



**Kenai Planning & Zoning Commission -  
Regular Meeting**

**May 08, 2024 – 7:00 PM**

**Kenai City Council Chambers**

**210 Fidalgo Avenue, Kenai, Alaska**

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

**\*\*Telephonic/Virtual Info on Page 2\*\***

**Agenda**

**A. CALL TO ORDER**

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

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

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of March 13, 2024

**C. SCHEDULED PUBLIC COMMENT (*Public comment limited to ten (10) minutes per speaker*)**

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

**E. CONSIDERATION OF PLATS**

**F. PUBLIC HEARINGS**

1. **Resolution PZ2024-08** - Granting a Conditional Use Permit to Two (2) Six-Unit Apartment Buildings on the Property Located at 2150 Redoubt Avenue within the Rural Residential (RR) Zoning District.
2. **Resolution PZ2024-09** - Granting an Encroachment Permit for a Residential Detached Accessory Structure to Encroach into the Required (West) Side Yard Setback on the Property Located at 3018 Bree Avenue within the Rural Residential (RR) Zoning District.

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

1. **\*Action/Approval** – Requesting an Excused Absence for the March 13, 2024 Regular Meeting – Pettey

- [2.](#) **\*Action/Approval** – Recommending Approval of a Lease of Airport Reserve Land for the Property Described as Lot 9A, Block 5, General Aviation Apron Subdivision No. 5.
- [3.](#) **\*Action/Approval** – Recommending Approval of a Lease of Airport Reserve Land for the Property Described as Lot 5A, Block 1, FBO Subdivision 2018 Replat.
- [4.](#) **Discussion/Recommendation** - Recommendation to Council on Enactment of Ordinance No. 3416-2024 - An Ordinance Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures For Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks And Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning and Zoning Commission - Qualifications and Membership, and Approving Amendments to the Council on Aging Commission’s By-Laws to Organize Streamline, and Improve the Efficiency of the City’s Standing Commissions.

**I. REPORTS**

1. Planning Director
2. Commission Chair
- [3.](#) Kenai Peninsula Borough Planning
- [4.](#) City Council Liaison

**J. ADDITIONAL PUBLIC COMMENT (*Public comment limited to five (5) minutes per speaker*)**

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: May 22, 2024

**L. COMMISSION COMMENTS AND QUESTIONS**

**M. PENDING ITEMS**

**N. ADJOURNMENT**

**O. INFORMATIONAL 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.*

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

[https://us02web.zoom.us/meeting/register/tZcvduqgqDgqG9a7PkVB1xCE9SwWH\\_t5CWWD](https://us02web.zoom.us/meeting/register/tZcvduqgqDgqG9a7PkVB1xCE9SwWH_t5CWWD)

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MARCH 13, 2024 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR JOE HALSTEAD, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai Planning & Zoning Commission was held on March 13, 2024, in City Hall Council Chambers, Kenai, AK. Chair Halstead called the meeting to order at approximately 7:00 p.m.

**1. Pledge of Allegiance**

Chair Halstead led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Joe Halstead, Chair  
Gwen Woodard  
Jeff Twait

John Coston, Vice Chair  
Sonja Barbaza  
Diane Fikes

A quorum was present.

Absent:

Glenese Pettey

Also in attendance were:

Linda Mitchell, Planning Director  
Victoria Askin, City Council Member  
Meghan Thibodeau, Deputy City Clerk

**3. Approval of Agenda and Consent Agenda**

**MOTION:**

Commissioner Twait **MOVED** to approve the agenda and consent agenda. Vice Chair Coston **SECONDED** the motion.

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

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

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

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

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of February 14, 2024

Approved by the consent agenda.

2. \*Regular Meeting of February 28, 2024

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS**

1. **Resolution No. PZ2024-06** – Recommending Denial on Preliminary Plat – Mommsen’s 2024 Replat for a Parcel Merger of Lot 2 Block 4, and Lot 2 Block 3. Mommsen’s Additions No’s 1 & 2 in the Suburban Residential (RS) Zoning District.

**MOTION:**

Commissioner Fikes **MOVED** to approve Resolution PZ2024-06. Commissioner Twait **SECONDED** the motion.

Director Mitchell gave a staff report as provided in the packet, explaining that the proposed plat would combine two lots. Staff’s findings were reviewed, and it was noted that staff’s recommendation is that the plat be denied as it does not meet all of the requirements of KMC Section 14.10.070 *Subdivision Design Standards*.

**MOTION TO AMEND:**

Commissioner Fikes **MOVED** to amend the title of Resolution PZ2024-06 to read: A Resolution Opposing the Preliminary Plat for Mommsen’s 2024 Replat. Commissioner Twait **SECONDED** the motion.

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

Chair Halstead opened the floor for public comment.

Marcus Mueller, Kenai Peninsula Borough Land Management Officer, provided background information on the proposed plat.

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

Discussion ensued.

**VOTE ON MAIN MOTION AS AMENDED:**

YEA: Fikes, Woodard, Halstead, Barbaza

NAY: Twait, Coston

ABSENT: Pettey

**MOTION PASSED.**

2. **Resolution No. PZ2024-07** – Recommending Approval on Preliminary Plat – Michael J. Pelch Homestead Jr. Addition No. 4 for a Replat of Tracts G, A-1, A-2, and A-3, Michael J. Pelch Homestead Jr. Addition No. 3 in the Rural Residential (RR) Zoning District.

**MOTION:**

Vice Chair Coston **MOVED** to approve Resolution PZ2024-07. Commissioner Woodard **SECONDED** the motion.

Director Mitchell gave a staff report as provided in the packet, explaining the replat into seven lots. Staff’s findings were reviewed, and it was noted that staff’s recommendation is approval subject to the following conditions:

1. Further development of the property will conform to all federal, State of Alaska, and local regulations.
2. Remove Note 6 on the preliminary plat as the State no longer maintained the right-of-way affecting the preliminary plat and renumber accordingly.
3. The developer will install a T-shaped turnaround, also known as a hammerhead, as an acceptable alternative.

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

**MOTION TO AMEND:**

Commissioner Twait **MOVED** to amend Section 1, condition 3 to specify that the hammerhead turnaround be located at the end of Pelch Drive. Commissioner Fikes **SECONDED** the motion.

**VOTE ON AMENDMENT:**

YEA: Twait, Fikes, Woodard, Barbaza, Coston, Halstead  
NAY: None  
ABSENT: Pettey

**MOTION PASSED WITHOUT OBJECTION.**

**VOTE ON MAIN MOTION AS AMENDED:**

YEA: Coston, Barbaza, Woodard, Twait, Fikes, Halstead  
NAY: None  
ABSENT: Pettey

**MOTION PASSED WITHOUT OBJECTION.**

**F. PUBLIC HEARINGS**

1. **Resolution No. PZ2024-05** – Granting a Conditional Use Permit to Allow a Recreational Vehicle (RV) Park on the Property Located at 813 Riverview Drive in the Central Commercial (CC) Zoning District.

**MOTION:**

Commissioner Twait **MOVED** to approve Resolution PZ2024-05. Vice Chair Coston **SECONDED** the motion.

Director Mitchell presented her staff report with information provided in the packet, and explained that the applicant has requested a conditional use permit (CUP) for a Recreational Vehicle Park. The criteria for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Provide a minimum 4-foot landscape island between RV spaces and a minimum 5-foot landscape buffer strip from the interior lot lines to ensure RV space occupants and abutting properties are protected from noise and privacy.
4. The RV park is not to become a nuisance to surrounding properties. The RV park must control dust, shield lighting from other properties, prohibit loud noises and maintain a clean and orderly appearance free from refuse.

Applicant Travis Lofstedt was available for questions. In response to questions from the Commission, he provided clarification on the size of vehicles to be allowed in the proposed park.

Chair Halstead opened the floor for public hearing; there being no one wishing to be heard, the public hearing period was closed.

Clarification was provided on how the lot would be affected by the bluff stabilization project. The Commission discussed whether bearproof containers should be required for disposal of fish.

**VOTE:**

YEA: Barbaza, Halstead, Fikes, Coston,

NAY: None

ABSENT: Pettey

**MOTION PASSED WITHOUT OBJECTION.**

Chair Halstead noted the 15-day appeal period.

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS**

1. **\*Action/Approval** – Requesting an Excused Absence for the February 28, 2024 Regular Meeting - Coston

Approved by the consent agenda.

**I. REPORTS**

1. Planning Director – Planning Director Mitchell reported on the following:
  - Thanked commissioners for participating in online training course.
  - A trash code violation was successfully resolved.
  - Planning Technician Brandon McElrea is being trained to present staff reports for future meetings.
  - No agenda items yet for the March 27<sup>th</sup> meeting; may be cancelled.
2. Commission Chair – Chair Halstead noted that he had begun the online training program.
3. Kenai Peninsula Borough Planning – No report.
4. City Council Liaison – Council Member Askin reported on recent actions of the City Council.

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

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: March 27, 2024

Vice Chair Coston noted that he would be participating remotely.

**L. COMMISSION COMMENTS AND QUESTIONS – None.**

**M. PENDING ITEMS – None.**

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS – None.**

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 8:05 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of March 13, 2024.

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Meghan Thibodeau  
Deputy City Clerk

DRAFT



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2024-08**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF TWO (2) SIX- UNIT APARTMENT BUILDINGS.

APPLICANT: Kenai Peninsula Housing Initiatives, Inc.

PROPERTY ADDRESS: 2150 Redoubt Avenue

LEGAL DESCRIPTION: Lot 4, Kenai Meadows Addition No. 1

KENAI PENINSULA BOROUGH PARCEL NUMBER: 03901069

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 10, 2024; and,

WHEREAS, the applicant has demonstrated that the prerequisites of a Conditional Use Permit have been met pursuant to Kenai Municipal Code 14.20.150; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 8, 2024, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

1. *KMC 14.20.150(d)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

Findings: The proposed use is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The land use table indicates a six-family dwelling is a conditional use with footnote 3, outlining additional conditions for a conditional use. The analysis of the additional conditions found in the Land Use Table footnote section will be discussed in Criteria 6.

The subject property is surrounded by a vacant lot to the north, the Windhaven Estates and Inlet Woods Subdivisions to the east, a vacant lot to the south, and two (2) similarly improved lots owned by KPHI, as well as the Mommsen's Subdivision to the west. The proposed development generally meets the intent of the Kenai Zoning Code, as it meets the minimum development requirements for two (2) six-unit apartment buildings, as shown in Table 1 below.



*Table 1 Development Requirements Analysis*

Development Requirements for Two (2) Six-plex in the RR Zone	Minimum Standards	Maximum Standards	Standards Met?
Lot Size (Square Feet)	39,200	-	Yes
Setback (Feet):			
Front	20	-	Yes
Side	15	-	Yes
Rear	20	-	Yes
Parking (No. of Spaces)	12	-	Yes
Lot Coverage (Percentage)	-	30	Yes
Building Height (Feet)	-	35	Yes

Pursuant to KMC 14.20.080 *Rural Residential Zones*, the RR Zones are intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment and furthermore, prohibit uses that would violate the residential character and generate heavy traffic in predominately residential areas. As shown in Table 1, the proposed development provides 9 dwelling units/acre, where the RR Zone allows for 13 dwelling units/acre; therefore, the proposed development provides a low-density residential development. The proposed development increases the housing supply for low-income families and senior citizens. KPHI has developed several apartment buildings along Redoubt Avenue without any adverse impact to the traffic into the existing neighborhood. Therefore, staff does not find that this proposed development would bring heavy traffic into the surrounding area.

2. *KMC 14.20.150(d)(2) The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired;*

Findings: The surrounding neighborhood consists of a mix of both single-family and multi-family dwellings. There are several apartment complexes that front Redoubt Avenue. In addition, there is a four-plex located on McKinley Avenue, which is accessed directly from Redoubt Avenue. KPHI has already constructed two (2) six-unit senior apartments and two (2) four-unit apartments west of the subject lot. Staff does not find that the proposed development will negatively impact the surrounding properties as this is a compatible use with the existing residential neighborhood.

A landscaping/site plan has been submitted and will be finalized upon the decision of this CUP to ensure conditions are reflected accordingly.

3. *KMC 14.20.150(d)(3) The proposed use is in harmony with the Comprehensive Plan;*

Findings: The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Suburban Residential (RS) land use classification. The RS Land Use Classification is defined in the Comprehensive Plan:

*Suburban Residential is intended for single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.*

The proposed use would be consistent with the development of the surrounding area. The applicant recognizes the need for the development of safe, affordable housing for senior residents of Kenai, and the surrounding areas. The proposed development meets the intent of the RS Land Use and furthermore, it meets the following goals of the Comprehensive Plan.

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed development.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-2

*Protect and rejuvenate the livability of existing neighborhoods.*

Objective Q-10

*Continue to support existing senior services and the development of additional services and housing.*

Goal 3 – Develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-1

*Establish siting and design standards so that development is in harmony and scale with surrounding uses.*

4. *KMC 14.20.150(d)(4) Public services and facilities are adequate to serve the proposed use;*

Findings: The subject lot is located on Redoubt Avenue and has access to City water, City sewer, natural gas, electricity, and telephones/cable services. Redoubt Avenue is a paved road maintained by the City. KMC 14.20.250(b)(8) *Off-Street Parking Requirements*, state two (2) parking spaces are required per dwelling unit. Therefore, a minimum of 12 parking spaces are required and a total of 12 parking spaces are provided on the premises with one (1) parking space in the garage and one (1) parking space in the driveway for each unit. There are existing public services and facilities to adequately serve the proposed development.

5. *KMC 14.150(d)(5) The proposed use will not be harmful to the public safety, health or welfare;*

Findings: The use of the six-unit apartments will not be harmful to the public safety, health or welfare. The applicant provided the City with a site plan, which indicates that there will be sufficient parking available for residents and guests of the development. Access will be from Redoubt Avenue, which is a City maintained paved road; therefore, the proposed use will not be harmful to the public safety, health or welfare.

6. *KMC 14.150(d)(6) Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions should be met by the applicant. These may include, but are not limited to, measures relative to access, screening, site development,*

*building design, operation of the use and other similar aspects related to the proposed use.*

Findings: No additional or specific conditions are deemed necessary to fulfill the above-mentioned criteria.

In addition to the above criteria for a CUP, the following are conditions listed under footnote 3 in KMC 14.22.010 *Land Use Table* that must be met prior to the issuance of a CUP for a six-unit family dwelling.

*a. The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;*

Findings: There is no standards of usable area per dwelling unit in the RS Zone. Therefore, this condition is not applicable.

*b. The site square footage in area must be approved by the Commission;*

Findings: As noted in Criteria 1, the proposed development on the subject property provides a low-density residential development; therefore, the site square footage in area as-is is adequate and meets the intent of the RR Zone.

*c. Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;*

Findings: The yards for the proposed development meets or exceeds the minimum development requirements of the RR Zone.

*d. Water and sewer facilities shall meet the requirements of all applicable health regulations;*

Findings: During permitting and construction, the connections to water and sewer facilities will be subject to meeting all applicable Federal, State, and local regulations.

*e. The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;*

Findings: As noted in Criteria 1, the proposed development meets the intent of the RR Zone and furthermore, noted in Criteria 3, the proposed use is in harmony with the Comprehensive Plan.

*f. The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;*

Findings: The proposed development shows the apartment buildings are for residential purposes.

*g. There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;*

Findings: The proposed development does not show recreation areas; however, there are open spaces in the northwest and northeast corners that should be dedicated as open and usable space for the residents, such as a community garden or outdoor patio for resident gatherings.

A condition has been added to require a recreation area for residents to use, such as a community garden or outdoor patio area in either the northwest or northeast corner of the property.

*h. The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;*

Findings: As noted in Criteria 1 and 5, the proposed development is not anticipated to adversely impact the traffic on Redoubt Avenue and the surrounding area.

*i. The property adjacent to the proposed dwelling group will not be adversely affected.*

Findings: The adjacent properties to the north and west of the the proposed development are vacant. Adjacent to the south and east of the subject property are rights-of way. Adjacent properties will not be adversely affected by the development.

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

**Section 1.** That the conditional use permit is granted to construct a two (2) six-unit apartment buildings on a property described as Lot 4, Kenai Meadows Subdivision Addition No. 1, located at 2150 Redoubt Avenue in the Rural Residential (RR) Zoning District.

**Section 2.** That the conditional use permit is subject to the following conditions:

1. Further development of the property shall conform to all Federal, State of Alaska, and local regulations.
2. Phase 1 will consist one (1) six-unit apartment building with on-site improvements, such as the perimeter/interior landscaping adjacent to the constructed building and paving the fire apparatus access road and driveway. Phase 2 will consist of a second identical or similar 6-unit apartment building within the next two (2) years.
3. Provide a recreation area for the residents, such as a community garden or outdoor patio area in either the northwest or northeast corners of the property, subject to setback requirements.
4. A biennial fire inspection must be completed by the City of Kenai Fire Marshal.
5. The applicant will meet with City staff for on-site inspections when requested.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
THIS 8<sup>TH</sup> DAY OF MAY, 2024.

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JOE HALSTEAD, CHAIRPERSON

ATTEST:

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Meghan Thibodeau, Deputy City Clerk



# STAFF REPORT

PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**THROUGH:** Linda Mitchell, Planning Director  
**FROM:** Brandon McElrea, Planning Technician  
**DATE:** May 3, 2024  
**SUBJECT:** Resolution PZ2024-08 – Conditional Use Permit for Two (2) Six-Unit Apartment Buildings Located at 2150 Redoubt Avenue

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**Request** The applicant is requesting to construct two (2) six-unit apartment buildings for senior housing in phases.

**Staff Recommendation** Adopt Resolution PZ2024-08 approving the conditional use permit (CUP) for two (2) six-unit apartment buildings on a property described as Lot 4, Kenai Meadows Addition No. 1, located at 2150 Redoubt Avenue within the Rural Residential (RR) Zoning District.

