



Kenai Planning and Zoning Commission Meeting
March 11, 2020 – 7:00 PM
Kenai City Council Chambers
210 Fidalgo Avenue, Kenai, Alaska
<https://www.kenai.city>

AGENDA

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda
5. *Excused Absences – Commissioner McIntyre

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. *February 26, 2020

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

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. **Action/Approval** - Application for Lease of City-owned Land Within the Airport Reserve described as Lot 5A, Block 1, FBO Subdivision 2018 Replat and located at 413 N. Willow Street. The application was submitted by Schilling Alaska, LLC, P.O. Box 3426, Kenai, AK 99611.

- 2.** **Discussion** - Ordinance No. 3106-2020 - Amending Title 11 - Harbor and Harbor Facilities, to Remove Provisions that are No Longer Historically Relevant, Recognize Changes to Other Chapters of City Code That Now Provide for Lease and Sale of Harbor Lands and Provide the Harbor Commission a Platform to Move Forward

I. PENDING ITEMS

J. REPORTS

- 1.** City Council
- 2.** Kenai Peninsula Borough Planning
- 3.** City Administration

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

- 1.** March 25, 2020 - Regular Meeting

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

Item Attachment Documents:

1. *February 26, 2020

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
FEBRUARY 26, 2020 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, D. Fikes, G. Greenberg, J. Halstead, T. McIntyre

Commissioners absent: V. Askin, R. Springer

Staff/Council Liaison present: City Planner E. Appleby, Planning Assistant W. Anderson, Deputy Clerk J. LaPlante, Council Liaison J. Glendening

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

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

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

5. *Excused absences – V. Askin, R. Springer

B. APPROVAL OF MINUTES

1. *February 12, 2020

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS – None.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Discussion/Recommendation** - Authorizing the City Planner to draft and send a letter to the Kenai Peninsula Borough supporting a request by the developers of Windhaven Estates Phase 3 for a two-year time extension.

The City Planner noted the letter in the packet from the Kenai Peninsula Borough requesting input by the City of Kenai Planning and Zoning Commission regarding the time extension request. The original preliminary approval was granted in 1998, with several extensions approved over the years. The City Planner clarified for this plat to receive final approval, the City and the builder would need to work out an agreement regarding the sewer lines.

City Administration recommended approval to sending a letter to the Kenai Peninsula Borough of support to the two-year extension request.

MOTION:

Commissioner Halstead **MOVED** to authorize the City Planner to send a letter to the Kenai Peninsula Borough supporting the request of a two-year time extension for Windhaven Estates Phase 3; Commissioner Greenberg **SECONDED** the motion.

Commission Chair Twait opened the floor for public testimony. There being no one wishing to be heard, public comment was closed.

It was clarified this property was not in a Rural Residential (RR1) Zone of the City of Kenai, it was in a Suburban Residential (RS) Zone.

VOTE:

YEA: Greenberg, McIntyre, Halstead, Fikes, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **City Council** – Council Member Glendening reported on the actions from the February 19, 2020 City Council meeting.
2. **Borough Planning** – Vice Chair Fikes provided a report of the February 24 Planning Commission meeting.
3. **Administration** – City Planner Appleby reported on the following:
 - Attended Kenai Peninsula Borough (KPB) Session today discussing upcoming revisions to the KPB Title 20 Subdivision Provisions, noting some of the changes the City wanted;
 - Upcoming meetings of interest – State of the City presentation to include new marketing logo and tagline on March 4 at the Kenai Chamber of Commerce, and Invest in Kenai meeting on March 10 at the Senior Center to discuss budget ideas for the next fiscal year;
 - Attended a Census Bureau meeting today, encouraged everyone to participate in the study beginning in March;
 - Meeting later this week with other staff about development of a City of Kenai Business Guide;
 - A pending lease application would be at the next Commission meeting for review; and
 - The development incentive program in place with the changes in the Lands Code was beneficial and spurring action in the business community.

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

L. **INFORMATIONAL ITEMS**

M. **NEXT MEETING ATTENDANCE NOTIFICATION** – March 11, 2020

N. **COMMISSION COMMENTS & QUESTIONS**

Commissioners expressed interest on the remote tax collection for the City of Kenai.

