



## Kenai City Council - Regular Meeting

March 15, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

[www.kenai.city](http://www.kenai.city)

### Agenda

#### A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comments 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 comments limited to ten (10) minutes per speaker*)

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

#### D. PUBLIC HEARINGS

1. **Ordinance No. 3338-2023** – Amending Kenai Municipal Code Chapter 1.15 - Rules of Order, to Allow Approval of the Agenda and Consent Agenda in One Motion, Remove Sections that May Conflict with the State of Alaska Open Meetings Act, and Remove any Rules that are Standard Rules as Established in Roberts Rules of Order. (City Clerk)
2. **Resolution No. 2023-22** - Authorizing a Budget Transfer in the Water & Sewer Capital Project Fund, Public Works Department – Water Division for Additional SCADA Related Services. (Administration)
3. **Resolution No. 2023-23** - Requesting State of Alaska Funding Support for the Wildwood Drive Rehabilitation Project. (Administration)

#### E. MINUTES

1. \*Regular Meeting of March 1, 2023. (City Clerk)

#### F. UNFINISHED BUSINESS

1. **Resolution No. 2023-15** - Amending the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 and Renumbering and Renaming to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (City Clerk) [**Clerk's Note:** *At the February 15, 2023 City Council Meeting, this Resolution was Postponed to this Meeting; a Motion to Adopt is on the Floor.*]

- **Substitute Resolution No. 2023-15** - Repealing City Council Policy No. 2021-01 - Selecting and Appointing a Qualified Person to Fill Vacancies on the City Council and Adopting City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (Gabriel and Baisden)

## **G. NEW BUSINESS**

- 1.** \*Action/Approval - Bills to be Ratified. (Administration)
- 2.** \*Action/Approval - Non-Objection to the Renewal of a Limited Marijuana Cultivation Facility for Jennifer Huffman DBA: Grateful Bud LLC., - License No. 16474. (City Clerk)
- 3.** \*Action/Approval - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License and a Standard Marijuana Cultivation License for Red Run Cannabis Cultivators, LLC., DBA: Red Run Cannabis Cultivators, LLC. - License No.'s 19372 and 10052; and a Retail Marijuana Store License for Red Run Cannabis Company, LLC., DBA: Red Run Cannabis Company, LLC. – License No. 10056 (City Clerk)
- 4.** \*Action/Approval - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)
- 5.** \*Action/Approval - Special Use Permit to Pacific Star Seafoods, Inc. for On or Off Loading Fish at the Kenai Municipal Airport. (Administration)
- 6.** \*Ordinance No. 3339-2023 - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
- 7.** \*Ordinance No. 3340-2023 - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
- 8.** \*Ordinance No. 3341-2023 - Accepting and Appropriating a Donation to the Kenai Senior Center. (Administration)
- 9.** Action/Approval - Approving a Memorandum of Agreement for the Use of the Alaska Regional Aircraft Fire Training Center for the Calendar Year 2023. (Administration)
- 10.** Action/Approval - Issuing a Letter of Support for the Challenger Learning Center of Alaska's Request for Funding. (Administration)
- 11.** Discussion – Scheduling Council Employee Evaluations. (Gabriel)

## **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

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

## **J. ADMINISTRATION REPORTS**

- 1.** City Manager
- 2.** City Attorney

3. City Clerk

**K. ADDITIONAL PUBLIC COMMENTS**

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

**L. EXECUTIVE SESSION**

**M. PENDING ITEMS**

**N. ADJOURNMENT**

**O. INFORMATION ITEMS**

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

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89054304153>

**Meeting ID:** 890 5430 4153 **Passcode:** 616083

OR

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

**Meeting ID:** 890 5430 4153 **Passcode:** 616083



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**CITY OF KENAI  
ORDINANCE NO. 3338-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE CHAPTER 1.15 - RULES OF ORDER, TO ALLOW APPROVAL OF THE AGENDA AND CONSENT AGENDA IN ONE MOTION, REMOVE SECTIONS THAT MAY CONFLICT WITH THE STATE OF ALASKA OPEN MEETINGS ACT, AND REMOVE ANY RULES THAT ARE STANDARD RULES AS ESTABLISHED IN ROBERTS RULES OF ORDER.

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WHEREAS, Kenai Municipal Code establishes rules for conducting the legislative business of the City; and,

WHEREAS, it is a best practice to review the rules adopted by the City Council to ensure they align with the needs of the City, do not conflict with another rule adopted by the City Council and are not duplicated; and,

WHEREAS, the proposed amendments would remove items that conflict with or are duplicated within another adopted rule or law.

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

**Section 1.** Amendment of Section of Kenai Municipal Code, Chapter 1.15: That Kenai Municipal Code, Chapter 1.15 Rules of Order, is hereby amended as follows:

**Chapter 1.15  
Rules of Order**

**1.15.010 Presiding officer.**

- (a) The Mayor shall preside at all meetings of the Council. He or she shall preserve order and decorum among the Council Members and is responsible for conduct of all meetings in compliance with these rules. He or she may, at any time, take such reasonable action as he or she deems proper to preserve order among the spectators in the Council Chamber during sessions of the Council. He or she may speak to points of order in preference to other members, and shall decide all points of order, subject to appeal to the Council by motion duly seconded as herein provided. He or she may participate in the debate on any matter. He or she may, at any time, call any member to the Chair during any meeting, such substitution to discontinue when he or she elects to resume the Chair, and in no event beyond adjournment of the meeting at which such substitution is made.
- (b) In the temporary absence or disability of the Mayor and Vice Mayor, any member of the City Council may call the Council to order at any regular or duly called special meeting to elect a president pro tempore from among its numbers; and the president pro tempore shall exercise all powers of Chair during temporary absence or disability of the Mayor and Vice Mayor, and may vote on questions before the Council.

**1.15.030 Public meetings.**

All meetings of the Council shall be open to the public, and all actions of the Council shall be taken in public meetings except as otherwise provided by another provision of law. [HOWEVER, THE MEMBERS OF

THE COUNCIL SITTING AS THE COMMITTEE OF THE WHOLE AND ANY OTHER COMMITTEE OF THE COUNCIL MAY HOLD PRIVATE MEETINGS, AS PROVIDED BY THE CITY CHARTER, SECTION 2-6. THE COUNCIL, BY A VOTE OF FIVE (5) MEMBERS, MAY RESOLVE ITSELF INTO PRIVATE COMMITTEE OF THE WHOLE BY ADOPTING A MOTION THAT THE COUNCIL RESOLVE ITSELF INTO PRIVATE COMMITTEE OF THE WHOLE; AND THE MAYOR OR ANY FOUR (4) COUNCIL MEMBERS MAY CALL A MEETING OF THE PRIVATE COMMITTEE OF THE WHOLE WHEN THE COUNCIL IS NOT IN SESSION. (KC 1-10)]

**1.15.040 Agenda.**

- (a) The Mayor or other Council Member, City Clerk, City Attorney, or City Manager may sponsor an ordinance for introduction or a resolution for adoption, and such ordinance or resolution shall be placed on the agenda of the regular Council meeting requested by the sponsor.
- (b) The Mayor or other Council Member, City Clerk, City Attorney, or City Manager may request that a discussion item be placed on the agenda of a regular Council meeting, and such discussion item shall be placed on the agenda of the regular Council meeting requested by the sponsor.
- (c) A member of the public may request that a matter be placed on the agenda as a "Scheduled Public Comment," subject to policies and procedures adopted under subsection (j) of this section. Being placed on the "Scheduled Public Comment" [AGENDA ON THE "SCHEDULED PUBLIC COMMENT"] portion of the agenda does not limit or restrict the requester's ability to speak on a different subject for which public comment is allowed.
- (d) A sponsor, all co-sponsors, proposer or requester may request that an item be removed from the agenda before the agenda is published under the policies and procedures adopted under subsection (j) of this section and such item shall be removed from the agenda, unless the item has been carried over or postponed from a previous agenda.
- (e) The City Clerk shall prepare the agenda for each Council meeting after consultation with the Mayor and City Manager, subject to subsections (a) through (d) of this section. A draft agenda shall be circulated to the Mayor and other Council Members and the City Manager.
- (f) Notice for each Council meeting shall be given to the public under policies and procedures adopted under subsection (j) of this section. Additional public notice of meetings may be given by other means as required by code or at the direction of Council.
- (g) A meeting packet containing the agenda, all legislative items, and supporting documentation for all agenda items shall be distributed to the Mayor, Council Members, and the City Manager.
- (h) The City Clerk shall cause a copy of the meeting packet to be posted on the City's website and to be provided to the Kenai Community Library, in order to be made available for public viewing under policies and procedures adopted under subsection (j) of this section. The City Clerk shall cause a paper copy or electronic copy of the meeting packet to be provided to any member of the public, or to any organization, upon request under policies and procedures adopted under subsection (j) of this section. At least one (1) paper copy of the meeting packet shall be made available to the public at the meeting.
- (i) The City Clerk shall provide paper copies of any late materials to the Mayor, each Council Member, City Manager, and City Attorney. The City Clerk shall also make paper copies of late materials available to the public at the meeting.
- (j) The administration shall develop policies and procedures to implement this section, subject to review and approval of Council by resolution or ordinance.
- (k) Failure to comply with the above policies and procedures or with any administrative policies will not invalidate any ordinance or Council action as long as there was a good faith effort at compliance by the City Clerk.

**1.15.050 Order of business.**

- (a) The order of business for every regular meeting of the City Council shall be outlined on an agenda.
- (b) The following shall be the order of business at the regular meetings of the City Council:
- (1) Call to Order: pledge of allegiance, roll call, and approval of the agenda and consent agenda [ APPROVAL] (public comment shall be permitted on items included on the consent agenda);
  - (2) Scheduled Administrative Reports;
  - (3) Scheduled Public Comment;
  - ([3] 4) Unscheduled Public Comment;
  - ([4] 5) Public Hearings;
  - ([5] 6) Minutes of Previous Meetings;
  - ([6] 7) Unfinished Business;
  - ([7] 8) New Business;
  - ([8] 9) Commission and Committee Reports;
  - ([9] 10) Report of the Mayor;
  - ([10] 11) Reports from Administration;
  - ([11] 12) Additional Public Comment: citizen comments and Council Member comments;
  - ([12] 13) Executive Session (when applicable);
  - ([13] 14) Pending Legislation; and
  - ([14] 15) Adjournment.
- (c) Those items on the agenda that are considered routine by the City Manager and the City Clerk shall be identified by an asterisk (or similar notation) next to the item as listed on the agenda and thereby included under that portion of the agenda entitled "Consent Agenda." [UNLESS A COUNCIL MEMBER REQUESTS THAT AN ITEM ON THE CONSENT AGENDA BE CONSIDERED UNDER THE REGULAR MEETING AGENDA, AND THUS REMOVED FROM THE CONSENT AGENDA, ITEMS LISTED AS PART OF THE CONSENT AGENDA SHALL BE CONSIDERED, INTRODUCED, ADOPTED, ACCEPTED, ETC., AS APPROPRIATE FOR THE ITEM LISTED ON THE AGENDA, BY MOTION OF THE COUNCIL AND ROLL CALL VOTE UNDER "CALL TO ORDER, CONSENT AGENDA APPROVAL." THOSE ITEMS APPROVED UNDER THE CONSENT AGENDA SHALL APPEAR IN THE COUNCIL MINUTES AS IF ACTED UPON INDIVIDUALLY. THE COUNCIL SHALL CONSIDER AN ITEM REMOVED FROM THE CONSENT AGENDA IN ITS PROPER NUMERICAL ORDER AS INDICATED ON THE REGULAR AGENDA.]
- (1) The Consent Agenda will be set at the time of the approval of the agenda and a single vote will approve both the agenda and consent agenda.
  - (2) At the time of consideration of the consent agenda, items may be added by the unanimous consent of the Council and any item may be removed by the objection of a single member of the Council.
  - (3) Items removed from the Consent Agenda will be addressed in their proper numerical order of the regular agenda, unless otherwise set by the Council.
  - (4) Adoption of the Consent Agenda will constitute approval of all items on the Consent Agenda by the Council.
- (d) If the Council desires to transact business out of its regular order, it may do so upon approval of a motion to suspend the rules, which motion must be approved by a two-thirds vote of the Council members in attendance. [IN THE ALTERNATIVE, AS EACH AGENDA ITEM COMES UP, A MAJORITY OF THE COUNCIL CAN AT ONCE LAY IT ON THE TABLE AND THUS REACH ANY QUESTION WHICH IT DESIRES TO DISPOSE OF FIRST.]

- (e) The City Clerk shall maintain a list of tabled and pending items. [THIS LIST SHALL BE STRICKEN AT THE END OF THE MEETING AT WHICH THE CERTIFICATION OF A REGULAR ELECTION OF ANY COUNCIL MEMBER TAKES PLACE.]
- (f) The administration may develop policies and procedures to implement this section, subject to review and approval of Council.
- (g) Failure to comply with the above policies and procedures or with any administrative policies will not invalidate any ordinance, resolution or other Council action as long as there was a good faith effort at compliance by the City Clerk.

#### 1.15.060 Motions.

- [(A) A MOTION TO AMEND AN AMENDMENT SHALL BE IN ORDER, BUT A MOTION TO AMEND AN AMENDMENT TO AN AMENDMENT SHALL NOT BE ENTERTAINED.]
- [(B)a] No appeal from any decision of the Chair shall be entertained unless it is seconded, and no other business shall be in order until the question on appeal has been decided. The question on appeal is not debatable and shall be put as follows: "Shall the decision of the Chair stand as the judgment of the Council?" It shall be deemed to be decided in the affirmative unless a majority of the votes given are to the contrary.
- [(C) ANY MEMBER MAY MAKE A PARLIAMENTARY INQUIRY OF THE CHAIR AT ANY TIME DURING THE MEETING.]
- [(d)b] Any member may make a point of order without a second at any time. The Chair may speak to points of order in preference to other members, and shall decide all such questions, subject to appeal to the Council by motion duly seconded; and no other business shall be in order until the question on appeal has been decided.
- [(E) WHEN THE PREVIOUS QUESTION IS MOVED BY ANY MEMBER, ALL DEBATE ON THE MAIN QUESTION SHALL BE SUSPENDED IMMEDIATELY AND THE CHAIR SHALL PUT THE QUESTION TO THE FOLLOWING FORM: "THE PREVIOUS QUESTION IS MOVED ON (SPECIFYING THE MOTION ON WHICH THE PREVIOUS QUESTION IS DEMANDED). AS MANY AS ARE IN FAVOR OF ORDERING THE PREVIOUS QUESTION WILL SO INDICATE." IF FOUR (4) MEMBERS VOTE AFFIRMATIVELY, THE AFFIRMATIVE HAS IT, THE PREVIOUS QUESTION IS ORDERED, AND THE CHAIR WILL PROCEED IMMEDIATELY TO PUT TO A VOTE THE QUESTION ON WHICH THE PREVIOUS QUESTION WAS ORDERED. IF LESS THAN FOUR (4) MEMBERS SO INDICATE, THE NEGATIVE HAS IT, THE MOTION IS LOST, AND THE QUESTION REVERTS TO THE IMMEDIATELY PENDING QUESTION, WHICH IS AGAIN OPEN TO DEBATE AND AMENDMENT AS IF THE PREVIOUS QUESTION HAS NOT BEEN DEMANDED.
- (F) THE CHAIR SHALL PUT ALL QUESTIONS IN THE ORDER IN WHICH THEY ARE MOVED UNLESS A SUBSEQUENT MOTION SHALL BE PREVIOUS IN ITS NATURE, EXCEPT IN NAMING SUMS AND FIXING TIMES, THE LARGEST SUM AND THE LONGEST TIME SHALL BE PUT FIRST.]
- [(G)c] When a vote has been taken, any member who voted on the prevailing side may move a reconsideration thereof at the same meeting or at the next succeeding meeting whenever motions are in order, provided that the subject matter has not passed out of the control of the Council.
- [(H)d] A motion to reconsider requires four (4) votes; if such motion thus prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debate on motions to reconsider shall be limited to twenty-five (25) minutes, and no member shall speak more than five (5) minutes. No motion shall be reconsidered more than once.
- [(I)e] A motion must be reduced to writing if the presiding officer so requires or any member so demands, and no other motion shall be entertained until reasonable time (not over ten (10) minutes) if afforded for compliance with this rule.
- [(J) ANY PREVIOUS VOTE MAY BE RESCINDED BY VOTE OF FOUR (4) MEMBERS OF THE COUNCIL AT ANY TIME, PROVIDED THE SUBJECT MATTER HAS NOT PASSED OUT OF THE CONTROL OF THE COUNCIL.]
- [(K)f] All motions shall require a second, unless otherwise provided.

- [(L) ANY MEMBER MAY REQUIRE THE DIVISION OF A QUESTION WHEN EACH PART IS CAPABLE OF STANDING ALONE.]
- [(M) WHEN A QUESTION IS UNDER DEBATE, THE PRESIDING OFFICER SHALL RECEIVE ANY OF THE FOLLOWING MOTIONS BUT NO OTHER:
- (1) TO ADJOURN;
  - (2) TO RECESS;
  - (3) TO RAISE A QUESTION OF PRIVILEGE;
  - (4) TO CALL FOR THE ORDER OF THE DAY, OR THE REGULAR ORDER;
  - (5) TO LAY ON THE TABLE;
  - (6) FOR THE PREVIOUS QUESTION;
  - (7) TO LIMIT OR EXTEND LIMITS OF DEBATE;
  - (8) TO POSTPONE TO A CERTAIN TIME;
  - (9) TO REFER;
  - (10) TO POSTPONE INDEFINITELY.]
- [(N) WHEN ONE OF THE ABOVE MOTIONS HAS BEEN MADE, NONE OF THE OTHERS INFERIOR TO IT IN THE ORDER IN WHICH THEY STAND ABOVE SHALL BE MADE; AND IN PROCEEDING TO VOTE, MOTIONS PENDING SHALL BE PUT IN THE ORDER OF THEIR RANK AS ABOVE ARRANGED. THE FIRST SEVEN (7) ARE NOT SUBJECT TO DEBATE. A MOTION TO POSTPONE TO A CERTAIN TIME, REFER, AMEND, OR TO POSTPONE INDEFINITELY MAY BE AMENDED; THE PREVIOUS QUESTION MAY BE DEMANDED BEFORE AN AMENDMENT, WHICH MOTION SHALL BE DECIDED WITHOUT DEBATE. A MOTION TO ADJOURN SHALL ALWAYS BE IN ORDER, PROVIDED THAT BUSINESS OF A NATURE TO BE RECORDED IN THE JOURNAL HAS BEEN TRANSACTED SINCE ANY PREVIOUS MOTION TO ADJOURN HAS BEEN DEFEATED. NO MOTION OR PROPOSITION OF A SUBJECT DIFFERENT TO THAT UNDER CONSIDERATION SHALL BE ADMITTED UNDER AN AMENDMENT. WHEN A MATTER HAS BEEN ESPECIALLY ASSIGNED TO BE TAKEN UP AT A FIXED TIME, OR AT A CERTAIN STAGE OF PROCEEDINGS, SUCH MATTER SHALL, AT THE APPOINTED TIME, OR AT ANY TIME SUBSEQUENT THERETO, BE IN ORDER UPON THE CALL OF ANY MEMBER, AND TAKE PRECEDENCE OVER ALL OF THE BUSINESS.]
- [(O)g] After a motion is stated or read by the presiding officer, it shall be deemed to be in the possession of the Council, and shall be disposed of by vote, but the mover may withdraw it at any time before decision or amendment, by consent of the second.
- [(P)h] The motion “to postpone to a certain time” is the motion by which action on a pending question or agenda item can be deferred beyond the next meeting to a definite day, meeting or hour, or until after a certain event.

**1.15.070 Ordinances—Procedure in passing.**

- (a) Every ordinance shall be introduced in writing and the title shall be orally read before any vote for passage thereof is taken. After passage on first reading, the ordinance shall be published by posting a copy thereof on the Council bulletin board, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall be at least five (5) days prior to the time advertised for public hearing.
- (b) At the time and place so advertised by posting, or at any time and place to which such hearing shall from time to time be adjourned, all persons interested who appear shall be given an opportunity to be heard. Before the hearing begins, the ordinance shall be read a second time by title or in full.
- (c) After such hearing, the Council may finally pass such ordinance with or without amendments. The vote on final passage shall be by roll call, and the vote shall be entered in the journal.
- (d) No ordinance, except an emergency ordinance or an ordinance making, repealing, transferring, or otherwise changing appropriations, may be finally passed on the same day that it is introduced. By



unanimous consent of all Council Members present, such ordinances may be read a second time and then, by the required vote, be passed, on the same day on which they are introduced. All person's present shall be given an opportunity to be heard before the vote on final passage.

- (e) After final passage, every ordinance shall be published by posting [IT IN FULL] the title on the Council bulletin board.
- (f) Emergency ordinances and ordinance making, repealing, transferring, or otherwise changing appropriations, shall go into effect immediately upon passage unless they specify a later time. All other ordinances shall go into effect one month after passage and publication unless they specify a later time, or unless they are referred to the voters by the referendum.
- (g) Within a reasonable time after final passage of an ordinance, the City Clerk shall cause it to be recorded and indexed with the other ordinances of the City.

**1.15.080 Resolutions.**

- (a) Every resolution shall be introduced in writing and the title shall be orally read before any vote for passage hereof is taken.
- (b) On any vote for passage of a resolution, all persons interested who appear shall be given an opportunity to be heard. After such hearing, the Council may finally pass such resolution with or without amendments. First reading of any resolution shall be final and no further passage shall be required. After final passage, every resolution shall be [POSTED IN FULL] published by posting the title on the Council bulletin board. Every resolution, unless it shall specify a later date, shall become effective upon final passage.

