021-32 in the Kenai Recording District; and,

WHEREAS, the subject property consists of a long rectangular tract covering lands from the top of the Kenai bluff to the Kenai beach, which are tidally influenced and not suitable for development; and,

WHEREAS, the owner, David W. Salter, desires to sell the subject property to the City upon terms and conditions, which include an executed maintenance easement on adjacent lots with sea walls constructed by private parties on the subject property; and,

WHEREAS, the total purchase price for the subject property containing approximately 7.8 acres is \$12,000 with estimated closing costs not to exceed \$600; and,

WHEREAS, the City works cooperatively with State of Alaska agencies to manage the Personal Use Fishery on its beaches, which includes providing beach access, beach maintenance, and managing issues such as litter, trespassing on adjacent private property, destruction of vegetated areas, fish waste on the beach, and public life and safety issues; and,

WHEREAS, pursuant to Kenai Municipal Code 22.05.135 (a), the City may acquire property needed for a public purpose on such terms and conditions as the Council shall determine provided that no purchase shall be made until a qualified independent appraiser has appraised the property and given the Council an opinion as to the fair market value of the land unless the Council, determines that the best interest of the City will not be served by an appraisal; and,

WHEREAS, an appraisal does not serve the public interest for the subject property as the purchase price is reasonable, consistent with other similar property purchases, and an appraisal would add an unnecessary cost to the transaction; and,

WHEREAS, at its meeting on May 6, 2024 the Harbor Commission recommended _____ of this Ordinance; and,

WHEREAS, the City Council finds that it is in the best interest of the City to acquire the property for the public purpose of protection of marine wetlands, bluff stabilization, and management of the community beachfront on Kenai North Beach and the Personal Use Fishery for a purchase price of \$12,000 plus an estimated \$600 of estimated closing costs and without a recent appraisal.

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 purchase approximately 7.8 acres of real property described as Tract B, Kenai Bluff Stabilization Subdivision from David W. Salter to be retained by the City for a public purpose for a total purchase price of \$12,000 on a form approved by the City Attorney.

Section 2. That the City Council finds that an appraisal does not serve the public interest for the subject property as the purchase price is reasonable, consistent with other similar property purchases, and an appraisal would add an unnecessary cost to the transaction.

Section 3. That the City Council further finds the acquisition of the subject parcel to be in the best interests of the citizens of the City of Kenai and that the public interest shall be served by its acquisition for the total costs including estimated closing costs of \$12,600.

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

General Fund:

Increase revenues –	
Appropriation of Fund Balance	<u>\$12,600</u>
Increase expenditures –	
Land Administration – Land	<u>\$12,600</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS

Introduced:	May 1, 2024
Enacted:	May 15, 2024
Effective:	May 15, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Linda Mitchell, Planning Director

DATE: April 24, 2024

SUBJECT: **Ordinance No. 3417-2024 – An Ordinance Increasing Estimated Revenues and Appropriations By \$12,600 In The General Fund For The Purchase Of Approximately 7.8 Acres Of Real Property Described As Tract B, Kenai Bluff Stabilization Subdivision From David W. Salter To Be Retained By The City For A Public Purpose And Determining That The Public Interest Will Not Be Served By An Appraisal.**

The proposed Ordinance increases appropriations in the general fund to purchase the real property described as Tract B, Kenai Bluff Stabilization Subdivision, filed under Plat No. 2021-32 in the Kenai Recording District, Third Judicial District, State of Alaska. The subject property is approximately 7.8 acres and has a zoning designation of Conservation (C).

The subject parcel is located along the Kenai River bluff, west of the City's Wastewater Treatment Plant. The adopted Land Management Plan has recommendations to retain parcels for management and future expansion (if needed) of the Wastewater Treatment Plan, protection of drainages and marine wetlands, and management of community beachfront on Kenai North Beach and the Personal Use Fishery. The acquisition of the subject parcel is in alignment with the recommendation.