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Applicant	Kenai Peninsula Housing Initiatives, Inc.
Legal Description	Lot 4, Kenai Meadows Addition No. 1
Property Address	2150 Redoubt Avenue
KPB Parcel No.	03901069
Lot Size (acreage)	1.32
Zoning	Rural Residential (RR)
Current Use	Vacant
Land Use Plan	Suburban Residential

## SUMMARY

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Kenai Peninsula Housing Initiatives, Inc. (KPHI) has requested to construct two (2) six-unit apartment buildings for senior housing (referred as Rainbow Flats Senior Apartments) in phases on an approximately 1.32-acre lot. The first phase would include one (1) six-unit apartment building with on-site improvements, such as the perimeter/interior landscaping adjacent to the constructed building and paving the fire apparatus access road and driveway. Phase 2 will consist

of a second identical or similar 6-unit apartment building within the next two (2) years. Each proposed apartment building will offer one-bedroom units and two-bedroom units. The overall development is shown with minimum 20-foot setback from all the property lines and a minimum 10-foot perimeter landscaping buffer adjacent to the building.

The subject parcel is vacant and was conditionally donated by the City under Ordinance No. 3217-2021 for the development of restricted income and senior housing on the premises.

Pursuant to Kenai Municipal Code (KMC) 14.22.010 *Land Use Table*, a six-family (residential) dwelling is listed as a conditional use within the Rural Residential (RR) Zone. Therefore, the proposed development requires a Conditional Use Permit.

## ANALYSIS

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. Prior to granting a conditional use permit or amendment, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

**Criteria 1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.**

**Findings:** The proposed use is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The land use table indicates a six-family dwelling is a conditional use with footnote 3, outlining additional conditions for a conditional use. The analysis of the additional conditions found in the Land Use Table footnote section will be discussed in Criteria 6.

The subject property is surrounded by a vacant lot to the north, the Windhaven Estates and Inlet Woods Subdivisions to the east, a vacant lot to the south, and two (2) similarly improved lots owned by KPHI, as well as the Mommsen’s Subdivision to the west. The proposed development generally meets the intent of the Kenai Zoning Code, as it meets the minimum development requirements for two (2) six-unit apartment buildings, as shown in Table 1 below.

Table 1 Development Requirements Analysis

Development Requirements for Two (2) Six-plex in the RR Zone	Minimum Standards	Maximum Standards	Standards Met?
<b>Lot Size (Square Feet)</b>	39,200	-	Yes
<b>Setback (Feet):</b>			
<b>Front</b>	20	-	Yes
<b>Side</b>	15	-	Yes
<b>Rear</b>	20	-	Yes
<b>Parking (No. of Spaces)</b>	12	-	Yes
<b>Lot Coverage (Percentage)</b>	-	30	Yes
<b>Building Height (Feet)</b>	-	35	Yes

Pursuant to KMC 14.20.080 *Rural Residential Zones*, the RR Zones are intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment and furthermore, prohibit uses that would violate the residential character and generate heavy traffic in predominately residential areas. As shown in Table 1, the proposed development provides 9 dwelling units/acre, where the RR Zone allows for 13 dwelling units/acre; therefore, the proposed development provides a low-density residential development. The proposed development increases the housing supply for low-income families and senior citizens. KPHI has developed several apartment buildings along Redoubt Avenue without any adverse impact to the traffic into the existing neighborhood. Therefore, staff does not find that this proposed development would bring heavy traffic into the surrounding area.

**Criteria 2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.**

**Findings:** The surrounding neighborhood consists of a mix of both single-family and multi-family dwellings. There are several apartment complexes that front Redoubt Avenue. In addition, there is a four-plex located on McKinley Avenue, which is accessed directly from Redoubt Avenue. KPHI has already constructed two (2) six-unit senior apartments and two (2) four-unit apartments west of the subject lot. Staff does not find that the proposed development will negatively impact the surrounding properties as this is a compatible use with the existing residential neighborhood.

A landscaping/site plan has been submitted and will be finalized upon the decision of this CUP to ensure conditions are reflected accordingly.

**Criteria 3: The proposed use is in harmony with the Comprehensive Plan.**

**Findings:** The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Suburban Residential (RS) land use classification. The RS Land Use Classification is defined in the Comprehensive Plan:

*Suburban Residential is intended for single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.*

The proposed use would be consistent with the development of the surrounding area. The applicant recognizes the need for the development of safe, affordable housing for senior residents of Kenai, and the surrounding areas. The proposed development meets the intent of the RS Land Use and furthermore, it meets the following goals of the Comprehensive Plan.

**RELEVANT GOALS**

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", several goals and objectives are met from the proposed development.



**Goal 1** – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-2

*Protect and rejuvenate the livability of existing neighborhoods.*

Objective Q-10

*Continue to support existing senior services and the development of additional services and housing.*

**Goal 3** – Develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-1

*Establish siting and design standards so that development is in harmony and scale with surrounding uses.*

**Criteria 4: Public services and facilities are adequate to serve the proposed use.**

**Findings:** The subject lot is located on Redoubt Avenue and has access to City water, City sewer, natural gas, electricity, and telephones/cable services. Redoubt Avenue is a paved road maintained by the City. KMC 14.20.250(b)(8) *Off-Street Parking Requirements*, state two (2) parking spaces are required per dwelling unit. Therefore, a minimum of 12 parking spaces are required and a total of 12 parking spaces are provided on the premises with one (1) parking space in the garage and one (1) parking space in the driveway for each unit. There are existing public services and facilities to adequately serve the proposed development.

**Criteria 5: The proposed use will not be harmful to the public safety, health or welfare.**

**Findings:** The use of the six-unit apartments will not be harmful to the public safety, health or welfare. The applicant provided the City with a site plan, which indicates that there will be sufficient parking available for residents and guests of the development. Access will be from Redoubt Avenue, which is a City maintained paved road; therefore, the proposed use will not be harmful to the public safety, health or welfare.

**Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. These may include, but are not limited to, measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.**

**Findings:** No additional or specific conditions are deemed necessary to fulfill the above-mentioned criteria.

In addition to the above criteria for a CUP, the following are conditions listed under footnote 3 in KMC 14.22.010 *Land Use Table* that must be met prior to the issuance of a CUP for a six-unit family dwelling.

- a. *The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;*

**Findings:** There is no standards of usable area per dwelling unit in the RS Zone. Therefore, this condition is not applicable.

- b. *The site square footage in area must be approved by the Commission;*

**Findings:** As noted in Criteria 1, the proposed development on the subject property provides a low-density residential development; therefore, the site square footage in area as-is is adequate and meets the intent of the RR Zone.

- c. *Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;*

**Findings:** The yards for the proposed development meets or exceeds the minimum development requirements of the RR Zone.

- d. *Water and sewer facilities shall meet the requirements of all applicable health regulations;*

**Findings:** During permitting and construction, the connections to water and sewer facilities will be subject to meeting all applicable Federal, State, and local regulations.

- e. *The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;*

**Findings:** As noted in Criteria 1, the proposed development meets the intent of the RR Zone and furthermore, noted in Criteria 3, the proposed use is in harmony with the Comprehensive Plan.

- f. *The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;*

**Findings:** The proposed development shows the apartment buildings are for residential purposes.

- g. *There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;*

**Findings:** The proposed development does not show recreation areas; however, there are open spaces in the northwest and northeast corners that should be dedicated as open and usable space for the residents, such as a community garden or outdoor patio for resident gatherings.

A condition has been added to require a recreation area for residents to use, such as a community garden or outdoor patio area in either the northwest or northeast corner of the property.

- h. *The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;*

**Findings:** As noted in Criteria 1 and 5, the proposed development is not anticipated to adversely impact the traffic on Redoubt Avenue and the surrounding area.

- i. *The property adjacent to the proposed dwelling group will not be adversely affected.*

**Findings:** The adjacent properties to the north and west of the the proposed development are vacant. Adjacent to the south and east of the subject property are rights-of way. Adjacent properties will not be adversely affected by the development.

## PUBLIC NOTICE

---

Pursuant to Kenai Municipal Code 14.20.280(c) notices of the public hearing for the conditional use permit were mailed to property owners within a three hundred-foot (300') periphery of the subject property. City staff published notice of the public hearing in the *Peninsula Clarion* at least seven (7) days prior to the date of the hearing. A contractor for KPHI submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit request.

No public comments have been received.

## STAFF RECOMMENDATION

---

Staff finds that the requested Conditional Use Permit to construct two (2) six-unit apartment buildings on a property described as Lot 4, Kenai Meadows Subdivision Addition No. 1, located at 2150 Redoubt Avenue in the Rural Residential (RR) Zoning District meets the criteria and conditions for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code (KMC) 14.20.150 and the applicable footnote in KMC 14.22.010 *Land Use Table*, and hereby recommends that the Planning and Zoning Commission adopt Resolution PZ2024-08 approving the Conditional Use Permit, subject to the following conditions:

1. Further development of the property shall conform to all Federal, State of Alaska, and local regulations.
2. Phase 1 will consist one (1) six-unit apartment building with on-site improvements, such as the perimeter/interior landscaping adjacent to the constructed building and paving the fire apparatus access road and driveway. Phase 2 will consist of a second identical or similar 6-unit apartment building within the next two (2) years.
3. Provide a recreation area for the residents, such as a community garden or outdoor patio area in either the northwest or northeast corners of the property, subject to setback requirements.
4. A biennial fire inspection must be completed by the City of Kenai Fire Marshal.
5. The applicant will meet with City staff for on-site inspections when requested.

## ATTACHMENTS

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Aerial Map  
Application  
Plans

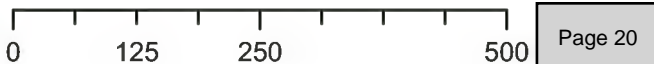


**Resolution No. PZ2024-08**  
**Conditional Use Permit**  
**Two (2) Six-Unit Apartment Buildings**  
**2150 Redoubt Avenue**



Date Printed: 5/3/2024

Map for Reference Only  
NOT A LEGAL DOCUMENT





# Conditional Use Permit Application

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99611  
(907) 283-8200  
planning@kenai.city  
www.kenai.city/planning

### PROPERTY OWNER

Name:	Kenai Peninsula Housing Initiatives, Inc / Dana Gregoire, Finance Director			
Mailing Address:	PO Box 1869			
City:	Homer	State:	AK	Zip Code: 99603
Phone Number(s):	907-235-4357			
Email:	contact@kphi.net			

### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:				
Mailing Address:				
City:		State:		Zip Code:
Phone Number(s):				
Email:				

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	03901069
Physical Address:	TBD
Legal Description:	T 06N R 12W SEC 25 SEWARD MERIDIAN KN 2023048 KENAI MEADOWS ADDN NO 1 LOT 4
Zoning:	RR
Acres:	1.32

### CONDITIONAL USE DESCRIPTION

(Include site plan/floor plan with square footages)  
(include State Business License and KPB Tax Compliance if applicable)

How is this property currently being used?	Vacant land
--	-------------

Conditional Use Requested for (attach additional sheets if necessary):

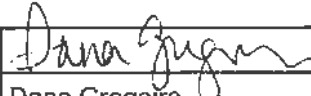
The development of six units of senior housing.

Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:

The zoning district is rural residential. The conditional use is for residential units designated for senior citizens aged 55 and over. Our plan is for low density development of 12 units total over two phases, this phase is for the first six units of the development.

Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:

We have already developed two lots previously donated to us by the City of Kenai for the development of residential rental housing. The adjoining properties will not be impaired by the conditional use of this lot. The conditional use of this lot will complement the existing developments and continue to serve the mission of the organization and the intended purpose of the land donation.

Use of surrounding property - north:	Rural Residential		
Use of surrounding property - south:	Rural Residential		
Use of surrounding property - east:	Rural Residential		
Use of surrounding property - west:	Rural Residential		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
The conditional use purpose and intended use of the land donation from the City of Kenai is in alignment with the comprehensive plan to develop safe, affordable housing for the residents of Kenai and the surrounding areas by developing senior housing.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Yes, public services and facilities are adequate to serve the proposed conditional use.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
The conditional use will contribute in a positive way to public safety, health and welfare by providing low safe, affordable housing to low income families and senior citizens of the Kenai area.			
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?			
There is no potential negative impacts of the conditional use to neighbors.			
<b>AUTHORITY TO APPLY FOR CONDITIONAL USE:</b> I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:			Date: 04/10/2024
Print Name:	Dana Gregoire	Title/Business:	Finance Director/KPHI
<b>For City Use Only</b>		Date Application Fee Received:	
		PZ Resolution Number:	

**CODE ANALYSIS**

THIS CODE ANALYSIS USES THE 2021 INTERNATIONAL BUILDING CODE (IBC) AND CITY OF KENAI (COK) AMENDMENTS. THE BUILDING IS A ONE STORY CONVENTIONAL WOOD FRAMED STRUCTURE SUPPORTED WITH AN INSULATED CONCRETE FOUNDATION WALL ON SPREAD FOOTERS. WATER, SEWER AND ELECTRICAL CONNECT TO LOCAL UTILITY PROVIDERS. THERE WILL BE A 1 1/2" SPRINKLER PROVIDED.

**OCCUPANCY CLASSIFICATION**

R2 RESIDENTIAL APARTMENTS

**TYPE OF CONSTRUCTION**

TYPE VB

ALLOWABLE BUILDING HEIGHT / ACTUAL HEIGHT (IBC TABLE 504.3)  
 513R: 30' ALLOWABLE / 19'-0" ACTUAL

ALLOWABLE BUILDING STORIES / ACTUAL HEIGHT (IBC TABLE 504.4)  
 513R: 3 STORIES ALLOWABLE / 1 STORY ACTUAL

ALLOWABLE BUILDING AREA / ACTUAL AREA (IBC TABLE 506.2)  
 R2 7,000 SF ALLOWABLE /  
 A<sub>1</sub>: INCREASE DUE TO FRONTAGE = 8,750 SF / 8,254 SF ACTUAL

$A_2 = A_1 + (N_2 \times 2)$

$A_2 = 7,000 + (7,000 \times 0.25) = 8,750 SF$

$F = 50\% \text{ OF PERIMETER IS 30' OR MORE} = 0.25 \text{ (IBC TABLE 506.3.3)}$

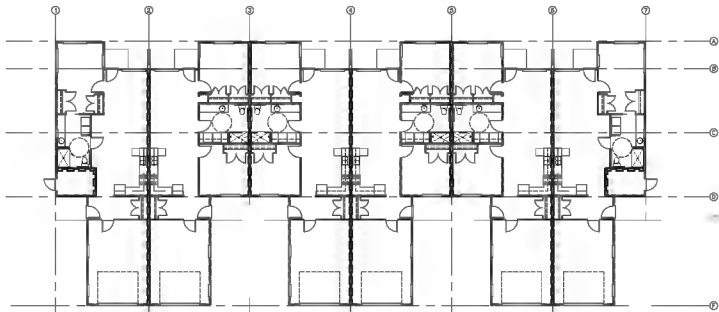
**FIRE RATED CONSTRUCTION**

FIRE PARTITION 1-HOUR BETWEEN DWELLING UNITS (IBC 420)  
 CRAWL SPACE - NO STORAGE OR EQUIPMENT  
 MECHANICAL ROOM RATED 1-HOUR  
 PROVIDE RATED 1-HOUR CRAWL SPACE ACCESS HATCH

DRAFTSTOPPING IN ATTIC SPACES NOT TO EXCEED 3,000 SF OR GREATEST HORIZONTAL DIMENSION NOT TO EXCEED 90 FEET

**SMOKE AND CARBON MONOXIDE DETECTORS**

SMOKE AND CARBON MONOXIDE DETECTORS PROVIDED HARDWIRED WITH BATTERY BACKUP IN EACH BEDROOM AND COMMON SPACE 10' FROM RANGE  
 PROVIDE PORTABLE FIRE EXTINGUISHERS WITH UL LISTING 2A-10B-C SUGGESTED LARGEN MP-5 OR EQUIVALENT. PROVIDE ONE WITHIN EACH UNIT.  
 NFPA 13R 6" SPRINKLER (IBC 903.3.1.2)



**FIRST FLOOR CODE DIAGRAM**  
 SCALE: 1/16" = 1'-0"

**PLANT SCHEDULE**

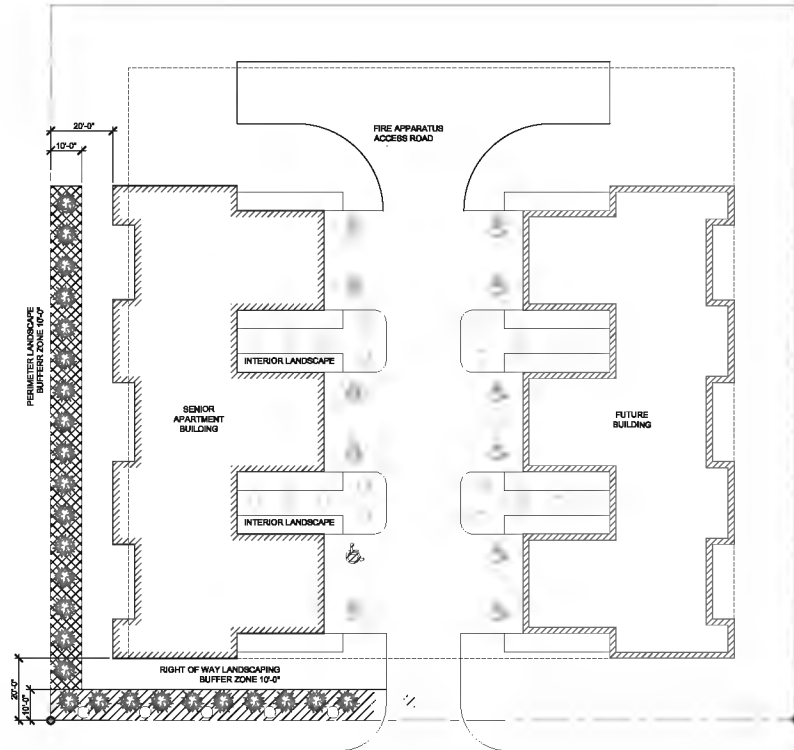
Plant Name (common)	Quantity/Spacing	Size
SPRUCE (TREE)	1 PER AVERAGE INTERVALS APPROXIMATELY 10' O.C.	4"
	1 PER 500 SF OF NET INTERIOR LANDSCAPED AREA	5"
LEAC / ROSE GROUPINGS	1 PER 25 SF IN LANDSCAPING BED	1"
	1 PER 100 SF OF NET INTERIOR LANDSCAPED AREA	1"