**1.15.090 Ordinances and resolutions.**

Oral reading in full of an ordinance or resolution may be requested by any member of the Council present [BE WAIVED BY UNANIMOUS CONSENT OF ALL COUNCIL MEMBERS PRESENT, BUT IN SUCH CASE THE ORDINANCE OR RESOLUTION SHALL BE READ BY TITLE].

**1.15.100 Speaking.**

- (a) A member about to speak shall respectfully address the Chair, and shall not commence to speak until recognized by the Chair. When two (2) or more members request to speak at the same time, the Chair shall determine which one is recognized.
- (b) Every member while speaking shall confine himself or herself to the subject under debate, shall refrain from personalities, and shall not refer to any other member of the Council except in a respectful manner.
- (c) Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.
- (d) No member shall speak more than twice or for more than ten (10) minutes continuously to any one question, except that one or more additional periods of ten (10) minutes may be granted by unanimous consent. The reading of papers desired by any member shall be read by himself or herself or by the City Clerk within the member's time limitation unless permission for the Clerk to read such paper outside the time limitation is unanimously granted.

**1.15.110 Voting.**

- (a) The Chair shall declare all votes; but, if any member doubts a vote, the Chair, without further debate upon the question, shall request the members voting in the affirmative and negative respectively to indicate by show of hands, and he shall declare the result.

- (b) In all meetings of the City Council, the vote shall be taken by yeas and nays on the passage of all ordinances, resolutions, and authorizations for the payment of money, and on the passage of any motion, order, or resolution when called for by any member of the Council, and such yea and nay vote of each member shall be permanently entered on the record of the proceedings of the Council by the City Clerk. Other voters may be by voice or show of hands.
- (c) No member shall vote on any question in which he or she has a [IS PECUNIARILY] pecuniary interest[ED] directly or indirectly and in which his or her vote may be decisive, except as herein set forth. Should any member desire to intend to have business dealings with the City whereby he or she may derive income and benefits other than those provided as remuneration for his or her official duties, he or she shall file with the City Clerk, in such form as the Clerk may prescribe, a statement under oath which shall include the nature of the proposed transaction and the extent of the interest, direct or indirect, which said officer or employee has in said transaction. The City Clerk shall publish a copy of such statement in a newspaper of the City qualified by law to publish legal notices if one is published in the City and shall, in addition, post a copy of said statement on the Council bulletin board. The cost of said publication shall be borne by the member who desires to enter into the transaction, and the City Clerk may require a deposit to insure payment thereof. The Council shall take no action with regard thereto until at least ten (10) days shall have elapsed after the filing of the statement by the member and until at least seven (7) days shall have elapsed after the publishing and posting of said statement as required herein. (See also Chapter 1.85.)
- (d) Every member who shall be present when a question is put, when he or she is not disqualified by personal interest, shall vote, unless the Council for special reason excuses him or her. Applications to so excuse must be made before the vote, and shall be decided without debate.
- (e) Anything to the contrary in these rules notwithstanding, in all cases where an extraordinary majority is not required, and when no motion is before the Council, the Chair may, in lieu of calling for or waiting for a motion to be made, put the question in the following form: "Without objection, it will be so ordered." If no objection is heard, he or she shall announce: "It is so ordered," which will have the same effect as if a motion to that effect has been made and voted upon favorably. If a single objection is reasonably expressed when the question is put, the Chair shall not proceed further under this rule, but instead shall call for a motion, which motion shall be handled in the regular manner.

**1.15.120 Rules of order.**

- (a) A proposed amendment to, or repeal of, any rule in this chapter shall be submitted in writing as a nonemergency ordinance, and may be passed in the same manner as other nonemergency ordinances.
- (b) The most current edition of Robert's Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with City Charter or ordinance and any special rules of order the Council may adopt.
- (c) The Council rules shall be observed in all cases unless suspended temporarily for a special purpose of an emergency nature by a vote of five (5) members present. Any member may move, at any time, for the suspension of any rule, and such motion must be seconded to entitle it to consideration.
- (d) If any member, in speaking or otherwise, transgresses the rules of the Council, the Chair shall, or any member may, call the member to order; in which case the member so called to order shall immediately cease discussion unless permitted by the Chair to explain; and the Council, if appealed to, shall decide the question without debate. If the decision be in favor of the member so called to order, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the Council to proceed in order.

**1.15.130 Remote electronic participation.**

- (a) A member of the Council may participate via electronic means in a Council meeting, if the member declares that circumstances prevent physical attendance at the meeting. If the Mayor chooses to participate via electronic means, the Vice-Mayor or president pro tempore shall preside.
- (b) No more than the first three (3) members to contact the Clerk regarding remote electronic participation in a particular meeting may participate via electronic means at any one (1) meeting unless it is a special meeting called to consider an emergency action, in which case all members may participate via remote electronic participation.
- (c) The member shall notify the Clerk's office as soon as reasonably practical, but not less than two (2) hours prior to the start of the Council meeting that the member proposes to attend by remote electronic means. Such notification shall state the reason for remote electronic participation and, if needed, shall provide the telephone number, and any available facsimile, email, or other document transmission service. Failure to provide the notification within the period of time provided herein shall result in the member's exclusion from attendance of a Council meeting through remote electronic participation. The Clerk shall notify all Council members of the request.
- (d) At the meeting, the Clerk shall establish the appropriate connection when the call to order is imminent.
- (e) A member participating by remote electronic means shall be counted as present for purposes of discussion, voting, constituting a quorum and attendance.
- (f) The member participating by remote electronic means shall make every effort to participate in the entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection, if necessary.
- (g) The member participating by remote electronic means may ask to be recognized by the Chair to the same extent as any other member.
- (h) To the extent reasonably practicable, the Clerk shall provide backup materials to members participating by remote electronic means at the member's expense.
- (i) If the remote electronic connection cannot be made or is made and then lost, the meeting shall commence or continue as scheduled and the Clerk shall attempt to establish or restore the connection.
- (j) Meeting times shall be expressed in Alaska Time regardless of the time at the location of any member participating by remote electronic means.
- (k) Participation by remote electronic means shall be allowed for regular, special and work session meetings of the Council.
- (l) Remarks by members participating by remote electronic means shall be transmitted so as to be audible by all members and the public in attendance at the meeting, provided that in executive session the remarks shall be audible only to those included in the executive session.
- (m) As used in these rules, "electronic means" means any system for synchronous two (2) or more way voice and/or virtual communication. "Mayor" includes the Vice-Mayor or any other member serving as president pro tempore.
- (n) Each Council member may attend a maximum of four (4) regular meetings by remote electronic means during the twelve (12) month period starting November 1st of each year unless an exception provided below applies and any number of special meetings or work sessions.
- (o) A Council member may attend an additional two (2) meetings by remote electronic means during a twelve (12) month period starting November 1st of each year if the member declares that he or she is physically unable to attend the meeting due to the need for extended medical care and treatment of the member or extended medical care and treatment or death of the member's immediate family.

- (p) A Council member may attend an additional two (2) meetings by remote electronic means during a twelve (12) month period starting November 1st of each year when the member is traveling on Council approved City business.
- (q) In this section, "immediate family" means the spouse of the person, another person cohabitating with the person in a conjugal relationship that is not a legal marriage, a child (including a stepchild or foster child) of the person, a parent, sibling, grandparent, aunt or uncle of the person, or a parent or sibling of the person's spouse.
- (r) In this section "City business" means anytime a member is traveling or in a location outside the City on behalf of the City or attending training, as approved by Council and in compliance with the Council Travel Policy.
- (s) In this section "emergency action" means any action which in the judgment of Council is necessary for the immediate preservation of public peace, health or safety.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>TH</sup> DAY OF MARCH, 2023.

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

ATTEST:

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

Introduced:	March 1, 2023
Enacted:	March 15, 2023
Effective:	April 14, 2023



# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Shellie Saner, City Clerk

**DATE:** February 22, 2023

**SUBJECT:** **Ordinance No. 3338-2023** - Amending Kenai Municipal Code Chapter 1.15 - Agencies, Officers and Employees - Rules of Order to Allow Approval of the Agenda and Consent Agenda in One Motion, Remove Sections that May Conflict with the State of Alaska Open Meetings Act (AS 44.62.310-.312), and Remove any Rules that are Standard Rules as Established in Roberts Rules of Order.

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Kenai Municipal Code (KMC) 1.15 establishes rules for conducting City business. Many of the existing rules within KMC 1.15 are standard rules established within Roberts Rules of Order or within a Policy adopted by the City Council.

Having one rule located in one place is effective in managing how City business is conducted according to those rules, and may prevent two rules affecting the same action to create a conflict with one another.

The proposed changes to KMC 1.15 would:

- The amendment to KMC 1.15.030 would remove language that conflicts with the state of Alaska Open Meetings Act (OMA). (AS 44.62.310-312)  
OMA requires governmental meetings to be noticed and open to the public. It further defines a meeting as a gathering of the members when more than three members or a majority of the members are present and a matter upon which the governmental body is empowered to act on is considered by the members collectively.  
OMA defines governmental bodies as councils, boards, commission, committees and any other similar body of public entity; and is applicable to general law and home rule municipalities.
- The amendment to KMC 1.15.040 (c) clarifies when a matter may be placed on the agenda by a member of the public and at which time that matter will be taken.
- The amendment to KMC 1.15.050 (b) adds a place on the agenda for "Scheduled Administrative Reports" this addition will provide a place on the agenda for reports from individuals who are providing a direct service (contractual or otherwise) to the City and are reporting on those services.
- The amendment to KMC 1.15.050 (c) will combine the approval the agenda and consent agenda into one single motion. This will not change the process, it only changes the number of motions being made.

- The amendment to KMC 1.15.050 (d) removes language related to tabling items. The current language within code is a standard rule within Roberts Rules of Order.
- The amendment to KMC 1.15.050 (e) removes language regarding pending legislation being stricken. Roberts Rules of Order establishes that items fall to the floor at the close of a session; for the City Council a session ends when there is a change in the body (certification of an election). The new session begins at the meeting following certification.
- The amendment to KMC 1.15.050 (g) expands the items that may not be invalidated, to include other items that are regularly acted on by the City Council.
- The amendments deleting paragraphs a, c, j, l, m and n from KMC 1.15.060, removes language that are standard rules within Roberts Rules of Order.
- The amendment to KMC 1.15.060 (e), would remove the current City practice related to calling the question, "Question". One of the purposes of Roberts Rules of Order is to establish the rule of the majority while respecting/hearing the voice of the minority. Allowing one person to call the question does not support that purpose.  
Roberts Rules of order requires that the member has the floor before make the motion "Question", it then requires a second and a majority vote of the body to call the question.
- The amendment to KMC 1.15.070 reflect the current practice that the titles are read and posted.
- The amendments to KMC 1.15.080 reflect the current practice that the titles are read and posted.
- The amendment to KMC 1.15.090 reflects the current practice regarding reading in full of an ordinance or resolution.





Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2023-22**

A RESOLUTION AUTHORIZING A BUDGET TRANSFER IN THE WATER & SEWER CAPITAL PROJECT FUND, PUBLIC WORKS DEPARTMENT – WATER DIVISION FOR ADDITIONAL SCADA RELATED SERVICES.

WHEREAS, excess funding resides within the Master Plan and Rate Study project for the water and sewer utility due to costs coming in lower than anticipated; and,

WHEREAS, the Public Works Department requests a transfer of \$18,000 from the Master Plan and Rate Study project to be moved into the SCADA (Supervisory, Control, and Data Acquisition) System Integration project to allow for the purchase of additional software and equipment to assist with remote connection services for its SCADA Integration contractor; and,

WHEREAS, the purchase of this software and equipment will expedite the utilities’ technician’s access to the SCADA programming without having to physically be on site in Kenai; and,

WHEREAS, this will allow the utilities consultants to more effectively resolve problems at a lower cost and much more quickly to the benefit of the utility; and,

WHEREAS, SCADA software allows the water and sewer utility to monitor numerous processes around the city including well water pumps, water filtration, water treatment, lift station operation, and waste water treatment, and a properly functioning SCADA system allows the department to optimize our operations.

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

**Section 1.** That the following budget transfer is authorized:

Water & Sewer Capital Project Fund:

Decrease Expenditures:

Master Plan & Rate Study – Construction \$18,000

Increase Expenditures:

SCADA System Integration – Construction \$18,000

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>TH</sup> DAY OF MARCH, 2023.

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

ATTEST:

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

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



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Scott Curtin, Director of Public Works  
**DATE:** March 7, 2023  
**SUBJECT:** **Resolution 2023-22** – Budget Transfer SCADA

---

This memo requests Council's authorization for a budget transfer within the Water & Sewer Capital Improvement Fund. The Master Plan & Rate Study project is nearing conclusion with excess funds remaining. The Public Works Department in coordination with our system integrators, engineers, and IT department staff continue to look for ways to more efficiently and effectively manage the Utility. An ongoing challenge has been difficulty with remote access into our system to allow modifications and troubleshooting to take place.

This has often led to problems being forced to linger while consultants make arrangements to travel to the City to assist. This has resulted in longer down times on equipment as well as processes running in less efficient modes of operation, which can increase costs.

This transfer of funds will allow for some new software and equipment to alleviate these challenges by allowing our consultants to log in remotely, identify and trouble shoot problems, and modify programming if and when needed. This ability has been a priority request from the design team, and completion of the transfer is in the best interest of the City.

Council's authorization is respectfully requested.

Regarding the Rate Study, it is the intent of the Department to have an updated fee schedule to Council as part of the budget submission.





Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2023-23**

A RESOLUTION OF THE COUNCIL REQUESTING STATE OF ALASKA FUNDING SUPPORT FOR THE WILDWOOD DRIVE REHABILITATION PROJECT.

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WHEREAS, the Wildwood Drive Rehabilitation Project is the City's number one priority request submitted to the State for consideration as part of the Capital Budget; and,

WHEREAS, this project is shovel-ready, with the design complete utilizing funds authorized by the City Council in the amount of \$329,000; and,

WHEREAS, the project consists of approximately 2,300 linear feet of roadway from the Kenai Spur Highway to the entrance of the Wildwood Correctional Complex, a State of Alaska Department of Corrections institution; and,

WHEREAS, Wildwood Correctional Complex consists of the Wildwood Correctional Center, Wildwood Pretrial Facility, and Wildwood Transitional Program, which serve the entire Kenai Peninsula and the State and is outside the limits of the City of Kenai; and,

WHEREAS, Wildwood Drive, a 50-plus-year-old roadway, considered by many as the worst road in Kenai, was identified as in failed condition in the City's 2009 Roadway Improvement Survey conducted by Nelson Engineering, and has continued to deteriorate since that time; and,

WHEREAS, Wildwood Drive is primarily utilized by State employees and is critical to public safety agencies on the Kenai Peninsula; and,

WHEREAS, the total project cost is estimated to be \$929,000 with \$329,000 in City funding already secured; additional funding support from the State in the amount of \$600,000 would allow the Wildwood Drive Rehabilitation Project to be constructed in the summer of 2023; and,

WHEREAS, the City of Kenai has been a long-standing partner of the Wildwood Correctional Complex to include providing water and sewer service from the City's utility, the only facility served which is outside City limits; and,

WHEREAS, funding support is necessary to complete this project.

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

**Section 1.** That the City of Kenai is requesting State of Alaska funding support in the amount of \$600,000 for the Wildwood Drive Rehabilitation Project.

**Section 2.** That copies of the Resolution be sent to Governor Dunleavy, Senator Jesse Bjorkman, Representative Ben Carpenter, Representative Justin Ruffridge, Department of Corrections Commissioner Jen Winkelman, Department of Transportation & Public Facilities Commissioner Ryan Anderson.

**Section 3.** That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>TH</sup> DAY OF March, 2023.

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Brian Gabriel Sr., Mayor

ATTEST:

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Michelle M. Saner, MMC, City Clerk



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Terry Eubank, City Manager

**DATE:** March 9, 2023

**SUBJECT:** **Resolution 2023-23** – Requesting State of Alaska Funding Support for the Wildwood Drive Rehabilitation Project

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This resolution requests funding support from the State of Alaska for the Wildwood Drive Rehabilitation Project. The total project cost is estimated at \$929,000, consisting of approximately 2,300 linear feet of roadway from the Kenai Spur Highway to near the entrance of the Wildwood Correctional Complex, a State of Alaska Department of Corrections institution.

The Council authorized the use of previously appropriated funds in the amount of \$329,000 through the passage of Resolution 2021-26. The use of these funds, provided during FY19 and FY20 for projects yet to be identified, was due to the continued deterioration of the roadway and to acquire engineering services for construction documents with the intent of bidding in early summer with remaining funds to be used for construction.

Wildwood Drive is a 50-plus-year-old roadway, considered by many as the worst road in Kenai. It was identified as in failed condition in the City's 2009 Roadway Improvement Survey conducted by Nelson Engineering and has deteriorated since then. The City of Kenai solely maintains the road, which is primarily utilized by State employees and is critical to public safety agencies on the Kenai Peninsula. The City has partnered with the State previously to extend water and sewer to the Wildwood Correctional Complex and Administration is interested in this partnership continuing in support of the Wildwood Correctional Center, Wildwood Pretrial Facility, and Wildwood Transitional Program, which serve the entire Kenai Peninsula and the State and are outside the limits of the City of Kenai. State funding support is necessary to complete this project in 2023.

This project was submitted as the City's number one priority request for consideration as part of the State's 2023 Capital Budget through the Commerce, Community and Economic Development Grants to Municipalities.

If approved, a copy of this resolution would be sent to Governor Dunleavy, Senator Jesse Bjorkman, Representative Ben Carpenter, Representative Justin Ruffridge, Department of Corrections Commissioner Jen Winkelman, and Department of Transportation & Public Facilities Commissioner Ryan Anderson.

Your consideration is appreciated.

**KENAI CITY COUNCIL – REGULAR MEETING  
MARCH 1, 2023 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR BRIAN GABRIEL, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on March 1, 2023, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Mayor Gabriel led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Brian Gabriel, Mayor	James Baisden, Vice Mayor
Teea Winger	Deborah Sounart
Alex Douthit	Victoria Askin
Henry Knackstedt	

A quorum was present.

Also in attendance were:

Terry Eubank, City Manager  
 Scott Bloom, City Attorney  
 Kathy Romain, Senior Service Director  
 Brad Walker, Parks and Recreation Director  
 Jessica Hendrickson, Chief Animal Control Officer  
 Dave Ross, Police Chief  
 Meghan Thibodeau, Deputy City Clerk  
 Shellie Saner, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following additions to the Packet:

Add item F.1.

**Public Hearing – Ordinance No. 3332-2023**

- Planning & Zoning Commission Recommendation Memo
- Requested Amendment Memo
- Public Comments

**MOTION:**

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

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

**4. Consent Agenda**

**MOTION:**

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

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

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

**UNANIMOUS CONSENT** was requested.

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

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

## **B. SCHEDULED PUBLIC COMMENTS**

1. Rasmussen Foundation/State of Alaska Broadband Access and Digital Equity Across Alaska, Associate Emily Pape, MMP of Kallander & Associates.

Emily Pape, MMP of Kallander & Associates addressed the City Council regarding a broadband access and digital equity program; stating the program aims to ensure access to high speed, reliable broadband in a way that is affordable, equitable and transparent; it identifies access barriers which applies to 80% of the Alaska population; the plan will include a statewide vision for digital equity; and a framework plan for implementation of programs with proposed technology related apprenticeships and other workforce development opportunities.

## **C. UNSCHEDULED PUBLIC COMMENTS** - None.

## **D. PUBLIC HEARINGS**

1. **Ordinance No. 3336-2023** - Accepting and Appropriating an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

### **MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3336-2023. Council Member Winger **SECONDED** the motion.

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

It was reported that these were ARPA funds being passed through the State of Alaska; it was a one time funding for this year; and is in response to COVID-19 for food and other supplies at the Senior Center.

Senior Center Director Romain was thanked for her efforts in securing the grants.

### **VOTE:**

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

NAY: None.

### **MOTION PASSED UNANIMOUSLY.**

2. **Ordinance No. 3337-2023** - Accepting and Appropriating an Increase from the Kenai Peninsula Borough for the Senior Citizen Program Grant. (Administration)

### **MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3337-2023. Council Member Douthit **SECONDED** the motion.

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

It was reported that the Kenai Peninsula Borough (KPB) increased Senior funding by 10%; the amount was set each year during the KPB budget process; Senior funding from KPB is allocated based on census data; and the 2020 census data had not been reported yet.

**VOTE:**

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

NAY: None

**MOTION PASSED UNANIMOUSLY.**

3. **Resolution No. 2023-16** - Amending the Employee Classification Plan by Removing the Data Entry Clerk, Consolidating the Meals Driver and Driver Classes, and Adjusting the Ranges of Driver, Kitchen Assistant, and Cook Positions at the Kenai Senior Center. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-16. Council Member Sounart **SECONDED** the motion.

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

It was reported that generally adjustments were made annually during the budget process and sometimes made when there are vacancies; the fiscal impact would be a \$14,000 annual increase; and this would help the Senior Center fill vacancies and correct inequities.

**UNANIMOUS CONSENT** was requested.

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

4. **Resolution No. 2023-17** - Authorizing the Use of the Fleet Replacement Fund for the Purchase of Equipment to Upfit Four New Police Vehicles and Authorizing the Sole Source Purchase of a Portion of the Items from Alaska Safety Inc. Utilizing the Contract of Another Government Agency in which the City is Authorized to Participate. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-17. Council Member Douthit **SECONDED** the motion.

