



Kenai City Council - Regular Meeting

July 05, 2023 – 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. Kenai Peninsula Economic Development District Quarterly Update, Tim Dillon, Executive Director.
2. Cook Inlet Regional Citizens Advisory Council (CIRCAC), Three-Year Recertification, John Williams, Vice President of CIRCAC.

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

E. PUBLIC HEARINGS

1. **Ordinance No. 3360-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
2. **Ordinance No. 3361-2023** - Accepting and Appropriating Fiscal Year 2023 Funds from the 2022 Community Assistance Program, Passed through the State of Alaska, Department of Commerce, Community, and Economic Development for National Floodplain Insurance Program Training. (Administration)
3. **Ordinance No. 3362-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds to Provide Supplemental Funding for the Kenai Municipal Airport's Sand Storage Facility Project and Authorizing a Contract Amendment for Professional Services. (Administration)
4. **Ordinance No. 3363-2023** - Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table, to Establish a Minimum Standard for Public Notification for Commercial Marijuana Establishments and

Prohibit Limited Marijuana Cultivation Facilities in Residential Zoning Districts. (Douthit and Baisden)

F. MINUTES

1. *Regular Meeting of June 21, 2023. (City Clerk)
2. *Special Meeting of June 21, 2023 (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. ***Action/Approval** - Special Use Permit to Kenai Chamber of Commerce and Visitor Center for the Use and Operation of the Moosemeat John Cabin. (Administration)
4. ***Action/Approval** - Non-Objection to the Renewal of an Outdoor Recreation Lodge Liquor License for The Cannery Lodge, LLC, DBA The Cannery Lodge – License No. 5369 (City Clerk)
5. ***Action/Approval** - Non-Objection to the Renewal of a Package Store Liquor License for Three Bears Alaska, Inc, DBA Three Bears – License No. 4118 (City Clerk)
6. **Discussion/Action** - Radio Advertising. (Douthit)

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)].

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

1. Mayoral Letter of Support for CIRCAC's Recertification.

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.

Join Zoom Meeting

<https://us02web.zoom.us/j/88146644808>

Meeting ID: 881 4664 4808 **Passcode:** 555087

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 881 4664 4808 **Passcode:** 555087



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3360-2023**

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 a 2023 Community Conversations with Maddie's Fund and received an award of \$2,500; and,

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

WHEREAS, the animal control chief has identified the need for additional staff training and some additional equipment 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 the intentions of the grant.

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

General Fund:

Increase Estimated Revenues –	
Miscellaneous Grants	<u>\$2,500</u>
Increase Appropriations –	
Animal Control – Small Tools	\$1,000
Animal Control – Transportation	<u>1,500</u>
Total	<u>\$2,500</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 5TH DAY OF JULY, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance:  _____

Introduced:	June 21, 2023
Enacted:	July 5, 2023
Effective:	July 5, 2023



MEMORANDUM

TO: Mayor Brian Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: David Ross, Police Chief

DATE: June 9, 2023

SUBJECT: **Ordinance No. 3360-2023 - Maddie's Fund grant for Kenai Animal Shelter**

The Kenai Animal shelter applied for and received a grant after participating in the April 2023 Community Conversations. The Kenai Animal Shelter was awarded \$2,500.00 in addition to the \$4,375.00 that was awarded earlier in 2023. The Community Conversations was funded by Maddie's Fund. The Animal Control Chief has identified the need for additional staff training and some additional equipment to be purchased with the grant funds.

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 \$265 million in grants toward increased community collaborations and live outcomes, 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



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3361-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING FISCAL YEAR 2023 FUNDS FROM THE 2022 COMMUNITY ASSISTANCE PROGRAM, PASSED THROUGH THE STATE OF ALASKA, DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR NATIONAL FLOODPLAIN INSURANCE PROGRAM TRAINING.

WHEREAS, the Planning and Zoning Department received \$1,085.89 in federal grant funds from 2022 Community Assistance Program, passed through the State of Alaska, Department of Commerce, Community, and Economic Development, for training travel reimbursement; and,

WHEREAS, the funds will be used to reimburse travel costs related to the Planning Director's attendance at the Managing Floodplain Development through the National Floodplain Insurance Program course; and,

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

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

Section 1. That the City Manager is authorized to accept these grant funds to fulfill the purpose and intent of this ordinance.

Section 2. That estimated revenues and appropriations be increased in the FY2023 Budget as follows:

General Fund:

Increase Estimated Revenues –	
Federal Grants – Planning & Zoning	<u>\$1,085.89</u>

Increase Appropriations –	
Planning & Zoning – Transportation	<u>\$1,085.89</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.

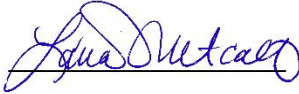
ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5TH DAY OF JULY, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance:



Introduced:

June 21, 2023

Enacted:

July 5, 2023

Effective:

July 5, 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: Linda Mitchell, Planning Director

DATE: June 13, 2023

SUBJECT: **Ordinance No. 3361-2023 - National Floodplain Insurance Program Training Grant**

The State of Alaska, Department of Commerce, Community, and Economic Development received funds from the 2022 Community Assistance Program to pay for National Floodplain Insurance Program (NFIP) training grants for Floodplain Administrators. These funds can be spent on travel and lodging expenses for attendance of a NFIP course.

The purpose of this ordinance is to accept and appropriate a grant of \$1,085.89 for travel reimbursement on completion of the course Managing Floodplain Development through NFIP.

Thank you for your consideration.



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3362-2023**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE AND AIRPORT IMPROVEMENTS CAPITAL PROJECT FUNDS TO PROVIDE SUPPLEMENTAL FUNDING FOR THE KENAI MUNICIPAL AIRPORT'S SAND STORAGE FACILITY PROJECT AND AUTHORIZING A CONTRACT AMENDMENT FOR PROFESSIONAL SERVICES.

WHEREAS, the Kenai Municipal Airport (KMA) Sand Storage Facility project was authorized by Council through Ordinance 3155-2020 effective October 7, 2020; and,

WHEREAS, the Ordinance authorized a Construction Contract to Orion Construction in the amount of \$2,289,000 and awarded Contract Amendment 1 to HDL Engineering Consultants to cover contract administration fees proposed at \$190,332 for a total design agreement to date of \$456,013; and,

WHEREAS, this project has experienced significant delays arising from the COVID pandemic and the supply chain issues created as a result of the pandemic, causing the need for significant additional construction administrative services; and,

WHEREAS, this Ordinance provides supplemental funding in the amount of \$100,000 to cover the additionally requested construction administrative costs of \$132,993 to carry the project through completion anticipated for end of the calendar year 2023; and,

WHEREAS, existing contingency funding is available to make up the difference between the \$132,993 HDL Engineering Consultants Contract Amendment #2 and the \$100,000 in supplemental funding being requested; and,

WHEREAS, staff is coordinating with the Federal Aviation Administration (FAA), and expects a significant portion of these costs to be grant eligible and reimbursable to the City; and,

WHEREAS, Council will see an additional Ordinance at a later date for appropriation of the Federal Aviation Administration (FAA) grant share once these amounts are known and confirmed; and,

WHEREAS, completion of this Ordinance at this time will allow the design team to continue to support the project and charge for their services against the funding being provided with passage of this Ordinance; and,

WHEREAS, staff evaluation of the services provided to date and the requested fees for continued services are reasonable given the circumstances surrounding the project; and,

WHEREAS, approval of this Ordinance and authorization of Contract Amendment #2 to HDL Engineering Consultants in the amount of \$132,993 is in the best interest of the City; and,

WHEREAS, total project costs to date will then be \$2,289,000 for Construction and \$589,006 for Design & Construction Administrative Services for a total project cost of \$2,878,006.

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

Section 1. That the estimated revenues and appropriations be increased as follows:

New Text Underlined; [DELETED TEXT BRACKETED]

Airport Special Revenue Fund:

Increase Estimated Revenues – Appropriation of Fund Balance	<u>\$100,000</u>
Increase Appropriations – Transfer to Airport Improvement Capital Project Fund	<u>\$100,000</u>

Airport Improvement Capital Project Fund:

Increase Estimated Revenues – Transfer from Airport Special Revenue Fund	<u>\$100,000</u>
Increase Appropriations: KMA Sand Storage Facility (329) – Construction	<u>\$100,000</u>

Section 2. That the City Manager is authorized to execute Contract Amendment #2 with HDL Engineering Consultants in the amount of \$132,993 and increase their existing purchase order 120153 by that same amount.

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.

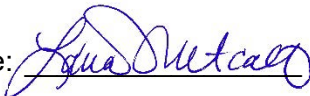
Section 4. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5TH DAY OF JULY, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced:	June 21, 2023
Enacted:	July 5, 2023
Effective:	July 5, 2023



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Scott Curtin, Public Works Director

DATE: June 14, 2023

SUBJECT: **Ordinance 3362-2023 – Supplemental Funding for the Kenai Municipal Airport Sand Storage Facility**

This Ordinance is intended to provide supplemental funding for the Kenai Municipal Airport (KMA) Sand Storage Facility project to allow the design team to continue to provide services in support of this project. As Council is aware this project has experienced significant time delays. The original contract award to Orion Construction was in October 2020 and significant supply chain challenges became apparent with varying COVID 19 restrictions nationwide.

Construction was able to restart this spring with all materials now sourced and available. The concrete foundation was poured on June 14th, 2023 with structural steel on site with planned installation through July. The overall project is expected to be completed by October.