Commissioner Fikes inquired about the tax collection of the cannabis industry in Kenai. She also noted there were two vacant positions with the Kenai River Center.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:52 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk

Item Attachment Documents:

1. **Action/Approval** - Application for Lease of City-owned Land Within the Airport Reserve described as Lot 5A, Block 1, FBO Subdivision 2018 Replat and located at 413 N. Willow Street. The application was submitted by Schilling Alaska, LLC, P.O. Box 3426, Kenai, AK 99611.



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:	2/13/2020

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:		Work/ Message Phone: 907 283 7556				
E-mail: (Optional)	admin@schillingrentalsllc.com duane@uptownmotel.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:		Work/ Message Phone: 907 283 7556				
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): FBO SUB 2018 REPLAT LOT 5A BLK 1	
Does the property require subdivision? (if Yes, answer next two questions) Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
1. Do you believe the proposed subdivision would serve other City purposes?	L YES <input type="checkbox"/> NO
2. Are you prepared to be responsible for all costs associated with subdivision?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If an appraisal is required to determine the minimum price on the land, are you prepared to be responsible for the deposit to cover costs associated with appraisal? (The cost of the appraisal will be either refunded or credited toward the purchaser at closing)	<input checked="" type="checkbox"/> YES
Are you prepared to be responsible for recording costs associated with lease execution?	<input checked="" type="checkbox"/> YES
Do you have or have you ever had a Lease with the City? (if Yes, answer next question)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
1. Legal or brief description of property leased:	
FBO SUB NO 9 LOT 11A; GAA SUB NO 1 AMENDED LOT 3 BLK 2/Amended Lot 2 Block 2/Lot 1a Block 2	
Request a Lease with an Option to Purchase once development requirements are met? <small>*Does not apply to Airport Reserve properties</small>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> 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:	May1, 2020

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? Hanger for rotor & fixed wing aircraft with crew quarters

3. What is the estimated value of the improvement? \$1,200,000 estimate

4. What is the nature and type of improvement?
Prep site for construction (unknown and foreign material likely) construction of steel hanger w/ crew quarters

5. What are the dates construction is estimated to commence and be completed?
(generally, construction must be completed within two years)
Estimated Start Date: May 1, 2020 Estimated Completion Date: November 30, 2020

Describe the proposed business or activity intended:
Medical Flight FBO

How does the proposed lease support a thriving business, residential, recreational, or cultural community?
Ummm.....having a local life-flight provider may save your life?!?!?

Lease Assignment Only: What is the name of the individual or legal entity the lease is to be assigned?
Future (after construction): Guardian Flight LLC

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:	2/13/2020
Print Name:	Michael Schilling	Title:	Member

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



Lease Application

413 North Willow Street
Kenai Peninsula Borough Parcel #: 04336049
Lot 5A, FBO Subdivision 2018 Replat

February 2020



Data Source: Kenai Peninsula Borough. Data is for graphic represent

10

y. Imagery may not match true parcel boundaries.



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Elizabeth Appleby, City Planner

DATE: March 2, 2020

SUBJECT: **Action/Approval – Schilling Rentals, LLC Lease Application for Lot 5A, Block 1, FBO Subdivision**

On February 13, 2020, Schilling Rentals, LLC (Schilling Rentals), submitted an application to the City for a Lease of Airport Reserve Lands for the property described as Lot 5A, Block 1, FBO Subdivision 2018 Replat. The property is located at 413 N. Willow Street, Kenai, AK 99611, and the Kenai Peninsula Borough parcel number is 04336049. The application requests a term of 45 years, with an investment amount of approximately 1.2 million dollars. Pursuant to the term table in Kenai Municipal Code (KMC) 21.10.080 (b), the City and the applicant are in agreement to a term of 45 years. Pursuant to Kenai Municipal Code 21.10.075 – Leasing and Acquisition of Airport Reserve Lands, Competing Applications, the City posted notice of the lease application and has not received a competing lease application for the parcel.

The applicant states that the use of the premises will be a hangar for rotor and fixed wing aircraft with crew quarters. After the construction of the hangar is completed, it is expected that Guardian Flight, LLC will operate on the premises. Guardian Flight provides emergency medical flights. Schilling Rentals, LLC is current on rent payments and obligations to the City.

The parcel is within the Airport Light Industrial (ALI) Zone per Kenai Municipal Code (KMC) 14.20.065. 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 by Schilling Rentals is a permitted use in the ALI Zone and is a compatible land use. The availability of emergency medical flights will be an asset to public health and safety.