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

**UNANIMOUS CONSENT** was requested.

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

5. **Resolution No. 2023-18** - Renumbering Kenai City Council Supervisory Sub-Committee Policy No. 2017-02 to Policy No. 20.230. (City Clerk)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-18. Council Member Askin **SECONDED** the motion.

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

It was reported that this would only change the policy number.

**UNANIMOUS CONSENT** was requested.

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

- 6. Resolution No. 2023-19** - Authorizing the Purchase of Real Property Described as Lots 8 and 9, Block 19, of the Original Townsite of Kenai, According to US Survey 2970B, Record of the Kenai Recording District, Third Judicial District, State of Alaska, and Designated as Kenai Peninsula Borough Parcel Number 04710308 from Billy McCann Et Al. and Glenda Sterling, for the Public Purpose of Including the Property in the Bluff Erosion Restoration Project and Determining that the Public Interest Will Not Be Served by an Appraisal. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-19. Council Member Sounart **SECONDED** the motion.

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

It was reported that due to recent sales of wetlands the land value was increase by the KPB Assessor's Office; there were three parcels that need to be acquired for the bluff project and this was one of them.

**UNANIMOUS CONSENT** was requested.

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

- 7. Resolution No. 2023-20** - Authorizing a Budget Transfer in the Visitor Center Improvement Capital Project Fund and Authorizing a Contract Award and Corresponding Purchase Order for the Visitor Center Roof Replacement Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-20. Council Member Douthit **SECONDED** the motion.

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

It was reported that the bids received were in the same price range as the bids received last year; one bidder had withdrawn; and clarification was provided regarding awarding the alternate awards.

**UNANIMOUS CONSENT** was requested.

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

- 8. Resolution No. 2023-21** - Authorizing a Contract Award and Corresponding Purchase Order for the Green Strip Playground Equipment Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-21. Council Member Sounart **SECONDED** the motion.

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

It was reported that this project began with a Memorandum of Agreement with the State of Alaska to replace playground that was 28-years old; the new equipment would meet today's safety standards and is ADA compliant; installation will take place in May; and the price includes the equipment and installation.

**UNANIMOUS CONSENT** was requested.

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

## E. MINUTES

1. \*Regular Meeting of February 15, 2023. (City Clerk)

## F. UNFINISHED BUSINESS - Postponed Item / Public Hearing

1. **Ordinance No. 3332-2023** - Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai. (Douthit and Winger)

*[01/04/23 Introduced by Council; Referred for recommendation to the 01/25/23 Planning and Zoning Commission Meeting; First Public Hearing by Council Scheduled for 02/01/23; 02/01/23 Referred to the Planning & Zoning Commission for a Work Session; Second City Council Public Hearing Scheduled for March 1, 2023.]*

*[Clerk's Note: The motion to enact Ordinance No. 3332-2023 was on the floor from the February 15, 2023 Regular City Council Meeting.]*

Mayor Gabriel opened the floor for public comment.

Dan Conetta addressed the Council in opposition to Ordinance No. 3332-2023; stating the ordinance was a violation of public trust; his neighborhood had covenants in place to protect property values; the ordinance would undermine the covenants and property owners' rights within eight subdivisions; and he spoke in support of the Planning and Zoning Commissions recommendation to exclude the Suburban Residential (RS) Zone.

Kim Howard addressed the Council in opposition to Ordinance No. 3332-2023; stating when she purchased her home she read the covenants; allowing chickens would affect neighbors; noted concerns with lack of regulations on how violations would be addressed and that they should not be complaint-driven; and spoke in support of the Planning and Zoning Commissions recommendation to exclude the Suburban Residential (RS) zone.

Carolyn McGee addressed the Council in opposition to Ordinance No. 3332-2023; stating that she had witnessed a 3-year violation in the Woodland Subdivision; and she would have chosen a different area when buying her home had she know neighbors would be allowed to have chickens.

Barbara Kennedy addressed the Council in support of Ordinance No. 3332-2023; stating that she was happy with the recommendations coming from the Planning and Zoning Commission and that she felt it was a fair compromise.

Bob Molloy addressed the Council in opposition to Ordinance No. 3332-2023; stating he did not oppose allowing chickens in the Rural Residential (RR) zone; he chose to live in the Woodland Subdivision because of the covenants that protected residential use; and spoke in support of the Planning and Zoning Commission recommendation to exclude the Suburban Residential (RS) zone.

Carol Freas addressed the Council in opposition to Ordinance No. 3332-2023; she noted that most comments in support were related to food security; stated concerns with how the chickens would be monitored and questioned if allowing chickens would increase the City budget.

Holly Ward addressed the Council in support of Ordinance No. 3332-2023; stating she only recently heard chickens being kept two to three houses away from hers; there is plenty of other noise from the airport and dogs; and this was an opportunity for the younger generation to learn about self-sustainability and allow more children to become part of 4H.

Kristine Schmidt addressed the Council in opposition to Ordinance No. 3332-2023; noting the number of subdivisions which have no poultry covenants; in the land use table the Suburban Residential (RS) zone has always prohibited livestock and farming; that both livestock and farming were not appropriate uses within the Suburban Residential (RS) zone; stated her wish that the ordinance fail to enact; however, if



enacted she supports the Planning and Zoning Commission recommendation to exclude the Suburban Residential (RS) zone.

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

There was discussion regarding the role of the City related to neighborhood covenants; the responsibility of the Council to represent the constituents as a whole; having chickens did not create food security due to the cost of feed and other requirements; and discussion related to the number of parcels effected if the Suburban Residential (RS) zone were excluded.

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3332-2023, to include the following final Whereas clauses:

“WHEREAS, at its meeting on January 25, 2023, the Planning and Zoning Commission recommended enactment of this Ordinance with the following conditions:

- That a Planning & Zoning and/or City Council Work Session be scheduled prior to enactment.
- Include provisions that containment of chickens be restricted to the back of the house in the rear yard.

WHEREAS, at its meeting on February 22, 2023, the Planning and Zoning Commission recommended enactment of this Ordinance with further recommended conditions.”

Council Member Winger **SECONDED** the motion to amend.

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

**MOTION TO AMEND PASSED.**

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3332-2023, to include the following technical amendments:

Section 1, paragraph c. 1. to read, “The keeping of chicken hens on lots less than forty thousand (40,000) square feet is subject to the standards in subsection ([K]h).”

Section 1, paragraph c. 3. to read, “Beekeeping will be restricted as described in subsection ([L]i).”

Section 1, paragraph h. to read, “The keeping of chicken hens on lots less than forty thousand (40,000) square feet is allowed, except in the RU, RS1, [RSL] RS2, and TSH zoning districts, subject to the following standards:”

Council Member Askin **SECONDED** the motion to amend.

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

**MOTION TO AMEND PASSED.**

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3332-2023, Section 1, paragraph h. to read as follows:

“The keeping of chicken hens on lots less than forty thousand (40,000) square feet is allowed, except in the ALI, RU, RS1, RS2, and TSH zoning districts, subject to the following standards:”

Council Member Askin **SECONDED** the motion to amend.

It was clarified that the amendment would prohibit chickens within the Airport Light Industrial Zone.

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

**VOTE:** There being no objection on the motion to amend, **SO ORDERED.**

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3332-2023, Section 1, paragraphs 3 and 4 to read as follows:

- “(3) Chicken coops, hutches or other fully enclosed shelters must be located in the rear yard [MAY NOT BE LOCATED IN A FRONT YARD OR SIDE YARD THAT ABUTS A STREET IN A RESIDENTIAL ZONING DISTRICT] and must have a minimum setback of fifteen feet (15’) from the side yards, ten feet (10’) from the rear yard, and twenty-five feet (25’) from residential dwellings on neighboring lots.
- (4) Fences, corral, pen, or other similar containment structures must be located in the rear yard and have a minimum setback of fifteen feet (15’) from the side yards, [TWENTY-FIVE FEET (25’) FROM THE FRONT YARD,] ten feet (10’) from the rear yard, and twenty-five feet (25’) from residential dwellings on neighboring lots.”

Vice Mayor Baisden **SECONDED** the motion to amend.

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

**VOTE:** There being no objection on the motion to amend, **SO ORDERED**.

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3332-2023, Section 1, paragraph h. 1. to read as follows:

“A maximum of twelve (12) chicken hens may be kept on lots in the Rural Residential (RR) zone with a permitted principal structure.”

Council Member Askin **SECONDED** the motion to amend.

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

**VOTE:** There being no objection on the motion to amend, **SO ORDERED**.

**MOTION TO AMEND: (PRIMARY)**

Council Member Askin **MOVED** to amend Ordinance No. 3332-2023, Section 1, paragraph h. 1. to read as follows:

“A maximum of twelve (12) chicken hens may be kept on lots in the Rural Residential (RR) zone with a permitted principal structure. In other zones where chicken hens are permitted on lots less than 40,000 square feet, up to four (4) chicken hens may be kept on lots greater than 12,000 square feet and less than 24,000 square feet with a principal permitted structure. One additional chicken hen is allowed for each additional 2,000 square feet of lot size in these zones. Except in the RR zone, no chickens may be kept on lots less than 12,000 square feet.”

Vice Mayor Baisden **SECONDED** the motion to amend.

**MOTION TO AMEND: (SECONDARY)**

Council Member Knackstedt **MOVED** to amend the Askin amendment to Ordinance No. 3332-2023, Section 1, paragraph h. 1. to read as follows:

“A maximum of twelve (12) chicken hens may be kept on lots in the Rural Residential (RR) zone with a permitted principal structure. In other zones where chicken hens are permitted on lots less than 40,000 square feet, up to four (4) chicken hens may be kept on lots greater than [12,000] 20,000 square feet and less than 24,000 square feet with a principal permitted structure. One additional chicken hen is allowed for each additional 2,000 square feet of lot size in these zones. Except in the RR zone, no chickens may be kept on lots less than [12,000] 20,000 square feet.”

Vice Mayor Baisden **SECONDED** the secondary motion to amend.

**VOTE ON SECONDARY MOTION TO AMEND:**

YEA: Knackstedt, Sounart, Gabriel, Baisden

NAY: Winger, Askin, Douthit

**SECONDARY MOTION TO AMEND PASSED.**

**MOTION TO AMEND: (SECONDARY)**

Council Member Sounart **MOVED** to amend the Askin amendment as amended to Ordinance No. 3332-2023, Section 1, paragraph h. 1. to read as follows:

“A maximum of twelve (12) chicken hens may be kept on lots in the Rural Residential (RR) zone with a permitted principal structure. In other zones where chicken hens are permitted on lots less than 40,000 square feet, up to [FOUR] six (6) chicken hens may be kept on lots greater than 20,000 square feet [AND LESS THAN 24,000 SQUARE FEET WITH A PRINCIPAL PERMITTED STRUCTURE. ONE ADDITIONAL CHICKEN HEN IS ALLOWED FOR EACH ADDITIONAL 2,000 SQUARE FEET OF LOT SIZE IN THESE ZONES]. Except in the RR zone, no chickens may be kept on lots less than 20,000 square feet.”

Vice Mayor Baisden **SECONDED** the secondary motion to amend.

**VOTE ON SECONDARY MOTION TO AMEND:**

YEA: Sounart, Gabriel, Baisden, Askin, Knackstedt

NAY: Winger, Douthit

**SECONDARY MOTION TO AMEND PASSED.**

**MOTION TO AMEND: (SECONDARY)**

Council Member Douthit **MOVED** to amend the Askin amendment as amended to Ordinance No. 3332-2023, Section 1, paragraph h. 1. to read as follows:

“A maximum of twelve (12) chicken hens may be kept on lots in the Rural Residential (RR) zone with a permitted principal structure. In other zones where chicken hens are permitted on lots less than 40,000 square feet, up to [SIX (6)] twelve (12) chicken hens may be kept on lots greater than 20,000 square feet. Except in the RR zone, no chickens may be kept on lots less than 20,000 square feet.”

Vice Mayor Baisden **SECONDED** the secondary motion to amend.

**VOTE ON SECONDARY MOTION TO AMEND:**

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

NAY: Knackstedt

**SECONDARY MOTION TO AMEND PASSED.**

**UNANIMOUS CONSENT** was requested on the motion to amend as amended.

**VOTE:** There being no objection on the motion to amend as amended, **SO ORDERED.**

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3332-2023, Section1, paragraph h. to read as follows:

“The keeping of chicken hens on lots less than forty thousand (40,000) square feet is allowed, except in the ALI, RU, RS, RS1, RS2, and TSH zoning districts, subject to the following standards:”

Council Member Douthit **SECONDED** the motion to amend.

**VOTE ON MOTION TO AMEND:**

YEA: Gabriel, Baisden, Knackstedt

NAY: Askin, Douthit, Sounart, Winger

**MOTION TO AMEND FAILED.**

**MOTION TO AMEND:**

Council Member Sounart **MOVED** to amend Ordinance No. 3332-2023, Section 1, paragraph h. to add a new subparagraph 2. to read as follows:

“If two or more lots of continuous frontage are owned or leased by the same person(s) and the combined square footage of such lots otherwise meets the requirements of this section for the keeping of chicken hens, such lots will be considered a single lot for the purpose of this section. All chicken hens and appurtenances must to be on the lot with the principal permitted structure.”

Renumber remaining sections accordingly.

Council Member Winger **SECONDED** the motion to amend.

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

**VOTE:** There being no objection on the motion to amend, **SO ORDERED.**

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3332-2023, Section 1, paragraph c. 1. to read as follows:

“The keeping of chicken hens on lots less than forty thousand (40,000) square feet will be subject to the standards in subsection (h). This allowance for the keeping of chicken hens does not permit commercial activities where otherwise prohibited or additional permitting or licensing is required.”

Council Member Winger **SECONDED** the motion to amend.

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

**VOTE:** There being no objection on the motion to amend, **SO ORDERED.**

**MOTION TO AMEND:**

Council Member Askin **MOVED** to amend Ordinance No. 3332-2023, Section 1, paragraph h. to add a new subparagraph to be numbered accordingly, to read as follows:

“All feed for chickens must be stored securely to prevent access from rodents and other non-domestic animals.”

Council Member Winger **SECONDED** the motion to amend.

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

**VOTE:** There being no objection on the motion to amend, **SO ORDERED.**

**MOTION TO AMEND:**

Council Member Douthit **MOVED** to amend Ordinance No. 3332-2023, to the delete [CHICKEN HENS] and insert laying hens throughout the ordinance. Council Member Winger **SECONDED** the motion to amend.

**VOTE ON MOTION TO AMEND:**

YEA: Douthit, Sounart, Winger

NAY: Knackstedt, Gabriel, Baisden, Askin

**MOTION TO AMEND FAILED.**

**MOTION TO AMEND:**

Council Member Douthit **MOVED** to amend Ordinance No. 3332-2023, Section 1, paragraph h. to add a new subparagraph to be numbered accordingly, to read as follows:

“It is the responsibility and burden of the property owner to provide necessary information to the City, potentially including a survey performed by a registered surveyor, to verify conditions of this title are met if reasonably called into question.”

Council Member Winger **SECONDED** the motion to amend.

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

**VOTE:** There being no objection on the motion to amend, **SO ORDERED.**

**VOTE ON MAIN MOTION AS AMENDED:**

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

NAY: None

**MAIN MOTION TO AMEND PASSED.**

**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 a Retail Marijuana Store License for Cook Inlet Cannabis Co., DBA: East Rip - License No. 13382. (City Clerk)

Approved by the consent agenda.

3. **\*Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License for Herban Extracts LLC., DBA: Herban Extracts LLC. - License No. 14432. (City Clerk)

Approved by the consent agenda.

4. **\*Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License for KRC LLC., DBA: Kenai River Cannabis. - License No. 17808. (City Clerk)

Approved by the consent agenda.

5. **\*Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License and a Standard Marijuana Cultivation License for Majestic Gardens LLC., DBA: Majestic Gardens LLC. - License No.'s 15393 and 15395. (City Clerk)

Approved by the consent agenda.

6. **\*Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for D & E Investments Inc., DBA: The Bow - License No. 1312. (City Clerk)

Approved by the consent agenda.

7. **\*Action/Approval** - Non-Objection to the Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit for Solitaire LLC., DBA: Pizza Paradisos - License No. 3032. (City Clerk)

Approved by the consent agenda.

8. **\*Ordinance No. 3338-2023** - Amending Kenai Municipal Code Chapter 1.15 - Rules of Order, to Allow Approval of the Agenda and Consent Agenda in One Motion, Remove Sections that May Conflict with the State of Alaska Open Meetings Act, and Remove any Rules that are Standard Rules as Established in Roberts Rules of Order. (City Clerk)

Introduced by the consent agenda and Public Hearing set for March 15, 2023.

**H. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging

No report, next meeting March 9, 2023.

## 2. Airport Commission

Council Member Askin reported the February 24, 2023 Work Session was cancelled, next meeting March 9, 2023.

## 3. Harbor Commission

No report, next meeting March 6, 2023.

## 4. Parks and Recreation Commission

No report, next meeting March 2, 2023.

## 5. Planning and Zoning Commission

Council Member Askin reported on the February 22, 2023 Regular Meeting.

## 6. Beautification Committee

Council Member Winger reported on the February 21, 2023 Work Session.

## I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Co-Presenter for the Alaska Bycatch Review Task Force to the House Fisheries Committee.
- Attending the Commission, Committee and Council Recognition and Training Event.
- Participated in the Love of Reading Event at Mountain View Elementary.

## J. ADMINISTRATION REPORTS

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

- Provided a Bluff Stabilization Project update.
- Traveling to Anchorage to meet with the FAA to discuss Airport Projects and project funding.
- The outstanding job being done by the Streets Department keeping up with the snow levels.
- Communications with the State of Alaska regarding training at the Fire Training facility.
- Challenges related to filling vacancies.
- Completion of the Leadership Training program for City staff.

2. City Attorney - No report.

3. City Clerk – City Clerk Saner reported on the following:

- Thanked those who attended the Commission, Committee and Council recognition and training event.

## K. ADDITIONAL PUBLIC COMMENTS

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

Marion Nelson addressed the Council regarding Art in the Parks programs; the upcoming show “Bird Call”; snow removal issues at the Art Center; and increased use of the back room for workshops.

2. Council Comments

Council Member Douthit thanked the Council for the discussion and action on Ordinance No. 3332-2023; and provided an update on vacancies at the Kenai Chamber of Commerce and Visitor Center.

Council Member Askin noted her appreciation for the training event; stated she attended the Metal show at the Kenai Art Center; and that she was happy with the outcome of Ordinance No. 3332-2023.

Council Member Sounart noted her appreciation for the training event; and reported that Elementary School students would join the Kenai Peninsula Orchestra on stage for the Link Up Program at Kenai Central High School on Friday, March 3, 2023 at 7:00 p.m.

Council Member Winger stated she appreciated the conversation on Ordinance No. 3332-2023; reminded everyone to remove snow off of their roofs; be cautious of moose encounters; reported her participation in the Love of Reading Event at Mountain View Elementary; and provided an update regarding the Sex Trafficking Awareness Campaign.

**L. EXECUTIVE SESSION** - None.

**M. PENDING ITEMS**

1. **Resolution No. 2023-15** - Amending the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 and Renumbering and Renaming to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (City Clerk) [*Postponed to the March 15, 2023 Regular City Council Meeting*]

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS** - None.

There being no further business before the Council, the meeting was adjourned at 11:14 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of March 1, 2023.

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Michelle M. Saner, MMC  
City Clerk

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



Sponsored by: City Clerk

**CITY OF KENAI  
RESOLUTION NO. 2023-15**

A RESOLUTION AMENDING THE CITY COUNCIL SELECTING AND APPOINTING A QUALIFIED PERSON OR PERSONS TO FILL VACANCIES ON THE CITY COUNCIL POLICY NO. 2021-01 AND RENUMBERING AND RENAMING TO CITY COUNCIL POLICY NO. 20.220 - FILLING COUNCIL VACANCIES BY APPOINTMENT.

WHEREAS, the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 was adopted on April 7, 2021 through Resolution No. 2021-20; and,

WHEREAS, the purpose of the policy was to provide clear procedures when there is a vacancy on the City Council when the vacancy is due to a resignation or for other reasons as prescribed by the Charter or Municipal Code; and,

WHEREAS, it is a best practice to review adopted policies on a regular schedule to ensure the policy remains aligned and suited to the needs of the City; and,

WHEREAS, the amendments include a purpose and scope section to the policy, and identify that there may be different voting procedures based on the number of candidates; and,

WHEREAS, the amendment also reorganize certain paragraphs to flow with the possible order of events.

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

**Section 1.** That the City Council Selecting and Appointing Qualified Person or Persons to Fill Vacancies on the City Council Policy is hereby renumbered and renamed to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment.

**Section 2.** That the City Council Policy No. 20.220 - Filling Vacancies on the City Council by Appointment as amended and attached is hereby adopted.

**Section 3.** That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>TH</sup> DAY OF FEBRUARY, 2023.

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

ATTEST:

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





# KENAI

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

## MEMORANDUM

**FROM:** Shellie Saner, City Clerk

**DATE:** February 6, 2023

**SUBJECT:** **Resolution No. 2023-15** - Amending the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 and Renumbering and Renaming to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment.

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Policy No. 2021-01 was adopted in April of 2021 with the intent of capturing the procedures that were recently used to fill a Council Vacancy.

The recommended amendments would establish procedure guidelines that may vary depending on the number of applicants for appointment, as well as reordered some of the steps so that they flowed with the possible order of events.

Your consideration is appreciated.

