



## Kenai City Council - Regular Meeting

May 04, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

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

### Agenda

#### A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public 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*)

1. Velda Geller, Kenai Senior Connections, 2022 Meals on Wheels Event.

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

#### D. PUBLIC HEARINGS

1. **Ordinance No. 3284-2022** – Accepting and Appropriating Private Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
2. **Ordinance No. 3285-2022** – Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
3. **Resolution No. 2022-27** – Approving the Execution of a Lease of Airport Reserve Lands Using the Standard Lease form Between the City of Kenai and Joel Caldwell on Lot 3, Block 4, FBO General Aviation Apron. (Administration)
4. **Resolution No. 2022-28** – Authorizing an Agreement for Professional Engineering Services for the Roadway Capital Improvements Projects. (Administration)

#### E. MINUTES

1. \*Regular Meeting of April 20, 2022. (City Clerk)
2. \*Special Meeting of April 25, 2022. (City Clerk)
3. \*Special Meeting of April 26, 2022. (City Clerk)

## F. UNFINISHED BUSINESS

## G. NEW BUSINESS

1. **\*Action/Approval** - Bills to be Ratified. (Administration)
2. **\*Action/Approval** – Non-Objection to Liquor License Renewals for The Upper Deck. (City Clerk)
3. **\*Action/Approval** – Amending Employment Agreements between the City of Kenai and City Manager, Paul Ostrander and City Clerk, Michelle Saner. (Mayor Gabriel)
4. **\*Action/Approval** – Amending and Extending an Employment Agreement between the City of Kenai and City Attorney, Scott Bloom. (Mayor Gabriel)
5. **\*Ordinance No. 3286-2022** – 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. 3287-2022** – Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities. (Mayor Gabriel and Council Member Baisden)
7. **\*Ordinance No. 3288-2022** – Accepting and Appropriating a Scholarship from the Alaska Association of Municipal Clerks for Employee Travel and Training. (City Clerk)
8. **Action/Approval** – Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage. (Administration)
9. **Action/Approval** – Amending the Special Use Permit to State of Alaska, Department of Natural Resources, Division of Forestry for Aeronautical and/or Aviation Related Activities. (Administration)
10. **Discussion** – Public Meetings and Video Conferencing (Council Member Pettey)
11. **Discussion** – Disposal Options for Tract A Park View Subdivision (KPB Parcel No. 047010118) (Administration)
12. **Discussion** – Scheduling a Board of Adjustment Appeal Hearing. (City Clerk)

## 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****M. PENDING ITEMS****N. ADJOURNMENT****O. INFORMATION ITEMS**

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

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

**Join Zoom Meeting**

<https://us02web.zoom.us/j/87936440018>

**Meeting ID:** 879 3644 0018 **Passcode:** 551912

OR

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

**Meeting ID:** 879 3644 0018 **Passcode:** 551912



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3284-2022**

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

WHEREAS, the Kenai Animal Shelter recently received monetary donations from a number of donors totaling \$591.38, and those funds are intended to support the care of animals at the shelter; and,

WHEREAS, the animal control chief has identified equipment modification needs for the utilization of the donated funds; and,

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

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

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

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

General Fund:

Increase Estimated Revenues –	
Donations – Animal Control	<u>\$591.38</u>

Increase Appropriations –	
Animal Control – Repair & Maintenance	<u>\$591.38</u>

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

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


ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 4<sup>TH</sup> DAY OF MAY, 2022.

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

ATTEST:

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

New Text Underlined; [DELETED TEXT BRACKETED]

Approved by Finance: 

Introduced: April 20, 2022  
Enacted: May 4, 2022  
Effective: May 4, 2022



# KENAI

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

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** David Ross, Police Chief

**DATE:** April 5, 2022

**SUBJECT:** **Ordinance No. 3284-2022 Donations to the Kenai Animal Shelter**

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The Kenai Animal shelter received a number of unsolicited private donations recently totaling \$591.38. The individual donors include: Sara & Glenn Lockwood, James Spalding, Shan Tanttila, Gerald Johanson, Barbara Dilly, a Petfinder donation, and an anonymous donation. The Animal Control Chief has identified improvements to be made at the shelter with these funds that will improve the care of animals. The improvement being pursued will allow staff to replace some current dog kennel latches that no longer function properly. This will help ensure the safety of both dogs, staff and volunteers.

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



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3285-2022**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND – POLICE DEPARTMENT AND ACCEPTING A GRANT FROM THE ALASKA HIGH INTENSITY DRUG TRAFFICKING AREA FOR DRUG INVESTIGATION OVERTIME EXPENDITURES.

WHEREAS, the Kenai Police Department assists the regional drug task force on initiatives with funding availability through the Alaska High Intensity Drug Traffic Area (AK HIDTA), which is funded through a federal government appropriation; and,

WHEREAS, funding through AK HIDTA is available to reimburse certain overtime expenditures for the Kenai Police Officers that assist the regional drug task force or directly participate in the task force on those AK HIDTA initiatives; and,

WHEREAS, overtime expense that are eligible for reimbursement from July of 2021 through the end of March, 2022 is \$12,090.59; and,

WHEREAS overtime for these additional expenditures for drug investigations were not budgeted and the department is requesting appropriation into the FY22 overtime budget equal to the amount of the AK HIDTA funding.

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

**Section 1.** That the City Manager is authorized to accept these funds from the AK HIDTA in the amount of \$12,090.59 and to expend those funds to fulfill the purpose and intent of this ordinance

**Section 2.** That the fiscal year 2022 estimated revenues and appropriations be increased as follows:

General Fund:

Increase Estimated Revenues – Federal Grants – Police	<u>\$12,090.59</u>
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Increase Appropriations – Police – Overtime	<u>\$12,090.59</u>
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**Section 3.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 4<sup>TH</sup> DAY OF MAY, 2022.

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

ATTEST:

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

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

Introduced:	April 20, 2022
Enacted:	May 4, 2022
Effective:	May 4, 2022





# KENAI

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

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** David Ross, Police Chief

**DATE:** April 8, 2022

**SUBJECT:** **Ordinance No. 3285-2022, Accepting HIDTA Grant Funds**

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The Kenai Police Department participates in the regional drug task force. Between July of 2021 and March of 2022 certain overtime worked in conjunction with the regional drug task force was eligible for reimbursement through the Alaska High Intensity Drug Trafficking Area (AK HIDTA), which receives its funding through Federal appropriation. The Police Department requested reimbursement for \$12,090.59 in overtime expenditures.

I am respectfully requesting consideration of the ordinance accepting and appropriating the grant funds into the FY22 budget for the purpose they were intended.



Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2022-27**

A RESOLUTION APPROVING THE EXECUTION OF A LEASE OF AIRPORT RESERVE LANDS USING THE STANDARD LEASE FORM BETWEEN THE CITY OF KENAI AND JOEL CALDWELL ON LOT 3, BLOCK 4, FBO GENERAL AVIATION APRON.

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WHEREAS, the lease to Joel Caldwell for Lot 3, Block 4, General Aviation Apron expires on June 30, 2022; and,

WHEREAS, on March 14, 2022, Joel Caldwell submitted an application for a lease of City owned properties within the Airport Reserve, described as Lot 3, Block 4, General Aviation Apron; and,

WHEREAS, the lease application states estimated improvements of \$100,000 for additional storage space, restroom facilities, and paving, and provide aircraft storage and maintenance; an investment that gives a lease term of 17-years according to the term table in Kenai Municipal Code 21.10.080; and,

WHEREAS, the proposed development would be mutually beneficial and would conform with the Kenai Municipal Code for zoning, Kenai's Comprehensive Plan, the Airport Land Use Plan, Airport Layout Plan, Federal Aviation Administration regulations, Airport Master Plan, Airport Improvement Program grant assurances, and Airport operations; and,

WHEREAS, the City of Kenai did not receive any competing lease applications within thirty (30) days of publishing a public notice of the lease application from Joel Caldwell; and,

WHEREAS, at their regular meeting on April 13, 2022, the Planning and Zoning Commission reviewed the lease application and recommended approval by the City Council; and,

WHEREAS, at their regular meeting on April 14, 2022, the Airport Commission reviewed the lease application and recommended approval by the City Council.

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

**Section 1.** That a Lease of Airport Reserve Lands is approved and the City Manager is authorized to execute a lease between the City of Kenai, Lessor, and Joel Caldwell, Lessee, as follows:

Lot improvements as outlined in lease application from Joel Caldwell, additional storage space, restroom facilities, and paving, with an estimated \$100,000 value of improvements to be completed within two (2) years of signing the lease;

The evidence must be submitted to the City within 60 days of the completion of the development and improvements;

The lease term will be 17 years;

Lot developments will prevent unauthorized access to the airfield;

Structures will be built behind the 100 foot building restriction line;

Joel Caldwell is responsible for all snow removal, and snow may not touch the perimeter security fence or be piled to a height that would allow access to the airport.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 4<sup>TH</sup> DAY OF MAY, 2022.

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Brian Gabriel Sr., Mayor

ATTEST:

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Michelle M. Saner, MMC, City Clerk



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Ryan Foster, Planning Director  
**DATE:** April 26, 2022  
**SUBJECT:** **Resolution No. 2022-27 – Approving the Execution of a Lease to Joel Caldwell.**

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On June 19, 2020, Joel Caldwell entered into an assignment of lease for Lot 3, Block 4, General Aviation Apron with Dewayne Benton. This lease terminates on June 30, 2022.

Joel Caldwell proposes improvements including additional storage space, restroom facilities, and paving, with an estimated \$100,000 value of improvements to be completed within two (2) years of signing the lease. Activities noted on the application is aircraft storage and maintenance. The requested lease term is 17 years.

Pursuant to Kenai Municipal Code 21.10.060 Lease application review, notice of the lease application was posted in the Peninsula Clarion and stated competing applications may be submitted for the parcel within 30 -days to the City. The 30 -day window from publication ended on April 16, 2022, and no competing applications were submitted to the City.

The parcel is within the Airport Light Industrial (ALI) Zone. Pursuant to KMC 14.20.065, the purpose 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 aeronautical use is a permitted and compatible use in the ALI Zone.

The Imagine Kenai 2030 Comprehensive Plan outlines goals, objectives, and action items for the City, including this one pertaining to the Kenai Municipal Airport:

Objective T- 1: Support future development near or adjacent to the airport when such development is in alignment with the Kenai Municipal Airport's primary mission, "To be the commercial air transportation gateway to the Kenai Peninsula Borough and Cook Inlet."

The proposed use complies with the Imagine Kenai 2030 Comprehensive Plan by supporting development on lease lots that is in alignment with the Kenai Municipal Airport's marketing strategy.

The Airport Land Use Plan was developed to identify the highest and best uses of Kenai Municipal Airport land. The Airport Land Use Plan discusses leasing land and enhancing opportunities for local economic development. The proposed use by Joel Caldwell complies with the Airport Land Use Plan and would enhance local economic development.

At their regular meeting on April 13, 2022, the Planning and Zoning Commission reviewed the lease application and recommended approval by the City Council. At their regular meeting on April 14, 2022, the Airport Commission reviewed the lease application and recommended approval by the City Council.

Thank you for your consideration.

Attachments:

City of Kenai Land Lease Application from Joel Caldwell

170 Granite Point Court Map





City of Kenai Land Lease Application

Application for:  New Lease  Amendment  Extension  Renewal  Assignment

Application Date: 3/14/2020

Applicant Information

Name of Applicant: Joel Caldwell

Mailing Address: 1014 Willow St City: Kenai State: AK Zip Code: 99611

Phone Number(s): Home Phone: 907 252 4878 Work/ Message Phone: 907 283 4124

E-mail: (Optional) joel@kenaiaviation.com

Name to Appear on Lease: Joel Caldwell

Mailing Address: 51265 Satty Circle City: Kenai State: AK Zip Code: 99611

Phone Number(s): Home Phone: Work/ Message Phone:

E-mail: (Optional)

Type of Applicant:  Individual (at least 18 years of age)  Partnership  Corporation  Government  Limited Liability Company (LLC)  Other

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property): 170 Granite Point Ct.

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: JWC

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: JWC

It is the responsibility of the applicant to cover recording costs associated with lease. Initials: \_\_\_\_\_

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: Current

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): 17 yrs

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

Requested Starting Date: Immediate

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? WATER/SEWER, PAVING, HANGAR DOOR

3. What is the estimated value of the improvement? \$100,000

4. What is the nature and type of improvement?  
Addition storage space, restroom facilities

5. What are the dates construction is estimated to commence and be completed?

(generally, construction must be completed within two years)

Estimated Start Date: June 2022

Estimated Completion Date: Sept 2023

Describe the proposed business or activity intended:

Aircraft storage and maintenance

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

In support airline and flight school

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

Joel Caldwell

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: *Joel A. Caldwell* Date: 3/4/22

Print Name: Joel A. Caldwell Title: Owner


For City Use Only:  General Fund  Airport Reserve Land  Airport Fund  Outside Airport Reserve  
Account Number: \_\_\_\_\_  
Date Application Fee Received: \_\_\_\_\_  
Date Application Determined Complete: \_\_\_\_\_  
30-Day Notice Publication Date: \_\_\_\_\_  
City Council Action/Resolution: \_\_\_\_\_



170 Granite Point Ct  
Lot 3 Block 4, General Aviation Subdivision No 1 Amended  
Parcel 04324012



**LEGEND**

 Subject Parcel

0 20 40 Feet

Date: 4/5/2022







Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2022-28**

A RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE ROADWAY CAPITAL IMPROVEMENTS PROJECTS.

WHEREAS, a Request for Proposals was released on March 31, 2022 with Proposals due on April 21, 2022 to provide bid ready construction documents for Roadway Capital Improvements on Wildwood Dr., N. Willow St., First Ave., and various other miscellaneous sink hole repairs; and,

WHEREAS, Nelson Engineering was the only respondent to the Request for Proposals; and,

WHEREAS, Nelson Engineering has an extensive work history with the City of Kenai and although they were the only respondent their proposal was found to be responsive and responsible; and,

WHEREAS, the proposed design fees for the requested projects are as follows:

Wildwood Dr.	\$35,252
N. Willow St.	\$40,905
First Avenue	\$25,509
Misc. Sink Hole Repairs	\$25,514
Total	\$127,180

and,

WHEREAS, funding for these improvements resides within the Municipal Roadway Improvements Capital Project Fund and the proposed costs are within budgeted amounts; and,

WHEREAS, completion of this work is a high priority for the Public Works Department as these projects were identified within previous years Capital Improvement Plans; and,

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

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

**Section 1.** That the City Manager is authorized to execute a Professional Services Agreement with Nelson Engineering in the total amount of \$127,180 and to issue a Purchase Order in that same amount plus an additional \$20,000 in contingency, \$5,000 per project above, to assist in the processing of potential amendments.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 4<sup>TH</sup> DAY OF MAY, 2022.

