



Kenai City Council - Regular Meeting

October 06, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comment limited to three (3) minutes) per speaker; thirty (30) minutes aggregated*)

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

B. SCHEDULED PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

- 1. Ordinance No. 3246-2021** - Accepting and Appropriating an Airport Improvement Program Grant from the Federal Aviation Administration in the Airport Equipment Capital Project Fund for the Purchase of Snow Removal Equipment– Multi-Purpose Broom/Blower. (Administration)
- 2. Ordinance No. 3247-2021** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Improvements Capital Project Funds, Awarding a Professional Services Agreement and Corresponding Purchase Order for Mission Avenue Water Main Repairs. (Administration)
 - **Substitute Ordinance No. 3247-2021**
- 3. Resolution No. 2021-59** - Declaring the Vacation of Portions of Utility Easements Associated with Tract B, Block 5, Townsite of Kenai 2021 Kenaitze Replat (Plat KN 2021-18) and Lots 4 & 5 Block 5, Original Townsite of Kenai (Plat KN 2970), and as Set Forth on the Attached Exhibit "A" are Not Needed for a Public Purpose and Consenting to Vacation. (Administration)

- 4. Resolution No. 2021-60** - Awarding an Agreement for the Purchase of Network Equipment. (Administration)

E. MINUTES

- 1.** *Regular Meeting of September 1, 2021. (City Clerk)
- 2.** *Work Session of September 1, 2021. (City Clerk)
- 3.** *Regular Meeting of September 15, 2021. (City Clerk)
- 4.** *Special Meeting Minutes of September 20, 2021. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

- 1.** *Action/Approval - Bills to be Ratified. (Administration)
- 2.** *Action/Approval - Purchase Orders Over \$15,000. (Administration)
- 3.** *Action/Approval - Non-Objection to the Renewal of Marijuana Licenses for Majestic Gardens, LLC. (City Clerk)
- 4.** *Ordinance No. 3248-2021 - Accepting and Appropriating a Collection Equity Award from the Network of the National Library of Medicine Region 5 for the Purchase of Health and Wellness Titles for the Kenai Community Library Collection. (Administration)
- 5.** *Ordinance No. 3249-2021 - Accepting and Appropriating Funding from the American Library Association for the Kenai Community Library's Participation in the NASA@ My Library Programming Initiative. (Administration)
- 6.** *Ordinance No. 3250-2021 - Increasing Estimated Revenues and Appropriations in the Vintage Pointe Enterprise Fund and Awarding a Contract for a Resident Maintenance Manager for the Vintage Pointe, Congregate Housing Facility. (Administration)
- 7.** Action/Approval - Reconsideration of Ordinance No. 3243-2021 - Amending Kenai Municipal Code 14.20.150-Conditional Use Permits, to Clarify Roles and Responsibilities of Applicants, the Planning Director, and the Planning Commission in the Conditional Use Process and Make Housekeeping Changes. (Council Member Glending)
[Clerk's Note: If a motion to reconsider passes, it places the question of enacting Ordinance No. 3243-2021 before the Council in the exact moment before it was voted on originally.]
- 8.** Action/Approval - Authorize Utility Easements within Lots 3A and 4, FBO Subdivision No. 11 to Support the Kenai Municipal Airport's Sand Storage Facility Project. (Administration)

H. COMMISSION / COMMITTEE REPORTS

- 1.** Council on Aging
- 2.** Airport Commission

3. Harbor Commission
4. Parks and Recreation Commission
- [5.](#) Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

1. Contract Discussion and Negotiation for a City Clerk. [AS 44.62.310(C)(1)(2) May be a Subject that Tends to Prejudice the Reputation and Character of the Applicant and is a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City.]

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

- [1.](#) Purchase Orders Between \$2,500 and \$15,000
- [2.](#) Kenai Dog Park Letter

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/81578736276>

Meeting ID: 815 7873 6276 **Passcode:** 313952

OR

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

Meeting ID: 815 7873 6276 **Passcode:** 313952



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3246-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING AN AIRPORT IMPROVEMENT PROGRAM GRANT FROM THE FEDERAL AVIATION ADMINISTRATION IN THE AIRPORT EQUIPMENT CAPITAL PROJECT FUND FOR THE PURCHASE OF SNOW REMOVAL EQUIPMENT – MULTI-PURPOSE BROOM/BLOWER.

WHEREAS, the City received a grant from the Federal Aviation Administration for the replacement of a runway snow blower and broom; and,

WHEREAS, acceptance and appropriation of this grant totaling \$715,586 was enacted by Ordinance 3229-2021; and,

WHEREAS, additional grant funds were received totaling \$47,706; and,

WHEREAS, with the above grant amounts, 100% of the cost of the multi-purpose broom/blower shall be covered by grant funds, no additional City share will be required; and

WHEREAS, this appropriation is in the best interest of the City.

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

Section 1. That the City Manager is authorized to accept additional grant funding for \$47,706 from the Federal Aviation Administration.

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

Airport Snow Removal Equipment Capital Project Fund:

Increase Estimated Revenues -	
FAA Grant 3-02-0142-068-2021	<u>\$47,706</u>

Increase Appropriations –	
Equipment	<u>\$47,706</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.

Ordinance No. 3246-2021
Page 2 of 2

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 6th day of October, 2021

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: SB for TEubank

Introduced: September 15, 2021
Enacted: October 6, 2021
Effective: October 6, 2021



KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Eland Conway, Airport Manager

DATE: September 3, 2021

SUBJECT: **Ordinance 3246 - 2021 – Accepting Additional Grant Funds For Purchase of Multi-Purpose Broom/Blower**

The purpose of this memo is to request Council's approval to accept additional grant funding from the Federal Aviation Administration (FAA) for the replacement purchase of a new airfield snow blower and broom. As council may recall, Ordinance 3229-2021 was enacted August 18, 2021 accepting \$715,586 in grant funds. Additional grant funds from the FAA "CRSSA" totaling \$47,706 have been received.

This piece of equipment is integral to the safe and efficient operation of the airport. Council's approval to accept these additional funds would mean 100% of the cost of this new multi-purpose blower/broom would be covered by FAA grant funds.

Council's support is respectfully requested.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3247-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE WATER AND SEWER SPECIAL REVENUE AND WATER AND SEWER IMPROVEMENTS CAPITAL PROJECT FUNDS, AWARDED A PROFESSIONAL SERVICES AGREEMENT AND CORRESPONDING PURCHASE ORDER FOR MISSION AVENUE WATER MAIN REPAIRS.

WHEREAS, the City of Kenai entered into a term service agreement with HDL Engineering Consultants LLC in May 2020 after the successful completion of the Request for Proposals process to provide professional engineering services on water, sewer, and waste water capital improvement projects; and,

WHEREAS, Task 7 under this agreement is intended to provide bid ready construction documents to address an aging water main in close proximity to the bluffs edge along Mission Avenue; and,

WHEREAS, this project will provide installation of several new water main valves to isolate approximately 400' of piping and installation of new replacement service lines from the main to the curb stop valve in an effort to prevent erosion from creating an eventual interruption to services to properties in the area; and,

WHEREAS, the properties primarily being affected by this work are 902 and 906 Mission Ave, 603 and 604 Main St; and,

WHEREAS, addressing this work now in a controlled manner will be far less expensive and impactful than attempting to after failure; and,

WHEREAS, completion of this work at this time is in the best interest of the City.

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

Section 1. That the Administration is authorized to award a professional services agreement and issue a purchase order in the same amount of \$33,141 to HDL Engineering Consultants LLC for Work identified as Task 7, services include design and bid phase services as well as construction administration services.

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

Water and Sewer Special Revenue Fund:	
Increase Estimated Revenues –	
Appropriation of Fund Balance	<u>\$150,000</u>

Increase Appropriations –	
Water & Sewer Improvements Capital Project Fund	
Design	\$20,000
Construction	<u>\$130,000</u>
 Total	 <u>\$150,000</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 6th day of October, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: SB for TEubank

Introduced: September 15, 2021
Enacted: October 6, 2021
Effective: October 6, 2021

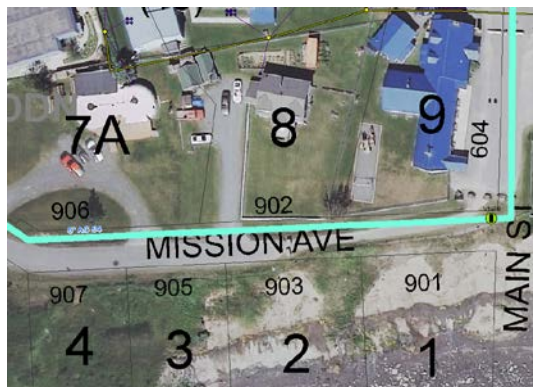
MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin
DATE: September 8, 2021
SUBJECT: Ordinance No. 3247-2021

The purpose of this memo is to request Council's approval to appropriate funds from the Water Sewer Special Revenue Fund and awarding Task 7s work to HDL Engineering Consultants LLC to address an emerging issue with a water main along Mission Ave.

HDL Engineering continues to support the City under a term agreement enacted in May 2020. Task 7 will address a water main, which we believe has been in place since 1964. With the ongoing bluff erosion in the area, the main is now nearing the exposed edge of the bluff face. This project will install several new water main valves which will allow the Water Department to better control the distribution system in this area, and will reroute several properties water services back to a more secure location on the water main, abandoning the piping which is most at risk of eventually failing and falling off the bluff.

The Department is intending to address this now, to minimize future impact to residents in the area. The project is not included within the current Capital Improvement Plan, however it has been identified during the facility and infrastructure assessments that have been ongoing with staff and the engineering team. This is a priority project for the department, completion of the work is in the best interest of the City. Photo below shows the project area.



Council's support is respectfully requested.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3247-2021 SUBSTITUTE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE WATER AND SEWER SPECIAL REVENUE AND WATER AND SEWER IMPROVEMENTS CAPITAL PROJECT FUNDS, AWARDED A PROFESSIONAL SERVICES AGREEMENT AND CORRESPONDING PURCHASE ORDER FOR MISSION AVENUE WATER MAIN REPAIRS.

WHEREAS, the City of Kenai entered into a term service agreement with HDL Engineering Consultants LLC in May 2020 after the successful completion of the Request for Proposals process to provide professional engineering services on water, sewer, and waste water capital improvement projects; and,

WHEREAS, Task 7 under this agreement is intended to provide bid ready construction documents to address an aging water main in close proximity to the bluffs edge along Mission Avenue; and,

WHEREAS, this project will provide installation of several new water main valves to isolate approximately 400' of piping and installation of new replacement service lines from the main to the curb stop valve in an effort to prevent erosion from creating an eventual interruption to services to properties in the area; and,

WHEREAS, the properties primarily being affected by this work are 902 and 906 Mission Ave, 603 and 604 Main St; and,

WHEREAS, addressing this work now in a controlled manner will be far less expensive and impactful than attempting to after failure; and,

WHEREAS, completion of this work at this time is in the best interest of the City.

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

Section 1. That the Administration is authorized to award a professional services agreement and issue a purchase order in the same amount of \$33,141 to HDL Engineering Consultants LLC for Work identified as Task 7, services include design and bid phase services as well as construction administration services.

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

Water and Sewer Special Revenue Fund:

Increase Estimated Revenues –
Appropriation of Fund Balance

\$150,000

Increase Appropriations –	
Transfer to Water & Sewer Improvements Capital Project Fund	\$ <u>150,000</u>

Water and Sewer Improvements Capital Project Fund:

Increase Estimated Revenues –	
Transfer from Water & Sewer Special Revenue Fund	\$ <u>150,000</u>

Increase Appropriations –	
Design	\$ 20,000
Construction	<u>130,000</u>
Total	<u>\$150,000</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 6th day of October, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: _____

Introduced: September 15, 2021
Enacted: October 6, 2021
Effective: October 6, 2021



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2021-59

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA DECLARING THE VACATION OF PORTIONS OF UTILITY EASEMENTS ASSOCIATED WITH TRACT B, BLOCK 5, TOWNSITE OF KENAI 2021 KENAITZE REPLAT (PLAT KN 2021- 18) AND LOTS 4 & 5 BLOCK 5, ORIGINAL TOWNSITE OF KENAI (PLAT KN 2970), AND AS SET FORTH ON THE ATTACHED EXHIBIT "A" ARE NOT NEEDED FOR A PUBLIC PURPOSE AND CONSENTING TO VACATION

WHEREAS, on August 11, 2021, by Resolution No. PZ2021-31, the Kenai Planning and Zoning Commission recommended that the Kenai Peninsula Borough Planning Commission approve the preliminary plat of Townsite of Kenai Kenaitze Courthouse Replat with a vacation of the portions of utility easements as dedicated on the plat of Townsite of Kenai Kenaitze Courthouse Replat; and,

WHEREAS, on September 13, 2021, the Kenai Peninsula Borough Planning Commission consented to the vacation of the utility easements dedicated on the plat for Townsite of Kenai Kenaitze Courthouse Replat; and,

WHEREAS, there is no needed public use for the portions of utility easements depicted on Exhibit "A"; and,

WHEREAS, on September 14, 2021, the Kenai Peninsula Borough submitted a letter to the Kenai City Council requesting consideration of the vacation in accordance with Alaska Statutes 29.40 .140 that requires the consent of the City Council prior to vacation of city easements; and,

WHEREAS, Kenai Municipal Code 22.05.110 - Determination as to need for public use, states City Council may vacate rights-of-way or easements by resolution.

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

Section 1. The portions of utility easements associated with Tract B, Block 5, Townsite of Kenai 2021 Kenaitze Replat (Plat KN-2021-18) and Lots 4 & 5 Block 5, Original Townsite of Kenai (Plat KN 2970) is not needed for a public purpose and the Council of the City of Kenai consents to the vacation of the portions of utility easements as set forth on the attached Exhibit "A ".

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 6th day of October, 2021.

Resolution No. 2021-59
Page 2 of 2

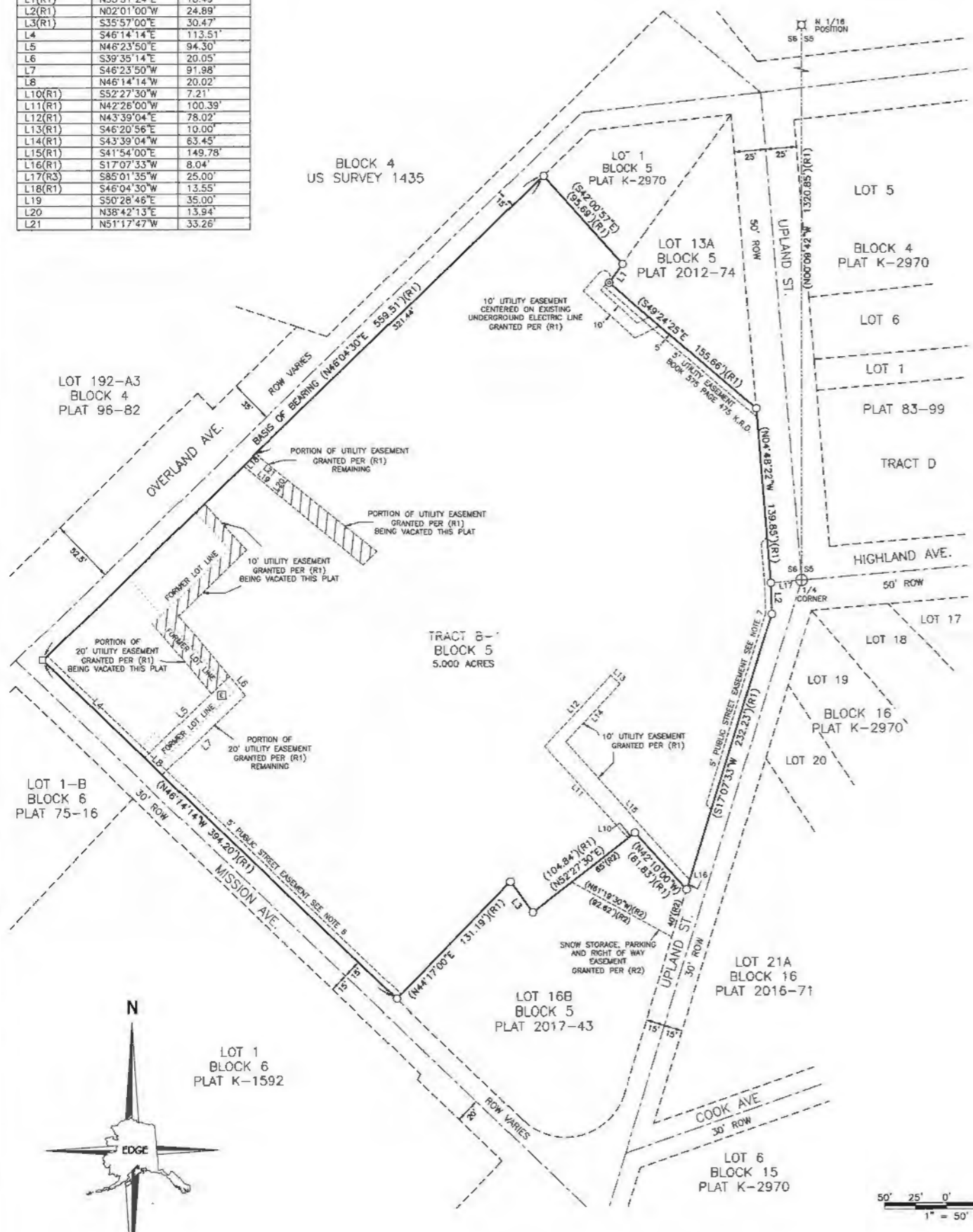
BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

LINE TABLE

LINE	BEARING	DISTANCE
L1(R1)	N35°31'24"E	18.49'
L2(R1)	N02°01'00"W	24.89'
L3(R1)	S35°57'00"E	30.47'
L4	S46°14'14"E	113.51'
L5	N46°23'50"E	94.30'
L6	S39°35'14"E	20.05'
L7	S46°23'50"W	91.98'
L8	N46°14'14"W	20.02'
L10(R1)	S52°27'30"W	7.21'
L11(R1)	N42°28'00"W	100.39'
L12(R1)	N43°39'04"E	78.02'
L13(R1)	S46°20'56"E	10.00'
L14(R1)	S43°39'04"W	63.45'
L15(R1)	S41°54'00"E	149.78'
L16(R1)	S17°07'33"W	8.04'
L17(R3)	S86°01'35"W	25.00'
L18(R1)	S46°04'30"W	13.55'
L19	S50°28'46"E	35.00'
L20	N38°42'13"E	13.94'
L21	N51°17'47"W	33.26'



NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO VACATE AN INTERIOR LOT L1
2. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL F
3. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONIN
4. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS ALSO AN UTILITY WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILI
5. UTILITY EASEMENT VACATION APPROVED BY KENAI PENINSULA BOROUGH
6. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING MISSION AVENUE RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: OCTOBER 11, 1967 BOOK: 28 PAGE: 298-301
7. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING UPLAND STREET RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 279 DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 283-284 DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 286
8. A GENERAL ELECTRIC EASEMENTS, LOCATION NOT DEFINED, GRANTED TO KENAI POWER CORPORATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: DECEMBER 1963 BOOK: 11 PAGE: 188, 235, 242, 282, 289
9. A GENERAL PUBLIC UTILITY EASEMENTS, LOCATION NOT DEFINED, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: JANUARY 24, 2000 BOOK: 575 PAGE: 475
10. A GENERAL ELECTRIC EASEMENTS, EFFECTING PORTIONS OF FORMER TRACT B, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: OCTOBER 29, 2012 SERIAL NUMBER: 2012-010713-0
11. WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

REFERENCES

- (R1) TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION, PLAT 2012-11, KENAI RECORDING DISTRICT
- (R2) EASEMENT SERIAL NUMBER 2012-007066-0, KENAI RECORDING DISTRICT
- (R3) TOWNSITE OF KENAI 2021 KENAITZE REPLAT, PLAT 2021-18, KENAI RECORDING DISTRICT
- (R4) TOWNSITE OF KENAI, PLAT K-2970, KENAI RECORDING DISTRICT

LEGEND

- ⊕ MONUMENT OF RECORD (R1) 2-1/2" BRASS MONUMENT IN CASE
- ⊗ POSITION OF RECORD (R1)
- PROPERTY CORNER OF RECORD (R1) REBAR
- ⊙ PROPERTY CORNER OF RECORD (R1) IRON PIPE
- PROPERTY CORNER OF RECORD (R4) 2"x2" WOOD STAKE
- (R1) RECORD DATA, SEE REFERENCE
- PARCEL BOUNDARY
- ⋯ FORMER LOT LINE
- - - ADJACENT PROPERTY LINE
- - - EASEMENT
- - - CENTERLINE
- - - MONUMENT TIE
- ▨ EASEMENT BEING VACATED

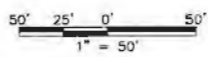
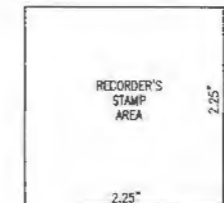
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 13, 2021. KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

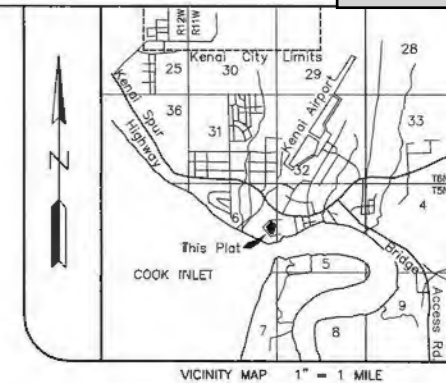
CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



PRELIMINARY PLAT

KPB 2021-118V



CERTIFICATE OF OWNERSHIP AND DEDICATION

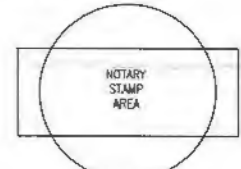
I HEREBY CERTIFY THAT KENAITZE INDIAN TRIBE IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAITZE INDIAN TRIBE I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHELSEA HENDRICKS, EXECUTIVE DIRECTOR
PO BOX 988
KENAI, ALASKA 99611
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE

NOTARY ACKNOWLEDGEMENT

FOR: CHELSEA HENDRICKS
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE



KPB FILE No. 2021-000

TOWNSITE OF KENAI KENAITZE COURTHOUSE REPLAT

A REPLAT OF TRACT B BLOCK 5 TOWNSITE OF KENAI 2021 KENAITZE REPLAT PLAT 2021-18 AND REMAINDER OF LOT 4 AND LOT 5 BLOCK 5 ORIGINAL TOWNSITE OF KENAI PLAT K-2970 KENAI RECORDING DISTRICT

OWNERS: KENAITZE INDIAN TRIBE IRA KENAITZE INDIAN TRIBE PO BOX 988 KENAI, ALASKA 99611

LOCATED WITHIN E 1/2, SECTION 6, T.5N., R.11W. S.M. STATE OF ALASKA KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT CITY OF KENAI CONTAINING 5.000 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515 Phone (907) 344-5990 Fax (907) 344-7794 AECL# 1392

DRAWN BY: JY	DATE: 7/15/2021	PROJECT: 21-582
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: September 27, 2021

SUBJECT: **Resolution No. 2021-59 – Declaring Vacation of portions of Utility Easements as associated with Tract B, Block 5, Townsite of Kenai 2021 Kenaitze Replat and Lots 4 & 5 Block 5, Original Townsite of Kenai.**

On August 11, 2021, the Planning and Zoning Commission passed Resolution PZ2021-31 recommending the approval of the Townsite of Kenai Kenaitze Courthouse Replat subject to the following condition: 2. The Kenai City Council must declare the ten-foot (10') utility easement to be vacated is not needed for a public purpose and approve the vacation of the utility easement as shown on the preliminary plat.

On September 13, 2021, The Kenai Peninsula Borough Planning Commission consented to the vacation of the portion of utility easements as dedicated on the plat of Tract B, Block 5, Townsite of Kenai 2021 Kenaitze Replat (Plat KN 2021-18 and Lots 4 & 5 Block 5, Original Townsite of Kenai (Plat KN 2970).

In accordance with Alaska Statutes 29.40.140, no vacation of a City right-of-way and/or easement may be made without consent of the City Council. Kenai Municipal Code 22.05.110, Determination as to the need for public use the Kenai City Council may vacate rights-of-way or easements by resolution. Council approval of Resolution No. 2021-59 would approve the vacation of the subject utility easements.

Thank you for your consideration.

Attachments

Letter from Kenai Peninsula Borough

Pertinent Materials from Borough Planning Commission Meeting of September 13, 2021

City of Kenai Planning and Zoning Commission Resolution

Minutes from City of Kenai Planning and Zoning Commission Meeting of August 11, 2021



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

September 14, 2021

Kenai City Council
210 Fidalgo Avenue
Kenai, AK 99611

RE: Utility Easement Vacation; KPB File 2021-118V: Vacates portions of utility easements associated with Tract B, Block 5, Townsite of Kenai 2021 Kenaitze Replat (Plat KN 2021-18) and Lots 4 & 5 Block 5, Original Townsite of Kenai (Plat KN 2970); Petitioner: Kenaitze Indian Tribe IRA of Kenai, AK

Dear Kenai City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may not be made without the consent of the city council. The KPB Planning Commission approved the referenced utility easement vacation during their regularly scheduled meeting of September 13, 2021. This petition is being sent to you for your consideration and action.

The City Council has 30 days from September 14, 2021 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Melanie Aeschliman
Planning Director
Kenai Peninsula Borough

Attachments:
Unapproved PC Meeting Minutes
Meeting Packet Materials

Ms. Shirnberg noted that Commissioners Bentz and Chesser had contacted and informed her that they would not be able to attend tonight's meeting.

Hearing no one else wishing to comment, Chair Martin returned the discussion to the Commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Fikes to approve the consent agenda and the regular agenda.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Morgan, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E. NEW BUSINESS

Chair Martin asked Ms. Shirnberg to read the procedure for public testimony.

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 – UTILITY EASEMENT VACATION
TOWNSITE OF KENAI - KENAITZE COURTHOUSE REPLAT**

KPB File No.	2021-118V
Planning Commission Meeting:	September 13, 2021
Applicant / Owner:	Kenaitze Indian Tribe IRA of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	City of Kenai

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition: The petition did not state a purpose but a plat has been submitted to remove interior lot lines. The request is to remove the platted utility easements that are located on the former lot lines within the new lot.

Notification: Notice of vacation mailings were sent by regular mail to sixty owners of property within 600 feet. Notice of the proposed vacation was emailed to eight agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

Staff Analysis: The preliminary plat supplied for the vacation of utility easements depicts several easements to be vacated. Per the submittal, the intent of the preliminary plat is to combine several lots into one 5 acre tract. Per the City of Kenai staff report, the Kenaitze Indian Tribe wishes to expand their tribal court building and provide additional parking. The extension of the building will not comply with city zoning and will encroach into a utility easement. The proposed changes will allow the building to be compliant.

The original plat, US Survey 2970, did not grant any utility easements. Plat KN 2012-11, Townsite of Kenai Kenaitze Addition Subdivision, vacated some of the right of ways in the area and granted some utility easements. Those easements were also depicted on Plat KN 2021-18, Townsite of Kenai 2021 Kenaitze Replat.

Along the northern boundary, adjacent to Lot 13A Block 5, a 10 foot utility easement, granted by KN 2012-

11, centered over the existing underground line will remain as will a 5 foot utility easement granted by book and page.

Along the southeast are utility easements that were granted by KN 2012-11 atop a portion of the right of way vacation of Upland Way and Overland Way. This easement will remain. The easement is labeled as 10 foot utility easement but the width varies and in some areas not 10 feet. **Staff recommends** the label be corrected for the utility easement extending from Upland Street as the width of the easement is not 10 feet and varies with the former right of way width.

A utility easement extends from Overland Avenue into proposed Tract B-1. This request is to vacate the easterly approximately 125 feet. The remaining easement is approximately 13 feet wide and will be approximately 35 feet long.

Plat KN 2012-11 granted utility easements along the property lines in the southwest corner. The northern portion of the 10 foot utility easement adjoining the former lot line is requested to be vacated. When the easement extends to the southeast the width varies. Per KN 2012-11 a 20 foot utility easement was granted centered on the existing utility line. The plat only had the authority to grant the easement within the subdivision boundary. Staff did not find any record of the remaining 20 foot width being granted within Lot 5 Block 5. **Staff recommends** the depiction of the portion being vacated be corrected to match what was actually granted. **Staff recommends** this platting action grant the remaining width for the 20 foot wide utility easement that extends from Mission Avenue.

The City of Kenai Planning and Zoning Commission reviewed the plat at their regularly scheduled meeting on August 11, 2021. They approved the plat including the vacations subject to the Kenai City Council declaring the utility easements to be vacated are not needed for public purpose and approve the vacation as shown. If approved the Kenai City Council must consent or veto the vacation within 30 days from September 13, 2021.

The vacations are proposed to be finalized by plat Townsite of Kenai Kenaitze Courthouse Replat, KPB File 2021-118. The plat has been submitted and will be reviewed by the Plat Committee on September 13, 2021.