**[SELECTING AND APPOINTING QUALIFIED PERSON OR PERSONS TO FILL VACANCIES ON THE CITY COUNCIL]****FILLING COUNCIL VACANCIES BY APPOINTMENT**

Effective Date: April 7, 2021

Last Approved Date:

February 15, 2023

See Also: PRO-20.220; TSK-20.220

Approved by:

City Council

**POLICY – 20.220 - FILLING COUNCIL VACANCIES BY APPOINTMENT****Purpose**

The purpose of this policy is to provide clear procedures when there is a vacancy on the City Council related to declaring a vacancy, advertising a vacancy, conducting interviews and appointment procedures.

**Scope**

This policy is intended to insure a fair and transparent process when appointing a person to fill a vacancy on the City Council due to a resignation or for other reasons prescribed by the City of Kenai Charter or Municipal Code.

**Policy****A. Declaring the Seat(s) Vacant**

1. The City Council, due to a resignation or for reasons prescribed by Kenai Charter or Kenai Municipal Code, must declare a City Council seat vacant, set a timeframe for advertising the vacancy or vacancies, set a deadline for applications to be submitted, and direct the City Clerk to administer the procedure.

**B. Advertising and Application Procedures**

1. The City Clerk shall advertise the vacancy or vacancies, together with the deadline, at least two (2) times by publication in a newspaper of general circulation, by posting on the official bulletin board of the City at City Hall, and by posting on the City's website.
2. For consideration, each interested person will be required to submit a letter of interest and their resume by the deadline set by Council.
3. Each applicant's residency and eligibility to serve on the Council will be confirmed by the City Clerk and the resumes and letters of interest will be included in the Council packets for the work session or meeting set for conducting interviews.
4. The Mayor and the City Clerk will work together to schedule necessary meetings and/or work sessions depending on the number of applications received.
5. Each applicant, in addition to the City Council, will be provided with the packets of the meeting(s) in which the interviews and appointment(s) will take place.

**C. Conducting Interviews**

1. When conducting interviews, each candidate will have five minutes to make a statement and then additional time to answer questions from the Council.

**D. Appointment Procedures**

1. At the Regular or Special Meeting after the interviews are conducted, Appointment of a City Council Member or Members shall appear on the agenda. In the event of the appointment(s) taking place at a Regular Meeting the matter will appear after Unscheduled Public comments and before Public Hearings.

2. In the event multiple appointments are being made at the same meeting, one appointment will be made at a time. The Mayor will announce which seat is being considered which can be identified by the term expiration of that seat. Any candidates eliminated during the first appointment process may be considered for subsequent appointments in the same application process / meeting. Steps D.2. through D.5. will be completed for each seat.
3. At the Regular or Special Meeting, at the appropriate time on the agenda, the Council will make and pass a motion to begin the voting process by secret ballot.
  - a. In the event there is only one candidate for an open seat, Council may skip all secret ballot voting and make a motion to appoint the candidate.
4. Voting procedures for appointments to City Council when there are more than two (2) candidates are as follows:
  - a. Council Members will be given a ballot and asked to vote for two candidates. The votes will be read out loud and tallied by the Clerk.
    - i. The candidates that receive one or fewer votes will be eliminated and Council Members will again be given a ballot and asked to vote for two of the remaining candidates.
      1. In the event the number of Council Members remaining pursuant to Kenai Charter 2-9(a) is such that candidates receiving one vote need to be retained, the elimination of candidates receiving one vote may be disregarded.
    - ii. In order to provide for a fair and transparent process, Council Members will not vote for the same candidate twice on one ballot. Council Members may vote for an individual candidate once, on multiple ballots, until the candidate is eliminated or appointed. This process will take place until there are two candidates remaining.
    - iii. Once two candidates remain for the identified seat, Council Members will be given a ballot and asked to vote for one candidate. The votes will be read aloud and tallied.
    - iv. The outcome will be determined by a simple majority of the remaining Council. If at any time during the voting process there is a tie, and the tie isn't broken after two votes, the tie shall be broken by lot, as provided in Kenai Municipal Code in the case of a tie in an election. If more than a two-way tie, straws may be drawn to eliminate an appropriate number of candidates and in a two-way tie, a coin may be tossed.
- 5[A]. In the event there are only two (2) candidates for the open seat, step 4 may be skipped and the voting process can begin with Council Members voting for one candidate in step 6[5].
  - [B. THE COUNCIL, BY MOTION, COULD DECIDE TO NOT APPOINT ANY CANDIDATES AND START A NEW RECRUITMENT PERIOD OR EXTEND THE EXISTING RECRUITMENT PERIOD.
  - C. IN THE EVENT THE NUMBER OF COUNCIL MEMBERS REMAINING PURSUANT TO KENAI CHARTER 2-9(A) IS SUCH THAT CANDIDATES RECEIVING ONE VOTE NEED TO BE RETAINED, THE ELIMINATION OF CANDIDATES RECEIVING ONE VOTE MAY BE DISREGARDED.]
- 6[5]. Once one of the candidates receives a simple majority of votes, or the outcome is decided by lot, Council will make and pass a motion to appoint that person to fill the vacant seat.
7. The Council, by a 2/3 majority vote of the remaining members, may decide to not appoint any candidates and start a new recruitment period or extend the existing recruitment period.

## E. Oath and Term

1. After the motion(s) to appoint the candidate(s) has passed, the winner(s) will be sworn in and take their seat(s) on the Council immediately.
2. The person(s) appointed serves until the next regular election pursuant to Kenai Charter 2-9.

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

ATTEST:

\_\_\_\_\_  
Shellie Saner, MMC, City Clerk

*Policy History: Resolution No. 2021-20; 2023-15*



Sponsored by: Gabriel and Baisden

**CITY OF KENAI  
RESOLUTION NO. 2023-15 (SUBSTITUTE)**

A RESOLUTION REPEALING CITY COUNCIL POLICY NO. 2021-01 - SELECTING AND APPOINTING A QUALIFIED PERSON TO FILL VACANCIES ON THE CITY COUNCIL AND ADOPTING CITY COUNCIL POLICY NO. 20.220 - FILLING COUNCIL VACANCIES BY APPOINTMENT.

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WHEREAS, the City Council Policy for Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council, Policy No. 2021-01, was adopted on April 7, 2021 through Resolution No. 2021-20; and,

WHEREAS, the purpose of the policy was to provide clear procedures when there is a vacancy on the City Council when the vacancy is due to a resignation or for other reasons as prescribed by the Charter or Municipal Code; and,

WHEREAS, it is a best practice to review adopted policies on a regular schedule to ensure the policy remains aligned and suited to the needs of the City; and,

WHEREAS, at the February 15, 2023 City Council Meeting amendments were proposed to the City Council Policy No. 2021-01 through Resolution 2023-15 at which time the City Council postponed the Resolution with direction for a more substantial review of the policy; and,

WHEREAS, during the substantial review of the policy it was identified that a full repeal and replacement would be the most efficient way to make changes to the policy.

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

**Section 1.** That City Council Policy No. 2021-01 - Selecting and Appointing a Qualified Person to Fill Vacancies on the City Council is hereby repealed in its entirety.

**Section 2.** That City Council Policy No. 20.220 - Filling Council Vacancies by Appointment as attached is hereby adopted.

**Section 3.** That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>TH</sup> DAY OF MARCH, 2023.

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

ATTEST:

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



## MEMORANDUM

**TO:** City Council Members

**FROM:** Shellie Saner, City Clerk

**DATE:** February 6, 2023

**SUBJECT:** **Resolution No. 2023-15 (Substitute)** - Repealing City Council Policy No. 2021-01 - Selecting and Appointing a Qualified Person to Fill Vacancies on the City Council and Adopting City Council Policy No. 20.220 - Filling Council Vacancies by Appointment.

---

Policy No. 2021-01 was adopted in April of 2021 with the intent of capturing the procedures that were recently used to fill a Council Vacancy.

A public hearing on Resolution 2023-15 was held at the February 15, 2023 regular City Council meeting. After the public hearing the Resolution was postponed with direction that a more substantial review of the policy was needed.

The following identifies the more substantive changes in the new policy:

- Purpose and scope were added to the policy.
- Advertising and Application Procedures were separated into four separate sections of the new policy (Advertising, Application Period, Applicants and Scheduling Interviews).
- The new Advertising section establish that the vacancy should be advertises within seven (7) days of the Council declaring a seat vacant, provided that the publication deadlines established by the newspaper can be met. It also establishes that the first publication must occur (7) days prior to opening of the application period.
- The new Application Period section establishes the minimum days an application period must be open at least seven (7) days; and, reconfirms that it cannot be opened any sooner than seven (7) calendar days from the first publication.
- The new Applicant section was modeled to more accurately reflect the procedures and requirements for applying for a City Council seat during the Election process; and,
  - Establishes that applicants complete an application and the City of Kenai Financial Disclosure statement as required by KMC Title 1.85 - Financial Disclosure and Conflict of Interest.
  - Candidates for office during an election cycle are not required to submit a resume or letter of interest, so the new policy removes the requirement; however, encourages that an applicant submits a letter of interest and resume.
  - Clarifies the Clerk's role determining an applicant's eligibility, how applicants are notified regarding their eligibility, and establishes what deficiencies will prevent the applicant from being considered.

- The Scheduling Interview section was expanded clarify that meetings when interviews are conducted will be noticed in accordance with Charter and Code.
- The Interviews section now includes the following additions:
  - A process for development of interview questions; and,
  - Provisions that applicants will be asked not to attend the interviews of other applicants; however, due to the OMA applicants may object and remain in the room; and,
  - Establishes the order in which applicants will be interviewed and that the order may be changed by a majority of the remaining Council.
- The Appointment Procedure section has been expanded to include procedures based on the number of eligible applicants. Substantial changes in the section are related to procedures when there are three or more applicants, and that the initial voting process will be a point voting system and eliminate applicants with the lowest number of points. This process will repeat until only two applicants remain.

Your consideration is appreciated.



## CITY COUNCIL – 20.220

### FILLING COUNCIL VACANCIES BY APPOINTMENT

Effective Date:

Date:

See Also: PRO-20.220; TSK-20.220

Approved by:

City Council

## POLICY – 20.220 Filling Council Vacancies by Appointment

### Purpose

The purpose of this policy is to provide clear procedures when there is a vacancy on the City Council.

### Scope

The policy is intended to ensure a fair and transparent process when appointing a person to fill a vacancy on the City Council due to a resignation or for other reasons prescribed by the City of Kenai Municipal Charter or Code. Selecting an applicant to fill a vacancy on the Council is an action that is subject to the Alaska Open Meetings Act.

### Policy

#### Declaring a City Council Seat Vacant

The City Council, due to a resignation or for reasons prescribed by Kenai Municipal Charter or Code, will declare a City Council seat vacant.

#### Advertising a City Council Seat for Appointment

The Clerk will post to the City website, publish in a newspaper of general circulation and post to other media formats currently utilized for public notice by the City Clerk's Office.

1. Notice of Vacancy: The Clerk will publish at least twice in a newspaper of general circulation a Notice of Vacancy in Office. The posting and first publication will occur at least seven (7) calendar days before the application period opens. The notice will include the procedures for applying, qualification requirements of applicants and the dates of the application period.
2. Publishing Notice of Vacancy: Within the limitation of publication deadlines established by a newspaper of general circulation, the Clerk will endeavor to post and publish the Notice of Vacancy within seven (7) calendar days of the City Council declaring the seat vacant.

#### Application Period

The application period will be determined by the Clerk and established with the objective of providing applicants for consideration by the City Council and meet the following requirements:

1. The application period must be open a minimum of seven (7) calendar days.
2. The application period may not be opened any sooner than seven (7) calendar days from the first publication of the Notice of Vacancy in Office.

#### Applicants

Interested persons may file an application for appointment with the Office of the City Clerk.

1. Applicants must meet the qualification of office requirements as established in Kenai Municipal Code and Charter. Applicants must provide proof of qualifications for office as required by the Clerk.



2. Each interested person must file an application for appointment under oath on a form provided by the Clerk and a completed City of Kenai Financial Disclosure form must be submitted at the time of filing the application for appointment. Applicants are also encouraged to include a letter of interest and/or resume.
3. The Clerk will determine an applicant's qualifications in accordance with Kenai Municipal Charter and Code. Applicants will be notified by the Clerk stating that their application is complete and in proper form, or return it to the applicant with a statement explaining how the application is deficient. If the application period remains open, the applicant may correct deficiencies.
4. Applications submitted with the following deficiencies will not be given to the Council:
  - a. The applicant does not meet the required qualifications as established in Kenai Municipal Charter and Code; or,
  - b. The application is incomplete and the applicant did not correct any deficiencies prior to the closing of the application period; or,
  - c. A completed City of Kenai Financial Disclosure form was not submitted with the application for appointment; or,
  - d. The application was received after the application period closed.
5. The application, and if submitted letter of interest and resume from qualified applicants, will be included in the Council's packet for a work session or meeting set for conducting interviews.

### **Scheduling Interview**

Applicant interviews will be conducted during a work session, special or regular meeting of the City Council and will be open to the public.

1. The Mayor and Clerk will work together to schedule a tentative interview schedule, such schedule is subject to final approval of the Council.
2. Each applicant, will be provided with the notice of meeting for scheduled interviews and with a packet containing the application and any supporting materials from all qualified applicants.
3. All Work Session, special or regular meetings will be noticed in accordance with Kenai Municipal Charter and Code.

### **Interviews**

Interviews of qualified applicant(s) will be conducted prior to appointments to vacant City Council seat(s). To ensure a fair process each applicant will be provided an equal amount of time for statements and asked similar interview questions, follow up questions from Council will be allowed based on the answers or statements provided by the applicant(s). Unless otherwise requested by the Council and supported by a majority vote, no public testimony other than the applicants will be heard during the interviews.

1. The City Council or a Sub-Committee appointed by the Council may meet in Executive Session to develop interview questions.
2. Before interviews commence, applicants will be asked to report to a conference room during interviews of other applicants and until it is their turn to interview. In accordance with the State of Alaska Open Meetings Act, City Council meetings are open to the public and any applicant who objects may remain in the Council Chambers during the interview process.
3. Applicants will generally be interviewed in the order in which their application was received, exceptions may be made based on the availability and schedule of the applicant(s). The order of interviews may be changed by a majority vote of the remaining Council members.

4. During the interviews each applicant will have five minutes to introduce themselves and make a statement. Additional time will be provided to answer questions from the Council.

### **Appointment Procedures**

When there is more than one vacancy and multiple appointments are being made during the same meeting, only one appointment will be made at a time. The Mayor will announce which vacancy is being considered prior to commencement of the voting process. Any applicant eliminated during the voting process for the first appointment may be considered for voting on subsequent appointments during the same application/appointment process.

1. During the same regular or special meeting when applicant interviews are completed or at a regular or special meeting scheduled for a later date, the Council may make and pass a motion to begin the voting process by secret ballot. If the appointment takes place during a regular meeting the matter will appear on the agenda after Unscheduled Public Comments and prior to Public Hearings. (*Appointments may not be made during a Work Session.*)
2. The Council, by majority vote of the remaining members will select an applicant for appointment. If at any time during the voting process there is a tie vote, and the tie isn't broken after two votes, the tie shall be broken by lot as provided in Kenai Municipal Code for a tie in an election. Voting procedures will be established based on the number of applicants for consideration and as follows:
  - a. One Applicant: In the event that there is only one (1) applicant for an open seat, the City Council may skip all secret ballot voting and make a motion to appoint the applicant. This step may also be used when the number of applicants is equal to the number of vacant seats.
  - b. Two Applicants: In the event that there are only two (2) applicants for one open seat, proceed to subparagraph 3 of this section.
  - c. Three or More Applicants: The Council will take an initial vote through a ballot provided by the Clerk to narrow the field utilizing the following procedures.
    - i. The initial votes will be counted on a point system: the first choice would receive two (2) points, the second choice would receive one (1) point.
    - ii. During the initial vote, Council members may choose only one or two applicants; however, Council members may not select that same applicant more than once on the same ballot.
    - iii. The Clerk and Attorney will tally the results of the initial vote and announce the point results.
    - iv. The applicant(s) with the lowest number of points will be eliminated, until only two applicants remain. When only two applicants remain, proceed to subparagraph 3 of this section.
    - v. If two applicants cannot be differentiated based on the highest number of votes, two applicants will be selected by lot. Once two applicants have been selected by lot, proceed to subparagraph 3 of this section.
3. Council members will be given a ballot with the names of the applicants or remaining applicants. The Clerk will gather the voted ballots, tally the vote and read out loud the outcome of the voted ballots.
4. After the outcome of the vote from Appointment Procedures has been read out loud the Council may make and pass a motion to appoint the person who received the greatest number of votes to fill the vacant seat.
5. The Council, by a majority vote of the remaining members may decide at any time not to appoint any applicants and start a new recruitment period or extend the existing recruitment period.

**Term, Oath and Requirements of Appointed Council Members**

Persons appointed to a vacant City Council seat serve until the next regular election at which time that seat will be placed on the ballot for the remainder of that seats regular term.

1. After the motion to appoint has passed, the person appointed will be given their oath of office and immediately take their seat at the dais as a member of the City Council.
2. In accordance with Kenai Municipal Charter Section 2-9, the appointed person serves until the next regular election.

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Brian Gabriel Sr., Mayor

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Shellie Saner, MMC, City Clerk

*Policy History: Resolution No's 2021-01; 2023-15 Sub*

**PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION**  
**COUNCIL MEETING OF: MARCH 15, 2023**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	106,958.74

**INVESTMENTS**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>MATURITY DATE</b>	<b>AMOUNT</b>	<b>Effect. Int.</b>
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# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Kenai Council Members  
**FROM:** Shellie Saner, City Clerk  
**DATE:** March 8, 2023  
**SUBJECT:** **Marijuana License Renewals – Grateful Bud**

---

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

Applicant: Jennifer Huffman  
D/B/A: Grateful Bud LLC.  
License Type: Limited Marijuana Cultivation  
License No: 16474

Pursuant to KMC 2.40 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 marijuana license renewal will be forwarded to AMCO and applicant.

Your consideration is appreciated.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

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

January 13, 2023

**City of Kenai / Kenai Peninsula Borough**

Via email: [jblankenship@kpb.us](mailto:jblankenship@kpb.us); [micheleturner@kpb.us](mailto:micheleturner@kpb.us); [jratky@kpb.us](mailto:jratky@kpb.us);  
[assemblyclerk@kpb.us](mailto:assemblyclerk@kpb.us); [mjenkins@kpb.us](mailto:mjenkins@kpb.us); [maldridge@kpb.us](mailto:maldridge@kpb.us);  
[slopez@kpb.us](mailto:slopez@kpb.us); [ncarver@kpb.us](mailto:ncarver@kpb.us); [jvanhooose@kpb.us](mailto:jvanhooose@kpb.us); [bcarter@kpb.us](mailto:bcarter@kpb.us) ;  
[cityclerk@kenai.city](mailto:cityclerk@kenai.city)

13382	Retail Marijuana Store	EAST RIP	Kenai (City of)	Kenai Peninsula Borough
14432	Marijuana Product Manufacturing Facility	HERBAN EXTRACTS, LLC	Kenai (City of)	Kenai Peninsula Borough
15393	Retail Marijuana Store	MAJESTIC GARDENS LLC	Kenai (City of)	Kenai Peninsula Borough
15395	Standard Marijuana Cultivation Facility	MAJESTIC GARDENS LLC	Kenai (City of)	Kenai Peninsula Borough
16474	Limited Marijuana Cultivation Facility	GRATEFUL BUD LLC	Kenai (City of)	Kenai Peninsula Borough
17808	Retail Marijuana Store	KENAI RIVER CANNABIS	Kenai (City of)	Kenai Peninsula Borough

License Renewal Application (no OCE in this list)  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 AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for

this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

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

Sincerely,

A handwritten signature in cursive script that reads "Joan M. Wilson". The signature is written in black ink on a white background.

Joan M. Wilson, Director

Submit

by Meghan Thibodeau 3/7/2023 9:13:41 AM (Form Submission)

Approve

by Jeremy Hamilton 3/7/2023 3:32:00 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: March 16, 2023 5:00 PM 3/7/2023 9:13:42 AM

Approve

by Donald Hendrickson 3/8/2023 9:56:06 AM (Building Official Review)

- Certificate of Occupancy Issued 10/2/18 for building Permit B5395  
No other building permits issued

- The task was assigned to Donald Hendrickson. The due date is: March 16, 2023 5:00 PM 3/7/2023 9:13:42 AM

Approve

by David Ross 3/7/2023 9:41:09 AM (Police Department Review)

- The task was assigned to David Ross. The due date is: March 16, 2023 5:00 PM 3/7/2023 9:13:42 AM

Approve

by Tina Williamson 3/7/2023 9:31:56 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: March 16, 2023 5:00 PM 3/7/2023 9:13:43 AM

Approve

by Cindy Herr 3/7/2023 10:33:58 AM (Legal Asst Review)

- There are no monies owed in traffic fines or restitution for Jennifer Huff.

