



Kenai City Council - Regular Meeting

May 07, 2025 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker; twenty (20) minutes aggregated*)

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

E. PUBLIC HEARINGS

1. **Ordinance No. 3464-2025** - Amending Kenai Municipal Code 21.05.085 - Airport Fuel Flowage Fee, to Remove the Set Amount in Code and Instead Refer to the Annually Updated Schedule of Rates, Charges and Fees. (Administration)
2. **Ordinance No. 3465-2025** - Amending Kenai Municipal Code, Title 2 - Alcoholic Beverage and Marijuana, Standardizing How Licenses are Reviewed by the City, Allowing for Administrative Non-Objections for Renewal of Existing Licenses When No Grounds to Object to the Renewal are Identified, Updating Public Hearings for Protests or Conditional Non-Objections, Aligning Municipal Code with Requirements of Alaska Statutes, and Other Housekeeping Amendments. (City Clerk)
3. **Ordinance No. 3466-2025** - Amending Kenai Municipal Code, Chapter 4.32 Residential Code, to Reinstate Provisions Related to Engineered Design and Location, Including Fire Code Protection on Floors Provisions of the 2021 International Residential Code. (Administration)
4. **Ordinance No. 3467-2025** - Accepting and Appropriating a Grant Received Through the Alaska Animal Control Association to the Kenai Animal Shelter for Attendance at the Alaska Animal Control Association 2025 Training Conference. (Administration)
5. **Ordinance No. 3468-2025** - Accepting and Appropriating a Donation to the Kenai Community Library for the Summer Reading Program 2025. (Administration)

- [6.](#) **Ordinance No. 3469-2025** - Amending KMC 1.85.060-Conflicts of Interest Prohibited, to Allow Municipal Officers and City Employees to Participate in Certain Sales Open to the Public Through a Public Process and Narrowing the Existing Prohibition on Purchases to Personal Property Items. (Douthit)
- [7.](#) **Resolution No. 2025-27** - Authorizing the City Manager to Enter Into an Agreement with the State of Alaska Department of Natural Resources for a Utility Easement for the City Water Main. (Administration)
- [8.](#) **Resolution No. 2025-28** - Authorizing Contract Awards for Purchase of Water and Wastewater Chemicals. (Administration)
- [9.](#) **Resolution No. 2025-29** - Authorizing Contract Award for Aliak Storm Water Rehab Design. (Administration)
- [10.](#) **Resolution No. 2025-30** - Approving Amendments to the Agreement for Contract Services for Vintage Pointe Manor Congregate Housing. (Administration)
- [11.](#) **Resolution No. 2025-31** - Amending the Kenai Municipal Cemetery Regulations and Fee Schedule Policy Numbering It PRK-70.001, Revising Marker and Headstone Regulations and Making Other Housekeeping Amendments. (City Clerk)

F. MINUTES

- [1.](#) *Special Meeting of April 15, 2025. (City Clerk)
- [2.](#) *Regular Meeting of April 16, 2025. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- [1.](#) ***Action/Approval** - Bills to be Ratified. (Administration)
- [2.](#) ***Action/Approval** - Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage. (Administration)
- [3.](#) ***Action/Approval** - Special Use Permit to NILCHIL Solutions, LLC for an Off-Premise Sign on City-Owned Property Described as Tract B, Gusty Subdivision Addition No. 2 Located at 11631 Kenai Spur Highway. (Administration)
- [4.](#) ***Ordinance 3470-2025** - Amending the Official Zoning Map and Land Use Table by Rezoning Twenty-Eight Properties Located Near the Intersection of the Kenai Spur Highway and Wildwood Drive from Suburban Residential (RS) to General Commercial (CG) Zoning District. (Administration)
- [5.](#) **Action/Approval** - Amending and Extending an Employment Agreement between the City of Kenai and City Attorney, Scott Bloom. (Gabriel)
- [6.](#) **Discussion** - Facility Use Policy Administration. (Administration)
- [7.](#) **Discussion** - Unsafe Driving Through Parking Lots (Rat Running). (Administration)