**LANDSCAPING NOTES**

1. LANDSCAPING TO COMPLY WITH CITY OF KENAI MUNICIPAL CODE SECTION 14.25
2. TOPSOIL AND SEED ALL DISTURBED EXCEPTING PLANTING BEDS
3. MULCH CONTINUOUSLY THROUGHOUT ALL PLANTING BEDS WITH 3" SHREDDED BARK MULCH
4. ALL SEEDED AREAS TO RECEIVE 4" OF TOPSOIL

**CODE LEGEND**

■■■■■ RATED 1-HOUR WALLS



**SITE PLAN**  
 SCALE: 1" = 32'-0"

REDOUBT AVENUE

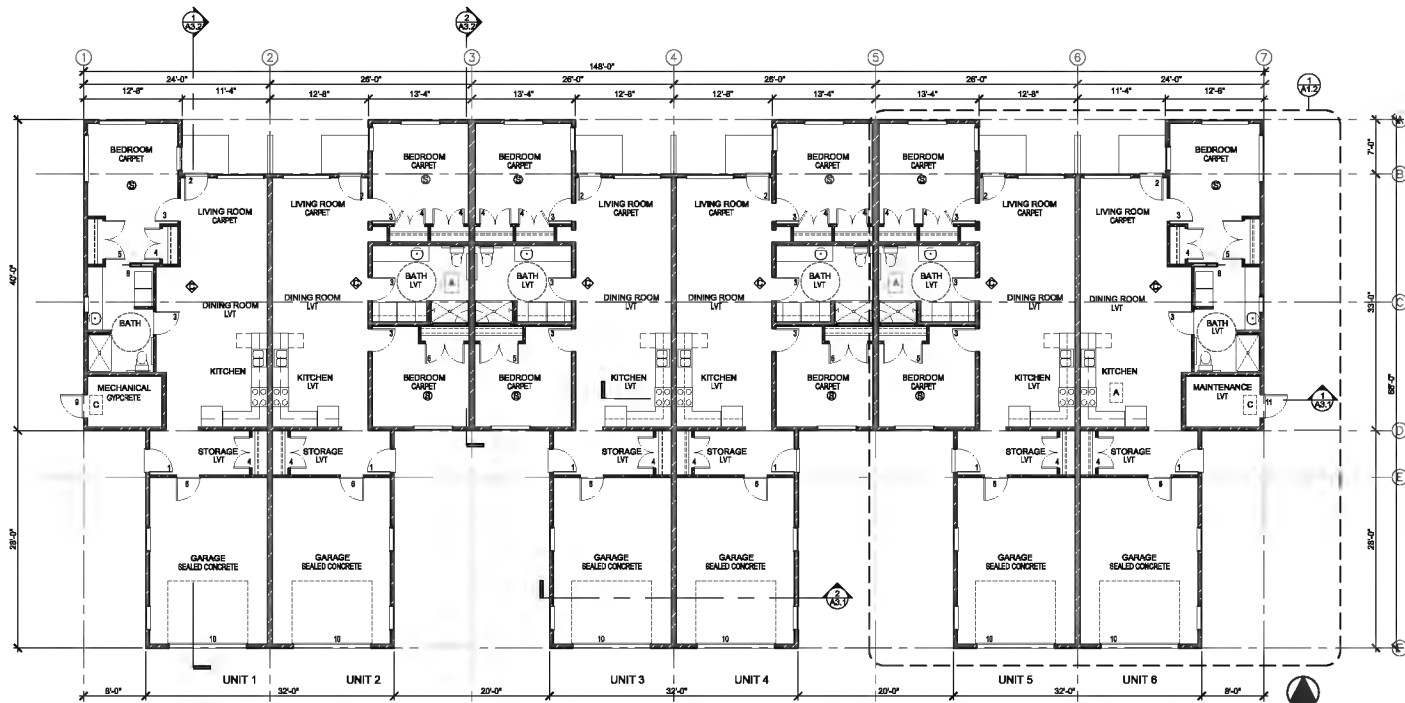


Daniel Selway, Inc.  
 2130 C Street, Suite 200  
 Anchorage, Alaska 99503  
 P: 907.582.6076 F: 907.582.6636

Rainbow Flats  
 Apartments  
 Kenai, Alaska  
 815 Project No.: 22007  
 Construction Documents  
 February 29, 2024

Interior Elevations  
**A0.1**

Door Types		Door Schedule										Legend		General Notes										
<p>TYPE F      TYPE G      TYPE FG</p> <p>1. DOOR THRESHOLD LESS THAN 1/2" 2. ALL DOOR GLAZING TO BE LAMINATED SAFETY GLASS.</p>		NO.	DOOR		FRAME		LABEL	REMARKS	HARDWARE		DOOR NUMBER	SHEET NUMBER	NOTE REFERENCE	SMOKE DETECTOR	CARBON MONOXIDE/SMOKE DETECTOR LOCATED 10' FROM RANGE	ATTIC ACCESS	CRANK, SPACE ACCESS	CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE.	PROVIDE ONE SMOKE DETECTOR PER BEDROOM AND ONE COMBINED SMOKE AND CARBON MONOXIDE DETECTOR IN EACH UNIT HALL.	PROVIDE BLOCKING FOR HANDICAP RAILS AT TOILET AND IN BATHROOMS IN ALL UNITS. DOOR THRESHOLDS TO BE LESS THAN 1/2" AT ALL DOORS.	USE EQUIPPED MOUNTING HEIGHTS FOR DOOR SECURITY DOOR VIEWERS AT MOBILITY-IMPAIRED UNITS.	DIMENSIONS ARE TO FACE OF STUD OR CONCRETE UNLESS NOTED OTHERWISE.		
SIZE	THK	TYPE	MATL.	MATL.																				
1	3'-0" X 8'-0"	1 3/4"	C	METAL	WOOD		EXTERIOR ENTRY, INSULATED		HINGES, BORED ENTRANCE LOCK F82, THRESHOLD, WEATHER-STRIPPING, BLENCER, STRIKE															
2	3'-0" X 8'-0"	1 3/4"	FG	METAL	WOOD		EXTERIOR ENTRY, INSULATED		HINGES, BORED ENTRANCE LOCK F82, THRESHOLD, WEATHER-STRIPPING, BLENCER, STRIKE															
3	3'-0" X 8'-0"	1 3/4"	F	WOOD	WOOD		BEDBATH ROOM		HINGES, BORED PRIVACY LATCH, BEDROOM OR BATH LOCK F74, STRIKE															
4	2'-0" X 8'-0"	1 3/4"	F	WOOD	WOOD		CLOSET		HINGES, PASSAGE LATCH															
5	2'-0" X 8'-0"	1 3/4"	F	WOOD	WOOD		CLOSET		HINGES, PASSAGE LATCH															
6	3'-0" X 8'-0"	1 3/4"	F	METAL	WOOD	20 MIN	GARAGE ENTRY		SPRING HINGE, BORED ENTRANCE LOCK F82, THRESHOLD, WEATHER-STRIPPING, BLENCER, STRIKE															
7	NOT USED																							
8	3'-0" X 8'-0"	1 3/4"	F	WOOD	WOOD		BEDBATH ROOM		POCKET DOOR HARDWARE WITH LATCH															
9	3'-0" X 8'-0"	1 3/4"	F	METAL	METAL		MECHANICAL		HINGES, STOREROOM LOCK, THRESHOLD, WEATHER-STRIPPING, BLENCER, STRIKE															
10	10'-0" X 7'-0"			METAL	METAL		INSULATED SECTIONAL GARAGE DOOR WITH AUTOMATIC OPENER																	
11	3'-0" X 8'-0"	1 3/4"	F	METAL	METAL		EXTERIOR STORAGE		HINGES, STOREROOM LOCK, THRESHOLD, WEATHER-STRIPPING, BLENCER, STRIKE															



**Overall Floor Plan**  
1/8" = 1'-0"

STATE OF ALASKA  
 45TH  
 Registered Professional Engineer  
 E. S. S. S. S.  
 1984

**BDS ARCHITECTS**  
 ARCHITECTURE | INTERIORS | SCFF TECHNOLOGY

Beak, David Selaw, Inc.  
 3130 C Street, Suite 200  
 Anchorage, Alaska 99503  
 P.907.582.6076 F.907.582.6636

**Rainbow Flats Apartments**  
 Kenai, Alaska  
 8105 Project No. 22  
 Construction Documents  
 February 29, 2024

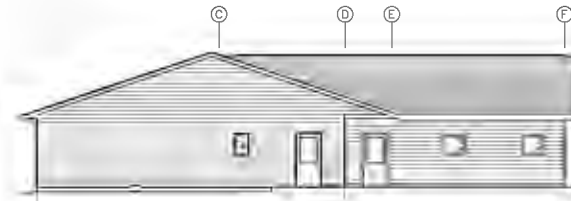


Window Types		Window Schedule																																				
		<table border="1"> <thead> <tr> <th>TYPE</th> <th>GLAZING</th> <th>FRAME</th> <th>SIZE</th> <th>NOTE</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>INSULATED</td> <td>VINYL</td> <td>6'-0" X 4'-4"</td> <td>SLIDER</td> </tr> <tr> <td>B</td> <td>INSULATED</td> <td>VINYL</td> <td>6'-0" X 4'-4"</td> <td>SLIDER</td> </tr> <tr> <td>C</td> <td>NOT USED</td> <td></td> <td></td> <td></td> </tr> <tr> <td>D</td> <td>NOT USED</td> <td></td> <td></td> <td></td> </tr> <tr> <td>E</td> <td>INSULATED</td> <td>VINYL</td> <td>2'-0" X 3'-0"</td> <td>CABEMENT</td> </tr> <tr> <td>F</td> <td>INSULATED</td> <td>VINYL</td> <td>3'-0" X 2'-7"</td> <td>AWNING</td> </tr> </tbody> </table>	TYPE	GLAZING	FRAME	SIZE	NOTE	A	INSULATED	VINYL	6'-0" X 4'-4"	SLIDER	B	INSULATED	VINYL	6'-0" X 4'-4"	SLIDER	C	NOT USED				D	NOT USED				E	INSULATED	VINYL	2'-0" X 3'-0"	CABEMENT	F	INSULATED	VINYL	3'-0" X 2'-7"	AWNING	<p>EGRESS WINDOWS TO HAVE A MINIMUM NET CLEAR OPENABLE EGRESS AREA OF 5.7 SF. GROUND FLOOR WINDOWS MAY HAVE A MINIMUM NET CLEAR OPENABLE EGRESS AREA OF 5.5 SF. THE MINIMUM CLEAR HEIGHT IS 24" AND THE MINIMUM CLEAR WIDTH IS 20". THE MAXIMUM SILL HEIGHT IS 42".</p> <p>WINDOWS UNITS SHALL BE RESIDENTIAL QUALITY HOLLOW FRAME WINDOWS USING EXTRUDED, HIGH IMPACT RESISTANT PVC. GLAZING SHALL BE SEALED INSULATING GLASS UNITS WITH AN INTERIOR LOW E COATING AND FILLED WITH ARGON GAS. PROVIDE FULLY ASSEMBLED WINDOW UNITS AS MANUFACTURED BY NORATHERM, INC. OR EQUAL.</p>
TYPE	GLAZING	FRAME	SIZE	NOTE																																		
A	INSULATED	VINYL	6'-0" X 4'-4"	SLIDER																																		
B	INSULATED	VINYL	6'-0" X 4'-4"	SLIDER																																		
C	NOT USED																																					
D	NOT USED																																					
E	INSULATED	VINYL	2'-0" X 3'-0"	CABEMENT																																		
F	INSULATED	VINYL	3'-0" X 2'-7"	AWNING																																		



**East Exterior Elevation**

1/8" = 1'-0"



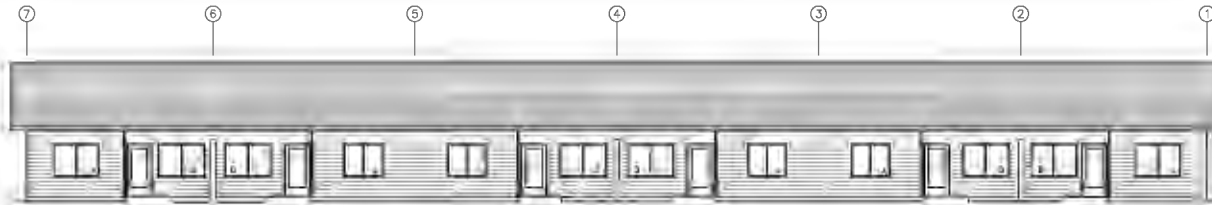
**West Exterior Elevation**

1/8" = 1'-0"



**South Exterior Elevation**

1/8" = 1'-0"



**North Exterior Elevation**

1/8" = 1'-0"



**BDS ARCHITECTS**  
ARCHITECTURE | INTERIOR DESIGN | CONSTRUCTION MANAGEMENT

Boris S. Selaw, Inc.  
2330 C Street, Suite 200  
Anchorage, Alaska 99503  
P: 907.582.6076 F: 907.582.6636

Rainbow Flats  
Apartments

Kentel, Alaska  
RIS Project No.: 220027  
Construction Documents  
February 29, 2024

Exterior Elevations

**A2.1**





**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2024-09**

A RESOLUTION **GRANTING** AN ENCROACHMENT PERMIT FOR A RESIDENTIAL DETACHED ACCESSORY STRUCTURE TO ENCROACH INTO THE REQUIRED (WEST) SIDE YARD SETBACK BY APPROXIMATELY 8.25 FEET.

APPLICANT: Ryan Bowlin

PROPERTY ADDRESS: 3018 Bree Avenue

LEGAL DESCRIPTION: Lot 34, Shoreline Heights 2014 Addition Phase 1

KENAI PENINSULA BOROUGH PARCEL NUMBER: 03914157

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.185(c) was submitted to the City on April 15, 2024; and,

WHEREAS, the applicant has demonstrated that the prerequisites of an Encroachment Permit have been met pursuant to Kenai Municipal Code 14.20.185(b); and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 1, 2024, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds the criteria are met as set forth in KMC 14.20.185(d):

1. *An encroachment as defined in subsection (a) exists.*

KMC 14.20.185(a) *“Encroachment” means any object or structure above or below ground and constructed or located in a manner other than set forth in the Development Requirements Table.*

Findings: The proposed accessory structure meets the definition of an encroachment as it would be located approximately 6.75 feet from the nearest property line, where a 15-foot side yard setback is required in the Rural Residential (RR) zoning district.

2. *The encroachment does not encroach upon a Federal, State or City right-of-way or utility easement.*

Findings: The Shoreline Heights 2014 Addition Phase 1 plat shows a 30-foot right-of-way (ROW) under ADL 63572 and identifies a 10-foot utility easement adjacent to the rights-of-way. An easement vacation plat was recorded under Plat No. 2017-10 in the Kenai Recording District, which vacates the 30-foot ROW under ADL 63572. The proposed

accessory structure would be approximately 6.75 feet away from the west property line. There is no indication of an encroachment upon a right-of-way or utility easement.

3. *The issuance of the encroachment permit will not authorize a use which is a not a principal permitted use in the zoning district in which the property is located.*

Findings: A Conditional Use Permit (CUP) is required for constructing an accessory structure on an adjacent vacant lot, owned by the same property owner(s) with a principal structure/use of the land but it is limited to a structure without a permanent foundation and be less than 400 square feet. The proposed accessory structure will have a permanent foundation and exceed the 400 square feet; therefore, a CUP would not authorize the proposed accessory structure. However, a lot merger would authorize the use of the proposed accessory structure. A condition has been added to require a lot merger to ensure this criterion will be met. As such, the proposed structure will be located on the same lot as the single-family dwelling.

4. *The encroachment is not located across a platted lot line.*

Findings: The requested encroachment will not cross a platted lot line. The proposed accessory structure will be approximately 6.75 feet away from the nearest property line.

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

**Section 1.** That an encroachment permit is granted for a residential detached accessory structure to encroach into the required 15-foot (west) side yard setback by approximately 8.25 feet.

**Section 2.** That the encroachment permit is subject to the following conditions:

1. An as-built survey by a registered professional land surveyor must be submitted to the Building Official prior to the issuance of the Certificate of Occupancy.
2. Prior to the building permit issuance, Lots 34 and 35 of Shoreline Heights 2014 Addition Phase 1 must be consolidated or merged.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 8<sup>TH</sup> DAY OF MAY, 2024.

---

JOE HALSTEAD, CHAIRPERSON

ATTEST:

---

Meghan Thibodeau, Deputy City Clerk



# STAFF REPORT

PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**FROM:** Linda Mitchell, Planning Director  
**DATE:** May 3, 2024  
**SUBJECT:** Resolution PZ2024-09 - Encroachment Permit for a Residential Detached Accessory Structure to Encroach into the Required (West) Side Yard Setback

---

**Request** The applicant is requesting for an approximately 8.25 feet encroachment into the required 15-foot (west) side yard setback for a residential detached accessory structure.

**Staff Recommendation** Adopt Resolution PZ2024-09 approving an Encroachment Permit to allow a residential detached accessory structure to encroach into the required 15-foot (west) side yard setback by 6.75 feet.