- The task was assigned to Cindy Herr. The due date is: March 16, 2023 5:00 PM 3/7/2023 9:13:43 AM

Approve

by Linda Mitchell 3/8/2023 7:21:45 AM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: March 16, 2023 5:00 PM 3/7/2023 9:13:43 AM

Approve

by Terry Eubank 3/8/2023 8:29:37 AM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: March 17, 2023 5:00 PM 3/8/2023 7:21:46 AM

Approve

by Scott Bloom 3/8/2023 8:59:30 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: March 17, 2023 5:00 PM 3/8/2023 7:21:46 AM

Approve

by Linda Mitchell 3/8/2023 11:03:18 AM (P&amp;Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: March 17, 2023 5:00 PM 3/8/2023 7:21:46 AM



# AMCO License Application

**Date**

3/7/2023

**Establishment Information**

---

**License Type**

Limited Marijuana Cultivation

**Licensee**

Jennifer Huffman

**Doing Business As**

Grateful Bud LLC

**Premises Address**

1817 Sunset Blvd

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Jennifer Huffman

**Contact Phone No.**

907-283-2837

**Contact Email**

gratefulbudllc@gmail.com

**Additional Contact Information**

---

**Name**

**Phone No.**

**Email**

**Documents**

---

**File Upload**

16474 Entity Documents.pdf	3.51MB
16474 MJ-20 Renewal App Cert x 1.pdf	3.35MB
16474 Online Application_Redacted.pdf	148KB
16474 POPPP.pdf	1.56MB



Alaska Marijuana Control Board

**Form MJ-20: 2022-2023 Renewal Application Certifications**

**Why is this form needed?**

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 Anchorage 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:	Jennifer Huffman	License Number:	16474		
License Type:	Limited Marijuana Cultivation				
Doing Business As:	Grateful Bud LLC				
Premises Address:	1817 Sunset Blvd				
City:	Kenai	State:	AK	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Jennifer Huffman
Title:	Manager/Owner/Entity official

**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.

JH

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.

JH

I certify that a notice of violation has **not** been issued for this license between July 1, 2021 and June 30, 2022.

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).

JH



Alaska Marijuana Control Board

# Form MJ-20: 2022-2023 Renewal Application Certifications

## Section 4 – Certifications

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

Initials

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

JH

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.

JH

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

JH

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

JH

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

JH

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.

JH

By initialing this box, I certify I have submitted an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

JH

If multiple licenses are held, list all license numbers below:

[Empty box for listing license numbers]

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

JH

Jennifer Huffman

Printed name of licensee

[Handwritten signature]

Signature of licensee



# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

March 8, 2023

Sent via email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

City of Kenai  
Kenai City Hall

RE: Renewal Application for Limited Marijuana Cultivation Facility

Business Name : Grateful Bud LLC  
License Location : Kenai/1817 Sunset Blvd, Kenai, AK 99611  
License No. : 16474

Dear Ms. Saner,

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 don't hesitate to let us know.

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [gratefulbudllc@gmail.com](mailto:gratefulbudllc@gmail.com)

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

MT/jr



## MEMORANDUM

**TO:** Mayor Gabriel and Kenai Council Members  
**FROM:** Shellie Saner, City Clerk  
**DATE:** March 8, 2023  
**SUBJECT:** **Marijuana License Renewals – Red Run Cannabis**

---

The following establishment submitted applications to the Alcohol and Marijuana Control Office (AMCO) for a renewal of marijuana licenses:

Applicant: Red Run Cannabis Cultivators, LLC.  
D/B/A: Red Run Cannabis Cultivators, LLC

License Type: Marijuana Product Manufacturing Facility  
License No: 19372

License Type: Standard Marijuana Cultivation  
License No: 10052

Applicant: Red Run Cannabis Company, LLC.  
D/B/A: Red Run Cannabis Company, LLC

License Type: Retail Marijuana Store  
License No: 10056

Pursuant to KMC 2.40 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 marijuana license renewal will be forwarded to AMCO and applicant.

Your consideration is appreciated.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

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

January 23, 2023

**Kenai Peninsula Borough**

Via email: [jblankenship@kpb.us](mailto:jblankenship@kpb.us); [micheleturner@kpb.us](mailto:micheleturner@kpb.us);  
[iratky@kpb.us](mailto:iratky@kpb.us); [assemblyclerk@kpb.us](mailto:assemblyclerk@kpb.us); [mjenkins@kpb.us](mailto:mjenkins@kpb.us) ;  
[maldridge@kpb.us](mailto:maldridge@kpb.us); [slopez@kpb.us](mailto:slopez@kpb.us); [ncarver@kpb.us](mailto:ncarver@kpb.us);  
[jvanhoose@kpb.us](mailto:jvanhoose@kpb.us); [bcarter@kpb.us](mailto:bcarter@kpb.us)

19372	Marijuana Product Manufacturing Facility	RED RUN CANNABIS CULTIVATORS, LLC	Kenai (City of)	Kenai Peninsula Borough	
10052	Standard Marijuana Cultivation Facility	RED RUN CANNABIS CULTIVATORS, LLC	Kenai (City of)	Kenai Peninsula Borough	
10056	Retail Marijuana Store	RED RUN CANNABIS COMPANY, LLC	Kenai (City of)	Kenai Peninsula Borough	

License Renewal Application (no OCE in this list)  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 AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for

this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

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

Sincerely,

A handwritten signature in cursive script that reads "Joan M. Wilson". The signature is written in black ink on a white background.

Joan M. Wilson, Director


- Submit** by Meghan Thibodeau 2/17/2023 2:58:21 PM (Form Submission)
- Approve** by Jeremy Hamilton 2/22/2023 4:38:08 PM (Fire Marshall Review)

  - The task was assigned to Jeremy Hamilton. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:58:21 PM
- Approve** by Donald Hendrickson 2/23/2023 1:13:44 PM (Building Official Review)

  - The task was assigned to Donald Hendrickson. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:58:21 PM
- Approve** by David Ross 2/21/2023 10:35:37 AM (Police Department Review)

  - The task was assigned to David Ross. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:58:22 PM
- Approve** by Tina Williamson 2/21/2023 10:32:17 AM (Finance Asst Review)

  - The task was assigned to Tina Williamson. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:58:22 PM
- Approve** by Cindy Herr 2/21/2023 10:30:40 AM (Legal Asst Review)

  -  No monies owed in traffic fines or restitution.
  - The task was assigned to Cindy Herr. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:58:22 PM
- Approve** by Linda Mitchell 2/21/2023 3:53:13 PM (Lands Review)

  - The task was assigned to Linda Mitchell. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:58:22 PM
- Approve** by Terry Eubank 2/22/2023 8:35:11 AM (Finance Review)

  - The task was assigned to Terry Eubank. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:53:14 PM
- Approve** by Scott Bloom 2/21/2023 3:55:13 PM (Legal Review)

  - The task was assigned to Scott Bloom. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:53:14 PM
- Approve** by Linda Mitchell 2/21/2023 4:33:03 PM (P&Z Department Review)

  - The task was assigned to Linda Mitchell. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:53:14 PM



# AMCO License Application

**Date**

2/17/2023

**Establishment Information**

---

**License Type**

Marijuana Product Manufacturing Facility

**Licensee**

RED RUN CANNABIS CULTIVATORS, LLC

**Doing Business As**

RED RUN CANNABIS CULTIVATORS, LLC

**Premises Address**

12516 Kenai Spur Hwy, Suite A

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Marc Theiler

**Contact Phone No.**

907-953-9453

**Contact Email**

marc@redruncannabiscompany.com

**Additional Contact Information**

---

**Name**

**Phone No.**

**Email**

**Documents**

---

**File Upload**

19372\_2023-02-09\_Complete\_Renewal\_Application.pdf

7.13MB


- Submit** by Meghan Thibodeau 2/17/2023 2:52:39 PM (Form Submission)
- Approve** by Jeremy Hamilton 2/22/2023 4:38:17 PM (Fire Marshall Review)

  - The task was assigned to Jeremy Hamilton. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:52:40 PM
- Approve** by Donald Hendrickson 2/23/2023 1:13:35 PM (Building Official Review)

  - The task was assigned to Donald Hendrickson. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:52:40 PM
- Approve** by David Ross 2/21/2023 10:34:57 AM (Police Department Review)

  - The task was assigned to David Ross. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:52:40 PM
- Approve** by Tina Williamson 2/21/2023 10:31:01 AM (Finance Asst Review)

  - The task was assigned to Tina Williamson. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:52:40 PM
- Approve** by Cindy Herr 2/21/2023 10:27:45 AM (Legal Asst Review)

  -  No monies owed in traffic fines or restitution.
  - The task was assigned to Cindy Herr. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:52:41 PM
- Approve** by Linda Mitchell 2/21/2023 3:52:51 PM (Lands Review)

  - The task was assigned to Linda Mitchell. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:52:41 PM
- Approve** by Terry Eubank 2/22/2023 8:36:11 AM (Finance Review)

  - The task was assigned to Terry Eubank. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:52:52 PM
- Approve** by Scott Bloom 2/21/2023 3:55:24 PM (Legal Review)

  - The task was assigned to Scott Bloom. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:52:52 PM
- Approve** by Linda Mitchell 2/21/2023 4:32:55 PM (P&Z Department Review)

  - The task was assigned to Linda Mitchell. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:52:53 PM



Alaska Marijuana Control Board

**Form MJ-20: 2022-2023 Renewal Application Certifications**

*Rec'd cell scanned cell phone NDH*

**Why is this form needed?**

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 Anchorage 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:	Red Run Cannabis Cultivators, LLC	License Number:	19372
License Type:	Marijuana Product Manufacturing Facility		
Doing Business As:	RED RUN CANNABIS CULTIVATORS, LLC		
Premises Address:	12516 Kenai Spur Hwy, Suite A		
City:	Kenai	State:	AK
		ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Marc Theiler
Title:	President

**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.

*MT*

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.

*MT*

I certify that a notice of violation has **not** been issued for this license between July 1, 2021 and June 30, 2022.

*MT*

**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).



Alaska Marijuana Control Board

**Form MJ-20: 2022-2023 Renewal Application Certifications**

**Why is this form needed?**

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).

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**Section 1 – Establishment Information**

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

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	19372		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	RED RUN CANNABIS CULTIVATORS, LLC				
Premises Address:	12516 Kenai Spur Hwy, Suite A				
City:	Kenai	State:	AK	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Roger Boyd				
Title:	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 for this license between July 1, 2021 and June 30, 2022.

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

Initials

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



# Form MJ-20: 2022-2023 Renewal Application Certifications

## Section 4 – Certifications

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

Initials

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

RB

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.

RB

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

RB

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

RB

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

RB

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.

RB

By initialing this box, I certify I have submitted an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

RB

If multiple licenses are held, list all license numbers below:

1. 10052  
2. 10056

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

RB

Roger Boyd

Printed name of licensee

*Roger Boyd*

Signature of licensee

AMCO  
JUN X 8 2022



# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

February 16, 2023

Sent via email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

City of Kenai  
Kenai City Hall

RE: Renewal Application for Marijuana Product Manufacturing Facility

Business Name : Red Run Cannabis Cultivators, LLC  
License Location : Kenai/12516 Kenai Spur Hwy Suite A, Kenai, AK 99611  
License No. : 19372

Dear Ms. Saner,

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 don't hesitate to let us know.

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [marc@kenaiattorney.com](mailto:marc@kenaiattorney.com)

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

MT/jr

# AMCO License Application

**Date**

2/17/2023

**Establishment Information**

---

**License Type**

Standard Marijuana Cultivation Facility

**Licensee**

RED RUN CANNABIS CULTIVATORS, LLC

**Doing Business As**

RED RUN CANNABIS CULTIVATORS, LLC

**Premises Address**

5455 Kenai Spur Highway

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Marc Theiler

**Contact Phone No.**

907-953-9453

**Contact Email**

marc@redruncannabiscompany.com

**Additional Contact Information**

---

**Name**

**Phone No.**

**Email**

**Documents**

---

**File Upload**

10052\_2023-02-09\_Complete\_Renewal\_Application.pdf

7.42MB



Alaska Marijuana Control Board

**Form MJ-20: 2022-2023 Renewal Application Certifications**

**Why is this form needed?**

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 Anchorage 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:	Red Run Cannabis Cultivators, LLC	License Number:	10052		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	RED RUN CANNABIS CULTIVATORS, LLC				
Premises Address:	5455 Kenai Spur Highway				
City:	Kenai	State:	AK	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Marc Theiler
Title:	President

**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 for this license between July 1, 2021 and June 30, 2022.

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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).

AMCO





# Form MJ-20: 2022-2023 Renewal Application Certifications

## Section 4 – Certifications

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

Initials

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

MT

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.

MT

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

MT

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

MT

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

MT

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.

MT

By initialing this box, I certify I have submitted an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

MT

If multiple licenses are held, list all license numbers below:

1. 10056  
2. 19372

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

MT

Marc Theiler

Printed name of licensee

Signature of licensee

AMCO

MAY 26 2022



Alaska Marijuana Control Board

**Form MJ-20: 2022-2023 Renewal Application Certifications**

**Why is this form needed?**

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**Section 1 – Establishment Information**

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

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	10052		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	RED RUN CANNABIS CULTIVATORS, LLC				
Premises Address:	5455 Kenai Spur Highway				
City:	Kenai	State:	AK	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Roger Boyd
Title:	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.

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# Form MJ-20: 2022-2023 Renewal Application Certifications

## Section 4 – Certifications

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

RB

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

RB

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

RB

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.

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RB

If multiple licenses are held, list all license numbers below:

1. 10056  
2. 19372

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

RB

Roger Boyd

Printed name of licensee

*Roger Boyd*  
Signature of licensee

AMCO

MAY 26 2022



# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

February 16, 2023

Sent via email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

City of Kenai  
Kenai City Hall

RE: Renewal Application for Standard Marijuana Cultivation Facility

Business Name : Red Run Cannabis Cultivators, LLC  
License Location : Kenai/5455 Kenai Spur Highway, Kenai, AK 99611  
License No. : 10052

Dear Ms. Saner,

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 don't hesitate to let us know.

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [marc@kenaiattorney.com](mailto:marc@kenaiattorney.com)

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

MT/jr

- Submit** by Meghan Thibodeau 2/17/2023 2:55:40 PM (Form Submission)
- Approve** by Jeremy Hamilton 2/22/2023 4:38:13 PM (Fire Marshall Review)

  - The task was assigned to Jeremy Hamilton. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:55:41 PM
- Approve** by Donald Hendrickson 2/23/2023 1:13:40 PM (Building Official Review)

  - The task was assigned to Donald Hendrickson. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:55:41 PM
- Approve** by David Ross 2/21/2023 10:36:00 AM (Police Department Review)

  - The task was assigned to David Ross. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:55:42 PM
- Approve** by Tina Williamson 2/21/2023 10:32:28 AM (Finance Asst Review)

  - The task was assigned to Tina Williamson. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:55:42 PM
- Approve** by Cindy Herr 2/21/2023 10:28:57 AM (Legal Asst Review)

  -  No monies owed in traffic fines or restitution.
  - The task was assigned to Cindy Herr. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:55:42 PM
- Approve** by Linda Mitchell 2/21/2023 3:53:03 PM (Lands Review)

  - The task was assigned to Linda Mitchell. The due date is: February 28, 2023 5:00 PM 2/17/2023 2:55:42 PM
- Approve** by Terry Eubank 2/22/2023 8:36:17 AM (Finance Review)

  - The task was assigned to Terry Eubank. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:53:04 PM
- Approve** by Scott Bloom 2/21/2023 3:55:18 PM (Legal Review)

  - The task was assigned to Scott Bloom. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:53:04 PM
- Approve** by Linda Mitchell 2/21/2023 4:32:59 PM (P&Z Department Review)

  - The task was assigned to Linda Mitchell. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:53:05 PM

# AMCO License Application

**Date**

2/17/2023

**Establishment Information**

---

**License Type**

Retail Marijuana Store

**Licensee**

RED RUN CANNABIS COMPANY, LLC

**Doing Business As**

RED RUN CANNABIS COMPANY, LLC

**Premises Address**

12516 Kenai Spur Highway, Suite	<b>City, State</b>
A	Kenai, AK

**Contact Information**

---

**Contact Licensee**

Marc Theiler

**Contact Phone No.**

907-953-9453

**Contact Email**

marc@redruncannabiscompany.com

**Additional Contact Information**

---

**Name**

**Phone No.**

**Email**

**Documents**

---

**File Upload**

10056\_2023-02-09\_Complete\_Renewal\_Application.pdf

15.82MB



**Alaska Marijuana Control Board**  
**Form MJ-20: 2022-2023 Renewal Application Certifications**

**Why is this form needed?**

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**This form must be completed and submitted to AMCO's Anchorage 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:	Red Run Cannabis Company, LLC	License Number:	10056		
License Type:	Retail Marijuana Store				
Doing Business As:	RED RUN CANNABIS COMPANY, LLC				
Premises Address:	5455 Kenai Spur Highway, Suite B				
City:	Kenai	State:	AK	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Marc Theiler
Title:	President

**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.

MT

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.

MT

I certify that a notice of violation has **not** been issued for this license between July 1, 2021 and June 30, 2022.

MT

**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).

AMCO



# Form MJ-20: 2022-2023 Renewal Application Certifications

## Section 4 – Certifications

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

Initials

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

MT

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.

MT

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

MT

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

MT

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

MT

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.

MT

By initialing this box, I certify I have submitted an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

MT

If multiple licenses are held, list all license numbers below:

1. 10052  
2. 19372

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

MT

Marc Theiler

Printed name of licensee

Signature of licensee

AMCO  
MAY 26 2022





**Alaska Marijuana Control Board**  
**Form MJ-20: 2022-2023 Renewal Application Certifications**

**Why is this form needed?**

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).

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**Section 1 – Establishment Information**

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

<b>Licensee:</b>	Red Run Cannabis Company, LLC	<b>License Number:</b>	10056		
<b>License Type:</b>	Retail Marijuana Store				
<b>Doing Business As:</b>	RED RUN CANNABIS COMPANY, LLC				
<b>Premises Address:</b>	5455 Kenai Spur Highway, Suite B				
<b>City:</b>	Kenai	<b>State:</b>	AK	<b>ZIP:</b>	99611

**Section 2 – Individual Information**

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

<b>Name:</b>	Roger Boyd
<b>Title:</b>	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.

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# Form MJ-20: 2022-2023 Renewal Application Certifications

## Section 4 – Certifications

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

Initials

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

RB

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.

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

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RB

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

RB

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.

RB

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RB

If multiple licenses are held, list all license numbers below:

10052  
19372

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RB

Roger Boyd

Printed name of licensee

Signature of licensee

AMCO

MAY 26 2022



# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

February 16, 2023

Sent via email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

City of Kenai  
Kenai City Hall

RE: Renewal Application for Retail Marijuana Store

Business Name : Red Run Cannabis Company LLC  
License Location : Kenai/5455 Kenai Spur Highway, Kenai, AK 99611  
License No. : 10056

Dear Ms. Saner,

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 don't hesitate to let us know.

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [marc@kenaiattorney.com](mailto:marc@kenaiattorney.com)

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

MT/jr



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Eland Conway, Airport Manager  
**DATE:** March 2, 2023  
**SUBJECT:** **Action/Approval – Special Use Permit for The Fishing Grounds, LLC**

---

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

Ms. Boettcher is proposing to pay 15% commission based on monthly gross sales, plus applicable sales tax.

Airport Commission reviewed the request at the March 9, 2023 Commission meeting and recommends Council approve.

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

Attachments

## SPECIAL USE PERMIT 2023

The CITY OF KENAI (City) grants to Rebecca Boettcher with The Fishing Grounds, LLC (Permittee), whose address is 48585 Wendy Ln, Soldotna, AK 99669 a Special Use Permit (Permit) for a snack/gift shop inside the Kenai Municipal Airport terminal building subject to the requirements and the conditions set forth below.

1. **Premises.** Permittee shall have the exclusive right to use suite 120, the area described in the attached diagram (Exhibit A) for the uses identified in this Permit.
2. **Term.** The term of this Permit shall be for four months commencing on May 1, 2023 and ending on April 30, 2024. Regardless of the date of signature, this Permit shall be effective as of May 1, 2023.
3. **Permit Fees.** Permittee shall pay the following fees for the privileges extended to Permittee under this Permit: In-terminal Concession Certified Activity Report attached. (Exhibit B)

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

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

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

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

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

Snack/gift shop

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

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

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

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

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

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

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

**A.** Commercial General Liability insurance, including premises, all operations, property damage, personal injury and death, broad-form contractual, with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must include an endorsement under which the insurer extends coverage to Permittee's fuel handling activities. The policy must name the City as an additional insured.

**B.** Worker's compensation insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide worker's compensation insurance for any subcontractor who directly or indirectly provides services to Permittee under this

Permit.

C. All insurance required must meet the following additional requirements:

- i. All policies will be by a company/corporation currently rated “A-” or better by A.M. Best.
- ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
- iii. Permittee shall request a waiver of subrogation against City from Permittee’s insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
- iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
- v. Evidence of insurance coverage must be submitted to City by May 1, 2023. The effective date of the insurance shall be no later than May 1, 2023.

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

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

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

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

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

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

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

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

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

**16. No Joint Venture.** City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises or elsewhere at the Kenai Municipal Airport.

**17. No Waiver.** Failure to insist upon a strict compliance with the terms, conditions, and requirements herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.

**18. Personalty.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof).



Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25 per day. The City is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

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

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

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

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

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

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

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

**CITY OF KENAI**

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

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

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

STATE OF ALASKA )  
) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2023, the foregoing instrument was acknowledged before me by Terry Eubank, City Manager, of the City of Kenai, an Alaska municipal corporation, on behalf of the City.

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

STATE OF ALASKA )  
) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2023, the foregoing instrument was acknowledged before me by Rebecca Boettcher, Owner, The Fishing Grounds, LLC.