Utility provider review:

HEA	No objections
ENSTAR	Approved as shown
ACS	No objections
GCI	Approved as shown

Findings:

1. The petition states a utility company does not use the utility easements proposed for vacation.
2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
3. Townsite of Kenai Kenaitze Addition Subdivision, Plat KN 2012-11, granted utility easements coinciding with portions of right of ways vacated by that plat.
4. Townsite of Kenai Kenaitze Addition Subdivision, Plat KN 2012-11, granted utility easements adjoining lot lines with the remainder of Lot 4 Block 5 and Lot 5 Block 5 of US Survey 2970.
5. A portion of the easement extending from Overland Avenue will be vacated with an approximately 35 foot segment to remain.
6. Additional utility easement will be granted within former Lot 5 Block 5 to allow the full 20 foot width centered on the existing electric overhead line.
7. No surrounding properties will be denied utilities.
8. The vacations are proposed to be vacated by plat, Townsite of Kenai Kenaitze Courthouse Replat.
9. The plat, if approved, will create a 5 acre lot with improvements owned by the Kenaitze Indian Tribe.
10. Per the City of Kenai staff report, the lot line removals and vacation of utility easements will allow the Kenaitze Indian Tribe the ability to add an addition to an existing building and comply with city

zoning code requirements.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Consent by Kenai City Council.
2. Grant utility easements requested by the Kenai City Council and utility providers.
3. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.**
- F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to*

align plans for future expansion of services to serve future residential development and manage growth.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Brantley to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - RIGHT OF WAY VACATION

VACATE SHANE RAE CIRCLE RIGHT OF WAY RUNNING (60' X 645.10') AS SHOWN AND DEDICATED ON S & S SUBDIVISION (PLAT KN 86-112)

KPB File No.	2021-112V
Planning Commission Meeting:	September 13, 2021
Applicant / Owner:	Jessica A and Cole B Young of Soldotna, Alaska
Surveyor:	None at this time
General Location:	Located off of Riggs Avenue from Mackey Lake Road.
Legal Description:	Shane Rae Circle right of way, S & S Sub KN 86-112 E1/2 W1/2 SW1/4 SW1/4, Section 22 Township 5 North Range 10 West Kenai Recording District

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition:

We are requesting to vacate Shane Rae Circle. We own all five of the lots in the S & S Subdivision. We are proposing the following changes to the plat:

- Lot 1 currently has access from Riggs Ave. Lot 1 would continue to share the current driveway for access.
- Lot 2 & 3 to be combined and absorb the Shane Rae Circle land. The combined Lots 2 & 3 will share the current driveway access from Riggs Avenue.
- Lot 4 is double frontage lot with Shane Rae Circle and Heath Circle. As it is served by both accesses, there will be no impact when Shane Rae Circle is vacated. As it is now, an exception had to be made for the construction of Heath Circle due to the depth of the lot.
- The back 4.86 unsubdivided acreage of the S & S Subdivision sits on the cul-de-sac of Heath Circle. Vacating Shane Rae Circle will have no impact on this lot. Currently the Shane Rae Circle access is only platted and not fully constructed. The access via Heath Circle is onto an established gravel cul-de-sac.

As we operate a business with valuable equipment and machinery parked outside, we placed a gate



Planning Commission

Meeting Packet

September 13, 2021

7:30 p.m.

**E1 – Utility Easement Vacation
Townsite of Kenai – Kenaitze Courthouse Replat**

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 – UTILITY EASEMENT VACATION
TOWNSITE OF KENAI - KENAITZE COURTHOUSE REPLAT**

KPB File No.	2021-118V
Planning Commission Meeting:	September 13, 2021
Applicant / Owner:	Kenaitze Indian Tribe IRA of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	City of Kenai

STAFF REPORT

Specific Request / Purpose as stated in the petition: The petition did not state a purpose but a plat has been submitted to remove interior lot lines. The request is to remove the platted utility easements that are located on the former lot lines within the new lot.

Notification: Notice of vacation mailings were sent by regular mail to sixty owners of property within 600 feet. Notice of the proposed vacation was emailed to eight agencies and interested parties.

The public notice was posted on the Planning Department’s bulletin board at the KPB Administration Building.

Staff Analysis: The preliminary plat supplied for the vacation of utility easements depicts several easements to be vacated. Per the submittal, the intent of the preliminary plat is to combine several lots into one 5 acre tract. Per the City of Kenai staff report, the Kenaitze Indian Tribe wishes to expand their tribal court building and provide additional parking. The extension of the building will not comply with city zoning and will encroach into a utility easement. The proposed changes will allow the building to be compliant.

The original plat, US Survey 2970, did not grant any utility easements. Plat KN 2012-11, Townsite of Kenai Kenaitze Addition Subdivision, vacated some of the right of ways in the area and granted some utility easements. Those easements were also depicted on Plat KN 2021-18, Townsite of Kenai 2021 Kenaitze Replat. .

Along the northern boundary, adjacent to Lot 13A Block 5, a 10 foot utility easement, granted by KN 2012-11, centered over the existing underground line will remain as will a 5 foot utility easement granted by book and page.

Along the southeast are utility easements that were granted by KN 2012-11 atop a portion of the right of way vacation of Upland Way and Overland Way. This easement will remain. The easement is labeled as 10 foot utility easement but the width varies and in some areas not 10 feet. **Staff recommends** the label be corrected for the utility easement extending from Upland Street as the width of the easement is not 10 feet and varies with the former right of way width.

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20.65.070 Alteration of platted utility easements

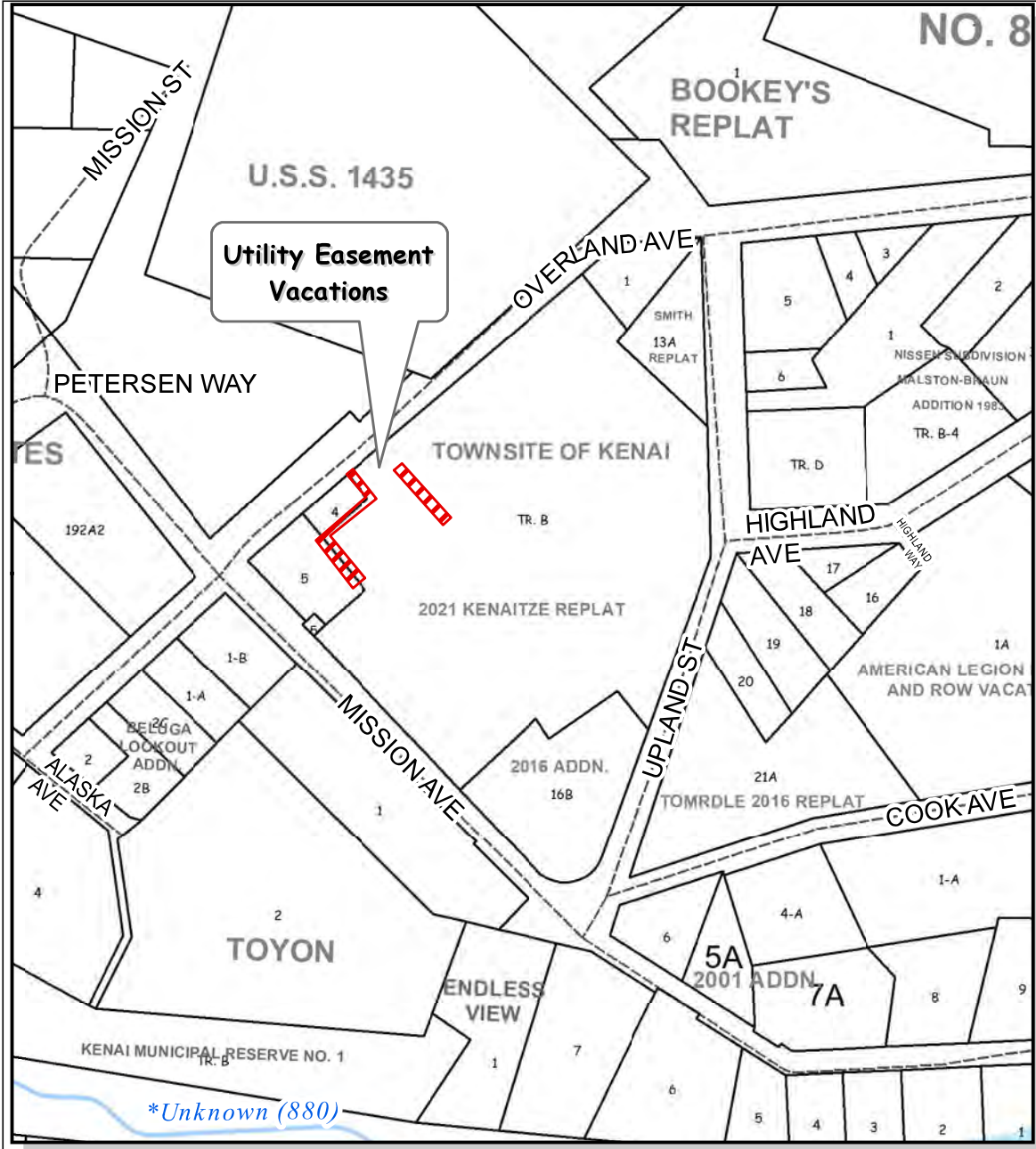
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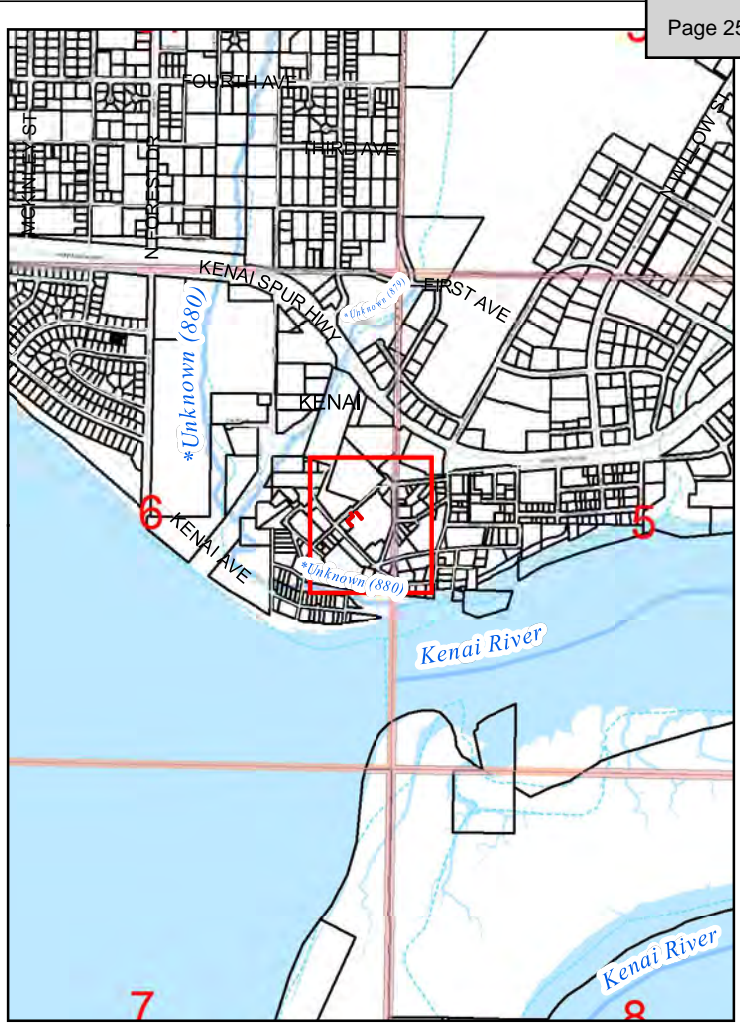
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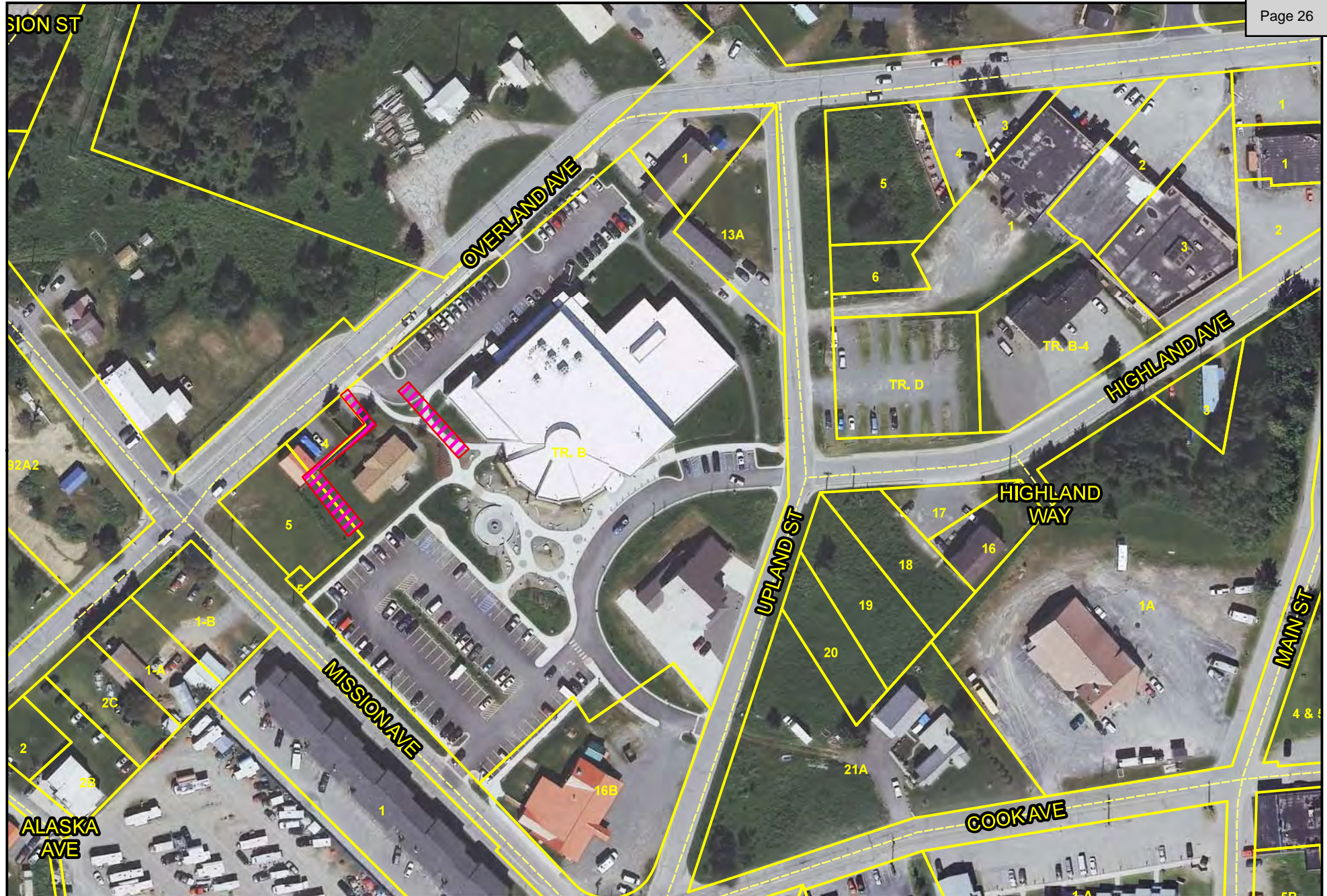
END OF STAFF REPORT



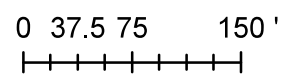
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-118V
S06 T05N R11W
KENAI




The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial View

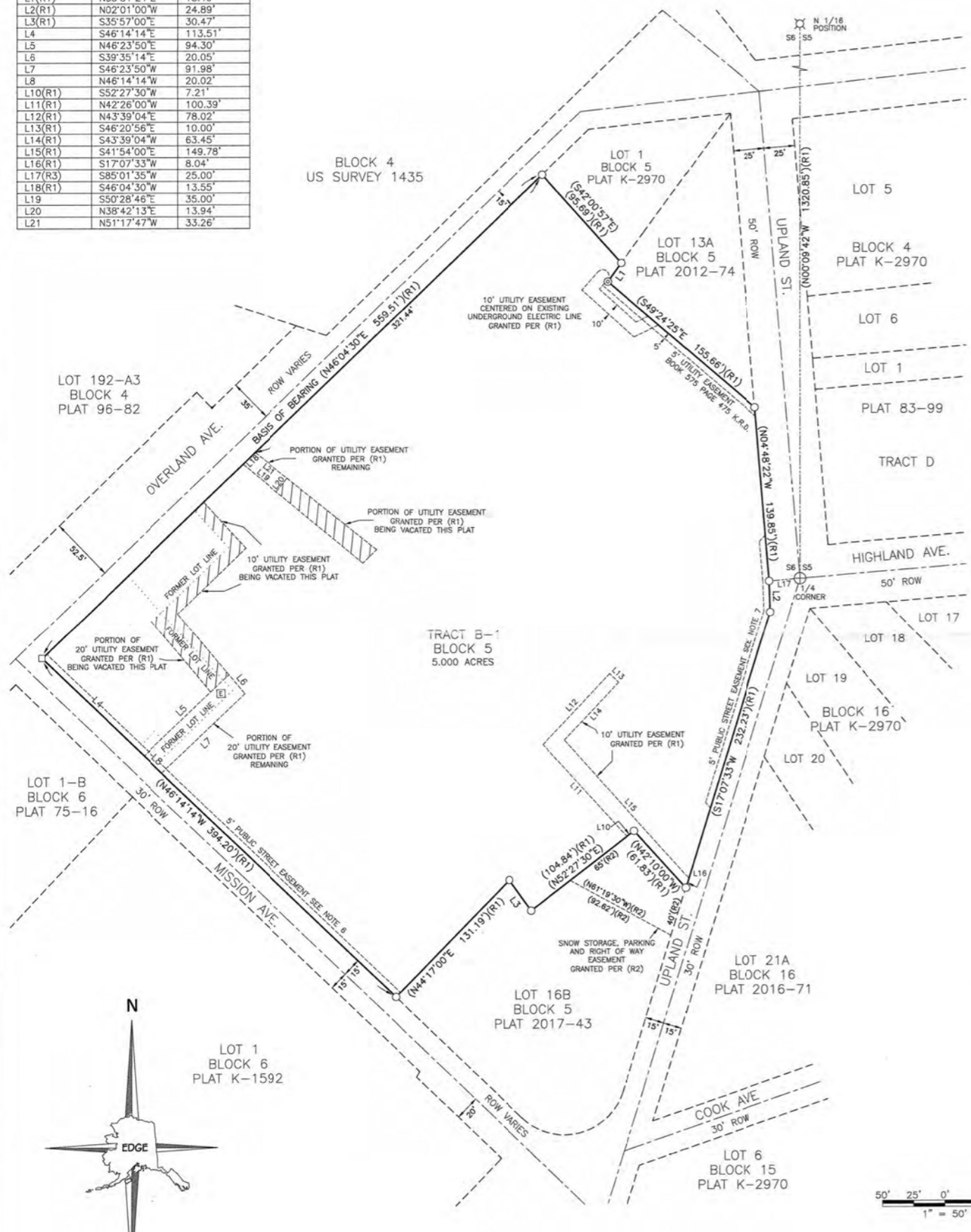


 Utility Easement Vacation

PClements, KPB 2021-118V
Imagery SixInch Kenai

LINE TABLE

LINE	BEARING	DISTANCE
L1(R1)	N35°31'24"E	18.49'
L2(R1)	N02°01'00"W	24.89'
L3(R1)	S35°57'00"E	30.47'
L4	S46°14'14"E	113.51'
L5	N46°23'50"E	94.30'
L6	S39°35'14"E	20.05'
L7	S46°23'50"W	91.98'
L8	N46°14'14"W	20.02'
L10(R1)	S52°27'30"W	7.21'
L11(R1)	N42°26'00"W	100.39'
L12(R1)	N43°39'04"E	78.02'
L13(R1)	S46°20'56"E	10.00'
L14(R1)	S43°39'04"W	63.45'
L15(R1)	S41°54'00"E	149.78'
L16(R1)	S17°07'33"W	8.04'
L17(R3)	S85°01'35"W	25.00'
L18(R1)	S46°04'30"W	13.55'
L19	S50°28'46"E	35.00'
L20	N38°42'13"E	13.94'
L21	N51°17'47"W	33.26'



NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO VACATE AN INTERIOR LOT LINE. NO FIELD WORK WAS PERFORMED FOR THIS PLATTING ACTION.
2. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
3. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
4. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS ALSO AN UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. UTILITY EASEMENT VACATION APPROVED BY KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 13, 2021.
6. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING MISSION AVENUE RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: OCTOBER 11, 1967 BOOK: 28 PAGE: 298-301
7. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING UPLAND STREET RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 279
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 283-284
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 286
8. A GENERAL ELECTRIC EASEMENTS, LOCATION NOT DEFINED, GRANTED TO KENAI POWER CORPORATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: DECEMBER 1963 BOOK: 11 PAGE: 188, 235, 242, 262, 289
9. A GENERAL PUBLIC UTILITY EASEMENTS, LOCATION NOT DEFINED, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: JANUARY 24, 2000 BOOK: 575 PAGE: 475
10. A GENERAL ELECTRIC EASEMENTS, EFFECTING PORTIONS OF FORMER TRACT B, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: OCTOBER 29, 2012 SERIAL NUMBER: 2012-010713-0
11. WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

REFERENCES

- (R1) TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION, PLAT 2012-11, KENAI RECORDING DISTRICT
- (R2) EASEMENT SERIAL NUMBER 2012-007066-0, KENAI RECORDING DISTRICT
- (R3) TOWNSITE OF KENAI 2021 KENAITZE REPLAT, PLAT 2021-18, KENAI RECORDING DISTRICT
- (R4) TOWNSITE OF KENAI, PLAT K-2970, KENAI RECORDING DISTRICT

LEGEND

- ⊕ MONUMENT OF RECORD (R1) 2-1/2" BRASS MONUMENT IN CASE
- ⊗ POSITION OF RECORD (R1)
- PROPERTY CORNER OF RECORD (R1) REBAR
- ⊙ PROPERTY CORNER OF RECORD (R1) IRON PIPE
- PROPERTY CORNER OF RECORD (R4) 2"x2" WOOD STAKE
- (R1) RECORD DATA, SEE REFERENCE
- PARCEL BOUNDARY
- ⋯ FORMER LOT LINE
- - - ADJACENT PROPERTY LINE
- - - EASEMENT
- - - CENTERLINE
- - - MONUMENT TIE
- ▨ EASEMENT BEING VACATED

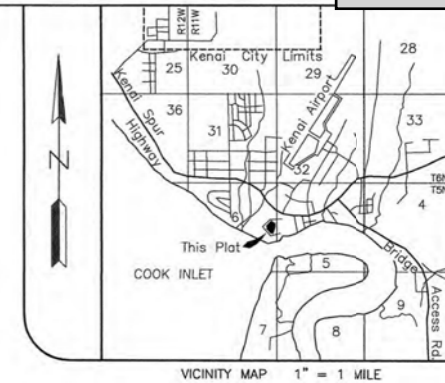
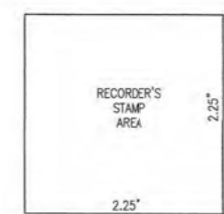
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 13, 2021.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



CERTIFICATE OF OWNERSHIP AND DEDICATION

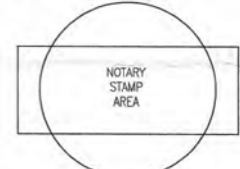
I HEREBY CERTIFY THAT KENAITZE INDIAN TRIBE IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAITZE INDIAN TRIBE I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHelsea HENDRICKS, EXECUTIVE DIRECTOR
PO BOX 988
KENAI, ALASKA 99611
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE

NOTARY ACKNOWLEDGEMENT

FOR: CHelsea HENDRICKS
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE _____



KPB FILE No. 2021-000

TOWNSITE OF KENAI KENAITZE COURTHOUSE REPLAT

A REPLAT OF
TRACT B BLOCK 5
TOWNSITE OF KENAI 2021 KENAITZE REPLAT
PLAT 2021-18
AND
REMAINDER OF LOT 4 AND LOT 5 BLOCK 5
ORIGINAL TOWNSITE OF KENAI
PLAT K-2970
KENAI RECORDING DISTRICT

OWNERS:
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE
PO BOX 988
KENAI, ALASKA 99611

LOCATED WITHIN E 1/2, SECTION 6,
T.5N., R.11W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI
CONTAINING 5.000 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1392

DRAWN BY: JY	DATE: 7/15/2021	PROJECT: 21-582
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1

PRELIMINARY PLAT

KPB 2021-118V

Legend

HEA Primary Conductor Placement
 - overhead (solid red line)
 - underground (dashed red line)
 - <all other values> (grey line)

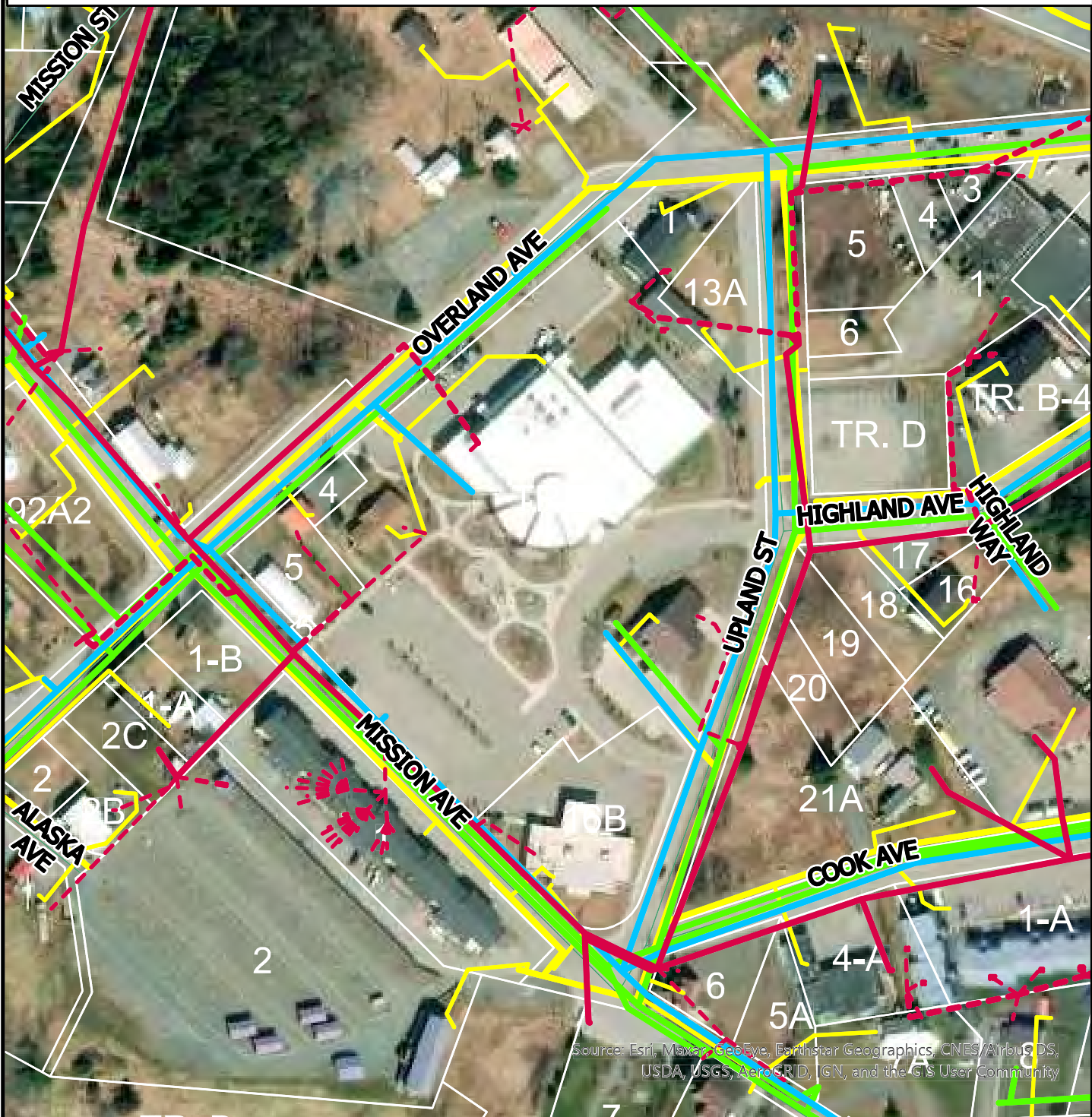
HEA Secondary Conductor Placement
 - overhead (solid red line)
 - underground (dashed red line)
 - <all other values> (grey line)

KENAI WATER LINES (solid blue line)

KENAI SEWER LINES (solid green line)
Transmission Lines (solid light green line)
ENSTAR Distribution Main (solid yellow line)

Material
 - <Unknown> (yellow line)
 - Coated Steel (yellow line)

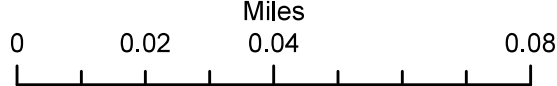
Bare Steel (yellow line)
 Plastic (yellow line)
 Copper (yellow line)
 Xtrube (yellow line)
 <all other values> (yellow line)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