The proposed use by Schilling Rentals complies 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 and West Cook Inlet.

Does the Planning and Zoning Commission recommend the City approve a lease application from Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision Replat for the use of medical flight fixed-base operator for a term of 45 years? The Kenai City Council will be notified of the Planning and Zoning Commission’s decision as part of their evaluation of the lease application. The Planning and Zoning Commission makes their decision on lease applications based on the proposed development’s compliance with City’s Comprehensive Plan and the Zoning Code. The Airport Commission will also review the application and provide a recommendation to City Council.

Thank you for your consideration.

Item Attachment Documents:

2. **Discussion-** Ordinance No. 3106-2020 - Amending Title 11 - Harbor and Harbor Facilities, to Remove Provisions that are No Longer Historically Relevant, Recognize Changes to Other Chapters of City Code That Now Provide for Lease and Sale of Harbor Lands and Provide the Harbor Commission a Platform to Move Forward



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Council Members Jim Glendening and Robert Peterkin
DATE: February 10, 2020
SUBJECT: **Ordinance No. 3106-2020 – Amending Title 11 – Harbor and Harbor Facilities**

The Harbor Commission, and a subcommittee, has been reviewing Title 11 of the Kenai Municipal Code to recommend changes that more appropriately reflect the Harbor Commissions current functions, relationship with other commissions, and desires moving forward. This process is especially relevant now, with the enactment of Ordinance No. 3072-2019 (Substitute) which repealed and re-enacted the City's approach to the managing City lands. Part of this approach was to bring certain harbor lands, along with airport lands outside the airport reserve into the City's general fund land sales and leasing process to establish a consistent Citywide approach. Additionally relevant to revisions of Title 11, many procedures and processes described in the Title are no longer applicable because they address the transfer of certain tidelands from the State of Alaska to the City on January 6, 1977 and the adjudication of preference rights or commercial fishermen, much of which had to be accomplished by October 6, 1981.

It appears that when the Harbor Code was originally enacted, the City had a vision for a harbor that did not come to fruition. Further, many current code provisions address specific conveyance restrictions on specific parcels of land that do not broadly apply to all harbor lands. These specific restrictions are carried forward in the City's land management plan and do not need to remain codified. Rather than retain old code provisions that are no longer applicable or applied, we recommend removing the old language and addressing changes or new plans for the harbor on a go forward basis. The proposed changes will not limit the City's ability to move forward with any new plans or projects, however new code provisions may be appropriate to address any significant changes in harbor usage.

The Harbor Commission and a subcommittee formed especially to review Title 11 have put considerable time and effort into revising the code and strategizing a path forward so the Commission can be of greatest service to the City. The code revisions in this Ordinance incorporate the recommended revisions from the Harbor Commission and its subcommittee,



along with other proposed changes based on the enactment of Ordinance No. 3072-2019 (Substitute) and continued relevance of other sections of code recommended by the City Attorney.

We ask that this Ordinance be referred to the Harbor Commission upon introduction. Your consideration is appreciated.



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Harbor Commission
FROM: Scott Bloom, City Attorney
DATE: February 11, 2020
SUBJECT: Ordinance 3106-2020 - Amending Title 11 – Harbor and Harbor Facilities

Below is a clean copy of what Title 11 would look like if all the changes proposed in Ordinance 3106 - 2020 were enacted.

Title 11 HARBOR AND HARBOR FACILITIES

Chapters:

- 11.05 Harbor Master**
- 11.10 Harbor Commission**
- 11.15 Tidelands**
- 11.20 Leasing of Tidelands**

Chapter 11.05 HARBOR MASTER

Sections:

- 11.05.010 Harbor Master.**
- 11.05.020 Harbor defined.**
- 11.05.030 Harbor regulations.**

- 11.05.080 Leasing not prohibited.**
- 11.05.090 Use of launch ramp and float.**
- 11.05.100 No wake zones.**



11.05.010 Harbor Master.

The Harbor Master, shall be the Public Works Director. The Harbor Master shall be the chief administrator of the harbor and its facilities. He or she shall have all powers and duties prescribed by ordinance and the regulations and rates prescribed by the City Manager. In addition, insofar as it is appropriate, shall have all powers and duties and rates prescribed by the City Manager, subject to approval by the Council; and, in addition, insofar as it is appropriate, shall have all powers and duties imposed upon harbor masters, port directors, and administrative heads of harbors and ports by Federal or State law.