To get to this point significant coordination with the Contractor and the design team was required well beyond what a typical project would be under normal circumstances. The requested contract amendment #2 to HDL Engineering in the amount of \$132,993 is intended to provide services through the end of the project including closeout with the FAA. They include costs from all of HDL sub-consultants including architectural, structural, mechanical and electrical, as well as their own civil and contract admin fees.

The \$100,000 supplement requested is enough to cover these costs with existing contingency funds. Staff is working with the FAA on contract change concurrence and intends to bring back to Council at a later date another Ordinance to appropriate the FAA's grant share.

This project remains a priority for the Airport, and staff looks forward to the benefits it will provide going into the next winter season. Council will continue to be kept informed of the projects progress through the department's midmonth reports. Council's support of this Ordinance is respectfully requested.





Sponsored by: Council Members Douthit and Baisden

**CITY OF KENAI
ORDINANCE NO. 3363-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE SECTIONS 14.20.330 - STANDARDS FOR COMMERCIAL MARIJUANA ESTABLISHMENTS, AND 14.22.010 - LAND USE TABLE, TO ESTABLISH A MINIMUM STANDARD FOR PUBLIC NOTIFICATION FOR COMMERCIAL MARIJUANA ESTABLISHMENTS AND PROHIBIT LIMITED MARIJUANA CULTIVATION FACILITIES IN RESIDENTIAL ZONING DISTRICTS.

WHEREAS, property owner notification for proposed commercial marijuana establishments are mailed to all property owners within a five hundred (500) foot periphery of the parcel affected by the proposed action; and,

WHEREAS, a limited marijuana cultivation facility is permitted with a Conditional Use Permit in the Rural Residential (RR), Rural Residential 1 (RR-1), Suburban Residential (RS), Suburban Residential 1 (RS-1), Suburban Residential 2 (RS-2), Urban Residential (RU), General Commercial (CG), Light Industrial (IL), Heavy Industrial (IH), and Limited Commercial (LC) zoning districts; and,

WHEREAS, residents have expressed concerns with the proximity of commercial marijuana cultivation facilities near residential neighborhoods and not receiving notices of proposed commercial marijuana cultivation facilities nearby their residence; and,

WHEREAS, the prohibition of limited marijuana cultivation facilities in residential zoning districts will preserve and protect the intent of the residential zoning districts and ensure consistency with the Kenai Municipal Code Section 14.20.230 - Home Occupations, which prohibits commercial marijuana establishments as a home occupation; and,

WHEREAS, establishing a minimum number of property owners to be notified of proposed commercial marijuana cultivation facility would increase the noticing area and address noticing concerns.

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

Section 1. Amendment of Subsection 14.20.330(c) of Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.330(c), Standards for commercial marijuana establishments, is hereby amended as follows:

14.20.330(c) Standards for commercial marijuana establishments.

- (c) A public hearing shall be scheduled before the Planning and Zoning Commission to review the conditional use permit application once it has been deemed complete. The public hearing shall be scheduled in accordance with the requirements in KMC 14.20.280, except that notification shall be mailed to all real property owners on record on the Borough Assessor's records within a five hundred (500) foot periphery of the parcel affected by the proposed action. The notice area will be expanded until a minimum of thirty (30) different property owners are available for notification.

Section 2. Amendment of Section 14.22.010 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.22.010 is hereby amended as follows:

14.22.010 Land use table.

LAND USE TABLE

KEY: **P = Principal Permitted Use**
 C = Conditional Use
 S = Secondary Use
 N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

ZONING DISTRICTS																	
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU
RESIDENTIAL																	
One-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	S ²	S ²	C ²²	P	P	P	S ¹ / C ²¹
Two-, Three-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	C	C	C ²²	P	P	P	S ¹ / C ²¹
Four-Family Dwelling	N	C ¹⁸	P	C ^{3, 29}	P	N	N	P	P ²¹	S ¹	C	C	C ²²	N	P	C	S ¹ / C ²¹
Five-, Six-Family Dwelling	N	C ¹⁸	C ³	N	P	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ / C ²¹
Seven- or More Family Dwelling	N	C ¹⁸	C ³	N	C ³	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ / C ²¹
Mobile Home Parks ⁶	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C
Planned Unit Residential Development ⁷	N	C ¹⁸	C	C ²⁹	C	C	C	C	C	C	C	C	N	C	C	C	C
Townhouses ⁴	N	C ¹⁸	C ³	C ^{3, 29}	C ³	C ³	C ³	C ³	C	C	C	C	C ²²	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See KMC 14.20.200)	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N

COMMERCIAL																	
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C
Adult Businesses	N	N	N	N	N	N	N	N	P ³¹	P ³¹	P ³¹	P ³¹	N	N	N	N	N
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Business/Consumer Services	C	N	C	C	C	N	N	C	P	P	P	C	N	C	C	C	P
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P
Marijuana Cultivation Facility, Limited ³⁰	N	N	<u>[C]</u> <u>N</u>	<u>[C]</u> <u>N</u>	<u>[C]</u> <u>N</u>	<u>[C]</u> <u>N</u>	<u>[C]</u> <u>N</u>	<u>[C]</u> <u>N</u>	N	C	C	C	N	N	N	C	N
Marijuana Cultivation Facility, Standard ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N
Marijuana Product Manufacturing Facility ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
Marijuana Testing Facility ³⁰	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C
Professional Offices	C	N	C	C	C	N	N	P	P	P	P	P	N	C	P	P	P
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Retail Business	C	N ²⁶	C	N	C	N	N	C	P	P	P	P	S ²⁴	S ²⁴	C	C	P
Retail Marijuana Store ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P

Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S ²⁴	C	C	N
INDUSTRIAL																	
Airports	C	P ²⁰	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P
Gas Manufacturer/Storage	C ⁹	N	N	N	C	N	N	N	N	N	C ⁹	C ⁹	N	N	N	N	N
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N
PUBLIC/INSTITUTIONAL																	
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches*	N	C	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	C	C	P	P ¹⁰	P	P	P
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P
Colleges*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P
Elementary Schools*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P
Governmental Buildings	P	C	C	C ²⁹	C	C	C	C	P	P	P	C	P	C	C	P	P
High Schools*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P
Libraries*	N	C	C	C ²⁹	C	C	C	C ¹²	P	P	P	C	P	C	P	C	P
Museums	C	C	C	C ²⁹	C	C	C	C	P	P	P	C	P	C	P	C	P

Parks and Recreation	N	P	C	C ²⁹	C	C	C	C	P	P	P	P	P	P	P	C	P
MISCELLANEOUS																	
Animal Boarding/Commercial Kennel ¹³	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C
Assemblies ¹⁵ (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	C	P	N	P ¹⁵
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** ²⁸	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C
Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C
Day Care Centers ¹²	N	C	C	C ²⁹	C	C	C	C	P	P	P	C	C	C	C	P	P
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P ²¹	S	C	P	P ²³	C	C	C	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P
Greenhouses/Tree Nurseries ¹³	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P
Gunsmithing, Taxidermy	N	N	C	C	C	C	C	C	P	P	P	P	N	C	P	P	P
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P

Parking, Public Lots ¹²	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C
Personal Services ²⁵	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/ C ²⁷	P
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C
Subsurface Extraction of Natural Resources ¹⁶	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N
Surface Extraction of Natural Resources ¹⁷	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N

* See 42 USCA Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

** See 42 Telecommunications Act of 1996, Sec. 704(a)

*** See, however, the limitations imposed under KMC [3.10.070](#)

Footnotes:

- 1** Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.
- 2** One (1) single-family residence per parcel, which is part of the main building.
- 3** Allowed as a conditional use, subject to satisfying the following conditions:
 - a** The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;
 - b** The site square footage in area must be approved by the Commission;
 - c** Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;
 - d** Water and sewer facilities shall meet the requirements of all applicable health regulations;
 - e** The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;
 - f** The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;
 - g** There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;
 - h** The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;

- i The property adjacent to the proposed dwelling group will not be adversely affected.
- 4 See “Townhouses” section.
- 5 See “Mobile Homes” section.
- 6 Allowed as a conditional use, subject to “Mobile Homes” section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.
- 7 See “Planned Unit Residential Development” section.
- 8 Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.
- 9 Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.
- 10 Provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.
- 11 Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.
- 12 Allowed as a conditional use; provided, that the following conditions are met:
 - a The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;
 - b Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.
- 13 Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter [3.15](#)).
- 14 Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.
- 15 Allowed; provided, that the following conditions are met:
 - a An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.
 - b Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.
- 16 See “Conditional Uses” section.
- 17 See “Conditional Use Permit for Surface Extraction of Natural Resources” section.
- 18 **Conditional use allowed only on privately held property.** Not allowed on government lands.
- 19 Reserved.
- 20 The airport-related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC [14.20.070\(a\)](#), except that for properties contained inside the airport perimeter fence

or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.

21 Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.

22 Allowed as a conditional use in conjunction with a permitted use in the ED Zone. For example, housing for teachers or students for a school in the zone.

23 Allowed as an accessory use in conjunction with a permitted use in the ED Zone. For example, a dormitory used to house students for a school or educational facility.

24 Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

25 Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

26 Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

27 Personal services not set forth in the below matrix are conditional uses.

Limited Commercial Zone		
Personal Services	Permitted (P)	Conditional Use (C)
Art Studios	X	
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

28 Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC 14.20.255 are met or a conditional use (C) if the applicable conditions set forth in KMC 14.20.150 and 14.20.255 are met.

29 Use allowed only for those parcels that abut the Kenai Spur Highway. The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

30 See marijuana regulations, KMC 14.20.230—Home Occupations, 14.20.320—Definitions, 14.20.330—Standards for commercial marijuana establishments.