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

ATTEST:

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

New Text Underlined; [DELETED TEXT BRACKETED]



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Director of Public Works  
**DATE:** April 26, 2022  
**SUBJECT:** Resolution 2022-28 – Roadway Capital Improvements

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The purpose of this memo is to request Council’s approval to award a Professional Services Agreement to Nelson Engineering to provide bid ready construction documents for roadway improvements along Wildwood Dr., N. Willow St., First Ave., as well as various other smaller project areas. This will be the first extensive roadway improvements conducted by the City since 2015 when VIP and First St. projects were developed.

Wildwood Dr. is one of the older roadways within the City and as such is in the poorest condition. This project will provide for a complete resurfacing from the Kenai Spur Highway toward the entrance of Wildwood Correctional. Work will include paving of driveway approaches up to the edge of right of way and expands on the clearing work the Streets Department conducted last year.

The N. Willow St. project will extend from Granite St. down toward the Forestry Service lot located at 525 N. Willow. This project is comprised of milling and repaving of roadway surface as well as improvements to drainage.

The First Avenue project is located between N. Spruce and Birch St. and is intended to resolve several areas of roadway where the bases has subsided. These areas will be removed with new base, new concrete curb and gutter and new asphalt surface being applied. Other areas will simply be milled and paved.

The misc. sink hole repairs cover a variety of smaller locations where the roadway has settled. These areas will be removed with the base material restored and new asphalt surfacing applied. Approximately a dozen of these locations will be addressed with this work.

It is the department’s hope and intention to complete Wildwood Dr. and the misc. repairs late this summer. N. Willow and First Ave will have a completed project design with the intent of bidding over the winter months with construction taking place starting May/June 2023.

Council can expect engineer’s cost estimates for Construction being provided with the bid ready documents. If it is determined additional funding may be necessary it will be brought forth with additional legislation at that time.

Council’s support for these projects is respectfully requested.

**KENAI CITY COUNCIL – REGULAR MEETING  
APRIL 20, 2022 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR BRIAN GABRIEL, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on April 20, 2022, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Mayor Gabriel led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Brian Gabriel, Mayor  
Teea Winger  
Glenese Pettey  
Henry Knackstedt

James Baisden  
Deborah Sounart  
Jim Glendening, Vice Mayor

A quorum was present.

Also in attendance were:

\*\*Silas Thibodeau, Student Representative  
Paul Ostrander, City Manager  
Scott Bloom, City Attorney  
Terry Eubanks, Finance Director  
Scott Curtin, Public Works Director  
Randi Broyles, Special Projects Coordinator  
Kathy Romain, Senior Service Director  
Shellie Saner, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following additions to the Packet:

Add item D.10. **Public Hearing – Resolution 2022-25**  
• Amendment Memo

Add item D.11. **Public Hearing – Resolution 2022-26**  
• Informational Item

The following amendments were requested to the Order of Business:

Reorganize Agenda: **Item D.11. Public Hearing – Resolution 2022-26**  
• Moved to Agenda Item D.1.

Reorganize Agenda: **Item G.5. Action/Approval – Consent to Assignment and Assumption of Lease agreement**  
• Moved to Agenda Item D.2.

**MOTION:**

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

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

#### 4. Consent Agenda

**MOTION:**

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

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

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

**UNANIMOUS CONSENT** was requested.

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

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

### **B. SCHEDULED PUBLIC COMMENTS**

#### 1. **Kenai Dog Park Friends**, Current Need and Future Expansion of the Dog Park.

Crystal Locke provided a presentation on the current needs of the Dog Park; a summary of the vision and mission of the dog park; review of the changes to the plan over the last four-years since the original concept plans; a review of the number of dogs anticipated to utilize the park; and explained additional space would allow for some agility equipment to be included.

There was discussion regarding the expanded area offering more opportunity for agility equipment; the draw from other communities and possible events if agility equipment were included; the American Kennel Club recommendation regarding dog park size and number of dogs serviced; and if the additional area were fenced now there would be no delays when the dog park expanded into that area.

### **C. UNSCHEDULED PUBLIC COMMENTS**

Marion Nelson reminded everyone that the student show would soon be ending; that the next show was water colors and anyone could enter; and reported on the facility area management involvement from the Art Guild and Potters Guild.

Lena Wismar addressed the Council in support of the Dog Park and noted that thanks to the community outreach for this project Walmart and Home Depot would be contributing.

Sheryl Main addressed the Council regarding the high level of gang activity in Los Angeles nothing that she was thankful for our community; thanked Council Member Winger for visiting her home and assuring her the project she had mentioned at the previous meeting would be taken care of; and offered a prayer for the City.

### **D. PUBLIC HEARINGS**

#### 1. **Resolution No. 2022-26** – Authorizing the Use of Additional Land at the Daubenspeck Family Park for Expansion of the Dog Park. (Council Member Winger and Vice Mayor Glendening)

*[Clerk's Note: Resolution No. 2022-26 was moved from Agenda Item D. 11. to D. 1. at the setting of the agenda.]*

**MOTION:**

Council Member Winger **MOVED** to adopt Resolution No. 2022-26. Vice Mayor Glendening **SECONDED** the motion.

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

**MOTION TO AMEND:**

Vice Mayor Glendening **MOVED** to amend Resolution No. 2022-26 as follows:

- Fifth whereas clause to read, “despite the prior appropriation of land, additional land to the [SOUTH] west is needed to properly complete the project; and”
- Section 1 to read, “That an additional 0.52 acre of land [SOUTH] west of the current dog park be designated for the Kenai Community Dog Park Project.”

Council Member Knackstedt **SECONDED** the motion to amend Resolution 2022-26.

**UNANIMOUS CONSENT** was requested on the motion to amend Resolution 2022-26.

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

There was discussion regarding the American Kennel Club recommended size of a dog park being roughly one acre; agility competitions being a fast growing sport; smaller parks not being designed for agility equipment; establishing the dog park perimeter early for the purpose planning and design; the cost to the associated with expanding the dog park foot print; the need to survey and subdivide the adjacent property to be able to include the additional 0.52 acres; options for staking out the area before subdividing; the donations from local businesses toward materials and labor; and the value of previous City funding and land donations made toward the dog park.

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Resolution No. 2022-26 as follows:

- Insert a new final whereas clause to read, “the funding for the fencing materials and installation for the additional 0.52 acres will be funded by dog park donations through the Kenai Community Foundation.”

Council Member Pettey **SECONDED** the motion to amend Resolution 2022-26.

**VOTE ON MOTION TO AMEND:**

YEA: Mayor Gabriel, Sounart, Pettey, Knackstedt

NAY: Baisden, Glendening, Winger

\*\*Student Representative Thibodeau: YEA

**MOTION TO AMEND PASSED.**

**VOTE ON MOTION TO ADOPT AS AMENDED:**

YEA: Glendening, Baisden, Sounart, Pettey, Winger, Knackstedt, Gabriel

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION TO ADOPT AS AMENDED PASSED UNANIMOUSLY.**

- 2. Action/Approval** – Consent to Assignment and Assumption of Lease Agreement, of Lot 5, Block 1, Gusty Subdivision Addition No. 1 Amended, to Forever Business Plaza, LLC. (Administration)

*[Clerk's Note: The Action/Approval Item above was moved from agenda Item G. 5. to D. 2. at the setting of the agenda.]*

**MOTION:**

Council Member Knackstedt **MOVED** to approve the assignment and assumption of the Lease Agreement. Council Member Winger **SECONDED** the motion.

There was discussion with the applicant regarding the plans for the property; continuing to allow the current tenants to remain; and future growth opportunities.

**UNANIMOUS CONSENT** was requested.

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

3. **Ordinance No. 3277-2022** – Accepting a Grant from the Federal Aviation Administration Under the Coronavirus Response and Relief Supplemental Appropriation Act, 2021 and Appropriating Funds into the Special Revenue Fund. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3277-2022. Council Member Baisden **SECONDED** the motion.

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

**VOTE:**

YEA: Winger, Knackstedt, Gabriel, Glendening, Baisden, Sounart, Pettey

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

4. **Ordinance No. 3278-2022** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Professional Services Agreement Amendment to Complete Design Phase Services for the Kenai Municipal Airport Runway Rehabilitation Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3278-2022. Vice Mayor Glendening **SECONDED** the motion.

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

There was discussion regarding the consultant fee aligning with current standard costs; and the associated costs being eligible for grant funding.

**VOTE:**

YEA: Knackstedt, Gabriel, Glendening, Baisden, Sounart Pettey, Winger

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

5. **Ordinance No. 3279-2022** – Accepting and Appropriating a State of Alaska Grant Passed through the Southern Region EMS Council, Inc., for Three Scoop Stretchers, Three Adult Vacuum Splints and Three Pediatric Vacuum Splints. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3279-2022. Council Member Sounart **SECONDED** the motion.

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

There was discussion on the benefits of applying for grant funding available for these types of projects; the shape and purpose of a Scoop Stretcher.

**VOTE:**

YEA: Gabriel, Glendening, Baisden, Sounart, Pettey, Winger, Knackstedt

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

- 6. Ordinance No. 3280-2022** – 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)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3280-2022. Vice Mayor Glendening **SECONDED** the motion.

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

There was discussion regarding the benefits of having additional equipment for fire response; and the number spruce bark beetle infested trees.

**VOTE:**

YEA: Glendening, Baisden, Sounart, Pettey, Winger, Knackstedt, Gabriel

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

- 7. Ordinance No. 3281-2022** – Accepting and Appropriating an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3281-2022. Council Member Sounart **SECONDED** the motion.

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

There was discussion regarding the grant funding received from the State of Alaska annually; the increased needs for delivery meal services; and the time restriction for spending the additional funds.

**VOTE:**

YEA: Baisden, Sounart, Pettey, Winger, Knackstedt, Gabriel, Glendening

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

- 8. Ordinance No. 3282-2022** – Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue Fund and Wastewater Treatment Plant Improvements Capital Project Fund to Provide Supplemental Funding for the Sludge Press Replacement Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3282-2022. Council Member Sounart **SECONDED** the motion.

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

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3282-2022 as follows:

- Delete the Fourth whereas clause in its entirety, “[THESE ADDITIONAL ISSUES REQUIRE ADDITIONAL FUNDING IN THE AMOUNT OF \$840,000, BRINGING THE TOTAL FUNDING TO DATE FOR THE PROJECT TO \$2,040,000; AND,]”
- Insert a new Fourth whereas clause to read, “a contract amendment to HDL Engineering in the amount of \$87,144 is needed to complete the additional scope of work within the design; and”
- Insert a new Fifth whereas clause to read, “the additional code issues and design contract amendment require additional funding in the amount of \$840,000, bringing the total funding to date for the project to \$2,040,000; and”
- Insert a new Section 3 to read, “The City Manager is authorized to execute a contract amendment with HDL Engineering in the amount of \$87,144 and increase the existing Purchase Order 121735 by the same amount.”
- Renumber remaining sections accordingly.

Council Member Pettey **SECONDED** the motion to amend Ordinance No. 3282-2022.

**UNANIMOUS CONSENT** was requested on the motion to amend Ordinance No. 3282-2022.

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

There was discussion regarding the estimated time to complete the project; the number of other projects which have been identified and will need to be addressed in the next few years; funding for water and sewer projects generally came from the utility fund, not the general fund; questions related to ARPA funds being eligible for these type of projects; other federal funded grant opportunities for water and waste water improvements; and bond funding options, which would need to be approved by the eligible voters of the city.

**VOTE ON THE MOTION TO ENACT AS AMENDED:**

YEA: Sounart, Pettey, Winger, Knackstedt, Gabriel, Glendening, Baisden

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION TO ENACT AS AMENDED PASSED.**



- 9. Ordinance No. 3283-2022** – Authorizing a Budget Revision in the Airport Special Revenue Fund and Increasing Estimated Revenues and Appropriations in the Terminal Improvement Capital Project Fund for Design Services for the Terminal Landscaping Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3283-2022. Council Member Baisden **SECONDED** the motion.

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

There was discussion regarding the scope of work involved with the design; if previous appropriations for this included irrigation; the importance of landscaping at the airport and the visual message it provided about our city to visitors on arrival; if the Airport Commission would be providing input on the design; and that this would be for the area immediately outside the arrival and departure area.

**VOTE:**

YEA: Pettey, Winger, Knackstedt, Gabriel, Glendening, Baisden, Sounart

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

- 10. Resolution No. 2022-23** – Authorizing the City Manager to Execute an Amendment to the City of Kenai's Participation Agreement with the Public Employees' Retirement System (PERS) to Remove the "Program or Project Employee" Category of Employees from Participation Effective July 1, 2022. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-23. Council Member Pettey **SECONDED** the motion.

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

There was discussion regarding this change allowing the city to hire a temporary employee for more than six-months; employees hired in this category would still be fully benefited positions; however, they would not be in the PERS system; and it would eliminate the requirement of a termination study when the position is no longer needed.

**UNANIMOUS CONSENT** was requested.

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

- 11. Resolution No. 2022-24** – Authorizing a Construction Contract Award for the Mission Avenue Water Main Improvements Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-24. Council Member Pettey **SECONDED** the motion.

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

There was discussion regarding the completion of this project during the upcoming construction season; the high priority of this project due to the proximity of the bluff; and the existing main would be abandoned as to not disturb the bluff.

**UNANIMOUS CONSENT** was requested.

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

**12. Resolution No. 2022-25** – Approving the Fifth Amendment to the City’s Airline Operating Agreement and Terminal Area Lease to Reduce Certain Insurance Requirements for Operators. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-25. Council Member Baisden **SECONDED** the motion.

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

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Resolution 2022-25 as follows:

- Amend the first sentence of paragraph A in the attached Exhibit D, to read: [AIRLINE] Aircraft Liability Insurance and Comprehensive [GENERAL] Aviation Liability Insurance

Council Member Baisden **SECONDED** the motion to amend Resolution 2022-25.

**UNANIMOUS CONSENT** was requested on the motion to amend Resolution 2022-25.

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

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

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

**E. MINUTES**

1. \*Regular Meeting of April 6, 2022. (City Clerk)

**F. UNFINISHED BUSINESS** – None.

**G. NEW BUSINESS**

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

Approved by the consent agenda.

2. \***Action/Approval** – Purchase Orders Over \$15,000. (Administration)

Approved by the consent agenda.

3. \***Ordinance No. 3284-2022** – Accepting and Appropriating Private Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)

Introduced by the consent agenda and Public Hearing set for May 4, 2022.