11.05.020 Harbor Defined.

The harbor shall embrace all that portion of the Kenai River located within the City of Kenai, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide, as may be leased from the State of Alaska.

11.05.030 Harbor Regulations.

The City Manager is hereby empowered, subject to change by the Council, to make such rules and regulations required for the operation of the harbor, not in conflict with the provisions of this Code, and to establish the fees, rates, and charges for the billing and collections for the support of the harbor, and no person shall fail to comply with any such rule or regulation.

11.05.080 Leasing Not Prohibited.

Nothing in this chapter or in this code of ordinances shall prohibit the City Council from leasing the docks, dock sites, and other harbor facilities to private persons, firms, and corporations.

11.05.090 Use of Launch Ramp and Float.

- (a) The City of Kenai launching facility shall be open to the public upon reasonable terms and conditions as provided by regulation.
- (b) Failure to pay a boat launch fee for the City of Kenai launching facility set forth according to KMC 11.05 within one (1) hour of the retrieval of the boat or vessel from the water shall be a violation punishable by a fine of fifty dollars (\$50.00).
- (c) It is unlawful to block access to either of the launch ramp or float facilities. "Blocking access" means leaving a boat, trailer, or vehicle upon the launch ramp or float in such a position as to prevent the launching or retrieval of boats.
- (d) Person blocking access to the ramp or float facilities shall be subject to a civil penalty as provided in KMC 13.05.010(b).
- (e) Each one (1) hour period for which the ramp or float is blocked shall be considered a separate offense for the purposes of civil penalties.

11.05.100 No Wake Zones.

- (a) The City Manager, subject to change by the Council, is authorized to establish no wake zones within the Kenai Harbor outside of the Kenai River Special Management Area as needed to protect public and private property, and/or public safety.
- (b) No wake zones may be established on a temporary or permanent basis.
- (c) A “no wake zone” is defined as a zone where no person may operate a boat at a speed greater than five (5) miles per hour.
- (d) Established no wake zones shall be marked with appropriate signage in a manner to provide reasonable public notice.
- (e) A violation of this section shall be punishable as provided in KMC 13.05.010.

**Chapter 11.10
HARBOR COMMISSION**

Sections:

11.10.010 Duties and powers.

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 Director should such a position be created by the City Council.

Chapter 11.15

TIDELANDS

Sections:

- 11.15.010 Short title.**
- 11.15.030 Approval and acceptance of State conveyance.**
- 11.15.040 Approval and adoption of subdivision plat.**

11.15.010 Short Title.

This ordinance shall be known as the "Kenai Tidelands Ordinance."

11.15.030 Approval and Acceptance of State Conveyance.

The conveyance by the State to the City, dated January 6, 1977 of tidelands and submerged lands lying seaward of the City is hereby approved and accepted and the lands therein are hereby declared incorporated into the limits of the City.

11.15.040 Approval and Adoption of Subdivision Plat.

The Tidelands Subdivision Plat, hereinafter called "Plat" is hereby approved and adopted as the official Tidelands Subdivision Plat of the City of Kenai, Alaska, of tide and submerged lands conveyed by the State to the City by conveyance dated January 6, 1977. Said Alaska Tidelands Survey is numbered 272 and is filed under 76-179 in the Kenai Recording District.

Chapter 11.20

LEASING OF TIDELANDS

Sections:

- 11.20.020 Lands available for leasing.**
- 11.20.650 Tidelands claims.**
- 11.20.660 Subjection to harbor ordinance.**
- 11.20.680 Provisions regulating public use purpose.**
- 11.20.690 Provision to be included in public use lease.**
- 11.20.700 Public use: defined.**
- 11.20.710 Controlled access.**
- 11.20.720 Use charges.**
- 11.20.730 Maintenance of dock.**

11.20.780 Penalties.

11.20.790 Tideland leases for shore fisheries.

11.20.020 Lands Available for Leasing.

All classified tide and contiguous submerged land within the limits of the City to which the City holds title may be leased for surface use only, and under the condition that said lease is subject and inferior to preference right claims and subject to the rights of existing set net site holders within the City limits.

11.20.650 Tidelands Claims.

The City shall lease the subject land subject to any preference rights claims made pursuant to the provisions of Alaska State 38.05.820 or Ordinance No. 455-78, dated September 5, 1979 of the City of Kenai, adopted pursuant thereto, and the lessee holds lessor harmless for any damages, legal expenses, or compensation necessitated by the resolution or satisfaction of said claims, if any.