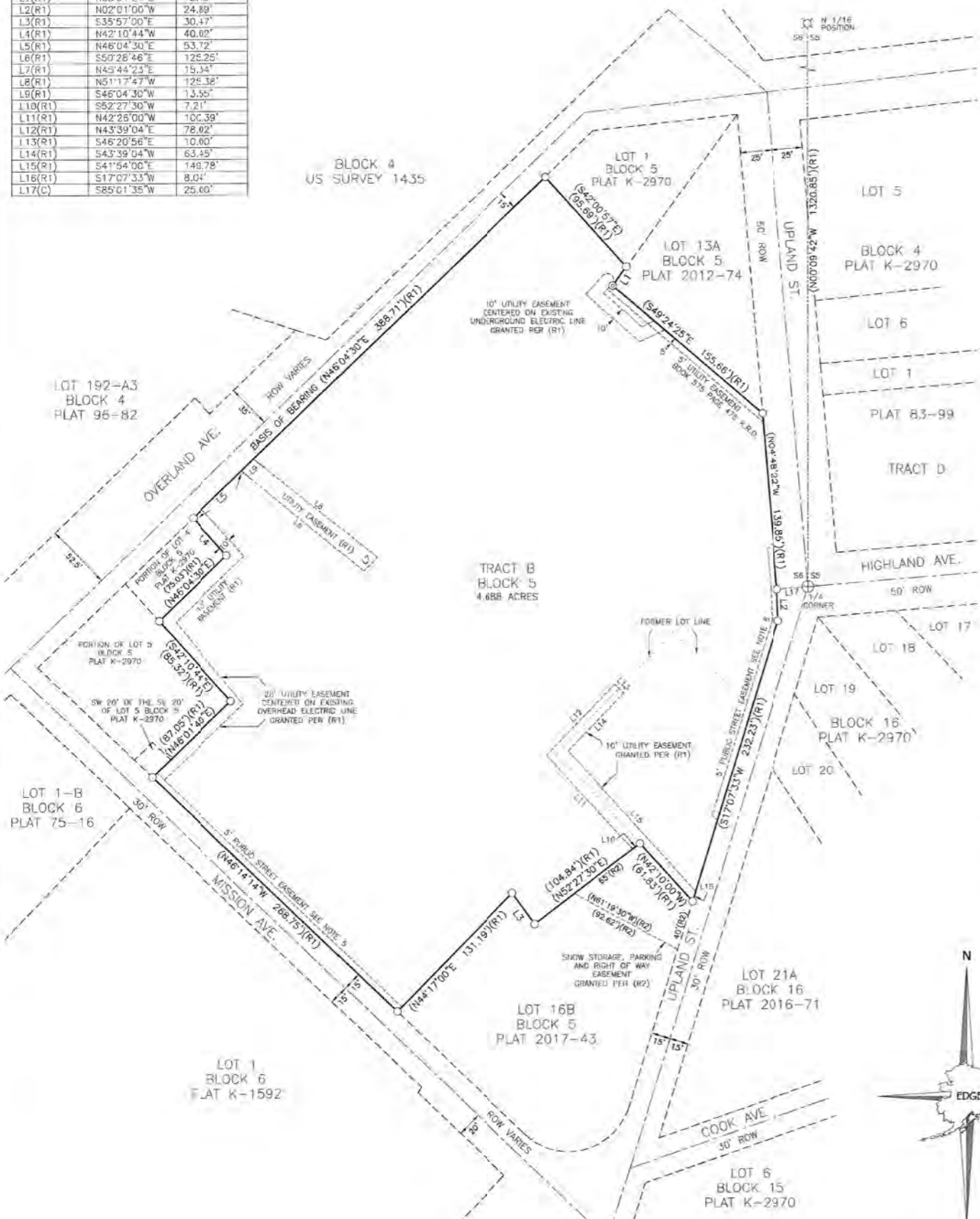
**AERIAL IMAGERY 2014
 CONTOUR MAP**



Date:
 Scott Huff,
 Platting Manager,
 KPB

LINE TABLE

LINE	BEARING	DISTANCE
L1(R1)	N35°31'24"E	18.49'
L2(R1)	N02°01'00"W	24.89'
L3(R1)	S35°57'00"E	30.47'
L4(R1)	N42°10'44"W	40.02'
L5(R1)	N46°04'30"E	53.72'
L6(R1)	S50°28'46"E	125.25'
L7(R1)	N45°44'23"E	15.34'
L8(R1)	N51°17'47"W	125.38'
L9(R1)	S46°04'30"W	13.55'
L10(R1)	S52°27'30"W	7.21'
L11(R1)	N42°26'00"W	100.39'
L12(R1)	N43°39'04"E	78.02'
L13(R1)	S46°20'56"E	10.00'
L14(R1)	S43°39'04"W	63.39'
L15(R1)	S41°54'00"E	140.78'
L16(R1)	S17°07'33"W	8.04'
L17(C)	S89°01'36"W	25.60'



NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO VACATE AN INTERIOR LOT LINE. NO FIELD WORK WAS PERFORMED FOR THIS PLATTING ACTION.
2. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
3. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
4. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS ALSO AN UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING MISSION AVENUE RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: OCTOBER 11, 1967 BOOK: 28 PAGE: 298-301
6. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING UPLAND STREET RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 279 DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 283-284 DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 286
7. A GENERAL ELECTRIC EASEMENTS, LOCATION NOT DEFINED, GRANTED TO KENAI POWER CORPORATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: DECEMBER 1963 BOOK: 11 PAGE: 186, 235, 242, 262, 289
8. A GENERAL PUBLIC UTILITY EASEMENTS, LOCATION NOT DEFINED, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: JANUARY 24, 2000 BOOK: 575 PAGE: 475
9. A GENERAL ELECTRIC EASEMENTS, EFFECTING PORTIONS OF FORMER TRACT A, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT: DATE: OCTOBER 29, 2012 SERIAL NUMBER: 2012-010713-0
10. WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

REFERENCES

- (R1) TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION, PLAT 2012-11, KENAI RECORDING DISTRICT
- (R2) EASEMENT SERIAL NUMBER 2012-007066-0, KENAI RECORDING DISTRICT

LEGEND

Ⓢ	MONUMENT OF RECORD (R1) 2-1/2" BRASS MONUMENT IN CASE	—	PARCEL BOUNDARY
Ⓧ	POSITION OF RECORD (R1)	---	FORMER LOT LINE
○	PROPERTY CORNER OF RECORD (R1) REBAR	- - - -	ADJACENT PROPERTY LINE
Ⓢ	PROPERTY CORNER OF RECORD (R1) IRON PIPE	---	EASEMENT
(R1)	RECORD DATA, SEE REFERENCE	---	CENTERLINE
(C)	COMPUTED	---	MONUMENT TIE

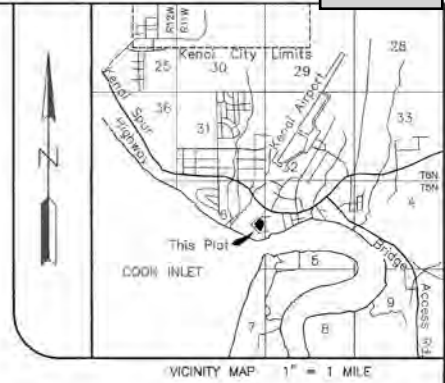
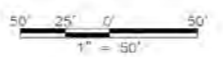
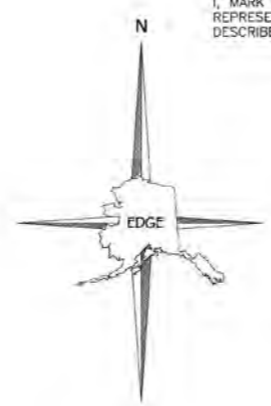
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2021
KENAI PENINSULA BOROUGH

Scott W... 6/3/21
AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT KENAITZE INDIAN TRIBE IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAITZE INDIAN TRIBE, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Dawn Nelson
DAWN NELSON, EXECUTIVE DIRECTOR
PO BOX 988
KENAI, ALASKA 99611
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE

NOTARY ACKNOWLEDGEMENT

FOR: DAWN NELSON
ACKNOWLEDGED BEFORE ME
THIS 4TH DAY OF May, 2021
Natalia Flores
NOTARY PUBLIC SIGNATURE



KPB FILE No. 2021-031

TOWNSITE OF KENAI
2021 KENAITZE
REPLAT

A REPLAT OF TRACT A AND LOT 22-A-1 BLOCK 5 TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION PLAT 2012-11 KENAI RECORDING DISTRICT

OWNERS:
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE
PO BOX 988
KENAI, ALASKA 99611

LOCATED WITHIN E 1/2, SECTION 6,
T.5N., R.11W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI

CONTAINING 4.668 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5390 Fax (907) 344-7794
AECL# 1392

DRAWN BY: JY	DATE: 5/2/2021	PROJECT: 21-504
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1

CERTIFICATE OF SURVEYOR

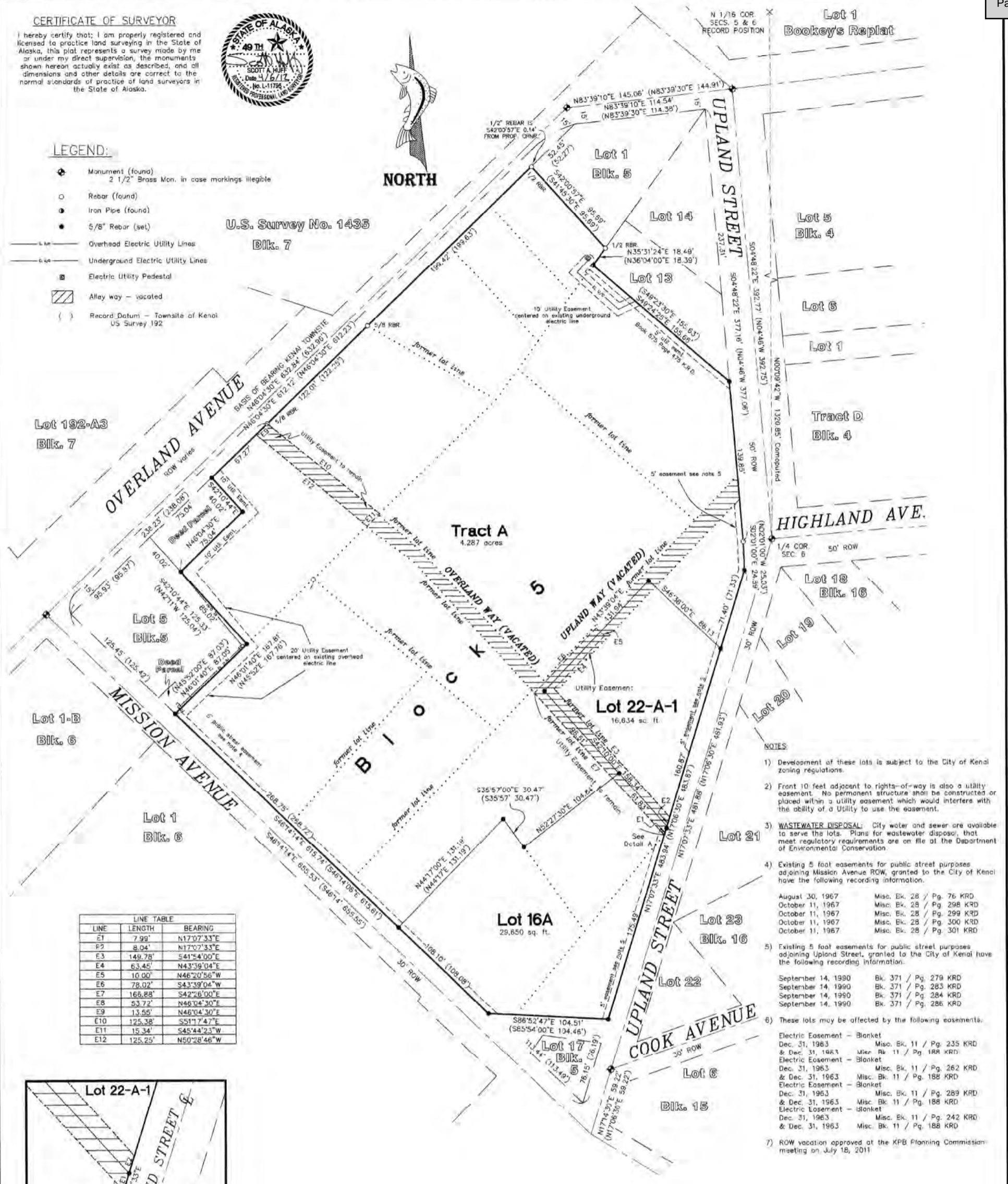
I hereby certify that: I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.



LEGEND:

- Monument (found) 2 1/2" Brass Mon. in case markings illegible
- Rebar (found)
- Iron Pipe (found)
- 5/8" Rebar (set)
- Overhead Electric Utility Lines
- Underground Electric Utility Lines
- Electric Utility Pedestal
- Alley way - vacated
- Record Datum - Townsite of Kenai U.S. Survey 192

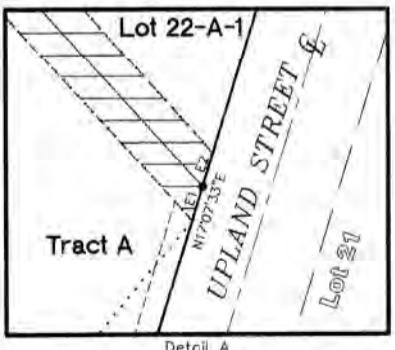
U.S. Survey No. 1435 Blk. 7



LINE	LENGTH	BEARING
E1	7.99'	N17°07'33"E
E2	8.04'	N17°07'33"E
E3	149.78'	S41°54'00"E
E4	63.45'	N43°39'04"E
E5	10.00'	N46°20'56"W
E6	78.02'	S43°39'04"W
E7	166.88'	S42°26'00"E
E8	53.72'	N46°04'30"E
E9	13.55'	N46°04'30"E
E10	125.38'	S51°17'47"E
E11	15.34'	S45°44'23"W
E12	125.25'	N50°28'46"W

NOTES:

- Development of these lots is subject to the City of Kenai zoning regulations.
- Front 10 feet adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a Utility to use the easement.
- WASTEWATER DISPOSAL:** City water and sewer are available to serve the lots. Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.
- Existing 5 foot easements for public street purposes adjoining Mission Avenue ROW, granted to the City of Kenai have the following recording information:
 August 30, 1967 Misc. Ek. 28 / Pg. 76 KRD
 October 11, 1967 Misc. Ek. 28 / Pg. 298 KRD
 October 11, 1967 Misc. Ek. 28 / Pg. 299 KRD
 October 11, 1967 Misc. Ek. 28 / Pg. 300 KRD
 October 11, 1967 Misc. Ek. 28 / Pg. 301 KRD
- Existing 5 foot easements for public street purposes adjoining Upland Street, granted to the City of Kenai have the following recording information:
 September 14, 1990 Bk. 371 / Pg. 279 KRD
 September 14, 1990 Bk. 371 / Pg. 283 KRD
 September 14, 1990 Bk. 371 / Pg. 284 KRD
 September 14, 1990 Bk. 371 / Pg. 286 KRD
- These lots may be affected by the following easements:
 Electric Easement - Blanket
 Dec. 31, 1963 Misc. Ek. 11 / Pg. 235 KRD
 & Dec. 31, 1963 Misc. Ek. 11 / Pg. 188 KRD
 Electric Easement - Blanket
 Dec. 31, 1963 Misc. Ek. 11 / Pg. 262 KRD
 & Dec. 31, 1963 Misc. Ek. 11 / Pg. 188 KRD
 Electric Easement - Blanket
 Dec. 31, 1963 Misc. Ek. 11 / Pg. 289 KRD
 & Dec. 31, 1963 Misc. Ek. 11 / Pg. 188 KRD
 Electric Easement - Blanket
 Dec. 31, 1963 Misc. Ek. 11 / Pg. 242 KRD
 & Dec. 31, 1963 Misc. Ek. 11 / Pg. 188 KRD
- ROW vacation approved at the KPB Planning Commission meeting on July 18, 2011



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 27, 2011

KENAI PENINSULA BOROUGH
March Burt
 AUTHORIZED OFFICIAL

2012-11
 Plat #
 Kenai
 4-30 12
 11:31A

KPB FILE No. 2011-077

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Jaylene Peterson-Nyren
 JAYLENE PETERSON-NYREN
 EXECUTIVE DIRECTOR
 KENAITZE INDIAN TRIBE L.R.A.
 FORMER LOTS 2-4,6-12,15,16,18,
 19, 20 AND 23 OF ORIGINAL
 TOWNSITE OF KENAI, ALASKA
 PO BOX 988
 KENAI, AK 99611-0988

Sandra J. Vozar-Cinavan
 SANDRA J. VOZAR-CINAVAN
 A.K.A. SANDRA J. VOZAR-BLAZY
 A.K.A. SANDRA J. VOZAR
 FORMER LOT 22-A ORIGINAL
 TOWNSITE OF KENAI, VOZAR ADD.
 PO BOX 230
 ANCHOR POINT, AK 99556-0230

NOTARY'S ACKNOWLEDGMENT

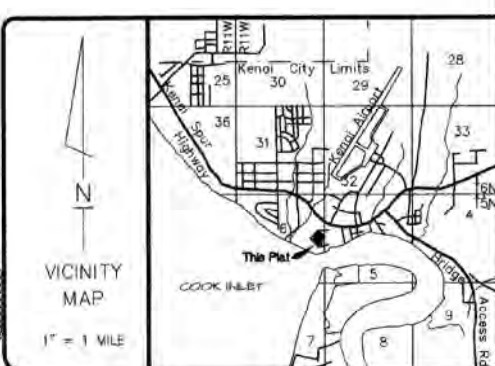
FOR: JAYLENE PETERSON-NYREN
 SUBSCRIBED AND SWORN BEFORE ME THIS 27ND
 DAY OF March, 2012

NOTARY'S ACKNOWLEDGMENT

FOR: SANDRA J. VOZAR-CINAVAN A.K.A. SANDRA J. VOZAR
 SUBSCRIBED AND SWORN BEFORE ME THIS 29TH
 DAY OF March, 2012

Scott Huff
 OFFICIAL SEAL
 STATE OF ALASKA
 NOTARY PUBLIC
 My Comm. Exp. 9/28/13

Scott Huff
 OFFICIAL SEAL
 STATE OF ALASKA
 NOTARY PUBLIC
 My Comm. Exp. 9/28/13

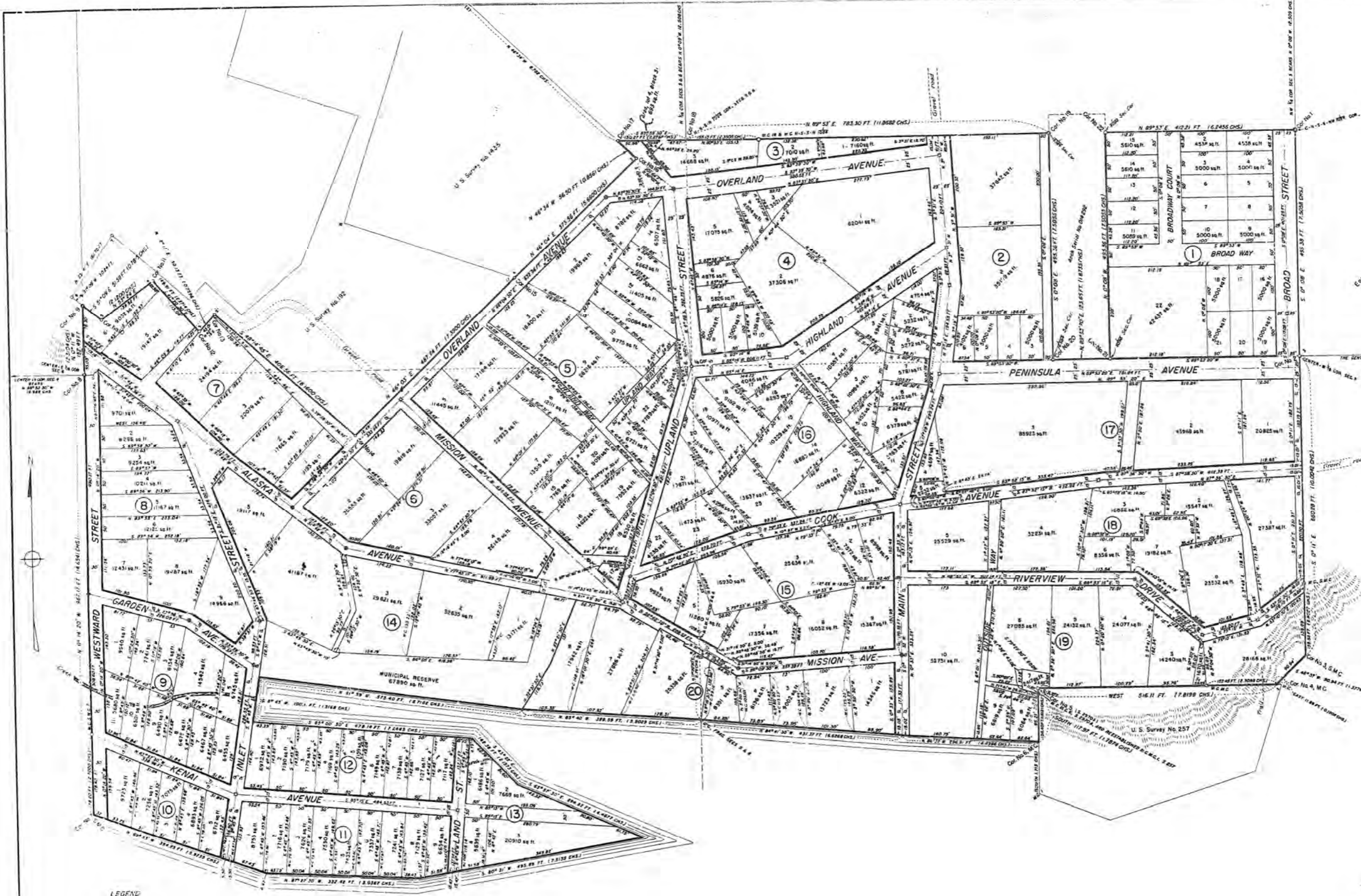


**TOWNSITE OF KENAI
 KENAITZE ADDITION SUBDIVISION**

A replat of Lots 2-4, 6-12, 15, 16, 18-20, and 23 Block 5, Townsite of Kenai (US Survey 2970A) and Lot 22-A of Original Townsite of Kenai Vozar Addition (KN 2007-4) and showing a vacation of alleyways within Block 5 located within the E1/2, Sec. 6, T5N, R1W, SM, City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.
 Containing **5.347** Acres

INTEGRITY SURVEYS, INC.
 43335 Kailiformsky Beach Road Suite 10, Solcotta, AK 99569
 SURVEYORS PHONE - (907) 262-5573 PLANNERS
 FAX - (907) 262-5574

JOB NO: 29133 DRAWN: 22 March, 2012 SH
 SURVEYED: AUGUST - SEPT 2011 SCALE: 1" = 40'
 FIELD BK: 2010-3 PG-1-22 FILE: 29133 FP.dwg
 2011-6 PG-19-22



UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 WASHINGTON, D. C. April 4, 1951

This plat is strictly conformable to the approved field notes, and the survey having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director:
 William F. Richards
 Chief, Branch of Surveys

Plat # KT

TOWNSHIP OF KENAI, ALASKA
 U. S. SURVEY No. 2970 A - BOUNDARY
 U. S. SURVEY No. 2970 B - SUBDIVISION
 AREA: 70.397 ACRES

LATITUDE 60° 33' 05" N., LONGITUDE 151° 15' 31" W.,
 AT CORNER No. 1
 MAGNETIC DECLINATION 25° 00' E.

SCALE IN FEET
 SURVEYED BY ELLIOTT PEARSON, CADASTRAL ENGINEER,
 JUNE 16 TO JULY 17, 1950

LEGEND:

- 2 inch iron post, 3 feet long, in concrete base and 10 inches in diameter and 6 inches thick with brass cap 6 to 12 inches above surface of ground
- 2 inch iron post, 3 feet long, in concrete column 10 inches in diameter with brass cap 12 inches below surface of ground
- Brass cap 6 to 14 inches below surface of ground in concrete column 10 inches in diameter and 30 inches long

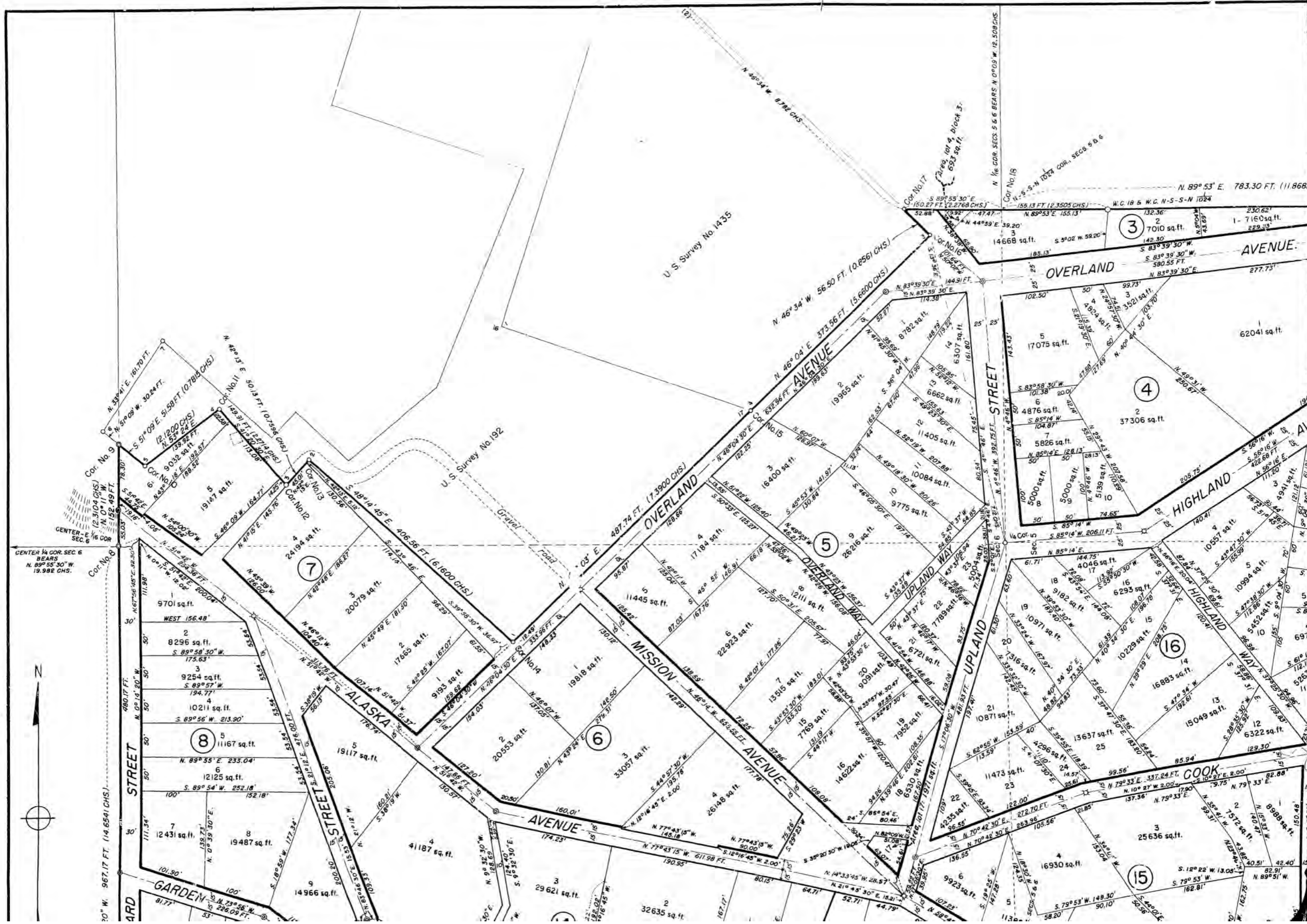
Note: All back and 10th corners were monumented with 2 X 2 X 8 inch wooden stakes.

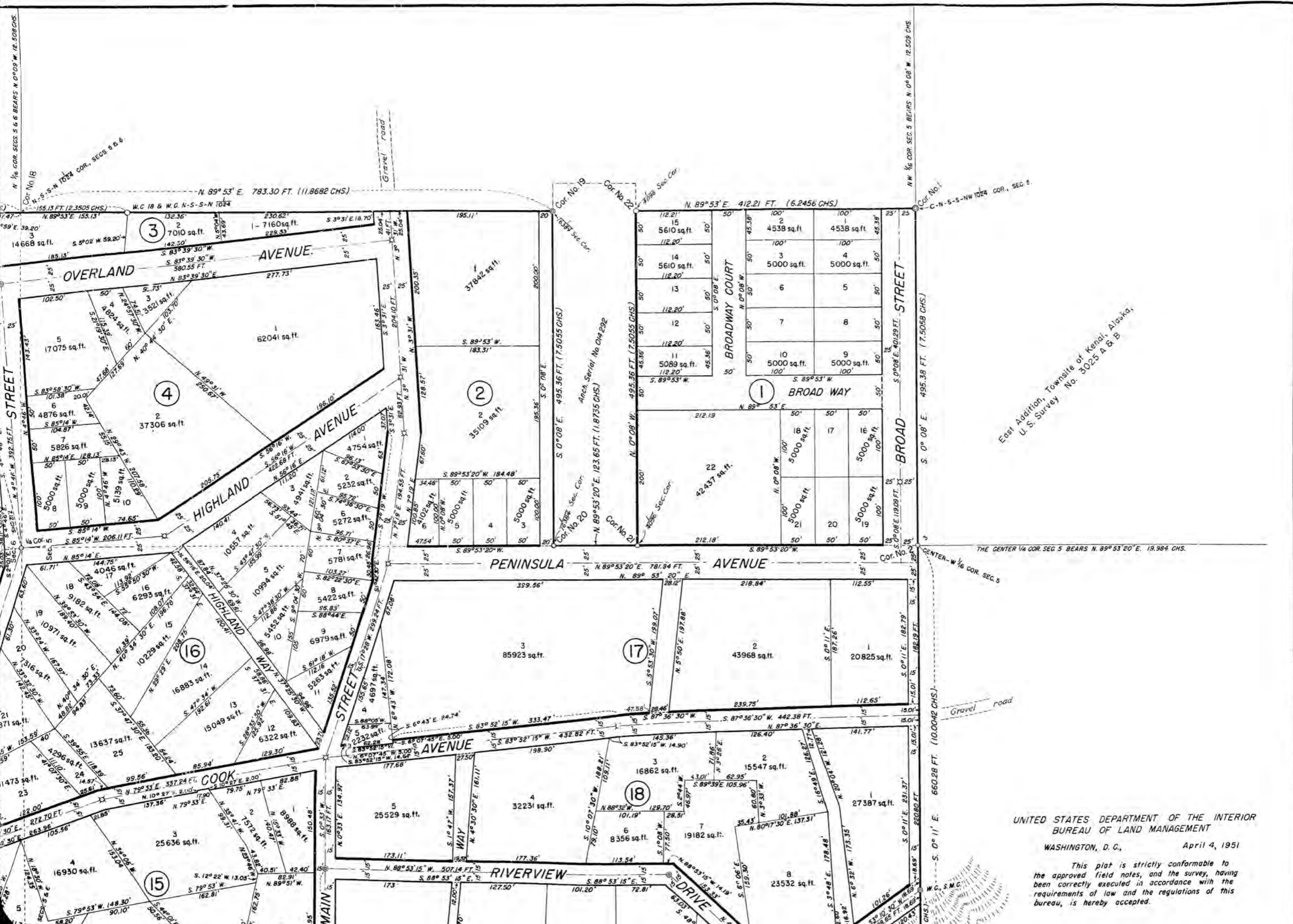
All street center line and other monuments within roadways have been set approximately 12 inches below the surface.