31 See KMC 14.20.175—Adult businesses; no adult business may be located within one thousand (1,000) feet of another adult business, or sensitive use. “Sensitive use” means a church or other place of worship, a public or private school (licensed pre-K through twelfth grade) or businesses where or areas where youth are likely to be present (limited to public parks, youth recreational centers, public playgrounds, public libraries).

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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5TH DAY OF JULY, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: June 21, 2023
Enacted: July 5, 2023
Effective: August 4, 2023



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Council Members Alex Douthit and James Baisden

DATE: June 13, 2023

SUBJECT: **Ordinance No. 3363-2023 Amending KMC Sections 14.20.330 and 14.22.010-Standards for Commercial Marijuana Establishments and Land Use Table**

The Ordinance addresses proposed changes to KMC Sections 14.20.330 and 14.22.010 that establishes a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts. Under the current ordinance, property owner notification for a proposed commercial marijuana establishments is mailed to all property owners within five hundred (500) foot periphery of the parcel affected by the proposed action. In addition, a limited marijuana cultivation facility is permitted with a Conditional Use Permit in the Rural Residential (RR), Rural Residential 1 (RR-1), Suburban Residential (RS), Suburban Residential 1 (RS-1), Suburban Residential 2 (RS-2), Urban Residential (RU), General Commercial (CG), Light Industrial (IL), Heavy Industrial (IH), and Limited Commercial (LC) zoning districts. Residents have expressed concerns with the proximity of commercial marijuana cultivation facilities near residential neighborhoods and not receiving notices of proposed commercial marijuana cultivation facilities nearby their residence.

The prohibition of limited marijuana cultivation facilities in residential zoning districts will preserve and protect the intent of the residential zoning districts and ensure consistency with the Kenai Municipal Code Section 14.20.230 - Home Occupations, which prohibits commercial marijuana establishments as a home occupation. The establishment of a minimum of 30 different property owners to be notified of proposed commercial marijuana cultivation facility will increase the noticing area and address noticing concerns.

Your consideration is appreciated.



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Linda Mitchell, Planning Director
DATE: June 29, 2023
SUBJECT: **Ordinance 3363-2023 Requested Amendment**

The purpose of this memo is to request an amendment to Ordinance 3363-2023.

At the regularly scheduled Planning and Zoning Commission meeting of June 28, 2023, the Commission voted to recommend that the City Council enact Ordinance 3363-2023.

The following amendment is respectfully requested:

Motion

Add a sixth Whereas that reads:

WHEREAS, at its meeting on June 28, 2023, the Planning and Zoning Commission recommended the City Council enact this Ordinance.

Thank you for your consideration.

**KENAI CITY COUNCIL – REGULAR MEETING
JUNE 21, 2023 – 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 June 21, 2023, 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
Teea Winger
Henry Knackstedt

James Baisden, Vice Mayor
Deborah Sounart (*remote participation*)
Victoria Askin

A quorum was present.

Absent:

Alex Douthit

Also in attendance were:

Terry Eubank, City Manager
Scott Bloom, City Attorney
Lana Metcalf, Acting Finance Director
Tyler Best, Parks and Recreation Director
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

- Add item E.4. **Public Hearing - Resolution No. 2023-44**
- Amendment Memo

MOTION:

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

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

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

UNANIMOUS CONSENT was requested.

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

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council

member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED ADMINISTRATIVE REPORTS - None.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center provided an update regarding the upcoming events: 38th Annual Fundraiser and the Fourth of July Parade.

Brian Olson addressed the Council regarding the upcoming “Cheers to 50-Years” Potters Guild fundraiser event.

Marion Nelson addressed the Council regarding the history of the Potters Guild and their Kilns.

E. PUBLIC HEARINGS

1. **Ordinance No. 3357-2023** - Amending Kenai Municipal Code Section 23.55.045 to Establish an Annual Tool Allowance for Classified Employees Required to Furnish their Own Standard Working Tools. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3357-2023. Council Member Winger **SECONDED** the motion.

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

It was reported that the mechanic positions were required to supply their own tools; the City does replace broken tools and provides some specialty tools; the \$1,500 tool allowance was comparable to other places of public employment and consistent with state practices; the City would continue to provide specialty tools; and this would provide the mechanics compensation for maintaining their tools.

VOTE:

YEA: Baisden, Askin, Gabriel, Winger, Sounart, Knackstedt

NAY: None

ABSENT: Douthit

MOTION PASSED.

2. **Ordinance No. 3358-2023** - Increasing Estimated Revenues and Appropriations in the General Fund to Provide Supplemental Funding for the Parks and Recreation Utilities Budget. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3358-2023. 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: Askin, Gabriel, Winger, Sounart, Knackstedt, Baisden

NAY: None

ABSENT: Douthit

MOTION PASSED.

3. **Ordinance No. 3359-2023** - Increasing Estimated Revenues and Appropriations in the General Fund and Municipal Roadway Improvements Capital Fund to Provide Supplemental Funding to the 2023 North Willow Street Roadway Improvements, 2023 First Avenue Roadway Repairs, and 2023 Miscellaneous Roadway Repairs Projects. (Administration) [KMC 1.15.070(d)]

MOTION:

Council Member Knackstedt **MOVED** to introduction Ordinance 3359-2023. Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to introduce.

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

MOTION:

Council Member Knackstedt **MOVED** to conduct the second reading of Ordinance 3359-2023. Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to conduct the second reading.

VOTE: Motion **APPROVED**; without objection

MOTION:

Council Member Askin **MOVED** to enact Ordinance No. 3359-2023. Vice Mayor Baisden **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 bids for three projects came in higher than anticipated and in excess of the engineers estimates; reviewing bids for other governmental agencies identified that the inflationary environment was increasing costs for everyone; and it is unlikely that costs would go down if the projects were postponed until next year.

VOTE:

YEA: Gabriel, Winger, Sounart, Knackstedt, Baisden, Askin

NAY: None

ABSENT: Douthit

MOTION PASSED.

4. **Resolution No. 2023-44** - Approving a Twelve-Month Extension of Time for Good Cause for the Completion of Permanent Improvements for a Lease Between the City of Kenai and Soar International Ministries, Inc., for Airport Reserve Lands Described as Tract A-1 of General Aviation Apron Subdivision No. 7. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-44. Vice Mayor Baisden **SECONDED** the motion.

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

There was discussion regarding the importance of developing a lot of this value; concerns were noted about tying up a piece of land without a defined timeline for when improvements would begin; and it was noted that similar extensions were recently approved to other lease holders due to current market conditions.

It was reported that \$180,000 of improvements were already completed with the grubbing and clearing of the land; and the first hangar building was ordered in summer 2022 and was expected to be delivered in the fall of 2023.

VOTE:

YEA: Winger, Sounart, Knackstedt, Baisden, Askin, Winger

NAY: None

ABSENT: Douthit

MOTION PASSED.

- 5. Resolution No. 2023-45** - Authorizing Renewal of the City's Property, Liability, Workers' Compensation, Airport and Other Ancillary Policies with the Alaska Municipal League Joint Insurance Association for July 1, 2023 through June 30, 2024. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-45. 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 there was a current hard insurance market, due to lack of insurance providers; and AMLJIA has provided satisfactory coverage since July of 2020.

UNANIMOUS CONSENT was requested.

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

- 6. Resolution No. 2023-46** - Authorizing a Contract Award to Supply Operational Chemicals for the City's Water Treatment and Wastewater Treatment Facilities. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-46. Vice Mayor Baisden **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested.

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

- 7. Resolution No. 2023-47** - Authorizing a Contract Award for Street Light Repairs and Maintenance with Utility Locate Services. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-47. Council Member Winger **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 the bulk of the service was for utility locate services and the street lights repairs would be addressed as problem locations were identified.

UNANIMOUS CONSENT was requested.

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

F. MINUTES

1. *Regular Meeting of June 7, 2023. (City Clerk)

G. UNFINISHED BUSINESS

1. **Resolution No. 2023-40** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 N. Willow Street Roadway Improvements Project. (Administration) *[Postponed at the 06/07/23 meeting to the 06/21/23 meeting]*
 - **Substitute Resolution No. 2023-40** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 North Willow Street Roadway Improvements Project. (Administration)

[Clerk's Note: the motion to adopt Resolution 2023-40 was on the floor from the June 7, 2023 regular City Council meeting.]

[Clerk's Note: Council Member Winger declared a possible conflict with Resolution 2023-40 as her husband is employed by Knick Construction, and although it was unlikely that award of the contract would have significant financial impact on her families personal financed, for public perception she thought it best that she abstain from discussion and voting on the resolution. Mayor Gabriel concurred and Council Member Winger abstained from discussion and voting on Resolution 2023-40.]

MOTION:

Council Member Knackstedt **MOVED** to amend Resolution No. 2023-40 by Substitute Resolution No. 2023-40. Council Member Askin **SECONDED** the motion.

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

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

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

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

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

2. **Resolution No. 2023-41** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 First Avenue Roadway Repairs Project. (Administration) *[Postponed at the 06/07/23 meeting to the 06/21/23 meeting]*

- **Substitute Resolution No. 2023-41** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 First Avenue Roadway Repairs Project. (Administration)

[Clerk's Note: the motion to adopt Resolution 2023-41 was on the floor from the June 7, 2023 regular City Council meeting.]

MOTION:

Council Member Knackstedt **MOVED** to amend Resolution No. 2023-41 by Substitute Resolution No. 2023-41. Council Member Askin **SECONDED** the motion.

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

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

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

There was discussion regarding how the road projects were prioritized; concerns were stated that other roads were in more disrepair; and the 2011 Road Study report was requested.