The total purchase price is \$12,000 with estimated closing costs not to exceed \$600. The terms and conditions of the land acquisition includes an executed maintenance easement for sea walls constructed by private parties.

Pursuant to Kenai Municipal Code 22.05.135 (a), the City may acquire property needed for a public purpose on such terms and conditions as the Council shall determine provided that no purchase shall be made until a qualified independent appraiser has appraised the property and given the Council an opinion as to the fair market value of the land unless the Council, upon resolution so finding, determines that the best interest of the City will not be served by an appraisal. An appraisal does not serve the public interest as the purchase price is reasonable, consistent with other similar property purchases, and an appraisal would add an unnecessary cost to the transaction.

At the upcoming May 6, 2024 Harbor Commission Regular Meeting, the Commission will provide their recommendation on the enactment of this Ordinance.

It is in the best interest of the City to acquire the property for the public purpose of protection of marine wetlands, bluff stabilization, and management of the community beachfront on Kenai North Beach and the Personal Use Fishery for a purchase price of \$12,000 plus an estimated \$600 of estimated closing costs and without a recent appraisal.

Thank you for your consideration.

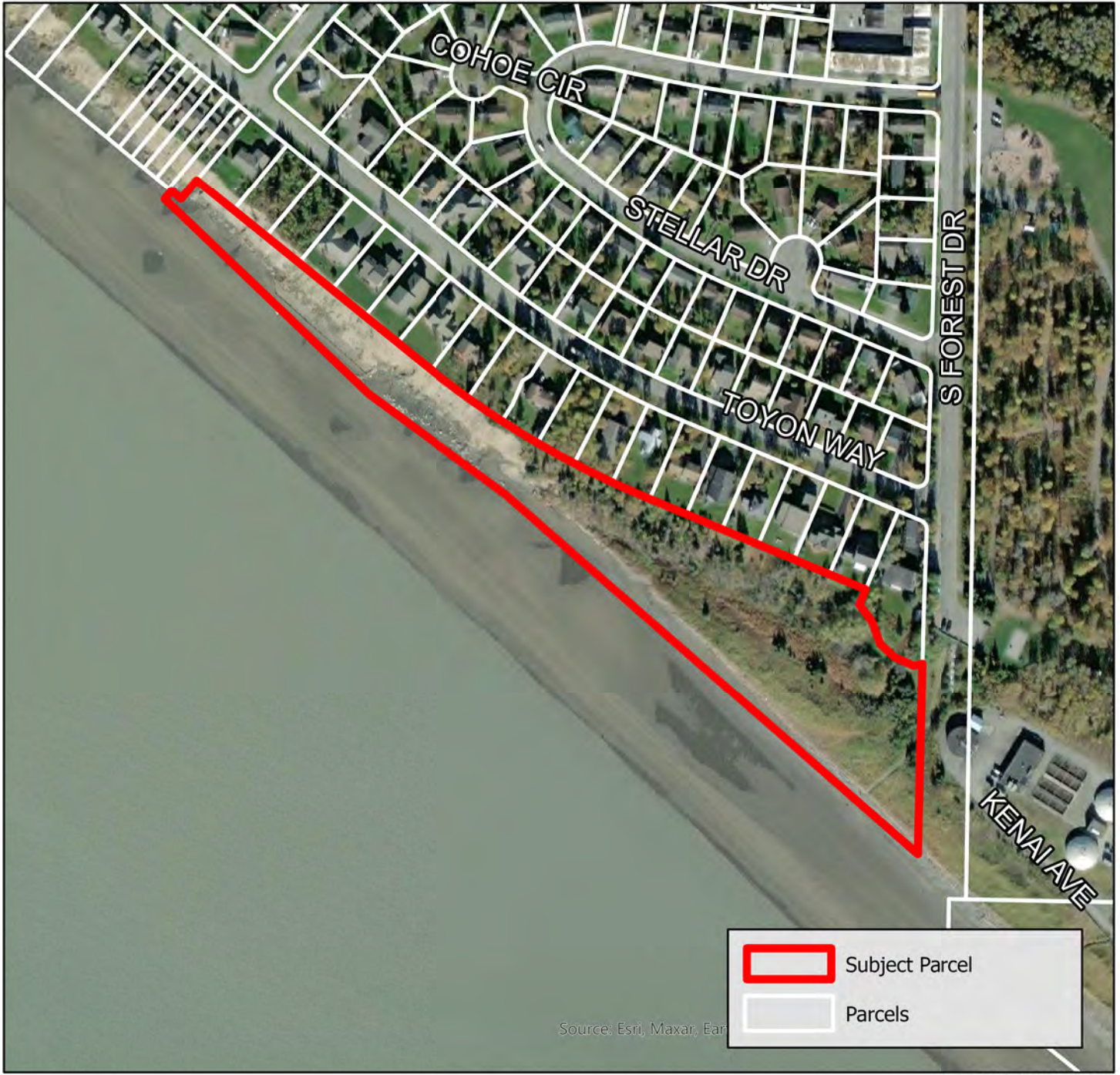
Attachment

Aerial Map



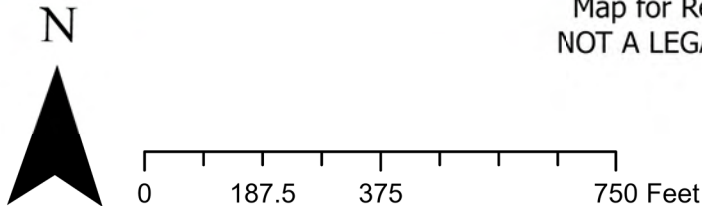


Ordinance No. 3417-2024
Land Acquisition
Tract B, Kenai Bluff Stabilization Subd.
Approximately 7.8 acres



Date Printed: 4/24/2024

Map for Reference Only
NOT A LEGAL DOCUMENT



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

ACTION MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

Chair Ayers led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Ken Ayers, Chair
Velda Geller
Frances Kilfoyle
Jim Glendinging

Rachael Craig, Vice Chair
William Sadler
Kit Hill

A quorum was present.

Absent:

Barbara Modigh

Also in attendance were:

Kathy Romain, Senior Center Director
Red Piersee, Senior Center Administrative Assistant
Kayla Feltman, Senior Center Activity/Volunteer Coordinator