KENAI RIVER

ALASKA		REPORT OF NON-MINERAL SURVEY	
Name	Location	Recording District	
Situated	Section, Range	Lat.	Long
Claimant	Deposit by Claimant		
Address	(Address)		
Attorney	Date		
Address	Survey Approved April 1, 1951		
Instructions Issued May 10, 1950	Survey Rejected		
Instructions Applied June 10, 1950	Sent to XXXX for acceptance March 23, 1951		
Instructions Issued	Sent to Supervisor		
	Accepted by Letter April 1, 1951		
Sent to	Rejected by Letter		
(Surveyor)	Claimant notified		
Assigned to field section 511, 10	Plat and Transcript mailed to B & B		
Survey date June 10, 1950 - July 17, 1950	Claimant's Plat		
Number of Acres Completed	Plat to Division Inspector		
Returned field December 15, 1950	Land Office		
Returned	Date of Patent		
Amended Returns Filed			

THIS PLAT IS TOO
LARGE TO MICROFILM

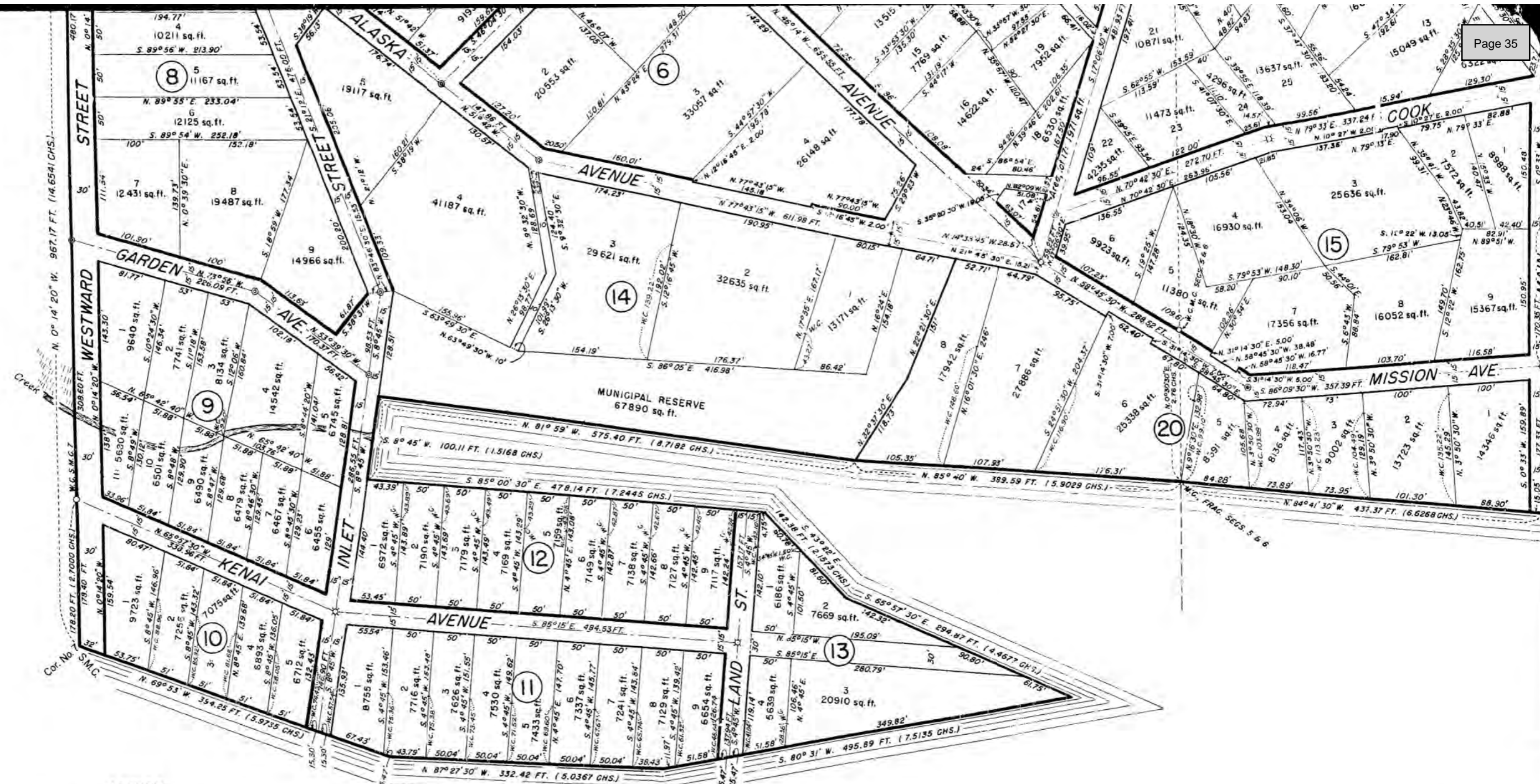




East Addition, Townsite of Kenoi, Alaska,
U.S. Survey No. 3025 A & B

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C., April 4, 1951

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this bureau, is hereby accepted.



LEGEND

- 2 inch iron post, 3 feet long, in concrete base and collar 10 inches in diameter and 6 inches thick with brass cap 0 to 12 inches below surface of ground.
- ⊠ 2 inch iron post, 3 feet long, in concrete column 10 inches in diameter with brass cap 12 inches below surface of ground.
- ⊙ Brass cap 6 to 14 inches below surface of ground in concrete column 10 inches in diameter and 30 inches long.

Note: All block and lot corners were monumented with 2 X 2 X 18 inch wooden stakes.

All street-center-line and other monuments within roadways have been set approximately 12 inches below the surface.

KENAI RIVER





UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 WASHINGTON, D. C., April 4, 1951

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this bureau, is hereby accepted.

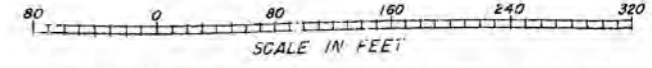
For the Director:
William F. Richards
 Chief, Branch of Surveys

KENAI RIVER

TOWNSITE OF KENAI, ALASKA
 U. S. SURVEY No. 2970 A - BOUNDARIES
 U. S. SURVEY No. 2970 B - SUBDIVISION
 AREA: 70.397 ACRES

LATITUDE 60° 33' 05" N., LONGITUDE 151° 15' 31" W.,
 AT CORNER No. 1

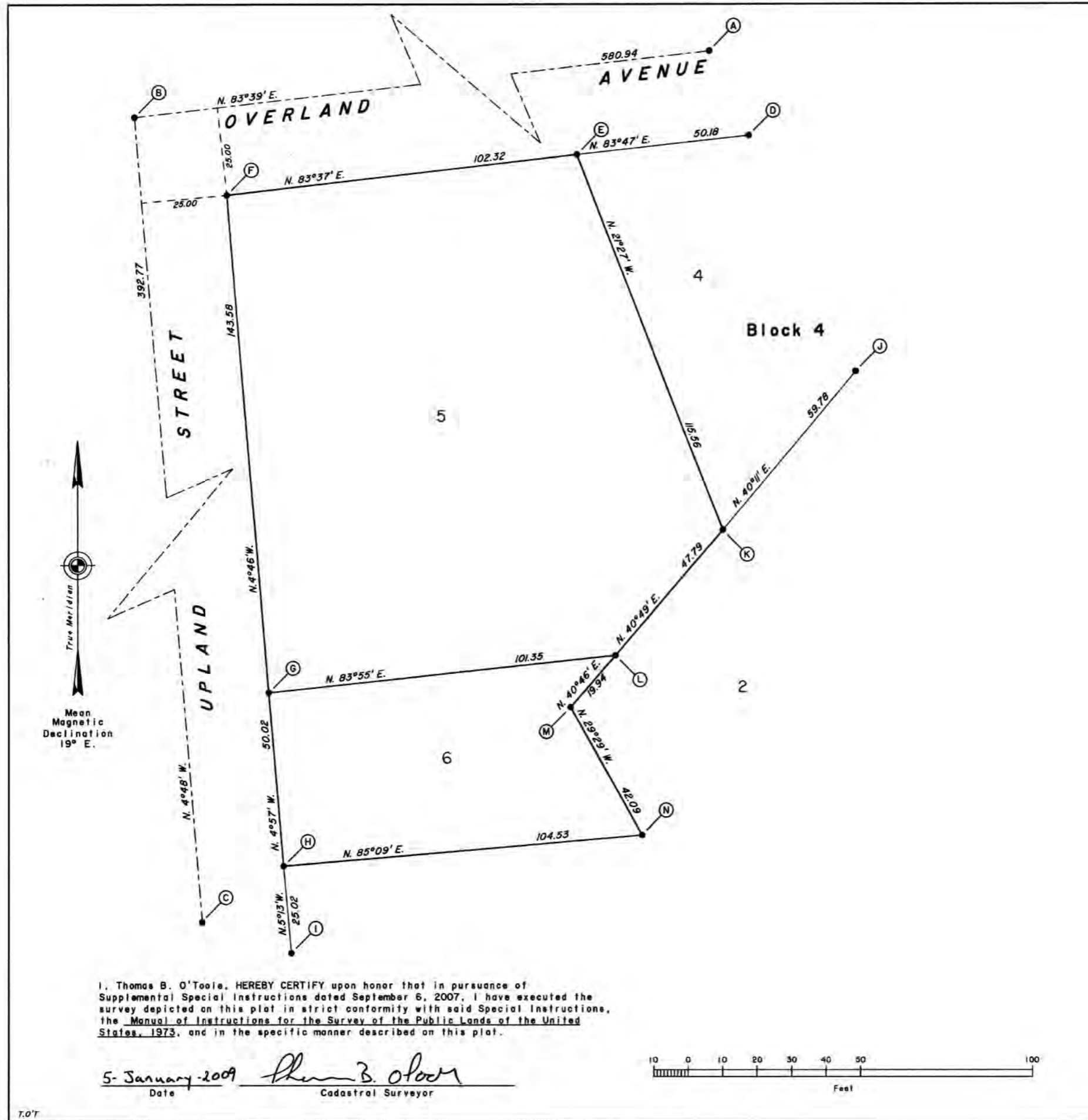
MAGNETIC DECLINATION 25° 00" E.



SURVEYED BY ELLIOTT PEARSON, CADASTRAL ENGINEER,
 JUNE 16 TO JULY 17, 1950

DATE MARCH 19, 2009

Sheet 1 of 2 Sheets



**U.S. SURVEY
No. 2970 B, ALASKA
Dependent Resurvey**

This plat contains the entire survey record.

U.S. Survey No. 2970 ABB, Townsite of Kenai, Alaska, was surveyed by Elliott Pearson, Cadastral Engineer, in 1950.

The Nissen Subdivision, a Subdivision of part of Lots 1 and 2, Block 4, Townsite of Kenai, was resurveyed by Francis J.J. Malone, Registered Alaska Surveyor No. 631-S, as depicted on plat No. K-1387, filed July 9, 1964, in the Kenai recording district.

The Nissen Subdivision No. 2, a Replat of the Replat of Nissen Subdivision and of Lots 7, 8, 9 and 10, Block 4, Townsite of Kenai, was resurveyed by Stanley S. McLane, Registered Alaska Surveyor No. 610-S, as depicted on plat No. 82-98, filed September 29, 1982, in the Kenai recording district.

U.S. Survey No. 2970 B, Lots 5 and 6, Block 4, Townsite of Kenai, was resurveyed by John F. Segeesser, Registered Alaska Surveyor No. 8859-S, in 1998. This survey is not recorded.

This survey was executed by Thomas B. O'Toole, Cadastral Surveyor, September 27 through September 28, 2007. In accordance with the specifications as set forth in the Supplemental Special Instructions dated September 6, 2007, approved September 6, 2007 and Assignment Instructions dated September 17, 2007.

Field assistants were:

D. Scott Nations, Land Surveyor

Michael R. Stephen, Land Surveyor

Measurements were made with Global Positioning System (GPS), utilizing static relative and real time kinematic positioning techniques. Distances are horizontal distances reduced to their sea level equivalent and reported in the Foot unit. Azimuth refer to the true meridian.

Preliminary to the resurvey the lines of the original survey were retraced and a search was made for all corners and other calls of the record. The retracement data was thoroughly verified.

The mean magnetic declination was obtained using National Geodetic Survey declination calculator, based on the International Geomagnetic Reference Field (IGRF).

This survey is situated in Kenai, Alaska, in section 5, Township 5 North, Range 11 West, Seward Meridian, Alaska.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

[Signature]

Jan. 18, '09
Date

Deputy State Director for Cadastral Survey, Alaska

I, Thomas B. O'Toole, HEREBY CERTIFY upon honor that in pursuance of Supplemental Special Instructions dated September 6, 2007, I have executed the survey depicted on this plat in strict conformity with said Special Instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, 1973, and in the specific manner described on this plat.

5- January 2009
Date

[Signature]
Cadastral Surveyor

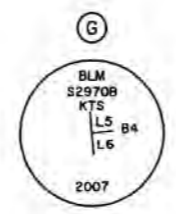


U.S. SURVEY
No. 2970 B, ALASKA
Dependent Resurvey

(A) Found 2 1/2 in. brass cap, firmly set, 3 ins. below the surface of asphalt street, mkd. DIV OF HI-WAYS CENTER LINE MON.

This monument is a direct replacement of the original iron post, re-monumented in the late 1980's or early 1990's, there is no available record. This information was obtained from Michael Swan, Alaska Registered Land Surveyor No. 6940-S.

Monument is located in a monument wall in the center of Overland Ave. and Main St.

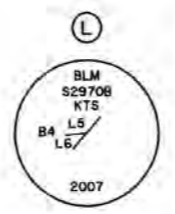


(G) Found a rebar, 5/8 in. diam., firmly set, flush with the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, mkd. L.S. 8859 1998. This monument was set by John F. Segesser, Registered Alaska Land Surveyor No. 8859-S, as depicted on an unrecorded survey plat, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 in. diam., 2 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.



(L) Found a rebar, 5/8 in. diam., firmly set, flush with the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, mkd. 9 1998 other marks have been obliterated. This monument was set by John F. Segesser, Alaska Registered Land Surveyor No. 8859-S, as depicted on an unrecorded survey plat, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 in. diam., 5 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

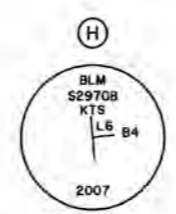
Remove private rebar with aluminum cap.

Corner is located under chain link fence, bears N. 41° E. and S. 41° W.

(B) Found 2 1/2 in. brass cap, firmly set, 20 ins. below the surface of asphalt street, mkd. DIV OF HI-WAYS CENTER LINE MON.

This monument is a direct replacement of the original iron post, re-monumented in the late 1980's or early 1990's, there is no available record. This information was obtained from Michael Swan, Alaska Registered Land Surveyor No. 6940-S.

Monument is located in a monument wall in the center of Overland Ave. and Upland St.

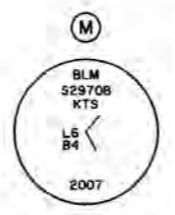


(H) Found a rebar, 1/2 in. diam., firmly set, flush with the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, no marks visible. This monument is of unknown origin and is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 in. diam., 2 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.



(M) Found a galvanized iron pipe, 3/4 in. diam., firmly set, bent over projecting 1 in. above ground. This monument is not of record, but was used as the most westerly corner of lot 2, identical with an angle point on the east boundary of lot 6 by Francis J. Malone, Alaska Registered Land Surveyor No. 631-S, as depicted on plat No. K-1387, filed July 9, 1964 and Stanley S. McLane, Alaska Registered Land Surveyor No. 610, as depicted on plat No. 82-98, filed September 29, 1982.

At this same point found a rebar 1/2 in. diam., firmly set, 3 ins. below the surface of the ground, with a yellow plastic cap mkd. MCLANE. There is no record of this monument being set.

The galvanized iron pipe and the rebar are accepted as a faithful perpetuation of the original monument based on their relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 in. diam., 5 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove rebar and iron pipe.

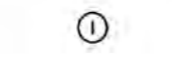
Corner is located at the intersection of chain link fences, extending N. 41° E. and S. 29° E.

(C) Found a partially legible aluminum cap, 1 1/2 in. diam., flush with the surface of asphalt street, mkd. 40 6 55 C 1/4 1990.

This monument is a direct replacement of the original iron post, re-monumented in 1990, there is no available record. This information was obtained from Michael Swan, Alaska Registered Land Surveyor No. 6940-S.

Monument is located in the center of Highland Ave. and Upland St.

(D) Found a rebar, 1/2 in. diam., firmly set, bent over flush with gravel driveway, no cap attached. This monument is of unknown origin, not re-monumented. This monument is accepted as faithful determination of the original cor. of Lots 3 and 4, Block 4, on the southerly right-of-way of Overland Avenue, based on its relationship to other found monuments in this block.



(I) Found a rebar, 5/8 in. diam., firmly set, flush with the surface of a gravel driveway, with 1 1/2 in. diam. aluminum cap attached, cap is smashed and unreadable. This monument is of unknown origin, not re-monumented. This monument is accepted as faithful reestablishment of the original cor. of Lots 7 and 8, Block 4, on the westerly right-of-way of Upland Street, based on its relationship to other found monuments in this block.



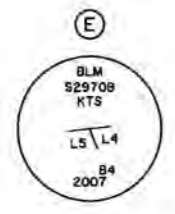
(J) Found an iron pipe, 1 1/4 in. outside diam., firmly set, 2 ins. below the surface of the ground, not marked. This monument is of unknown origin, not re-monumented. This monument is accepted as faithful reestablishment of the original cor. of Lots 1, 2, 3 and 4, Block 4, based on its relationship to other found monuments in this block.

(E) Found a rebar, 1/2 in. diam., firmly set, flush with the ground, no cap attached. This monument is of unknown origin and is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

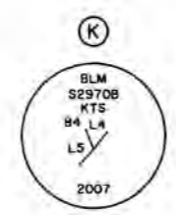
At the corner point

Set a rebar, 30 ins. long, 5/8 in. diam., 30 ins. in the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove 1/2 in. rebar.



(N) Corner is located 1/4 mi. northwest of a chain link fence, bears N. 41° E. and S. 41° W.



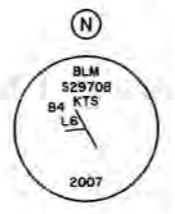
(K) Found a rebar, 5/8 in. diam., firmly set, 2 ins. below the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, mkd. L.S. 8859 1998. This monument was set by John F. Segesser, Registered Alaska Land Surveyor No. 8859-S, as depicted on an unrecorded survey plat, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 in. diam., 5 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.

Corner is located under chain link fence, bears N. 41° E. and S. 41° W.



(O) Found a rebar 1/2 in. diam., firmly set, 3 ins. below the surface of the ground, with a yellow plastic cap mkd. C263. This monument was established by McLane and Associates Inc. in 1988, as depicted in a field book obtained from Mark Scott McLane, Registered Alaska Land Surveyor No. 4928. The rebar was accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 in. diam., 4 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove rebar.

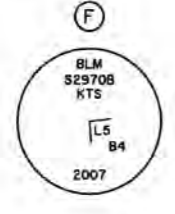
Corner is located under cyclone fence, bears S. 29° E. and N. 29° W.

(F) Found hole in the back of sidewalk, where a nail was previously set, determined at the intersection of a 25 ft. offset from the center line of Overland Ave. and a 25 ft. offset of the center line of Upland St., as depicted on an unrecorded survey plat, by John F. Segesser, Registered Alaska Land Surveyor No. 8859-S, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Drill a hole 3/4 in. diam., and set a rebar, 30 ins. long, 5/8 in. diam., 30 ins. in the ground, with aluminum cap, 2 ins. diam., flush with the sidewalk mkd. as shown.

Corner is located on the back edge of sidewalk.



REFERENCE SHOULD BE MADE TO SHEET No. 1 FOR SURVEY INFORMATION

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director
Jay B. Lewis Jan. 08, '09
Date
FOR Deputy State Director for Cadastral Survey, Alaska



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-31**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT TOWNSITE OF KENAI KENAITZE COURTHOUSE REPLAT ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Edge Survey and Design LLC and,

WHEREAS, the plat meets Municipal Code requirements of the Townsite Historical District; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, Access to the proposed Tract is via Overland Avenue, Mission Avenue and Upland Street which are paved City maintained streets; and

WHEREAS, the buildings located on the proposed Tract B1, Block 5, are connected to City water and sewer services. An installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of Townsite of Kenai Kenaitze Courthouse Replat be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

Resolution No. PZ2021-31

Page 2 of 2

2. The Kenai City Council must declare that the portion of ten-foot utility easement to be vacated is not needed for a public purpose and approve the vacation of the utility easement as shown on the preliminary plat.


3. Prior to issuance of a building permit, a Landscape/Site plan must be submitted to the City of Kenai for review and approval.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 11th day of August, 2021.



JEFF TWAIT, CHAIRPERSON

ATTEST:



JAMIE HEINZ, MMC, CITY CLERK



**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
AUGUST 11, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

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

Commissioners absent: R. Springer

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendening

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as written and Commissioner Douthit **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Woodard **SECONDED** the motion. There were no objections; **SO ORDERED**.

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

5. *Excused absences – R. Springer

B. APPROVAL OF MINUTES

1. *Regular Meeting of July 28, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.**D. UNSCHEDULED PUBLIC COMMENT – None.****E. CONSIDERATION OF PLATS**

1. **Resolution No. PZ2021-31** - Preliminary Subdivision Plat of Townsite of Kenai Kenaitze Courthouse Replat, submitted by Edge Survey and Design, LLC, P. O. Box 208, Kasilof, AK 99610, on behalf of Kenaitze Indian Tribe, 150 N. Willow St. Suite 33, Kenai, AK 99611

MOTION:

Commissioner Douthit **MOVED** to approve Resolution No. PZ2021-31 and Commissioner Woodard **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet explaining that the property owners, Kenaitze Indian Tribe, will be expanding on the tribal court building and the proposed expansion will not currently meet the setback requirement of the Townsite Historic District; therefore, it is proposed to remove the property lines between the properties so that the setback requirements can be met. The proposed expansion of the tribal court building will result in an encroachment onto a ten-foot utility easement, and the applicant wishes to vacate the portion of a ten-foot utility easement as delineated on the preliminary plat.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the portion of ten-foot utility easement to be vacated is not needed for a public purpose and approve the vacation of the utility easement as shown on the preliminary plat.
3. Prior to issuance of a building permit, a Landscape/Site plan must be submitted to the City of Kenai for review and approval.

Clarification was provided on where the building expansion will be in correlation with the setback, and it was noted that there may be inaccuracies with the Geographic Information System (GIS) mapping.

Don Ohler, Construction Director with the Kenaitze Indian Tribe, clarified details about the preliminary plat including structure relocation and parking lot expansion.

VOTE:

YEA: Halstead, Douthit, Greenberg, Woodard, Twait, Fikes

NAY:

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Action/Approval** - A Resolution Of The Council Of The City Of Kenai, Alaska Approving The Development Incentives Per Kenai Municipal Code 21.10.100. For A Lease Of Airport Reserve Lands Between The City Of Kenai And Schilling Rentals, Llc On General Aviation Apron Sub No. 1 Amended Lot 2 Block 3

MOTION:

Commissioner Woodard **MOVED** to recommend approval of Resolution No. 2021-55 to Council for approving the development incentives per Kenai Municipal Code 21.10.100 for a Lease of Airport reserve lands between the City of Kenai and Schilling Rentals, LLC on General Aviation Apron Sub No. 1 Amended Lot 2 Block 3. Vice Chair Fikes **SECONDED** the motion.

Planning Director Foster noted that City Council Resolution No. 2021-55 would approve development incentives for an existing lease to Schilling Rentals. The lessee intends to do an estimated \$230,000 worth of improvements to the property, such as unclassified and classified excavation. After Council approval, there are further steps that lessee would go through to receive development credits such as providing an estimate of the value of the work including a scope of work, and certification from a qualified engineer. Once these have been reviewed and accepted by the City, that credit could be applied towards rent for a maximum of 5 years.

It was noted that dirt work was taking place, and this application is just for development credits for an engineer-estimated scope of work from July. Chair Twait disclosed that he is a contractor working at this site and explained that the lessee is extending the hangar, but because that is separate from this development credit application he did not see a conflict of interest. Discussion included previous construction that had been done in the area.

VOTE:

YEA: Douthit, Fikes, Greenberg, Woodard, Twait, Halstead

NAY:

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **City Council** – Council Member Glendening reported on the actions from the August 4, 2021 City Council meeting.

2. **Borough Planning** – Vice Chair Fikes reported on the actions from the August 9th Planning Commission Meeting, and noted August 14th Kenai Peninsula Borough land auction.
3. **City Administration** – Planning Director Foster reported on the following:
 - There was a City Council Work Session on August 4, 2021 to discuss waterfront revitalization and economic development incentives. The next Planning & Zoning Commission meeting on August 25, 2021 will include a recommendation to Council on a feasibility study for waterfront revitalization.

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

L. **INFORMATIONAL ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. August 25, 2021

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

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:43 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2021-60

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AWARDING AN AGREEMENT FOR THE PURCHASE OF NETWORK EQUIPMENT.

WHEREAS, the City issued a formal Invitation to Bid for FY22 Cisco Equipment on September 13, 2021 with the following Bids received on September 28, 2021,

BIDDERS	BASE BID TOTAL
Cerium Networks	\$74,615.71
Sunflower Lab LLC	\$68,756.49

; and,

WHEREAS, Sunflower Lab LLC was found to be the lowest responsive bidder; and,

WHEREAS, the recommendation from City Administration is to award an Agreement to Sunflower Lab LLC for \$68,756.49; and,

WHEREAS, the purchase includes Cisco switches, routers, and licensing; and,

WHEREAS, sufficient funds have been appropriated for this purchase.

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

Section 1. The Council authorizes award of an Agreement for the project entitled "FY22 Cisco Equipment" to Sunflower Lab LLC for the total cost of \$68,756.49.

Section 2. That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 6th day of October, 2021.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 



KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

THROUGH: Terry Eubank, Finance Director

FROM: Dan Castimore, IT Manager

DATE: September 28, 2021

SUBJECT: Resolution No. 2021-60

The purpose of this memo is to recommend awarding an agreement to Sunflower Lab LLC for the purchase of Cisco Network equipment.

The City advertised for bids through the Anchorage Daily News and Peninsula Clarion, as well as on the City website. The following bids were opened on September 28, 2021.

BIDDER	BASE BID TOTAL
Cerium Networks	\$74,615.71
Sunflower Lab LLC	\$68,756.49

The purchase includes Cisco switches, routers, and licensing.

This equipment is being purchased to replace equipment that has reached the end of its useful life, and is being funded using the Equipment Replacement Fund.

Council's approval is respectfully requested.

**KENAI CITY COUNCIL – REGULAR MEETING
SEPTEMBER 1, 2021 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on September 1, 2021, 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
Henry Knackstedt
Jim Glendinging
Victoria Askin

Robert Molloy
Tea Winger
Glense Pettey (via Telephonic Participation)

A quorum was present.

Also in attendance were:

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

3. Agenda Approval

MOTION:

Mayor Gabriel noted the following additions to the packet:

- | | |
|------------------|---|
| Add to item D.4. | Ordinance No. 3237-2021 |
| | <ul style="list-style-type: none"> • Amendment Memo • Public Comments |
| Add to item D.5. | Ordinance No. 3244-2021 |
| | <ul style="list-style-type: none"> • Amendment Memo |
| Add to item D.6. | Resolution No. 2021-56 |
| | <ul style="list-style-type: none"> • Exhibit "A" |

Add to item G.11. **Process for Hiring a City Clerk**

- Memo

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

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

4. Consent Agenda

MOTION:

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

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

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

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

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

B. SCHEDULED PUBLIC COMMENTS – None.

C. UNSCHEDULED PUBLIC COMMENTS

Susanne Lagasse spoke in favor of Jason Foster as both a personal friend and as the owner of Foster's Alaskan Cabins. She disputed the complaints the City had received against him, stating that they were bullying from a neighbor. She stated that she hopes the City would do due diligence in investigating complaints and that she does not believe code enforcement or staff had set foot on property before a violation letter had been issued. She noted Foster's many positive online reviews and asked Council to consider whether they wanted Kenai to have a bad reputation in the business community.

Jason Foster explained the history of his property, noting that it has been permitted in the City since the late 1990's. He noted that past violations with the City had been resolved and accommodations had been made to address complaints and ensure compatibility with the neighborhood. He explained what has been done to address a Department of Environmental Conservation violation and that the other violation regarding additional people on the property for food and entertainment is disputable. He noted that the culture of Angler Drive is same as has been for last 30 years and explained how his business contributes to the economy of Kenai. He stated that there should be an investigation done and if it is not then the allegations should be withdrawn. He noted that he has shown that he will help in any way he can and expressed skepticism about neighbors who had filed complaints.