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

Approved as to form:

Scott Bloom  
City Attorney



## City of Kenai Special Use Permit Application

Application Date: 1/30/2023

### Applicant Information

Name of Applicant: <u>Rebecca Boettcher</u>					
Mailing Address: <u>48585 Wendy Ln</u>		City: <u>Soldotna</u>	State: <u>AK</u>	Zip Code: <u>99669</u>	
Phone Number(s): Home Phone: <u>(907) 360-7232</u>			Work/ Message Phone: ( )		
E-mail: (Optional) <u>rkb725@gmail.com</u>					
Name to Appear on Permit:		<u>The Fishing Grounds, LLC</u>			
Mailing Address: <u>same</u>		City:	State:	Zip Code:	
Phone Number(s): Home Phone: ( ) <u>same</u>			Work/ Message Phone: ( )		
E-mail: (Optional) <u>same</u>					
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Government <input checked="" type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____				

### Property Information

Legal or physical description of the property:  
Suite 120/21 Kenai Airport

Description of the proposed business or activity intended: Snack/Gift Shop  
\*See Lean Business Plan and Proposed Menu

Is the area to be used in front of or immediately adjacent to any established business offering the same or similar products or services upon a fixed location?       YES     NO

Would the use under this permit interfere with other businesses through excessive noise, odor, or other nuisances?       YES     NO

If you answered yes to any of the above questions, please explain:  
I plan on getting an espresso cart, though I will probably start with drip coffee and a selection of grab-n-go snacks from local/Alaska wholesalers, in addition to Alaska-made gifts.

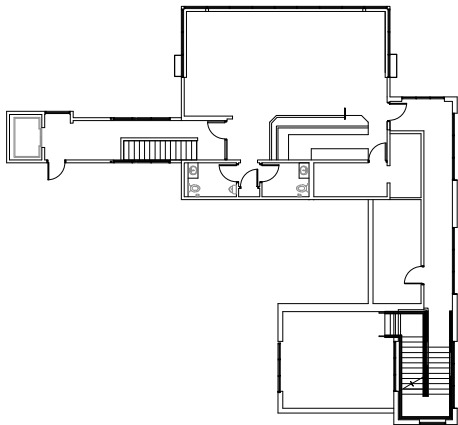
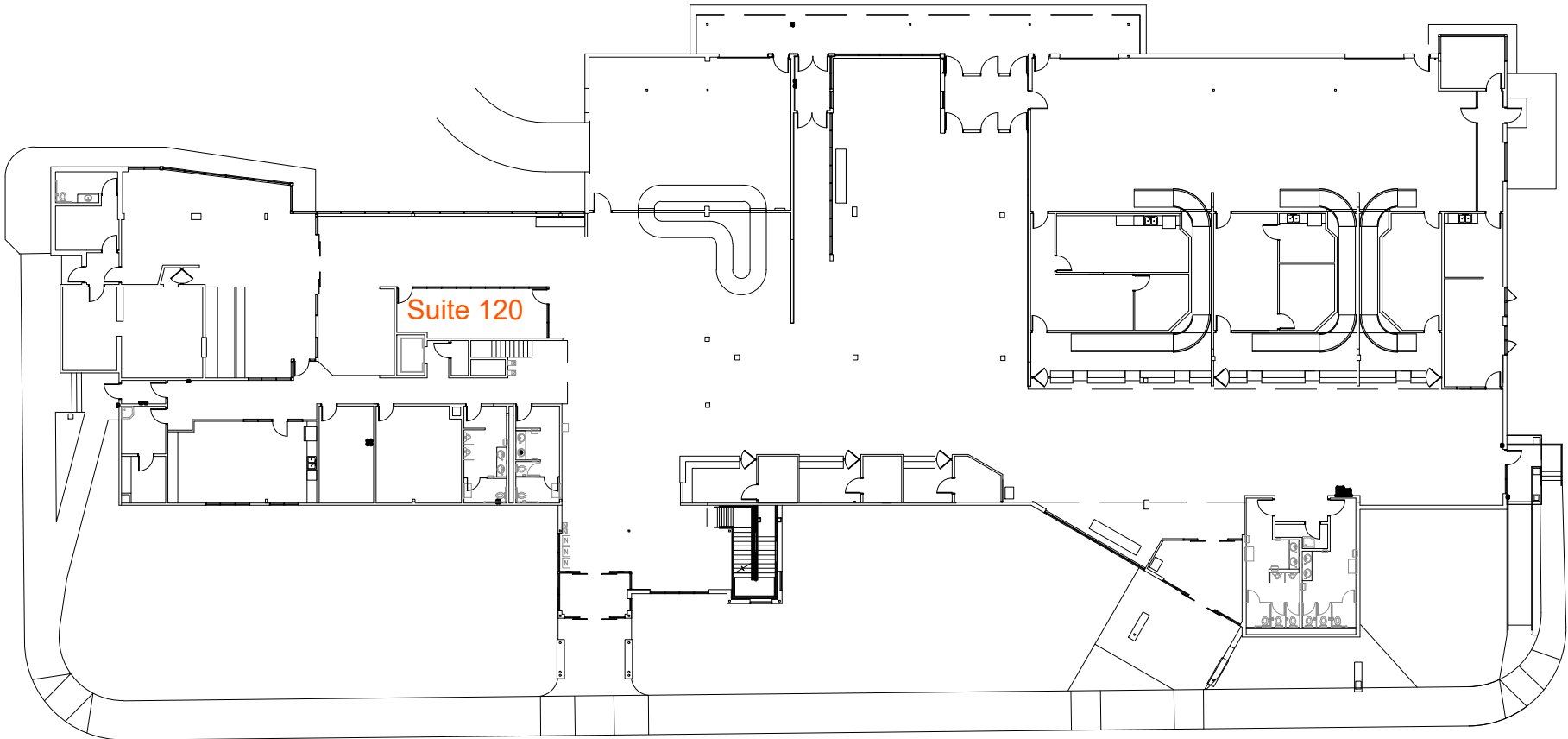
What is the term requested (not to exceed one year)?

Requested Starting Date:

Signature: <u>Rebecca K Boettcher</u>	Date: <u>1/30/23</u>
Print Name: <u>Rebecca K Boettcher</u>	Title:

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

V:\w\KENAI CERT MANUAL\EXHIBITS A - B\EXCLUSIVE USES\2019 revisions exhibit a-b\rev exhibit a-b exclusive space.dwg



### Exhibit A

THIS DRAWING IS NOT TO SCALE

WINCE-CORTHELL-BRYSON

JOB NO:	REVISED: Plotted: 11/06/19
---------	----------------------------

KENAI MUNICIPAL AIRPORT  
KENAI, ALASKA

Kenai Municipal Airport  
IN-TERMINAL CONCESSION  
CERTIFIED ACTIVITY REPORT

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

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

The Concessionaire will pay the City of Kenai the percentage fee (20%):

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

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

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

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

Remit to: City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611

**Other Information:**

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

**Certification:**

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

Business: \_\_\_\_\_

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

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

Phone No.: \_\_\_\_\_



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Eland Conway, Airport Manager  
**DATE:** March 2, 2023  
**SUBJECT:** **Action/Approval – Special Use Permit to Pacific Star Seafoods, Inc.**

---

Pacific Star Seafoods, INC. is requesting a Special Use Permit for a two-month term from June 1, 2023, through July 31, 2023.

The Permit is for on or off-loading fish on approximately 15,000 sqft of the apron.

Airport Commission reviewed the request at the March 9, 2023 Commission meeting and recommends Council approval.

Your support for a Special Use Permit to Pacific Star Seafoods, INC. is respectfully requested.

Attachments

### SPECIAL USE PERMIT 2023

The CITY OF KENAI (City) grants to PACIFIC STAR SEAFOODS, INC. (Permittee), whose address is 672 Bridge Access, Kenai, Alaska 99611, a Special Use Permit for the purpose of on or off-loading fish at the Kenai Municipal Airport subject to the requirements and the conditions set forth below.

**1. Premises.** Permittee shall have the non-exclusive right to use 15,000 square feet as described in the attached diagram shown in the attached Exhibit A for the uses identified in this Permit.

**2. Term.** The term of this Permit shall be for two months commencing on June 1, 2023, and ending on July 31, 2023. Regardless of the date of signature, this Permit shall be effective as of June 1, 2023.

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

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

June	\$ 1,587.50
July	Per fee schedule adopted in FY24 Budget

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

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

Payment shall be directed to City of Kenai, ATTN: Finance Department, 210 Fidalgo Avenue, Kenai, AK 99611 and a courtesy notice of payment provided to Airport Administration at 305 North Willow Street, Suite 200, Kenai, AK 99611. All permit fees are payable in advance of each month unless otherwise provided. In the event of delinquency, interest at the rate of 10% per annum, and penalty of 10% shall also be due (KMC 1.75.010). Interest shall accrue from the date due until the date paid in full. Failure to timely make payments is grounds for termination of this Permit. (See ¶ 22, Termination).



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

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

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

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

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

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

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

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

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

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

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

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

**A.** Commercial General Liability insurance, including premises, all operations, property damage, personal injury and death, broad-form contractual, with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must include an endorsement under which the insurer extends coverage to Permittee's fuel handling activities. The policy must name the City as an additional insured.

**B.** Worker's compensation insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide worker's compensation insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.

**C.** Commercial Automobile Coverage with not less than \$1,000,000 combined single limit per occurrence. This insurance must cover all owned, hired, and non-owned motor vehicles the Permittee uses on the Airport. The policy must name the City as an additional insured.

**D.** All insurance required must meet the following additional requirements:

- i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
- ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements,

or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.

- iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
- iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
- v. Evidence of insurance coverage must be submitted to City by June 1, 2023. The effective date of the insurance shall be no later than June 1, 2023.

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

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

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

**12. Fuel Spill Prevention and Response Plan.** Areas of the apron have been seal coated to protect asphalt from adverse effects of petroleum product spills. The City requires that

Permittee provide adequate absorbent materials and tools available on the Premises and at the airport in order to maintain a fuel spill and response capability. Permittee shall be liable for any damage caused by and costs associated with any spill, the cleanup of any spill, or the discharge of petroleum products or hazardous materials due to Permittee's use of the apron and/or use of the Airport.

Permittee shall provide to City an acceptable fuel spill prevention and response plan and will maintain fuel spill and response capability. Permittee further agrees to have a copy of the fuel spill prevention and response plan located in the Permittee's fuel dispensing equipment at all times. Permittee must comply with the Airport's Storm Water Pollution Prevention Plan as appropriate to Permittee's activities.

Permittee shall not store any personal property, solid waste, petroleum products, Hazardous Material as defined by 14 CFR § 171.8, hazardous waste (ignitable, corrosive, reactive, or toxic) or any hazardous substance on any portion of the Airport. Permittee is aware that there are significant penalties for improperly disposing of the Hazardous Materials and other waste and for submitting false information regarding Hazardous Materials, including the possibility of fine and imprisonment for knowing violations.

Permittee shall immediately remove the material in the event of spillage or dripping of gasoline, oil, grease, or any other material which may be unsightly or detrimental to the pavement or surface in or on any area of the Airport.

Permittee may not construct or install any above-ground or underground fuel storage tanks or dispensing systems at the Airport.

No person shall smoke on an aircraft-parking ramp, inside an aircraft hangar, or within 50' of any aircraft fuel facility or fuel truck.

Permittee is subject to FAA Advisory Circular 150/5230-4 Aircraft Fuel Storage, Handling, and Dispensing on Airports, the National Fire Protection Associations' "Standard for Aircraft Fueling Servicing" in NFPA 407 (1996 version), and the current version of the International Fire Codes. All inspections of fuel facilities, by City or other regulating entities to which Permittee is subject, shall be conducted to assure compliance with the fire safety practices listed in these referenced documents.

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

**14. No Discrimination.** Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes

the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

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

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

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

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

**19. No Joint Venture.** City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises or elsewhere at the Kenai Municipal Airport.

**20. No Waiver.** Failure to insist upon a strict compliance with the terms, conditions, and requirements herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.

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

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

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

**24. Impoundment.** At the discretion of the Airport Manager, City may impound any aircraft parked on the Premises after termination of this Permit. Impoundment may be accomplished by affixing a seal to the door of the aircraft or the moving of the aircraft for impoundment purposes. Inconvenience or damage that may result from such movement will be at the risk of Permittee. An impoundment fee plus a towage fee shall be charged on each aircraft impounded. In addition, a daily storage fee shall be charged for each day the aircraft remains impounded. Any impounded aircraft that is not redeemed within 90 days after impoundment shall be considered abandoned and shall be subject to sale at public auction. Notice of any auction shall be published. Publication shall be in a newspaper of general circulation in that area for at least once during each of three consecutive weeks not more than 30 days nor less than seven days before the time of the auction.

**25. Definitions.** As used in this Permit, "Permittee" means State, Department of Natural Resources, Division of Forestry, and where the context reasonably indicates, its officers, agents, and employees. "Airport" means the Kenai Municipal Airport.

**CITY OF KENAI**

**PACIFIC STAR SEAFOODS, INC.**

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

By: \_\_\_\_\_  
Nate Berga

**ACKNOWLEDGMENTS**

STATE OF ALASKA )  
) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2023, the foregoing instrument was acknowledged before me by Terry Eubank, City Manager, of the City of Kenai, an Alaska municipal corporation, on behalf of the City.

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

STATE OF ALASKA )  
) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2023, the foregoing instrument was acknowledged before me by Nate Berga, Plant Manager, Pacific Star Seafoods, Inc., on behalf of the State of Alaska.

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

APPROVED AS TO FORM:

---

Scott M. Bloom, City Attorney





**City of Kenai  
Special Use Permit  
Application**

Application Date: 1/9/2023

**Applicant Information**

Name of Applicant:	Nate Berga						
Mailing Address:	PO Box 190	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone: ( ) 907-283-7000		Work/ Message Phone: ( ) 907-283-7000				
E-mail: (Optional)	nateb@eefoods.com						
Name to Appear on Permit:	Pacific Star Seafoods						
Mailing Address:	PO Box 190	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone: ( ) 907-283-7000		Work/ Message Phone: ( ) 907-283-7000				
E-mail: (Optional)							
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____						

**Property Information**

Legal or physical description of the property:  
**15000 sqft apron**

Description of the proposed business or activity intended: Unloading toted fish onto company trucks to be transported to our plant in Kenai.

Is the area to be used in front of or immediately adjacent to any established business offering the same or similar products or services upon a fixed location?  YES  NO

Would the use under this permit interfere with other businesses through excessive noise, odor, or other nuisances?  YES  NO

If you answered yes to any of the above questions, please explain:

What is the term requested (not to exceed one year)? June & July

Requested Starting Date: June 1st 2023

Signature:		Date:	1/9/2023
Print Name:	Nate Berga	Title:	Plant Manager

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



Pacific Star

K E N A I

N W I L L O W S T

G E E B E E A V E

M A R A T H O N R D

C O M M E R C I A L L O O P

D A U B E N S P E C K R D

Exhibit A

0 300ft



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3339-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING DONATIONS TO THE KENAI ANIMAL SHELTER FOR THE CARE OF ANIMALS.

WHEREAS, the Kenai Animal Shelter recently received monetary donations from a number of donors totaling \$2,217.60, intended to support the care of animals at the shelter; and,

WHEREAS, the Animal Control Chief has identified equipment needs at the Animal Shelter, including a new washer and dryer, for the utilization of those donated funds; and,

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

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

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

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

General Fund:

Increase Estimated Revenues – Donations – Animal Control	<u>\$2,217.60</u>
---	-------------------

Increase Appropriations – Animal Control – Small Tools	<u>\$2,217.60</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 5<sup>TH</sup> DAY OF APRIL, 2023.

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

ATTEST:

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

Approved by Finance: 

Introduced:	March 15, 2023
Enacted:	April 5, 2023
Effective:	April 5, 2023



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** David Ross, Police Chief  
**DATE:** March 6, 2023  
**SUBJECT:** **Ordinance No. 3339-2023** - Donations to Kenai Animal Shelter

---

The Kenai Animal shelter received a number of unsolicited donations recently, totaling \$2,217.60. The individual donors include: Julie Allison, James Carpenter, Mary Newby, Andrea Hanley, Gerda Trent, Shannon Richards, Kayla West, Kenaitze Indian Tribe, Allison Anderson (c/o Credit Union 1), Dawn Francisco, and Jackie Pearce. The Animal Control Chief has identified the need for a light commercial washer and dryer, that she believes would assist the shelter staff in reliably cleaning the blankets, towels, and wash clothes used for bedding or cleaning purposes.

I am respectfully requesting consideration of the ordinance accepting and appropriating those donated funds to assist in the care of animals as they were intended.



**KENAITZE**  
**INDIAN**  
**TRIBE**

September 28, 2022

Kenai Animal Shelter  
City of Kenai  
210 Fidalgo Ave.  
Kenai, AK 99611

Dear Kenai Animal Shelter,

On behalf of the Kenaitze Indian Tribe, I would like to express our support for your services and efforts to our community through a donation of \$1,000.00. We believe that Kenai Animal Shelter provides important assistance and support addressing the needs of our residents.

With this donation we hope to help your cause and encourage continuation of your endeavors for the lasting benefit of our shared community. We would love to hear how we have been able to contribute, so please do not hesitate to write us at:

**Attn: Natália Flores**  
**Kenaitze Indian Tribe**  
**P.O. BOX 988**  
**Kenai, AK 99611**

The health and wellbeing of our community and cooperation for supporting its needs is important to the Tribe as we deliver a variety of programs and services that promote the wellness of our people and the region. We wish you much success in your continued work for our shared community.

If you have any questions, please do not hesitate to contact our Executive Office Supervisor, Natália Flores, through email [NFlores@kenaitze.org](mailto:NFlores@kenaitze.org).

Sincerely,

Peter Evon  
Executive Director of Tribal Administration

www.kenaitze.org

Phone: 907-335-7200 • FAX: 855-335-8865

P.O. Box 988 • Kenai, AK 99611



**CITY OF KENAI  
ORDINANCE NO. 3340-2023**

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

WHEREAS, the Kenai Animal Shelter applied for a grant through a Return to Home Challenge with Maddie’s Fund and received an award of \$4,375; and,

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

WHEREAS, the Animal Control Chief has identified the need for additional staff training, a community animal educational event, and some additional equipment to be purchased with these grant funds; and,

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

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

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

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

General Fund:

Increase Estimated Revenues –	
Grants – Animal Control	<u>\$4,375.00</u>
 Increase Appropriations –	
Animal Control – Small Tools	\$1,285.00
Animal Control – Transportation	2,500.00
Animal Control – Operating Supplies	<u>590.00</u>
Total	<u>\$4,375.00</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5<sup>TH</sup> DAY OF APRIL, 2023.


---

Brian Gabriel Sr., Mayor

ATTEST:

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Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced: March 15, 2023  
Enacted: April 5, 2023  
Effective: April 5, 2023





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** David Ross, Police Chief

**DATE:** March 6, 2023

**SUBJECT:** **Ordinance No. 3340-2023** - Maddie's Fund grant for Kenai Animal Shelter

---

The Kenai Animal Shelter applied for and received a grant after participating in a Return to Home Challenge through Maddie's Fund. The Kenai Animal Shelter was awarded \$4,375.00 from Maddie's Fund, #ThanksToMaddie. The Challenge was funded by Maddie's Fund, Michelson Found Animals Foundation and Petco Love in collaboration with Adopt-A-Pet.com, American Pets Alive!, ASPCA, The Association for Animal Welfare Advancement, Best Friends Animal Society, Companions and Animals for Reform and Equity (CARE), Community Cats Podcast, Cuddy Greater Good Charities, HeARTS Speak, Humane Society of the United States, National Animal Care and Control Association, Petfinder Foundation and PetSmart Charities.

The Animal Control Chief has identified the need for additional staff training, a community animal educational event, and some additional equipment to be purchased with the grant funds.

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

### **About Maddie's Fund:**

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

The Foundation has awarded over \$265 million in grants toward increased community collaborations and live outcomes, pioneering shelter medicine education and establishing foster care as a standard across the U.S.

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



**Maddie's Fund**





## Maddie's Story

Maddie was a beloved Miniature Schnauzer whose unconditional love, loyalty and spirit inspired a revolution.

Dave and Cheryl Duffield founded [Maddie's Fund](#)<sup>®</sup> in 1994 to honor their delightfully feisty dog. While playing together in the living room one evening, they made her a promise: If they ever had any money, they would use it to help companion animals and the people who love them, so they could experience the same joy they had with Maddie. The rest, as they say, is history.

Dave and Cheryl made good on that promise after successfully launching several technology companies. In their lifetime, they have given more of their personal wealth to animal welfare than any other individuals. [All thanks to Maddie.](#)

## Maddie

April 26, 1986 – March 13, 1997



Maddie's  
Fund



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3341-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING A DONATION TO THE KENAI SENIOR CENTER.

WHEREAS, the Kenai Senior Center received a \$5,000 donation from Ray and Yen-ti Verg-In; and,

WHEREAS, the Verg-Ins requested the funds to be used for the Congregate Meal Program, the Home Delivered Meal Program, Transportation Services, and Senior Activities; and,

WHEREAS, acceptance of these donations will further the Kenai Senior Center's mission and is in the City's and its residents' best interest.

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

**Section 1.** That the City Manager is authorized to accept these funds in the amount of \$5,000.

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

Senior Citizen Fund:

Increase Estimated Revenues –

Donations \$5,000

Increase Appropriations –

Congregate Meals – Operating Supplies \$2,000

Home Meals – Operating Supplies 1,000

Transportation – Operating Supplies 1,000

Senior Access – Operating Supplies 1,000

\$5,000

**Section 3.** That the City Manager is authorized to accept and expend these funds consistent with the intentions of the donors.

**Section 4.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 5.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5<sup>TH</sup> DAY OF APRIL, 2023.


---

Brian Gabriel Sr., Mayor

ATTEST:

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Michelle M. Saner, MMC, City Clerk

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

Introduced: March 15, 2023  
Enacted: April 5, 2023  
Effective: April 5, 2023



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Kathy Romain, Senior Center Director

**DATE:** March 7, 2023

**SUBJECT:** **Ordinance No. 3341-2023** - Donation to the Kenai Senior Center

---

The Kenai Senior Center received a \$5,000 donation from Ray and Yen-ti Verg-In who regularly participate at the Senior Center. The Kenai Senior Center and Kenai Senior Connection, Inc. have previously received numerous donations from the Verg-Ins and their support is greatly appreciated.