Victoria Askin, City Council Liaison

3. Agenda Approval

MOTION:

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

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

1. February 8, 2024

MOTION:

Member Hill **MOVED** to approve the February 8, 2024 Council on Aging minutes. Vice Chair Craig **SECONDED** the motion.

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

E. UNFINISHED BUSINESS – None.

F. NEW BUSINESS

- 1. **Discussion/Recommendation** - Approving the Council on Aging Commission 2024 Annual Work Plan

MOTION:

Member Glendening **MOVED** to recommend City Council approval of Objective #1, “Enhance Kenai Senior Center (KSC) Community Outreach and Membership”. Member Hill **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion.

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

MOTION:

Vice Chair Craig **MOVED** to recommend City Council approval of Objective #2, “Discuss and Research Adding More Seniors Housing for the City of Kenai.” Member Glendening **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion.

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

MOTION:

Member Hill **MOVED** to recommend City Council approval of Objective #3, “Assist the KSC Staff in Researching Topics that can Enrich Senior Programs.” Vice Chair Craig **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion.

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

G. REPORTS

- 1. Senior Center Director – Director Romain reported on the following:
 - Reviewed Senior Center Monthly Report as provided in the packet.
 - Explained that the Council would be voting on all of the individual commission work plans in future session.
 - Brief review of the recent March for Meals fundraiser.
 - Program in budget planning for upcoming council approval. New budget will include training funds for Red to attend Agenet fly-in in Juneau and Kayla to attend National Association of Activity Professionals conference.
 - Brief reminder of annual surveys and the requirements of this data in State reporting.
- 2. Commission Chair – Chair Ayers gave a brief review of the commission goals and appreciation for all of the input from members.
- 3. City Council Liaison – Council Member Askin reported on recent activities of the City Council.