I. COMMISSION REPORTS

- [1.](#) Council on Aging Commission
- [2.](#) Airport Commission
- [3.](#) Harbor Commission

4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Commission

J. REPORT OF THE MAYOR

1. Proclamation Declaring April 2025 as “Sexual Assault Awareness Month”

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

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

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

https://us02web.zoom.us/meeting/register/2fYfc_EtQ3aRlaULt8K0zg



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3464-2025**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE 21.05.085 - AIRPORT FUEL FLOWAGE FEE, TO REMOVE THE SET AMOUNT IN CODE AND INSTEAD REFER TO THE ANNUALLY UPDATED SCHEDULE OF RATES, CHARGES AND FEES.

WHEREAS, Kenai Municipal Code 21.05.085 - Airport Fuel Flowage Fee, establishes a fee for fuel flowage; and,

WHEREAS, the fuel flowage fee is also established in the Schedule of Rates, Charges and Fees; and,

WHEREAS, removing the exact amount of the fuel flowage fee from code and referring to the rate established in the Schedule of Rates, Charges and Fees eliminates the opportunity for conflict between the two sources of information and allows the fuel flowage fee to be reviewed annually and updated if necessary; and,

WHEREAS, the funds derived from fuel flowage fees are used solely for the maintenance, operation, and improvement of the Kenai Municipal Airport; and,

WHEREAS, the fuel flowage fee will continue to be charged and used for the Kenai Municipal Airport; and,

WHEREAS, the fuel flowage fee will continue to be updated periodically in the Schedule of Rates, Charges and Fees; and,

WHEREAS, the Airport Commission recommended approval at their regularly scheduled meeting on April 10, 2025.

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

Section 1. Amendment of Section 21.05.085 of Kenai Municipal Code: That Kenai Municipal Code, Section 21.05.085 - Airport Fuel Flowage Fee, paragraph (a) is hereby amended as follows:

- (a) Any person, firm or corporation who delivers aviation gasoline, motor vehicle gasoline, diesel fuel, kerosene, aviation jet fuel or like substance (hereafter referred to as fuel) to any person, firm or corporation at the Kenai Municipal Airport shall pay a fuel flowage fee [OF TWO CENTS (\$0.02) FOR EACH GALLON OF FUEL] as established in the City's Schedule of Rates, Charges and Fees; provided that fuel delivered to the airport solely for transport off the airport for delivery or resale to another entity is not subject to the fuel flowage fee.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	June 6, 2025

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Derek Ables, Airport Manager

DATE: April 7, 2025

SUBJECT: **Ordinance No. 3464-2025 - Amending Kenai Municipal Code 21.05.085 - Airport Fuel Flowage Fee, to Remove the Set Amount in Code and Instead Refer to the Annually Updated Schedule of Rates, Charges and Fees.**

This memo supports removing the exact amount of the fuel flowage fee from code and referring to the rate established in the Schedule of Rates, Charges and Fees. This eliminates the opportunity for conflict between the two sources of information and allows the fuel flowage fee to be reviewed annually and updated if necessary.

If approved Section 21.05.085, paragraph (a) of Kenai Municipal Code- Airport Fuel Flowage Fee, will be amended as follows:

- (a) Any person, firm or corporation who delivers aviation gasoline, motor vehicle gasoline, diesel fuel, kerosene, aviation jet fuel or like substance (hereafter referred to as fuel) to any person, firm or corporation at the Kenai Municipal Airport shall pay a fuel flowage fee [OF TWO CENTS (\$0.02) FOR EACH GALLON OF FUEL] as established in the City's Schedule of Rates, Charges and Fees; provided that fuel delivered to the airport solely for transport off the airport for delivery or resale to another entity is not subject to the fuel flowage fee.

Thank you for your consideration.