4. \***Ordinance No. 3285-2022** – Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)

Introduced by the consent agenda and Public Hearing set for May 4, 2022.

5. **Action/Approval** – Special Use Permit to Laser Art Alaska, LLC for a four-month term from May 1, 2022 through August 31, 2022 (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to approve the Special Use Permit to Laser Art Alaska. Council Member Pettet **SECONDED** the motion.

There was discussion with the applicant regarding the plans for the space and the different types of Alaska and local art that would be sold.

**UNANIMOUS CONSENT** was requested.

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

6. **Discussion/Action** – Setting Budget Work Session Schedule. (Mayor Gabriel)

The Budget Work Session was scheduled for Saturday, May 14, 2022.

**H. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging

Council Member Knackstedt reported on the April 14, 2022 meeting; next meeting May 12, 2022.

2. Airport Commission

Council Member Knackstedt reported on the April 14, 2022 meeting; next meeting May 12, 2022.

3. Harbor Commission

No report, the next meeting is scheduled for May 9, 2022.

4. Parks and Recreation Commission

Council Member Winger reported on the April 7, 2022 work session; next meeting May 5, 2022.

5. Planning and Zoning Commission

Council Member Winger reported on the April 13, 2022 meeting; next meeting April 27, 2022.

6. Beautification Committee

No report, the next meeting is schedule for May 10, 2022.

7. Mini-Grant Steering Committee

No report.

**I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Attending the Alaska By-Catch Task Force Subcommittee Meeting on April 14, 2022.

He thanked everyone for the continued support, thoughts and prayers for his family for the recent loss of his mother.

**J. ADMINISTRATION REPORTS**

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

- Attending a grant symposium hosted by Senator Murkowski in Anchorage with Public Works Director Curtin and Grants Writer Shurtleff.
- Postponement of Kenai Aviation's unveiling of their new plane.

- The second phase of the Kenai Waterfront Revitalization Project scheduled for May 2 & 3, 2022 at the Kenai Chamber of Commerce and Visitor Center.
  - The Chamber hired a new Director, Brett Perry.
  - Continued efforts to identify additional funding for the local match on the bluff erosion project.
2. City Attorney – City Attorney Bloom reported on the following:
    - Reported that he would be amenable to conduct a work session with the Planning and Zoning commission regarding conditional use permits and enforcement.
  3. City Clerk – City Clerk Saner reported on the following:
    - Update regarding the current status of KPB Ordinance 2022-07, which would submit the apportionment plans to the voters at the next Regular Election.

#### **K. ADDITIONAL PUBLIC COMMENTS**

1. Citizen Comments (*Public comments limited to (5) minutes per speaker*) – None.
2. Council Comments

Council Member Winger provided an update regarding the upcoming Caring for the Kenai event; commented on the number of trees getting cut and the need for property owners to fire wise their property; and addressed constituents regarding how she handles emails received from them.

Student Representative Thibodeau reported that Prom and the After-Prom event went well; a recent assembly was held about “Sources for Strength”; provided an update on sports activities and band camp; and noted that Student Council selection has started.

Council Member Pettey thanked the City Manager, Finance Director and Department Directors for their work on the budget; and thanked everyone for their support with the recent passing of her mother.

#### **L. EXECUTIVE SESSION**

1. Possible Donation or Sale of Park View Subdivision Tract A, Kenai Peninsula Borough Parcel #04701018. Pursuant to AS 44.62.310(c)(1) a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finance of the City.

##### **MOTION:**

Council Member Knackstedt **MOVED** to enter into executive session to consider the possible donation or sale of Park View Subdivision Tract A, Kenai Peninsula Borough Parcel #04701018 which may be a matter of which the immediate knowledge may have an adverse effect upon the finance of the City pursuant to AS 44.62.310(c)(1).

The Executive Session to include Mayor Gabriel, City Council Members, City Manager Ostrander and City Attorney Bloom.

Council Member Baisden **SECONDED** the motion.

##### **VOTE:**

YEA: Gabriel, Baisden, Sounart, Pettey, Knackstedt

NAY: Glendening, Winger

\*\*Student Representative Thibodeau: YEA

##### **MOTION PASSED.**

*[Clerk's Note: Council entered into Executive Session at 9:36 p.m. and reconvened at 10:02 p.m.]*

#### **M. PENDING ITEMS** – None.

**N. ADJOURNMENT****O. INFORMATIONAL ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000.
2. Cook Inlet Regional Citizens Advisory Council – Update from the Board of Directors.
3. Kenai Peninsula Borough 2022 Reapportionment Committee Final Report.

There being no further business before the Council, the meeting was adjourned at 10:03 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 20, 2022.

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Michelle M. Saner, MMC  
City Clerk

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

**KENAI CITY COUNCIL – SPECIAL MEETING  
APRIL 25, 2022 – 5:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR BRIAN GABRIEL, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Special Meeting of the Kenai City Council was held on April 25, 2022, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 5:00 p.m.

**1. Pledge of Allegiance**

Mayor Gabriel led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Brian Gabriel, Mayor  
Teea Winger  
Glenese Pettey  
Henry Knackstedt

James Baisden  
Deborah Sounart  
Jim Glendening, Vice Mayor

A quorum was present.

Also in attendance were:

Scott Bloom, City Attorney  
Shellie Saner, City Clerk

**3. Agenda Approval**

**MOTION:**

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

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

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

There was no one in attendance to provide public testimony.

**C. EXECUTIVE SESSION**

- 1. 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)].

**MOTION:**

Council Member Knackstedt **MOVED** to enter into executive session to review and discuss 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)]; Mr. Bloom has elected to have the discussion take place in executive session. The executive session to include Mayor Gabriel and City Council Members; and City Attorney Scott Bloom will be included when the Council requests his presence.

Council Member Pettey **SECONDED** the motion and requested unanimous consent.

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

**MOTION:**

Council Member Knackstedt **MOVED** to reconvene into regular session. Council member Pettey **SECONDED** the motion and requested unanimous consent.

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

Council reconvened in open session and reported that Council met in executive session and reviewed the City Attorneys performance evaluation; the City Attorney was included in a portion of the executive session to discuss the Council's review of his performance evaluation and contract.

2. 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)].

**MOTION:**

Council Member Knackstedt **MOVED** to enter into executive session to review and discuss 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)]; Ms. Saner has elected to have the discussion take place in executive session. The executive session to include Mayor Gabriel and City Council Members; and City Clerk Michelle Saner will be included when the Council requests her presence.

Council Member Pettey **SECONDED** the motion and requested unanimous consent.

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

**MOTION:**

Council Member Knackstedt **MOVED** to reconvene into regular session. Council member Pettey **SECONDED** the motion and requested unanimous consent.

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

Council reconvened in open session and reported that Council met in executive session and reviewed and discussed the City Clerk's performance evaluation; the City Clerk was included in a portion of the executive session to discuss the Council's review of her performance evaluation.

**D. ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:07 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 25, 2022.

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Michelle M. Saner, MMC  
City Clerk

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

**KENAI CITY COUNCIL – SPECIAL MEETING  
APRIL 26, 2022 – 5:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR BRIAN GABRIEL, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Special Meeting of the Kenai City Council was held on April 26, 2022, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 5:00 p.m.

**1. Pledge of Allegiance**

Mayor Gabriel led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Brian Gabriel, Mayor  
Tea Winger  
Glense Pettey

Henry Knackstedt  
Deborah Sounart  
Jim Glendinging, Vice Mayor

A quorum was present.

Absent:

James Baisden

Also in attendance were:

Paul Ostrander, City Manager  
Shellie Saner, City Clerk

**3. Agenda Approval**

**MOTION:**

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

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

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

There was no one in attendance to provide public testimony.

**C. EXECUTIVE SESSION**

1. Review and Discussion of the City Managers' Evaluation which May be a Subject that Tends to Prejudice the Reputation and Character of the City Manager [AS 44.62.310(C)(2)].

**MOTION:**

Council Member Knackstedt **MOVED** to enter into executive session to review and discuss 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)]; Mr. Ostrander has elected to have the discussion take place in executive session. The executive session to include Mayor Gabriel and City Council Members; and City Manager Paul Ostrander will be included when the Council requests his presence.

Council Member Pettey **SECONDED** the motion and requested unanimous consent.



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

**MOTION:**

Council Member Knackstedt **MOVED** to reconvene into regular session. Council member Pettey **SECONDED** the motion and requested unanimous consent.

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

Council reconvened in open session and reported that Council met in executive session and reviewed and discussed the City Manager's performance evaluation; the City Manager was included in a portion of the executive session to discuss the Council's review of his performance evaluation and contract.

**D. ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 7:42 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 26, 2022.

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Michelle M. Saner, MMC  
City Clerk

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

**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION  
COUNCIL MEETING OF: MAY 4, 2022**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	93,537.75

**INVESTMENTS**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>MATURITY DATE</b>	<b>AMOUNT</b>	<b>Effect. Int.</b>
PIPER JAFFRAY	U.S. AGENCY SECURITY	01/01/2027	1,431,848.36	2.15%
PIPER JAFFRAY	U.S. AGENCY SECURITY	11/01/2026	992,223.47	2.13%
PIPER JAFFRAY	U.S. AGENCY SECURITY	09/16/2025	364,212.28	2.32%
PIPER JAFFRAY	U.S. AGENCY SECURITY	03/15/2026	297,250.25	3.04%
PIPER JAFFRAY	U.S. AGENCY SECURITY	01/25/2023	754,349.25	1.78%



# KENAI

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

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Shellie Saner, City Clerk  
**DATE:** April 27, 2022  
**SUBJECT:** **Liquor License Renewal**

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The following establishments submitted an application to the Alcohol and Marijuana Control Office for renewal of their liquor licenses:

- Upper Deck, LLC D/B/A The Upper Deck

Pursuant to KMC 2.40, a review of City accounts has been completed on the applicants and they have satisfied all obligations to the City. With the approval of Council, letters of non-objection to the liquor license renewals will be forwarded to the ABC Board and the applicants.

Your consideration is appreciated.

Submit

by Meghan Thibodeau 3/18/2022 5:59:29 PM (Form Submission)

Approve

by Jeremy Hamilton 3/21/2022 8:44:42 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: March 29, 2022 5:00 PM 3/18/2022 5:59:31 PM

Approve

by Scott Curtin 3/21/2022 3:03:46 PM (Building Official Review)

- The task was assigned to Scott Curtin. The due date is: March 29, 2022 5:00 PM 3/18/2022 5:59:32 PM

Approve

by Dave Ross 3/21/2022 11:59:23 AM (Police Department Review)

- The task was assigned to Dave Ross. The due date is: March 29, 2022 5:00 PM 3/18/2022 5:59:32 PM

Approve

by Tina Williamson 4/26/2022 1:51:02 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: March 29, 2022 5:00 PM 3/18/2022 5:59:32 PM

Approve

by Cindy Herr 4/26/2022 10:11:53 AM (Legal Asst Review)

■ No monies owed in fines or restitution.

- The task was assigned to Cindy Herr. The due date is: March 29, 2022 5:00 PM 3/18/2022 5:59:33 PM

Approve

by Ryan Foster 3/21/2022 9:12:12 AM (Lands Review)

- The task was assigned to Ryan Foster. The due date is: March 29, 2022 5:00 PM 3/18/2022 5:59:33 PM

Approve

by Terry Eubank 4/26/2022 3:53:11 PM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: May 5, 2022 5:00 PM 4/26/2022 1:51:04 PM

Approve

by Scott Bloom 4/26/2022 1:58:30 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: May 5, 2022 5:00 PM 4/26/2022 1:51:04 PM

Approve

by Ryan Foster 4/26/2022 2:53:49 PM (P&amp;Z Department Review)

- The task was assigned to Ryan Foster. The due date is: May 5, 2022 5:00 PM 4/26/2022 1:51:04 PM
- Meghan Thibodeau changed the task's due date to April 28, 2022 5:00 PM 4/26/2022 2:09:32 PM

# AMCO License Application

**Date**

3/18/2022

**Establishment Information**

---

**License Type**

Beverage Dispensary - Tourism

**Licensee**

Upper Deck, LLC

**Doing Business As**

The Upper Deck

**Premises Address**

305 N Willow St

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Rodney Peterkin

**Contact Phone No.**

907-398-3021

**Contact Email**

uppperdekkerkenai@gmail.com

**Additional Contact Information**

---

**Name**

Laura Peterkin

**Phone No.**

907-398-3021

**Email**

uppperdekkerkenai@gmail.com

**Documents**

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**File Upload**

#2993 Complete Renewal Packet w Temp _LGB.pdf	1.62MB
#2993 LGB Renewal Notice.pdf	258.83KB



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

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

March 16, 2022

Kenai Peninsula Borough/ City of Homer

ViaEmail:[cjackinsky@kpb.us](mailto:cjackinsky@kpb.us); [maldridge@kpb.us](mailto:maldridge@kpb.us); [ncarver@kpb.us](mailto:ncarver@kpb.us); [slopez@kpb.us](mailto:slopez@kpb.us); [jblankenship@kpb.us](mailto:jblankenship@kpb.us); [assemblyclerk@kpb.us](mailto:assemblyclerk@kpb.us); [mjenkins@kpb.us](mailto:mjenkins@kpb.us); [JVanhooose@kpb.us](mailto:JVanhooose@kpb.us); [clerk@kenai.city](mailto:clerk@kenai.city)

**Re: Notice of 2022/2023 Liquor License Renewal Application**

<b>License Type:</b>	Beverage Dispensary – Tourism	<b>License</b>	2993
<b>Licensee:</b>	Upper Deck , LLC		
<b>Doing Business As:</b>	The Upper Deck		

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

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

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

Sincerely,

Glen Klinkhart, Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

LIQUOR LICENSE

2993

ISSUED

3/16/2022

ABC BOARD

2022 - 2023

LICENSE RENEWAL APPLICATION DUE  
DECEMBER 31, 2023 (AS 04.11.270(b))

TEMPORARY

THIS LICENSE EXPIRES MIDNIGHT  
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispenser

LICENSE FEE: \$2,500.00

1106

CITY / BOROUGH: Kenai  
Kenai Peninsula Borough

D/B/A: The Upper Deck  
305 N Willow Street

Mail Address:  
Upper Deck, LLC  
PO Box 11  
Kenai, AK 99611

This license cannot be transferred without permission  
of the Alcoholic Beverage Control Board

Special restriction - see reverse side

ISSUED BY ORDER OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 7/21)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

LIQUOR LICENSE

2993

ISSUED

3/16/2022

ABC BOARD

2022 - 2023

LICENSE RENEWAL APPLICATION DUE  
DECEMBER 31, 2023 (AS 04.11.270(b))

TEMPORARY

THIS LICENSE EXPIRES MIDNIGHT  
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispenser

LICENSE FEE: \$2,500.00

CITY / BOROUGH: Kenai  
Kenai Peninsula Borough

D/B/A: The Upper Deck  
305 N Willow Street

Mailing Address:  
Upper Deck, LLC  
PO Box 11  
Kenai, AK 99611

This license cannot be transferred without permission  
of the Alcoholic Beverage Control Board

Special restriction - see reverse side

ISSUED BY ORDER OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

04-900 (REV 7/21)



Alaska Alcoholic Beverage Control Board

## Form AB-17: 2022/2023 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2021 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any complete application for renewal or any fees for renewal that have not been postmarked by 02/28/2022 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Establishment Contact Information	
Licensee (Owner):	ROONEY PETERKIN Upper Deck, LLC License #: 2993
License Type:	Beverage Dispensary - Tourism
Doing Business As:	The Upper Deck
Premises Address:	305 N. Willow St Kenai, AK 99641
Local Governing Body:	City of Kenai (KPB)
Community Council:	City of Kenai

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

Mailing Address:	P.O. Box 11		
City:	Kenai	State:	AK
		ZIP:	99641

### Section 1 - Licensee Contact Information

**Contact Licensee:** The individual listed below must be listed in Section 2 or 3 as an Official/Owner/Shareholder of your entity and must be listed on CBPL with the same name and title.