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – Thursday, May 9, 2024

J. COMMISSION QUESTIONS AND COMMENTS

Chair Ayers brought up some suggestions for future survey questions such as giving examples of cost saving ideas and including the costs associated with the center budget. He would like to give suggestions on the next year's survey.

Member Hill suggested on the survey separating the question of cleanliness of the Senior Center and the agency vehicles as some patrons do not use the transportation services.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS

1. Senior Center Monthly Report – March 2024

There being no further business before the Council on Aging, the meeting was adjourned at 3:30 p.m.

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

Meghan Thibodeau
Deputy City Clerk

DRAFT

**KENAI PARKS & RECREATION COMMISSION – REGULAR MEETING
APRIL 4, 2024 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR GRANT WISNIEWSKI, PRESIDING**

ACTION MINUTES

A. CALL TO ORDER

A Regular Meeting of the Parks & Recreation Commission was held on April 4, 2024, in the Kenai City Council Chambers, Kenai, AK. Chair Wisniewski called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Chair Wisniewski led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Grant Wisniewski, Chair
Kyle Graham
Michael Bernard
Nigel LaRicca

Sovala Kisena, Vice Chair
Jennifer Joanis
Charlie Stephens

A quorum was present.

Also in attendance were:

Tyler Best, Parks & Recreation Director
Jenna Brown, Parks & Recreation Assistant Director
Henry Knackstedt, Vice Mayor

3. Agenda Approval

MOTION:

Commissioner Joanis **MOVED** to approve the agenda as presented. Commissioner Stephens **SECONDED** the motion.

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

1. February 1, 2024

MOTION:

Commissioner Joanis **MOVED** to approve the February 1, 2024 Parks & Recreation Commission minutes. Commissioner Stephens **SECONDED** the motion.

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

E. UNFINISHED BUSINESS - None.

F. NEW BUSINESS

1. **Discussion/Recommendation** – Approving the Parks and Recreation Commission 2024 Annual Work Plan.

MOTION:

Commissioner Stephens **MOVED** to recommend City Council approval of Objective No. 1, “Tour Parks & Trails Twice Semi-Annually.” Commissioner Joanis **SECONDED** the motion.

Director Best summarized Objective No. 1 as developed by the Commission and presented within the work session packet.

MOTION TO AMEND:

Commissioner Joanis **MOVED** to amend Objective No. 1 as follows:

Title to read, “Tour Parks & Trails Twice [SEMI-]Annually.”

Strategy, last sentence of the paragraph to read, “Transportation will be provided by the Department, [IF NEEDED] as available.”

Vice Chair Kisena **SECONDED** the motion.

[Clerk’s Note: The motion to amend was moved and seconded, no objections to the motion to amend were stated; however, there was no final vote on the motion to amend.]

VOTE ON MAIN MOTION AS AMENDED: There being no objection; **SO ORDERED.**

MOTION:

Vice Chair Kisena **MOVED** to recommend City Council approval of Objective No. 2, “Public Requests & Commission Recommendations.” Commissioner Joanis **SECONDED** the motion.

Director Best summarized Objective No. 2 as developed by the commission and presented within the work session packet; he noted that staff would not be in support of this objective.

MOTION TO AMEND:

Vice Chair Kisena **MOVED** to amend Objective No. 2 as follow:

Strategy, delete the last sentence of the paragraph to read, “[KEY ELEMENTS SHOULD INCLUDE ESTABLISHING CHANNELS FOR FEEDBACK, PROMOTING AWARENESS, IMPLEMENTING A TRACKING SYSTEM, ESTABLISHING REVIEW CRITERIA, REGULAR REVIEWS AT COMMISSION MEETINGS, EVALUATION, ITERATION, AND IMPLEMENTATION, AND REGULAR UPDATES TO THE PUBLIC.]”