---

Applicant	Ryan Bowlin
Legal Description	Lot 34, Shoreline Heights 2014 Addition Phase 1
Property Address	3018 Bree Avenue
Parcel No.	03914157
Lot Size	28,459 square feet (0.65-acre)
Zoning	Rural Residential (RR)
Current Land Use	Vacant
Land Use Plan	Low Density Residential (LDR)

## SUMMARY

---

City staff initially received a building permit application for a 28-foot by 30-foot single-story detached shop with covered parking on the sides on the subject property. The subject property is vacant. Kenai Municipal Code (KMC) Section 14.20.200(b) states an unoccupied accessory structure may be allowed as a conditional use on a residential parcel that does not have a main building or use of the land only when the parcel on which the unoccupied accessory structure proposed is adjacent to and shares a common lot line with a parcel owned by the same owner

and a main building or use is constructed or used on the adjacent parcel. The adjacent lot to the west of the subject property is owned by the same property owner. Due to the limitation of the CUP for an accessory structure on structure size and non-permanent foundation, the property owner has opted to merge the lots.

Pursuant to Table 14.24.020 *Development Requirement Table* in the Kenai Municipal Code (KMC), the Rural Residential (RR) zoning district requires a fifteen-foot (15') side yard setback. The proposed location and size of the accessory structure would encroach into the required 15-foot side yard setback by approximately 6.75 feet. Thus, the proposed accessory structure would encroach approximately 8.25 feet into the required side yard setback.

Planning received the preliminary plat application to merge the lots. The preliminary plat is subject to compliance with KMC Chapter 14.10 *Subdivision Regulations*. If this encroachment permit is granted, then the preliminary plat would come before the Planning and Zoning Commission for review/recommendation at the next regular meeting.

## ANALYSIS

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Pursuant to KMC 14.20.185(b), the intent of an encroachment permit is to provide relief to the Development Requirements Table to remedy encroachments which do not fall under KMC 14.20.050 *Nonconforming Lots, Structures, and Uses* and which satisfy the requirements of financial institutions.

Prior to granting an encroachment permit, the Commission shall find that all of the conditions have been met as set forth in KMC 14.20.185(d) [Encroachment Permit] *Review Criteria*.

### ***Criteria 1: An encroachment as defined in subsection (a) exists.***

**KMC 14.20.185(a) “Encroachment” means any object or structure constructed or located in a manner other than set forth in the Development Requirements Table.**

**Findings:** The proposed accessory structure meets the definition of an encroachment as it would be located approximately 6.75 feet from the nearest property line, where a 15-foot side yard setback is required in the Rural Residential (RR) zoning district.

### ***Criteria 2: The encroachment does not encroach upon a Federal, State or City right-of-way or utility-easement.***

**Findings:** The Shoreline Heights 2014 Addition Phase 1 plat shows a 30-foot right-of-way (ROW) under ADL 63572 and identifies a 10-foot utility easement adjacent to the rights-of-way. An easement vacation plat was recorded under Plat No. 2017-10 in the Kenai Recording District, which vacates the 30-foot ROW under ADL 63572. The proposed accessory structure would be approximately 6.75 feet away from the west property line. There is no indication of an encroachment upon a right-of-way or utility easement.

### ***Criteria 3: The issuance of the encroachment permit will not authorize a use which is a not a principal permitted use in the zoning district in which the property is located.***

**Findings:** A Conditional Use Permit (CUP) is required for constructing an accessory structure

on an adjacent vacant lot, owned by the same property owner(s) with a principal structure/use of the land but it is limited to a structure without a permanent foundation and be less than 400 square feet. The proposed accessory structure will have a permanent foundation and exceed the 400 square feet; therefore, a CUP would not authorize the proposed accessory structure. However, a lot merger would authorize the use of the proposed accessory structure. A condition has been added to require a lot merger to ensure this criterion will be met. As such, the proposed structure will be located on the same lot as the single-family dwelling.

**Criteria 4: An encroachment is not located across a platted lot line.**

**Findings:** The requested encroachment will not cross a platted lot line. The proposed accessory structure will be approximately 6.75 feet away from the nearest property line.

## PUBLIC NOTICE

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Pursuant to Kenai Municipal Code 14.20.280 notices of the public hearing for the encroachment permit were mailed to property owners within a three hundred-foot (300') periphery of the subject property. City staff published notice of the public hearing in the *Peninsula Clarion* on May 1, 2024. City staff submitted an Affidavit of Post verifying a sign was placed on the parcel with information on the public hearing for the encroachment permit request.

## STAFF RECOMMENDATION

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Staff finds that the request meets the criteria as set forth in KMC 14.20.185(d) for issuance of an Encroachment Permit for a residential detached accessory structure to encroach into the required 15-foot (west) side yard setback by approximately 8.25 feet, and hereby recommends that the Planning and Zoning Commission approve the encroachment permit, subject to the following conditions:

1. As as-built survey by a registered professional land surveyor must be submitted to the Building Official or designee prior to the issuance of the Certificate of Occupancy.
2. Prior to the building permit issuance, Lots 34 and 35 of Shoreline Heights 2014 Addition Phase 1 must be consolidated or merged.

## ATTACHMENTS

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Aerial Map  
Application Materials  
Shoreline Heights 2014 Addition Phase 1 Plat  
Easement Vacation Plat





KENAI

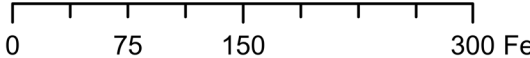
**Resolution No. PZ2024-09**  
**Encroachment Permit**  
**8.25 Feet into 15-Foot Side Yard Setback**  
**3018 Bree Avenue**



Date Printed: 5/3/2024

Map for Reference Only  
NOT A LEGAL DOCUMENT

N





# Encroachment Permit Application

RECEIVED

CITY OF KENAI

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99611  
(907) 283-8200  
planning@kenai.city  
www.kenai.city/planning

APR 15 2024

Planning & Zoning

By: *elw*

### PROPERTY OWNER

Name:	Ryan Bowlin				
Mailing Address:	Po Box 253				
City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907 398 8232				
Email:	RyanBowlin776@gmail.com				

### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:					
Mailing Address:					
City:		State:		Zip Code:	
Phone Number(s):					
Email:					

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):					
Physical Address:	3018 Bree Ave				
Legal Description:	T 06 N R 12W SEC 26 Seward Meridian KN2015024 Shoreline Heights				
Zoning:	Residential				
Acres:	.65				

### ENCROACHMENT DESCRIPTION

(include site plan/floor plan with square footages, rights-of-way, easements, setbacks)  
(include State Business License and KPB Tax Compliance if applicable)

How is this property currently being used?	Vacant land
Use of surrounding property - north:	Residential Property
Use of surrounding property - south:	Bree Ave
Use of surrounding property - east:	Residential home
Use of surrounding property - west:	Residential home

Encroachment Requested for (attach additional sheets if necessary):

Explain how the encroachment falls into the following definition in City Code - "Encroachment" means any object or structure above or below ground and constructed or located in a manner other than set forth in the Development Requirements Table.":

The Shop I would like to build on this property would be closer than 15 Foot setback from the Southeast corner of Lot 36 1506 payor.

2014 ADDN Phase 1 Lot 34

**ENCROACHMENT REQUIREMENTS**  
(must be met for a permit to be issued)

The encroachment does not encroach upon a Federal, State, or City right-of-way or utility easement.  YES

The issuance of the encroachment permit will not authorize a use which is not a principal permitted use in the zoning district in which the property is located.  YES

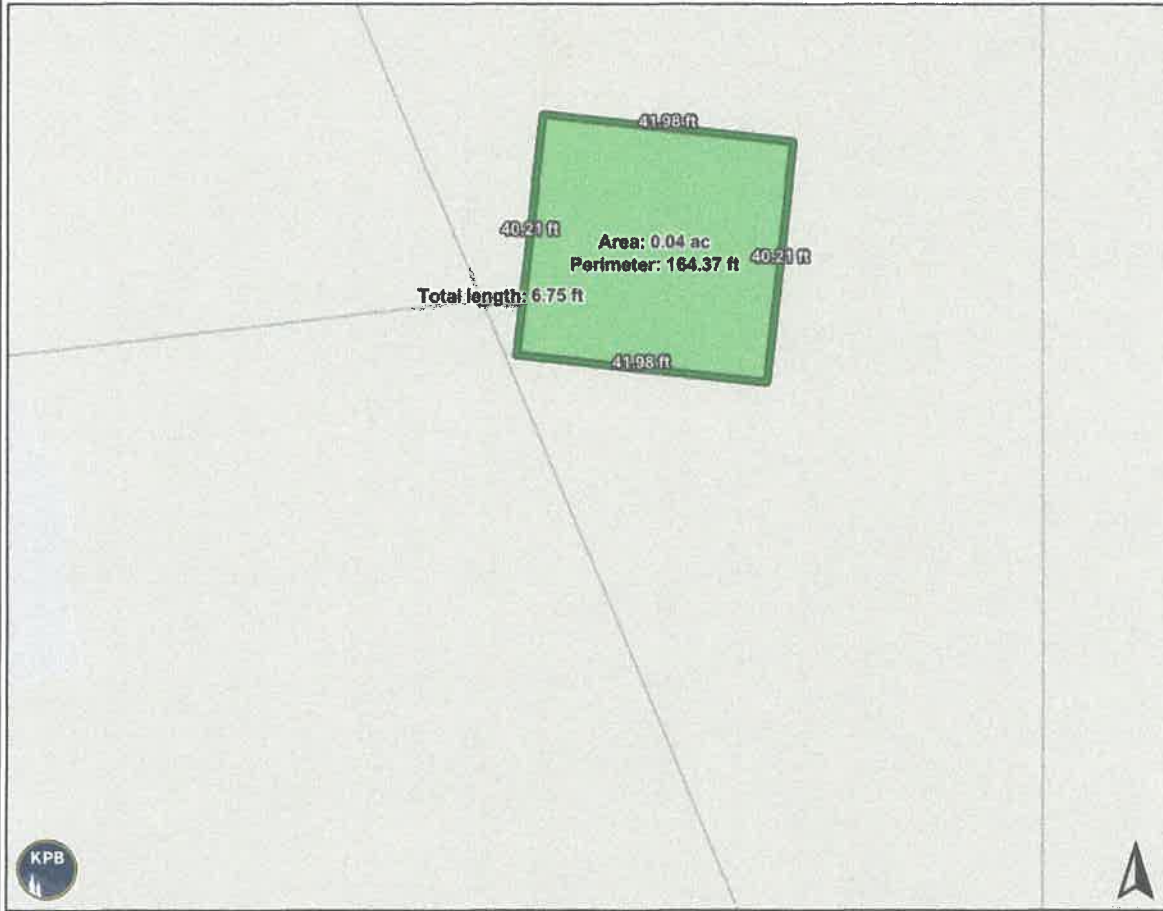
The encroachment is not located across a platted lot line.  YES

**AUTHORITY TO APPLY FOR AN ENCROACHMENT:**

I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for an encroachment permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the encroachment. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.

Signature:	<i>Ryan Bowlin</i>	Date:	<i>4/15/24</i>
Print Name:	<i>Ryan Bowlin</i>	Title/Business:	

<b>For City Use Only</b>	Date Application Fee Received:
	PZ Resolution Number:



Legend

Transportation

Mileposts



Roads



2



3



4



7



9



30



83



11

Parcels and PLSS

Tax Parcels



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenal Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenal Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.

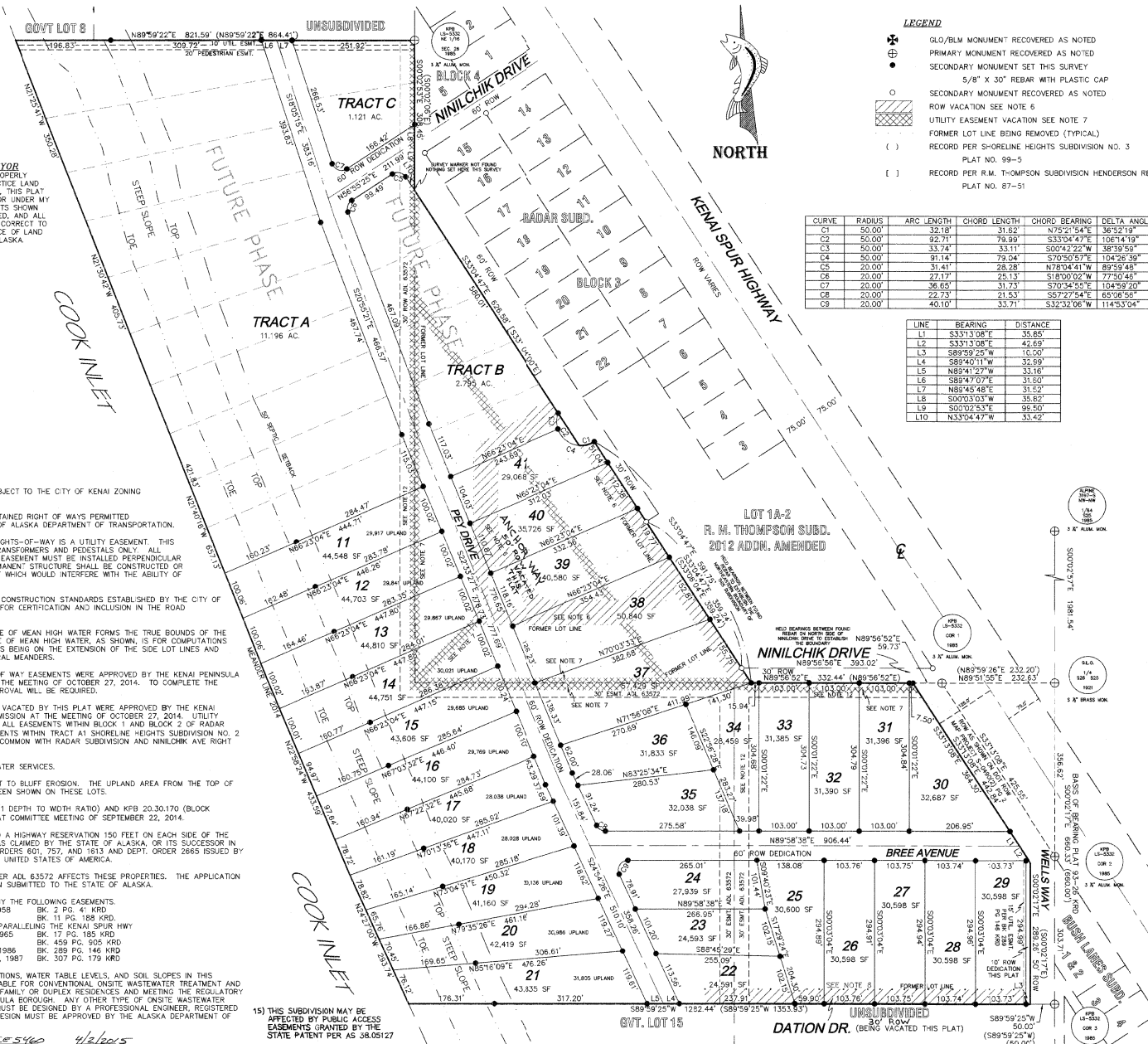


**CERTIFICATE OF SURVEYOR**  
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.

**NOTES:**

- DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
- NO PRIVATE ACCESS TO STATE MAINTAINED RIGHT OF WAYS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. THIS EASEMENT IS FOR ABOVE GROUND TRANSFORMERS AND PEDESTALS ONLY. ALL UNDERGROUND UTILITIES WITHIN THIS EASEMENT MUST BE INSTALLED PERPENDICULAR TO THE RIGHTS-OF-WAY. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE CITY OF KENAI IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER FORMS THE TRUE BOUNDS OF THE SUBDIVISION. THE APPROXIMATE LINE OF MEAN HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE PROPERTY CORNERS BEING ON THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
- THE VACATION OF PUBLIC RIGHT OF WAYS AND RIGHT OF WAY EASEMENTS WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF OCTOBER 27, 2014. TO COMPLETE THE VACATION OF ADL 63572 STATE APPROVAL WILL BE REQUIRED.
- UTILITY EASEMENTS THAT ARE BEING VACATED BY THIS PLAT WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 27, 2014. UTILITY EASEMENTS BEING VACATED INCLUDE: ALL EASEMENTS WITHIN BLOCK 1 AND BLOCK 2 OF RADAR SUBDIVISION (K-706 AND ALL EASEMENTS WITHIN TRACT A1 SHORELINE HEIGHTS SUBDIVISION NO. 2 THAT ADJOIN THE FORMER LOT LINE COMMON WITH RADAR SUBDIVISION AND NINILCHIK AVE RIGHT OF WAY.
- ALL LOTS TO BE SERVED BY CITY WATER SERVICES.
- LOTS 11-21, INCLUSIVE, ARE SUBJECT TO SLUFF EROSION. THE UPLAND AREA FROM THE TOP OF THE BLUFF LINE TO THE ROW HAS BEEN SHOWN ON THESE LOTS.
- AN EXCEPTION TO KPB 20.30.190 (3:1 DEPTH TO WIDTH RATIO) AND KPB 20.30.170 (BLOCK LENGTH) WAS APPROVED AT THE PLAT COMMITTEE MEETING OF SEPTEMBER 22, 2014.
- THESE PARCELS MAY BE SUBJECT TO A HIGHWAY RESERVATION 150 FEET ON EACH SIDE OF THE CENTER LINE KENAI SPUR HIGHWAY AS CLAIMED BY THE STATE OF ALASKA, OR ITS SUCCESSOR IN INTEREST, PURSUANT TO PUBLIC LAND ORDERS 601, 757, AND 1813 AND DEPT. ORDER 2665 ISSUED BY THE SECRETARY OF INTERIOR OF THE UNITED STATES OF AMERICA.
- A 30' RIGHT OF WAY EASEMENT UNDER ADL 63572 AFFECTS THESE PROPERTIES. THE APPLICATION TO VACATE THIS EASEMENT HAS BEEN SUBMITTED TO THE STATE OF ALASKA.
- THESE PARCELS MAY BE AFFECTED BY THE FOLLOWING EASEMENTS:
  - ELECTRIC EMT, AUG. 4, 1958 BK. 2 PG. 41 KRD ASSIGNED TO CITY OF KENAI BK. 11 PG. 188 KRD
  - GAS TRANSMISSION LINE, ROUGHLY PARALLEL TO THE KENAI SPUR HWY MAY 24, 1965 BK. 17 PG. 185 KRD
  - ASSIGNED TO MARATHON OIL BK. 459 PG. 905 KRD
  - ELECTRIC EMT, JUNE 26, 1986 BK. 288 PG. 146 KRD
  - RIGHT OF WAY MARCH 20, 1987 BK. 307 PG. 179 KRD
- WASTEWATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- THIS SUBDIVISION MAY BE AFFECTED BY PUBLIC ACCESS EASEMENTS GRANTED BY THE STATE PATENT PER AS 38.05127