Bryan Lowe explained that he had been told by the Kenai Police Department that there is no City ordinance on noise and that a noise complaint would be responded to with an officer warning. He spoke in support of Jason Foster's business, noting that it is an enjoyable place and well-run business that he visits frequently and not a party house. He disputed the violation filed by the City's Planning department and the neighbor's complaints, explained how he is affected as a neighboring property. He expressed strong disagreement with the complaint and frustration with the City for its dealings with local businesses including his own. He stated that the City needs to change the zoning of Angler Drive to Limited Commercial.

Jeff Bressler, owner of Alaska Slammin Salmon Charters, noted that the owners of Foster's Alaskan Cabins are good friends and stated that it is outrageous that he can't go to their property for dinner. He expressed his support for their business and noted that there needs to be some kind of investigation before a violation is issued.

Kristie Hudson spoke in support of Foster's Alaskan Cabins, noting that she sometimes works at the business and the owners are close friends. She described how guests fall in love with Kenai and Alaska through this business and as a neighbor herself she does not hear their noise and does not agree with the complaints.

Steve Voth, owner of Captain Bligh's Beaver Creek Lodge, noted he is a resident of Angler Drive and also has people over to his business for barbeques. He expressed disbelief that the City can tell Jason Foster not to have neighbors over and echoed the comments of support from previous speakers.

Jack Foster spoke in support of Jason Foster, explaining how he purchased this and other properties in Kenai. He stated that the complaints are mainly coming from one neighbor and expressed hope that the City will realize this is just one burr under the saddle. He explained that Jason manages his property well in order to stay in compliance with his business restrictions.

Cindy Hannah echoed previous comments, noting that they are running a great business and explained that it is not a party place. She explained the great community atmosphere, noting that she loves Kenai but not the one squeaky wheel.

Rachel Lowe noted that she is a lifetime Kenai resident and a good friend of Jason Foster. He explained how his business provides substantial economic value to the community and expressed support for them as a thriving business. As a previous resident of Angler Drive, she noted that it has been primarily businesses there for many years and it is common for neighbors there to have community gatherings with food and good music and there are no speakers.

Abbie Hannah noted that she is not a Kenai resident but has enjoyed the community of Angler Drive. She explained the music at Foster's Alaskan Cabins is always finished at 10:00 PM and it is quiet enough to speak over.

D. PUBLIC HEARINGS

- 1. Ordinance No. 3234-2021 - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund, Amending the City's Professional Services Agreement with HDL Engineering Consultants, Accepting Grant Funding from the Federal Aviation Administration and Issuing a Purchase Order for Construction of the 2021 Airfield Drainage Rehabilitation Project at the Kenai Municipal Airport. (Administration)**

- **SUBSTITUTE Ordinance No. 3234-2021**

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3234-2021 and 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.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend by Substitute Ordinance No. 3234-2021 and Vice Mayor Molloy **SECONDED** the motion.

VOTE TO AMEND BY SUBSTITUTE:

YEA: Gabriel, Winger, Glendening, Molloy, Pettey, Askin, Knackstedt
NAY:

MOTION PASSED UNANIMOUSLY.**VOTE ON THE MAIN MOTION AS AMENDED:**

YEA: Winger, Glendening, Molloy, Pettey, Askin, Knackstedt, Gabriel
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3235-2021** - Accepting and Appropriating a Grant from the State of Alaska for the Purchase of Library Books. (Administration)

MOTION:

Council Member Askin **MOVED** to enact Ordinance No. 3235-2021 and Vice Mayor Molloy **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.

The library staff was commended for the work that they do.

VOTE:

YEA: Glendening, Molloy, Pettey, Askin, Knackstedt, Gabriel, Winger
NAY:

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3236-2021** - Amending the Official Zoning Map by Rezoning T 5N R 11W Sec 6 Seward Meridian KN North 150 Ft of Govt Lot 34 from Suburban Residential to General Commercial. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3236-2021 and Council Member Winger **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Don Ohler, Construction Director for Kenaitze Indian Tribe, noted that in response to the request of the neighboring church they will be repairing and maintaining the fence at the border of their property. He noted that the area currently zoned as Suburban Residential has no access and nothing on it and explained the Kenaitze Indian Tribes commercial plans for it. He clarified that they own two adjoining properties.

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

It was noted that this rezoning was recommended by the Planning & Zoning Commission.

VOTE:

YEA: Molloy, Pettey, Askin, Knackstedt, Gabriel, Winger, Glendening

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Ordinance No. 3237-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Land Administration Department to Provide Funding for a Kenai Waterfront Revitalization Feasibility Study. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3237-2021 and Council Member Pettey **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 noted that the land identified for Waterfront Revitalization included 24 properties of which 10 were City-owned and 14 were privately owned. Clarification was provided that the majority of the City-owned properties were under active lease and that the intent of the feasibility study is to determine what the City can do to incentivize development that the community wants in the area, which could include zoning, regulations, and public/private partnerships. It was explained that the Comprehensive Plan specifically identified these properties as an area the City should look at for development and that a competitive RFP would be advertised to seek a consultant.

Concern was expressed that property owners in this area may not appreciate the City telling them what its vision was of their property and that could impact future investments and development in the City because it could be interpreted as government overreach.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3237-2021 by replacing the blank in the sixth WHEREAS with the words “enactment by unanimous consent,” the blank in the seventh WHEREAS with the words “enactment by unanimous vote,” and the blank in the eighth WHEREAS with the words “enactment by unanimous vote.” Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

Support was expressed for the feasibility study as an inclusive process which would involve private property owners and that some of the land owners had attended the Council work session and expressed their ideas for the area. It was noted that the study would allow them to participate in the vision of waterfront redevelopment rather than being told what they have to do with their land and that none of them would be forced to do anything they did not want to do. The funding for this study was seed money to allow a consultant to take a macro and micro look at changes that could be done to accomplish the community vision.

It was noted that conducting a feasibility study prior to development was common practice in government and the draft RFP, included in the packet, included engagement with the Kenai community to develop the vision.

Further discussion included, including areas within the Bluff Erosion Project into the vision, for the consultant to work with the City’s commissions, the possibilities of the feasibility study being done in-house, practical measures for making the area a more year-round tourist environment, working with Kenai Peninsula Economic Development District, and the difference between this special project and capital projects.

The point was made that often grants will require a feasibility study to be done and without that first step the funding may not be available to us.

The rules were suspended and a public comment was taken.

Troy Smith noted that he is looking at purchasing and developing the Kenai dock and spoke in support of the ordinance. He stated that he is interested in seeing the feasibility study produce a master plan for the area’s design, in particular one that would incorporate a coastal trail to tie everything together.

VOTE:

YEA: Pettey, Askin, Knackstedt, Gabriel, Glendening, Molloy
NAY: Winger

MOTION PASSED.

5. **Ordinance No. 3244-2021** - Increasing Estimated Revenues and Appropriations in the General and Municipal Roadway Improvement Capital Project Funds, awarding a Construction Contract and Authorizing the Issuance of a Purchase Order for the 2021 Bryson Avenue Bluff Erosion Repair Project. (Administration)
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)

3. Motion for Adoption (Requires Five Affirmative Votes)

MOTION FOR INTRODUCTION:

Council Member Knackstedt **MOVED** to introduce Ordinance No. 3244-2021 and Council Member Pettey **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

MOTION FOR SECOND READING:

Council Member Knackstedt **MOVED** to hold a second reading of Ordinance No. 3244-2021 and Council Member Askin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

VOTE ON SECOND READING:

YEA: Askin, Knackstedt, Gabriel, Winger, Glendening, Molloy, Pettey
NAY:

MOTION PASSED UNANIMOUSLY.

MOTION FOR ENACTMENT:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3244-2021 and 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.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance No. 3244-2021 by making the following changes: within the 3rd WHEREAS, replace "\$15,000 in contingency" with "\$45,000 in contingency"; within the 6th WHEREAS, replace totals "\$347,275" with "\$377,275"; within Section 1, replace all text with "The City Manager is authorized to execute a construction contract in the amount of \$309,775 with Foster's Construction, the lowest qualified bidder and issue a purchase order in the amount of \$354,775 for construction including contingency of \$45,000"; within Section 2, replace all dollar amounts indicated from "\$47,275" to "\$77,275" as indicated in the laydown. Council Member Askin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

Clarification was provided that, for construction projects, the contract is awarded according to lowest cost as long as the bidder is qualified and responsible, although some types of RFP's may use other measurements. It was clarified that our procurement code did not provide for looking at other contracts to determine if contractors consistently come in over bid amount through change orders.

Support was expressed for Peninsula Construction.

VOTE ON ENACTMENT:

YEA: Knackstedt, Gabriel, Winger, Glendening, Molloy, Pettey, Askin
 NAY:

MOTION PASSED UNANIMOUSLY.

6. **Resolution No. 2021-56** - Approving the Vacation of 10' Utility Easements Along the Side Lot Lines of Lots, 19, 20, 21, Block 13, Carl F. Ahlstrom Subdivision (Plat KN-216) and Lot 22a, Block 13, Carl F. Ahlstrom Subdivision RPM's Replat (Plat KN-2017-66) Excluding the 15 Feet Adjoining Kenai Spur Highway and the 10 Feet Adjoining the Northeast Boundary and as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-56 and Vice Mayor Molloy **SECONDED** the motion.

It was noted this was one of the oldest areas in the City and Council will likely see more of these coming forth as the area is redeveloped.

VOTE:

YEA: Gabriel, Winger, Glendening, Molloy, Pettey, Askin, Knackstedt
 NAY:

MOTION PASSED UNANIMOUSLY.

E. MINUTES

1. *Regular Meeting of August 18, 2021. (City Clerk)

Approved by the consent agenda.

F. UNFINISHED BUSINESS – None.

G. NEW BUSINESS

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

Approved by the consent agenda.

2. * **Action/Approval** - Non-Objection to Marijuana License Renewals for Kenai River Cannabis, Herban Extracts, LLC and Peninsula Botanicals. (City Clerk)

Approved by the consent agenda.

3. ***Ordinance No. 3238-2021** - Accepting and Appropriating an Interlibrary Cooperation Grant from the Alaska State Library for the Kenai Community Library Storywalk® Project. (Administration)

Introduced by the consent agenda and Public Hearing set for September 15, 2021.

4. ***Ordinance No. 3239-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant From the Department of Justice Passed Through the Alaska Internet Crimes Against Children Task Force for the Purchase of Forensic Software. (Administration)

Introduced by the consent agenda and Public Hearing set for September 15, 2021.

5. ***Ordinance No. 3240-2021** - Amending Kenai Municipal Code Section 23.55.030 – Qualification Pay, to Amend the Salary Ranges to Accurately Reflect Recognition Pay and Entitlements. (Administration)

Introduced by the consent agenda and Public Hearing set for September 15, 2021.

6. ***Ordinance No. 3241-2021** - Declaring that, T 5N R 11W Sec 6 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 8, Also Known as 604 Inlet Street, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records was Peter F. Mysing, Whose Address is, PO Box 8134, Nikiski, Alaska, 99635-8134 and Estate of Peter F. Mysing CO/ Dale Dolifka, PO Box 498, Soldotna, AK, 99669-0498, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)

Introduced by the consent agenda and Public Hearing set for September 15, 2021.

7. ***Ordinance No. 3242-2021** - Declaring that, T 5N R 11W Sec 5 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 20, Also Known as 905 Mission Avenue, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records Was Keith K. Knight, General Delivery, Kenai, Alaska, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)

Introduced by the consent agenda and Public Hearing set for September 15, 2021.

8. **Ordinance No. 3243-2021** - Amending Kenai Municipal Code 14.20.150-Conditional Use Permits, to Clarify Roles and Responsibilities of Applicants, the Planning Director and the Planning Commission in the Conditional Use Process and Make Housekeeping Changes. (Vice Mayor Molloy)

MOTION FOR INTRODUCTION:

Vice Mayor Molloy **MOVED** to introduce Ordinance No. 3243-2021 and Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

It was noted that the Vice Mayor Molloy collaborated with Administration in response to comments from the public, the Planning & Zoning Commission, and Council sitting as Board of Adjustment in regards to code procedures for Conditional Use Permits. The intent is to refer the ordinance to the Planning & Zoning Commission for their recommendation at their September 8, 2021 meeting.

MOTION FOR POSTPONEMENT:

Vice Mayor Molloy **MOVED** to postpone Ordinance No. 3243-2021 for public hearing until September 15, 2021 and refer to the Planning & Zoning Commission to make recommendation. Council Member Knackstedt **SECONDED** the motion.

VOTE ON POSTPONEMENT:

YEA: Winger, Glendening, Molloy, Pettey, Askin, Knackstedt, Gabriel
 NAY:

MOTION PASSED UNANIMOUSLY.

9. ***Ordinance No. 3245-2021** - Authorizing a Budget Transfer in and Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for the Purchase and Installation of Equipment to Provide Residents Basic Television and Wireless Internet Service. (Administration)

Introduced by the consent agenda and Public Hearing set for September 15, 2021.

10. **Action/Approval** - Revise the Council on Aging Meeting Time, Pursuant to Policy, from 4:30 p.m. to 3:00 p.m. (City Clerk)

MOTION:

Council Member Winger **MOVED** to revise the Council on Aging meeting time, pursuant to policy, from 4:30 p.m. to 3:00 p.m. Council Member Askin **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

11. **Discussion** - Set the Process for the Hiring a City Clerk. (Mayor Gabriel)

Clarification was provided that the memo in the packet would set the roadmap for how Council will move forward with recruiting and hiring a new City Clerk. The position closes on September 13, 2021 and prior to the Council meeting of September 15, 2021 the City Clerk will work with Human Resources to finalize interview questions. Suggestions included a score sheet for the interview process and participation of City Council candidates. A special meeting will be set to review the applicants on the Council meeting of September 15, 2021.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – Council Member Pettey thanked the Council for approval of meeting time change. Next meeting October 14, 2021.
2. Airport Commission – Council Member Knackstedt reported on the Special Meeting of August 26, 2021. Next regular meeting September 9, 2021.
3. Harbor Commission – Vice Mayor Molloy reported on the Special Meeting of August 23, 2021. Next regular meeting September 13, 2021.

4. Parks and Recreation Commission – Council Member Winger noted the upcoming Kenai River Marathon and encouraged volunteer involvement. Next meeting October 7, 2021.
5. Planning and Zoning Commission – Council Member Glendening reported on the meeting of August 25, 2021. Next meeting September 8, 2021.
6. Beautification Committee – No report. Next meeting September 14, 2021.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel did not have anything to report.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Ostrander reported on the following:
 - Administration has begun analyzing costs for shared dispatch services with Kenai Police Department and Soldotna Police Department;
 - Attended the ground breaking for the new SOAR International Ministries facility;
 - Kenai Silver Salmon Derby was September 14-19, thanked sponsors for their prize donations;
 - Four employees were out on COVID-19 protocols;
 - Administration is continuing to look at all options to meet match requirements for the Bluff Erosion Project and HDR has entered the data collection phase of the design efforts.
2. City Attorney – City Attorney Bloom reported on the following:
 - Reported on the Water and Sewer balances following the passing of Ordinance 3199-2021;
 - Provided a Remote Sellers sales tax update noting that it doesn't match up with brick and mortar because it is still under development;
 - There is a bill in the Alaska legislature to provide for state sales tax and has the State as the collector of all sales tax.
3. City Clerk – City Clerk Heinz reported on the following:
 - Absentee voting begins September 20th.

K. ADDITIONAL PUBLIC COMMENT

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

Council Member Pettey thanked everyone for the good work and noted that she looks forward to the Silver Salmon Derby.

Council Member Winger recognized the 13 fallen US soldiers in Afghanistan. She stated that she looks forward having a student representative on the Council in the future and noted that Kenai Central High School's homecoming is on September 11, 2021 and are looking for wood donations for their bonfire. Thanked the Kenai Police Department for mutual aid and noted that they are very busy. Reported that she had met with Borough Mayor Charlie Pierce and Chief of Staff Aaron Rhoades and they will be scheduling a work session for a walkthrough of 9-1-1 facilities with Kenai Administration. She encouraged voters to meet the Council candidates and get out and vote.

Council Member Askin thanked everyone for a productive meeting.

Council Member Glendening reported that he attended the SOAR International Ministries ribbon cutting. He noted that he is heartened by the discussion regarding harbor development. Expressed confidence in future progress for the bluff erosion project and looks forward to the federal funds coming forth.

Vice Mayor Molloy noted the spike in COVID-19 numbers and expressed his support of the Kenai Fire Department and their vaccination clinics and mobile unit. He noted the potential amendments discussed during the prior work session on Ordinance 3224-2021.

Council Member Knackstedt requested a memo highlighting the potential amendments to Ordinance 3224-2021. Mentioned the Kenai Historical Society newsletter in packet and that they have a meeting on September 12th. He also noted the airport was closed at night during the first half of August due to boring to determine runway condition and encouraged the City Manager to ask that the work product to be given to the Airport Commission.

L. EXECUTIVE SESSION – None.

M. PENDING ITEMS

1. **Ordinance No. 3224-2021** - Repealing and Reenacting Kenai Municipal Code Title 6 - Elections, to Provide Clarity, Housekeeping and Process Improvements. (Vice Mayor Molloy and City Clerk)
[Clerk's Note: At the August 4 Council Meeting, this item was postponed to the September 15 Council Meeting for a second public hearing. A motion to enact is on the floor.]

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000
2. Kenai Historical Society Newsletter - August 2021

There being no further business before the Council, the meeting was adjourned at 9:15 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of September 1, 2021.

Jamie Heinz, MMC
City Clerk

DRAFT

**KENAI CITY COUNCIL WORK SESSION
ELECTIONS
SEPTEMBER 1, 2021 – 4:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR GABRIEL, PRESIDING**

NOTES

Council present: B. Gabriel, H. Knackstedt, B. Molloy, T. Winger J. Glendening, G. Pettey, V. Askin

Others present: City Manager P. Ostrander, Finance Director T. Eubank, City Attorney S. Bloom, City Clerk J. Heinz, Deputy City Clerk M. Thibodeau,

A. Call to Order

Mayor Gabriel called the work session to order at 4:00 p.m.

B. Introduction and Presentation – Mayor Gabriel

Mayor Gabriel noted the purpose of the work session was to hear about and discuss elections and Ordinance No. 3224-2021 re-writing the election code

C. Presentation Regarding Elections and Ordinance No. 3224-2021

City Clerk Heinz presented a thorough review of Ordinance No. 3224-2021 noting why the ordinance was put forth, policy changes, and how the majority of the current code was incorporated into the Ordinance.

D. Council Discussion and Comments

There was discussion regarding adding a definition of bonded indebtedness, adding the age requirement of at least twenty-one years old as a candidate qualification to match charter, providing that a city voter can sign as many nomination petitions as they would like, renumbering the list of actions a poll watcher may do. There was also discussion regarding requiring that an ID be shown and removing the provision for an election worker who personally knows someone to allow them to vote, limitations on the City's ability to change a polling location.

E. Adjournment

The work session recessed at 5:50 p.m., was called back to order at 9:25 p.m., and adjourned at 10:30 p.m.

Notes were prepared by:

Jamie Heinz, MMC
City Clerk

**KENAI CITY COUNCIL – REGULAR MEETING
SEPTEMBER 15, 2021 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on September 15, 2021, 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
Henry Knackstedt
Jim Glendinging
Victoria Askin

Robert Molloy
Teea Winger
Glenese Pettey

A quorum was present.

Also in attendance were:

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

3. Agenda Approval

MOTION:

Mayor Gabriel noted the following additions to the packet:

Add to item D.1. **Ordinance No. 3224-2021**
 • Amendment Memo

Add to item D.7. **Ordinance No. 3243-2021**
 • Public Comments

Add to item D.8. **Ordinance No. 3245-2021**
 • Amendment Memo

Add to item J.1. **City Manager’s Report**

- Auction Memo

Add to item O.

Information Items

- Cook Inlet Regional Citizen's Advisory Council Director's Report

Vice Mayor Molloy **MOVED** to approve the agenda with item D7 moved to D1 and the rest of the agenda renumbered and adding the requested revisions and requested **UNANIMOUS CONSENT**. Council Member Pettet **SECONDED** the motion.

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

4. Consent Agenda

MOTION:

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

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

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

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

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

B. SCHEDULED PUBLIC COMMENTS

1. Coy West - City of Kenai Marketing Update.

Mr. West discussed the ongoing marketing efforts for the City to assist businesses and promote events; also marketing the City for relocation and travel opportunities using geofence technology to target travelers in Anchorage, Mat-Su, and the Kenai Peninsula. He also discussed reach, results, and demographics of the efforts. Mr. West provided an overview of the social media presentation they provided to business owners at the Kenai Chamber of Commerce and Visitor Center and reviewed the Silver Salmon Derby marketing and sponsorships. He also showed some photos captured over the summer for marketing purposes and discussed plans for future promotion of the City.

C. UNSCHEDULED PUBLIC COMMENTS – None.

D. PUBLIC HEARINGS

[Clerk's Note: Agenda item D.7. was moved to D.1. and the remainder of the public hearings were renumbered.]

1. **Ordinance No. 3243-2021** - Amending Kenai Municipal Code 14.20.150-Conditional Use Permits, to Clarify Roles and Responsibilities of Applicants, the Planning Director, and the Planning Commission in the Conditional Use Process and Make Housekeeping Changes. (Vice Mayor Molloy)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3243-2021 and Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Jim Richardson spoke in support of the ordinance noting it would help provide reasonable enforcement for the property owners and the City. He noted difficulties in recent hearings pertaining to Conditional Use Permits noting the fears of the Conditional Use Permit process. He also spoke of difficulties in the last three years. Mr. Richardson spoke in support of specifying how the conditions of a Conditional Use Permit was compatible with residential areas and what it took to revoke a Conditional Use Permit.

Charlotte Coots spoke in support of the ordinance noting the specific guidelines and rules provide for protections for neighborhoods and what to expect when a Conditional Use Permit is applied for by a neighbor. She added that it was helpful when property owners could rely on the Planning and Zoning Commission when a Conditional Use Permit was granted and how the business would affect the neighborhood. She suggested the ordinance would help improve the process for those already living in the neighborhood.

Ron Rigalski thanked the Council for their work and spoke in support of the ordinance. He noted he would add, based on recent experience, some normalization, control, and teeth in the process; being clear about what happens when there is a violation. Mr. Rigalski noted there was a reason for zoning and a master plan.

Rusty Huff spoke in support of the ordinance suggesting it was overdue. He added that he's seen the City grow exponentially and believed that we've outgrown the Conditional Use Permit processing and zoning. He noted the Conditional Use Permits for commercial operations in residential neighborhoods were difficult and didn't believe they belonged, especially in a high-density residential neighborhood. Mr. Huff also noted that when permits transferred from one permittee to another and wanted to expand the scope, the applicants should be made to reapply and go through the process again so neighborhoods weren't bombarded with more in their neighborhoods. Finally, Mr. Huff reiterated the importance that the burden should be placed on the applicants seeking a Conditional Use Permit, not the neighborhood to fight for survival.

Rick Baldwin expressed appreciation for the ordinance and supported the changes. He requested additional changes, noting a recent Board of Adjustment hearing where the applicant represented a small operation, but the representations weren't included in the application or presented to the Commission, and the Commission accepted the representations of the small operation; there were no conditions in the permit holding the applicant to the small operation represented and, once a permit was issued, the City had no recourse to hold the permit holder to anything except the conditions in the permit. The change he requested was to add to 14.20.150 (e) (6), that the permit

shall reflect all special restrictions or conditions under which the applicant proposes to operate, and under (g), Staff Report, provide that the staff report shall set forth all variations between the typical use for which the application has been made and the uses proposed by the applicant, including specific limitations of the use as apparent on the application noting those provisions would put more teeth into the ordinance.

Kellie Kelso spoke in support of the ordinance noting the main function of a neighborhood was to provide a peaceful space for neighborhoods and Conditional Use Permits, infringed on the peaceful space. She was excited to see the changes including consideration for the economic and non-economic impact of a neighborhood.

Francis and Mark Yurik spoke in support of the ordinance noting that in their experience the last few months, the Conditional Use Permit process was unclear and confusing; adding that the provisions in the ordinance would make it more transparent.

Kristine Schmidt noted she has been attending meetings for many years and believes this is a much-needed amendment to the code, adding that this is a good start and the whole process could be added to or improved on in the future.

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

Gratitude was expressed for everyone coming out to testify. It was noted that it was important to Council that the Planning and Zoning Commission weighed in. Vice Mayor Molloy was thanked for sponsoring the ordinance

Concern was expressed that denial and modification was discretionary and should be supported by findings. It was suggested that Planning Director's comments during his presentations not be discretionary and, if the Commission disagreed with the Director, they should provide findings to support their position. Concern was also expressed that the economic value was subjective.

Clarification was provided that, in the situation of a zoning change, a Conditional Use Permit would provide grandfather rights for the use but wouldn't be allowed to expand or grow.

It was noted that the point of this ordinance was to clarify roles; that the Planning Director was to be the professional that assists the applicant with understanding code, Comprehensive Plan, questions in the application, and what was needed to make a complete application in order for a complete review. It was further noted that this ordinance wasn't to pre-judge anything; it left the job of granting, modifying, denying, or adding conditions, to the Planning and Zoning Commission.

It was also noted that this ordinance was a great start in making sure the residential areas were given opportunity for favorable space to live but also give guidance where there is opportunity for Conditional Use Permits and business friendly neighborhoods. Gratitude was expressed for the Planning and Zoning Commission and their diligent work diligently.

Concern was expressed with tying permits back to the Comprehensive Plan because not many knew what a Comprehensive Plan was; also heard the public comments that teeth and recourse were needed.

Clarification was provided that the burden of proof was on the applicant and the proof was provided at the public hearing, making the hearing as beneficial as possible for the Planning and Zoning

Commission and public. It was noted that an applicant can prepare for the Conditional Use Permit Process by meeting with the Planning Director.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3238-2021 by amending the last whereas clause to read, "Whereas on September 8, 2021 the Planning and Zoning Commission met and recommended the City Council enact this Ordinance with amendments." Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

VOTE ON THE AMENDMENT: There being no objections, **SO ORDERED**.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3238-2021 by adding the following to the end of KMC 14.20.150 new section (d) to read as follows, "Public Hearing. If the application is in order, a public hearing shall be scheduled in accordance with the requirements of KMC 14.20.280. An applicant must be present in person or by remote device for the application to be considered at the public hearing. If the applicant or representative is not present at the scheduled public hearing and has not provided a reasonable timely notice of unavailability to the Planning Department or Commission, the application will be dismissed by the Commission without a public hearing and the applicant may reapply at any time after paying a new application fee." Council Member Pettey **SECONDED** the motion.

Clarification was provided that the Commission would determine reasonable timely notice; postponement was another option the Commission could use with timely notice. Clarification was also provided that a representative would be someone of the applicant's choosing.

UNANIMOUS CONSENT was requested.

It was requested that a voice vote be taken.

VOTE ON THE AMENDMENT:

YEA: Gabriel, Winger, Glendening, Molloy, Pettey, Askin, Knackstedt,
NAY:

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3238-2021 by amending the paragraph in KMC 14.20.150 new section (e) to add the word, "dismiss," so the first sentence of the paragraph would read, "The Commission may approve, approve with conditions, dismiss or deny the application." Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

VOTE ON THE AMENDMENT: There being no objections, **SO ORDERED**.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3238-2021 by amending the last sentence of the paragraph on compliance notices to read as follows, “ if the administrative official determines the permit holder is in compliance with the conditions in this subsection, or notifies the permit holder of a potential violation in writing, the administrative official shall send any notice of compliance or notice of violation to the Commission and the permit holder in a timely manner,” and Council Member Knackstedt **SECONDED** the motion.

Clarification was provided that the Commission wanted to know about violations sent with the understanding that they might later be involved in a revocation hearing on the matter and were unable to discuss the violations with anyone. Clarification was also provided that violation was a violation of the conditions and that an investigation would be done prior to the revocation process or a notice of violation letter; however, if a complaint from the neighbor staff would look in to it but the complaint may not rise to the level of a violation unless they were able to verify the complaint. Finally, clarification was provided that noise and curfew violations would be handled in the same way as anyone in the City if there were no conditions in the permit.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Council Member Glendening **MOVED** to amend Ordinance No. 3238-2021 by amending the last sentence in KMC 14.20.150 (a) by deleting the words, “is discretionary,” and replace them with, “must be supported by findings,” and Council Member Winger **SECONDED** the motion.

It was suggested that anything done with a Conditional Use Permit should be supported by findings. It was further suggested that the term discretionary was loose and could be tightened up by being supported with findings.

There was opposition to the amendment noting that the requirement for findings was in the ordinance already, later in that section, where there was a requirement to provide findings on the six specific review criteria and that it has always been up to the Commission’s discretion when to grant or modify a Conditional Use Permit when considering the criteria.

VOTE:

YEA: Glendening, Winger
NAY: Molloy, Pettey, Askin, Knackstedt, Gabriel

MOTION FAILED.

MOTION TO AMEND:

Council Member Glendening **MOVED** to amend Ordinance No. 3238-2021 by replacing the word, “may,” with the word, “shall,” in the second sentence of the paragraph in 14.20.150 (g) so the sentence reads, “The staff report may contain any information deemed pertinent by the Planning Director or Designee, and shall include a recommendation and proposed findings on whether the requirements of this Chapter have been met and whether any additional specific conditions are recommended,” and Council Member Winger **SECONDED** the motion.

There was objection to the amendment suggesting that it should be left up to the professional judgement of the Planning Director whether or not to give a recommendation for his staff report.

It was suggested that it was important that a recommendation and proposed findings be included by the staff.