Commissioner Joanis **SECONDED** the motion.

[Clerk’s Note: The motion to amend was moved and seconded, no objections to the motion to amend were stated; however, there was no final vote on the motion to amend.]

MOTION TO AMEND:

Commissioner Joanis **MOVED** to amend Objective No. 2 as follows:

Estimated Time to Complete to read, “[16] Ongoing”

Vice Chair Kisena **SECONDED** the motion.

[Clerk’s Note: The motion to amend was moved and seconded, no objections to the motion to amend were stated; however, there was no final vote on the motion to amend.]

MOTION TO AMEND:

Vice Chair Kisena **MOVED** to amend Objective No. 2 as follows:

Strategy to read: “In order to effectively meet 19.05.010, the Parks & Recreation Commission (Commission) will identify a commissioner who will work with collaborators to develop a systematic and transparent approach [TO]for reporting requests or suggestions by the public, or from the public through the commission, to collaborators. This commissioner will provide updates at each regularly scheduled Parks & Recreation Commission meeting.”

Commissioner Joanis **SECONDED** the motion.

[Clerk’s Note: The motion to amend was moved and seconded, no objections to the motion to amend were stated; however, there was no final vote on the motion to amend.]

VOTE ON MAIN MOTION AS AMENDED:

YEA: Wisniewski, Kisen, Bernard, Graham, Joanis

NAY: LaRiccia, Stephens

MOTION PASSED.

MOTION:

Commissioner Joanis **MOVED** to recommend City Council approval of Objective No. 3, “CIP Work Sessions Twice Semi-Annually.” Commissioner Kisen **SECONDED** the motion.

Director Best summarized Objective No. 3 as developed by the Commission and provided within the work session packet.

MOTION TO AMEND:

Commissioner Stephens **MOVED** to amend Objective No. 3 as follows:

Title to read, “CIP Work Sessions Twice [SEMI-]Annually”

Vice Chair Kisen **SECONDED** the motion.

[Clerk’s Note: The motion to amend was moved and seconded, no objections to the motion to amend were stated; however, there was no final vote on the motion to amend.]

MOTION TO AMEND:

Commissioner Joanis **MOVED** to amend Objective No. 3 as follows:

Title to read, “Capital Improvement Plan (CIP) Work Session Twice Annually.”

Estimated Time to Complete to read: 4 hours.

Commissioner Stephens **SECONDED** the motion.

[Clerk’s Note: The motion to amend was moved and seconded, no objections to the motion to amend were stated; however, there was no final vote on the motion to amend.]

UNANIMOUS CONSENT was requested on the main motion as amended.

VOTE ON MAIN MOTION AS AMENDED: There being no objection; **SO ORDERED.**

[Clerk’s Note: There was no main motion to approve Objective No. 4.]

Director Best summarized Objective No. 4 as developed by the Commission and provided within the work session packet.

MOTION TO AMEND:

Commissioner Stephens **MOVED** to amend Objective No. 4 as follows:

Strategy to read, “Based on other objectives previously identified by the Parks & Recreation Commission (Commission), and in the support of 19.05.020(a), they will work in collaboration with

the Parks & Recreation Department (Department) to identify items that would support future master plans”.

[Clerk's Note: There was no second on the motion to amend, and no vote to approve the amendment; however, the proposed amendment was a technical change and did not require a motion to amend.]

MOTION TO AMEND:

Commissioner Graham **MOVED** to amend Objective No. 4 as follows:

Title to read, “Development of Long-Term Goals [MASTER PLAN - PROJECT SUPPORT]”

Strategy to read, “Based on other objectives previously identified by the Parks & Recreation Commission (Commission), and in the support of 19.05.020(a), they will work in collaboration with the Parks & Recreation Department (Department) to identify items that would support [FUTURE]a master plans.””