ENGINEER *CS 5140* 4/2/2015  
 LICENSE # DATE



**LEGEND**

- GLO/BLM MONUMENT RECOVERED AS NOTED
- PRIMARY MONUMENT RECOVERED AS NOTED
- SECONDARY MONUMENT SET THIS SURVEY
- 5/8" X 30" REBAR WITH PLASTIC CAP
- SECONDARY MONUMENT RECOVERED AS NOTED
- ROW VACATION SEE NOTE 6
- UTILITY EASEMENT VACATION SEE NOTE 7
- FORMER LOT LINE BEING REMOVED (TYPICAL)
- RECORD PER SHORELINE HEIGHTS SUBDIVISION NO. 3 PLAT NO. 99-5
- RECORD PER R.M. THOMPSON SUBDIVISION HENDERSON REPLAT PLAT NO. 87-51

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00	32.18	31.62	N75°21'54"E	36°52'19"
C2	50.00	92.71	79.89	S33°04'47"E	106°14'19"
C3	50.00	33.74	33.11	S00°41'22"W	88°19'58"
C4	50.00	91.14	79.04	S70°50'57"E	104°26'39"
C5	20.00	31.41	28.28	N78°04'41"W	89°59'49"
C6	20.00	22.17	23.13	S18°00'02"W	77°50'48"
C7	20.00	36.65	31.73	S70°34'55"E	104°59'20"
C8	20.00	22.73	21.53	S67°27'54"W	65°08'58"
C9	20.00	40.10	33.71	S32°32'06"W	114°53'04"

LINE	BEARING	DISTANCE
L1	S33°13'08"E	35.85'
L2	S33°13'08"E	42.69'
L3	S89°59'25"W	15.00'
L4	S89°40'11"W	32.99'
L5	N89°41'27"W	33.16'
L6	S88°41'07"E	31.50'
L7	N88°45'48"E	31.52'
L8	S00°03'03"W	35.82'
L9	S00°02'53"E	69.40'
L10	N33°04'47"W	33.42'

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BRYAN R. LOWE  
 12231 N. CHERRY HILLS DR. W  
 SUN CITY, AZ 85351

**NOTARY'S ACKNOWLEDGMENT**  
 FOR: BRYAN R. LOWE  
 ACKNOWLEDGED BEFORE ME THIS 27 DAY OF March 2015

*Bryan R. Lowe*  
 NOTARY PUBLIC FOR ARIZONA  
 MY COMMISSION EXPIRES 3/31/2018

**CERTIFICATE OF ACCEPTANCE**  
 I HEREBY CERTIFY THAT THE CITY OF KENAI APPROVES AND ACCEPTS THE DEDICATION OF THE RIGHT OF WAYS AND EASEMENTS AS SHOWN ON THIS SUBDIVISION PLAT.

*Rick Koch* 4/2/2015  
 RICK KOCH  
 CITY MANAGER - CITY OF KENAI  
 210 FIDALGO AVE.  
 KENAI, AK 99611

2015-24  
 Plat #  
*Loeche*  
 REC. DATE: 5/14/2015  
 DATE TIME: 3:12 PM

**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 22, 2014.

KENAI PENINSULA BOROUGH  
*Max Burt*  
 AUTHORIZED OFFICIAL

KPB FILE NO: 2015-24

**SHORELINE HEIGHTS  
 2014 ADDITION PHASE 1**

A SUBDIVISION OF BLOCK 1 AND 2 RADAR SUBDIVISION (PLAT KN-706) AND TRACT A1-A SHORELINE HEIGHTS SUB. NO. 3 (PLAT 99-5 KRD)

OWNER: BRYAN LOWE  
 12231 N. CHERRY HILLS DR. W.  
 SUN CITY AZ 85351

LOCATED WITHIN THE N½ SE¼ & N½ SECTION 26, T06N, R12W, SEWARD MERIDIAN, CITY OF KENAI, AKENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 45,707 ACRES

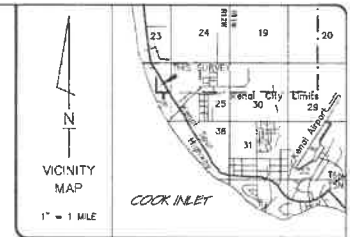
**INTEGRITY SURVEYS INC.**  
 820 SET NET DRIVE KENAI AK 99611  
 PHONE - (907) 285-9047  
 SURVEYORS FAX - (907) 283-9071  
 PLANNERS email: info@integritysurveys.com

JOB NO: 214120 DRAWN: MARCH 19, 2015 SH  
 SURVEYED: AUG. - SEPT. 2014 SCALE: 1" = 100'  
 FIELD BK: 2014-9 PG: 1-6 FILE: 214120 FP.P1.DWG

# EASEMENT VACATION PLAT

**NOTES:**

- 1) DIAGONALLY HATCHED AREA INDICATES THE PORTIONS OF ADL 63572 EASEMENT BEING VACATED WITHIN SECTION 26 OF TEN R12W SEWARD MERIDIAN.
- 2) NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS VACATION PLAT. ALL BOUNDARY LINES AND OTHER DETAILS AS SHOWN ARE FROM THE PLAT OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1 PLAT NO. 2015-24 KENAI RECORDING DISTRICT.
- 3) IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS OF WAY OR EASEMENTS.
- 4) VACATION OF ADL 63572 EASEMENT, AS SHOWN ON THIS DRAWING, WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF OCTOBER 27, 2014. THE HATCHED AREA SHOWS THE PORTION OF EASEMENT THAT WILL BE VACATED BY THIS PLAT.
- 5) THIS EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-235 APPROVED JUNE 30, 2016.
- 6) THE ALTERNATE ROUTE IN ACCORDANCE WITH 11 AAC 51.065 IS VIA THE KENAI SPUR HIGHWAY AND PLATTED RIGHTS-OF-WAY DEDICATED BY THE PLAT OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1.



**CERTIFICATE OF PUBLIC ACCESS EASEMENT VACATION**

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO THE PORTIONS OF PUBLIC ACCESS EASEMENTS MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES THAT WERE GRANTED UNDER THE RIGHT-OF-WAY PERMIT ADL 63572 (SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT).

APPROVED: Paul Ostrander DATE: 2/8/17  
 COMMISSIONER  
 DEPARTMENT OF NATURAL RESOURCES

**CERTIFICATE OF ACCEPTANCE**

I HEREBY CERTIFY THAT THE CITY OF KENAI APPROVES AND ACCEPTS THE VACATION OF EASEMENTS AS SHOWN ON THIS EASEMENT VACATION PLAT.

Paul Ostrander 2/8/17  
 DATE  
 PAUL OSTRANDER  
 CITY MANAGER - CITY OF KENAI  
 210 FIDALGO AVE.  
 KENAI, AK 99611

Plat #	
Rec. Dist.	20
Date	
Time	M

**LEGEND:**

PORTION OF ADL 63572 EASEMENT VACATED BY THIS PLAT

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

SCOTT A. HURT  
 REGISTERED LAND SURVEYOR  
 LS 11785  
 REGISTRATION NO.  
 1/30/2017  
 DATE



**CERTIFICATE OF OWNERSHIP**

I, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER OF LOTS 11-15, 22-24, 30-35, AND 37 AND TRACTS A, B AND C OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

Bryan R. Lowe 1/31/17  
 DATE  
 BRYAN R. LOWE  
 1205 5TH CT.  
 KENAI, AK 99611

**NOTARY'S ACKNOWLEDGMENT**

FOR: BRYAN R. LOWE  
 ACKNOWLEDGED BEFORE ME THIS 3 DAY OF JAN 2017  
 2017  
 2016



**CERTIFICATE OF OWNERSHIP**

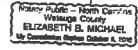
WE, THE UNDERSIGNED, CERTIFY THAT ALASKA BELL LLC IS THE OWNER OF LOT 35 OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

Nancy Bell Joseph Bell  
 NANCY BELL JOSEPH BELL

ALASKA BELL LLC  
 PO BOX 878373  
 WASHILLA, AK 99687

**NOTARY'S ACKNOWLEDGMENT**

FOR: NANCY BELL  
 ACKNOWLEDGED BEFORE ME THIS 3 DAY OF January, 2017  
 2017



**NOTARY'S ACKNOWLEDGMENT**

FOR: JOSEPH BELL  
 ACKNOWLEDGED BEFORE ME THIS 23 DAY OF January, 2017  
 2017



**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 22, 2017.

KENAI PENINSULA BOROUGH  
Paul B. DeWald  
 AUTHORIZED OFFICIAL

KPB FILE No. 2016-094

DATE OF SURVEY: N/A  
 BEGINNING: N/A  
 ENDING: N/A  
 NAME OF SURVEYOR: INTEGRITY SURVEYS INC.  
 820 SET NET DR.  
 KENAI, AK 99611  
 integrity@rsi.alaska.net

STATE OF ALASKA  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF MINING, LAND AND WATER  
 ADL 63572 EASEMENT VACATION PLAT

ASSOCIATED WITH  
 LOTS 11-15, 22-24, 30-35, 37-38 AND TRACTS A, B AND C OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1 PLAT 2015-24 KENAI RECORDING DISTRICT

WITHIN SECTION 26 TEN, R12W SEWARD MERIDIAN CITY OF KENAI, KENAI RECORDING DIST., KENAI PENINSULA BOROUGH, ALASKA

DRAWN BY: SH APPROVAL RECOMMENDED BY: Paul Ostrander 2/23/2017  
 DATE: DEC. 29, 2011 STATE PLATTING SUPERVISOR DATE

SCALE: CHECKED FILE  
 1" = 100' SH 214120 ESMT.DWG

JOB No. 214120 FIELD BK. N/A DNR FILE No. EV-3-235



# KENAI

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

## MEMORANDUM

**TO:** Planning and Zoning Commission

**THROUGH:** Linda Mitchell, Planning Director

**FROM:** Brandon McElrea, Planning Technician

**DATE:** May 1, 2024

**SUBJECT:** **Action/Approval** – Lease of Airport Reserve Land for the Property Described as Lot 9A, Block 5, General Aviation Apron Subdivision No. 5

---

D & M Land Company, LLC (“D & M Land Co.”) submitted a land lease application of Airport Reserve Land for the property described as Lot 9A, Block 5, General Aviation Apron Subdivision No. 5, located at 155 N. Willow Street (KPB Parcel No. 04324026). The applicant is requesting a term of 45 years and proposing an investment amount of approximately \$1,000,000 to erect an airplane hangar. Pursuant to Kenai Municipal Code (KMC) 21.10.080(b) *[Lease] Term Table*, the maximum term for the proposed investment value is 45 years. The 30-day notice of competitive land lease application will expire on May 10, 2024. As-of-date, the City has not received any competing lease applications for the subject property.

The applicant intends to use the premises for an airplane hangar to support a local airline, such as Kenai Aviation. D & M Land Co. does not currently hold any leases with the City. However, Mike Schilling, a member of the D & M Land Co. is also the single-member of Schilling Rentals, LLC (“Schilling”), which Schilling is in compliance with the terms and conditions of their leases.

The subject property is approximately 1.071 acres and located within the Airport Light Industrial (ALI) Zone. The intent of the ALI Zone is to protect the viability of the Kenai Municipal Airport as a significant resource to the community by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. The proposed use of an aircraft hangar is a permitted use in the ALI Zone and is an airport compatible use. A new hangar with the intent to support a local airline will further promote the viability of the Kenai Municipal Airport. Furthermore, the proposed use is consistent with the 2016 Imagine Kenai 2030 Comprehensive Plan. It supports Goal 5- Transportation, which has a vision for Kenai Municipal Airport as a gateway to the Kenai Peninsula.

Pursuant to KMC 14.05.010(b)(2), the Planning and Zoning (P&Z) Commission shall act in an advisory capacity to City Council regarding City and airport land leases. P&Z Commission makes their recommendation based on the proposed development and compliance with the City’s Comprehensive Plan and the Zoning Code. The Airport Commission will also review the lease application and provide a recommendation to City Council. City Council will be notified of your commission’s recommendation as part of their consideration of the lease application.

**Does your Commission recommend approval to City Council on the lease application of Airport Reserve Land for the use of a hangar for airplane storage at the property described as Lot 9A, Block 5, General Aviation Apron Subdivision No. 5?**

**Attachments**

Aerial Map

Application



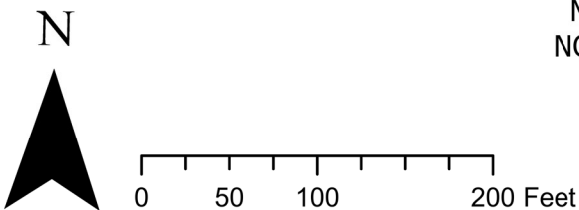




**Lease of Airport Reserve Land  
155 N. Willow Street  
KPB Parcel ID: 04324026  
Approximately 1.071 acres**



Map for Reference Only  
NOT A LEGAL DOCUMENT





**City of Kenai  
Land Lease Application**

Application for:	<input checked="" type="checkbox"/> New Lease
<input type="checkbox"/> Amendment	<input type="checkbox"/> Extension
<input type="checkbox"/> Assignment	<input type="checkbox"/> Renewal
Application Date:	4/5/2024

**Applicant Information**

Name of Applicant:	D & M Land Company, LLC						
Mailing Address:	47 Spur View Dr	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone:	907-283-7556	Work/ Message Phone:				
E-mail: (Optional)	dlunt@glmenergyllc.com						
Name to Appear on Lease:	D & M Land Company, LLC						
Mailing Address:	47 Spur View Dr	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone:	Work/ Message Phone:					
E-mail: (Optional)							
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 and Term Requested**

Legal description of property (or, if subdivision is required, a brief description of property):  
 155 N Willow Street Kenai, AK 99611  
 T 6N R 11W SEC 32 SEWARD MERIDIAN KN 2006062 GENERAL AVIATION APRON SUB NO 5 LOT 9A BLK 5

Does the property require subdivision? (if Yes, answer next questions)  YES  NO  
 Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes:

1. Do you believe the proposed subdivision would serve other City purposes?  YES  NO

2. If determined it does not, applicant is responsible for all subdivision costs. Initials MS

If an appraisal is required to determine the minimum price on the land, applicant is responsible for the deposit to cover costs associated with appraisal. If a sale is approved, the cost of the appraisal will be either refunded or credited to the applicant. Initials MS

It is the responsibility of the applicant to cover recording costs associated with lease. Initials MS

Do you have or have you ever had a Lease with the City? (if Yes, answer next question)  YES  NO

1. Legal or brief description of property leased:  
**Multiple parcels on the airport**

Request a Lease with an Option to Purchase once development requirements are met?  YES  NO

Requested term for Initial Lease or Renewal (based on Term Table, not to exceed 45 years): 45

Requested term for Lease Extension (based on Term Table, not to exceed a total of 45 Years):

Requested Starting Date: 5/1/2024

**Proposed Use and Improvements**

Proposed Use (check one):       Aeronautical       Non-Aeronautical

---

Do you plan to construct new or additional improvements? (if Yes, answer next five questions)       YES     NO

1. Will the improvement change or alter the use under an existing lease?       YES     NO

2. What is the proposed use of the improvement? Airplane Hangar

3. What is the estimated value of the improvement? 1,000,000

4. What is the nature and type of improvement?  
Erect an airplane hangar

5. What are the dates construction is estimated to commence and be completed?  
(generally, construction must be completed within two years)  
Estimated Start Date: 5/20/2024      Estimated Completion Date: 10/1/2024

Describe the proposed business or activity intended:  
Aircraft support

How does the proposed lease support a thriving business, residential, recreational, or cultural community?  
Support of local airline

Lease Assignment Only: What is the name of the individual or legal entity the lease is to be assigned?

**Lease Renewal Only**

Renewal of an Existing Lease (at least one year of term remaining): Requires new development.  
Lease Term based on: Estimated cost of new improvements and  Purchase Price (optional)

Renewal of an Expiring Lease (less than one year of term remaining): Does not require new development.  
Lease Term based on:  Purchase Price  Professional Estimate of Remaining Useful Life  
 Fair Market Value appraisal and/or  Estimated cost of new improvements (optional)

Requested Term for Renewal Based on Term Table, not to exceed 45 Years:

Submitting an application for a lease does not give the applicant a right to lease or use the land requested in the application. The application shall expire twelve (12) months after the date the application has been made if the City and the applicant have not, by that time, entered into a lease, unless the City Council for good cause grants an extension for a period not to exceed six (6) months. The City has no obligation to amend, renew or extend a lease and may decline to do so upon making specific findings as to why a lease renewal, extension, or amendment is not in the best interest of the City

Signature:		Date:	4/5/2024
Print Name:	Mike Schilling	Title:	Member

For City Use Only:	Date Application Fee Received: <u>4/5/24</u>
<input type="checkbox"/> General Fund <input type="checkbox"/> Airport Reserve Land	Date Application Determined Complete: _____
<input type="checkbox"/> Airport Fund <input type="checkbox"/> Outside Airport Reserve	30-Day Notice Publication Date: _____
Account Number: _____	City Council Action/Resolution: _____

**PAID APR 5 2024**



# KENAI

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

## MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Linda Mitchell, Planning Director  
**DATE:** May 1, 2024  
**SUBJECT:** **Action/Approval** – Lease of Airport Reserve Land for the Property Described as Lot 5A, Block 1, FBO Subdivision 2018 Replat

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Schilling Rentals, LLC (“Schilling”) submitted a land lease application of Airport Reserve Land for the property described as Lot 5A, Block 1, FBO Subdivision 2018 Replat, located at 413 N. Willow Street (KPB Parcel No. 04336049). The applicant is requesting a term of 45 years and proposing an investment amount of approximately \$1,000,000 to erect an airplane hangar. Pursuant to Kenai Municipal Code (KMC) 21.10.080(b) *[Lease] Term Table*, the maximum term for the proposed investment value is 45 years. The 30-day notice of competitive land lease application will expire on June 3, 2024. As-of-date, the City has not received any competing lease applications for the subject property.