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

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

3. Resolution No. 2023-42 - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 Miscellaneous Roadway Repairs Project. (Administration)
[Postponed at the 06/07/23 meeting to the 06/21/23 meeting]

- **Substitute Resolution No. 2023-42** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 Miscellaneous Roadway Repairs Project. (Administration)

[Clerk's Note: the motion to adopt Resolution 2023-42 was on the floor from the June 7, 2023 regular City Council meeting.]

MOTION:

Council Member Knackstedt **MOVED** to amend Resolution No. 2023-42 by Substitute Resolution No. 2023-42. Council Member Askin **SECONDED** the motion.

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

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

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

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

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

H. NEW BUSINESS

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

Approved by the consent agenda.

2. *Action/Approval - FY2023 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 - FY 2024 Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)

Approved by the consent agenda.

4. *Action/Approval - Third Amendment to the Agreement for Janitorial Services with Reborn Again Janitorial Services. (Administration)

Approved by the consent agenda.

5. *Action/Approval - Assignment and Assumption of Lease Agreement of Lot 1A FBO Subdivision, South Addition and Lot 2A1 FBO Subdivision, South Addition No. 2 to Schilling Rentals, LLC. (Administration)

Approved by the consent agenda.

6. *Action/Approval - Non-Objection to the Renewal of a Recreational Site Liquor License for Peninsula Oilers Baseball Club Inc., DBA Peninsula Oilers – License No. 846 (City Clerk)

Approved by the consent agenda.

7. ***Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for George Pitsilionis, DBA Pizza Paradisos – License No. 3032 (City Clerk)

Approved by the consent agenda.

8. ***Action/Approval** - Non-Objection to the Renewal of a Package Store Liquor License for Carr-Gottstein Food Co., DBA Oaken Keg #1808 – License No. 3218 (City Clerk)

Approved by the consent agenda.

9. ***Ordinance No. 3360-2023** - 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 July 5, 2023.

10. ***Ordinance No. 3361-2023** - Accepting and Appropriating Fiscal Year 2023 Funds from the 2022 Community Assistance Program, Passed through the State of Alaska, Department of Commerce, Community, and Economic Development for National Floodplain Insurance Program Training. (Administration)

Introduced by the consent agenda and Public Hearing set for July 5, 2023.

11. ***Ordinance No. 3362-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds to Provide Supplemental Funding for the Kenai Municipal Airport's Sand Storage Facility Project and Authorizing a Contract Amendment for Professional Services. (Administration)

Introduced by the consent agenda and Public Hearing set for July 5, 2023.

12. ***Ordinance No. 3363-2023** - Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table, to Establish a Minimum Standard for Public Notification for Commercial Marijuana Establishments and Prohibit Limited Marijuana Cultivation Facilities in Residential Zoning Districts. (Administration)

Introduced by the consent agenda and Public Hearing set for July 5, 2023.

I. **COMMISSION / COMMITTEE REPORTS**

1. Council on Aging

No report, next meeting July 13, 2023.

2. Airport Commission

No report, next meeting July 13, 2023.

3. Harbor Commission

No report, next meeting August 7, 2023.

4. Parks and Recreation Commission

No report, next meeting August 3, 2023.

5. Planning and Zoning Commission

Council Member Knackstedt reported on the June 14, 2023 meeting; next meeting June 28, 2023,

6. Beautification Committee

No report, September 12, 2023.

J. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Attending the Employee Appreciation Dinner.
- Attending the Alaska Gasline Development Corporation meeting.
- Participation the City of Kenai Team during Boys and Girls Club Annual Golf Tournament.
- Attending the Tribal Court Grand Re-Opening.
- Provided a reminder of the Kenai vs. Soldotna Food Drive challenge.

K. ADMINISTRATION REPORTS

1. City Manager - City Manager Eubank reported on the following:
 - City was in full swing preparing for the upcoming Personal Use Fishery.
 - Provided an update on the Bluff Stabilization Project.
 - Attending the Tribal Court Grand Re-Opening.
 - Attending the Alaska Gasline Development Corporation meeting.
2. City Attorney - No report.
3. City Clerk – City Clerk Saner reported on the following:
 - Along with the new online interactive map of the cemetery, a new regulations booklet and applications were developed.
 - Candidate filing packets and nomination petitions would be available mid-July.
 - Increased activity with Food Truck Vendor Permits.

L. ADDITIONAL PUBLIC COMMENTS

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

Council Member Sounart wished everyone a Happy Fourth of July.

Council Member Askin wished everyone a Happy Fourth of July; and noted she enjoyed attending the Employee Appreciation dinner.

Council Member Winger wished everyone a Happy Solstice and Fourth of July; noted she enjoyed attending the Employee appreciation dinner and the Air Fair; and was looking forward to the Kenai Chamber of Commerce fund raiser.

Council Member Knackstedt wished everyone a Happy Summer.

M. EXECUTIVE SESSION - None.**N. PENDING ITEMS - None.****O. ADJOURNMENT****P. INFORMATIONAL ITEMS - None.**

There being no further business before the Council, the meeting was adjourned at 7:29 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of June 21, 2023.

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
JUNE 21, 2023 – 5:00 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 June 21, 2023, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 5:00 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
Teea Winger
Victoria Askin

James Baisden, Vice Mayor
Deborah Sounart (*remote participation*)
Henry Knackstedt

A quorum was present.

Absent:

Alex Douthit

Also in attendance were:

Shellie Saner, City Clerk

3. Agenda Approval

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda. Council Member Winger **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

B. 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:

Council Member Knackstedt **MOVED** to enter into executive session to review and discuss evaluation of the City Manager which may be a subject that tends to prejudice the reputation and character of the City Manager. [AS 44.62.30(C)(2)]. Mr. Eubank elected to have the discussion regarding his evaluation take place in executive session. The executive session will include Mayor Gabriel and City Council Members.

Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION:

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

UNANIMOUS CONSENT was requested.

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

[Clerk's Note: The Council entered into executive session at 5:05 p.m. and reconvened into regular session at 5:46 p.m.]

Council reconvened in open session and reported that the Council met in executive session to review and discuss the City Manager evaluation.

C. ADJOURNMENT

There being no further business before the Council, the special meeting was adjourned at 5:47 p.m.

I certify the above represents accurate minutes of the Kenai City Council Special meeting of June 21, 2023.

Michelle M. Saner, MMC
City Clerk

DRAFT

**PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: JULY 5, 2023**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	99,180.60
PREMERA	JUNE PREMIUM	VARIOUS	INSURANCE	198,379.34

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
---------------	--------------------	----------------------	---------------	---------------------

**PURCHASE ORDERS OVER \$35,000.00 WHICH NEED COUNCIL APPROVAL
 COUNCIL MEETING OF: JULY 5, 2023**

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
---------------	--------------------	--------------	----------------	---------------

INCREASE OF EXISTING PURCHASE ORDER

VENDOR	DESCRIPTION	P.O. # - DEPT.	REASON	AMOUNT	TOTAL PO AMT
DATABIT INC.	DELL COMPUTER EQUIPMENT	125135 - VARIOUS	SEE MEMO	10,534.38	48,493.23



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Member of Council
THROUGH: Terry Eubank, City Manager
THROUGH: Lana Metcalf, Acting Finance Director
FROM: Dan Castimore, IT Manager
DATE: June 28, 2023
SUBJECT: FY23 Dell Equipment Order Revision

On August 3, 2022 Council approved Resolution 2022-60 awarding a contract for the purchase of Dell equipment to Databit Inc. in the amount of \$37,958.85. A contract with Databit Inc. was executed on August 11, 2022. A partial shipment was received later in August. The remaining equipment has still not been received.

In May of 2023 it was determined that an employee at Databit Inc. had offered pricing that the company was unable to provide. This employee has been terminated and the City has been working with the CEO of the company to find a resolution. After exploring multiple options, it was determined that the best option for the City was to acquire the remaining equipment from Databit Inc. Databit Inc. has agreed to provide the remaining equipment at their cost and provide a credit for the profit on the original equipment. The new cost will require increasing the PO by \$10,534.38 for a new total of \$48,493.23.

The City got quotes to purchase the remaining equipment from 3 other vendors and all of their costs were higher than Databit.



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: Linda Mitchell, Planning Director

DATE: June 27, 2023

SUBJECT: **Action/Approval – Special Use Permit for Kenai Chamber of Commerce and Visitor Center for the Moosemeat John Cabin**

The Kenai Chamber of Commerce and Visitor Center (KCCVC) has requested a Special Use Permit to use and operate the Moosemeat John Cabin located on approximately 10,000 square feet (100 feet x 100 feet) of Lot 1, Gusty Subdivision No. 8, where the KCCVC is located. Since 2013, the KCCVC has allowed the use of the Moosemeat John Cabin during the summer months by the Kenai Historical Society in conjunction with its operations in Old Town Kenai. The Kenai Chamber of Commerce operated on the premises from 1977 until 2012. In 2012, the Kenai Chamber of Commerce merged with the Kenai Convention and Visitor's Bureau to form the new entity, "Kenai Chamber of Commerce and Visitor Center".

A Special Use Permit (SUP) was granted for the use of the Moosemeat John Cabin for 12 months from July 31, 2022 to July 30, 2023. The KCCVC would like a SUP for the same use of the Moosemeat John Cabin from July 31, 2023 to July 30, 2024. The KCCVC complied with the terms of the SUP for the Moosemeat John Cabin for previous years of issuance.