Sponsored by: City Clerk

**CITY OF KENAI
ORDINANCE NO. 3465-2025**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE, TITLE 2 - ALCOHOLIC BEVERAGE AND MARIJUANA, STANDARDIZING HOW LICENSES ARE REVIEWED BY THE CITY, ALLOWING FOR ADMINISTRATIVE NON-OBJECTIONS FOR RENEWAL OF EXISTING LICENSES WHEN NO GROUNDS TO OBJECT TO THE RENEWAL ARE IDENTIFIED, UPDATING PUBLIC HEARINGS FOR PROTESTS OR CONDITIONAL NON-OBJECTIONS, ALIGNING MUNICIPAL CODE WITH REQUIREMENTS OF ALASKA STATUTES, AND OTHER HOUSEKEEPING AMENDMENTS.

WHEREAS, updating Kenai Municipal Code (KMC) by codifying license review practices will standardize how licenses are reviewed by the City; and,

WHEREAS, allowing Non-Objections to be issued administratively for renewals when no grounds to protest are identified, will promote efficiency and expedite the licensing process through the State of Alaska Alcohol & Marijuana Control Office; and,

WHEREAS, providing clear public hearing processes for protests and conditional non-objections provides transparency in process for the applicants and residents of the City; and,

WHEREAS, aligning the City's alcohol and marijuana licensing regulations with the State of Alaska regulations provides consistency for the businesses operating within the City.

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

Section 1. Amendment of Section of Kenai Municipal Code: That Kenai Municipal Code, Title 2 - Alcoholic Beverages and Marijuana is hereby amended as follows:

**Title 2
Alcoholic Beverages and Marijuana**

- 2.05 Definitions
- 2.10 [TRANSFER] Review of License
- 2.15 Conformity to State Liquor Laws
- 2.20 Sales on Election Day
- 2.25 Consumption
- 2.35 Violation of Chapter
- 2.40 Approval of an Activity of a Licensee

Chapter 2.05 - Definitions

Sections:

- 2.05.010 Definitions.

2.05.010 Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meanings given to them by this section:

- (a) "Board" means the Alaska Alcoholic Beverage Control Board or the Alaska Marijuana Control Board.
- (b) "Intoxicating Liquor" includes but is not limited to whiskey, brandy, rum, gin, wine, ale, port, or beer, and all other spirituous, vinous malt, and other fermented or distilled liquors intended for human consumption and containing more than one percent (1%) alcohol by volume.
- (c) "License" means a liquor or marijuana license, unless otherwise specified.
- (b) "Marijuana" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. The term does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Chapter 2.10 - [TRANSFER] Review of License.

Sections:

<u>2.10.005</u>	<u>Active License Review.</u>
<u>2.10.010</u>	<u>Review of Application.</u>
<u>2.10.0[1]20</u>	<u>Public Hearing.</u>
<u>[2.10.020</u>	<u>POLICE TO INVESTIGATE.]</u>
<u>2.10.030</u>	<u>[HEARING] <u>Review Standards.</u></u>

2.10.005 Active License Review.

- (a) To serve the public interest, the City Clerk or designee will annually prepare and present to the City Council a list of all active licenses issued by the Board that are operating within the City of Kenai. This list shall be presented no later than two months prior to the annual expiration date of each license type and shall include the following information:
 - (1) License Number;
 - (2) License Type;
 - (3) License Status;
 - (4) Business Name;
 - (5) Business Location;
 - (6) Licensee Name.

2.10.010 Review of Application.

- (a) License application received from the Board for issuance, renewal, relocation, or transfer of ownership will undergo an administrative review to determine whether the facility, licensee, transferee or transferor has met all obligations to the City, as established within Kenai Municipal Code.
- (b) Administrative review will be completed within a timeframe that allows the item to be placed on a City Council agenda within 60 days of receiving notice of application from the Board. Departments or Officials responsible for the review include, but are not limited to, the following:
 - (1) Building Official;
 - (2) Finance Department;
 - (3) Fire Marshall;
 - (4) Legal Department;
 - (5) Planning and Zoning Department;
 - (6) Police Department.