The Planning Director noted that the word, "shall," makes it a requirement and in a case where a recommendation may be hard to come by or staff wanted to remain neutral, by including, "shall," makes it a requirement. He added that he attended and answered questions that arose in Commission meetings regarding code requirements.

VOTE ON THE AMENDMENT:

YEA: Glendening, Winger
 NAY: Molloy, Pettey, Askin, Knackstedt, Gabriel

MOTION FAILED.

It was noted that this was the first of many comprehensive changes to the Planning and Zoning code and ordinances would be brought forth in the future to address more of the public's concerns.

It was noted different neighborhoods have different characteristics and there needs to be a balance with residential and Conditional Use Permits. It was also noted that reconciliation with covenants also needed to happen to provide clarity to the Planning and Zoning Commission.

VOTE ON THE MAIN MOTION AS AMENDED:

YEA: Molloy, Pettey, Askin, Knackstedt, Gabriel, Winger, Glendening
 NAY:

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3224-2021** - Repealing and Reenacting Kenai Municipal Code Title 6 - Elections, to Provide Clarity, Housekeeping, and Process Improvements. (Vice Mayor Molloy and City Clerk)
 - **Substitute Ordinance No. 3224-2021**
[Clerk's Note: At the August 4 Council Meeting, this item was postponed to the September 15 Council Meeting for a second public hearing. A motion to enact is on the floor.]

Mayor Gabriel opened the floor for public comment.

April Orth don't expect anything nefarious is included but is interested in going over in a public setting; missed the work session. She expressed concern with the code rewrite given the level of concern for elections in the community.

Cathy Medcoff agreed with April noting that the ordinance was a lot to look at and would appreciate more time.

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

The timeline, from introduction to present, was provided noting the work session was recorded. It was noted the ordinance was a reorganization of the code with some new policies to better align with the borough as the City was not using state equipment any longer but using the borough's equipment.

MOTION TO AMEND BY SUBSTITUTE:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3224-2021 by substitute and Council Member Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE TO AMEND BY SUBSTITUTE: There being no objections, **SO ORDERED.**

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3224-2021 by replacing the word parking with marking in the third line of section 6.35.030 (a)(1). Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT.**

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

MOTION TO AMEND:

Council Member Glendening **MOVED** to amend Ordinance No. 3224-2021 by striking the words, "a person," and replacing them with, "one United States citizen," in the last sentence of 6.30.050 (c), adding the following sentence as the last sentence, "a self-certification of the witness's qualifications may be accepted," and adding "a self-certification of the witness's qualifications may be accepted," as the last sentence of 6.30.060 (c)(2) Council Member Winger **SECONDED** the motion.

VOTE ON THE AMENDMENT:

YEA: Pettey, Askin, Knackstedt, Gabriel, Winger, Glendening, Molloy

NAY:

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Council Member Winger **MOVED** to amend Ordinance No. 3224-2021 by adding section 6.25.015 – Voting Devices and Machines (a) Voting devices and machines will be used for all regular and special elections unless determined not to be practical by the Clerk. The laws of the State concerning voting devices and machines are incorporated in this chapter as if fully set out in this chapter except for provision in conflict with this chapter. (b) The election official shall designate the computers to be used in counting the ballots and may negotiate a contract with the Kenai Peninsula Borough or a private computer service for the needed computer services. (c) Computers and voting machines may not be plugged into phone, internet, Bluetooth, or fiber optic cables during open polling hours. Council Member Pettey **SECONDED** the motion.

It was noted that Kenai Peninsula Borough legislation doesn't address the specific issue of the machines being plugged into phone, internet, etc., during operating hours.

It was noted the second sentence of (a), regarding the laws of the State being incorporated, was not needed.

MOTION TO AMEND THE AMENDMENT:

Council Member Knackstedt **MOVED** to amend the amendment by striking the second sentence in (a) and Vice Mayor Molloy **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE TO AMEND THE AMENDMENT: There being no objections, **SO ORDERED.**

Clarification was provided that connection to Bluetooth was not by plugging in; also noted that the list was not an exhaustive list. Alternative language was suggested that machines may not be connected to any device outside of the polling place.

MOTION TO AMEND THE AMENDMENT:

Council Member Winger **MOVED** to amend the amendment by amending (c) to state, "computers and voting machines may not be connected to any device during open polling hours," and Vice Mayor Molloy **SECONDED** the motion.

The motion was withdrawn with the concurrence of the second.

MOTION TO AMEND THE AMENDMENT:

Council Member Winger **MOVED** to amend the amendment by amending (c) to state, "any device connected to computers or voting machines must be a part of a closed system during open polling hours," and Vice Mayor Molloy **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE TO AMEND THE AMENDMENT: There being no objections, **SO ORDERED.**

MOTION TO AMEND:

Council Member Winger **MOVED** to amend Ordinance No. 3224-2021 by adding section 6.20.070 – Polling Locations (a) The City of Kenai shall be composed of such election precincts as may be set up or modified by the State of Alaska for all City elections, both regular and special. The polling places will be as designated by the State of Alaska, Division of Elections. (b) Changes of the polling places may be accomplished by the Council by motion, resolution, or ordinance. (1) a polling place may only be changed in a catastrophic event such as flooding, long power outages, unsafe building damage and/or fire. Council Member Glendening **SECONDED** the motion.

Concern was expressed that the Council may change polling places but that polling places may only be changed for specific reasons which could cause confusion.

It was noted that there needed to be consistency in polling places and the City, Borough, and State need to be able to work out polling place changes together.

It was suggested that in a State House of Representatives race in Anchorage, the candidate who lost the election believed the loss could be attributed to a polling location change, and to prevent the situation happening in Kenai, the amendment was offered.

Clarification was provided that the polling locations and addresses are published, that Election Supervisors try very hard for consistency in locations of polling places year after year. Situations over the last 20 years which required polling locations be changed, including terrorist attacks, natural disasters, and a pandemic were reviewed. Staff expressed concern about a potential situation where the Borough was changing polling locations and the City not having the flexibility to change as well, leaving the City without election equipment, due to this provision.

It was noted that polling locations change periodically due to property owner situations and the voters are provided notice; also noted there were many good reasons for changing a polling location.

It was suggested emergency meetings could be called by the Mayor to get a polling location changed.

VOTE TO AMEND:

YEA: Glendening, Winger
 NAY: Molloy, Pettey, Askin, Knackstedt, Gabriel

MOTION FAILED.

MOTION TO POSTPONE:

Council Member Glendening **MOVED** to postpone to the October 6 meeting and hold a third public hearing and Council Member Winger **SECONDED** the motion.

It was asked that any questions of the Clerk come before October 6 so time could be given to prepare a response due to the work of an election and a City Council meeting taking place in the same timeframe.

An overview of the timeline was provided. It was noted that amendments could be brought forth to make changes prior to the ordinance becoming effective.

There was support for postponement due to the requests from the public.

Concern was expressed that codes from municipalities other than the Kenai Peninsula Borough were adapted and included.

It was noted that it was unfortunate that local government couldn't be trusted when it came to elections for fear of something that may or may not be an underlying reason or an agenda; it was also noted that the purpose of the ordinance was a reconciliation with current code, past practice, and state law being fleshed out. It was further noted that another ordinance could be brought forth if it was discovered an amendment needed to be made; there had been an appropriate amount of time for the public to weigh in.

VOTE TO POSTPONE:

YEA: Glendening, Winger
 NAY: Molloy, Pettey, Askin, Knackstedt, Gabriel

MOTION FAILED.

Clarification was provided that certain provisions in the old code were provided for in a Memorandum of Agreement with the Kenai Peninsula Borough.

VOTE ON THE MAIN MOTION AS AMENDED:

YEA: Molloy, Pettey, Askin, Knackstedt, Gabriel
 NAY: Winger, Glendening

MOTION PASSED.

3. **Ordinance No. 3238-2021** - Accepting and Appropriating an Interlibrary Cooperation Grant from the Alaska State Library for the Kenai Community Library Storywalk® Project. (Administration)

MOTION:

Council Member Askin **MOVED** to enact Ordinance No. 3238-2021 and Council Member Knackstedt **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.

An overview of the program was provided by the Library Director.

VOTE:

YEA: Molloy, Pettey, Askin, Knackstedt, Gabriel, Winger, Glendening
 NAY:

MOTION PASSED UNANIMOUSLY.

4. **Ordinance No. 3239-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant From the Department of Justice Passed Through the Alaska Internet Crimes Against Children Task Force for the Purchase of Forensic Software. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3239-2021 and 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: Molloy, Pettey, Askin, Knackstedt, Gabriel, Winger, Glendening
 NAY:

MOTION PASSED UNANIMOUSLY.

5. **Ordinance No. 3240-2021** - Amending Kenai Municipal Code Section 23.55.030 – Qualification Pay, to Amend the Salary Ranges to Accurately Reflect Recognition Pay and Entitlements. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3240-2021 and Council Member Pettey **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: Pettey, Askin, Knackstedt, Gabriel, Glendening, Molloy, Winger
 NAY:

MOTION PASSED UNANIMOUSLY.

6. **Ordinance No. 3241-2021** - Declaring that, T 5N R 11W Sec 6 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 8, Also Known as 604 Inlet Street, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records was Peter F. Mysing, Whose Address is, PO Box 8134, Nikiski, Alaska, 99635-8134 and Estate of Peter F. Mysing CO/ Dale Dolifka, PO Box 498, Soldotna, AK, 99669-0498, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3241-2021 and 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.

MOTION TO AMEND:

Council Member Pettey **MOVED** to amend Ordinance No. 3241-2021 by replacing the blank in the sixth WHEREAS with "September 9, 2021." Vice Mayor Molloy **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

VOTE ON THE MAIN MOTION AS AMENDED:

YEA: Molloy, Pettey, Askin, Knackstedt, Gabriel, Winger, Glendening
 NAY:

MOTION PASSED UNANIMOUSLY.

7. **Ordinance No. 3242-2021** - Declaring that, T 5N R 11W Sec 5 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 20, Also Known as 905 Mission Avenue, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records Was Keith K. Knight, General Delivery, Kenai, Alaska, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3242-2021 and Vice Mayor Molloy **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.

MOTION TO AMEND:

Council Member Pettey **MOVED** to amend Ordinance No. 3242-2021 by replacing the blank in the sixth WHEREAS with "September 9, 2021." Vice Mayor Molloy **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

It was noted that the plat number associated with the property was the same; clarification was provided that the plat number could be amended administratively if it was incorrect.

VOTE ON THE MAIN MOTION AS AMENDED:

YEA: Gabriel, Winger, Glendening, Molloy, Pettey, Askin, Knackstedt
 NAY:

MOTION PASSED UNANIMOUSLY.

8. **Ordinance No. 3245-2021** - Authorizing a Budget Transfer in and Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for the Purchase and Installation of Equipment to Provide Residents Basic Television and Wireless Internet Service. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3245-2021 and Vice Mayor Molloy **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.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Section 2 of Ordinance No. 3245-2021 by increasing the appropriation of retained earnings to \$12,228, increase repair and maintenance to \$9,599, and to increase the total for increase appropriations to \$12,228. Council Member Pettey **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

Clarification was provided that the timeline for the installation could be that the tenants would be without internet service for up to a month. Clarification was also provided that staff had communicated the plans for implementation to the tenants and they were satisfied.

VOTE ON THE MAIN MOTION AS AMENDED:

YEA: Askin, Knackstedt, Gabriel, Winger, Glendening, Molloy, Pettey
NAY:

MOTION PASSED UNANIMOUSLY.

9. **Resolution No. 2021-57** - Declaring a Right-Of-Way for a 60' by 254' Portion of the Frontage Road Along Wildwood Drive as Dedicated on Lot 4-A, Block 8, Black Gold Estates Subdivision No. 2 (Plat KN 84-76), and as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-57 and Council Member Glendening **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.

Clarification was provided that this was the last step in the process and finalization would take place.

UNANIMOUS CONSENT was requested.

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

10. **Resolution No. 2021-58** - Authorizing an Agreement for Professional Engineering Services to Provide Construction Documents for Sewer Lift Station Upgrades. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2021-58 and Council Member Glendening **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 noted the lift station was one of the highest maintenance items in the city and this would go a long way in maintaining the infrastructure.

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

E. MINUTES – None.

F. UNFINISHED BUSINESS – None.

G. NEW BUSINESS

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

Approved by the consent agenda.

2. * Action/Approval - Non-Objection to the Renewal of Marijuana Licenses for Grateful Bud, LLC. (City Clerk)

Approved by the consent agenda.

3. *Action/Approval - Appointing Election Precinct Boards for the October 5, 2021 Regular Election. (City Clerk)

Approved by the consent agenda.

4. *Action/Approval - Special Use Permit to RAVN for Warm Storage. (Administration)

Approved by the consent agenda.

5. *Ordinance No. 3246-2021 - Accepting and Appropriating an Airport Improvement Program Grant from the Federal Aviation Administration in the Airport Equipment Capital Project Fund for the Purchase of Snow Removal Equipment– Multi-Purpose Broom/Blower. (Administration)

Introduced by the consent agenda and Public Hearing set for October 6, 2021.

6. *Ordinance No. 3247-2021 - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Improvements Capital Project Funds, Awarding a Professional Services Agreement and Corresponding Purchase Order for Mission Avenue Water Main Repairs. (Administration)

Introduced by the consent agenda and Public Hearing set for October 6, 2021.

7. Discussion – Request to Schedule a Joint Work Session for the Draft Land Management Plan. (Administration)

It was decided a joint work session, with City Council, Planning and Zoning Commission, Harbor Commission, Parks and Recreation Commission and the Airport Commission would take place on Monday, October 11, 2021 from 5:00 – 7:00 p.m. with the location to be determined based on having enough space.

8. Discussion – Set a Special Meeting for City Clerk Candidate Review. (City Clerk)

It was decided a special meeting would be scheduled for Monday, September 20, 2021 at 6:00 p.m. to review City Clerk candidates.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – No report. Next meeting October 14, 2021.
2. Airport Commission – Council Member Knackstedt reported on the meeting of September 9, 2021. Next regular meeting October 14, 2021.
3. Harbor Commission – No report. Next meeting November 8, 2021.
4. Parks and Recreation Commission – Noted Director Frates would be missed; also noted the upcoming Kenai Peninsula Marathon. Next meeting October 7, 2021.
5. Planning and Zoning Commission – Council Member Winger reported on the meeting of September 8, 2021. Next meeting October 13, 2021.
6. Beautification Committee – Council Member Asking reported on the meeting of September 14, 2021. Next meeting October 12, 2021.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Hoped everyone enjoyed their Labor Day Weekend;
- Commended Director Frates for his many years of service to the City;
- Attended the Chamber Luncheon where a Candidate Forum was hosted noting the three candidates who attended were well prepared; recognized the candidates for their courage to run for Council;

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Ostrander reported on the following:
 - Furie Operating of Alaska used the City Dock last week and are interested in continued use for the next several months;
 - Met with the four non-incumbent City Council candidates;
 - Meeting with Fire Chief Prior, Deputy Chief Anderson, and the state regarding providing integrated health services to low acuity patients to keep bed free at the hospital;

- Kenai Silver Salmon Derby was ongoing; final wheel spin will be Monday following event at 5:00 p.m. at the Visitor Center;
- HDR was continuing to collect data for the Bluff Erosion Project for the next six to eight weeks then design process will get started; hoping to get 35% complete drawings this calendar year.

2. City Attorney – No Report.

3. City Clerk – City Clerk Heinz reported that absentee voting was set to begin on Monday, September 20th.

K. ADDITIONAL PUBLIC COMMENT

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

Marion Nelson gave an update on the Art Center; also noted that she sat on Kenai Peninsula Tourism and Marketing Council and the questions the marketing team had were answered by work already done by the Kenai Peninsula Tourism and Marketing Council

Alex Douthit thanked Council for approval of the replat; also noted that the Kenai Peninsula Economic Development District recently did a marketing video regarding moving manufacturing businesses to the Kenai Peninsula. Finally, Mr. Douthit spoke about work the Kenai Peninsula Tourism and Marketing Council has done on digital marketing and were looking into an app.

2. Council Comments

Council Member Askin thanked the Council for the amendments on the Conditional Use Permit ordinance and the election ordinance; got a lot accomplished tonight. She noted that she attended the Kenai Historical Society event recently. She also recounted a conversation she had with a new resident about moving to Kenai and the amount of money they saved in heating costs

Council Member Winger noted that she listened to the candidate forum adding that there were great candidates running for Council. She noted that she had great conversations regarding the Conditional Use Permit and Elections ordinances; thanked Vice Mayor Molloy. Council Member Winger mentioned the upcoming Kenai River Marathon needed volunteers; also encouraged property owners to look at removing dead or dying trees.

Council Member Pettay stated that she was proud to live in Kenai on Labor Day and thanked the Parks and Recreation Department for the flags on the Highway. She also noted that she was touched and thanked the Fire Department for their continual remembrance for 9/11. Finally, Council Member Pettay provided a reminder for the Kenai Silver Salmon Derby suggesting it was a great time to put your hook in the water.

Council Member Glendening noted he was glad to get the draft Land Management Plan as it opened many opportunities. He also noted that he attended the City Council candidate forum and was pleased with the questions and responses.

Vice Mayor Molloy thanked the participants of the meeting and for providing public comments on both the Conditional Use Permit and Election Code ordinances; also thanked his colleagues for the amount of work that was put into the ordinances. He added that he appreciated dialogue and expressed appreciation that the City Council would continue looking at Title 14. Vice Mayor Molloy also reported that he attended the bell ringing ceremony on 9/11 noting it very good ceremony and Chief Prior made a good presentation and the Central Emergency Services Pastor said some nice prayers.

Council Member Knackstedt noted he attended a Kenai Historical Society meeting and enjoyed the presentation on murders in Kenai in 1918. He also noted that he attended the candidate forum adding that good questions were asked of the three individuals that were present. Finally, Council Member Knackstedt noted he was going to Director Frates and recalled the tireless effort to set events up yet still enjoying himself.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATION ITEMS**

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

There being no further business before the Council, the meeting was adjourned at 11:09 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of September 15, 2021.

Jamie Heinz, MMC
City Clerk

**KENAI CITY COUNCIL – SPECIAL MEETING
SEPTEMBER 20, 2021 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611**

MINUTES

A. CALL TO ORDER

A Special Meeting of the Kenai City Council was held on September 20, 2021, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor	Robert Molloy (absent)
Henry Knackstedt	Teea Winger
Jim Glendening	Glenese Pettey (absent)
Victoria Askin	

A quorum was present.

Also in attendance were:

Scott Bloom, City Attorney
Jamie Heinz, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the packet:

- | | |
|------------------|---|
| Add to item C.1. | Selection of Candidates |
| | • Explanation Memo, Resumes, and Corrected Cover Letter |

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the additions to the packet and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

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

B. EXECUTIVE SESSION

1. Review and Discussion of Applications Submitted for the City Clerk Position. [AS 44.62.310(c)(2) a Subject that Tends to Prejudice the Reputation and Character of an Applicant.]

MOTION:

Council Member Knackstedt **MOVED** to enter into executive session to review applications submitted for the City Clerk Position which may be a subject that tends to prejudice the reputation and character of an applicant pursuant to AS44.62.310(C)(2) and requested the attendance of the Human Resources Director, City Attorney, and City Clerk. Council Member Glendening **SECONDED** the motion.

VOTE:

YEA: Glendening, Knackstedt, Winger, Gabriel, Askin
 NAY:

MOTION PASSED UNANIMOUSLY.

Council reconvened in open session and it was noted for the record that Council met in executive session and reviewed and discussed the applications submitted for the City Clerk position.

C. NEW BUSINESS

1. **Action/Approval** - Selection of Candidates to be Interviewed for the City Clerk Position.

MOTION:

Council Member Knackstedt **MOVED** to select candidates Michelle Saner and Meri Jane Bohn to interview for the City Clerk position. Council Member Askin **SECONDED** the motion.

VOTE:

YEA: Knackstedt, Gabriel, Askin
 NAY: Glendening, Winger

MOTION PASSED UNANIMOUSLY.

2. **Discussion** - Set a Special Meeting for City Clerk Candidate Interviews.

It was decided a Special Meeting would be held on Friday, October 1, 2021, beginning at 4:00 p.m. to conduct interviews for the City Clerk position.

- D. **PUBLIC COMMENT** (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

None.

E. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:49 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of September 20, 2021.

Jamie Heinz, MMC
City Clerk

PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: OCTOBER 6, 2021

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	96,260.81

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
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**PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL
 COUNCIL MEETING OF: OCTOBER 6, 2021**

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
HOMER ELECTRIC	ELECTRIC SERVICE MODIFICATIONS	A/P IMPROVEMENTS	CONSTRUCTION	49,290.00
KACHEMAK ELECTRIC	FY22 STREET LIGHT MAINTENANCE & REPAIR	STREET LIGHTING	REPAIR & MAINTENANCE	28,000.00

INCREASE OF EXISTING PURCHASE ORDER

VENDOR	DESCRIPTION	P.O. # - DEPT.	REASON	AMOUNT	TOTAL PO AMT
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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Scott Curtin, Director of Public Works

DATE: September 24, 2021

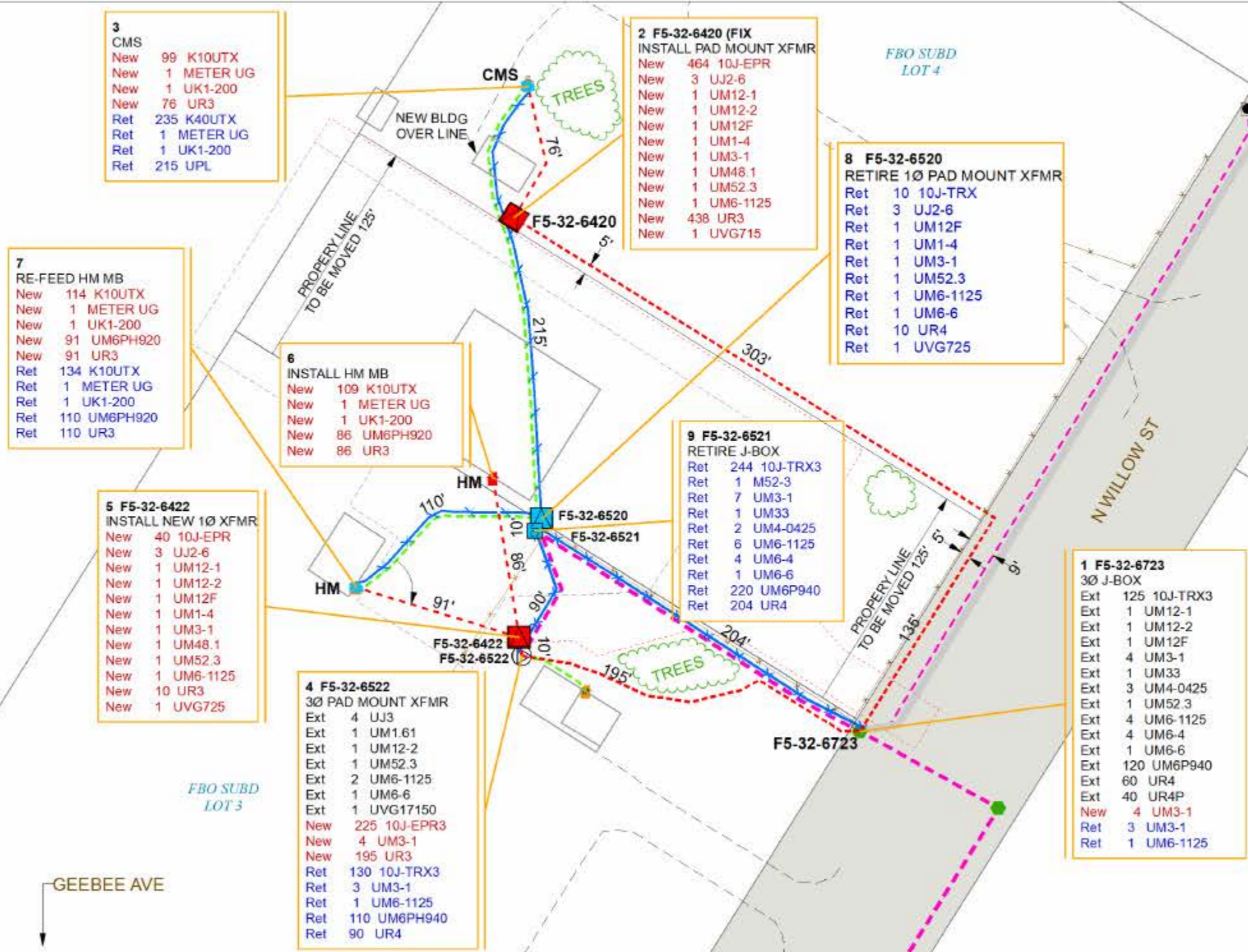
SUBJECT: **Purchase Order – Homer Electric Association**

The purpose of this memo is to request Council's approval to issue a Purchase Order to Homer Electric Association for Electric Service modifications resulting from the Kenai Municipal Airport Sand Storage Facility project. The project required a lot subdivision as well as additional power requirements above what was existing at the adjacent Operations facility. This work provides for demolition of older wiring, relocation of new primary and service lines to the new Sand Storage building as well as the adjacent Forestry Lot.

The City has already provided \$500 to HEA with submission of the service application, an additional \$49,290 by Purchase Order is being requested to cover the cost of installation including all labor and materials.

Forestry's Leased Lot was reduced in size to accommodate the new Sand Storage Building. This work cleans up the utilities placing them in the appropriate new easement locations where they belong. There is an Action Approval Memo included within this packet to grant the easements. That memo has several drawings which indicate the magnitude of the proposed work, as well as the drawing below which indicates the required specific changes to the utilities in the area.

Completion of this work is in the best interest of the City, Council's support is respectfully requested.



- 3**
CMS
New 99 K10UTX
New 1 METER UG
New 1 UK1-200
New 76 UR3
Ret 235 K40UTX
Ret 1 METER UG
Ret 1 UK1-200
Ret 215 UPL

- 2 F5-32-6420 (FIX)**
INSTALL PAD MOUNT XFMR
New 464 10J-EPR
New 3 UJ2-6
New 1 UM12-1
New 1 UM12-2
New 1 UM12F
New 1 UM1-4
New 1 UM3-1
New 1 UM48.1
New 1 UM52.3
New 1 UM6-1125
New 438 UR3
New 1 UVG715

- 8 F5-32-6520**
RETIRE 1Ø PAD MOUNT XFMR
Ret 10 10J-TRX
Ret 3 UJ2-6
Ret 1 UM12F
Ret 1 UM1-4
Ret 1 UM3-1
Ret 1 UM52.3
Ret 1 UM6-1125
Ret 1 UM6-6
Ret 10 UR4
Ret 1 UVG725

- 7**
RE-FEED HM MB
New 114 K10UTX
New 1 METER UG
New 1 UK1-200
New 91 UM6PH920
New 91 UR3
Ret 134 K10UTX
Ret 1 METER UG
Ret 1 UK1-200
Ret 110 UM6PH920
Ret 110 UR3

- 6**
INSTALL HM MB
New 109 K10UTX
New 1 METER UG
New 1 UK1-200
New 86 UM6PH920
New 86 UR3

- 9 F5-32-6521**
RETIRE J-BOX
Ret 244 10J-TRX3
Ret 1 M52-3
Ret 7 UM3-1
Ret 1 UM33
Ret 2 UM4-0425
Ret 6 UM6-1125
Ret 4 UM6-4
Ret 1 UM6-6
Ret 220 UM6P940
Ret 204 UR4

- 5 F5-32-6422**
INSTALL NEW 1Ø XFMR
New 40 10J-EPR
New 3 UJ2-6
New 1 UM12-1
New 1 UM12-2
New 1 UM12F
New 1 UM1-4
New 1 UM3-1
New 1 UM48.1
New 1 UM52.3
New 1 UM6-1125
New 10 UR3
New 1 UVG725

- 4 F5-32-6522**
3Ø PAD MOUNT XFMR
Ext 4 UJ3
Ext 1 UM1.61
Ext 1 UM12-2
Ext 1 UM52.3
Ext 2 UM6-1125
Ext 1 UM6-6
Ext 1 UVG17150
New 225 10J-EPR3
New 4 UM3-1
New 195 UR3
Ret 130 10J-TRX3
Ret 3 UM3-1
Ret 1 UM6-1125
Ret 110 UM6PH940
Ret 90 UR4

- 1 F5-32-6723**
3Ø J-BOX
Ext 125 10J-TRX3
Ext 1 UM12-1
Ext 1 UM12-2
Ext 1 UM12F
Ext 4 UM3-1
Ext 1 UM33
Ext 3 UM4-0425
Ext 1 UM52.3
Ext 4 UM6-1125
Ext 4 UM6-4
Ext 1 UM6-6
Ext 120 UM6P940
Ext 60 UR4
Ext 40 UR4P
New 4 UM3-1
Ret 3 UM3-1
Ret 1 UM6-1125



KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin, Director of Public Works
DATE: September 25, 2021
SUBJECT: Purchase Order – Kachemak Electric

The purpose of this memo is to request Council's approval to issue a Purchase Order to Kachemak Electric in the amount of \$28,000 to provide street light maintenance and repair services as well as utility location services on an as needed basis through Fiscal Year 2022 ending June 30th, 2022. This is an annually budgeted amount.

The Public Works Department released a Request for Quotes with quotes due on September 17, 2021. The RFQ requested per unit costs for initial assessment of inoperable street lights, labor for minor repairs like bulb and photocell replacements with materials to be billed at actual costs, Labor costs for line break repairs, and individual utility locate costs.

Two quotes were received by the Department with Kachemak Electric providing the lowest responsive responsible cost. Repairs will begin immediately with the goal of all streets lights within the City being operational prior to October 31, 2021.