The Verg-Ins requested this donation be designated as follows:

- \$2,000 towards the Congregate Meal Program
- \$1,000 towards the Home Delivered Meal Program
- \$1,000 towards Transportation Services
- \$1,000 towards Senior Activities

Thank you for your consideration.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Eland Conway, Airport Manager

**DATE:** March 3, 2023

**SUBJECT:** **Memorandum of Agreement for the use of the Alaska Regional Aircraft Fire Training Center for the Calendar Year 2023**

---

The Alaska Regional Aircraft Fire Training Center is the largest of the two public Aircraft Rescue Firefighting (ARFF) Training Centers in Alaska. The Fire Training Center is critical to regulatory compliance for all of the users operating certificated airports in Alaska.

The State of Alaska—DOT&PF is the largest user of the Fire Training Center. This Memorandum of Agreement between the City of Kenai and Statewide Aviation establishes the roles and responsibilities surrounding the use of the Fire Training Center as it relates to ARFF, ensures a successful 2023 ARFF training season, and provides a stopgap while the Airport pursues a long-term facility management agreement.

Your support is respectfully requested.

# Memorandum of Agreement

between

**The City of Kenai**

And

**The State of Alaska DOT&PF—Statewide Aviation**

4111 Aviation Avenue  
Anchorage, Alaska 99502

This Memorandum of Agreement between the City of Kenai (hereinafter referred to as the "Airport"), and the State of Alaska DOT&PF—Statewide Aviation (hereinafter referred to as "Statewide Aviation" or "SWA").

## **PURPOSE**

The purpose of this agreement is to allow the Airport, and Statewide Aviation to work cooperatively to ensure the Alaska Regional Aircraft Fire Training Center (Fire Training Center) remains viable to meet required Federal Aviation Regulations for Aircraft Rescue Firefighting at certificated airports in Alaska. The Airport is the owner of the Fire Training Center and is responsible for the operation and maintenance in accordance with FAA grant assurances. Statewide Aviation operates 22 certificated airports in Alaska requiring initial and annual recurrent ARFF training.

## **OBJECTIVES**

- Ensure certificated airports in Alaska are able to complete initial and annual recurrent ARFF training.
- Operate and maintain the Fire Training Center in accordance with FAA grant assurances.
- Formalize policies and procedures surrounding the use of the Fire Training Center.
- Establish rates and fees to ensure the operation of Fire Training Center is sustainable.
- Encourage other stakeholders to utilize the Fire Training Center in conjunction with SWA.

WITNESSETH:

WHEREAS, it is the purpose of the Alaska Regional Aircraft Fire Training Center to provide the facilities required for certificated airports in Alaska to meet initial and annual recurrent training requirements under applicable Federal Aviation Regulations; and,

WHEREAS, the State of Alaska DOT&PF—Statewide Aviation is the largest user of the Alaska Regional Aircraft Fire Training Center; and,



WHEREAS, it is mutually beneficial for the Airport and Statewide Aviation to enter into a cooperative agreement that facilitates Aircraft Rescue Firefighting training at the Fire Training Center.

NOW THEREFORE. In consideration of the mutual benefits which will accrue to the Airport and Statewide Aviation, the parties agree as follows:

- I. AUTHORIZATION: The Airport, and Statewide Aviation agree to work cooperatively in operation of the Fire Training Center to facilitate ARFF training requirements set forth by Federal Regulations for certificated airports in Alaska for the Calendar year 2023.
- II. AIRPORT, AND STATEWIDE AVIATION RESPONSIBILITIES: For the periods set forth above, the
  - a. Airport will:
    - A. When no preexisting scheduling conflicts exist, provide Statewide Aviation use of the Alaska Fire Training Center training room(s), ARFF training props, ARFF vehicles, ARFF training prop controls, and breathing air containment fill station.
    - B. Establish rates & fees for use of the Alaska Fire Training Center that ensure operation and maintenance of the Fire Training Center is sustainable.
    - C. Invoice Statewide Aviation for actual costs of all ARFF training consumables, to include but not limited to: propane, nitrogen, training smoke oil, vehicle fuel, etc.
  - b. Statewide Aviation will:
    - A. Schedule use of the Fire Training Center with Airport Administration.
    - B. Provide for, or contract with qualified instructors approved by the Airport for ARFF training.
    - C. Allow additional stakeholders to attend training when space is available.
    - D. Ensure all trainees are equipped with all necessary Personal Protection Equipment.
    - E. Assume responsibility for any damage to Fire Training Center property (real and personal), caused by its officers, employees, contractors or agents, or that occurs during the course of training activities and notify the Airport of any damage as soon as practicably feasible.

F. Pay established rates & fees for use of the Alaska Fire Training Center that ensure operation and maintenance of the Fire Training Center is sustainable.

Season	Course	Min. # of Students	Rate *
May - September	Annual Live Fire/Refresher	8	400.00
	40 hour Basic ARFF	8	600.00
	40 hour Advanced ARFF	8	600.00
October - April	Annual Live Fire/Refresher	12	400.00
	40 hour Basic ARFF	12	600.00
	40 hour Advanced ARFF	12	600.00

\*Rate includes use of training classroom, ARFF training props, and ARFF vehicles.  
 Rate excludes the cost of fuels and ancillary consumables required to operate training props and equipment (Propane, Nitrogen, Training Smoke Oil, Fuel, etc.)

G. Pay for actual costs of all ARFF training consumables, to include but not limited to: propane, nitrogen, training smoke oil, vehicle fuel, etc.

III. PERIOD OF PERFORMANCE

The period of performance for this agreement is for the Calendar Year 2023. While the Airport and Statewide Aviation reserve the right to terminate this Agreement, at any time upon thirty days written notice without the necessity of any legal process, the Airport and Statewide Aviation agree to hold a meeting prior to termination discussing the reasons for termination.

IV. CONTACTS

- A. For the Airport: Eland Conway II, Airport Manager, Kenai Municipal Airport, 305 N. Willow Street, Suite 200, Kenai, AK 99611, econway@kenai.city, 907.283.8282
- B. For Statewide Aviation: Troy Larue, Division Operations Manager, Statewide Aviation, 4111 Aviation Avenue, Anchorage, Alaska 99502, troy.larue@alaska.gov, 907.262.5581

V. SPECIAL PROVISIONS

- A. The scope and other terms of the agreement may be modified at any time by mutual consent of the signatory parties.
- B. Subject to Section II.(b)(E) above, the parties to this agreement agree to be responsible for damages to their own property and injuries to their own employees/volunteers, except for damages/injuries caused by the other party, their agents, contractors, or officers.

C. This MOA may be modified or amended as necessary upon written consent of all parties or may be terminated by either party with a 30-day written notice to all other parties.

VI. INSURANCE

Statewide Aviation, independently or through its contractors shall obtain and maintain insurance, in amounts not less than those listed below, by insurance companies with acceptable industry ratings, so long as such company is not barred from insuring City assets. All policies or endorsements shall, where possible, name the City as an additional insured or a loss payee as appropriate. Contractor may not commence to perform under this Agreement until all required insurance is in full force and effect and approved by the City.

Contractor shall provide the City with certificates of insurance within thirty (30) days of the effective date of this Agreement. The insurance shall be provided by a carrier rated "A-" or better by A.M. Best.

Comprehensive general liability: combined single limit (death, bodily injury and property damage (rented or leased property coverage)) \$1.5 million

Professional liability: \$1 million

Worker's Compensation: statutory minimum

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Agreement to be executed as of the date of last signature below.

**CITY OF KENAI**

**STATEWIDE AVIATION**

\_\_\_\_\_  
Terry Eubank, City Manager

\_\_\_\_\_  
Troy Larue, Division Operations Manager

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

March 15, 2023

To Whom It May Concern,

This letter is to provide the City of Kenai's support for the Challenger Learning Center of Alaska's request for funds to continue their mission of championing STEM education here on the Kenai Peninsula as they've done for the past 23 years. The Challenger Learning Center is a vital part of our community, supporting teachers and students, including our homeschool population, and their community-wide programs, such as their recent workshop series on Food Security.

We are fortunate to have a STEM education center that supports virtual, in-person, and hybrid learning and offers K-12 hands-on STEM education here on the Kenai Peninsula, as this is not available anywhere else in the state.

By receiving these funds, Challenger Learning Center of Alaska will be able to update their curriculum, supplies, and materials to a level consistent with a world-class STEM education center and allow them to continue to provide the high level of service they have offered the greater Kenai Peninsula community.

In addition to the exceptional work in STEM education, the Challenger Learning Center provides life-saving water and vessel safety to our Migrant Student populations, adding a vital workforce development piece to one of our largest industries here in Alaska, Commercial Fishing.

We look forward to seeing what the future holds for the Challenger Learning Center of Alaska and our community and support their requests for funding.

Sincerely,

CITY OF KENAI

Terry Eubank

City Manager



# 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:** Terry Eubanks, City Manager  
**THROUGH:** Dave Ross, Police Chief  
**FROM:** Jessica “JJ” Hendrickson, Animal Control Chief  
**DATE:** March 3, 2023  
**SUBJECT:** February 2023 Monthly Report

This month the Kenai Animal Shelter took in **42** animals. Animal intake and disposition:

DOGS:				
	INTAKE	<b>27</b>	DISPOSITION	<b>18</b>
	Waiver	9	Adopted	5
	Stray	13	Euthanized	1
	Impound	1	Claimed	11
	Protective Custody	2	Field Release	0
	Quarantine	0	Transferred	1
	Other Intakes	2	Other Dispositions	0
CATS:				
	INTAKE	<b>14</b>	DISPOSITION	<b>20</b>
	Waiver	5	Adopted	18
	Stray	8	Euthanized	1
	Impound	0	Claimed	1
	Protective Custody	1	Field Release	0
	Quarantine	0	Transferred	0
	Other Intakes	0	Other Dispositions	0

OTHER ANIMALS:				
INTAKE			DISPOSITION	
Horse	0		Horse	0
Rabbit	1		Rabbit	1
Other	0		Guinea Pig	0
DOA:		5	OTHER STATISTICS:	
Dog	3		Licenses (City of Kenai Dog Licenses)	35
Cat	2			
Rabbit	0			

- 0 Animal dropped with After Hours (days we are closed but cleaning and with KPD)
- 24 Field Investigations & patrols
- 1.20 Volunteer Hours Logged
- 4 Citations
- 2 Educational Outreach
- 2 Microchip

Total Animal Contacts:

- 14 Animals are *known* borough animals
- 25 Animals are *known* City of Kenai
- 3 Animals are *known* City of Soldotna
- 0 Animals are *unknown* location

Statistical Data:

- 102 2021 YTD Intakes
- 58 2022 YTD Intakes
- 76 2023 YTD Intakes





## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manger

**FROM:** Lana Metcalf, Controller

**DATE:** March 6, 2023

**SUBJECT:** **Finance Department Mid-Month Report – March 2023**

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The FY24 Budget is now a major focus of the department with budget information and revisions being received from Departments. The Council is scheduled to receive its first draft of the FY2024 budget in April. There is much work to be done by all City departments over the next couple of months.

The City's three-year agreement with Alaska Municipal League Joint Insurance Association for general liability, property, workers' compensation, airport, and marine insurance ends in FY2023. We will be getting quotes from Alaska Public Entity Insurance as well as Alaska Municipal League Joint Insurance Association for FY2024-FY2026. Due to the hardening of insurance costs, we should expect an increase of 10-20% depending on the line of coverage.

We are still actively recruiting for the Finance Director position. We have contracted with a recruitment service to increase interest and traffic to the job posting. It closes March 24, 2023.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Tony Prior, Fire Chief  
**DATE:** March 7, 2023  
**SUBJECT:** Fire Department Mid-Month Report – February

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Calls for service for February were down compared to February 2022, but we are still up slightly for overall year to date. Here are the calls for service break down.

February	2022	2023	% change
Totals	121	117	-3.3%
EMS	97	95	-2.1%
All Other	24	22	-8.3%
Year total	225	227	0.9%

### Training:

- Chief Prior and Deputy Chief Harris attended the Leadership Summit/Fire Chief’s Conference in Juneau.
- KFD hosted the annual Paramedic Refresher at the Kenai Library. Paramedics and EMT’s from every area of the Peninsula were allowed to attend to meet required training topics and continuing medical education hours. 90 total students attended this training.
- Chief Prior completed the Leadership Development Program by FutureSync International, along with other Department Heads and Assistants of the COK.
- Garrick Martin is attending the AEMT course at Kenai Peninsula College.
- Students are beginning their Ride-Along program/Internship from KPC with our department.

### Projects/Grants:

- Chief Prior worked on the personnel working group focused on Recruitment and Retention of COK employees.
- Budget work continues with Operational Budget, Personnel OT, and Department Narrative completed for first draft.
- We hosted a car seat event with Safe Kids





## MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** Christine Cunningham, Acting Human Resources Director

**DATE:** March 6, 2023

**SUBJECT:** Human Resources Activity – January 2023

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### Recruitment

Human Resources worked with the City Manager's office to actively recruit a Finance Director and Human Resources Director. The Human Resources recruitment was successful, and Stephanie Randall will be joining the City as Human Resources Director on March 13, 2023. The City obtained the services of Prothman, a recruitment firm, to assist in providing sourcing and outreach services for the Finance Director recruitment. In addition to the Finance Director, the City is currently recruiting for an Administrative Assistant II and Airport Operations Specialist at the Kenai Municipal Airport, two Part-Time Driver positions at the Kenai Senior Center, and five Temporary Enforcement Officer positions.

### Safety

Four accidents were reported in February, three resulted in damage to City property and one resulted in a near miss.

### Training

Department Heads and other employees in leadership positions completed the leadership development course, which began in September. The February session focused on Team Engagement Strategies.

### Special Projects

Human Resources continues to work with the Administration and a working group of City employees to complete a comprehensive review of the City's personnel practices and processes in key areas (e.g. recruitment and retention) and provide recommendations. After an initial kickoff meeting in September, the working group met multiple times, and in February, the group revised the scope of the project into manageable components: (1) Identify and address items that require immediate attention and can be addressed without additional input from the scheduled FY24 Classification and Compensation Study and (2) Identify items that need to be addressed in the FY24 Classification and Compensation Study and provide input on the Request for Proposals (RFP) for the FY24 Classification and Compensation Study.



## MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager





**THROUGH:** Katja Wolfe, Library Director

**FROM:** Hannah Meyer, Assistant to the Library Director

**DATE:** March 03, 2023

**SUBJECT:** Library Mid-Month Report for February 2023

### February 2023 at a Glance

<b>Items Borrowed</b>		<b>Feb-22</b>	<b>Feb-23</b>	<b>2023 YTD</b>
Physical		5,981	6,367	12,535
Digital		1,396	1,431	3,048
<b>Services</b>				
New Memberships		41	51	114
Room Reservations		103	123	247
<b>Programs</b>				
Number of Programs		22	29	66
Program Attendance		235	275	837
<b>Technology Sessions</b>				
Computer sessions		423	466	955
WiFi Sessions		6,730	9,437	19,898
Early Literacy Station		136	290	547

**February 2023 programming highlights**

29 programs - 275 participants

- 8 Story Times (109 total participants)
- 3 Lego Clubs (26 total participants)
- 2 American Girl Club (18 total participants)
- 4 Chess Clubs (20 total participants)
- Teen Chess Tournament (25 total participants)
- Tech Labs (3 total participants)
- Teen Advisory Board (3 total participants)
- Infant Play Group (25 total participants)
- Teddy Bear Yoga (12 total participants)
- Family Game Night (3 total participants)
- Pet Photo Contest (4 total participants)
- Valentine’s Day Card-making (9 total participants)
- Bad Art (5 total participants)
- Crafternoon (10 total participants)
- Cookbook Club (3 total participants)
- Digital Literacy (4 total participants)

**February 2023 library services highlights**

- Volunteers logged 12.5 hours this past month. Tasks included shelving and program support.
- Our study and conference rooms were used by 123 individuals/groups for a total of 279 hours.
- Youth Services Coordinator Seth Gray attended Community Reads at Mountain View Elementary, where he read stories to children in eight separate classes.





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** William B. Walker, Parks & Recreation Director  
**DATE:** March 8, 2023  
**SUBJECT:** **Mid-month Activity Report - February**

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The grant funded Green Strip Playground replacement PQR was released February 1<sup>st</sup>. Final quotes were due February 21<sup>st</sup>. The winning bid was awarded to Playcraft Systems based on eight individual scoring criteria requirements. Playcraft was able to meet ADA, CPSC and ASTM guide lines as well as warranty, timeline for installation and meet our budget. May 31<sup>st</sup> is the projected completion of the new playground installation.

Kenai Softball Dugout design services quotations were received March 1, 2023. Larson Engineering & Design, P.C. were awarded the bid. Bid ready documents are due April 15<sup>th</sup> with the anticipation of construction of new dugouts at the Kenai Softball fields to start in early June.

The Alaska DNR Department of Forestry wrapped up their work on Beetle Kill trees along Ryan's trail. The focus is on removing/dropping trees that will impact the public and the surrounding business. Total trees removed/dropped for the project was 375 trees.

The Multi-Purpose Facility had a total of 102 rented hours for the month of February.

Staff was able to clear 197 fire hydrants of the approximate 500 total. Do to the heavy snow accumulation this has been a slow and arduous process. A late February snow storm required staff to re-clear many of the hydrants that had already been cleared.

The Parks Director reviewed and discussed the Kenai Parks and Recreation Summer Maintenance Plan 2023 with the Parks and Recreation Commission at the March 2<sup>nd</sup> meeting.

Staff worked with Building Maintenance and the Water Dept. removing snow from the roofs of City of Kenai buildings.

The Park Director and Assistant Park Director completed the Leadership Training put on by Future Sync International.

The City League Championship game(s) are scheduled for March 25<sup>th</sup>.

Staff are in the planning phases of the Easter Egg event held at Municipal Park.

Staff is preparing the greenhouse to start growing this seasons flowers, seeds, and plugs

**Kenai Rec. Center Visits**

Weight Room/Cardio Room	1075
Racquetball	58
Walleyball	18
Shower/Sauna	249
Gymnasium	1356
Other	13
Gym Rental Visits	1700
<b>Total Number of Visits</b>	<b>4469</b>

**New Green Strip Playground**





## MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** Linda Mitchell, Planning Director

**DATE:** March 8, 2023

**SUBJECT:** Planning and Zoning – February 2023 Monthly Report

### General Information

- Staff attended a 4-day Managing Floodplain Development through the National Floodplain Insurance Program (NFIP) in Anchorage.
- Interviews for the Administrative Assistant III / Planning & Zoning Technician position were conducted on March 7, 2023. The next steps are deliberation and making a final decision.

### Application Summary

Planning and Zoning received 6 applications in February and carried over 13 applications.

Applications	No. Received	Carried Over	Completed	In Progress
<b>Planning</b>				
Building Permit	2	5	3	4
Conditional Use Permit	1	2	0	3
Time Extension	0	0	0	0
Easement/Right-of-Way	0	0	0	0
Landscaping/Site Plan	0	0	0	0
Plat	1	1	1	1
Variance	0	1	1	0
Zoning/Text Amendment	1	0	0	1
<b>Lands &amp; Leases</b>				
Purchase	0	1	0	1
New Lease	0	1	0	1
Renewal/Extension	1	0	0	1

Amendment	0	1	0	1
Assignment	0	0	0	0
Special Use Permit	0	1	0	1
<b>Total</b>	<b>6</b>	<b>13</b>	<b>5</b>	<b>14</b>

**Code Enforcement and Compliance**

Planning and Zoning received two (2) new complaints in February but one (1) of the new complaint is related to an active code case (345 Dolchok Lane). There is a cumulative total of 16 open cases. Planning staff conducted a site visit to all existing/operating marijuana cultivation/manufacturing/retail sites to verify compliance with the Conditional Use Permit. Staff continues to actively working with owners/tenants to address their non-compliance.

<b>Violations</b>	<b>No. of Open Cases</b>	<b>Carried Over</b>	<b>New</b>	<b>Closed</b>
<i>By Types</i>				
Abandoned Structure(s)	0	0	0	0
Abandoned Vehicle(s)	1	1	0	0
Building (e.g., as-built, damaged or decayed)	2	2	0	0
Conditional Use Permit	0	0	0	0
Junk and/or Refuse	5	4	1	0
Junk Vehicle(s)	4	4	0	0
Livestock	1	1	0	0
Signs	1	1	0	0
Recreational Vehicle(s)	0	0	0	0
Zoning (e.g., structures, setbacks, use)	2	2	0	0
<b>Total</b>	<b>16</b>	<b>15</b>	<b>1</b>	<b>0</b>

**List of Open Cases**

<b>Property Address</b>	<b>Date of Complaint</b>	<b>Type of Violation</b>
110 Aleene Way	5/4/2022	Junk Vehicle; Junk and/or Refuse
5264 Kenai Spur Hwy	5/12/2022	Junk and/or Refuse
508 Hemlock Avenue	5/13/2022	Junk and/or Refuse
9168 Kenai Spur Hwy	5/16/2022	Junk Vehicle; Junk and/or Refuse
311 Linwood Lane	6/17/2022	Junk and/or Refuse
8195 Kenai Spur Hwy	8/18/2022	Junk and/or Refuse
1715 Fourth Avenue	8/25/2022	Junk Vehicle; Junk and/or Refuse
4215 N Lupine Drive	8/31/2022	Chickens (On-Hold)



1009 Second Avenue	8/12/2022	Zoning
305 Sterling Court	10/20/2022	Building
700 Cypress Drive	10/24/2022	Junk Vehicle(s)
345 Dolchok Lane	10/28/2022	Building (On-Hold); Zoning
312 Aspen Street	10/26/2022	Abandoned Vehicle(s)
11888 Kenai Spur Hwy	11/17/2022	Zoning
12656 Kenai Spur Hwy	12/1/2022	Sign (On-Hold)
4315 Lupine Drive	2/8/2023	Junk and/or Refuse

**Planning and Zoning Commission**

One (1) work session and two (2) public meetings were held in the month of February.