This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	RODNEY PETERKIN	Contact Phone:	907.398.3021
Contact Email:	updeckkenai@gmail.com		

**Optional:** If you wish for AMCO staff to communicate with anyone other than the Contact Licensee about your license, list them below:

Name of Contact:	Laura Peterkin	Contact Phone:	907.398.3021
Contact Email:	updeckkenai@gmail.com		

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			





Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 License Renewal Application

Section 2 - Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #. https://www.commerce.alaska.gov/cbp/main/search/entities

Alaska CBPL Entity #: 135439

READ BEFORE PROCEEDING: Any new or changes to Shareholders (10% or more), Managers, Corporate Officers, Board of Directors, Partners, Controlling Interest or Ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI-approved card stock, AB-08a's, payment of \$48.25 for each new officer with a date-stamped copy of the CBPL change per AS 04.11.045, 50 & 55, or a Notice of Violation will be issued to your establishment and your application will be returned.

The only exception to this is a Corporation who can meet the requirements set forth in AS 04.11.050(c).

DO NOT LIST OFFICERS OR TITLES THAT ARE NOT REQUIRED FOR YOUR ENTITY TYPE.

- Corporations of any type including non-profit must list ONLY the following:
- All shareholders who own 10% or more stock in the corporation
- Each President, Vice-President, Secretary, and Managing Officer regardless of percentage owned
Limited Liability Corporations, of any type must list ONLY the following:
- All Members with an ownership interest of 10% or more
- All Managers (of the LLC, not the DBA) regardless of percentage owned
Partnerships of any type, including Limited Partnerships must list ONLY the following:
- Each Partner with an interest of 10% or more
- All General Partners regardless of percentage owned

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, all required titles, phone number, percentage of shares owned (if applicable) and a full mailing address for each official of your entity whose information we require. If more space is needed: attach additional completed copies of this page. Additional information not on this page will be rejected.

Table with 4 rows and 5 columns: Name of Official, Title(s), Phone, % Owned, Mailing Address, City, State, ZIP. Handwritten entry for Rodney A. Peterkin, Owner, 907-398-1578, 100%, P.O. Box 11, Kenai, Alaska, 99541.

Empty table with 4 rows and 5 columns: Name of Official, Title(s), Phone, % Owned, Mailing Address, City, State, ZIP.

Empty table with 4 rows and 5 columns: Name of Official, Title(s), Phone, % Owned, Mailing Address, City, State, ZIP.



# Form AB-17: 2022/2023 License Renewal Application

## Section 3 – Sole Proprietor Ownership Information

**Corporations, LLC's and Partnerships of ALL kinds should skip this section.**

**READ BEFORE PROCEEDING:** Any new or changes to the ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI approved cardstock, AB-08a's, payment of \$48.25 for each new owner or officer and a date stamped copy of the CBPL change per AS 04.11.045, or a Notice of Violation will be issued to your establishment and your application will be returned.

**Important Note:** All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, phone number, and mailing address for each owner or partner whose information we require.

**If more space is needed, attach additional copies of this page. Additional owners not listed on this page will be rejected.**

This individual is an:  Applicant  Affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an:  Applicant  Affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

## Section 4 – License Operation

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

- |   |                                     |                                     |
|---|-------------------------------------|-------------------------------------|
|   | 2020                                | 2021                                |
| 1. The license was regularly operated continuously throughout each year. (Year-round)   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was <u>only</u> operated during a specific season each year. (Seasonal)<br><i>If your operation dates have changed, list them below:</i>   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| _____ to _____  |                                     |                                     |
| 3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.<br><i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i>  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. <i>A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.</i> | <input type="checkbox"/>            | <input type="checkbox"/>            |
- If you have not met the minimum number of hours of operation in 2020 and/or 2021, you are not required to pay the fees. However a complete AB-29 is required with Section 2 marked "OTHER" and COVID is listed as the reason.**

## Section 5 – Violations and Convictions

Have ANY Notices of Violation been issued for this license OR has ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2020 or 2021? Yes  No

**If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2)**

**If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.**



Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 License Renewal Application

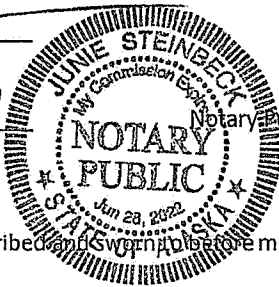
Section 6 - Certifications

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application... I certify that all current licensees... I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL)... I certify that all licensees, agents, and employees who sell or serve alcoholic beverages... I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises...

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

Signature of licensee: Rodney A. Peters
Printed name of licensee: Rodney A. Peters



Signature of Notary Public: June Steinbeck

Notary Public in and for the State of: Alaska

My commission expires: 6/28/2022

Subscribed and sworn to before me this 16th day of December, 2021.

- Restaurant/Eating Place applications must include a completed AB-33: Restaurant Receipts Affidavit
Recreational Site applications must include a completed Recreational Site Statement
Tourism applications must include a completed Tourism Statement
Wholesale applications must include a completed AB-25: Supplier Certification
Common Carrier applications must include a current safety inspection certificate

All renewal and supplemental forms are available online

Any application that is not complete or does not include ALL required completed forms and fees will not be processed and will be returned per AS 04.11.270, 3 AAC 304.105.

FOR OFFICE USE ONLY

Table with 4 columns: License Fee (\$2500.00), Application Fee (\$300.00), Misc. Fee (\$), Total Fees Due (\$2800.00)

License Detail

# LICENSE DETAILS

**License #:** 997077

[Print Business License](#)

**Business Name:** UPPER DECK, LLC

**Status:** Active

**Issue Date:** 11/15/2013

**Expiration Date:** 12/31/2023

**Mailing Address:** P.O. BOX 11  
KENAI, AK 99611

**Physical Address:** 305 N WILLOW  
KENAI, AK 99611

## Owners

UPPER DECK, LLC

## Activities

Line of Business	NAICS	Professional License #
72 - Accommodation and Food Services	722410 - DRINKING PLACES (ALCOHOLIC BEVERAGES)	

## Endorsements

No Endorsements Found

## License Lapse(s)

If this business license lapsed within the last four years the lapsed periods will appear below. Lapsed periods are the unlicensed period between an expiration date and renewal date.

No Lapses on record for the last 4 years.

[Close License Detail](#)

[Print Friendly Version](#)

Details

# ENTITY DETAILS

## Name(s)

Type	Name
Legal Name	UPPER DECK, LLC

**Entity Type:** Limited Liability Company

**Entity #:** 135439

**Status:** Good Standing

**AK Formed Date:** 5/25/2011

**Duration/Expiration:** Perpetual

**Home State:** ALASKA

**Next Biennial Report Due:** 1/2/2023

**Entity Mailing Address:** P.O. BOX 11, KENAI, AK 99611

**Entity Physical Address:** 50622 UMIAT CIR, NIKISKI, AK 99635

## Registered Agent

**Agent Name:** James N Butler III

**Registered Mailing Address:** 125 N Willow Street, Kenai, AK 99611

**Registered Physical Address:** 125 N Willow Street, Kenai, AK 99611

## Officials

Show Former

AK Entity #	Name	Titles	Owned
	Rodney A. Peterkin	Member	100.00

## Filed Documents

Date Filed	Type	Filing	Certificate
5/25/2011	Creation Filing	<a href="#">Click to View</a>	
6/21/2011	Initial Report	<a href="#">Click to View</a>	
1/10/2013	Biennial Report	<a href="#">Click to View</a>	
11/23/2014	Biennial Report	<a href="#">Click to View</a>	
12/28/2016	Biennial Report	<a href="#">Click to View</a>	
7/24/2019	Biennial Report	<a href="#">Click to View</a>	
12/01/2020	Biennial Report	<a href="#">Click to View</a>	

[Close Details](#)

[Print Friendly Version](#)



# Office of the Borough Clerk

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

Johni Blankenship, MMC  
Borough Clerk

3/16/2022

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

Kenai City Hall  
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant	:	Upper Deck/ Peterkin
Business Name	:	UPPER DECK, THE
License Type	:	Beverage Dispensary/Tourism
License Location	:	305 N Willow Street, City of Kenai
License No.	:	2993
Application Type	:	License Renewal

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

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

Sincerely,

Johni Blankenship, MMC  
Borough Clerk

cc: [updeckkenai@gmail.com](mailto:updeckkenai@gmail.com);



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3286-2022**

AN ORDINANCE 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.

WHEREAS, the Kenai Police Department joins with other law enforcement agencies statewide to support Alaska Highway Safety Office (AHSO) traffic safety programs to reduce fatalities and injuries on roadways; and,

WHEREAS, AHSO traffic-related overtime funds require no local match and allow the department to provide specific traffic safety patrols; and,

WHEREAS, the overtime expense that was eligible for reimbursement from August of 2021 through September of 2021 was \$988.79; and,

WHEREAS, overtime for these additional traffic safety patrols was not budgeted and the department is requesting appropriation into the overtime budget equal to the amount of the AHSO grant funding received.

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

**Section 1.** That the City Manager is authorized to accept these grant funds in the amount of \$988.79 and to expend those funds pursuant to all grant terms and conditions and to fulfill the purpose and intent of this ordinance.

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

General Fund:

Increase Estimated Revenues –	
Federal Grants – Police	<u>\$988.79</u>
Increase Appropriations –	
Police – Overtime	<u>\$988.79</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 18<sup>TH</sup> DAY OF MAY, 2022.

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

ATTEST:

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

Approved by Finance:



Introduced:

May 4, 2022

Enacted:

May 18, 2022

Effective:

May 18, 2022





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** David Ross, Police Chief  
**DATE:** April 19, 2022  
**SUBJECT:** Ordinance No. 3286-2022, Accepting AHSO Grant Funds

---

The Kenai Police Department continues to participate in traffic enforcement overtime patrols, reimbursed to the City of Kenai through a grant by the Alaska Highway Safety Office (AHSO).

Actual overtime costs for traffic enforcement between August 18, 2021 and September 6, 2021 that qualified for AHSO reimbursement, was \$988.79.

I am respectfully requesting consideration of the ordinance accepting and appropriating the grant funds into the FY22 budget for the purpose they were intended.



Sponsored by: Mayor Gabriel and Council Member Baisden

**CITY OF KENAI  
ORDINANCE NO. 3287-2022**

AN ORDINANCE CONDITIONALLY DONATING CERTAIN CITY OWNED PROPERTY DESCRIBED AS TRACT A PARK VIEW SUBDIVISION (KPB PARCEL NO. 047010118) TO THE BOYS AND GIRLS CLUB OF THE KENAI PENINSULA FOR DEVELOPMENT OF FACILITIES FOR YOUTH SPORTS, RECREATION, EDUCATION, AFTER SCHOOL CARE AND OTHER YOUTH ACTIVITIES.

WHEREAS, KMC 22.05.095- Method of Sale or Disposal, provides in relevant part, in subsection (b)(iii), that the City may grant property by ordinance to a nonprofit corporation for an agreed upon sum when in the best interest of the City; and,

WHEREAS, the Boys and Girls Club of the Kenai Peninsula is a nonprofit corporation with a mission to enable all young people, especially those who need it most, to reach their full potential as productive caring and responsible citizens; and,

WHEREAS, the Boys and Girls Club of the Kenai Peninsula has over 1,000 members, and provides approximately 50,000 meals to youths per year, provides after-school and summer camps, after school and summer care, provides sports and recreational opportunities as well as other educational and youth activities; and,

WHEREAS, Tract A Park View Subdivision, a 2.09 acre parcel, has previously been determined as not needed for a public purpose by Ordinance No. 919-84, making the property eligible for sale or donation; and,

WHEREAS, there is a strong need in the community for the services provided by the Boys and Girls Club of the Kenai Peninsula; and,

WHEREAS, the City desires to support the mission of the Boys and Girls Club of the Kenai Peninsula; and,

WHEREAS, the subject parcel is uniquely situated adjacent to a facility to be acquired by the Boys and Girls Club of the Kenai Peninsula allowing them to create a campus to serve its mission inside Kenai; and,

WHEREAS, donating the subject parcel to the Boys and Girls of the Kenai Peninsula will allow them to expand services for youth and families in the City and is in the best interest of the City; and,

WHEREAS, certain conditions must be placed on the transfer to ensure the property is developed for its intended purpose, and in the event of a sale, to a for profit entity, the value shall be reimbursed to the City, if a sale occurs within twenty years after transfer to the Boys and Girls Club of the Kenai Peninsula.

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

**Section 1.** Form: That this is a non-code ordinance.

**Section 2.** That the Kenai City Council hereby authorizes the City manager to execute the transfer of title of Tract A Park View Subdivision to the Boys and Girls Club of the Kenai Peninsula, on a form

approved by the City Attorney, for less than fair market value (\$1.00) for the sole purpose of developing facilities to further the stated mission of the Boys and Girls Club of the Kenai Peninsula.

**Section 3.** That the City Council finds that disposal of the subject parcel is in the best interest of the citizens of the City of Kenai and that the public interest is served by disposing of the land for less than the fair market value, in accordance with the recitals above which are incorporated herein.

**Section 4.** That the Boys and Girls Club of the Kenai Peninsula will pay all closing costs and fees associated with the transfer of title.