The applicant intends to use the premises for an aircraft hangar to support a local airline, such as Kenai Aviation. Schilling has several leases with the City and they are in compliance with the terms and conditions of their leases.

The subject property is approximately 1.80 acres and located within the Airport Light Industrial (ALI) Zone. The intent of the ALI Zone is to protect the viability of the Kenai Municipal Airport as a significant resource to the community by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. The proposed use of an aircraft hangar is a permitted use in the ALI Zone and is an airport compatible use. A new hangar with the intent to support a local airline will further promote the viability of the Kenai Municipal Airport. Furthermore, the proposed use is consistent with the 2016 Imagine Kenai 2030 Comprehensive Plan. It supports Goal 5- Transportation, which has a vision for Kenai Municipal Airport as a gateway to the Kenai Peninsula.

Pursuant to KMC 14.05.010(b)(2), the Planning and Zoning (P&Z) Commission shall act in an advisory capacity to City Council regarding City and airport land leases. P&Z Commission makes their recommendation based on the proposed development and compliance with the City’s Comprehensive Plan and the Zoning Code. The Airport Commission will also review the lease application and provide a recommendation to City Council. City Council will be notified of your commission’s recommendation as part of their consideration of the lease application.

**Does your Commission recommend approval to City Council on the lease application of Airport Reserve Land for the use of a hangar for airplane storage at the property described as Lot 5A, Block 1, FBO Subdivision 2018 Replat?**

**Attachments**

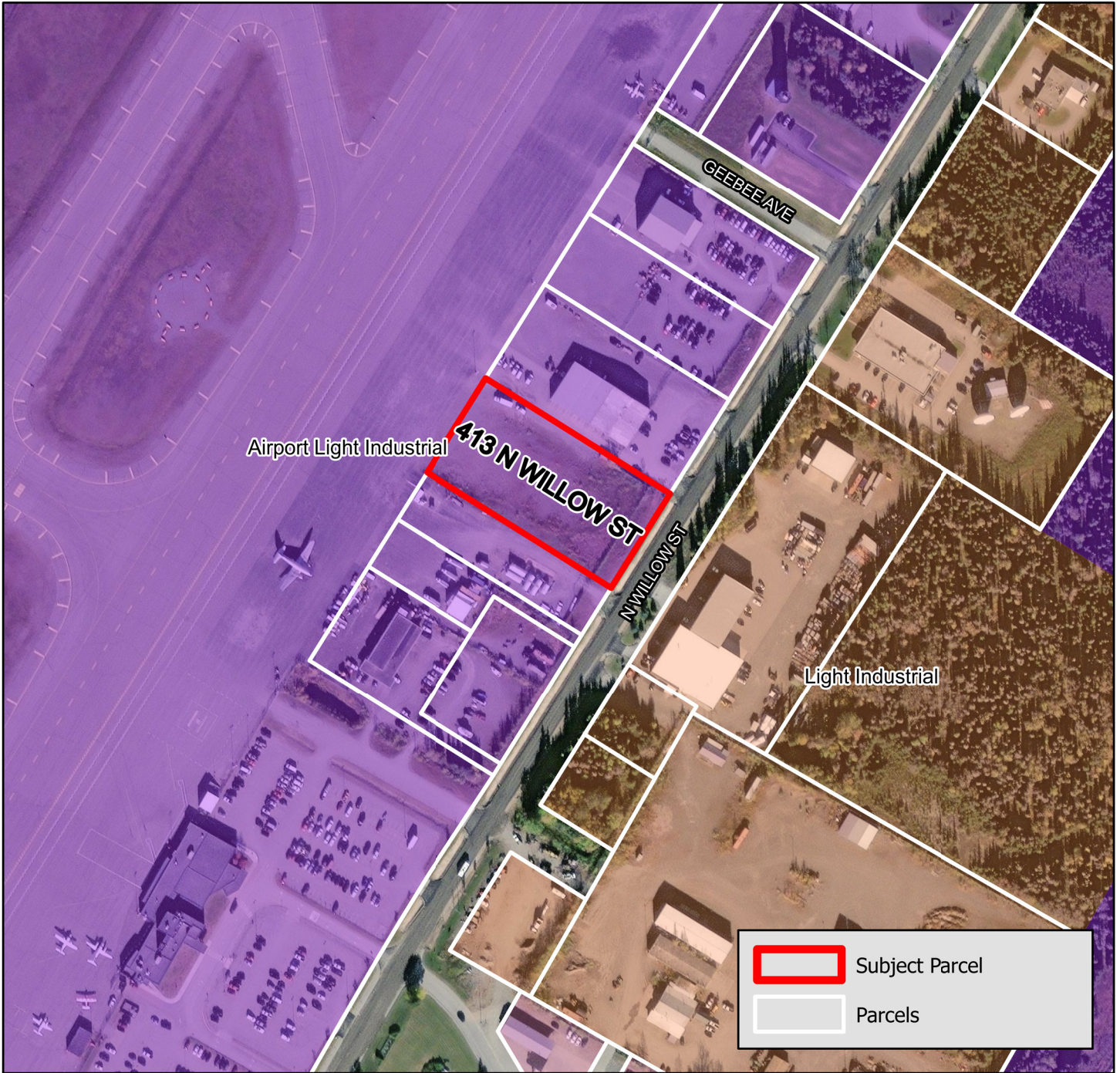
Aerial Map

Application



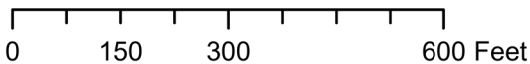


**Lease of Airport Reserve Land  
413 N. Willow Street  
KPB Parcel ID: 04336049  
Approximately 1.80 acres**



Date Printed: 5/2/2024

Map for Reference Only  
NOT A LEGAL DOCUMENT



MAY 01 2024

City of Kenai  
Land Lease Application

Application for:	<input checked="" type="checkbox"/> New Lease
<input type="checkbox"/> Amendment	<input type="checkbox"/> Extension
<input type="checkbox"/> Assignment	<input type="checkbox"/> Renewal

Application Date:	
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Applicant Information

Name of Applicant:	Schilling Rentals LLC						
Mailing Address:	PO Box 3426	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone:	907-283-7556	Work/ Message Phone:				
E-mail: (Optional)	dlunt@glmenergyllc.com						
Name to Appear on Lease:	Schilling Rentals LLC						
Mailing Address:	PO Box 3426	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone:	907-283-7556	Work/ Message Phone:				
E-mail: (Optional)							
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership    Corporation    Government <input checked="" type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____						

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property):  
T 06N R 11W SEC 32 SEWARD MERIDIAN KN 2019002 FBO SUB 2018 REPLAT LOT 5A BLK 1  
413 N Willow Street Kenai, AK 99611

Does the property require subdivision? (if Yes, answer next questions)  YES  NO  
 Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes:

1. Do you believe the proposed subdivision would serve other City purposes?  YES  NO

2. If determined it does not, applicant is responsible for all subdivision costs. Initials MS

If an appraisal is required to determine the minimum price on the land, applicant is responsible for the deposit to cover costs associated with appraisal. If a sale is approved, the cost of the appraisal will be either refunded or credited to the applicant. Initials MS

It is the responsibility of the applicant to cover recording costs associated with lease. Initials MS

Do you have or have you ever had a Lease with the City? (if Yes, answer next question)  YES  NO

1. Legal or brief description of property leased:  
**multiple parcels on airport**

Request a Lease with an Option to Purchase once development requirements are met?  YES  NO

Requested term for Initial Lease or Renewal (based on Term Table, not to exceed 45 years):

Requested term for Lease Extension (based on Term Table, not to exceed a total of 45 Years):

Requested Starting Date: 6/6/2024







# KENAI

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

## MEMORANDUM

**TO:** Chair Halstead and Planning & Zoning Commission Members  
**FROM:** Shellie Saner, City Clerk  
**DATE:** April 26, 2024  
**SUBJECT:** **Discussion/Recommendation** - Recommendation to Council on Enactment of Ordinance No. 3416-2024.

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On August 2, 2023 the City Council provided direction to the Administration to proceed with a Commission, Committee and Council on Aging engagement review process. The process included development of an online survey, distribution of that survey to all current Commission and Committee members, compiling the survey data, compiling a history of actions/recommendations by the advisory bodies and to take that information back to each Commission or Committee. This process was intended to promote more engagement with the advisory bodies.

The results of the survey responses from members of Planning & Zoning Commission were provided to the Commission in the laydown packet of the January 24, 2024 meeting, and the Commission was asked if they wanted to have a work session to discuss goals and objectives; because, the Planning and Zoning (P&Z) Commission has clear duties and roles established within code, has an advisory role on some issues, decision making authority on other issues, and did not request work session for the development of a work plan process, this process was not brought forward to your Commission.

In January 2024 the Administration began conducting work sessions with the individual advisory bodies of the City to receive their recommendations for proposed amendments to KMC Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees and amendments on code sections specific to their advisory body.

The recommendations received from the advisory bodies identified the need for more structural and organizational amendments to KMC.

This is being brought the P&Z Commission for recommendation because the ordinance as proposed will affect the P&Z Commission. The portions effecting your commission includes a complete repeal, reenactment and renaming of Chapter 1.90 - Standards for Boards, Commissions and Committees to new Chapter 1.90 - General Standards for Standing Advisory Commissions and enactment of new section 14.05.050 - Membership, Qualifications and Procedures. The portions of the repealed 1.90 that are applicable to your Commission have been included in the new 14.05.050 and are identified in the following:

## **Repealed Chapter 1.90 Standard Procedures for Boards, Commissions and Committees**

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

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

Section Repealed - 1.90.020 Duties: The duties and powers of the P&Z Commission already existed 14.05.010.

Section Repealed - 1.90.030 Qualifications:

- Paragraph (A), the first three sentences address eligibility requirements pertaining to residency and employees. These requirements were relocated to the new code as 14.05.050(a)(1-3).
- Paragraph (A), last sentence was related to salary and expenses was applicable to members of Advisory bodies; however, it was omitted from the new code for P&Z since P&Z Commissioners do receive a stipend.
- Paragraph (B) identifies that the Beautification Committee, Harbor, Library and Parks and Recreation Commission may have up to 2 non-resident members each. This language was omitted from the new P&Z code as it was not applicable to your commission.
- Paragraph (C) allowed the P&Z Commission to have one member that was not a resident if that member had a controlling interest in a business within the City, those provisions were included in the new code in 14.05.050(a)(1&3).

Section Repealed - 1.90.040 Terms:

- Paragraph (A), the first sentence established three-year terms unless exempted by Council, this language already existed P&Z Commission code 14.05.015(d).
- Paragraph (A), second sentence regarding reappointment was included in the new code as 14.05.050(a)(4) and the new language refers to the existing KMC 14.05.015 relate to P&Z Commissioner appointments.
- Paragraph (B), this language addresses establishing new commissions with staggered terms, it was not included in the P&Z Commission code; this language would be applicable when forming new commissions and is not needed for an existing commission.

Section Repealed - 1.90.050 Proceedings:

- Paragraph (A), first sentence regarding regular meeting schedules was included in the new code 14.05.050(b)(1).



- Paragraph (A), second and third sentences regarding permanent records, minutes and decisions, were included in the new code as 14.05.050(b)(4-5).
- Paragraph (A), fourth sentence regarding the paramount authority of the Council was omitted although the P&Z Commission are advisory on some subjects they do have decision making authority.
- Paragraph (B), regarding Commissioner attendance, was included in the new code as 14.05.050(a)(5).
- Paragraph (C), regarding parliamentary procedure was included in the new code as 14.05.050(b)(3).
- Paragraph (D), ensuring all members are provided a copy of the chapter was included in the new code as 14.05.050(b)(6).

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

- This section was omitted from the new P&Z Commission code as the new code is specific to only the P&Z Commission.

Attachments:

A - City Council Ordinance No. 3416-2024

B - Ordinance No. 3416-2024 Memo

C - Draft Copy of Ordinance No. 3416-2024 with comments





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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Harbor Commission at their \_\_\_\_\_, 2024 regular meeting recommended that the City Council \_\_\_\_\_this Ordinance; and,

WHEREAS, the Parks and Recreation Commission at their \_\_\_\_\_, 2024 regular meeting recommended that the City Council \_\_\_\_\_this Ordinance; and,

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

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

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

[CHAPTER 1.90  
STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

SECTIONS:

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

**1.90.010 CREATION.**

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

**1.90.020 DUTIES.**

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

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

**1.90.030 QUALIFICATIONS.**

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

**1.90.040 TERMS.**

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

**1.90.050 PROCEEDINGS.**

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

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

**1.90.060 SPECIFIC REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES.**

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

**Chapter 1.90**  
**General Standards for Standing Advisory Commissions.**

Sections:

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

**1.90.010 Creation.**

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

**1.90.020 Members, Appointments and Qualifications.**

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

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

**1.90.030 Terms.**

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

**1.90.040 Attendance.**

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

**1.90.050 Proceedings.**

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

**1.90.060 Liaison.**

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



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

**1.90.070 Specific Requirements of Standing Advisory Commissions.**

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

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

**Chapter 1.95**  
**Standing Advisory Commissions.**

Sections:

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

**1.95.010 Airport Commission.**

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

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

**1.95.020 Beautification Commission.**

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

**1.95.030 Council on Aging Commission.**

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

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

**1.95.040 Harbor Commission.**

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

**1.95.050 Parks and Recreation Commission.**

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

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

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

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

[CHAPTER 11.10  
HARBOR COMMISSION

**11.10.010 DUTIES AND POWERS.**

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

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

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

**14.05.050 - Membership Qualifications and Procedures.**

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

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

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

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

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

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

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

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

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

[CHAPTER 19.05  
PARKS AND RECREATION COMMISSION

SECTIONS:

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

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

**19.05.020 DUTIES AND POWERS.**

THE COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:

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

- (1) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC RECREATION FACILITIES; AND
- (2) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING RECREATION FACILITIES.

(B) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF RECOMMENDED CAPITAL IMPROVEMENTS, WHICH IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING THREE (3) YEAR PERIOD. SUCH LIST SHALL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS SHALL BE CONSTRUCTED IN WHICH YEAR.

(C) MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY RECREATION.

(D) MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL.

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

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

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

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

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

**[21.20  
AIRPORT COMMISSION**

SECTIONS:

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

**21.20.010 DUTIES AND POWERS.**

THE COMMISSION SHALL:

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

**21.20.020 QUALIFICATIONS.**

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

**21.20.030 MEMBERSHIP.**

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

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

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

**Section 8.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 9.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>th</sup> DAY OF MAY, 2024.

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

ATTEST:

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

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





# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Shellie Saner, City Clerk

**DATE:** April 19, 2024

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

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

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

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

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

**Repealed Chapter 1.90 Standard Procedures for Boards, Commissions and Committees**

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

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

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

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

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

Section Repealed - 1.90.030 Qualifications:

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

Section Repealed - 1.90.040 Terms:



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

**Section Repealed - 1.90.050 Proceedings:**

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

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

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

**New Chapter 1.90 General Standards for Advisory Commissions**

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

**New Section - 1.90.010 Creation:**

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



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

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

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

**New Section - 1.90.020 Member, Appointment and Qualifications:**

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

**New Section - 1.90.030 Terms:**

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

**New Section - 1.90.040 Attendance:**

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

**New Section - 1.90.050 Proceedings:**

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

**New Section 1.90.060 Liaison:**

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

**New Section 1.90.070:**

- This new section is from the repealed 1.90.060.

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

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

**New Chapter 1.90 Standing Advisory Commissions**



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

**Section 6.** Proposes to repeal Chapter 21.20 Airport Commission.

Thank you for your consideration.

Attachments:

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



Sponsored by: City Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

New Text Underlined; [DELETED TEXT BRACKETED]

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

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

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

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

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

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

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

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

**SECTIONS:**

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

**1.90.010 CREATION.**

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

**Commented [SS1]:** This section proposes to repeal and replace the current chapter 1.90.  
  
Notes in the section being repealed will indicate how the code was modified, included or omitted within the new section.  
  
Notes in the new section will indicate that it is a new provision that was not in the previous code.

**Commented [SS2]:** First sentence included in 1.90.020 (a) and (b) and in the new 14.05.050 (a).  
**Commented [SS3]:** Second sentence included in 1.90.050(b) and in the new 14.05.050(b)(2).  
**Commented [SS4]:** Sentences 3 through 6 were included in 1.90.060(a)(1-3), paragraph (a) is from Council adopted policy 20.020 and in the new 14.05.050 (c)(1-3), paragraph (d) is from Council Policy 20.020.  
**Commented [SS5]:** Sentence 7 was included as 1.90.060(b).