If the City Council approves the Special Use Permit, the City Manager will be authorized to execute the Special Use Permit Agreement for the continued use of the cabin for 12 months to Kenai Chamber of Commerce and Visitor Center.

Thank you for your consideration.

Attachments

Special Use Permit Application

Aerial Map

Draft Special Use Permit Agreement



**City of Kenai
Special Use Permit
Application**

Application Date: **6/27/2023**

Applicant Information

Name of Applicant:	Kenai Chamber of Commerce and Visitor Center						
Mailing Address:	11471 Kenai Spur Hwy	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone: ()		Work/ Message Phone: ()9072831991				
E-mail: (Optional)	info@kenaichamber.org						
Name to Appear on Permit:	Kenai Chamber of Commerce and Visitor Center						
Mailing Address:	11471 Kenai Spur Hwy	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone: ()		Work/ Message Phone: ()9072831991				
E-mail: (Optional)							
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____						

Property Information

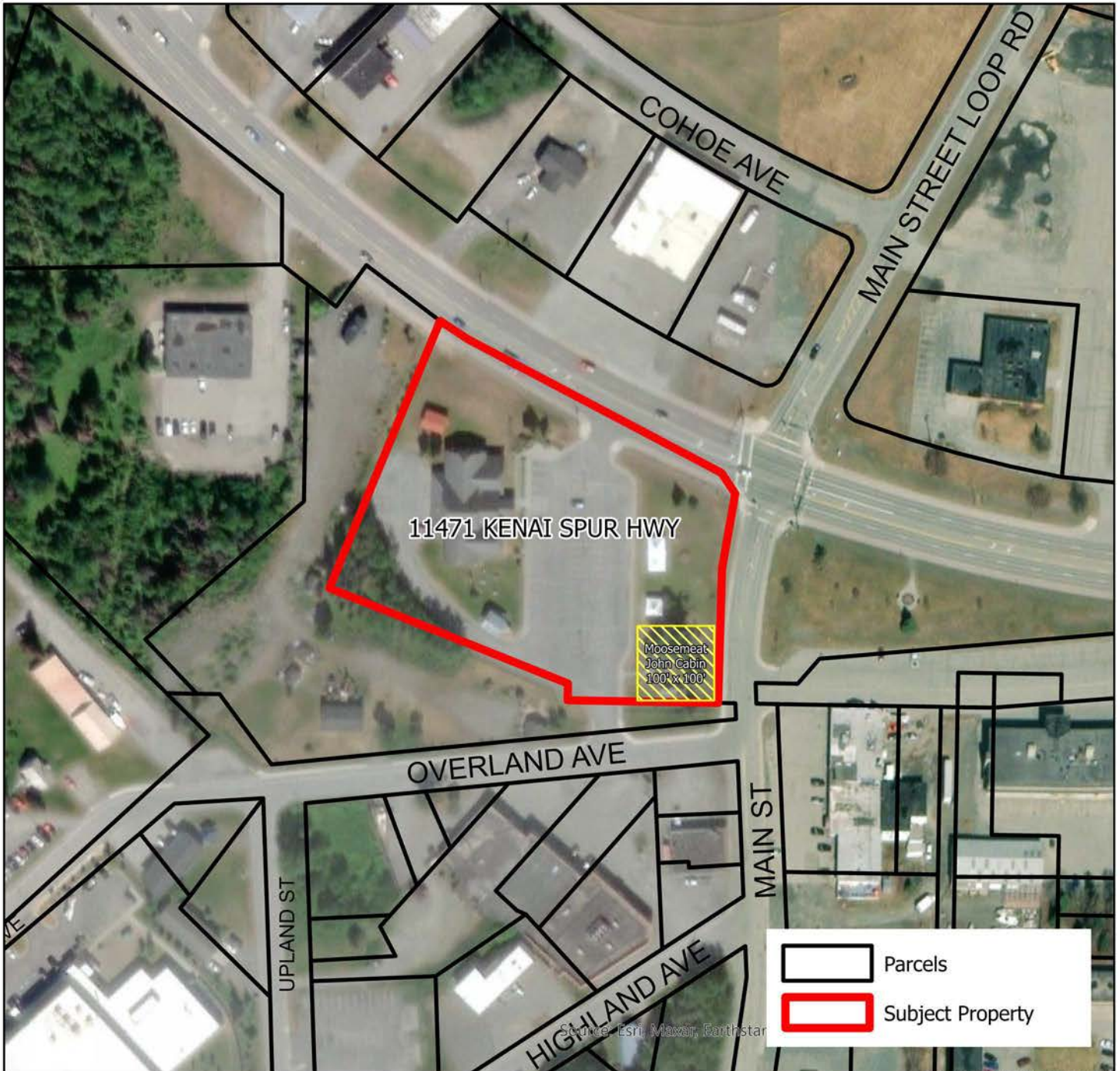
Legal or physical description of the property:	Southeast 100ft x 100ft portion of Lot 1, Grundy Subdivision, addition No. 8	
Description of the proposed business or activity intended:	Moosemeat John Cabin	
Is the area to be used in front of or immediately adjacent to any established business offering the same or similar products or services upon a fixed location?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Would the use under this permit interfere with other businesses through excessive noise, odor, or other nuisances?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If you answered yes to any of the above questions, please explain:		

What is the term requested (not to exceed one year)?	July 30, 2023 - July 31, 2024	
Requested Starting Date:	August 1, 2023	
Signature:		Date: June 27, 2023
Print Name:	Samantha Springer	Title: Executive Director

For City Use Only:	Date Application Fee Received:	N/A
<input type="checkbox"/> General Fund <input type="checkbox"/> Airport Reserve Land	City Council Action/Resolution:	_____
<input type="checkbox"/> Airport Fund <input type="checkbox"/> Outside Airport Reserve	Account Number:	_____



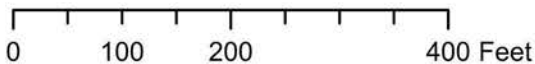
Special Use Permit - KCCVC
Moosemeat John Cabin
Portion of Lot 1, Gusty Subd. No. 8
11471 Kenai Spur Hwy
KPB Parcel ID: 04716005



N



Map for Reference Only
NOT A LEGAL DOCUMENT



SPECIAL USE PERMIT

The **CITY OF KENAI (City)**, for the consideration, and pursuant to the conditions set out below, hereby grants the **Kenai Chamber of Commerce and Visitor Center (PERMITTEE)**, the right to use the Premises, identified on the attached Exhibit A to this Permit, and described as:

The southeast 100 foot x 100 foot portion of Lot 1, Gusty Subdivision, Addition No. 8, Kenai Recording District, according to Plat No. 91-9, to use and operate the "Moosemeat John" Cabin.

1. **Use/Term.** Permittee shall have use of the Premises from July 31, 2023 to July 30, 2024.
2. **Fee.** The Permittee shall not be charged a fee for the use or privilege specified herein.
3. **No Exclusivity.** The use by the Permittee of the Premises is limited to the purposes specified herein and is not intended to grant any exclusive use to the described Premises except as otherwise provided herein. This use is also subject to City, Borough, and State laws and regulations and the reasonable administrative actions of the City for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities.
4. **Improvements.** Permittee shall not make any permanent improvements to the Premises.
5. **Preparation of Premises.** It is Permittee's responsibility to prepare the Premises and to assure itself to its own satisfaction that the Premises are safe for its purposes. The City does not make any warranty or guaranty of the suitability of the Premises for Permittee's intended purposes.
6. **Trash and Debris.** The Premises must be returned to its original condition at the end of each use. Clean up and/or repair charges beyond normal wear and tear will be billed to Permittee based upon cost of repair. Debris and trash shall be collected and removed from the Premises by Permittee. Permittee shall alert City (Parks and Recreation Department) of unsightly, unsanitary, dirty or other conditions on the Premises which exist prior to Permittee's use.
7. **No Alcohol or Illegal Substances.** No possession or consumption of alcoholic beverages, marijuana or illegal substances is permitted on the Premises.
8. **No Joint Venture.** The City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.
9. **Personalty.** Any or all personal property placed or used upon lands or in facilities may be removed and/or impounded by the City, and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or its invitees to the Premises.

10. **Assumption of Risk.** Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Premises. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on the Premises and its exercise of the privileges granted in this Permit.
11. **No Waiver.** Failure to insist upon a strict compliance with the terms, conditions, and requirements herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.
12. **Insurance.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, City is entitled to coverage to the extent of the higher limits.
 - A. Commercial General Liability Insurance, including Premises, all operations, property damage, personal injury and death, broad-form contractual, with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.
 - B. Worker's Compensation Insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.
 - C. All insurance required must meet the following additional requirements:
 - i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
 - ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
 - iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
 - iv. Provide the City with notification at least thirty (30) days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
 - v. Evidence of insurance coverage must be submitted to City prior to any use.

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

13. **No Discrimination.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.

14. **Contact Information.** The Contact information for the Permittee, and the person in responsible charge for Permittee during the term of the Permit, for purposes of notice and all communications from City to Permittee is:

_____ (Name)
_____ (Title)

Kenai Chamber of Commerce & Visitor Center
11471 Kenai Spur Hwy.
Kenai, AK 99611

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

16. **Authority.** By signing this Permit, Permittee represents that it has read this agreement and it agrees to be bound by the terms and conditions herein and that the person signing this Permit is duly authorized by the organization to bind the organization hereunder.

**KENAI CHAMBER OF COMMERCE
& VISITOR CENTER**

CITY OF KENAI

By: _____

By: _____

_____(Name) Date
_____(Title)

Terry Eubank Date
City Manager

ACKNOWLEDGMENTS

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss)

THIS IS TO CERTIFY that on this ____ day of _____, 2023, the foregoing instrument was acknowledged before me by Terry Eubank, City Manager of the City of Kenai, Alaska, an Alaska home rule municipality, on behalf of the City.