**Section 5.** That if the Boys and Girls Club of the Kenai Peninsula is unable to or otherwise does not obtain the adjacent parcel (KPB Parcel No. 04701028) within one year of the effective date of this Ordinance, the transfer of title of Tract A Park View Subdivision will not occur, without further Council action.

**Section 6.** That if no development occurs on Tract A Park View Subdivision within two years of the transfer of title of the subject property to the Boys and Girls Club of the Kenai Peninsula, ownership will revert to the City unless further Council action is taken.

**Section 7.** That in the event of a sale of the subject tract, or any future subdivided portion thereof, by the Boys and Girls Club of the Kenai Peninsula to a for profit entity, the then current market value of the entire parcel, or subdivided portion sold, whichever occurs, shall be reimbursed to the City, if a sale occurs within twenty years after transfer to the Boys and Girls Club of the Kenai Peninsula.

**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 DAY 18<sup>TH</sup> OF MAY, 2022.

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

ATTEST:

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

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

Introduced: May 4, 2022  
Enacted: May 18, 2022  
Effective: June 3, 2022



## MEMORANDUM

**TO:** Council Members  
**FROM:** Mayor Gabriel and Council Member Baisden  
**DATE:** March 28, 2022  
**SUBJECT:** Ordinance 3287-2022 – Boys and Girls Club

---

The Boys and Girls Club of the Kenai Peninsula is interested in expanding and providing a campus to serve its mission in the City of Kenai. The Boys and Girls club has the opportunity to purchase an existing facility at located at 320 S. Spruce Street, (KPB Parcel No. 04701028) and approached the City requesting a donation of the adjacent City owned parcel, Tract A Park View Subdivision, to allow the organization enough space to complete its campus providing afterschool and summer care, and sports and recreational activities for youth. The Boys and Girls Club has stated it intends to utilize the City property for construction of a club house and parking as well as a potential green house and play ground. The campus as a whole is intended to provide administrative offices and areas for youth activities including sports, recreation, education and after school and summer activities.

Your consideration is appreciated.



Sponsored by: City Clerk

**CITY OF KENAI  
ORDINANCE NO. 3288-2022**

AN ORDINANCE ACCEPTING AND APPROPRIATING A SCHOLARSHIP FROM THE ALASKA ASSOCIATION OF MUNICIPAL CLERKS FOR EMPLOYEE TRAVEL AND TRAINING.

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WHEREAS, the Office of the City Clerk has received a \$1,600 scholarship from the Alaska Association of Municipal Clerks (AAMC) for travel expenses for the Deputy Clerk to attend training at the Northwest Clerks Institute held in Tacoma, Washington; and,

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

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

**Section 1.** That the City Manager is authorized to accept funds in the amount of \$1,600 from AAMC for the travel expenses of the Deputy Clerk to attend training at the Northwest Clerks Institute and to execute any agreements and expend the funds to fulfill the purpose and intent of this ordinance.

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

General Fund:

Increase Estimated Revenues:

Miscellaneous Grants \$1,600

Increase Appropriations:

City Clerk – Travel & Transportation \$1,600

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 18<sup>TH</sup> DAY OF MAY, 2022.

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

ATTEST:

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

Approved by Finance: 

Introduced:	May 4, 2022
Enacted:	May 18, 2022
Effective:	May 18, 2022



## MEMORANDUM

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

**FROM:** Shellie Saner, City Clerk

**DATE:** April 22, 2022

**SUBJECT:** **Resolution No. 3288-2022 – Accepting and Appropriating a Scholarship from the Alaska Association of Municipal Clerks.**

---

The Alaska Association of Municipal Clerks through fundraising efforts are able to offer scholarship opportunities to its members to attend various educational opportunities, including the Northwest Clerks Institute (NCI). Completion of the three-year institute is essential to receive the Certified Municipal Clerk (CMC) designation from the Institute of Municipal Clerks (IIMC). Recipients of the scholarship may use the funds for registration, housing and travel.

Deputy Clerk Meghan Thibodeau has been selected as a recipient to receive \$1,600 to attend NCI held at the University of Puget Sound in Tacoma, Washington. This ordinance will accept and appropriate the \$1,600 to offset a portion of the costs for Ms. Thibodeau to attend NCI.

Your consideration is appreciated.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Ryan Foster, Planning Director  
**DATE:** April 26, 2022  
**SUBJECT:** **Action Approval of Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage**

---

James H. Doyle, Individually, d/b/a Weaver Brothers, Inc. has requested to use three adjacent City-owned parcels along Coral Street and two portions of additional City owned land for storage of truck trailers for one-year from June 21, 2022 to June 20, 2023. Weaver Brothers, Inc. has been storing truck trailers on these five parcels via special use permit from June 20, 2020 to June 20, 2022. This requested SUP use is similar to the use of two parcels under a five-year lease from the City by Weaver Brothers for truck storage along Coral Street and allows for a temporary expansion of their business. The attached maps show the location of the parcels requested for a special use permit. The application submitted to the City is also attached to this memorandum.

The Coral Street Airport Zone of the City was appraised at a rate of \$0.50 per square foot and the annual permit fee for 2021 was \$3,442.67 for all five lots at 86,945 total square feet to be used, and an 8% of fair market value annual special use permit rate. With the CPI adjustment of 6.35% for 2022, the new lease rate is \$3,661.28.

The parcels are within the Airport Light Industrial (ALI) Zone of the City and within the Airport Reserve. Pursuant to requirements of the Federal Aviation Administration, the City would reserve the right to cancel this special use permit on 90-days' notice.

At their regular meeting on April 13, 2022, the Planning and Zoning Commission reviewed the special use permit application and recommended approval by the City Council. At their regular meeting on April 14, 2022, the Airport Commission reviewed the special use permit application and recommended approval by the City Council. If City Council approves, City Administration would execute a special use permit for truck trailer storage for 12 months to James H. Doyle, Individually, d/b/a Weaver Brothers, Inc.

Thank you for your consideration.

Attachments:

Special Use Permit Application submitted on March 22, 2022.



Map of Lots 1, 2, and 3 requested in the SUP application.

Map of approximately 3,754 square foot and approximately 15,641 square foot portions of City land requested in the SUP application.

The Special Use Permit for Weaver Brothers, Inc. for Truck Trailer Storage.



RECEIVED

City of Kenai  
Special Use Permit  
Application

CITY OF KENAI  
DATE 3/22/2022  
PLANNING DEPARTMENT



Application Date: 3-21-2022

Applicant Information

Name of Applicant: Weaver Brothers, Inc.

Mailing Address: PO Box 2229 City: Kenai State: AK Zip Code: 99611

Home Number(s): Home Phone: (907) 283-7957 Work/ Message Phone: ( )

E-mail: (Optional) Kathys@wbi.alaska.com

Name to Appear on Permit: Weaver Brothers, Inc.

Mailing Address: PO Box 2229 City: Kenai State: AK Zip Code: 99611

Home Number(s): Home Phone: (907) 283-7957 Work/ Message Phone: ( )

E-mail: (Optional) Kathys@wbi.alaska.com

Type of Applicant:
 Individual (at least 18 years of age)
 Partnership
 Corporation
 Government
 Limited Liability Company (LLC)
 Other

Property Information

Legal or physical description of the property: Gusty Sub No 4 Lot 1+2+3 BJK3

Description of the proposed business or activity intended: Truck Trailer Storage

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

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

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

What is the term requested (not to exceed one year)? 1 year

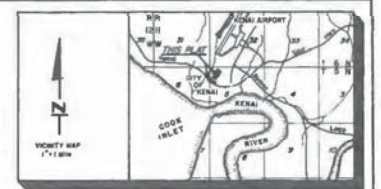
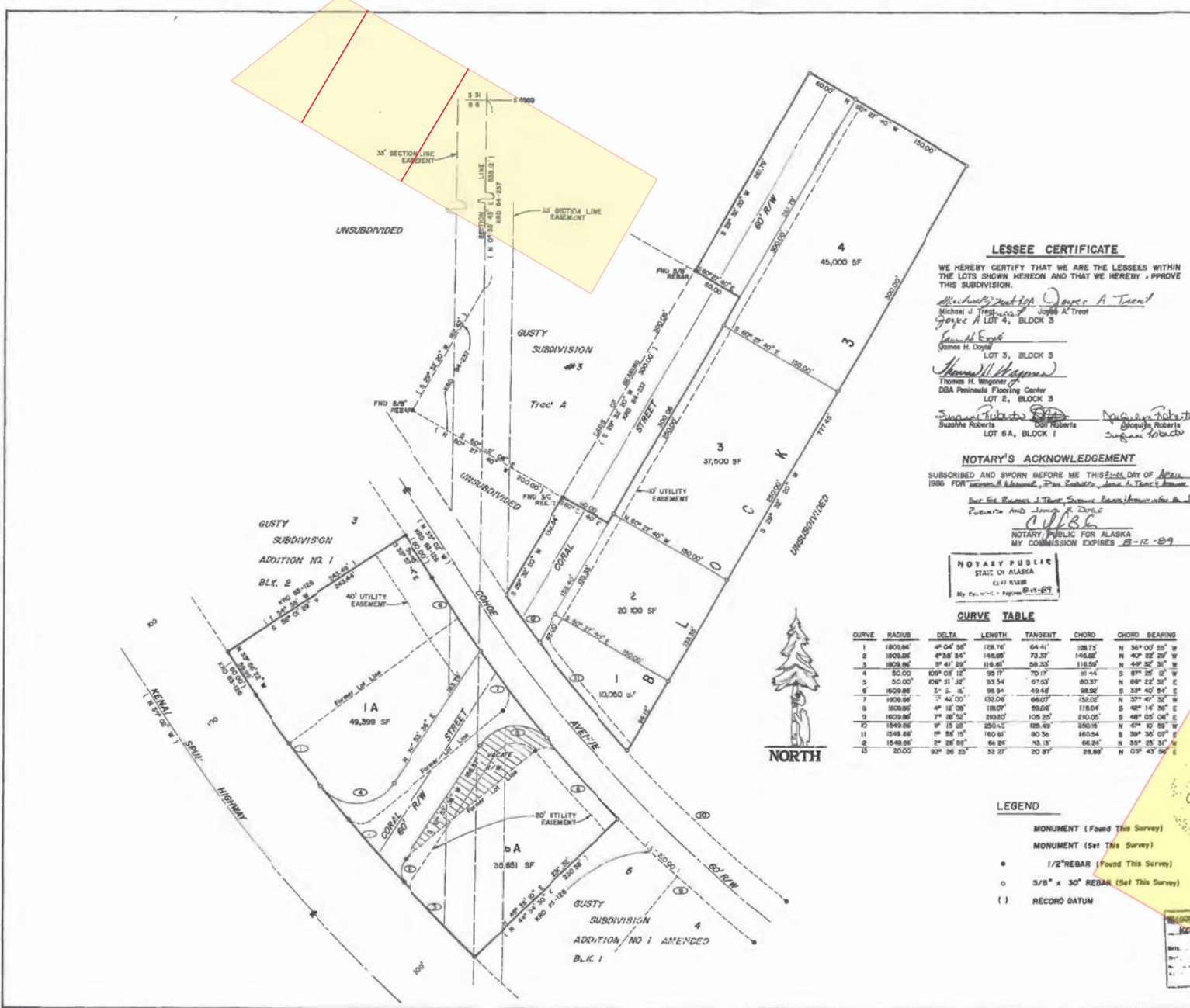
Requested Starting Date: June 21, 2022

Signature: James H. Doyle Date: 3-19-22

Print Name: James H. Doyle Title: Pres.

For City Use Only:
 General Fund
 Airport Reserve Land
 Airport Fund
 Outside Airport Reserve

Date Application Fee Received: \_\_\_\_\_  
City Council Action/Resolution: \_\_\_\_\_  
Account Number: \_\_\_\_\_



**LESSEE CERTIFICATE**

WE HEREBY CERTIFY THAT WE ARE THE LESSEES WITHIN THE LOTS SHOWN HEREON AND THAT WE HEREBY APPROVE THIS SUBDIVISION.

*Michael J. Trepp, Jr. & Joyce A. Trepp*  
 Michael J. Trepp, Jr. Joyce A. Trepp  
 George A. Lot 4, BLOCK 3

*James H. Doyle*  
 James H. Doyle  
 LOT 3, BLOCK 3

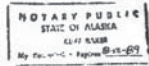
*Thomas H. Wagoner*  
 Thomas H. Wagoner  
 DBA Peninsula Flooring Center  
 LOT 2, BLOCK 3

*Suzanne Roberts & Dore Roberts*  
 Suzanne Roberts Dore Roberts  
 LOT 6A, BLOCK 1

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 22nd DAY OF April, 1986 FOR *Michael J. Trepp, Jr. & Joyce A. Trepp, James H. Doyle, Thomas H. Wagoner, Suzanne Roberts & Dore Roberts*

*William J. Brington*  
 William J. Brington  
 Notary Public for Alaska  
 My Commission Expires 8-12-89



**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
1	1809.86	4° 04' 30"	128.76	64.41	128.75	N 36° 00' 50" W
2	1908.86	4° 28' 30"	148.85	73.37	148.85	N 49° 32' 50" W
3	1809.86	3° 41' 29"	116.81	58.35	116.80	N 49° 32' 50" W
4	50.00	109° 01' 12"	99.17	70.17	81.44	S 87° 25' 10" E
5	50.00	109° 51' 12"	93.34	67.55	80.37	N 88° 22' 30" E
6	1609.86	3° 1' 42"	98.94	49.48	98.92	S 33° 40' 54" E
7	1609.86	3° 41' 00"	132.06	66.07	132.02	N 37° 47' 30" W
8	1609.86	4° 12' 08"	180.07	96.04	178.04	S 48° 14' 30" E
9	1609.86	7° 07' 50"	250.07	125.04	250.00	S 48° 03' 08" E
10	1649.86	6° 15' 28"	250.12	125.05	250.15	N 47° 10' 59" W
11	248.86	28° 36' 19"	160.81	80.36	160.54	S 39° 30' 07" E
12	1649.86	2° 28' 00"	66.98	33.15	66.94	N 33° 23' 31" W
13	20.00	92° 26' 20"	32.27	20.87	28.68	N 03° 45' 56" E

**LEGEND**

- MONUMENT (Found This Survey)
- MONUMENT (Set This Survey)
- 1/2" REBAR (Found This Survey)
- o 3/8" x 30" REBAR (Set This Survey)
- ( ) RECORD DATUM

- NOTES:**
- DOUBLE FRONTAGE LOTS ARE RESTRICTED TO ONE ACCESS ONLY.
  - ALL WASTEWATER DISPOSAL SYSTEM SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION. ALL NEW INSTALLATIONS SHALL BE CONNECTED TO MUNICIPAL WATER & WASTE WATER SYSTEMS.
  - NO DIRECT ACCESS TO STATE MAINTAINED R.O.W.'S PERMITTED UNLESS APPROVED BY STATE OF ALASKA, DEPT. OF TRANSPORTATION.