**1.90.020 DUTIES.**

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

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

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

**1.90.030 QUALIFICATIONS.**

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

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

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

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

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

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

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

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

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

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

**1.90.040 TERMS.**

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

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

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

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

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

**1.90.050 PROCEEDINGS.**

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

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

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

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

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

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

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

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

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

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

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

**Commented [SS20]:** Included in new 1.90.070

**Chapter 1.90**  
**General Standards for Standing Advisory Commissions.**

Sections:

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

**1.90.010** **Creation.**

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

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

New Text Underlined; [DELETED TEXT BRACKETED]

**1.90.020 Member, Appointment and Qualifications.**

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

**1.90.030 Terms.**

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

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

**1.90.040 Attendance.**

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

**1.90.050 Proceedings.**

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

**1.90.060 Liaison.**

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New Text Underlined; [DELETED TEXT BRACKETED]

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

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

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

### **1.90.070 Specific Requirements of Standing Advisory Commissions.**

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

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

### **Chapter 1.95 Standing Advisory Commissions.**

Sections:

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

### **1.95.010 Airport Commission.**

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

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

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

New Text Underlined; [DELETED TEXT BRACKETED]

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

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

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

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

**1.95.020 Beautification Commission.**

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

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

- (1) Advise administration on seasonal displays and decorations promoted by the City; and,
- (2) Advise administration on selection of annual plantings of flora to be displayed in the City; and,
- (3) Advise Council and administration on City beautification issues and/or projects as requested by the Council or administration; and,
- (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year.

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

**1.95.030 Council on Aging Commission.**

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

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

- (1) Review and provide recommendations on any master plans for senior citizen services provided by the City. This may include:
  - (i) City owned facilities providing senior citizen services; and,
  - (ii) Development and use of the Senior Center or other facilities owned or managed by the City for the provision of services for senior citizens, excluding Vintage Pointe-Independent Senior Housing.

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

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

New Text Underlined; [DELETED TEXT BRACKETED]

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

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

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

**1.95.040 Harbor Commission.**

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

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

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

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

**1.95.050 Parks and Recreation Commission.**

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

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

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

(i) Development of the type, location, and sequence of all public recreation facilities; and,

(ii) The relocation, removal, extension, or change of use of existing recreation facilities.

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

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

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

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

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

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

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

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

**[CHAPTER 11.10  
HARBOR COMMISSION**

**11.10.010 DUTIES AND POWERS.**

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

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

**(i) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC HARBOR FACILITIES;**

**(ii) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING HARBOR FACILITIES;**

New Text Underlined: [DELETED TEXT BRACKETED]



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

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

**14.05.050 - Membership Qualifications and Procedures.**

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

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

New Text Underlined; [DELETED TEXT BRACKETED]

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

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

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

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

**[CHAPTER 19.05  
PARKS AND RECREATION COMMISSION**

**SECTIONS:**

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

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

**19.05.020 DUTIES AND POWERS.**

THE COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:

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

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New Text Underlined: [DELETED TEXT BRACKETED]

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

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

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

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

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

**[21.20  
AIRPORT COMMISSION**

SECTIONS:

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

**21.20.010 DUTIES AND POWERS.**

THE COMMISSION SHALL:

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

**21.20.020 QUALIFICATIONS.**

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

**21.20.030 MEMBERSHIP.**

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

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

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New Text Underlined: [DELETED TEXT BRACKETED]

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

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

**Section 8.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 8.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>th</sup> DAY OF MAY, 2024.

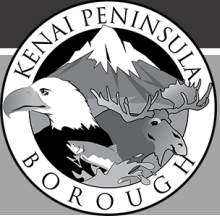
\_\_\_\_\_  
Brian Gabriel Sr., Mayor

ATTEST:

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

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

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# Planning Commission Agenda

## ACTION

March 25, 2024 – 7:30 PM

Regular Meeting

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

**Jeremy Brantley, Chair**  
Ridgeway / Sterling  
Funny River District  
Term Expires 2024

**Pamela Gillham, Vice Chair**  
Kalifornsky / Kasilof District  
Term Expires 2026

**Virginia Morgan**  
Cooper Landing / Hope  
Eastern Peninsula District  
Term Expires 2025

**Diane Fikes**  
City of Kenai  
Term Expires 2025

**Charlene Tauffest**  
City of Soldotna  
Term Expires 2024

**Franco Venuti**  
City of Homer  
Term Expires 2025

**Troy Staggs**  
City of Seward  
Term Expires 2026

**Jeffrey Epperheimer**  
Nikiski District  
Term Expires 2026

**Dawson Slaughter**  
South Peninsula District  
Term Expires 2025

### ZOOM MEETING DETAILS

**Zoom Meeting Link:** <https://us06web.zoom.us/j/9077142200>  
**Zoom Toll Free Phone Numbers:** 888-788-0099 or 877-853-5247  
**Zoom Meeting ID:** 907 714 2200

#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

##### \*2. Planning Commission Resolutions

- a. PC Resolution 2023-09

##### \*3. Plats Granted Administrative Approval

- a. Cohoe Country Estates Subdivision No. 9; KPB File 2023-091
- b. Evenson Subdivision 2023 Replat: KPB File 2023-119
- c. Gateway Subdivision 2022 Lindquist Addition; KPB File 2022-164
- d. Hetherton Homestead Acres Phillips Addition; KPB File 2023-099
- e. Patson Properties Cude Addition; KPB File 2023-101
- f. Silkok Creek Alaska Subdivision Moore Replat; KPB File 2023-005
- g. Stewart Subdivision 2023 Replat; KPB File 2023-031R1
- h. Teal Bay Subdivision Pattison Addition; KPB File 2023-098
- i. Thorsland Subdivision Addition No. 1; KPB File 2022-069R1

##### \*7. Minutes

- a. February 26, 2024 PC Meeting Minutes

**Motion to approve the consent & regular agendas passed by unanimous vote.  
(8-Yes, 1-Absent)**

#### D. UNFINISHED BUSINESS – None

**E. NEW BUSINESS**

**Public Hearing: Quasi-Judicial Matters** *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

1. Building Setback Encroachment Permit  
KPB File 2024-021 / PC RES 2024-06  
Johnson Surveying / Steinbeck  
Request: Permits portions of a shed & restaurant to remain in the 20' building setback  
Location: Tract B Harlie A. Fellers Subdivision, Plat KN 78-31  
Kasilof Area

**Motion to adopt Planning Commission Resolution 2024-06 granting a setback encroachment permit to Tract B, Harlie A. Fellers Subdivision, Plat KN 0078031, passed by unanimous vote. (8-Yes, 1-Absent)**

2. Right-Of-Way Vacation; KPB File 2024-022V  
McLane Consulting Group / Rais, Hall  
Request: Reconfigures the Shalom Lane cul-de-sac by vacating & relocating the current bulb & associated utility easements  
Nikiski Area / Nikiski APC

**Motion to approve the vacation as petitioned passed by unanimous vote (8-Yes, 1-Absent).**

3. Conditional Use Permit; PC RES 2024-05  
Applicant: US Forrest Service  
Request: Construct a foot bridge along the Ptarmigan Trail within the 50-foot Habitat Protection District of Ptarmigan Creek  
Parcel ID: 12532105

**Motion to adopt Planning Commission Resolution 2024-05, granting a conditional use permit passed by unanimous vote (8-Yes, 1-Absent).**

**F. PLAT COMMITTEE REPORT – The plat committee reviewed 9 plats**

**G. OTHER (No Public Hearing)**

1. April-May-June Plat Committee

**H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

**I.**

**J. DIRECTOR'S COMMENTS**

**K. COMMISSIONER COMMENTS**

**L. ADJOURNMENT**

## MISCELLANEOUS INFORMATIONAL ITEMS

### NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, April 8, 2024** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **7:30 p.m.**

### CONTACT INFORMATION

#### KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / Toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

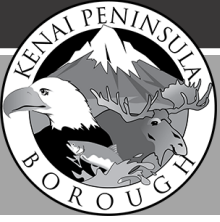
e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

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A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees.

Vacations of rights-of-way, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly. Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.



# Plat Committee Agenda

## ACTION

March 25, 2024 - 6:30 PM

Regular Meeting

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

### ZOOM MEETING DETAILS

**Zoom Meeting Link:** <https://us06web.zoom.us/j/9077142200>  
**Zoom Toll Free Phone Numbers:** 888-788-0099 or 877-853-5247  
**Zoom Meeting ID:** 907 714 2200

**Jeremy Brantley**, Chair  
Ridgeway / Sterling  
Funny River District  
Term Expires 2024

**Pamela Gillham**, Vice Chair  
Kalifornsky / Kasilof District  
Term Expires 2026

**Virginia Morgan**  
Cooper Landing / Hope  
Eastern Peninsula District  
Term Expires 2025

**Diane Fikes**  
City of Kenai  
Term Expires 2025

**Charlene Tauffest**  
City of Soldotna  
Term Expires 2024

**Franco Venuti**  
City of Homer  
Term Expires 2025

**Troy Staggs**  
City of Seward  
Term Expires 2026

**Jeffrey Epperheimer**  
Nikiski District  
Term Expires 2026

**Dawson Slaughter**  
South Peninsula District  
Term Expires 2025

### A. CALL TO ORDER

### B. ROLL CALL

### C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

**\*1. Agenda**

**\*2. Member Excused Absences - None**

**\*3. Minutes**

a. February 26, 2024 Plat Committee Meeting

**\*4. Grouped Plats**

E5. Kenai Townsite Oilers 2024 Addition; KPB File 2024-004

E6. Galetti Subdivision; KPB File 2024-026

E7. Airport Subdivision 2023 Replat

E8. Alexander Wilson Homestead 2024 Addition; KPB File 2024-023

E9. Cottonwood Acres Subdivision 2024 Addition; KPB File 2024-024

**Motion to approve the agenda, the minutes from the February 12, 2024 Plat Committee meeting and the grouped plats passed by unanimous vote (4-Yes).**

### D. UNFINISHED BUSINESS – None



## **E. NEW BUSINESS**

1. Surreal Subdivision 2023; KPB File 2023-137  
Geovera, LLC / Daugharty, Greer, Cronland  
Location: Elliot Court & Nearly Level Road  
Diamond Ridge Area / Kachemak Bay APC

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.030 – Proposed Street Layout Requirements, passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.170 – Block Length Requirements, passed by unanimous vote (4-Yes).**

2. **Anglers Crest Subdivision 2024 Addition; KPB File 2024-019**  
Johnson Surveying / Ninilchik Native Association, Inc.  
Location: Shavila Road, Matriona Drive & Kimeluk Street  
Happy Valley Area

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.170 – Block Length Requirements, passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.030 – Street Layout Requirements, passed by unanimous vote (4-Yes)**

3. **Mount Alice Estates; KPB File 2024-025**  
Lang & Associates Inc. / Resurrection Bay Investments, LLC  
Location: Nash Road  
City of Seward

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.100 – Cul-de-sacs, passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.210 – Lots-Access to Street, passed by unanimous vote (4-Yes).**

4. Birch Forest No. 3; KPB File 2022-151R1 **(Moved to 4/8/24 Meeting)**  
Edge Survey & Design / Poppin Family Revocable Community Property Trust  
Location: Erlwein Road, Erlwein Circle, Smith Road & Shishmaref Drive  
Sterling Area

5. Kenai Townsite Oiler's 2024 Addition; KPB File 2024-004  
Edge Survey & Design, LLC / Peninsula Oilers Baseball Club Inc.  
Location: Cook Avenue & Riverview Drive  
City of Kenai

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

6. Galetti Subdivision; KPB File 2024-026  
Edge Survey & Design, LLC / Galetti  
Location: A Private Road  
Sterling Area

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

7. Airport Subdivision 2023 Replat; KPB File 2024-008  
McLane Consulting Group / Kenai Peninsula Borough  
Location: Warehouse Drive & Wilson Lane  
City of Soldotna

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

8. Alexander Wilson Homestead 2024 Addition; KPB File 2024-023  
McLane Consulting Group / Johnston  
Location: Isaak Road off Sterling Highway  
Kalifornsky Area

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

9. Cottonwood Acres Subdivision 2024 Addition; KPB File 2024-024  
McLane Consulting Group / LCF Holding, LLC  
Miracle Avenue & Dana Bayes Street North  
Kalifornsky Area

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

**F. OTHER (No Public Hearing)**

**G. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS**

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Plat Committee meeting will be held **Monday, April 8, 2024** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **5:30 p.m.**

**CONTACT INFORMATION**

**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215 / Toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

website: <http://www.kpb.us/planning-dept/planning-home>



# Plat Committee Agenda

## ACTION

April 8, 2024 - 6:30 PM

Regular Meeting

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

**Jeremy Brantley**, Chair  
Ridgeway / Sterling  
Funny River District  
Term Expires 2024

**Pamela Gillham**, Vice Chair  
Kalifornsky / Kasilof District  
Term Expires 2026

**Virginia Morgan**  
Cooper Landing / Hope  
Eastern Peninsula District  
Term Expires 2025

**Diane Fikes**  
City of Kenai  
Term Expires 2025

**Charlene Tauffest**  
City of Soldotna  
Term Expires 2024

**Franco Venuti**  
City of Homer  
Term Expires 2025

**Troy Staggs**  
City of Seward  
Term Expires 2026

**Jeffrey Epperheimer**  
Nikiski District  
Term Expires 2026

**Dawson Slaughter**  
South Peninsula District  
Term Expires 2025

### ZOOM MEETING DETAILS

**Zoom Meeting Link:** <https://us06web.zoom.us/j/9077142200>  
**Zoom Toll Free Phone Numbers:** 888-788-0099 or 877-853-5247  
**Zoom Meeting ID:** 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the meeting ID, and your participant number. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

Hearing procedure for Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for the petitioner's presentation, given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person must begin by stating his or her name and mailing address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect. If participating via Zoom the testifier will need to use the Zoom "raise hand" feature or press \*9 by phone to speak.

#### A. CALL TO ORDER

#### B. ROLL CALL

##### PLAT COMMITTEE MEMBERS:

- Jeremy Brantley, Ridgeway/Sterling/Funny River District
- Jeffrey Epperheimer, Nikiski District
- Pamela Gillham, Kalifornsky/Kasilof District
- Franco Venuti, City of Homer

### C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

**\*1. Agenda**

**\*2. Member Excused Absences - None**

**\*3. Minutes**

a. March 25, 2024 Plat Committee Meeting

**\*4. Grouped Plats**

E2. Brown's Acre Estates 2024 Addition; KPB File 2024-028

E3. Folz Subdivision 2023 Replat; KPB File 2023-085R1

E4. Immanuel Subdivision No. 2; KPB File 2024-022

E5. Michael J. Pelch Homestead Jr. Addition No. 4; KPB File 2024-029

### D. UNFINISHED BUSINESS - None

### E. NEW BUSINESS

1. Birch Forest No. 3; KPB File 2022-151R1 **(Postpone to 04/22/24 Meeting)**  
Edge Survey & Design / Poppin Family Revocable Community Property Trust  
Location: Erlwein Road, Erlwein Circle, Smith Road & Shishmaref Drive  
Sterling Area
2. Brown's Acre Estates 2024 Addition; KPB File 2024-028  
Peninsula Surveying / Anchorage Development & Construction, LLC  
Location: Foster Avenue & Alicia Road  
Sterling Area

**\*Plat was granted preliminary approval by unanimous vote (4-Yes)**

3. Folz Subdivision 2023 Replat; KPB File 2023-085R1  
McLane Consulting Group / ZPA, LLC  
Location: Seward Highway  
Bear Creek Area

**\*Plat was granted preliminary approval by unanimous vote (4-Yes)**

4. Immanuel Subdivision No. 2; KPB File 2024-022  
McLane Consulting Group / Hall, Rais  
Location: Shalom Lane & DeBusk Drive  
Nikiski Area / Nikiski APC

**\*Plat was granted preliminary approval by unanimous vote (4-Yes)**

5. Michael J. Pelch Homestead Jr. Addition No. 4; KPB File 2024-029  
McLane Consulting Group / Pelch  
Location: Beaver Loop, Hollier Street, Nogo Avenue, Pelch Drive & Oneday Lane  
City of Kenai

**\*Plat was granted preliminary approval by unanimous vote (4-Yes)**

**F. OTHER (No Public Hearing)**

**G. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS**

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Plat Committee meeting will be held **Monday, April 22, 2024** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **5:30 p.m.**

**CONTACT INFORMATION**

**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

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Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

website: <http://www.kpb.us/planning-dept/planning-home>

canceled



# Planning Commission Agenda

## ACTION

April 22, 2024 – 7:30 PM

Regular Meeting

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

**Jeremy Brantley, Chair**  
Ridgeway / Sterling  
Funny River District  
Term Expires 2024

**Pamela Gillham, Vice Chair**  
Kalifornsky / Kasilof District  
Term Expires 2026

**Virginia Morgan**  
Cooper Landing / Hope  
Eastern Peninsula District  
Term Expires 2025

**Diane Fikes**  
City of Kenai  
Term Expires 2025

**Charlene Taufest**  
City of Soldotna  
Term Expires 2024

**Franco Venuti**  
City of Homer  
Term Expires 2025

**Troy Staggs**  
City of Seward  
Term Expires 2026

**Jeffrey Epperheimer**  
Nikiski District  
Term Expires 2026

**Dawson Slaughter**  
South Peninsula District  
Term Expires 2025

### ZOOM MEETING DETAILS

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#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. APPROVAL OF AGENDA AND CONSENT AGENDA

##### \*3. Plats Granted Administrative Approval

- a. Broken Axle No. 2; KPB File 2023-124
- b. Bunnell's Subdivision 2023 Replat; KPB File 2023-047
- c. C & C Bear Subdivision 2023 Replat; KPB File 2023-133
- d. Grewingk Glacier Vista; KPB File 2023-095
- e. Pacific Park Subdivision Blauvelt Addition; KPB File 2023-088
- f. Reutov Subdivision; KPB File 2023-065
- g. Shipley Subdivision; KPB File 2023-070
- h. South Bend Bluff Estates 2023 Replat; KPB File 2023-112
- i. Terra Bella Subdivision; KPB File 2022-024
- j. W.R. Bell Subdivision 2023 Addition; KPB File 2023-087
- k. Waterman Spring Replat 2023; KPB File 2023-039

##### \*6. Commissioner Excused Absences

- a. Charlene Taufest, City of Soldotna

##### \*7. Minutes

- a. March 25, 2024 PC Meeting Minutes

**Motion to approve the consent & regular agendas passed by unanimous vote. (8- Yes)**

**D. UNFINISHED BUSINESS – None**

**E. NEW BUSINESS**

**Public Hearing: Quasi-Judicial Matters** *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

**1. Utility Easement Vacation: KPB File 2024-021V**

Johnson Surveying / Steinbeck

Request: Vacates a portion of the 25' utility easement on the western side of Tract B, Harlie A Fellers Subdivision, KN 78-31

Kasilof Area

**Motion to approve the vacation as petitioned passed by unanimous vote (8-Yes)**

**2. Utility Easement Vacation; KPB File 2023-037V**

Johnson Surveying / Kasilof Community Church

Request: Vacates a 10' wide utility easement beginning at the southwest corner of Pollard Tract A thence running northeasterly & stopping at a utility easement near the eastern line. Vacates a 10' utility easement lying between the C1/4 corner & the overhead powerline easement & vacates the westerly utility easement of Parcel A-G Kasilof Community Church, KN 97-80

Kasilof Area

**Motion to approve the vacation as petitioned passed by unanimous vote (8-Yes)**

**Public Hearing: Legislative Matters - None**

**F. PLAT COMMITTEE REPORT – The plat committee will review 5 plats**

**G. OTHER (No Public Hearing)**

**H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

**I. DIRECTOR'S COMMENTS**

**J. COMMISSIONER COMMENTS**

**K. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS**

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held **Monday, May 13, 2024** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **7:30 p.m.**

**CONTACT INFORMATION**

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Fax: 907-714-2378

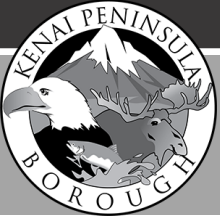
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website: <http://www.kpb.us/planning-dept/planning-home>

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A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.