11.20.660 Subjection to Harbor Ordinance

All leases are subject to the terms, conditions, and regulations imposed by Title II, Harbor and Harbor Facilities, of the 1979 Kenai Code of ordinances as amended of which this section is part.

11.20.680 Provisions Regulating Public Use Purpose.

The City Council realizes that only a limited area of tidelands bordering navigable waters are available within the City of Kenai and which are owned by the City of Kenai. It would be in the public interest to insure that these lands do not pass out of community control at least to the extent that the public would not be deprived of harbor services at reasonable rates in the future. Therefore, areas of City-owned tidelands which are developable for the bona fide public purposes as enumerated below shall be leased only with the following covenants defined to insure public use and access at reasonable rates.

11.20.690 Provision to be Included in Public Use Lease.

The following provision shall be included in leases where harbor facilities are constructed to be utilized all or in part for bona fide public uses.

11.20.700 Public Use: Defined.

- (a) Public use shall mean a use limited in part or in whole to the following:
 - (1) In general, the lessee may use the demised premises or part thereof for any of the following purposes only:
 - (i) Public dock facilities.

- (ii) Maritime commerce.
- (iii) Transportation.
- (iv) Fishing.
- (v) Boat harbor.
- (vi) Port and waterfront development purposes.

(b) Before lessee may conduct any activities which fall under this general criteria, but are not specifically mentioned above, lessee must obtain written consent of the City.

11.20.710 Controlled Access.

Lessee, for its own protection, may construct or install fences, gates, or other types of barriers to restrict access to portions of the demised premises that are not designated for a public use and may provide reasonable controls for access to public use areas to allow for security for such areas while insuring reasonable public access. Reasonable public access includes accommodations made for fishing operations during fishing season. Any Controlled Access measures shall be indicated on the Lessee's Development Plan.

11.20.720 Use Charges.

Lessee shall make reasonable and non-discriminatory charges to the public for use of any of its facilities.

11.20.780 Penalties.

- (a) It is unlawful for any person to violate any of the provisions of this chapter and upon conviction thereof shall be fined as provided for violations in KMC 13.05.010. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- (b) In addition to or as an alternative to the above penalty provision, the City may impose a civil penalty in an amount as provided by KMC 13.05.010 per day for the violation of any provision of this chapter and seek injunctive relief for any infraction thereof for which the offending party will be charged for reasonable attorney's fees and costs incurred by the City as awarded by the court.
- (c) Nothing in this section shall be deemed to restrict the City's exercise of any of its rights pursuant to the lease agreement including those enumerated in KMC 11.20.220 and KMC 11.20.240 hereof.

11.20.790 Tideland Leases for Shore Fisheries.

- (a) Notwithstanding other provisions of the City's Code of Ordinances the annual minimum rental rate for tideland leases used primarily for shore fisheries shall be an annual fee as set forth in the City's schedule of fees adopted by the City Council. However, should the State of

Alaska set an annual lease rate higher than that established by the City for similar tideland leases for shore fisheries on land owned by the State, the City may amend the annual rental to a rate equal to that charged by the State of Alaska.

Item Attachment Documents:

1. City Council



Kenai City Council - Regular Meeting

March 04, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

ACTION AGENDA

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3107-2020** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Funds for Costs in Excess of Budgeted Amounts. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3108-2020** - Increasing Estimated Revenues and Appropriations in the General Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's General Fund. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3109-2020** - Authorizing the City Manager to Reimburse Annual Leave Used by Firefighter Scott Summers for Attending a Paramedic Internship Program. (Administration)

4. **ADOPTED UNANIMOUSLY. Resolution No. 2020-11** - Awarding a Contract to Provide Health & Life Insurance Consulting Services. (Administration)
5. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2020-12** - Selecting the Firm for the Kenai Municipal Airport Engineering Services. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2020-13** - Supporting Senate Bill No. 232 - An Act Relating to Personal Use Fishing Permits, That Would Establish a Fee for Personal Use Dipnetting to be Used by the State and City of Kenai to Support Personal Use Dipnet Fisheries. (Council Member Peterkin)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of February 19, 2020
2. **APPROVED BY THE CONSENT AGENDA.** *Work Session Summary of February 19, 2020