Notary Public for Alaska
My Commission Expires: _____

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss)

THIS IS TO CERTIFY that on this ____ day of _____, 2023, the foregoing instrument was acknowledged before me by _____(Name/Title) on behalf of Kenai Chamber of Commerce & Visitor Center.

Notary Public for Alaska
My Commission Expires: _____

ATTEST:

Michelle M. Saner, MMC, City Clerk

SEAL:

APPROVED AS TO FORM:

Scott M. Bloom, City Attorney

DRAFT



**Moosemeat John Cabin
Special Use Permit**

**Southeast 100 ft x 100 ft
portion of
Lot 1, Gusty Subd,
Addition No. 8**



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



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Shellie Saner, City Clerk
DATE: June 28, 2023
SUBJECT: **Liquor License Renewal – The Cannery Lodge**

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

Applicant: The Cannery Lodge, LLC
D/B/A: The Cannery Lodge
License Type: Outdoor Recreation Lodge
License No.: 5369

Pursuant to KMC 2.40, a review of City accounts has been completed on the applicant 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 applicant.

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

May 19, 2023

City of Kenai, Kenai Peninsula Borough Via Email: cityclerk@kenai.city; micheleturner@kpb.us; jratky@kpb.us; tward@kpb.us; mjenkins@kpb.us; jvanhooose@kpb.us; cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenship@kpb.us; bcarter@kpb.us; g_notify_assemblyclerk@kpb.us

Re: Notice of 2023/2024 Liquor License Renewal Application

Table with 4 columns: License Type, Licensee, Doing Business As, License Number. License Type: Outdoor Recreation Lodge, License Number: 5369.

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director and the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Handwritten signature of Joan M. Wilson

Joan Wilson, Director amco.localgovernmentonly@alaska.gov

Submit

by Meghan Thibodeau 5/19/2023 12:08:43 PM (Form Submission)

Approve

by Jeremy Hamilton 6/27/2023 9:52:04 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: May 30, 2023 5:00 PM
5/19/2023 12:08:43 PM

Approve

by Donald Hendrickson 6/28/2023 8:51:46 AM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: May 30, 2023 5:00 PM
5/19/2023 12:08:43 PM

Approve

by David Ross 5/19/2023 12:13:03 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: May 30, 2023 5:00 PM 5/19/2023 12:08:44 PM

Approve

by Tina Williamson 5/22/2023 9:33:31 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: May 30, 2023 5:00 PM
5/19/2023 12:08:44 PM

Approve

by Cindy Herr 5/22/2023 10:32:58 AM (Legal Asst Review)

- There are no monies owed for fines or restitution.
- The task was assigned to Cindy Herr. The due date is: May 30, 2023 5:00 PM 5/19/2023 12:08:44 PM

Approve

by Linda Mitchell 6/14/2023 3:48:44 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: May 30, 2023 5:00 PM
5/19/2023 12:08:44 PM

Approve

by Lana Metcalf 6/16/2023 9:32:29 AM (Finance Review)

- The task was assigned to Lana Metcalf. The due date is: June 23, 2023 5:00 PM 6/14/2023 3:48:44 PM

Approve

by Scott Bloom 6/14/2023 3:52:01 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: June 23, 2023 5:00 PM 6/14/2023 3:48:45 PM

Approve

by Linda Mitchell 6/27/2023 9:52:33 AM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: June 23, 2023 5:00 PM 6/14/2023 3:48:45 PM

AMCO License Application

Date

5/19/2023

Establishment Information

License Type

Outdoor Recreation Lodge

Licensee

The Cannery Lodge, LLC

Doing Business As

The Canner Lodge LLC

Premises Address

2270 Royal Street

City, State

Kenai, AK

Contact Information

Contact Licensee

Ronald Hyde, Jr.

Contact Phone No.

907-223-1242

Contact Email

ron.hyde@pacrimlog.com

Additional Contact Information

Name**Phone No.****Email****Documents**

File Upload

5369 23-24 Complete Renewal Application.pdf

3.12MB

5369 LGB Renewal Notice.pdf

261.32KB



Alaska Alcoholic Beverage Control Board
Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- 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

Licensee (Owner):	The CanneryLodge, LLC	License #:	5369
License Type:	Outdoor Recreation Lodge		
Doing Business As:	The Cannery Lodge LLC		
Local Governing Body:	City of Kenai (Kenai Peninsula Borough)		
Community Council:			

If your mailing address has changed, write the NEW address below:

Mailing Address:	PO Box 530				
City:	Kenai	State:	AK	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:	Ronald B. Hyde, Jr	Contact Phone:	907-223-1242
Contact Email:	ron.hyde@pacrimlogcom		

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 2022 and/or 2023?

YES NO

se
amco rovd 12/23/22



Alaska Alcoholic Beverage Control Board Form AB-17: 2023/2024 License Renewal Application

Section 4 – Ownership Structure Certification

YES NO

Did the ownership structure of the licensed business change in 2021/2022?

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 2021 or 2022.



Section 5 – License Operation

Check ONE BOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:

2021 2022

1. The license was operated for more than 240 hours throughout each year. (Year-round)

2. The license was only operated during a specified time each year. (Not to exceed 6 months per year)

If your operation dates have changed, list them below:

_____ to _____

3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.

4. 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. *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.*

If you have not met the minimum number of hours of operation in 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "Other" and COVID is listed as the reason.

Section 6 - Violations and Convictions

YES NO

Have ANY Notices of Violation been issued for this license?

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 2021 or 2022?

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 304, 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.




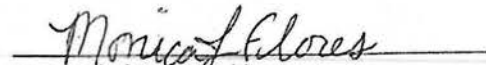
Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 License Renewal Application

- 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 304.465.

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.


Signature of licensee


Signature of Notary Public

RONALD B HYDE JR
Printed name of licensee

Notary Public in and for the State of AK

My commission expires: 10/11/2026

Subscribed and sworn to before me this 19 day of December, 2022.

- 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>

Notary Public
MONICA J. FLORES
State of Alaska
My Commission Expires 10/11/2026

FOR OFFICE USE ONLY

#100521105

License Fee:	\$ 1250.00	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ 1550.00

STATEMENT OF OPERATION
THE CANNERY LODGE
2022 SUMMARY

In 2013 PRL acquired this commercial use facility in Kenai, Alaska (PRL's Cook Inlet Operations Center and Kenai Campus) in tidewater on the Kenai River. The setting is a historical cannery site at the old Libby, McNeil, and Libby Cannery. The Cannery was eventually sold to Columbia Wards in 1950, becoming Wards Cove Packing in the 1980s.

PRL extensively remodeled the various historic cannery buildings over the past seven years. The facility includes an administration building with an event center, four lodging facilities with 31 rooms for client personnel and guests, a kitchen and dining facility for guests, a small venue event center Hyde-out, several outdoor event areas including a covered stage and amphitheater, an outdoor deck and lawn venue with a Spirit House, a Command Center for clients to operate from in an office setting, a garage and warehouse, a Helipad, and a permanent commercial dock on the Kenai River.

The Cannery Lodge opened in early 2015 and is 100% owned and operated by PRL Logistics, Inc. The Cannery Lodge holds the lodge liquor license to sell and dispense alcohol for guests, and for private catered events such as weddings, holiday dinner parties, corporate annual meetings, outdoor concerts, and corporate retreats. Club membership opportunities for PRL's clients and the community began in March 2017 to provide access to the bar and event center and use of lodging and other outdoor recreational options. Club member activities are variable. The Cannery Lodge applied for and received a (RDP) Restaurant Designation Permit for this facility in September 2020.

The lodge is generally open eight months out of the year (May through December), however, special events at the lodge in the off-season period are booked for clients as well. Operational personnel are onsite during all operations. The access to the campus is secured with a key-code lock at the front gate. The secure entrance and driveway are exclusively used by The Cannery Lodge. Offsite parking and shuttle services to the parking areas are available if required.

The Event Center is located on the 2nd floor of the Old Admin building with a capacity of 75-100 people and contains a portable bar with approximately 2200 sq. feet of space. The 1st floor Cannery Club opened in March 2017 in the Old Admin building and has a full-service bar and seating for 20 guests with approximately 900 sq. feet of space. Additional locations on the campus serving alcohol are at the "Hyde Out" which can be catered for small private events of 30-35 guests, an outdoor venue with a deck overlooking the river with a small "Spirit Shack" for dispensing food and liquor. The outdoor venue space and Spirit Shack are used for weddings, concerts, and corporate parties with a capacity of approximately 300 guests. The covered stage area has a grass amphitheater with seating for 250 guests and is used seasonally for summer concerts or other events. This covered stage area may be serviced by personnel in the Spirit Shack or by a portable bar at the stage site. Several bartenders and several servers work

these functions. All personnel involved have required TAPS training and a bar manager is the administrator for these operations. Hours of operation for these various facilities are variable within the legal liquor service periods of operation.

Indoor/outdoor music events may be scheduled during the season. The indoor concerts are generally held in the 2nd floor reception area and the outdoor concert events held in summer at the outdoor stage generally between the hours of 4pm and 11pm.

Age Restrictions: It is possible that guests under the age of 21 may be in attendance with the members/guests. This age exception would be for private invitation only members/client events with ticket sales or private events utilizing the campus. Tickets for concerts are not sold individually to guests under the age of 21. Proper identification is required at point of sale in accordance with the liquor license. ID's may also be checked at the entrance to the concert events with wristbands issued.