# Plat Committee Agenda

## ACTION

April 22, 2024 - 6:30 PM

Regular Meeting

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

**Jeremy Brantley**, Chair  
Ridgeway / Sterling  
Funny River District  
Term Expires 2024

**Pamela Gillham**, Vice Chair  
Kalifornsky / Kasilof District  
Term Expires 2026

**Virginia Morgan**  
Cooper Landing / Hope  
Eastern Peninsula District  
Term Expires 2025

**Diane Fikes**  
City of Kenai  
Term Expires 2025

**Charlene Tautfest**  
City of Soldotna  
Term Expires 2024

**Franco Venuti**  
City of Homer  
Term Expires 2025

**Troy Staggs**  
City of Seward  
Term Expires 2026

**Jeffrey Epperheimer**  
Nikiski District  
Term Expires 2026

**Dawson Slaughter**  
South Peninsula District  
Term Expires 2025

### ZOOM MEETING DETAILS

**Zoom Meeting Link:** <https://us06web.zoom.us/j/9077142200>  
**Zoom Toll Free Phone Numbers:** 888-788-0099 or 877-853-5247  
**Zoom Meeting ID:** 907 714 2200

#### A. CALL TO ORDER

#### B. ROLL CALL

##### PLAT COMMITTEE MEMBERS:

- Jeffrey Epperheimer, Nikiski District
- Pamela Gillham, Kalifornsky/Kasilof District
- Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
- Franco Venuti, City of Homer

#### C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

- \*1. Agenda**
- \*2. Member Excused Absences - None**
- \*3. Minutes**
  - a. April 8, 2024 Plat Committee Meeting
- \*4. Grouped Plats**
  - E1 Caroline Woods; KPB File 2024-030
  - E3 Fernwood Subdivision 2024; KPB File 2024-033
  - E4 RNK Subdivision; KPB File 2024-032

**Motion to approve the agenda, the minutes from the April 8, 2024 Plat Committee meeting and the grouped plats passed by unanimous vote.**

**D. UNFINISHED BUSINESS – None**

**E. NEW BUSINESS**

1. Caroline Woods; KPB File 2024-030  
Mullikin Surveys / Williamson  
Location: East End Road & Shiloh Avenue  
Fritz Creek Area / Kachemak Bay APC

**Motion to grant preliminary approval passed by unanimous vote (4-Yes)**

2. Ninilchik River Estates Wilson 2023 Addition; KPB File 2023-124R1  
Johnson Surveying / Diane Wilson Family Trust  
Location: Garrison Ridge Road & Wild Salmon Way  
Ninilchik Area

**Motion to grant preliminary approval passed by unanimous vote (4-Yes)**

**Motion to grant the exception request to KPB 20.30.280 (A) & (C) Floodplain Requirements, passed by unanimous vote (4-Yes)**

3. Fernwood Subdivision 2024; KPB File 2024-033  
Geovera, LLC / Duncan  
Location: Fernwood Drive  
Fritz Creek Area / Kachemak Bay APC

**Motion to grant preliminary approval passed by unanimous vote (4-Yes)**

4. RNK Subdivision; KPB File 2024-032  
Geovera, LLC / Barnard  
Location: Kachemak Drive  
City of Homer

**Motion to grant preliminary approval passed by unanimous vote (4-Yes)**

5. Birch Forest No. 3 Phase 1; KPB File 2022-151R1  
Edge Survey & Design / Poppin Family Revocable Community Property Trust  
Location: Erlwein Road, Erlwein Circle, Smith Road & Shishmaref Drive  
Sterling Area

**Motion to grant preliminary approval passed by unanimous vote (4-Yes)**

**Motion to grant the exception request to KPB 20.30.030 – Proposed Street Layout Requirements and KPB 20.30.170 – Block Length Requirements for the extension of Smith Street, passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.100 – Cul-de-sacs, passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.030 – Proposed Street Layout-Requirements and 20.30.170 – Block Length-Requirements for the extension of Low Bush Street, passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.190 Lot Dimensions, passed by unanimous vote (4-Yes).**

**F. OTHER (No Public Hearing)**

**G. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS**

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Plat Committee meeting will be held **Monday, May 13, 2024** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **5:30 p.m.**

**CONTACT INFORMATION**

**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

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website: <http://www.kpb.us/planning-dept/planning-home>



## Kenai City Council - Regular Meeting

March 20, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

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

### Action Agenda

#### A. CALL TO ORDER

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

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

#### B. SCHEDULED ADMINISTRATIVE REPORTS

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

1. Central Area Rural Transit System (CARTS) Update and Status Report, CARTS Board of Directors President Jodi Stuart and Executive Director Jessica Schultz.

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

#### E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3402-2024** - Accepting and Appropriating a Donation to the Kenai Community Library for Library Materials, Programming, Furniture and Shelving. (Administration)
2. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3403-2024** - Amending Sections of Kenai Municipal Code Chapters 21.10 - Leasing and Acquisition of Airport Reserve Lands, and 22.05 - Disposition of City Lands, to Extend the Time Allowed for Private Development on City Leased Lots and Requiring Certain Financial Assurances Prior to Lease Execution. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2024-08** - Awarding a Contract to Provide Health and Life Insurance Consulting Services. (Administration)
4. **ADOPTED AS AMENDED WITHOUT OBJECTION. Resolution No. 2024-09** - Awarding a Contract for Kenai Visitor and Cultural Center Facility Management Services. (Administration)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2024-10** - Awarding a Contract for City of Kenai Tourism and Marketing Services. (Administration)

6. **ADOPTED UNANIMOUSLY. Resolution No. 2024-11** - Approving the Use of the Fleet Replacement Fund for the Purchase of One Ford Police Interceptor Utilizing the State of Alaska Equipment Fleet Contract. (Administration)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2024-12** - Authorizing the City Manager to Enter into a Bar and Lounge Concession Agreement for the Kenai Municipal Airport. (Administration)

#### F. MINUTES

1. \*Regular Meeting of March 6, 2024. (City Clerk)

#### G. UNFINISHED BUSINESS

1. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3392-2024** - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District. (Knackstedt) *[On 02/21/24 this item was postponed to 03/20/24.]*

#### H. NEW BUSINESS

1. **\*Action/Approval** - Bills to be Ratified. (Administration)
2. **\*Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. **\*Action/Approval** - Special Use Permit to the Alaska Youth Soccer Association for RV Parking at the Multi-Purpose Facility Parking Lot. (Administration)
4. **\*Action/Approval** - Special Use Permit to the Alaska Youth Soccer Association for RV Parking at the Kenai Sports Complex Parking Lot. (Administration)
5. **\*Ordinance No. 3404-2024** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Provide Supplemental Funding for 100 Low Lead Float Plane Basin Fuel. (Administration)
6. **\*Ordinance No. 3405-2024** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for Costs Above Budgeted Amounts. (Administration)
7. **\*Ordinance No. 3406-2024** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvement Capital Project Funds and Authorizing a Final Adjusting Contract Amendment to the Professional Services Agreement with HDL Engineering for Construction Administration Services for the 2020 Kenai Municipal Airport Sand Storage Facility Project. (Administration)
8. **EVALUATIONS SCHEDULED FOR 4/17/24 AND 4/18/24. Discussion** - Scheduling Council Employee Evaluations (Mayor Gabriel)

#### I. COMMISSION / COMMITTEE REPORTS

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

**J. REPORT OF THE MAYOR**

**K. ADMINISTRATION REPORTS**

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

**L. ADDITIONAL PUBLIC COMMENTS**

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

**M. EXECUTIVE SESSION**

**N. PENDING ITEMS**

**O. ADJOURNMENT**

**P. INFORMATION ITEMS**

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## Kenai City Council - Regular Meeting

April 03, 2024 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

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

### Action Agenda

#### A. CALL TO ORDER

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

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

#### B. SCHEDULED ADMINISTRATIVE REPORTS

1. Classification and Compensation Report, Malayna Halvorson Maes, Senior Consultant for McGrath Human Resources Group and Stephanie Randall, Human Resource Director.

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

1. Alaska Christian College Update, Dr. Keith Hamilton, President of Alaska Christian College

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

#### E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3404-2024** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Provide Supplemental Funding for 100 Low Lead Float Plane Basin Fuel. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3405-2024** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for Costs Above Budgeted Amounts. (Administration)
3. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3406-2024** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvement Capital Project Funds and Authorizing a Final Adjusting Contract Amendment to the Professional Services Agreement with HDL Engineering for Construction Administration Services for the 2020 Kenai Municipal Airport Sand Storage Facility Project. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2024-13** - Authorizing a Contract Award and Corresponding Purchase Order for Library Materials. (Administration)

**F. MINUTES**

1. \*Regular Meeting of March 20, 2024. (City Clerk)

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

1. \***Action/Approval** - Bills to be Ratified. (Administration)
2. \***Action/Approval** - Consent to Assignment and Assignment and Assumption of Lease Agreement, of Lot 1, Block 5, General Aviation Apron No. 1 Amended. (Administration)
3. \***Ordinance No. 3407-2024** - Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)
4. \***Ordinance No. 3408-2024** - Accepting and Appropriating a State of Alaska Code Blue Fiscal Year 2025 Grant Passed through the Southern Region EMS Council, Inc. to Purchase Two Video Laryngoscopes. (Administration)
5. **APPROVED UNANIMOUSLY. Action/Approval** - Authorizing the City Manager to Request a Community Purpose Exemption to Donate Sand for the Construction of the Triumvirate Theatre. (Administration)
6. **BUDGET WORK SESSION SCHEDULED FOR MAY 4, 2024 AT 9:00 AM. Discussion** - Scheduling a Budget Work Session. (Administration)

**I. COMMISSION / COMMITTEE REPORTS**

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

**J. REPORT OF THE MAYOR**

1. Proclamation Declaring April 2024 as "Sexual Assault Awareness Month"

**K. ADMINISTRATION REPORTS**

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

**L. ADDITIONAL PUBLIC COMMENTS**

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

**M. EXECUTIVE SESSION**

**N. PENDING ITEMS**



**O. ADJOURNMENT**

**P. INFORMATION ITEMS**

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## Kenai City Council - Regular Meeting

April 17, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

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

### Action Agenda

#### A. CALL TO ORDER

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

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#### B. SCHEDULED ADMINISTRATIVE REPORTS

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

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

#### E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3407-2024** - Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3408-2024** - Accepting and Appropriating a State of Alaska Code Blue Fiscal Year 2025 Grant Passed through the Southern Region EMS Council, Inc. to Purchase Two Video Laryngoscopes. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2024-14** - Authorizing a Contract Award and Corresponding Purchase Order for Professional Architectural and Engineering Services for the Water Treatment Plant Pumphouse Project. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2024-15** - Approving Amendments to the Agreement for Contract Services for Vintage Pointe Manor Congregate Housing. (Administration)

#### F. MINUTES

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

#### G. UNFINISHED BUSINESS

## H. NEW BUSINESS

1. **\*Action/Approval** - Bills to be Ratified. (Administration)
2. **\*Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. **APPROVED UNANIMOUSLY BY SUBSTITUTE. \*Action/Approval** - Special Use Permit to Jeremy Mastre, DBA: River Rock Outdoors, LLC for Commercial Operations at the Kenai Municipal Airport Float Plane Basin. (Administration)
4. **\*Ordinance No. 3409-2024** - Increasing Estimated Revenues and Appropriations in the General Fund - Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association for the Purchase of a Ballistic Vest. (Administration)
5. **\*Ordinance No. 3410-2024** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
6. **\*Ordinance No. 3411-2024** - Amending Kenai Municipal Code 13.10.015 - Minor Offense Fine Schedule, to Increase the Paid Parking Fine and Make Housekeeping Changes. (Administration)
7. **APPROVED UNANIMOUSLY AS AMENDED. Action/Approval** - Authorizing a Letter of Support for House Bill 173 to Raise the Threshold for Municipal Contracts Qualifying for Little Davis Bacon Act. (Administration)

## I. COMMISSION / COMMITTEE REPORTS

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

## J. REPORT OF THE MAYOR

## K. ADMINISTRATION REPORTS

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

## L. ADDITIONAL PUBLIC COMMENTS

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

## M. EXECUTIVE SESSION

## N. PENDING ITEMS

## O. ADJOURNMENT

**P. INFORMATION ITEMS**

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## Kenai City Council - Regular Meeting

May 01, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

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

### Action Agenda

#### A. CALL TO ORDER

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

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#### B. SCHEDULED ADMINISTRATIVE REPORTS

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

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

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

#### E. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3409-2024** - Increasing Estimated Revenues and Appropriations in the General Fund - Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association for the Purchase of a Ballistic Vest. (Administration)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3410-2024** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
3. **ENACTED WITHOUT OBJECTION. Ordinance No. 3411-2024** - Amending Kenai Municipal Code 13.10.015 - Minor Offense Fine Schedule, to Increase the Paid Parking Fine and Make Housekeeping Changes. (Administration)

#### F. MINUTES

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

#### G. UNFINISHED BUSINESS

## H. NEW BUSINESS

1. **\*Action/Approval** - Bills to be Ratified. (Administration)
2. **\*Action/Approval** - Non-Objection to the Renewal of a Package Store Liquor License for Country Liquor LLC., DBA: Country Liquor. - License No. 1308. (City Clerk)
3. **\*Action/Approval** - Confirmation of Mayoral Nomination for Appointment to the Airport Commission. (Gabriel)
4. **\*Ordinance No. 3412-2024** - Accepting and Appropriating Grant Funds from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
5. **\*Ordinance No. 3413-2024** - Increasing Estimated Revenues and Appropriations in the General Fund - Police Department and Accepting a Grant from the US Department of Transportation Passed through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures. (Administration)
6. **\*Ordinance No. 3414-2024** - Repealing Kenai Municipal Code Sections 13.10.010(a)(2) - Miscellaneous Offenses, 13.10.020 - Loitering and Sleeping on the Streets, Schools, and 13.10.030 - Curfew, to Remove Certain City Prohibitions Regarding Begging, Loitering and Sleeping, and Curfews in the City that are Not Enforceable as Specifically Written in Code. (Administration)
7. ***INTRODUCED, REFERRED TO THE AIRPORT COMMISSION FOR RECOMMENDATION, AND PUBLIC HEARING SET FOR 5/15/24. Ordinance No. 3415-2024*** - Authorizing a Donation of Surplus Sand from the Kenai Municipal Airport to the Triumvirate Theatre for the Construction of a New Theatre. (Administration)
8. ***INTRODUCED, REFERRED TO THE AIRPORT COMMISSION, BEAUTIFICATION COMMITTEE, COUNCIL ON AGING, HARBOR COMMISSION, PARKS & RECREATION COMMISSION, AND PLANNING & ZONING COMMISSION FOR RECOMMENDATION, AND PUBLIC HEARING SET FOR 5/15/24. Ordinance No. 3416-2024*** - Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks and Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning And Zoning Commission - Qualifications and Membership, and Approving Amendments to The Council on Aging Commission's By-Laws to Organize Streamline, and Improve the Efficiency of the City's Standing Commissions. (City Clerk)
9. ***INTRODUCED, REFERRED TO THE HARBOR COMMISSION FOR RECOMMENDATION, AND PUBLIC HEARING SET FOR 5/15/24. Ordinance No. 3417-2024*** - Increasing Estimated Revenues and Appropriations by \$12,600 in the General Fund for the Purchase of Approximately 7.8 Acres of Real Property Described as Tract B, Kenai Bluff Stabilization Subdivision from David W. Salter to be Retained by the City for a Public Purpose and Determining that the Public Interest will not be Served by an Appraisal. (Administration)

## I. COMMISSION / COMMITTEE REPORTS

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

6. Beautification Committee

**J. REPORT OF THE MAYOR**

**K. ADMINISTRATION REPORTS**

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

**L. ADDITIONAL PUBLIC COMMENTS**

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

**M. EXECUTIVE SESSION**

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

**N. PENDING ITEMS**

**O. ADJOURNMENT**

**P. INFORMATION ITEMS**

1. CIRCAC Director's Report

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