**CERTIFICATE OF APPROVAL by the ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION**

THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18 AAC 72.065 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS.

*William J. Brington*  
 William J. Brington  
 STATE OF ALASKA  
 DEPT. OF ENVIRONMENTAL CONSERVATION

**CERTIFICATE OF OWNERSHIP and DEDICATION**

I HEREBY CERTIFY THAT **KENAI** IS THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

*William J. Brington*  
 William J. Brington  
 CITY MANAGER  
 CITY OF KENAI  
 510 DIALLO ST.  
 KENAI, AK 99501

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 20th DAY OF March, 1986 FOR *William J. Brington*

*William J. Brington*  
 William J. Brington  
 Notary Public for Alaska  
 My Commission Expires 8-12-89

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF Feb. 24, 1986

*Richard T. ...*  
 Richard T. ...  
 AUTHORIZED OFFICER

K.P.B. FILE NO. 85-421

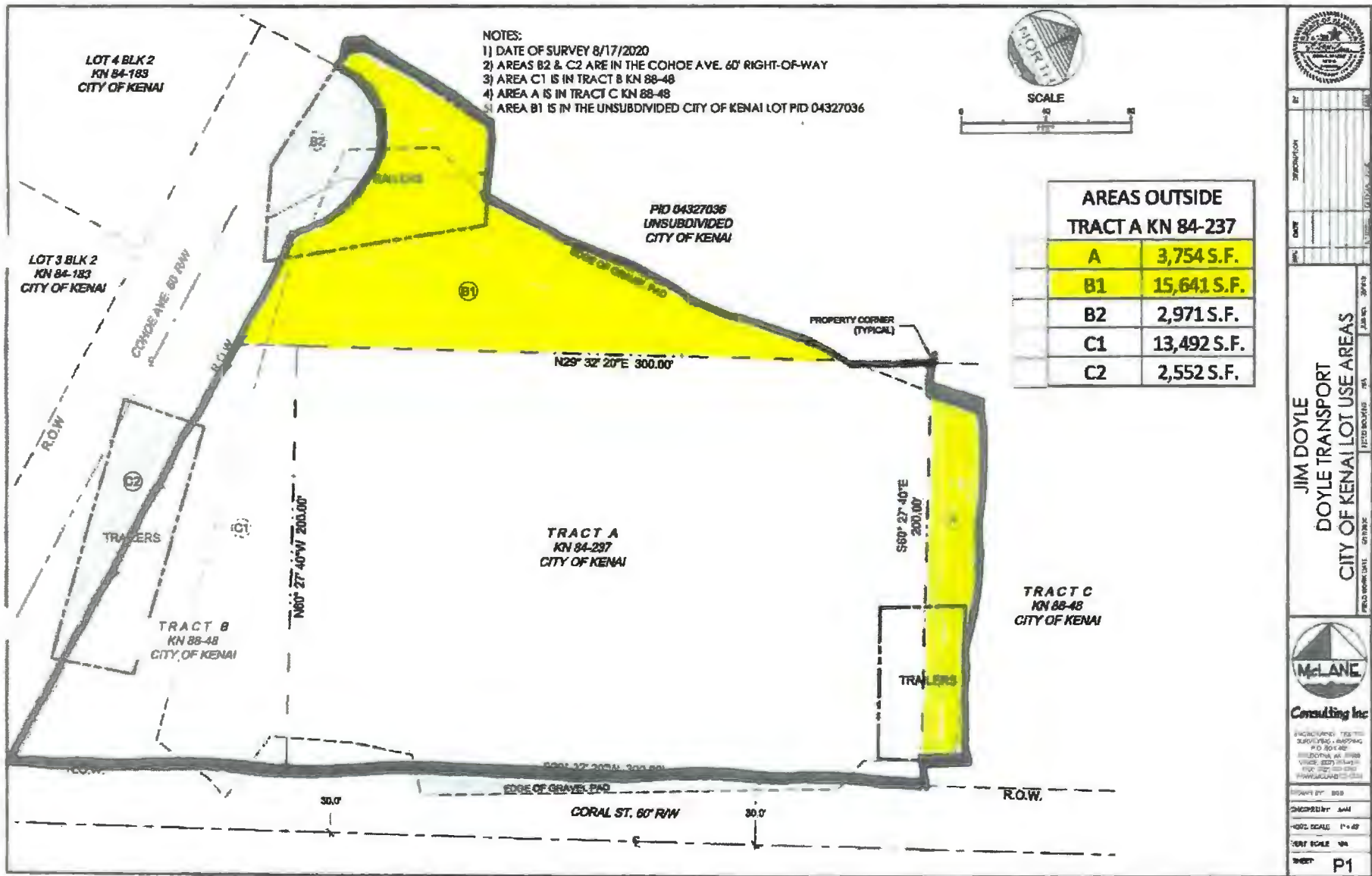
**GUSTY SUBDIVISION NO. 4**

A RESUBDIVISION OF AIRPORT LEASE LOTS 7-19, LOTS 1 & 2, BLOCK 2, SUBDIVISION OF CORAL STREET, LOCATED WITHIN NW 1/4, SEC. 5, T.5N, R.11W, S.W. CITY OF KENAI, KENAI PENINSULA BOROUGH, ALASKA.

2.56 ACRES CONTAINING 4 LOTS

**INTEGRITY SURVEYS**  
 P.O. BOX 8831  
 SODDONA, ALASKA 99569

SURVEYORS	242-5461	PLANNERS
JOB NO: 85-53	FIELD BOOK: 85-7	
DATE: 2-10	FILE NAME: GUSTY SUBD #4	
SURVEYED: 3-86	PLATTED: 3-86	
DRAWN: BF	SCALE: 1"=50'	
CHECKED: CB	SHEET: 1	



**JIM DOYLE**  
 JIM DOYLE TRANSPORT  
 DOYLE TRANSPORT  
 CITY OF KENAI LOT USE AREAS



McLANE  
 Consulting Inc.  
 1000 W. 10th St.  
 Anchorage, AK 99501  
 (907) 552-1111  
 WWW.MCLANE.COM

DATE: 8/17/2020  
 DRAWN BY: BDB  
 CHECKED BY: AMM  
 HOOD SCALE: 1" = 40'  
 SHEET: P1

## SPECIAL USE PERMIT

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set out below, hereby grants to **JAMES H. DOYLE, INDIVIDUALLY, D/B/A WEAVER BROTHERS, INC.** (PERMITTEE), whose address is P.O. Box 2229, Kenai Alaska 99611, the non-exclusive right to use 86,945 square feet of area as described below:

T5N R11W SEC 5 SEWARD MERIDIAN KN 0860076 GUSTY SUB NO 4 LOT 1 BLK 3 (435 Coral Street); and,

T5N R11W SEC 5 SEWARD MERIDIAN KN 0860076 GUSTY SUB NO 4 LOT 2 BLK 3 (425 Coral Street); and,

T5N R11W SEC 5 SEWARD MERIDIAN KN 0860076 GUSTY SUB NO 4 LOT 3 BLK 3 (415 Coral Street); and,

Approximately 3,754 square foot portion of T 5N R 11W SEC 5 SEWARD MERIDIAN KN 0890005 GUSTY SUB NO 7 TRACT C-1 as depicted in Attachment C (400 Coral Street); and,

Approximately 15,641 square foot portion of T 5N R 11W SEC 5 & 6 SEWARD MERIDIAN KN PTNS OF SEC 5 & 6 as depicted in Attachment C (700 First Avenue).

1. **TERM.** This special use permit shall be for 12 months from June 21, 2022 to June 20, 2023.
2. **CANCELLATION.** Pursuant to requirements of the Federal Aviation Administration, the City reserves the right to cancel this special use permit on 90-days' notice, either delivered in person to the Permittee or by mail. Any or all personal property shall be removed at Permittee's expense upon cancellation or termination of this agreement.
3. **PERMIT FEES.** The Permittee shall be charged an annual permit fee of \$3,661.28 plus applicable sales tax.

The Permittee shall not use the parcels until paying the City the permit fee.

Checks, bank drafts, or postal money orders shall be made payable to the City of Kenai and delivered to the City Hall, 210 Fidalgo Avenue, Kenai, Alaska 99611.

In addition to the permit fee specified above, the Permittee agrees to pay to the appropriate parties all levies, assessments, and charges as hereinafter provided:

- A. Sales tax nor enforced, or levied in the future, computed upon the permit fee payable in monthly installments whether said fee is paid on a monthly or yearly basis;
- B. All necessary licenses and permits; all lawful taxes and assessments which, during the term hereof may become a lien upon or which may be levied by the State,

Borough, City, or by any other tax levying body, upon any taxable possessory right which Permittee may have in or to the Premises by reason of its use or occupancy or by reason of the terms of this Permit, provided however, that nothing herein contained shall prevent Permittee from contesting any increase in such tax or assessment through procedures provided by law.

- C. Interest at the rate of eight percent (8%) per annum and penalties of ten percent (10%) of any amount of money owed under this Special Use Permit which are not paid on or before the due date.
  - D. Costs and expenses incident to this Special Use Permit, including but not limited to recording costs.
4. **USE.** The use by the Permittee of the Premises is limited to the purpose of Truck Trailer Storage. This use is subject to City, Borough, and State laws and regulations and the reasonable administrative actions of the City for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities. Use of the Premises is subject to the following conditions:
- A. Permittee shall use the Premises only for truck trailer storage.
  - B. Trailers must be stored in a manner that will not limit sight lines or create other unsafe driving conditions on adjacent right-of-ways.
  - C. The premises shall be returned to its current condition prior to the end of the term of this Special Use Permit. This shall include the removal of any trash or debris.
  - D. Trailers must be stored in a manner that will not impact any City snow clearing or moving activities.
  - E. Trailers shall be stored such that there will not be oil or other hazardous fluids leaking onto the premises.
  - F. Trailers shall be stored such that there will not be grass or vegetation growing between trailers.
  - G. The Permittee shall follow requirements of the City Fire Marshal and allow City staff to inspect the premises if requested.
  - H. The premises shall not be used to store junked vehicles or other salvaged vehicle or trailer parts.
5. **INSURANCE.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, the City is entitled to coverage to the extent of the higher limits.
- A. Garage Liability or Commercial General Liability Insurance, including Premises, all operations, property damage, personal injury and death, broad-form contractual,

with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.

- B. Worker's Compensation Insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.
  - C. Commercial Automobile Coverage with not less than \$1,000,000 combined single limit per occurrence. This insurance must cover all owned, hired, and non-owned motor vehicles the Permittee uses for snow moving and storage activities to, from, or on the Premises. The policy must name the City as an additional insured.
  - D. All insurance required must meet the following additional requirements:
    - i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
    - ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
    - iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
    - iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
    - v. Evidence of insurance coverage must be submitted to City by June 21, 2020. The effective date of the insurance shall be no later than June 21, 2020.
    - vi. This insurance shall be primary and exclusive of any other insurance carried by the City of Kenai. This insurance shall be without limitation on the time within which the resulting loss, damage, or injury is actually sustained.
6. **INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** The Permittee shall fully indemnify, hold harmless, and defend the City of Kenai, its officers, agents, employees, and volunteers at its own expense from and against any and all actions, damages, costs, liability, claims, losses, judgments, penalties, including reasonable Attorney's fees of or for liability for any wrongful or negligent acts, errors, or omissions of the Permittee, its officers, agents or employees, or any subcontractor under this Permit. The Permittee shall not be required to defend or indemnify the City for any claims of or liability for any wrongful or negligent act, error, or omission solely due to the independent

negligence of the City. If there is a claim of or liability for the joint negligence of the Permittee and the independent negligence of the City, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be established upon final determination of the percentage of fault. If any such determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. "Permittee" and "City" as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, for each party. The term "independent negligence of the City" is negligence other than in the City's selection, administration, monitoring, or controlling of the Permittee.

7. **PERMITTEE'S OBLIGATION TO PREVENT AND REMOVE LIENS.** Permittee will not permit any liens, including mechanic's, laborer's, construction, supplier's, mining, or any other liens obtainable or available under existing law, to stand against the Premises or improvements on the Premises for any labor or material furnished to Permittee or to any related entity or claimed entity. The Permittee shall have the right to provide a bond as contemplated by State of Alaska law and contest the validity or amount of any such lien or claimed lien. Upon the final determination of the lien or claim for lien, the Permittee will immediately pay any judgment rendered with all proper costs and charges and shall have such lien released or judgment satisfied at Permittee's own expense.
8. **PERSONALTY.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit. Personal property placed or used upon the Premises and not removed upon termination of this Permit will be removed and/or impounded by the City. Property removed or impounded by the City may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus a storage fee of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or its customers.
9. **FORBEARANCE.** Failure to insist upon a strict compliance with the terms, conditions, and/or any requirement herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.
10. **TERMINATION, DEFAULT.** This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. The City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety. The City may also terminate this Permit immediately, or upon notice shorter than 30 days, due to a failure of Permittee to comply with conditions and terms of this Permit, which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period to correct the violation or breach.
11. **NO DISCRIMINATION.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.



- 12. **ASSIGNMENT.** Permittee may not assign, by grant or implication, the whole any part of this Permit, the Premises, or any improvement on the Premises without the written consent of the City. Unless the City specifically releases the Permittee in writing, the City may hold the Permittee responsible for performing any obligation under this permit which an assignee fails to perform.
- 13. **ASSUMPTION OF RISK.** Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on the Premises and its exercise of the privileges granted in this Permit.
- 14. **NO JOINT VENTURE.** The City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.
- 15. **SURVIVAL.** The obligations and duties of Permittee under paragraphs 5 and 6 of this Permit shall survive the cancellation, termination, or expiration of this Permit.
- 16. **AUTHORITY.** By signing this Permit, Permittee represents that is has read this agreements and consents to be bound by the terms and conditions herein and that the person signing this Permit is duly authorized by the business to bind the business hereunder.

**WEAVER BROTHERS, INC.**

**CITY OF KENAI**

By: \_\_\_\_\_

James H. Doyle  
President

Date: \_\_\_\_\_

By: \_\_\_\_\_

Paul Ostrander  
City Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_

James H. Doyle  
Individually

Date: \_\_\_\_\_

ACKNOWLEDGMENTS

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2022, the foregoing instrument was acknowledged before me by Paul Ostrander, City Manager of the City of Kenai, Alaska, an Alaska home rule municipality, on behalf of the City.