Description	Unit	Cost
Street Light Repairs		
Initial Assessment per light	Each Light	\$ 125.00
Labor only for minor repairs (Bulb, ballast, photo cell)	Each Light	\$ 125.00
Labor only for line break repair (per line break not light, i.e. if one break disabled four lights, it's still one repair.)	Each Break	\$ 253.75
Materials will all be at actual cost per supplier's invoice for all repairs, any contractor markup to be included in unit prices above.		
Street Light Locates		
Per individual locate request within 48 hours of notification	Each Request	\$ 101.50
Unit Prices will carry through to June 30,2022. Major repairs will be per occurrence.		

Issuance of this Purchase Order to Kachemak Electric and completion of this work is in the best interest of the City, Council's support is respectfully requested.



MEMORANDUM

TO: Mayor Gabriel and Kenai Council Members
FROM: Jamie Heinz, City Clerk
DATE: September 29, 2021
SUBJECT: **Marijuana License Renewal**

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

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

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

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

Your consideration is appreciated.

- Submit** by Jamie Heinz 9/8/2021 7:03:49 PM (Form Submission)
- Approve** by Jeremy Hamilton 9/9/2021 10:26:11 AM (Fire Marshall Review)
■ *Inspection scheduled for 9/14/21*
- The task was assigned to Jeremy Hamilton. The due date is: September 17, 2021 5:00 PM
9/8/2021 7:03 PM
- Approve** by Scott Curtin 9/15/2021 3:12:23 PM (Building Official Review)
- The task was assigned to Scott Curtin. The due date is: September 17, 2021 5:00 PM
9/8/2021 7:03 PM
- Approve** by Ben Langham 9/9/2021 9:53:30 AM (Police Department Review)
- The task was assigned to Ben Langham. The due date is: September 17, 2021 5:00 PM
9/8/2021 7:03 PM
- Approve** by Tina Williamson 9/9/2021 9:12:17 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: September 17, 2021 5:00 PM
9/8/2021 7:03 PM
- Approve** by Cindy Herr 9/9/2021 9:14:41 AM (Legal Asst Review)
■ *No monies owed in traffic fines or restitution.*
- The task was assigned to Cindy Herr. The due date is: September 17, 2021 5:00 PM
9/8/2021 7:03 PM
- Approve** by Wilma Anderson 9/9/2021 8:58:47 AM (Lands Review)
■ *There are not any land issues.*
- The task was assigned to Wilma Anderson. The due date is: September 17, 2021 5:00 PM
9/8/2021 7:03 PM
- Approve** by Sue Best 9/9/2021 9:34:58 AM (Finance Review)
- The task was assigned to Sue Best. The due date is: September 20, 2021 5:00 PM
9/9/2021 9:14 AM
- Approve** by Scott Bloom 9/9/2021 9:51:32 AM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: September 20, 2021 5:00 PM
9/9/2021 9:14 AM
- Approve** by Ryan Foster 9/13/2021 9:40:06 AM (P&Z Department Review)
- The task was assigned to Ryan Foster. The due date is: September 20, 2021 5:00 PM
9/9/2021 9:14 AM

Date

9/8/2021

Establishment Information

License Type

Marijuana Standard Cultivation

Licensee

Majestic Gardens, LLC

Doing Business As

Majestic Gardens, LLC

Premises Address

12656 Kenai Spur Highway

City, State

Kenai, AK

Contact Information

Contact Licensee

Deniece Isaacs

Contact Phone No.

398-3267

Contact Email

majesticgardens@alaska.net

Additional Contact Information

Name

Phone No.

Email

Documents

File Upload

15395 Combined Kenai City-Borough Renewal Local Government Notice.pdf	576.94KB
15395 Entity Docs combined.pdf	1.59MB
15395 MJ-20, NOV, Response.pdf	1.49MB
15395 online application original_Redacted.pdf	153.55KB
15395 POPPP combined.pdf	5.52MB



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

September 1, 2021

City of Kenai

Attn: City Clerk
VIA Email: cityclerk@kenai.city

Kenai Peninsula Borough

Attn: Borough Clerk
Via Email: jblankenship@kpb.us
CC: micheleturner@kpb.us
tshassetz@kpb.us
sness@kpb.us
mjenkins@kpb.us
btaylor@kpb.us
MAldridge@kpb.us
slopez@kpb.us
ncarver@kpb.us
MBerg@kpb.us

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

License Renewal Application **Endorsement Renewal Application**

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

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

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC

306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

Glen Klinkhart, Director

Notice of Violation

Email

Page 92

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records Act AS 40.25

Date: 11/23/20 License #/Type: 15395 Standard Cultivation
Designated Licensee: Deniece M Isaacs AMCO Case#:
DBA: Majestic Gardens LLC
Premises Address: 12656 KENAI SPUR HIGHWAY KENAI, AK 99611
Mailing Address: PO BOX 3526 Kenai, AK 99611

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

As of 11/18/20, Majestic Gardens LLC, 15395, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice. A licensee may respond, either orally or in writing, to the Notice.

IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Email

Date:

Dear AMCO

8/31/21

We received a violation notice on 11/23/20 , We were late. I was wrong about the time frame in which our taxes need to be paid. We always have the funds reserved and ready for payment, please excuse our accidental tardiness. We have paid all taxes and penalties to date and are in good standing.



Deniece M Isaacs



Ronald D Isaacs



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

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

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

Section 1 – Establishment Information

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

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

Section 2 – Individual Information

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

Name:	Ronald D Isaacs
Title:	Owner / member

Section 3 – Violations & Charges

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

Initials

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

RDI

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

RDI

I certify that a notice of violation has **not** been issued to this license between July 1, 2020 and June 30, 2021.

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

Initials

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

RDI



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Section 4 -- Certifications & Waiver

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

Initials

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

RDI

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

RDI

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

RDI

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

RDI

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

RDI

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

RDI

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

RDI

I, Ronald D Isaacs, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license.

RDI

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

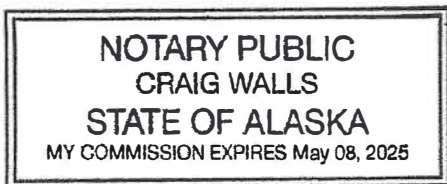
Ronald D Isaacs
Signature of licensee

[Signature]
Notary Public in and for the State of Alaska

Ronald D Isaacs
Printed name of licensee

My commission expires: 05/08/2021

Subscribed and sworn to before me this 14th day of June, 2021.





Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

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

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

Section 1 – Establishment Information

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

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

Section 2 – Individual Information

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

Name:	Deniece M Isaacs
Title:	Owner / member

Section 3 – Violations & Charges

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

Initials

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

DMI

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

DMI

I certify that a notice of violation has **not** been issued to this license between July 1, 2020 and June 30, 2021.

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

Initials

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

DMI



Section 4 – Certifications & Waiver

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

Initials

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

DMI

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

DMI

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

DMI

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

DMI

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

DMI

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

DMI

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

DMI

I, Deniece M Isaacs, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license.

DMI

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

Signature of licensee

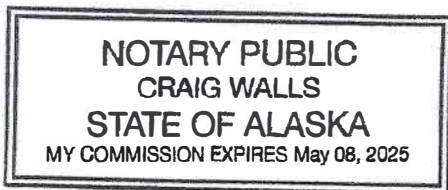
Notary Public in and for the State of Alaska

Deniece M Isaacs

Printed name of licensee

My commission expires: 05/08/2025

Subscribed and sworn to before me this 14th day of June, 2021.





Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

September 10, 2021

Sent via email: jheinz@kenai.city

City of Kenai
Kenai City Hall

RE: Renewal Application for Standard Marijuana Cultivation Facility

Business Name : Majestic Gardens LLC
License Location : Kenai/12656 Kenai Spur Highway, Kenai, AK 99611
License No. : 15395

Dear Ms. Heinz,



This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

cc: magicalgardens@alaska.net

- Submit** by Jamie Heinz 8/30/2021 12:08:40 PM (Form Submission)
- Approve** by Jeremy Hamilton 9/23/2021 5:20:42 PM (Fire Marshall Review)
- The task was assigned to Jeremy Hamilton. The due date is: September 8, 2021 5:00 PM 8/30/2021 12:08 PM
- Approve** by Scott Curtin 8/30/2021 4:01:24 PM (Building Official Review)
- The task was assigned to Scott Curtin. The due date is: September 8, 2021 5:00 PM 8/30/2021 12:08 PM
- Approve** by Ben Langham 8/30/2021 12:10:47 PM (Police Department Review)
- The task was assigned to Ben Langham. The due date is: September 8, 2021 5:00 PM 8/30/2021 12:08 PM
- Approve** by Tina Williamson 8/31/2021 8:37:30 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: September 8, 2021 5:00 PM 8/30/2021 12:08 PM
- Approve** by Cindy Herr 8/30/2021 12:30:18 PM (Legal Asst Review)
-  *No monies owed in traffic fines or restitution to the City of Kenai.*
 - The task was assigned to Cindy Herr. The due date is: September 8, 2021 5:00 PM 8/30/2021 12:08 PM
- Approve** by Wilma Anderson 9/1/2021 1:18:07 PM (Lands Review)
-  *There are not any outstanding land issues for parcel located at 12656 Kenai Spur Hwy.*
 - The task was assigned to Wilma Anderson. The due date is: September 8, 2021 5:00 PM 8/30/2021 12:08 PM
- Approve** by Sue Best 9/1/2021 1:37:50 PM (Finance Review)
- The task was assigned to Sue Best. The due date is: September 10, 2021 5:00 PM 9/1/2021 1:18 PM
- Approve** by Scott Bloom 9/1/2021 1:22:48 PM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: September 10, 2021 5:00 PM 9/1/2021 1:18 PM
- Approve** by Ryan Foster 9/7/2021 4:14:26 PM (P&Z Department Review)
- The task was assigned to Ryan Foster. The due date is: September 10, 2021 5:00 PM 9/1/2021 1:18 PM

Date

8/10/2021

Establishment Information

License Type

Retail Marijuana Store

Licensee

Majestic Gardens, LLC

Doing Business As

Majestic Gardens, LLC

Premises Address

12656 Kenai Spur Highway

City, State

Kenai, AK

Contact Information

Contact Licensee

Deniece Isaacs

Contact Phone No.

398-3267

Contact Email

magicalgardens@alaska.net

Additional Contact Information

Name

Phone No.

Email

Documents

File Upload

15393 Entity Documents combined.pdf	1.59MB
15393 Kenai City-Borough combined Renewal Local Government Notice.pdf	575.55KB
15393 MJ-20s combined.pdf	3.68MB
15393 online application original_Redacted.pdf	119.08KB
15393 POPPP combined.pdf	5.52MB



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

August 30, 2021

City of Kenai

Attn: Jamie Heinz
VIA Email: jheinz@kenai.city

Kenai Peninsula Borough

Attn: Borough Clerk
Via Email: jblankenship@kpb.us
CC: micheleturner@kpb.us
tshassetz@kpb.us
sness@kpb.us
mjenkins@kpb.us
btaylor@kpb.us
MAldridge@kpb.us
slopez@kpb.us
ncarver@kpb.us
MBerg@kpb.us

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

License Renewal Application **Endorsement Renewal Application**

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

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

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is

arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke extending to the right.

Glen Klinkhart, Director



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

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

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

Section 1 – Establishment Information

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

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

Section 2 – Individual Information

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

Name:	Deniece M Isaacs
Title:	Owner/Member

Section 3 – Violations & Charges

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

Initials

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

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

I certify that a notice of violation has not been issued to this license between July 1, 2020 and June 30, 2021.

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

Initials

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



Section 4 – Certifications & Waiver

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

Initials

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

DMI

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

DMI

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

DMI

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

DMI

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

DMI

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

DMI

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

DMI

I, Deniece M Isaacs, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license.

DMI

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

Signature of licensee

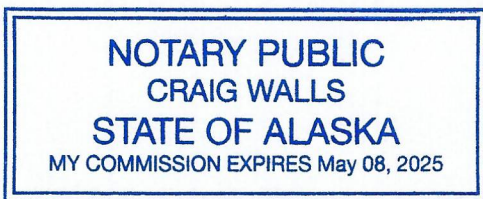
Notary Public in and for the State of Alaska

Deniece M Isaacs

Printed name of licensee

My commission expires: 05/08/2025

Subscribed and sworn to before me this 14th day of June, 2021.





Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

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

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

Section 1 – Establishment Information

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

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

Section 2 – Individual Information

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

Name:	Ronald D Isaacs
Title:	Owner/Member

Section 3 – Violations & Charges

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

Initials

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

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

I certify that a notice of violation has **not** been issued to this license between July 1, 2020 and June 30, 2021.

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

Initials

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



Section 4 – Certifications & Waiver

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

Initials

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

RFI

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

RFI

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

RFI

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

RFI

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

RFI

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

RFI

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

RFI

I, Ronald D Isaacs, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license.

RFI

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

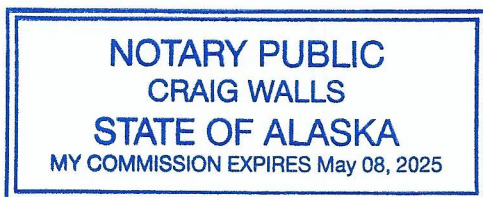
Ronald D Isaacs
Signature of licensee

[Signature]
Notary Public in and for the State of Alaska

Ronald D Isaacs
Printed name of licensee

My commission expires: 05/08/2025

Subscribed and sworn to before me this 14th day of June, 2021.





Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

September 10, 2021

Sent via email: jheinz@kenai.city

City of Kenai
Kenai City Hall

RE: Renewal Application for Retail Marijuana Store

Business Name : Majestic Gardens LLC
License Location : Kenai/12656 Kenai Spur Highway, Kenai, AK 99611
License No. : 15393

Dear Ms. Heinz,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

cc: majesticgardens@alaska.net



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3248-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A COLLECTION EQUITY AWARD FROM THE NETWORK OF THE NATIONAL LIBRARY OF MEDICINE REGION 5 FOR THE PURCHASE OF HEALTH AND WELLNESS TITLES FOR THE KENAI COMMUNITY LIBRARY COLLECTION.

WHEREAS, the City of Kenai received a Collection Equity Award from the Network of the National Library of Medicine Region 5 for the purchase of health and wellness materials for the library collection; and,

WHEREAS, the funds will be used to purchase materials in a variety of formats to support the health information needs of the residents of Kenai and surrounding communities; and,

WHEREAS, there will be a focus on purchasing materials for underrepresented groups based on census data and informal community conversations; 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 a grant from the State of Alaska, Department of Education and Early Development in the amount of \$1,500 for the purchase of library books and to execute grant agreements and to expend the grant funds to fulfill the purpose and intent of this Ordinance.

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

General Fund:	
Increase Estimated Revenues –	
Other Grants, Library	<u>\$1,500</u>
Increase Appropriations –	
Library--Books	<u>\$1,500</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.

Ordinance No. 3248-2021
Page 2 of 2

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 20th day of October, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 

Introduced: October 6, 2021
Enacted: October 20, 2021
Effective: October 20, 2021



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Katja Wolfe, Library Director

DATE: October 6, 2021

SUBJECT: **Ordinance 3248-2021-- Collection Equity Award from the Network of the National Library of Medicine, Region 5**

The Library has been selected to receive a Collection Equity Award from the Network of the National Library of Medicine (NNLM). As per the award, the amount of \$1,500 is to be used for the purchase of health and wellness titles in various formats and should be deposited in account 001-440-4666.

We aim to serve as a resource for reliable health information and to help reduce health disparities in our community by making health information freely available and accessible. Health literacy is a 21st century skill that is crucial to understanding health information and making knowledgeable health-related decisions. The award will support our efforts to refresh and replenish our health section with new and updated titles.

Your consideration is appreciated.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3249-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE AMERICAN LIBRARY ASSOCIATION FOR THE KENAI COMMUNITY LIBRARY'S PARTICIPATION IN THE NASA@ MY LIBRARY PROGRAMMING INITIATIVE.

WHEREAS, the Kenai Community Library is just one of 60 libraries nationwide selected to be a NASA@ My Library partner; and,

WHEREAS, NASA@ My Library is an education initiative created to increase and enhance STEAM (science, technology, engineering, arts and math) learning opportunities for library patrons throughout the nation, including geographic areas and populations currently underrepresented in STEAM education; and,

WHEREAS, as part of this initiative, Kenai Community Library staff will receive training and resources to implement NASA events and programming, access to a university Subject Matter Expert to support patron engagement, and \$1,600 for programming expenses; and,

WHEREAS, over the next few months and into 2022, the library will offer STEAM and NASA programs for people of all ages; and,

WHEREAS, NASA@ My Library is offered by the National Center for Interactive Learning at the Space Science Institute in partnership with the ALA Public Programs Office, Lunar and Planetary Institute and Education Development Center; 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 funds from the American Library Association in the amount of \$1,600 for programming expenses and to execute grant agreements and to expend the grant funds to fulfill the purpose and intent of this Ordinance.

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

General Fund:

Increase Estimated Revenues –	
Other Grants, Library	<u>\$1,600</u>

Increase Appropriations –

Library--Books	\$ 500
Library—Office Supplies	200
Library—Operating and Maintenance	700
Library—Advertising	<u>200</u>
	<u>\$1,600</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 20th day of October, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 

Introduced: October 6, 2021
Enacted: October 20, 2021
Effective: October 20, 2021



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Katja Wolfe, Library Director

DATE: October 6, 2021

SUBJECT: Ordinance 3249-2021- NASA@ My Library Program Initiative

The Kenai Community Library has been selected through a competitive application process to be part of NASA@ My Library, an education initiative created to increase and enhance STEAM (science, technology, engineering, arts and math) learning opportunities for library patrons throughout the nation, including geographic areas and populations currently underrepresented in STEAM education. We are one of just 60 libraries nationwide to be part of this initiative.

As a NASA@ My Library Partner, the library will hold public programs that explore NASA science and technology, specifically around NASA's newest next-generation telescope launch (fall 2021), the first telescope images (spring 2022), and as part of the summer reading program 2022. Library staff will receive training and resources to implement NASA events and programming, access to a university Subject Matter Expert to support patron engagement, and \$1,600 for programming expenses.

Your consideration is appreciated.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3250-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE CONGREGATE HOUSING ENTERPRISE FUND AND AWARDING A CONTRACT FOR A RESIDENT MAINTENANCE MANAGER FOR THE VINTAGE POINTE, CONGREGATE HOUSING FACILITY.

WHEREAS, the City recently completed a request for proposal for an on-site resident maintenance manager for Vintage Pointe Manor, Congregate Housing Facility; and,

WHEREAS, the estimated annual cost for resident (on-site) maintenance manager services is \$74,004; and,

WHEREAS, the adopted FY2022 Budget included \$61,260 for these services, an insufficient amount to award an agreement, requiring supplemental funding prior to award; and,

WHEREAS, supplemental funding of \$9,600 is required for award of the agreement for the remaining 9 months of FY22 and is available from the Congregate Housing Enterprise Fund's retained earnings; and,

WHEREAS, Sadler Property Management submitted the only proposal to provide resident maintenance management services; and,

WHEREAS, review of Sadler Property Management's proposal showed it to be responsive and reasonable and the administration recommends award of an agreement to Sadler Property Management for resident (on-site) management services; and,

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:

Congregate Housing Fund:	
Increase Estimated Revenues –	
Appropriation of Retained Earnings	<u>\$9,600</u>
Increase Appropriations –	
Professional Services	<u>\$9,600</u>

Section 2. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 20th day of October, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 

Introduced: October 6, 2021
Enacted: October 20, 2021
Effective: October 20, 2021



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Kathy Romain, Senior Center Director

DATE: September 28, 2021

SUBJECT: **Ordinance 3250-2021 Supplemental Appropriations**

Pursuant to KMC, a Request for Proposal was completed for the on-site maintenance manager for Vintage Pointe Manor, Congregate Housing Facility. Sadler Property Management submitted the only proposal and the negotiated amount increased from the previous proposal of 2016. The FY2022 Budget will require a budget revision and supplemental appropriation prior to awarding the contract.

Since 2011, Bill Sadler, dba Sadler Property Management has been the on-site maintenance contractor for Vintage Pointe Manor. He remains dedicated to maintaining our senior housing facility and supporting the residents.

Your support for the Ordinance 3250-2021 and contract is greatly appreciated.

Thank you.



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Scott Curtin, Director of Public Works

DATE: September 25, 2021

SUBJECT: **Action Approval – Homer Electric Association Easement Approval**

The purpose of this memo is to request Council's approval to grant two separate utility easements to Homer Electric Association (HEA) in support of the Kenai Municipal Airport (KMA) Sand Storage Facility project. With the subdivision of Lot 4 which expanded the City's lot 3 to allow an area to construct the building, the utilities serving both lots were impacted. This Action Approval resolves those conflicts by granting HEA easements for the rerouting of utilities currently serving Airport Operations, Forestry Services operations as well as the new yet to be constructed Sand Storage facility.

Attached to this memo are copies of the proposed easements drawings as well as the proposed easement agreements provided by HEA. Council's approval shall authorize the City Manager to execute the easement agreements in support of the project. It should also be noted, within this Council packet, is a Purchase Order approval memo to pay for the costs associated with this work.

Approval of these easement agreements will allow all of the affected parties to continue operations with sufficient power to meet their needs independent of one another. Approval is in the best interest of the city. Council's support is respectfully requested.

**HOMER ELECTRIC ASSOCIATION, INC.
UTILITY EASEMENT**

CITY OF KENAI, whose address is 210 Fidalgo Ave., Suite 200, Kenai, AK, 99611, (“Grantor”) for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to **HOMER ELECTRIC ASSOCIATION, INC. (HEA)**, an Alaska non-profit electric cooperative, 3977 LAKE STREET, HOMER, AK 99603 (“Grantee”), its successors and assigns, the following described sole and exclusive easement in perpetuity:

Within **LOT 3A, FBO SUBDIVISION NO. 11**, according to the official plat thereof, filed under Plat No. 2021-44, Records of the Kenai Recording District, Third Judicial District, State of Alaska.

A 15-Foot-wide electrical utility easement centered on buried HEA electrical cable

Commencing at a point south and west of the SE property corner of Lot 3A at the intersection of the buried electrical cable and the property line common with North Willow Street; the Point of Beginning. Thence following buried electrical cable northwesterly, for a distance of 210 ft., more or less, to HEA Transformer F5-32-6521, the end of this easement.

SEE EXHIBIT A

This grant gives HEA the right of ingress and egress together with the right to construct, reconstruct, repair, maintain, operate, upgrade and patrol, for the transmission and distribution of communication services and electric current, wires, cables, poles, and all necessary appurtenances, and to remove, renew, replace, add to any or all of such facilities, through, over, in, under and across the aforesaid premises as may from time to time be necessary or desirable for the exclusive use, occupation, and enjoyment of such right-of-way, and the right to excavate, remove soils or fill on said premises, and the right to cut and keep clear of all trees, shrubbery, under-growth, and other obstructions on said premises as may be reasonably required for the construction, reconstruction, relocation, installation, operation, and maintenance of such facilities, including the trimming or removal of trees within or without the easement described above, which Grantee believes threaten its facilities.

Grantor(s) warrant and covenant that Grantor(s) are the owners of the above-described land, have the right to convey this easement, and that HEA shall have quiet and peaceful use of the easement. Any entity to whom HEA is legally or contractually obligated to allow the use of HEA’s easements is also hereby warranted and covenanted the right of ingress and egress and the quiet and peaceful use of this easement for the entity’s utility purposes.

Signed by Grantor(s) this _____ day of _____, 2021.

Paul Ostrander – City Manager

City of Kenai

This instrument was acknowledged before me on this ____ day of _____, 2021

(SEAL)

Notary Public
My Commission Expires: _____

After Recording Return to:
Homer Electric Association, Inc.
280 Airport Way
Kenai, Alaska 99611



NAME: KENAI CITY OF - AIRPORT

SUBDIVISION: FBO

ADDRESS: N WILLOW ST

PARCEL ID: 04336039 FORMER

MAP 1 OF 2
W.O.# 602 JOB# 34872

JOB LOCATION:
N WILLOW ST, BY KENAI AIRPORT
NORTH OF GEEBEE AVE

EASEMENT

NEED

210' x 15'

UNDERGROUND

PRIMARY AND SERVICE

FORMER LOT LINE FROM
FBO SUBD NO. 7

F5-32-6521
F5-32-6522

TREES

FBO SUBD NO. 11
LOT 3A

F5-32-6723

GEEBEE AVE

N WILLOW ST

Legend

- New/Retired Pole
- New/Retired Peds
- New/Retired Junction box
- New/Retired OH Transformer
- New/Retired PadMount
- New/Retired Consumer
- New OH
- Retired OH
- New UG
- Retired UG

Homer Electric Association Inc.
3977 Lake Street, Homer AK 99603
280 Airport Way, Kenai AK 99611

LEGAL DESCRIPTION: T 6N R 11W SEC 32 SEWARD MERIDIAN KN 2001034 FBO SUB NO 07 LOT 3

Design: BM Date: 08-26-2021

**HOMER ELECTRIC ASSOCIATION, INC.
UTILITY EASEMENT**

CITY OF KENAI, whose address is 210 Fidalgo Ave., Suite 200, Kenai, AK, 99611, (“Grantor”) for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to **HOMER ELECTRIC ASSOCIATION, INC. (HEA)**, an Alaska non-profit electric cooperative, 3977 LAKE STREET, HOMER, AK 99603 (“Grantee”), its successors and assigns, the following described sole and exclusive easement in perpetuity:

Within **LOT 4A, FBO SUBDIVISION NO. 11**, according to the official plat thereof, filed under Plat No. 2021-44, Records of the Kenai Recording District, Third Judicial District, State of Alaska.

A 15 ft. wide by 315 ft. long easement along South/West Property Line

SEE EXHIBIT A

This grant gives HEA the right of ingress and egress together with the right to construct, reconstruct, repair, maintain, operate, upgrade and patrol, for the transmission and distribution of communication services and electric current, wires, cables, poles, and all necessary appurtenances, and to remove, renew, replace, add to any or all of such facilities, through, over, in, under and across the aforesaid premises as may from time to time be necessary or desirable for the exclusive use, occupation, and enjoyment of such right-of-way, and the right to excavate, remove soils or fill on said premises, and the right to cut and keep clear of all trees, shrubbery, under-growth, and other obstructions on said premises as may be reasonably required for the construction, reconstruction, relocation, installation, operation, and maintenance of such facilities, including the trimming or removal of trees within or without the easement described above, which Grantee believes threaten its facilities.

Grantor(s) warrant and covenant that Grantor(s) are the owners of the above-described land, have the right to convey this easement, and that HEA shall have quiet and peaceful use of the easement. Any entity to whom HEA is legally or contractually obligated to allow the use of HEA’s easements is also hereby warranted and covenanted the right of ingress and egress and the quiet and peaceful use of this easement for the entity’s utility purposes.

Signed by Grantor(s) this _____ day of _____, 2021.

Paul Ostrander – City Manager

City of Kenai

This instrument was acknowledged before me on this ____ day of _____, 2021

(SEAL)

Notary Public
My Commission Expires: _____

After Recording Return to:
Homer Electric Association, Inc.
280 Airport Way
Kenai, Alaska 99611



NAME: KENAI CITY OF - AIRPORT

SUBDIVISION: FBO

ADDRESS: N WILLOW ST

PARCEL ID: 04336040 FORMER

MAP 2 OF 2
W.O.# 602 JOB# 34872

JOB LOCATION:
N WILLOW ST, BY KENAI AIRPORT,
NORTH OF GEEBEE AVE

EASEMENT

NEED
315' x 15'
UNDERGROUND
PRIMARY

FBO SUBD
LOT 4A

DRIVEWAY

315'

LOT LINE PER
FBO SUBD NO. 11

LOT 3A

F5-32-6520

F5-32-6921

N WILLOW ST

Legend

- / ● New/Retired Pole
- / ■ New/Retired Peds
- ⬠ / ⬠ New/Retired Junction box
- ▲ / ▲ New/Retired OH Transformer
- ▢ / ▢ New/Retired PadMount
- 🏠 / 🏠 New/Retired Consumer
- New OH
- Retired OH
- - - New UG
- - - Retired UG

Homer Electric Association Inc.
3977 Lake Street, Homer AK 99603
280 Airport Way, Kenai AK 99611

LEGAL DESCRIPTION: T 6N R 11W SEC 32 SEWARD MERIDIAN KN 2001034 FBO SUB NO 07 LOT 4

Design: BM Date: 05-24-2021

**KENAI AIRPORT COMMISSION
REGULAR MEETING
SEPTEMBER 9, 2021 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
CHAIR GLENDA FEEKEN, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Chair Feeken called the meeting to order at 6:00 p.m.

a. Pledge of Allegiance

Chair Feeken led those assembled in the Pledge of Allegiance.

b. Roll was confirmed as follows:

Commissioners Present: G. Feeken, J. Bielefeld, P. Minelga, J. Zirul

Commissioners Absent: K. Dodge, D. Pitts, D. Leichter,

Staff/Council Liaison Present: Airport Manager E. Conway, Airport Administrative Assistant E. Brincefield, Council Liaison Knackstedt

A quorum was present.

c. Agenda Approval

Chair Feeken noted the following revisions to the agenda and packet:

- | | |
|------------------|--|
| Add to Item 6.a. | Discussion/Recommendation – Special Use Permit to Ravn Alaska, LLC for Warm Storage <ul style="list-style-type: none"> • Exhibit A |
|------------------|--|

MOTION:

Commissioner Bielefeld **MOVED** to approve the agenda with requested revisions and Commissioner Zirul **SECONDED** the motion. There were no objections; **SO ORDERED**.