Concert security is determined by the type of event and the requirements of the specific performers but generally off-duty police or a private security company provides this service. The facility does not have firearms on the premises. No complaints or police engagements occurred during this past season.

Change of Operation in 2022 occurred when PRL sold to the Salamatof Tribe the existing real estate where the Cannery Lodge is situated. The property was replatted prior to the sale. The current Cannery Lodge property applicable to the liquor license is now known as Tract "B", KENAI LANDING SUBDIVISION 2021 ADDITION, according to Plat No. 2021-72, Kenai Recording District, Third Judicial District, State of Alaska and, Lot One (1), KENAI LANDING SUBDIVISION 2021 ADDITION, according to Plat No. 2021-72, Kenai Recording District, Third Judicial District, State of Alaska.

PRL has an existing lease agreement with Salamatof Tribe and is operating under a Management Agreement between the parties that has been approved by the Alcohol Licensing division until such time as Salamatof receives a new liquor license under Salamatof Cannery Lodge which is currently in process.

For Additional Information see websites: www.thecannerylodge.com



Ronald B. Hyde, Jr.
President PRL Logistics and
Member Manager of The Cannery Lodge, LLC



Office of the Borough Clerk

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

Michele Turner, CMC
Acting Borough Clerk

6/6/2023

Sent via email: cityclerk@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant : The Cannery Lodge, LLC
Business Name : Cannery Lodge
License Type : Lodge
License Location : 2101 Bowpicker Lane Unit 13, Kenai, AK 99611, City of Kenai
License No. : 5369
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
Acting Borough Clerk

cc: ron.hyde@pacrimlog.com;

<mailto:amco.localgovernmentonly@alaska.gov>

MT/tw



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Shellie Saner, City Clerk
DATE: June 29, 2023
SUBJECT: **Liquor License Renewal – Three Bears**

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

Applicant: Three Bears Alaska, Inc.
D/B/A: Three Bears
License Type: Package Store
License No.: 4118

Pursuant to KMC 2.40, a review of City accounts has been completed on the applicant 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 applicant.

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

June 15, 2023

Kenai, Kenai Peninsula Borough

Via Email: micheleturner@kpb.us; jratky@kpb.us; tward@kpb.us; mjenkins@kpb.us; jvanhooose@kpb.us; cjackinsky@kpb.us; maldridge@kpb.us; slopez@kpb.us; jblankenship@kpb.us; bcarter@kpb.us; g_notify_assemblyclerk@kpb.us; cityclerk@kenai.city

Re: Notice of 2023/2024 Liquor License Renewal Application

Table with 2 columns: License Type, License Number, Licensee, Doing Business As. License Type: Package Store, License Number: 4118, Licensee: Three Bears Alaska, Inc., Doing Business As: Three Bears.

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director and the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Handwritten signature of Joan M. Wilson

Joan Wilson, Director amco.localgovernmentonly@alaska.gov

- Submit** by Meghan Thibodeau 6/16/2023 2:56:08 PM (Form Submission)
- Approve** by Jeremy Hamilton 6/16/2023 2:57:26 PM (Fire Marshall Review)

 - The task was assigned to Jeremy Hamilton. The due date is: June 27, 2023 5:00 PM 6/16/2023 2:56:08 PM
- Approve** by Donald Hendrickson 6/28/2023 8:51:57 AM (Building Official Review)

 - The task was assigned to Donald Hendrickson. The due date is: June 27, 2023 5:00 PM 6/16/2023 2:56:09 PM
- Approve** by David Ross 6/19/2023 9:28:30 AM (Police Department Review)

 - The task was assigned to David Ross. The due date is: June 27, 2023 5:00 PM 6/16/2023 2:56:09 PM
- Approve** by Tina Williamson 6/16/2023 5:48:06 PM (Finance Asst Review)

 - The task was assigned to Tina Williamson. The due date is: June 27, 2023 5:00 PM 6/16/2023 2:56:09 PM
- Approve** by Cindy Herr 6/19/2023 11:58:45 AM (Legal Asst Review)

 - No monies owed in restitution or traffic fines.
 - The task was assigned to Cindy Herr. The due date is: June 27, 2023 5:00 PM 6/16/2023 2:56:10 PM
- Approve** by Linda Mitchell 6/26/2023 4:19:27 PM (Lands Review)

 - The task was assigned to Linda Mitchell. The due date is: June 27, 2023 5:00 PM 6/16/2023 2:56:10 PM
- Approve** by Lana Metcalf 6/29/2023 4:54:08 PM (Finance Review)

 - The task was assigned to Lana Metcalf. The due date is: July 5, 2023 5:00 PM 6/26/2023 4:19:28 PM
- Approve** by Scott Bloom 6/26/2023 5:00:31 PM (Legal Review)

 - The task was assigned to Scott Bloom. The due date is: July 5, 2023 5:00 PM 6/26/2023 4:19:28 PM
- Approve** by Linda Mitchell 6/26/2023 4:19:37 PM (P&Z Department Review)

 - The task was assigned to Linda Mitchell. The due date is: July 5, 2023 5:00 PM 6/26/2023 4:19:28 PM

AMCO License Application

Date

6/16/2023

Establishment Information

License Type

Package Store

Licensee

Three Bears Alaska, Inc.

Doing Business As

Three Bears

Premises Address

10575 Kenai Spur Highway

City, State

Kenai, AK

Contact Information

Contact Licensee

Steve Mierop

Contact Phone No.

907-397-4311

Contact Email

steve@threebears.store

Additional Contact Information

Name

Joan Travostino

Phone No.

907-252-7839

Email

travostino.joan@dorsey.com

Documents

File Upload

4118_2023-06-16_Letter_Of_Non_Objection.pdf	132.13KB
LGB Notice #4118.pdf	293.34KB
Three Bears #4118.pdf	5.42MB



Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- 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

Licensee (Owner):	Three Bears Alaska, Inc.	License #:	4118
License Type:	Package Store		
Doing Business As:	Three Bears		
Local Governing Body:	Kenai, Kenai Peninsula Borough		
Community Council:			

If your mailing address has changed, write the NEW address below:

Mailing Address:					
City:		State:		ZIP:	

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:	Steve Mierop	Contact Phone:	907-357-4311
Contact Email:	steve@threebears.store		

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:	Joan Travostino	Contact Phone:	907-257-7839
Contact Email:	travostino.joan@dorsey.com		

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 2022 and/or 2023?

YES NO



Form AB-17: 2023/2024 License Renewal Application

Section 4 – Ownership Structure Certification

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Did the ownership structure of the licensed business change in 2021/2022?

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 2021 or 2022.

Section 5 – License Operation

Check ONE BOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:

	2021	2022
1. The license was operated for more than 240 hours throughout each year. (Year-round)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. 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"/>
3. 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"/>
4. 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> <u><i>If you have not met the minimum number of hours of operation in 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "Other" and COVID is listed as the reason.</i></u>	<input type="checkbox"/>	<input type="checkbox"/>

Section 6 - Violations and Convictions

	YES	NO
Have ANY Notices of Violation been issued for this license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
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 2021 or 2022?	<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 304, 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.



Form AB-17: 2023/2024 License Renewal Application

- 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 304.465.

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.

Three Bears Alaska, Inc.

By:
Signature of licensee

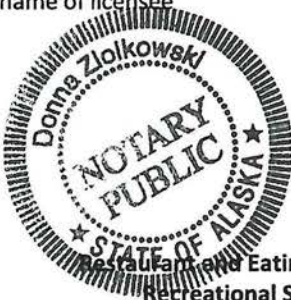
Stephen D. Mierop, Vice President

Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 4/10/24



Subscribed and sworn to before me this 27th day of December, 2022

- 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

#100521449

License Fee:	\$	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
Acting Borough Clerk

6/16/2023

Sent via email: cityclerk@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant : Three Bears Alaska, Inc.
Business Name : Three Bears
License Type : Package Store
License Location : 10575 Kenai Spur Highway, Kenai, AK 99611, City of Kenai
License No. : 4118
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
Acting Borough Clerk

cc: steve@threebearsalaska.com;

<mailto:amco.localgovernmentonly@alaska.gov>

MT/tw

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JUNE 14, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 14, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

- | | |
|-------------------|--------------------------|
| Jeff Twait, Chair | Joe Halstead, Vice Chair |
| Gary Greenberg | Jim Glendering |
| John Coston | Diane Fikes |
| Gwen Woodard | |

A quorum was present.

Absent:

None

Also in attendance were:

- Linda Mitchell, Planning Director
- Meghan Thibodeau, Deputy City Clerk
- Henry Knackstedt, Council Member

3. Approval of Agenda and Consent Agenda

Chair Twait noted the following additions to the Packet:

- | | |
|-----------------|---|
| Add to item I.3 | City Administration Report |
| | • 2022 Conditional Use Permits Annual Report Review |
| Add to item O.2 | Informational Items |
| | • King of the River Food Drive Flyer |

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda and consent agenda with the requested revisions. Council Member Woodard **SECONDED** the motion.

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

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

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

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

B. APPROVAL OF MINUTES

- 1. *Regular Meeting of May 24, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS

Will Jahrig provided an update on the progress of the Restaurant/Brewery development at 800 Childs Avenue.