- Planning and Zoning Commission took action on the following agenda items.
  - **Resolution PZ2023-02** – Granted a Variance Permit to Allow Additional Signage on the Properties Located at 508 Upland Street and 1000 Mission Avenue (Parcel IDs: 04707134 and 04707136) in the Townsite Historic (TSH) Zoning District.
  - **Resolution PZ2023-03** – Recommended Approval for Preliminary Plat – Janousek Subdivision 2023 Replat to Consolidate Lots 2 and 3, of Janousek Subdivision into one (1) lot.
  - **Action/Approval** – Recommended the Kenai City Council Enact Ordinance No. 3332-2023 – Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai.







# MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** David Ross, Police Chief

**DATE:** March 6, 2023

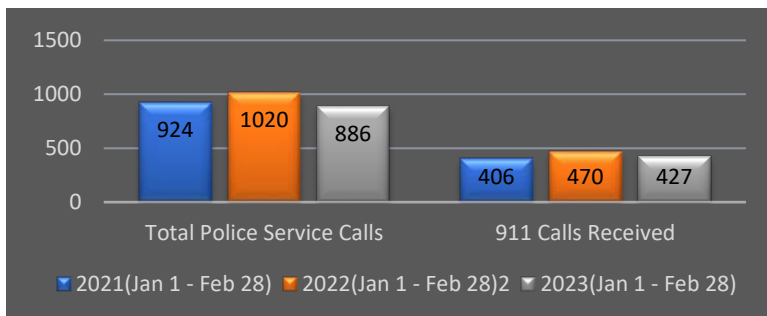
**SUBJECT:** Police & Communications Department Activity – February 2023

Police handled 443 calls for service in February. Dispatch received 210 9-1-1 calls. Officers made 24 arrests. Traffic enforcement resulted in 186 traffic contacts and 33 traffic citations. There were 2 DUI arrests. There were 16 reported motor vehicle collisions in February. There were six collisions involving moose and one collision involving drugs or alcohol.

One KPD officer completed a week-long defensive tactics instructor class in Montana. One investigator attended a three-day interviewing class in Anchorage. All officers attended a scenario based inservice training in Kenai. One new Dispatcher started employment with the City in February and began her field training program.

The School resource officer graduated two DARE classes at Mountainview Elementary and continued teaching four DARE classes at Kaleidoscope Elementary. In addition to teaching DARE classes, the SRO was involved in a number of police related calls at the schools.

The arrival of four new police vehicles is anticipated in the coming months and preparations are underway to ensure all the equipment to go into those vehicles is purchased and available for installation at the City Shop.





# KENAI

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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** February 2023  
**SUBJECT:** **Mid-Month Report; Public Works / Capital Projects**

### ***Airport Fund Projects:***

- Kenai Municipal Airport Sand Storage Facility – Orion Construction is currently under contract in the amount of \$2,289,000. The project has experienced extreme supply chain issues. The steel for the building is currently stored on site. Change Order 1 has been executed providing a no cost time extension through September 30, 2023. Construction will start in May 2023 and is expected to move quickly from there.
- Kenai Municipal Airport Runway Rehabilitation Project – This project known as Task 4 within HDL Engineering Consultants LLC term service agreement with the City shall provided an initial assessment of the current condition of the airport runway. This included geotech work, coring numerous locations of the runway. On August 4<sup>th</sup>, 2021 HDL Engineering and staff successfully completed geotech borings of the runway after hours. On October 13<sup>th</sup>, 2021 HDL Engineering, City staff and the FAA discussed the findings of the geotech report. On December 6, 2021 the City received the draft Engineer’s Design Report (EDR) along with the draft Geotechnical Report. Ordinance 3278-2022 was approved on April 20<sup>th</sup>, 2022 to secure HDLs services through Bid Phase with a contract amendment of \$781,833 executed on May 6, 2022, bringing the total cost of design to \$1,031,833. Project has been stalled at 35% Design as Environmental Compliance requirements are being clarified. Project is currently tracking for Runway Rehab Construction in 2025 with the Taxiways 2026 the following year, however this may slide a year, dependent upon FAA funding. *Staff meeting is being held in Anchorage with FAA Counterparts to discuss project on 3/8/23.*
- Kenai Municipal Airport (KMA) Terminal Landscaping – A Request for Proposals for Landscape Design Services was released on July 14, 2022 with proposals due on July 28, 2022 where Earthscape LLC was determined to have provided the highest scoring proposal at a cost of \$28,255. The Purchase Order to Earthscape LLC was approved by Council at the



9/7/22 council meeting. Design work is anticipated to continue through the winter months with a construction bid expected for *summer 2023*.

- Kenai Municipal Airport (KMA) Operations Building HVAC Controls Upgrade & Boiler Replacement – This project was released for RFP on July 19, 2022 with proposals due on August 16, 2022. MBA Consulting Engineers was the successful proposer awarded under Resolution 2022-63 approved by Council at the September 7, 2022 Council Meeting. Contract Documents were fully executed with MBA on October 31, 2022 for the contracted amount of \$47,726. November 10, 2022 will be the first site meeting with staff and engineering team. Design work is anticipated to continue through the winter months. *95% design documents were received on January 30, 2023. Project cost estimate is over budgeted amounts and staff is coordinating with design team to refine documents. Construction Bid release is anticipated in approximately 30 days.*

### **General Fund Projects:**

- USACE Bluff Erosion –Council approved Resolution 2021-35 at the June 2, 2021 meeting awarding an agreement to HDR along with issuance of a purchase order in the amount of \$791,832.68. July 6, 2021 the formal agreement between the City of Kenai and HDR was executed. On January 2, 2022 the City received 35% Design Documents from HDR, staff was able to review those documents with HDR uploading them to the Corps website on January 25<sup>th</sup>. On March 3<sup>rd</sup> federal funding in the amount of \$650,000 was received by the USACE to be used toward the design effort of the project. On March 10<sup>th</sup> the City submitted a letter for Request for Work in Kind, to cover the expenses the City has incurred through HDR Engineers Inc. in the amount of \$248,676.73, which covers progress from July through November 2021. 65% Design Docs were received ahead of schedule on April 28<sup>th</sup>. Value Engineering Workshop was conducted with USACE on June 21-24, 2022 at JBER. This completed the requirement of completion of a VE Study for the project. Final 65% documents with the items addressed at the VE Study workshop were received 8/25/22. Advanced Technical Review (ATR) with the Corp began 9/15/22, with an ATR Workshop on October 3, 2022. The City Manager presented Resolution 2022-71 to Council at the October 5, 2022 meeting accepting a State Grant 23-DC-007 for \$6,500,000 in support of the Sponsor share of the project. This grant is a tremendous step toward fulfilling the City's responsibility of the current 35% percent match of the overall project. Staff formally submitted Work In Kind (WIK) Requests #2 & #3 to the USACE on November 3, 2022 totaling another \$316,447.30 toward our City Share of project costs. *Project has now entered the BCOES phase (Bid-ability, Constructability, Operability, Environmental & Sustainability Reviews) with the US Army Corps. with a targeted completion date of March 10<sup>th</sup>, 2023 for this task. HDR has reached 95% design documents, which were delivered to the City on February 23, 2023. Preparations are in process for execution of a PPA (Project Partnership Agreement) with the US Army Corps likely within the next 60 days. The current target dates for advertisement for Construction Bids is June 12<sup>th</sup>, 2023 with Contract Award tracking at August 16<sup>th</sup>, 2023. Project remains on track and is proceeding well.*



- Community Wildfire Prevention Plan (CWPP) Mitigation – The City has received grant funds to address beetle kill damages within the City. On November 3<sup>rd</sup> an Invitation to Bid was released in coordination with the Fire Department and Forest Service to perform mitigation services on approximately 105 acres of land through the No Name Creek Drainage from Redoubt Avenue extending to Cook Inlet. Five Bids were received on 12/13/22 with Doug Koch Professional Tree Service providing the winning bid at a cost of \$282,000. Work is anticipated to take place during allowable time frames over the next year. A Resolution to Award this Contract is before Council at the 12/21/22 Council Meeting. *Construction Contract was fully executed on February 28<sup>th</sup>, 2023 and contractor is actively working on project in the Float Plane Rd. area.*
- Recreation Center Improvements – The Public Works Department released an RFP on November 18, 2021 with proposals due on December 10, 2021 to provide professional AE services for the Kenai Rec Center. This project will provide a code assessment of the facility, architectural drawings for a complete roof replacement of the facility, and mechanical / electrical drawings for the replacement of aging HVAC equipment. Update: Resolution 2022-06 was approved at the 1/19/22 council meeting to award a design agreement to K+A Design Studios in the amount of \$92,085. Design agreement has now been executed and project meetings are set to begin in mid-February. Resolution 2022-09 within the February 16<sup>th</sup> packet is combining funding from several smaller projects into this one larger one. On March 21<sup>st</sup> the design team provided the code assessment for the facility identifying several issues which are under review by Public Works Staff. On August 17, 2022 council approved a PO increase to include rain leader design to address storm water concerns. Total authorized design costs to date is \$108,085. 100% design documents have now been received. An Ordinance to provide supplemental funding to move forward with Construction Bidding was approved by Council at the 12/21/22 meeting. *Formal Invitation to Bid was released on February 23, 2023 with bids due on March 23, 2023. Council will see legislation at the April 5<sup>th</sup>, 2023 Council Meeting regarding Contract Award.*
- Multi-purpose Facility – The Building Maintenance Department completed all of the pressure washing and rust prevention coatings in house. That portion of the project was completed on time and on budget and allowed for ice to go back in on schedule. Staff continues to work on ventilation solutions as well as some UV Heat lamps to replace the natural gas heaters suspended from the ceiling near the seating areas. Once a scope of work is finalized by the department these additional items will be released for bids. Currently roughly \$71,000 of the \$155,000 in funding has been expended.
- Cemetery Expansion – This project is located at the corner of First Ave and Float Plane Rd and will provide for additional burial space as the existing adjacent cemetery has reached capacity. The Public Works Department using in house personnel has already cleared, leveled and graded the site, and placed and compacted a gravel sub-base for the parking area. Staff has successfully surveyed in 64 adult plot sites and 12 infant plot sites. These sites are available through the Clerk's office. The Parks & Recreation Commission is currently considering alternatives to fencing the cemetery in an effort to utilize those funds toward



completing other items. Work will be suspended through the winter with the parking lot paving taking place early summer 2023.

- Kenai Fire Department Apparatus Bay Coating – Ordinance 3315-2022 is up for Council approval on 9/21/22 to provide supplemental funding to allow the project to bid. Once additional funds are approved project is prepped for bid release. Existing budget was \$45,000 with approval of Ordinance 3315-2022 new budget will be \$60,000. This work involves cleaning and replacement of concrete floor markings with the installation of a new concrete sealer to protect and extend the life of the garage bay floors. *Bid documents are now complete and project is pending release anticipated for March 14, 2023.*
- Visitor Center Roof Replacement – *Supplemental funding for this project was provided by Council through passage of Ordinance 3329-2022 approved on December 21, 2022. A formal Invitation to Bid was released on January 19, 2023 with three bids received on February 6, 2023. E/P Roofing was the low bidder at a total cost of \$139,800, however they withdrew their bid with Hanson Roofing becoming the 2<sup>nd</sup> lowest responsive responsible bidder. Council approved Resolution 2023-20 on 3/1/23 awarding a contract to Hanson's in the amount of \$227,472.*
- Kenai Dog Park – Council has provided \$63,000 in funding toward this project. On October 10<sup>th</sup>, 2022 Polar North Construction began work on the concrete pavilion pad with a concrete pour schedule for 10/13/22 weather pending. Fireweed Fence has also started reinstallation of the fence work the same week. The high water table within the park area continues to cause flooding issues within the park area. Public Works staff has roughed in some drainage trenches which have helped, we plan on expanding on that work and then placing some drainage rock so the repairs will be permanent. Project will continue into May/June 2023 as weather allows. Public Works staff has collected numerous items from the dog park committee including park benches, signage, agility equipment, etc. and have items stored in our warm storage area to be installed next spring. Dog Park committee staff needs to coordinate with volunteers intended to construct the pavilion in order to secure the necessary construction materials. Public Works does not have sufficient budget in hand to purchase these items for them. *City Manager Eubank and Public Works Director Curtin have been coordinating on remaining items to be completed with available remaining funds. We are expecting the pavilion to be constructed as soon as weather allows by Jeff Twait with materials sourced with donated funds. The Streets Department crews will strip and stock pile topsoil within the field area in an effort to raise the existing grade with fill material. We intend to utilize some of the roadway sand gathered from spring street sweeping operations to provide positive drainage at the site. Additional gravel French drains will be installed to manage storm water at the site, and then the topsoil will be spread over the field area. We anticipate this work to take one week to complete. Once the grading is complete, and the pavilion is constructed, Fireweed fencing will return to finish the perimeter fence and gates. Parks and Rec will then install the signage. Field will be seeded and watered, traffic will need to be limited during this time to allow the grass to grow. After first mowing of grass, field agility equipment will be placed. Project is tracking toward a July grand opening.*



- Roadway Improvements – Nelson Engineering was the successful proposer to provide bid ready construction documents for improvements to Wildwood Dr, Willow Ave, First St. as well as multiple smaller misc. repairs. Wildwood Drive & Willow Ave are anticipated to have 95% design docs received by February 20, 2023 for final review. Wildwood Dr will require grant assistance to complete the project. The sub-base was far worse than anticipated and the estimated costs increased substantially as a result. Willow Ave will bid once final documents are received, formal ITB release anticipated in March 2023. First Ave and the minor repairs are in the works, however they may be delayed until May 2023 for bid release. *On 3/7/23 City Manager Eubank, Mayor Gabriel, Public Works Director Curtin participated in a conference with representatives from our legislature discussing State participation in funding for Wildwood Dr. Meeting went well.*
- Green Strip Playground Equipment – This project utilizing a U.S. Department of Health and Human Services (DHSS) grant seeks to replace aging playground equipment near the softball fields. Proposal Quotes Request (PQR) was released on February 1, 2023 with proposals due on February 21, 2023. Project cost estimate is \$85,000. *Playcraft Systems was awarded the project by Council through passage of Resolution 2023-21 at the 3/1/23 Council Meeting. Contract documents are being processed as of 3/7/23.*

#### **Water & Sewer Fund Projects:**

- Lift Station Renovations – Resolution 2021-58 awarded HDL Engineering agreement in the amount of \$59,560 to provide bid ready construction documents for three lift stations. These locations included the stations at mile posts 13 and 14, which are near the soccer fields and Spur / Redoubt Ave respectively, as well as a station on Lawton Drive. These locations are intended to receive new pumps and pump control panels as part of this project. After determination of which lift stations would receive renovations to start, a design meeting was held on 12/3/21 to discuss pump and control panel design. Basis of design memo received on January 6, 2022. Design documents are approaching 95%. Construction is anticipated to run through the summer of 2023. Formal bid release anticipated in April 2023.
- Waste Water Treatment Plant Replacement Sludge Press – Resolution 2020-95 approved at the December 16, 2020 Council meeting authorized HDL Engineering to begin the Design Phase of the WWTP Replacement Sludge Press. Contract Documents were executed on January 6, 2021 with a Notice to Proceed issued on January 11, 2021. A Request for Proposals from press manufactures was released on April 27, 2021 with proposals due on May 25<sup>th</sup>, 2021. Resolution 2021-42 to award an equipment purchase agreement to Andritz Corp in the amount of \$285,000 was approved by Council at the June 16, 2021 meeting. A formal Invitation to Bid for Construction was released on June 7<sup>th</sup>, 2022. Bids were originally due on June 28<sup>th</sup> but the deadline was extended to July 22<sup>nd</sup> due to a lack of bidders interested in the project. On July 22<sup>nd</sup> two bids were received, with Blazy Construction being the lowest responsive responsible bidder at a cost of \$1,437,913. Ordinance 3302-2022 awarded the Construction Agreement to Blazy Construction on 8/17/22. The Screw press was delivered



on 10/27/31. The screw press is installed in its permanent location, jib crane has been installed and certified. All of the ductwork associated with the new exhaust air system is now installed. We are currently waiting on the delivery of the fiberglass platforms which is still a few weeks out and the new screw conveyor has been delayed and may not be on site until May unfortunately. We are now anticipating commissioning for late June 2023 and staff will be relieved when that day arrives.

- Wastewater Plant Digester Blowers Replacements – HDL Engineering was authorized to proceed on design documents for this project through passage of Resolution 2022-29 on May 18, 2022. Design Agreement is currently in the amount of \$382,513 and will provide bid ready construction documents for the replacement of two 40+ year old blowers at the WWTP. The Department received 35% Design Study Report on September 23, 2022 and the project is currently moving toward 65% design documents. A grant for this project has been applied for through Senator Murkowski's office through the Congressional Directed Spending (CDS) program. We are awaiting word on if we were successful in receiving grant funds. This is a high priority project for the department and is anticipated to provide further energy savings similar to the aeration basin blower replacement project completed a few years ago. Final 65% plan reviews are being conducted on site with HDL on 12/19/22, bid documents are expected to be ready 5/1/23 and if funding is in place will be bid immediately, if not will be delayed until funding arrives. *Environmental review process is delayed as we are not sure of the grant requirements at this time, and may not know until a future grant is executed. Until then this will be a shovel ready project waiting on funding.*

#### **Senior Citizens Fund Projects:**

- Senior Center Front Entry Modifications – Capital Project Manager is developing scope of work for this project to address operation of automatic entry doors.

#### **Congregate Housing Fund Projects:**

- Vintage Pointe Boiler Replacement – A RFP for design services was released on October 6, 2022 with proposals due on November 3, 2022. Design work will continue into the winter with a construction bid release expected at the end of the first quarter 2023. This project will replace outdated boiler heat systems for the facility as well as providing a direction on backup power generation to support the heating system when grid power is unavailable. No proposals were received, the Department is requesting approval to enter negotiations with RSA Engineering in the hopes of moving the project forward. RSA Engineering is under contract and is expected to start design in early January 2023. On February 3, 2023 RSA Engineering provided draft 65% Design Documents. Staff is currently reviewing. Engineering has a planned site visit for February 15, 2023 scheduled. We are anticipating bid documents being ready for an April Construction Bid release. *Design continues forward on track.*

#### **Other Projects Information:**



- DOT Kenai Spur Highway to Sports Lake Rd – This project continues to wait for appropriation of state funds. No new information to report at this time.
- DOT Bridge Access Road Bike Path – Council passed Resolution 2021-53 on August 4, 2021 authorizing the City Manager execute a memorandum of agreement with DOT for design, construction, and maintenance of the Kenai Bridge Access Road Pathway project. In speaking with representatives from DOT the state has not provided funding as yet for this project to move forward. To date the City has appropriated \$294,947 in support of this project which is intended to provide a 1.2 mile path connecting the paths between the Spur Highway and Beaver Loop. Total cost of project per DOT estimates equals \$3,266,301. Per communications with the DOT, design funding is in place and they are waiting on final signatures for the Reimbursable Services Agreement (RSA) with DNR. Once the RSA is approved they will be able to begin design work. Process is expected to be completed by the end of January. Update: Formal kickoff meeting took place on March 30<sup>th</sup> with the City Manager and Public Works Director in attendance. From appearances this design process will be a slow one, we are not anticipating seeing construction on the path this calendar year. Will continue to update as more information becomes available. Update: A site meeting will be taking place between the City, DNR, & DOT on 6/9/22 to review the project. HDL Engineering appears to be conducting surveying services in support of the project, crews were in the area on 6/7/22. On June 29, 2022 the City Manager & Public Works Director met with DOT representatives and discussed projects. State funding continues to be an issue.







# 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:** Terry Eubank, City Manager

**THROUGH:** Kathy Romain, Senior Center Director

**FROM:** Astrea Piersee, Administrative Assistant III

**DATE:** March 4, 2023

**SUBJECT:** February 2023 Monthly Report

As the daylight continues to grow, we are experiencing a higher number of seniors attending all activities in addition to congregate meals. This month’s special activities to note were the Shrove Tuesday Pancake Race, our Valentine’s celebration complete with the program’s version of the newlywed game only contestants had to be married a minimum of 50 years, and a new genealogy group.

Prep work has also started for the upcoming March for Meals Fundraiser and the Centers gardening program.

	2023	2022
Home Delivered Meals	1764	2281
Individuals	91	115
Dining Room (Congregate) Meals	854	705
Individuals	146	90
Transportation (1-way rides)	187	192
Individuals	20	14
Grocery Shopping Assistance	11/23	1
Writers Group	26	23
Caregiver Support Group	8	8
Growing Stronger Exercise	269	205
Tai Chi Class	54	43
TOPS Weight Loss Class	60	34
Bluegrass & Music Sessions	35	56
Card Games	115	68
Wii Bowling	24	41
Arts & Crafts	41	43
Total Event Sign-ins *	1859	1382
Individuals *	172	120
Vintage Pointe Manor Vacancies	3	0

\* (not including home meals clients)