2. SCHEDULED PUBLIC COMMENT – None.

3. UNSCHEDULED PUBLIC COMMENT – None.

4. APPROVAL OF MEETING SUMMARY

a. Regular Meeting of June 10, 2021

MOTION:

Commissioner Zirul **MOVED** to approve the meeting summary of June 10, 2021 and Commissioner Minelga **SECONDED** the motion. There were no objections; **SO ORDERED**.

b. Special Meeting of August 26, 2021

MOTION:

Commissioner Zirul **MOVED** to approve the meeting summary of August 26, 2021 and Commissioner Bielefeld **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. NEW BUSINESS

a. **Discussion/Recommendation** – Special Use Permit to Ravn, Alaska LLC for Warm Storage.

MOTION:

Commissioner Zirul **MOVED** to approve the Special Use Permit to Ravn, Alaska LLC for Warm Storage and Commissioner Minelga **SECONDED** the motion.

Clarification was provided that this storage is for de-icing vehicles during the winter months.

There were no objections; **SO ORDERED**.

6. REPORTS

- a. **Airport Manager** – Airport Manager Conway reported on the following:
- On September 1st, SOAR International Ministries broke ground on their Aero Center Operating as a fixed based operator, which will be a huge asset to the airport;
 - The federal mask mandate at the airport has been extended to January 18, 2022;
 - Passenger traffic continues to increase from the loss of 2020, and the airport is still down 33% from 2019 in passenger enplanements;
 - Runway closure expected to begin September 27th for drainage improvements. The project will replace approximately 488 linear feet of existing storm drain that is failing.
- b. **City Council Liaison** – Council Member Knackstedt reported on actions taken during the June 17th, July 7th, August 4th, August 18th, and September 1st City Council Meetings which pertained to the airport.

7. NEXT MEETING ATTENDANCE NOTIFICATION – October 14, 2021

8. COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Bielefeld noted that at the float plane basin there were a lot of spruce beetle kill trees that should be removed.

9. ADDITIONAL PUBLIC COMMENT – None.

10. INFORMATION ITEMS

- a. May 2021 Mid-Month Report
- b. April 2021 Enplanements
- c. Exhibit E April Aircraft Parking

11. ADJOURNMENT

MOTION:

There being no further business before the Commission, the meeting was adjourned at 6:30 p.m.

Meeting summary prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

DRAFT

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 8, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, J. Halstead, A. Douthit, G. Woodard, G. Greenberg, R. Springer, A. Douthit

Commissioners absent: D. Fikes

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison T. Winger

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as written and Commissioner Douthit **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Douthit **SECONDED** the motion. There were no objections; **SO ORDERED**.

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

5. *Excused absences – None

B. APPROVAL OF MINUTES

1. *Regular Meeting of August 25, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS

1. **Resolution No. PZ2021-34** – Recommending the Kenai City Council Amend Kenai Municipal Code 14.20.150-Conditional Use Permits, to Clarify Roles and Responsibilities of Applicants, the Planning Director, and the Planning Commission in the Conditional Use Process and Make Housekeeping Changes.

MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2021-34 and Commissioner Woodard **SECONDED** the motion.

Planning Director Foster explained that Ordinance No. 3243-2021 had been introduced by Council on September 1, 2021 and has a public hearing set for the September 15, 2021 Council meeting, and had been referred to the Planning & Zoning Commission for a public hearing and recommendation through Resolution No. PZ2021-34. He provided a staff report which reviewed the changes to the Conditional Use Permit (CUP) process being proposed, which are outlined in the memo.

Chair Twait opened for public hearing.

Vice Mayor Bob Molloy noted that as the Council sponsor of the ordinance, he wanted to listen to the Commission's discussion and hear any amendments they might make to it.

Rick Baldwin thanked the Commission, Vice Mayor Molloy and Planning Director Foster, and expressed support. He made an observation from previous meetings that CUP applicants may represent their business in one way and then pull a bait-and-switch by pushing the conditions to the limit. He recommended that the permit should reflect in writing all special restrictions or conditions under which the applicant proposes to operate, and also that the Planning Director should be responsible for smoking out people who may not abide by these limits at the beginning of the CUP process.

Rusty Huf expressed support for the ordinance, and noted that his problem with the CUP process is that the conditions of the permit aren't written in stone, and the applicant will surpass the conditions and there is little recourse for neighbors. He stated that he would like to see more teeth in the ordinance, which would specify that if an applicant is not following the conditions they

can be shut down. He noted that the CUP process is 35-40 years old and is glad that it is being updated.

Frances and Mark Eurick stated their support for the ordinance and recommendations shared by others during public comment, noting that the amendments will make the process more transparent and equitable.

Mary Jean Loveland expressed support for the ordinance and noted that they would like to see more checks and balances, such as an annual review to ensure the CUP owner is not surpassing the CUP conditions and requirements that they re-apply if they want to go beyond them.

Jim Richardson stated that he has been a property owner on Angler Drive for over 30 years, and that it has seen a significant increase in the number of CUPs issued. He noted that the Commission's actions have a big effect over time, and he supports these changes because previous conversations with City administration have not gone far enough to solve the problems he is concerned with.

Kristine Schmidt expressed support for the ordinance, noting that she had observed gaps in the CUP process that she is glad to see being addressed. She reiterated previous comments regarding a need for more defined parameters and that expanding their business activities should require re-application. She noted she would like to see more detail in the criteria such as defining what is consistent with the Comprehensive Plan, and also addressing the issue of subdivision covenants.

Greg Davis expressed support for the ordinance but stated that it needs teeth. He shared his experience living in the area and seeing an increase in the number of boats, and also noted that economic value will be difficult to determine because of seasonal changes.

Rick Baldwin noted that he would like to see some of the procedures clarified for Board of Adjustment hearings, and suggested a procedure manual that would explain how long people can talk.

Rusty Huf discussed the concept of a property's value. He stated that he resents the idea of the Planning Department deciding whether or not a CUP would impact economic value, as it is not for them to determine the value of his neighborhood. He also said he would like to see greater enforcement of CUP conditions, and that he does not approve of businesses starting in residential neighborhoods.

Barbara Baldwin addressed previous comments regarding Board of Adjustment procedures, noting that she would also like to see a representative from the Planning & Zoning Commission explain their decision during the hearing.

Jim Richarson encouraged the commission to leave economic impact in the resolution. He shared his personal experience living in an area with neighboring CUP properties and how this has affected his living situation.

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

Clarification was provided that if a notice of violation had been sent the CUP owner, they would have an opportunity to rectify the issue and the Commission would be notified that compliance

had been met. Discussion involved how the Commission could be notified when the original notice of violation was issued, and what could be done to clarify penalties for violations. It was noted that informing the Commission when violations are issued could prepare them in instances where the public responds to the notice at a public meeting or via phone calls to commissioners.

It was clarified that the purpose of the pre-application meeting was to ensure completion of the CUP application packet and help familiarize the applicant with the CUP process, and it was suggested that the Planning Director also provide guidance about the Comprehensive Plan.

Support was expressed for the clarification in the second criteria that value is both economic and non-economic, as it will allow the Commission more leeway in how they review it. Clarification was provided that the business activities of CUPs are limited by the conditions which are set by the Commission, but that if their uses exceed their CUP the City can take action.

The possibility of retroactively imposing additional conditions on a previously-approved CUP was considered, and it was noted that the City does not have a formal process in place for amending the permits. However, the City can work out agreements with CUP holders in response to complaints, and the Commission can start an investigation if they become aware of violations.

Discussion included the possibility of an applicant not showing up for their required presentation to the Commission, and it was noted that if a CUP application is denied they cannot reapply for nine months. It was suggested that if the applicant provides prior notice that they will not make the hearing, their application could be dismissed rather than denied which would allow them to reapply at any time.

MOTION TO AMEND:

Commissioner Douthit **MOVED** to amend Resolution No. PZ2021-34 by adding that the Planning & Zoning Commission will receive notification of any CUP violation letters sent out, and that applications will be dismissed if the applicant fails to show up for their hearing or provide notice of their absence. Commissioner Woodard **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

VOTE ON AMENDMENT: There were no objections; **SO ORDERED.**

Discussion on the pre-application meeting continued, and it was noted that this step in the process could be helpful in ensuring the applications that move forward to Commission meet code and can be recommended for approval.

Earlier public comments about having Planning & Zoning Commission representation at Board of Adjustment hearings were addressed, and clarification was provided that when the Commission makes a decision they are acting in an adjudicatory capacity and therefore their decision stands on its own based on their findings. It was further clarified that Kenai's Board of Adjustment gives no deference to the Commission's decision and the hearings are de novo.

The possibility of notifying neighboring property owners about public hearings past the 300 foot requirement was considered. It was clarified that 300 feet is standard throughout the country, and while those within those boundaries are mailed postcards, those outside the boundary can still be informed through posted signage and newspaper advertisements and are able to participate in the public hearing.

Discussion returned to the Commission’s ability to amend approved CUPs to impose new conditions, and it was noted that this can be done when a CUP is transferred to a new owner or if they re-apply for their CUP after it has lapsed from disuse. It was reiterated that CUPs can only be revoked for violations of the conditions in the permit or other Planning & Zoning code violations.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Halstead, Woodard, Greenberg, Douthit, Springer, Twait
NAY:

MOTION PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Winger reported on the actions from the September 1, 2021 City Council meeting.
2. **Borough Planning** – No report.
3. **City Administration** – Planning Director Foster reported on the following:
 - There are no items for the Commission meeting scheduled for September 22, 2021;
 - This is Planning Assistant Willie Anderson’s last meeting, and he noted that it has been great working with her.

K. ADDITIONAL PUBLIC COMMENT

Kristine Schmidt followed up on the Commission’s earlier discussion regarding mailed notification to neighbors, and stated that the switch from certified mail to postcards has led to confusion, but the applicant should pay the mailing cost instead of the City. She also noted that the Borough has a half-mile radius requirement for CUP notification, and Kenai should consider increasing that boundary. The also stated that the posted signs are too small and are not visible enough.

Vice Mayor Bob Molloy thanked Willie Anderson for her service to the City, the members of public who came to speak at the meeting, and the Commission for the good discussion. He stated that the Council will consider the changes that the Commission suggested.

L. INFORMATIONAL ITEMS

1. Board of Adjustment Decision - Barnard (BA-21-01)
2. Board of Adjustment Decision - Schlehofer (BA-21-02)

3. Board of Adjustment Decision - Jones (BA-21-03)

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. September 22, 2021

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Greenberg thanked Vice Mayor Molloy for his work on the ordinance.

Commissioner Woodard congratulated Willie and said she hopes she enjoys retirement.

Commissioner Halstead noted that Willie will be missed and thanked her for her work on the Commission. He also thanked Director Foster and stated that he has seen big improvements since he joined the City.

Council Liaison Winger encouraged everyone to look through the Board of Adjustment decisions included in the packet, especially the included comments about imposing parameters on CUPs.

Commissioner Springer thanked Willie for the work she has done for the City.

Chair Twait thanked Vice Mayor Molloy and Willie, noted that they both leave big shoes to fill.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:20 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



Kenai River Special Management Area Advisory Board

*** Meeting Minutes***

Thursday,

May 13, 2021

5:30 p.m. via Microsoft Teams

I. CALL TO ORDER

- A. Roll Call- Joe Connors, Ron Rogalsky, Jeff Dolifka, William Tappan, Glenn Arundell, Monte Roberts, Ted Wellman, Andrew Carmichael, Ben Mohr, Matt Connors, Marion Glaser and Colton Lipka.
- B. Minutes Approval- Minutes were approved as written
- C. Agenda Changes-None
- D. Public Comment: None
- E. Presentations: none

II. REPORTS

A. Agency and Government Reports

a. ADNR – Jacques Kosto reported the following update:

- All of the areas boat launches and camp grounds were open by May 1st, 2021. The only camp ground currently not open is Funny River Campground. Staff is working to have that open by the end of the week.
- The Crooked Creek and Eagle Rock habitat project will be completed within the next few weeks.
- As the water levels come up on the river, floating docks will be put in as time allows.
- The Kenai River is fully staff this year with 4 Park Rangers on the Kenai and host in the park units.

b. ADEC - No Report

c. ADF&G – Colton Lipka provided the following update:

- The King Salmon Sonar is installed in the water and counts are scheduled to start on May 15th, 2021.
- All other projects are scheduled to start on time. These projects include the Russian River weir, the sockeye sonar site and netting projects.
- ADF&G is currently hiring for a Technician III position.

d. USF&WS – Matt Connors provided the following update.

- Jim's landing: The Draft Environmental Assessment has been completed and sent out for public review. Starting May 5, the Draft will be available at <https://www.fws.gov/refuge/kenai/> & <https://usfws-jims.blogspot.com/>.
- Jason Oles has been hired for the Outdoor Recreation Planner. He will be in charge of such things as Commercial and Special Use permits and long term plans for recreation in the Refuge to name a few.

- Commercial Use permit are currently being processed as they were last year. This can be done by email, taking pictures on your phone or the dropped box located at the entrance to the visitor center.
 - Moose Range Boardwalk: The downstream Moose Range Boardwalk on East Redoubt is under construction. Progress is being made to have this open before July. Updates will be provided as progress is made.
 - The staff is currently working on installing the seasonal fencing along the Russian River.
 - Seasonal Hires-The refuge is currently in the process of hiring seasonal staff. This year they will have an extra-large trail crew to work on many of the trails within the burn area.
- e. USFS – Marion Glaser provided the following update:
- The Russian River Campground area is currently having all of the spruce bark beetle trees removed. There appears to be twice as many as what was original considered. The campground will be closed until May 28, 2021.
 - There is a link for the becoming a Stream Watch Ambassador on the Forest Service Website. <https://www.fs.usda.gov/detail/chugach/home/?cid=stelprdb5406170>
 - The Seward Ranger District is focused on orientation for all the new summer crews. This included a Red Card fire refresher backpack test.
 - The road leading into the campground area is slated to be worked on in the 2022 season.
- f. City of Kenai –No Report
- g. City of Soldotna – Andrew Carmichael provided the board with the following report:
- Crews are working on putting in all of the walkways and stairways in along the river. They are also working on spruce bark beetle mitigation in Centennial and Swiftwater parks.
 - Swiftwater and Centennial campgrounds are set to open on May 17th, 2021.
 - The City is in the middle of their summer hiring. They will be hiring about 27 employees this year.
- h. Kenai Peninsula Borough – No Report

B. Committee Reports

- a. President’s Report-Ted Wellman provided the board with the following:
- Ted reported we are going to try to have in-person meetings at the River Center starting in September. We won’t be able to have members of the public. Those that do not attend in person can log in to Teams and participate.
- b. Guide Advisory-Monte Roberts provided the board with the following:
- The draft suspension information sheet. The meeting was just to catch ups on information from 18 months ago. Currently there is no new information, but this will continued to be worked on in September.
 - All of the Kenai River Guide Academy course for the 2021 season have been completed using the online Zoom program. All testing will be completed in person at the Kenai Peninsula College.
- b. Habitat-No Report
- c. River Use-Bill Tappan provided the board with the following report.
- The committee discussed what priority would be set if the State received some money in the budget. First item was the deferred maintenance that has been on the list for years, getting the existing facilities up and running before developing any new facilities.
 - Looking at getting a revision to the Kenai River Comprehensive Management plan.

d. Legislative/Government Activities-Ben Mohr provided the board with the following report:

- HB 80 is currently in the Senate Finance Committee. It has been discussed that the bill will not be approved with the amendments that are attached on the Senate side. On the House side the feeling is that it should be rolled back to the Governor's office. The House and Senate do not feel comfortable asking Alaskan for more money. The Bill will probably go back to what it was originally. Which was a \$4.00 license increase to support maintenance and operation of hatcheries in the state.
- The Governor called two special sessions. One starting immediately and the other starting on August 2, 2021. To deal with unresolved business.

III. OLD BUSINESS:

- a. Salmon Stamp Proposal-Ted Wellman reported to the board that a letter was set to support House Bill 80 which stated that some of the monies collected would be used for improvements to the Kenai River. The letter was sent to the Committee Chairs of the legislature and no response has been received at this time.
- b. KRSMA board member selection review-The interviews were conducted on May 2, 2021. The committee spent time questioning each of the applicants. Jack completed a summary of the committee recommendations. The application and committee recommendation have been sent to the commissioner for final review.

IV. NEW BUSINESS

V. CORRESPONDENCE

VI. PUBLIC COMMENT

VII. BOARD MEMBERS COMMENTS-Monte Roberts commented that he hopes everyone has a great and safe summer. Joe Connors, Oz Arundell and Bill Tappan wish everyone a safe and sane summer. Everyone is hoping for everything to slowly get back to normal before the fall season. Ted Wellman wish everyone a safe summer and maybe next year the board can get some things done.

Monte thanked Jeff Dolifka for his services on the board.

Everyone Have a great summer.

VIII. ADJOURNMENT: Next Meeting: September 9th, 2021.

PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW
COUNCIL MEETING OF: OCTOBER 6, 2021

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
JUSTIN WARIX	FY22 PHYSICIAN SPONSOR	FIRE	PROFESSIONAL SERVICES	6,000.00
HDL ENGINEERING CONSULTANTS	MISC. ENGINEERING SERVICES	AIRPORT	PROFESSIONAL SERVICES	10,000.00
CARASOFT TECHNOLOGY CORP	CELLEBRITE SOFTWARE	POLICE	SOFTWARE	4,257.00
KACHEMAK ELECTRIC	ELECTRICAL UPGRADES	CONGREGATE HOUSING	REPAIR & MAINTENANCE	9,599.00
K+A DESIGNS	CITY HALL DESIGN FEES	ADMIN	PROFESSIONAL SERVICES	6,300.00
ALASKA SURE SEAL	FY22 PLOWING/SANDING	CONGREGATE HOUSING	PROFESSIONAL SERVICES	6,600.00
KNIK CONSTRUCTION	WINTER SAND	STREETS	OPERATING SUPPLIES	7,200.00



Kenai Dog Park

Kenai Dog Park
Kenai, Alaska 99611
September 26, 2021

Mayor Gabriel and Council,

It has been a joy to get the Kenai Dog Park on a path of opening in the summer of 2022. Some of the challenges, associated with this type of project, have been interesting. We have achieved so much with a tremendous amount of community support. That support continues and will throughout the winter months.

Your expectation of a community project being driven by the community, and funded by the community is unrealistic. This project was request by the citizens, submitted to council and approved. Council never mentioned they expected it to be 100% user funded. Other projects driven by user groups, the community, approved by council and financially financed through the budget have been:

Soccer Fields, Baseball Fields, Children Playgrounds, Picnic Areas, Hockey Rinks,
Neighborhood Parks, Daubenspeck Park, Trails, Bike Trails, etc.

None of above, were ever required to provide the funding to achieve their goal. There might be two exceptions to that statement:

1. Very early, in the development of the city, the baseball fields may have had some community fund raisers with lots of city financially assistance.
- 2, Municipal Park Playground Upgrades were provided by the city and a fundraiser, chaired by the Mayor, to help make it an Enchanted Forest.

The general thought is, the Soldotna Dog Park Committee raised all the funds for their park. This is not a true statement. I contact Andrew Carmichael, parks director, regarding any city funding. I was quite surprised to learn how much the city was involved both in services as well as financially.

We have included a copy of two pieces of information for your review. You will see that:

1. Three Friends banqueted to the city \$55,000 to help build the park
2. The city added/or transferred funding coming from two sources
 - A. 50/50 grant received from cities insurance carrier for a parks project. Funds were transferred to the dog park project in the amount of \$10,000.
 - B. Transferred funds from Parker Park Gazebo to dog park approximately \$30,000



It appears they also provided funding for lights, security and a water fountain. As you can see, City of Soldotna, is very much a financial partner in their project. They do have a community volunteer, Connie Hocker, who was and still is very much involved. Andrew told me it is the 2nd most used park in the city!

As our park moves forward, we would like to request the Daubenspeck funds no long come with the expectation of them being reimbursed. We expected Home Depot to follow through on their fencing proposal and only requested Daubenspeck funds to provide for the fencing until that happened. We greatly appreciated the cities effort to help with this problem. Home Depot has dropped the ball on our request. As of this date, we have not received answers to two questions, nor have they returned the phone call they scheduled. We needed to use \$22,000 from Daubenspeck to have the fence installed by the end of this month. The pressure to refund this amount very much on our minds.

We have generated tremendous community involvement. We have attached to our letter, a copy of the in-kind contributions we have received, and it changes often. Recently, receiving notification from the Kenai Lions Club their commitment to donate a small pavilion for the park. They will do this to honor one of the members and former Mayor Ron Malston.

We are requesting the council take action in three areas.

1. Appropriate the Daubenspeck Funding as a grant, removing the expectation of these funds being reimbursed.
2. Consider appropriating addition funding from the Daubenspeck Funds toward finishing this park in the way it should be for its citizens.
3. Consider writing a Tier I grant to the Rasmuson Foundation.

Please remember, no other parks project has ever been asked to raise the funding needed to achieve their goals. Why the dog park? Kenai Dog Park is very much needed. The community needs to know their city is treating this park like all the others. We have had great support administratively, but not financially. As a council, I hope you consider the financial side of the long term goal and help make it happen. I appreciate the tremendous effort already given by this community and ask you to reconsider your goal of 100% user funded. I suggest you look at some of the facilities on line and see how beautiful and inviting they are. We are extremely proud that our community has already donated over \$60,000 in in-kind service. We expect more to come. It takes commitment from everyone.

Thank you for consideration of our requests and remember to buy your raffle tickets,

Pat Porter, Retired Kenai Mayor
Kenai Dog Park Friends, Chairperson

Kenai Dog Park Proposed Budget

Income and Expenditures

September 28, 2021



Income and Expenditures To Date

<i>Mike Navarre</i>	\$ 100
<i>Eagles</i>	1,000
<i>Elks</i>	250
<i>Jim Glendening</i>	1,000
<i>Dave Schilling</i>	1,000
<i>Scott Gomez</i>	5,000
<i>Twin Cities Vet.</i>	500
<i>M & J Plumbing</i>	800
<i>James and Rhonda Baisden</i>	1,000
<i>Kenai Rotary</i>	3,000
<i>Kenai Community Found.</i>	10,000
<i>Daubenspeck Funds</i>	25,000
<i>Go Fund Me</i>	320
<i>TOTAL INCOME</i>	<i>\$48,970</i>
<i>Moore Landscaping</i>	2,000
<i>Fireweed Fence</i>	22,000
<i>TOTAL EXPENCES</i>	<i>24,000</i>
<i>CASH ON HAND</i>	<i>\$24,970</i>

Estimated Total Budget ***\$56,800***

<i>Current Income</i>	43,970
<i>Current Expenses</i>	24,000
<i>Current Cash on Hand</i>	24,970

Added Reimbursement to Daubenspeck Funds

\$25,000

NEED TO RAISE

\$32,830

Funding in Question

Daubenspeck Funds: Council provided funds from this account to move forward with the fencing. However, they are expecting these funds to be reimbursed.

Kenai Community Foundation: Awarded \$10,000 towards the park. They need to approve what the funds will be designated towards, before granting.





*Kenai Dog Park
In-Kind Contributions
September 28, 2021*

<i>Volunteers</i>	<i>Cleaning of Land</i>	<i>\$15,000</i>
<i>Salmantof Native Assoc.</i>	<i>Leveling/Clearing of Debris</i>	<i>30,000</i>
<i>Volunteers</i>	<i>Removal of Stumps</i>	<i>5,000</i>
<i>Senior Center</i>	<i>Quilt Construction</i>	<i>500</i>
<i>Senior Center</i>	<i>Brochure Folding</i>	<i>100</i>
<i>Tim Navarre</i>	<i>Printing of Brochures</i>	<i>300</i>
<i>Moore Landscaping</i>	<i>Reduced Price for Seeding</i>	<i>1,000</i>
<i>Volunteers</i>	<i>4th of July Parade</i>	<i>300</i>
<i>Pat Porter</i>	<i>Misc. Supplies</i>	<i>2,490</i>
<i>Lions Club</i>	<i>Small Pavilion</i>	<i>5,000</i>

IN-KIND TO DATE\$59,670

PHASE 1



PHASE II



PHASE III



Ground Work

Volunteer Labor

In-Kind Services

Seeding

Cash.....\$2,000

Fencing

Cash..... \$22,000



Note: The more we are able to secure in-kind or donations the less the needed cash funding becomes.

Signage 7

Rules/ Direction Signs

Bulletin Board 1

Park Name 1

Paw Tree 1

Cost.....\$5,000

Benches 8

Cost.....\$4,000

Picnic Table 4

Cost.....\$2,000

Covered Areas 2

Cost.....\$18,000

Agility Equipment

Volunteer Labor

Supplies Cash.....\$3,000

Trees/Boulders

In-Kind Services

Trash Receptacles

In-Kind Donations

Pooper Scoopers 4

Cost.....\$800

Estimated Cash Funds Needed

\$56,800



Andrew Carmichael
Parks and Recreation Director

MEMORANDUM

TO: Soldotna Parks and Recreation Advisory Board

DATE: July 27, 2016, 2016

SUBJECT: Aspen Park/Dog Park

In prior meetings, the advisory board approved and ultimately the Council endorsed converting approximately half of Aspen park to an off leash dog park. The City is in the process of having bequeathed to it approximately \$55,000.00 for development of a dog park at Aspen. While, this amount is skinny in terms of full dog park development the administration is proposing to augment the available funding to include upgrade of the overall park to include, dog park, thinning of trees to make the park more welcoming, replacement of the playground equipment as well as upgrading the fall protection to rubber mulch. Funding from the City will come from two sources. This past June the City embarked into a multi-year project to replace existing playground fall protection material with rubber mulch that lasts in perpetuity almost. This was made possible by a 50/50 grant match from the City’s insurance carrier Alaska Public Entity Insurance group. The material was swapped out at Riverview last June and Aspen is slated for this fall/next spring. Essentially this allows us to purchase up to \$20,000 of fall protection material and be reimbursed for \$10,000.00. Because fall protection is usually up to or exceeding 30% of a playground equipment project this is an awesome project to leverage improvement dollars. In addition to this \$20,000 for fall protection then, the administration is proposing to shift the monies that had been appropriated for a gazebo at Parker Park but never was completed to upgrade Aspen Park. There is presently \$39,700 available if transferred. Connie Hocker will be presenting the conceptual design for the dog park The proposal then is:

Accept the \$55,000 for development of the “Three Friends Dog Park” space at Aspen Park, re-appropriate \$39,700 originally budgeted for Parker Park Gazebo to the Aspen Park Re-development project and continue with the APEI Grant program to replace fall protection in Aspen Park.

DRAFT BUDGET: Funding, Of the total of \$114,700 proposed the funding sources broken down are: \$55,000 bequeathed, \$49,000 Gazebo/APEI Match , \$10,000 APEI. City Funds \$49,000 Non City Fund \$65,000.

Paved Parking	\$35,000
Fencing	\$22,000
Water feature/dog water fountain	\$8,500
Lighting	\$10,000
Playground Replacement	\$30,000
Fall Protection	<u>\$20,000</u>
Total:	\$100,500

From: [Pat](#)
To: [Jamie Heinz](#)
Subject: Fwd: Kenai Dog Park
Date: Thursday, September 30, 2021 1:50:20 PM

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

Please place this information in Council Packets.

Thanks Pat

Sent from my iPad

Begin forwarded message:

From: Stephanie Queen <squeen@soldotna.org>
Date: September 30, 2021 at 1:28:50 PM CDT
To: justpat44@hotmail.com
Cc: "Paul Ostrander (postrander@kenai.city)" <postrander@kenai.city>
Subject: Kenai Dog Park

Hi Pat,

It was nice speaking to you yesterday. Andrew's memo to the Parks Board in 2016 proposed improvements at both the dog park and the adjacent Aspen playground. It doesn't reflect actual expenditures or appropriations, so please refer to the information below instead.

Our Finance Director confirmed that the City appropriated a total of \$99,896.27 for the 3 Friends Dog Park. Of this, \$55,320.87 was bequeathed from the Martha Brewer Estate; \$7,500 was from various other small donations; and \$37,075.40 was from the City's General Fund. More info about each, below.

Martha Brewer left 10% of her estate (\$55,320.87) to the Soldotna Animal Shelter in her will. When she passed, the Mayor and City Manager met with the executor and attorney for Ms. Brewer's estate, and agreed that helping fund the new dog park would meet her intended purpose of helping dogs in the community.

Other Donations to the City included \$2,500 from Rotary Club of Soldotna, \$2,500 from Kenai Peninsula Association of Realtors, \$1,000 from the Friends of the Aspen Dog Park. Soon after, an additional \$1,500 was donated (\$750 each from the Friends, Kelly Griebel, and Alaska 1st Real Estate).

The \$37,075.40 from the City's General Fund was originally appropriated in 2011 for a downtown beautification project at the Y. In 2013, the funds were reassigned to the Parker Park Gazebo project after determining that the original project was not feasible. And in 2016, the Administration again asked the

Council to reassign the funds - this time to the Dog Park project where they were eventually used.

Not captured above is any of the in-kind labor - which was fairly substantial (both from Parks and Rec staff, community volunteers, and other organizations).

I hope this information is helpful, and please let me know if we can assist in any other way.

Kind regards,
Stephanie

-----Original Message-----

From: justpat44@hotmail.com <justpat44@hotmail.com>

Sent: Wednesday, September 29, 2021 3:09 PM

To: Stephanie Queen <squeen@soldotna.org>

Subject: Kenai Dog Park

Hello Stephanie,

I really appreciate you trying to help us clarify the funding that Soldotna provided for that dog park.

For some reason, the city was under the impression that the citizens or user group of Soldotna actually funded it at 100%. There was a time, when industry was very active that might have been possible, we are finding that is extremely difficult to do now!

I look forward to hearing from you. Your information hopefully will change the direction the council and administration has adopted.

Stay warm,

Pat Porter
907-252-5992

Sent from my iPhone