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET 03/18/2020.** *Ordinance No. 3110-2020 - Amending Kenai Municipal Code Section 23.55.030 - Qualification Pay, to Add Additional Qualification Pay Items to the List of Those for Which Employees Continue to Receive While on Annual Leave or When Receiving Holiday Pay. (Administration)
3. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET 03/18/2020.** *Ordinance No. 3111-2020 - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)
4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET 03/18/2020.** *Ordinance No. 3112-2020 - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Kirila Fire, Inc. (Administration)
5. **FAILED UNANIMOUSLY. Action/Approval** - Proposed Amendment to Kenai Peninsula Borough Ordinance No. 2019-24 - An Ordinance Adopting KPB 20.80, Subdivision Gated Streets and Gated Subdivisions. (Legal)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

1. To Discuss a Request to Purchase Properties Located at 11823 Kenai Spur Highway, Kenai, Alaska, Also Known as "Anchor Camp Ground," Pursuant to AS 44.62.310(c)(1)(3) is a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City, and a Matter by which Law, Municipal Charter, or Ordinance are required to be Confidential.

M. PENDING ITEMS

1. **Ordinance No. 3106-2020** - Amending Title 11 - Harbor and Harbor Facilities, to Remove Provisions that are No Longer Historically Relevant, Recognize Changes to Other Chapters of City Code That Now Provide for Lease and Sale of Harbor Lands and Provide the Harbor Commission a Platform to Move Forward. (Council Members Peterkin and Glendening)

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000
2. Kenai Historical Society Newsletter - February 2020

3. Wildwood Formerly Used Defense Site - 02/2020 Environmental Update

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

Item Attachment Documents:

3. City Administration



Kenai City Council - Regular Meeting

March 04, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

ACTION AGENDA

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3107-2020** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Funds for Costs in Excess of Budgeted Amounts. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3108-2020** - Increasing Estimated Revenues and Appropriations in the General Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's General Fund. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3109-2020** - Authorizing the City Manager to Reimburse Annual Leave Used by Firefighter Scott Summers for Attending a Paramedic Internship Program. (Administration)

4. **ADOPTED UNANIMOUSLY. Resolution No. 2020-11** - Awarding a Contract to Provide Health & Life Insurance Consulting Services. (Administration)
5. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2020-12** - Selecting the Firm for the Kenai Municipal Airport Engineering Services. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2020-13** - Supporting Senate Bill No. 232 - An Act Relating to Personal Use Fishing Permits, That Would Establish a Fee for Personal Use Dipnetting to be Used by the State and City of Kenai to Support Personal Use Dipnet Fisheries. (Council Member Peterkin)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of February 19, 2020
2. **APPROVED BY THE CONSENT AGENDA.** *Work Session Summary of February 19, 2020

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET 03/18/2020.** *Ordinance No. 3110-2020 - Amending Kenai Municipal Code Section 23.55.030 - Qualification Pay, to Add Additional Qualification Pay Items to the List of Those for Which Employees Continue to Receive While on Annual Leave or When Receiving Holiday Pay. (Administration)
3. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET 03/18/2020.** *Ordinance No. 3111-2020 - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)
4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET 03/18/2020.** *Ordinance No. 3112-2020 - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Kirila Fire, Inc. (Administration)
5. **FAILED UNANIMOUSLY. Action/Approval** - Proposed Amendment to Kenai Peninsula Borough Ordinance No. 2019-24 - An Ordinance Adopting KPB 20.80, Subdivision Gated Streets and Gated Subdivisions. (Legal)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

1. To Discuss a Request to Purchase Properties Located at 11823 Kenai Spur Highway, Kenai, Alaska, Also Known as "Anchor Camp Ground," Pursuant to AS 44.62.310(c)(1)(3) is a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City, and a Matter by which Law, Municipal Charter, or Ordinance are required to be Confidential.

M. PENDING ITEMS

1. **Ordinance No. 3106-2020** - Amending Title 11 - Harbor and Harbor Facilities, to Remove Provisions that are No Longer Historically Relevant, Recognize Changes to Other Chapters of City Code That Now Provide for Lease and Sale of Harbor Lands and Provide the Harbor Commission a Platform to Move Forward. (Council Members Peterkin and Glendening)

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000
2. Kenai Historical Society Newsletter - February 2020

3. Wildwood Formerly Used Defense Site - 02/2020 Environmental Update

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