E. CONSIDERATION OF PLATS

- 1. **Resolution PZ2023-10** – Recommending Approval for Preliminary Plat - Reutov Subdivision to Subdivide a Parcel into Four (4) Lots Located at 106 Lawton Drive (Parcel ID: 04902008) in the Suburban Residential (RS) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-10. Commissioner Coston **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant intends to subdivide the parcel into four lots. Zoning and uses of surrounding lots were reviewed; staff recommended approval to Kenai Peninsula Borough, subject to the following conditions:

- 1. Update the City of Kenai’s City Manager name under the Certificate of Acceptance section.
- 2. Place the following note on the plat: The 20-foot wide access portion of the flag lots (Lots 3 and 4) must be unobstructed and maintained for emergency access.

Discussion ensued.

VOTE:

YEA: Fikes, Glendening, Woodard, Twait, Greenberg, Halstead, Coston

NAY: None

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

- 1. **Resolution PZ2023-09** – Granting a Conditional Use Permit (CUP) to Allow for Lodging on the Property Located at 1534 Stellar Drive (Parcel ID: 04714032) in the Suburban Residential (RS) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-09. Commissioner Glendening **SECONDED** the motion.

Planning Director Mitchell clarified the definition of lodging in Kenai Municipal Code, and presented her staff report with information provided in the packet explaining that the applicant had been running a lodging operation for a few years without knowing it required a conditional use permit (CUP). The criteria

for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Quiet hours are from 10:00 p.m. to 6:00 a.m.

Applicant Mary Kennedy noted that she had submitted a statement into the packet, and would be available for questions.

Chair Twait opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

Support was expressed; it was noted that the applicant had put in a good faith effort to comply with code.

In response to questions from the commission, Mary Kennedy clarified that she is not collecting sales tax but has been paying it to the Kenai Peninsula Borough; apologized for not being aware of the CUP requirement and expressed appreciation for Director Mitchell for helping her through the process; noted that she doesn't advertise but does list her property on AirBNB and VRBO; explained how a group with travel trailers had booked her property last summer, and she had made neighbors aware beforehand and provided them with her contact information in case of issues; noted that her property has been consistently booked in previous years; discussed how she mitigates potential guest issues with a security camera and communication with neighbors; and clarified she has had no homeowner's insurance claims.

VOTE:

YEA: Glendening, Woodard, Greenberg, Fikes, Twait, Halstead, Coston

NAY: None

MOTION PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** – Requesting an Excused Absence for the May 24, 2023 Regular Meeting - Coston.

Approved by the consent agenda.

2. ***Action/Approval** – Time Extension for Compliance with Conditions in Resolution PZ2022-14 for a Restaurant/Brewery on the Property Located at 800 Childs Avenue (Parcel ID: 04901138) in the Heavy Industrial (IH) Zoning District.

Approved by the consent agenda.

I. REPORTS

1. City Council – Council Member Knackstedt reported on the actions of the June 7, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the June 12, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:

- Storefront and Streetscape Improvement grant applications have been out since last week; two completed applications recieved. Explained program process.
- FY2024 budget includes travel expenses for commissioners who want to the American Planning Association conference in Anchorage on September 20, 2023.
- There will be a work session prior to the regular meeting on June 28th.
- Reviewed the 2022 Conditional Use Permits Annual Report provided in laydown; asked commissioners to review and noted that it is within the purview of commission to revoke permits.

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

K. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: June 28, 2023

Vice Chair Halstead noted he would be absent from the June 28th meeting.

L. **COMMISSION COMMENTS AND QUESTIONS**

M. **PENDING ITEMS** – None.


N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS**

1. Kenai Public Open House Flyer

There being no further business before the Commission, the meeting was adjourned at 7:56 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of June 14, 2023.



 Meghan Thibodeau
 Deputy City Clerk

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JUNE 28, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 28, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gwen Woodard
John Coston

Joe Halstead, Vice Chair
Jim Glendening
Diane Fikes

A quorum was present.

Absent:

Joe Halstead, Vice Chair

Gary Greenberg

Also in attendance were:

Linda Mitchell, Planning Director
Meghan Thibodeau, Deputy City Clerk
Alex Douthit, Council Member

3. Approval of Agenda and Consent Agenda

MOTION:

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

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

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

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of June 14, 2023

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS**

1. **Resolution PZ2023-11** – Recommending Approval for Preliminary Plat – Baron Wood Subdivision 2023 Replat to Consolidate Lots 1 and 2, of Baron Wood Subdivision into one (1) lot.

MOTION:

Commissioner Woodard **MOVED** to approve Resolution PZ2023-11. Commissioner Fikes **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet. Zoning and uses of surrounding lots were reviewed; staff recommended approval subject to the following conditions:

1. Revised the scale to an engineer scale (e.g., nearest tenth of a foot).
2. Verify the 15-foot utility easement is corresponding to the correct recorded document.

Discussion ensued.

VOTE:

YEA: Fikes, Woodard, Glendening, Coston, Twait

NAY: None

ABSENT: Halstead, Greenberg

MOTION PASSED.

F. **PUBLIC HEARINGS**

1. **Action/Approval** – Recommending the Kenai City Council Enact Ordinance No. 3363-2023 – Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table to establish a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts.

MOTION:

Commissioner Woodard **MOVED** to recommend that the City Council enact Ordinance No. 3363-2023. Commissioner Fikes **SECONDED** the motion.

Director Mitchell explained that the ordinance is Council-sponsored and proposes to amend the current marijuana establishment code.

Chair Twait opened for public hearing.

Alex Douthit explained his reasons for sponsoring the Ordinance.

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

Discussion ensued. The commission requested that administration review buffer regulations related to State-licensed daycare facilities.

VOTE:

YEA: Fikes, Coston, Woodard, Twait, Glendening
 NAY: None
 ABSENT: Halstead, Greenberg
MOTION PASSED.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** – Requesting an Excused Absence for the June 28, 2023 Regular Meeting - Halstead.

Approved by the consent agenda.

I. REPORTS

1. City Council – Council Member Douthit reported on the actions of the June 21, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the June 26, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Updated data on the 2022 Conditional Use Permit (CUP) annual report; notified commission of active CUPs with missing reports.
 - Update on King of the River Food Drive, and ways to donate.
 - Deadline approaching for commissioners to sign up to attend the American Planning Association Conference in Anchorage on September 20, 2023.
 - Attended the joint Kenai-Soldotna Chamber of Commerce luncheon on a fixed-route transportation plan.
 - Attended the open house for the FEMA map update, representing Kenai.

J. ADDITIONAL PUBLIC COMMENT – None.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: July 12, 2023

L. COMMISSION COMMENTS AND QUESTIONS

Commissioner Fikes noted she may be absent or participating on Zoom at the July 12, 2023 meeting.

Commissioner Glendening noted that he may be absent for the next meeting as well.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Commission, the meeting was adjourned at 7:45 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of June 28, 2023.

Meghan Thibodeau
Deputy City Clerk

DRAFT



KENAI

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

June 29, 2023

Rear Admiral Megan Dean
Commander - I 7th Coast Guard District
United States Coast Guard

RE: Docket Number USCG-2023-0392

Admiral Dean:

I am writing in full support of recertification of the Cook Inlet Regional Citizens Advisory Council (CIRCAC). Since its creation in 1990, CIRCAC has been Cook Inlet's most effective organization for promoting programs to prevent spills, enhance safety in both marine transportation and oil facilities operations, and protect Cook Inlet's waters, shorelines, cultural, natural and wildlife resources.

Not only does CIRCAC advocate for better regulatory oversight and safety measures, they contribute concrete solutions on how to achieve those goals. This includes conducting risk assessments, sharing data, developing applicable tools and strategies, evaluating best available technology, engaging the public, and thoroughly reviewing contingency plans and regulations that prioritize prevention while promoting safety. No other organization has focused as much attention for as many years to identifying, assessing and mitigating risks in this region.

CIRCAC has been proactive in working with the Alaska Department of Environmental Conservation (ADEC) on a suite of regulatory updates, approved in 2021. CIRCAC worked with the agency, industry partners and through various public outreach campaigns to educate and support updates that strengthened the state's spill response rules.

Working with industry and multiple local, state and federal agencies, CIRCAC has expanded its Ice Camera Network. The information provided by these cameras has significantly reduced the risk of an incident in Cook Inlet's dynamic winter conditions and highlights CIRCAC's ability to develop partnerships and share information.

CIRCAC's science program provides valuable data about coastal habitats, physical oceanography and oil behavior. They recently entered a three-year agreement with the Bureau of Ocean Energy Management (BOEM) to compile historical contaminants data from Cook Inlet into an integrated database for online access.

CIRCAC continues to provide its stakeholders and the public an avenue through which they can work with industry and regulators to ensure safe operations in the region.

CIRCAC's accomplishments in the last three years include, but are certainly not limited to:

- Updated Alaska ShoreZone visual data with new surveys along the outer Kenai Peninsula coast
- Received study plan approval from BOEM for data needs for model validation in Cook Inlet
- Advocated for a strengthening of oil spill prevention and response regulations
- Increased public outreach efforts through new, local advertising, exhibits and expanding audiences for its newsletter, website, and social media
- Expanded Geographic Response Information Database (GRID) in scope and accessibility
- Participated on and provide expertise to the Cook Inlet Harbor Safety Committee
- Expanded the Cook Inlet Ice Monitoring Camera Network with modern video technology

Since its inception, CIRCAC has formed and strengthened partnerships and encouraged consensus decision-making. Through this process, CIRCAC brings a varied group of stakeholders together to create environmental monitoring and oil spill prevention programs to promote safe production and transportation of oil in Cook Inlet.

I strongly urge the U.S. Coast Guard to recertify CIRCAC so that it can continue to build on its work and positively impact the future of Cook Inlet.

Sincerely,

Brian Gabriel, Sr.
Mayor