(c) After completion of the administrative review, license applications will be placed on a City Council agenda as an Action Approval item with the following exceptions:

- (1) Renewals. When a license renewal application is received without any modifications to the existing license, and the administrative review confirms that the applicant has fulfilled all obligations to the City, the City Clerk or their designee may issue a letter of non-objection to the renewal for submission to the Board.
- (2) Protest or Conditions. If it is determined that the applicant has not fulfilled all obligations to the City, the matter shall be placed on a City Council agenda in accordance with KMC 2.10.020.

2.10.0[1]20 Public Hearing.

[A PUBLIC HEARING MAY BE HELD PRIOR TO ANY CITY COUNCIL APPROVAL OF TRANSFER OR ISSUANCE OF SUCH LICENSES AND ESTABLISHMENTS. SAID PUBLIC HEARING SHALL BE HELD BY THE CITY COUNCIL OF THE CITY OF KENAI, ALASKA, AT ITS REGULAR MEETING TIMES OR SUCH OTHER SPECIAL HEARING DATE AS MAY BE CONVENIENT TO ALL PARTIES CONCERNED. SUCH PUBLIC HEARINGS SHALL BE PUBLICLY ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION AT LEAST ONCE PRIOR TO THE HOLDING OF THE PUBLIC HEARING, AND NOTICE THEREOF SHALL BE POSTED ON THE CITY COUNCIL BULLETIN BOARD, AND SUCH OTHER NOTICE AS MAY BE DIRECTED BY THE CITY COUNCIL.]

(a) An application subject to protest or conditions, will be placed on a City Council agenda as a Resolution within 60 days of receipt of application from the Board. A written notice of public hearing will be sent to the applicant, and include the following information:

- (a) The date and time of the meeting at which the Council will consider the application; and,
- (b) A statement that the applicant may appear before the Council at the meeting to defend the application; and,
- (c) A summary of any unresolved obligations to the City, resulting the protest or conditions.

(b) Prior to taking action on the application under this section, the Council will provide the applicant an opportunity for public comment in defense of the application, and provide opportunity for citizen comment.

[2.10.020 POLICE TO INVESTIGATE.

A POLICE INVESTIGATION OF THE PREMISES AND APPLICATION FOR TRANSFER OR ISSUANCE MAY BE CONDUCTED PRIOR TO THE PUBLIC HEARING FORM THE PROPOSED TRANSFER OR ISSUANCE.]

2.10.030 [HEARING] Review Standards.

[A PUBLIC HEARING MAY BE HELD PRIOR TO ANY CITY COUNCIL APPROVAL OF TRANSFER OR ISSUANCE OF SUCH LICENSES AND ESTABLISHMENTS. SAID PUBLIC HEARING SHALL BE HELD BY THE CITY COUNCIL OF THE CITY OF KENAI, ALASKA, AT ITS REGULAR MEETING TIMES OR SUCH OTHER SPECIAL HEARING DATE AS MAY BE CONVENIENT TO ALL PARTIES CONCERNED. SUCH PUBLIC HEARINGS SHALL BE PUBLICLY ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION AT LEAST ONCE PRIOR TO THE HOLDING OF THE PUBLIC HEARING, AND NOTICE THEREOF SHALL BE POSTED ON THE CITY COUNCIL BULLETIN BOARD, AND SUCH OTHER NOTICE AS MAY BE DIRECTED BY THE CITY COUNCIL.]

Review under this Chapter will examine the conduct of a liquor or commercial marijuana operation. The Council may establish standards for individual licenses, such standards will be applied in accordance with KMC 2.10.020.

- (a) Conduct of the business by the transferee or applicant and employees, as well as past conduct of the transferor;
- (b) Maintenance of health standards on the premises in question or any improvements to be required;

- (c) Set an amount of public liability insurance to apply to the licensed premises which shall carry reasonable limits consistent with industry standards;
- (d) Payment to the City of all taxes or obligations of the premises involved and limited to such premises;
- (e) A requirement that the operations of the premises shall be for a period of not less than nine (9) months out of each calendar year of operation;
- (f) A finding that disorderly conduct has occurred on the premises at least three times in the course of any one particular calendar year-such violations to include instances where the licensee has failed to request assistance of the police in maintaining order;
- (g) And such other aspects of the proposed operation as would reasonably be a matter for public concern pursuant to the police powers of the City of Kenai, Alaska.