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

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2022, the foregoing instrument was acknowledged before me by James H. Doyle, President of Weaver Brothers, Inc., an Alaska limited liability company, on behalf of the company.

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

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2022, the foregoing instrument was acknowledged before me by James H. Doyle.

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

ATTEST:

---

Michelle M. Saner, MMC, City Clerk

SEAL:

APPROVED AS TO FORM:

---

Scott M. Bloom, City Attorney

DRAFT



# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Eland Conway, Airport Manager  
**DATE:** April 26, 2022  
**SUBJECT:** **Action/Approval – Amended Special Use Permit State of Alaska  
DNR/Forestry**

---

The State of Alaska, Department of Natural Resources/Division of Forestry requested a Special Use Permit for a three-month term from May 1, 2022 through July 31, 2022 which was approved by Council on April 6, 2022.

On March 2, 2022, City Council passed Resolution 2022-10, approving the execution of a lease of Airport Reserve Lands between the City of Kenai and State of Alaska, Division of Forestry on Lot 4A, FBO Subdivision No. 11.

With execution of a lease, State of Alaska, Division of Forestry is eligible for Signatory Rates. The amended Special Use Permit reflects the corrected fee for July 2022 at a Signatory Rate.

Does Council authorize the City Manager to approve an amended Special Use Permit to the State of Alaska DNR/Division of Forestry?

Thank you for your consideration.

attachments

## SPECIAL USE PERMIT 2022

The CITY OF KENAI (City) grants to STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES/DIVISION OF FORESTRY (Permittee), whose address is 550 W. Seventh Avenue, Suite 1450, Anchorage, AK 99501-3566, a Special Use Permit to conduct aeronautical and/or aviation-related activities at the Kenai Municipal Airport subject to the requirements and the conditions set forth below.

1. **Premises.** Permittee shall have the non-exclusive right to use 30,000 square feet as described in the attached diagram shown in the attached Exhibit A for the uses identified in this Permit.
2. **Term.** The term of this Permit shall be for three months commencing on May 1, 2022, and ending on July 31, 2022. Regardless of the date of signature, this Permit shall be effective as of May 1, 2022.
3. **Permit Fees.** Permittee shall pay the following fees for the privileges extended to Permittee under this Permit:
  - A. **Permit:** Permittee shall pay a monthly fee plus applicable sales tax as follows:
 

May	\$3,025.00
June	\$3,025.00
July	\$1,450.00
  - B. **Proximity Card for Gate Access:** In addition to the general permit fee, Permittee shall pay a deposit of One Hundred Dollars (\$100.00) for the use of each proximity card issued to Permittee by City to allow for gate access to the Airport to conduct the uses permitted hereunder. City shall refund this deposit to Permittee when the card is returned to City. City may exercise a right of offset to apply the deposit to any outstanding balance due to City from Permittee at the termination of this Permit.
  - C. **Other Fees:** City may assess additional fees for aviation or aviation support activities and uses not defined in this Permit. If a fee has not been established for those activities or services, a fee will be established by the Airport Manager.

Payment shall be directed to City of Kenai, ATTN: Finance Department, 210 Fidalgo Avenue, Kenai, AK 99611 and a courtesy notice of payment provided to Airport Administration at 305 North Willow Street, Suite 200, Kenai, AK 99611. All permit fees are payable in advance of each month unless otherwise provided. In the event of delinquency, interest at the rate of 10% per annum, and penalty of 10% shall also be due

(KMC 1.75.010). Interest shall accrue from the date due until the date paid in full. Failure to timely make payments is grounds for termination of this Permit. (See ¶ 22, Termination).

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

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

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

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

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

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

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

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

of persons using the Airport, the public health or the environment, or the safety or integrity of any premises on the Airport.

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

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

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

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

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

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

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

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

i. All policies will be by a company/corporation currently rated "A-" or

better by A.M. Best.

- ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
- iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
- iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
- v. Evidence of insurance coverage must be submitted to City by May 1, 2022. The effective date of the insurance shall be no later than May 1, 2022.

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

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

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



exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

**12. Fuel Spill Prevention and Response Plan.** Areas of the apron have been seal coated to protect asphalt from adverse effects of petroleum product spills. The City requires that Permittee provide adequate absorbent materials and tools available on the Premises and at the airport in order to maintain a fuel spill and response capability. Permittee shall be liable for any damage caused by and costs associated with any spill, the cleanup of any spill, or the discharge of petroleum products or hazardous materials due to Permittee's use of the apron and/or use of the Airport.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**21. Personalty.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by

the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25.00 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

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

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

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

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



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

ATTEST:

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

SEAL:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott M. Bloom, City Attorney

DRAFT

DRAFT



## MEMORANDUM

**TO:** City Council Members

**FROM:** Mayor Brian Gabriel and City Council Member James Baisden

**DATE:** April 28, 2022

**SUBJECT:** Discussion Item - Disposal options for Tract A Park View Subdivision (KPB Parcel No. 047010118)

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Ordinance No. 3287-2022 was introduced at tonight’s meeting and if enacted by Council at the May 18, 2022 meeting would donate Tract A Park View Subdivision (Tract A) to the Boys and Girls Club of the Kenai Peninsula. There is a private developer that has also expressed an interest in acquiring Tract A.

It is important that the City is able to maximize the benefit of Tract A to its residents. There is a possibility that if the City Manager is able to work directly with the Boys and Girls Club of the Kenai Peninsula and the developer, that land sufficient to support the needs of the Boys and Girls Club of the Kenai Peninsula could be identified for donation, while the City could retain a portion of Tract A that would allow for private development to the south.

No discussions with all of the interested parties have been had to date, and there may not be a way to accommodate both entities. However, we felt it was important to explore this possibility and supporting the City Manager to openly work with both parties gives us the opportunity to do so.

It is important to note, that during this discussion, there should be no debate on the merits of Ordinance 3287-2022, and the discussion should be limited to supporting the City Manager to discuss disposal options with the Boys and Girls Club of the Kenai Peninsula to allow a portion of Tract A to be utilized for private development.



# KENAI

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

## MEMORANDUM

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

**FROM:** Shellie Saner, MMC, City Clerk

**DATE:** April 28, 2022

**SUBJECT:** **Appeal of a Planning and Zoning Commission Action Denying Conditional Use Permits to Applicant Thomas L. Hoelsing, to Operate a Cabin Rental and Guide Service at 1025 Angler Drive, Lot 3, Angler Acres Subdivision Part Four, Platt #84-235**

An application to appeal the above-referenced matter was received on April 28, 2022. KMC 14.20.290(f)(1), "Appeals - Board of Adjustment" provides,

(1) The Board of Adjustment shall ordinarily set a date for and hold a hearing on all appeals within forty-five (45) days of the filing of the appeal. However, should the forty-fifth day fall on a weekend or a municipal holiday, the hearing may be scheduled for the next following weekday which is not a municipal holiday under KMC 23.40.020(a)(1)-(10) and (b). For good cause, the Board of Adjustment may hold the hearing up to sixty (60) days after the filing of the appeal. Notice of the time and place of such hearing shall be mailed to all parties interested and to all property owners within 300 feet of the property involved at least fifteen (15) days prior to the hearing. Notices to the appellant and/or applicant for the action or determination must be sent by certified mail, return receipt requested.

The following information is provided to help in setting a Board of Adjustment hearing date:

<b>FORTY-FIVE DAY END DATE</b>	<b>Saturday, June 8, 2022 which would be extended to Monday, June 20, 2022 per KMC 14.20.290(f)(1)</b>
<b>COUNCIL MEETING DATES (within 45-day requirement)</b>	<b>Wednesday, June 1, 2022 Wednesday, June 15, 2022</b>
<b>SIXTY-DAY END DATE</b>	<b>Sunday, July 3, 2022</b>
<b>COUNCIL MEETING DATE(S) (within 60-day requirement)</b>	<b>Wednesday, June 1, 2022 Wednesday, June 15, 2022</b>

Pursuant to KMC 14.20.290 referenced above, the City is required to provide notice of the hearing *at least fifteen (15) days prior to the hearing*. As such, to comply with the notice requirements, the hearing must be scheduled no sooner than Friday, May 20, 2022.

KMC 14.20.290 allows for an extension, "For good cause, the Board of Adjustment may hold the hearing up to sixty (60) days after the filing of the appeal."



**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
APRIL 13, 2022 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

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

**1. Pledge of Allegiance**

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

**2. Roll Call**

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

Commissioners absent:

Staff/Council Liaison present: Planning Director R. Foster, Administrative Assistant K. Rector, Deputy Clerk M. Thibodeau, Council Liaison T. Winger

A quorum was present.

**3. Agenda Approval**

**MOTION:**

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

**4. Consent Agenda**

**MOTION:**

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

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

**5. \*Excused absences – None**

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of March 23, 2022

Approved by the consent agenda.

**C. SCHEDULED PUBLIC COMMENT** – None.

**D. UNSCHEDULED PUBLIC COMMENT** – None.

**E. CONSIDERATION OF PLATS** – None.

**F. PUBLIC HEARINGS**

1. **Resolution PZ2022-08** - Application for a Conditional Use Permit for Cabin Rentals for the property described as Lot 3, Angler Acres Subdivision Part 4, located at 1025 Angler Drive, Kenai, Alaska 99611. The application was submitted by Thomas Hoelsing, 1865 Fredericksen St, Fremont NE 68025

**MOTION:**

Vice Chair Douthit **MOVED** to approve Resolution PZ2022-08. Commissioner Woodard **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in the packet explaining that the applicant wishes to obtain conditional use permits (CUP) for cabin rentals (PZ2022-08) and for a guide service (PZ2022-09). The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval of both CUPs, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
7. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

Applicant Tom Hoelsing explained that he believes his application meets the criteria in Kenai Municipal Code for CUPs, and that he understands the conditions of the CUP and does not expect a conflict with his business operations. He clarified that he intends to use Airbnb and VRBO for bookings of seasonal lodging.

Chair Twait opened for public hearing.

Jim Richardson stated his opposition to this CUP as written, noting that he had provided written testimony that included recommended stipulations the commission could add. He explained that in recent years he had experienced a number of problems from local CUP operators including increased traffic from trucks and golf carts, increased noise level, and lodgers trespassing on his property. He discussed suggested recommendations including specifying the number of cabins and guides, improving the communication between City staff and the Planning & Zoning Commission, and specifying the number of noise complaints that can be made against a property before permit revocation.

Jerry Huf stated his opposition to this CUP, noting that he had provided written testimony that was included in the laydown. He explained that he wants to protect the neighborhood from people who don't live there year-round and operate businesses in a way that degrades property values. He shared his experiences living in a neighborhood with several CUP businesses, noting multiple issues including decreased property values, noise and traffic. He noted problems with another CUP business in the neighborhood, and said that Mr. Hoelsing's business is another branch of this same business. He expressed frustration that he felt his concerns had not been heard when they were previously brought to the City.

Greg Anderson stated his opposition partially based on the City's inability to enforce the conditions of a CUP. He stated that there are no consequences for a CUP owner when they violate their conditions, and he is concerned about businesses expanding their scope beyond what they are permitted. He noted that he had heard that a different CUP business will be running Mr. Hoelsing's property, and that the expansion of businesses in the neighborhood had changed the dynamic and worsened conditions for residents. He expressed frustration about the lack of response to violations from the City.

Mack Padgett noted that he has seen a deterioration in the quality of life in the Beaver Creek neighborhood with the increase of high volume operators. He encouraged the commission to consider Beaver Creek as a residential neighborhood, and stated that his neighborhood has to fight CUPs at inception because they are difficult to revoke.

Jason Foster encouraged the commission to research complaints against this business, noting that he is not the kind of operator described in previous testimony. He said that this is a nice business, that the City has been enforcing violations, and the complaints being voiced are one-sided.

Tom Hoelsing answered questions from the commission, explaining that prior to the purchase of this property he had been told by the former City Planner that his business would not require a CUP. He clarified that the first notice issued by Director Foster had been sent to his mailing address in Nebraska, and that he had been advertising on Airbnb for about a year and a half.

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

Director Foster clarified the changes made to the Kenai Municipal Code on conditional use permits, which included informing the Planning & Zoning Commission of violations. He explained how enforcement in the Planning Department is driven by complaints, which are investigated and if verified with evidence a code violation letter will be issued to the CUP owner. He emphasized that code provides CUP owners an opportunity to come up with a remedy for their violation, and

if remediation does not occur the CUP may come back before the commission for revocation. He noted that the conditions provided in the staff report are recommendations that the commission has the power to make changes to, and that conditions help in the management and enforcement of CUPs.

The commission discussed how the changes to the CUP code are less than a year old and the results have yet to be seen in a summer season. Clarification was provided that police records for complaint calls on this property had not been requested.

Commissioner Halstead stated that he believed that the City does not currently have the resources to enforce the CUP requirements. He stated that Criteria #2 "*KMC 14.20.150(e)(2) The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired*" has not been met, as evidenced by the neighbors who provided testimony that the non-economic value of the area has been affected; Criteria #3 "*KMC 14.20.150(e)(3) The proposed use is in harmony with the Comprehensive Plan*" has not been met because this CUP will create an unacceptable neighborhood atmosphere that people will not want to be a part of; and that it also fails to meet Criteria #5 "*KMC 14.150(e)(5) The proposed use will not be harmful to the public safety, health or welfare.*" He stated that he opposes this resolution.

Commissioner Woodard stated her opposition, noting that she agreed with the comments of Commissioner Halstead.

Vice Chair Douthit discussed how adding more conditions could provide further means for enforcement. He stated he is in favor of the resolution but believes there is room to provide the ability for more enforcement.

The commission deliberated whether additional conditions they add could effectively be enforced with the City's resources.

Commissioner Fikes stated that based on the testimony heard tonight and at previous meetings about CUP use in this neighborhood, the applicant's history of operating his business without a CUP and his plans to not be present at the location, and the City's lack of an enforcement mechanism, her findings are that she does not believe that the harmony of the neighborhood will be kept up and that the value of the neighborhood will be diminished. She noted that there have been some changes in the CUP code but not enough for her to feel confident and to be in favor of this resolution, and for these reasons she would oppose it.

Director Foster clarified that he had included his recommendation for Condition #9 "Quiet Hours are 10pm to 6am" based on recent commission decisions on cabin rentals and dormitories.

The commission considered conditions that had been recommended from written public testimony, including making quiet hours consistent with other CUP businesses in the area, requiring a local contact that is responsible for ensuring conditions are met, and limiting the number of guests or beds on the property. It was noted that trespassing issues should be handled by law enforcement.