Commissioner Stephens **SECONDED** the motion.

[Clerk's Note: The motion to amend was moved and seconded; no objections to the motion to amend were stated; however, there was no final vote on the motion to amend.]

VOTE ON MAIN MOTION AS AMENDED:

YEA: Kisena, Stephens, Joanis, Graham, Bernard, LaRiccia

NAY: Wisniewski

MOTION PASSED.

2. **Discussion/Recommendation** - Parks and Recreation Commission Meeting Calendar

No motion was made to revise the Parks & Recreation Commission meeting schedule.

G. REPORTS

1. Parks & Recreation Director - Director Best reported on the following:
 - Reviewed the Director’s report as provided in the packet.
 - Researching recreation software to implement at the Kenai Recreation Center and beyond for extended access to residents
2. Commission Chair - Chair Wisniewski reported that he is in the early stages of working on a rope tow project.
3. City Council Liaison - Vice Mayor Knackstedt reported on recent actions of the City Council.

H. ADDITIONAL PUBLIC COMMENTS - None.

I. NEXT MEETING ATTENDANCE NOTIFICATION - May 2, 2024

J. COMMISSION QUESTIONS AND COMMENTS - None.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS - None.

There being no further business before the Parks & Recreation Commission, the meeting was adjourned at 7:42 p.m.

I certify the above represents accurate minutes of the Parks & Recreation Commission meeting of April 4, 2024.

Meghan Thibodeau
Deputy City Clerk

DRAFT



John Williams, Vice President, representing the
City of Kenai

Update from the Board of Directors

Cook Inlet Regional Citizens Advisory Council

The Cook Inlet Regional Citizens Advisory Council met for its regular and annual meeting, April 5th in Kenai.

The Council heard reports from several of our industry and regulatory partners. United States Coast Guard Captain Christopher Culpepper, Commander, Sector Anchorage, gave us an update of ongoing USCG operations and took questions about the December 2023 fire aboard the M/V Genius Start XI at Dutch Harbor.

We were pleased to meet with Emma Pokon, Commissioner-designee for the Alaska Department of Environmental Conservation. Ms. Pokon brings an impressive resume centered on environmental law to the Department and reported that staffing levels in the Spill Prevention and Response (SPAR) program are currently full in our region. Proper funding, training, and retention of staff in the SPAR program is essential to maintaining safe operations in Cook Inlet and has been a concern in recent years.

Captain Marc Bayer, Vice President of Marine Operations for Marathon Petroleum, gave a presentation on that company's global operations, while Captain Paul Mehler, Port Captain for Marathon in Alaska, gave a debrief on winter operations in Cook Inlet, highlighting safe operations during the recently concluded winter ice season.

The Council also heard an annual operations update from Hilcorp. Operations Manager for Offshore Assets Dan Marlowe and Maniksaq Baumgartner, Hilcorp's Alaska Government and Public Affairs Advisor outlined the company's progress with decommissioning, plugging and abandonment of wells in Cook Inlet and its offshore drilling plans for 2024 and brought the council up to speed on various grants the company is working on to continue studying the viability of its Cook Inlet assets for future use in renewable energy projects.

The Council also recognized several volunteers for their continued commitment to the CIRCAC mission; Walt Sonen, who represents the City of Seldovia, was named our Volunteer of the Year. Service Awards were given to Dr. Richard Prentki (30 years -Environmental Monitoring Committee); Molly McCammon (20 years – Municipality of Anchorage and Environmental Monitoring Committee); John Williams (15 years – City of Kenai); James McHale (10 years – Prevention, Response, Operations, and Safety Committee). These Council and Committee members embody the dedication that has been necessary to remain vigilant in carrying our organization's mission for almost 35 years and we thank them for their service.

The Council will meet next in Kodiak in September.