Clarification was provided on the revocation process for CUPs as provided in the City code. Director Foster noted that once a complaint is received, it must be investigated and verified prior to citing a code violation; he reiterated that once the CUP owner receives a code violation letter, the burden is put on the permit holder to determine and notify staff of how they propose to resolve

the violation within a reasonable timeframe. He explained that if no remedy has been made within a reasonable time, Director Foster could recommend that the permit come before the Planning & Zoning Commission for a hearing to consider revocation.

The commission considered the timeframe required to observe the effects of enforcement efforts, which can potentially span an entire season of a business's operations; it was suggested that this process be expedited to avoid this issue. Concern was expressed about placing limits on the number of guests, and it was noted that there is not an effective mechanism for enforcing this.

Chair Twait noted that the application is similar to previous ones approved by the commission, but since then CUP code had been changed to include that a neighborhood's noneconomic value not be significantly impaired under Criteria #2, a point which is relevant to this application; he noted that the upcoming summer season will show whether the new code changes have the desired effect for this neighborhood. He stated he opposed the resolution with the idea that the effect of the changes be observed for the upcoming summer season, and explained that the public testimony shows that the quality of life in this neighborhood has diminished which speaks to its noneconomic value. He encouraged the applicant to re-apply for the CUP after this summer season.

It was noted that not issuing a permit in anticipation of a violation that hasn't occurred yet because of the presumption that the City can't enforce it sets a dangerous precedent which could discourage future business owners from applying for permits.

It was noted that Jason Foster had been cited last year for violations and his remedy has not yet been demonstrated during his normal summer business season, and he may be helping to manage Tom Hoelsing's property.

Tom Hoelsing clarified that Cyndi Hannah will be providing cleaning and check-in services for this property in Mr. Hoelsing's absence. He noted that he has properties in multiple states and has had no problems from neighbors; he questioned where the burden of proof was for the neighbor's accusation, and asked the commission to consider his application for what happens on his own property.

Commission discussed whether additional information such as police reports would be helpful, or if testimony is sufficient; they considered whether additional time to develop more conditions could be beneficial.

**MOTION TO AMEND:**

Vice Chair Douthit **MOVED** to amend Condition #9 to read "Quiet Hours are 10pm to 5am."  
Commissioner Halstead **SECONDED** the motion.

**VOTE ON AMENDMENT:**

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

**MOTION PASSED.**

**MOTION TO AMEND:**

Vice Chair Douthit **MOVED** to add a condition requiring a local manager who will be responsible for the property while in operation. Commissioner Halstead **SECONDED** the motion.

**VOTE ON AMENDMENT:**

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

**MOTION PASSED.**

The commission discussed adding a condition to limit the number of visitors at the property, and how that might be determined. Director Foster clarified that a Fire Marshal inspection is part of the CUP process.

**MOTION TO AMEND:**

Vice Chair Douthit **MOVED** to add a condition that the number of registered overnight occupants be limited to the City's fire code regulations for the number of people allowed for the size of dwelling. Commissioner Woodard **SECONDED** the motion.

**VOTE ON AMENDMENT:**

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

**MOTION PASSED.**

Clarification was provided that there is no set number of complaints that will result in CUP revocation; an explanation of the notice of violation and permit revocation procedures was provided.

**VOTE ON MAIN MOTION AS AMENDED:**

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

**MOTION FAILED.**

Chair Twait noted the fifteen-day appeal period.

2. **Resolution PZ2022-09** - Application for a Conditional Use Permit for a Guide Service for the property described as Lot 3, Angler Acres Subdivision Part 4, located at 1025 Angler Drive, Kenai, Alaska 99611. The application was submitted by Thomas Hoelsing, 1865 Fredericksen St, Fremont NE 68025

**MOTION:**

Commissioner Halstead **MOVED** to approve Resolution PZ2022-09. Commissioner Woodard **SECONDED** the motion.

It was noted that the staff report for PZ2022-09 was shared with PZ2022-08 and had been provided earlier in the meeting.

Applicant Tom Hoelsing stated that he would like his application to stand on its own, and that it is not fair to vote based on assumptions about someone's future performance. He expressed uncertainty about what good a guide service CUP would do for him without lodging.

Chair Twait opened for public hearing.

Jerry Huf, noting that the applicant will not have lodging nor a dock and is not a registered guide, expressed doubt about his business plan. He referred to the Comprehensive Plan's goal to maintain quality of life, and stated that he had seen this diminish in his neighborhood because of CUP business operations. He noted that residents are highly inconvenienced by this sort of activity, and once granted CUPs the operations will expand to become high volume businesses. He asked the commission to focus on the area as a residential neighborhood with year-round residents.

Greg Anderson questioned how the applicant could run a guide service with no dock, and noted that the Parks service may need to approve the property which he has not seen happen.

Mack Padgett stated that the carrying capacity of Beaver Creek is beyond its limit, and encouraged the commission to look at what is happening to it and how it impacts the health of the Kenai River.

Jim Richardson stated that he had once served as the president of Kenai River Special Management area, and clarified what the dock requirements were when they were first developed. He stated that he had previously pointed out violations but could not get enforcement, discussed the limitations of law and code enforcement, and emphasized the need for better communication. Stated that he opposed the guide service based on past problems at this location.

MJ Loveland stated that Beaver Creek is part of the Kenai River, and she believes it is at its capacity for number of boats and opposes allowing any more boating activities there.

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

The commission discussed postponement based on possible appeal of PZ2022-08, noting that the applicant may no longer want this CUP based on the denial of his cabin rental CUP.

Chair Twait stated that the applicant could run a guide business from the property and launch his boats from another location, but he would vote no based on the applicant's testimony.

Vice Chair Douthit stated he would vote no based on the testimony of the applicant, who said that without the cabins he didn't see the need for having a guide service. He noted that he feasibly could run a guide service on the property without a dock, but he agreed with the applicant and doesn't feel it necessary.

Commissioner Greenberg stated that he would vote yes because the applicant could feasibly run a guide service from the property.

Commissioner Askin stated that she would vote no based on the applicant's statements and out of concern for the condition of Beaver Creek.

Commissioner Fikes stated that she would vote no, noting that additional testimony from the applicant about his plans for the guide service would have been helpful; based on his testimony from PZ2022-08 she did not see how the neighborhood would benefit from this business.

Commissioner Halstead stated that he votes no based on the applicant's testimony and his

absence from the rest of the commission's discussion on the guide service. He stated that a guide could potentially run a guide service without a dock if the boat was moved to another dock.

Commissioner Woodard stated that she voted no because the applicant said the guide service CUP wouldn't be useful to have without the cabin rental CUP. She noted that she couldn't see how he could bring boats into the area without damaging the environment.

**VOTE:**

YEA: Greenberg

NAY: Twait, Douthit, Askin, Fikes, Halstead, Woodard

**MOTION FAILED.**

Chair Twait noted the fifteen-day appeal period.

**G. UNFINISHED BUSINESS** – None.

**H. NEW BUSINESS**

1. **Action/Approval** - Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage.

**MOTION:**

Commissioner Askin **MOVED** to recommend approval of the Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage. Commissioner Halstead **SECONDED** the motion.

Director Foster provided a staff report noting that the same Special Use Permit (SUP) came before the commission last summer, and this year's request is for the same five parcels. He noted that the parcels are adjacent to existing leases Weaver Brothers has, the reason for the SUP is expansion beyond their lease, and the SUP would be for one year.

Clarification was provided that this SUP is for the same lots as the previous year and Weaver Brothers currently has trailers on them, and that SUPs are issued for a maximum of twelve months. Director Foster stated he does not believe the utilization of these parcels would impact other properties in the area.

**VOTE:**

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

NAY: None

**MOTION PASSED UNANIMOUSLY.**

2. **Action/Approval** - Resolution No. 2022-XX – Approving the Execution of a Lease to Joel Caldwell.

**MOTION:**

Commissioner Askin **MOVED** to recommend approval of the Execution of a Lease to Joel Caldwell. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a staff report noting that Joel Caldwell had proposed an estimated



\$100,000 in improvements to the property which include additional storage, restroom facility and paving, to be completed within two years of signing the lease. The activities noted on the application is aircraft storage and maintenance, and the requested lease term is seventeen years. He noted that to date no competing lease applications have been submitted.

**VOTE:**

YEA: Woodard, Douthit, Greenberg, Twait, Askin, Fikes, Halstead  
 NAY: None

**MOTION PASSED UNANIMOUSLY.**

**I. PENDING ITEMS** – None.

**J. REPORTS**

1. **City Council** – Council Member Winger reported on the actions of the April 6, 2022 City Council Meeting.
2. **Borough Planning** – Commissioner Fikes reported on the actions of the March 21, 2022 Kenai Peninsula Borough Planning meeting.
3. **City Administration** – Planning Director Foster reported on the following:
  - Next Commission meeting on April 27, 2022 will include a CUP application.
  - Upcoming meetings on the Kenai Waterfront Revitalization project will be held on May 2<sup>nd</sup> and 3<sup>rd</sup>.

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

**L. INFORMATIONAL ITEMS**

1. Kenai Dog Park Program

Council Member Winger noted that there will be a resolution at the next City Council meeting to consider a land donation for the Kenai Dog Park.

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. April 27, 2022

**N. COMMISSION COMMENTS & QUESTIONS**

Council Member Askin noted that it had been a good meeting.

Commissioner Halstead noted that he would like to have a template to guide the commission when adding criteria to a guide service CUP, and suggested scheduling a work session.

Commissioner Greenberg stated that an underlying problem is that people have lost confidence in the process, and asked the commission to consider how to build back that confidence so that a permit can be evaluated on its own merit.

Commissioner Fikes agreed that a work session or discussion would be beneficial, because placing conditions will provide a tool for enforcement. She expressed concern about whether changing conditions for CUP applicants will be fair to past or future applicants.

Vice Chair Douthit agreed that a work session will help to clarify understanding of enforcement issues, and in adding enforceable conditions to a CUP the community's trust in the process can be built back.

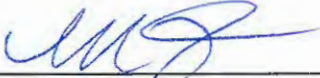
Council Liaison Winger noted she will bring the commission's concerns to Council, and encourages scheduling a work session with the City Attorney.

Chair Twait recognized the passing of Mayor Gabriel's mother.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:03 p.m.

Minutes prepared and submitted by:



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Meghan Thibodeau  
Deputy City Clerk



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** David Ross, Police Chief  
**DATE:** April 26, 2022  
**SUBJECT:** Human Trafficking / Child Abduction Council Inquiry

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This memorandum is in response to the request to gather some data in regards to Human Trafficking and Child Abduction to share with the City Council. Ultimately there are not local law enforcement collected statistics to suggest a specific problem with Child Abduction and Human Trafficking in Kenai. However I will discuss some relevant definitions, how related statistics are collected, and some statewide data that may help to address the inquiry.

The primary source of law enforcement data is the Uniform Crime Reports (UCR) which is a collection of data put together by the FBI from law enforcement agencies across the Country. The Alaska Department of Public Safety (DPS) compiles a “Crimes In Alaska” report each year with UCR data and that is available on the DPS website. This UCR data includes Kenai and other Peninsula communities.

First I will address Child Abduction. ‘Kidnapping’ would be the name of the associated criminal offense in Alaska (AS 11.41.300). Kidnapping falls under “All other offenses” in the UCR data, so it is not an easy statistic to review from jurisdiction to jurisdiction in Alaska. However, a true child abduction by a stranger is quite rare anywhere in Alaska and there are not any cases in recent years in Kenai. More common would be missing children due to custodial interference or children that have run away from home.

Second; Human Trafficking is a Crime under Alaska Statute. Human Trafficking in the First Degree (AS11.41.360) reads: ***A person commits the crime of human trafficking in the first degree if the person compels or induces another person to engage in sexual conduct, adult entertainment, or labor in the state by force or threat of force against any person, or by deception.*** Human Trafficking in the Second Degree (AS 11.41.365) reads: ***A person commits the crime of human trafficking in the second degree if the person obtains a benefit from the commission of human trafficking under AS 11.41.360, with reckless disregard that the benefit is a result of the trafficking.***

The Uniform Crime Reports started collecting data in 2013 on “Human Trafficking/Commercial Sex Acts” and “Human Trafficking/Involuntary Servitude.”

- The 2018 Crimes in Alaska Report reveals that in that year there were 2 reports of Human Trafficking/Commercial Sex Acts and 4 reports of Human Trafficking/Involuntary Servitude. All those reports were in Anchorage.
- The 2019 Crimes in Alaska Report reveals that in that year there were 7 reports of Human Trafficking/Commercial Sex Acts. Four of those reports were in Anchorage, two reports were made to the Alaska State Troopers, and one to the Soldotna Police.
- The 2020 Crimes in Alaska Report reveals that in that year 3 reports of Human Trafficking/Commercial Sex Acts and 1 report of Human Trafficking/Involuntary Servitude were reported. All those reports were in Anchorage.
- As indicated by the locations of the Human Trafficking reports in Alaska the last three years, there were none reported in Kenai.

The data referenced above in this memo can be reviewed on the DPS website where the annual reports are stored at <https://dps.alaska.gov/statewide/r-i/ucr>. At this location on the DPS website you can also review the annual “Felony Level Sex Offense Reports” for each year, which would include incidents of Sex Trafficking.

The primary law enforcement collected statistics are for reported crimes and for arrests, however, there are certainly crimes that go under reported due to the dangers and fears related to reporting. Human Trafficking would be a crime in that category, much like domestic violence.

Please let me know if I can be of further assistance.



**PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW**  
**COUNCIL MEETING OF: MAY 4, 2022**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPT.</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
USA BLUE BOOK	METAL LOCATORS	WATER	SMALL TOOLS	2,783.85
USA BLUE BOOK	SPECTROPHOTOMETER	WATER	SMALL TOOLS	4,177.00
USA BLUE BOOK	TURBIDIMETERS	WATER	SMALL TOOLS	7,083.00
ALL SECURITY EQUIPMENT	LIFTMASTER GATE OPERATOR	AIRPORT	OPERATING SUPPLIES	3,315.83
AIRSIDE SOLUTIONS	AIRFIELD LIGHTING	AIRPORT	OPERATING SUPPLIES	6,537.90
ARCTIC OFFICE PRODUCTS	IT OFFICE FURNITURE	FINANCE	SMALL TOOLS	5,866.29
ALASKA GARDEN & PET SUPPLY	FERTILIZER	RECREATION	OPERATING SUPPLIES	4,560.00
KENAI FEED & SUPPLY	WEED-N-FEED	RECREATION	OPERATING SUPPLIES	5,992.50