Chapter 2.15 - Conformity to State Liquor Laws

Sections:

2.15.010 Incorporation of State Statutes.

2.15.010 Incorporation of State Statutes.

[INCORPORATED AS THOUGH SET FORTH IN FULL HEREIN, ARE THE FOLLOWING QUOTED PROVISIONS OF THE STATUTES OF THE STATE OF ALASKA WHICH ARE IDENTIFIED BY SECTION NUMBER AND CATCHLINE TITLE BELOW:] The provisions of Alaska Statutes related to furnishing alcohol to persons under the age of 21 and purchase of alcoholic beverages by persons under the age of 21 are hereby incorporated as if fully set forth herein.

[SEC. 04.16.052 - FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF 21 BY LICENSEES.

SEC. 04.16.060 - PURCHASE BY PERSONS UNDER THE AGE OF 21.]

Chapter 2.20 - Sales on Election Day

Sections:

2.20.010 Sales Permitted.

2.20.010 Sales Permitted.

The provisions of Alaska Statute [04.16.070] related to sales of alcohol on election day do not apply within the City of Kenai. [WHEN ELECTIONS ARE BEING HELD. AND I] Intoxicating liquor and marijuana may be sold or otherwise disposed of within the City of Kenai on election days in the same manner and pursuant to the same regulations as on other days.

Chapter 2.25 - Consumption

Sections:

2.25.010 Prohibited in Certain Places.

2.25.010 Prohibited in Certain Places.

No person shall consume intoxicating liquor on the public streets, alleys, parks, or other public places, unless specifically exempted in this chapter. A person shall not be held in violation of this section where it is shown that:

- (a) Such person obtained such intoxicating liquor from a holder of a caterer's permit, special events permit, or recreational site license issued by the State of Alaska; and,
- (b) Such person consumed such intoxicating liquor only while upon the premises described in the license or permit referred to in (1) above.

Chapter 2.35 - Violation of Chapter

Sections:

2.35.010 Penalty.

2.35.010 Penalty.

Any person, firm, or corporation who commits a violation as defined by this chapter or who otherwise violates any provision of this chapter, shall be guilty of a [MISDEMEANOR] minor offence, and upon conviction shall be punished [AS PROVIDED FOR MISDEMEANORS] in accordance with KMC 13.05.010.

Chapter 2.40 - Approval of an Activity of a Licensee

Sections:

2.40.010 Obligations to City.

2.40.020 Approval by Council.

2.40.010 Obligations to City.

[IT IS DETERMINED TO BE IN THE PUBLIC INTEREST THAT HOLDERS OF OR APPLICANTS FOR LICENSES ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL BOARD AND THE MARIJUANA CONTROL BOARD OF THE STATE OF ALASKA SHALL HAVE ALL OBLIGATIONS TO THE CITY OF KENAI ON A SATISFACTORY BASIS PRIOR TO THE CITY COUNCIL APPROVAL OF ANY ACTIVITY OF SAID LICENSE HOLDER OR APPLICANT.] To serve the public interest, holders and applicants of licenses issued by the Board must fulfill all financial and regulatory obligations to the City of Kenai.

2.40.020 Approval by Council.

[THE COUNCIL MAY APPROVE A NOTICE OF NON-OBJECTION FOR THE ISSUANCE, TRANSFER, OR RENEWAL OF ANY LICENSE OR PERMIT ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL BOARD OR THE MARIJUANA CONTROL BOARD IN THE CITY OF KENAI AS LONG AS THE LICENSEE(S) OR PERMITTEE(S) HAS SATISFIED ALL OBLIGATION TO THE CITY OR ENTERED INTO A CITY APPROVED PAYMENT PLAN WITH THE BOROUGH OR CITY ON ANY OBLIGATIONS OWED TO THE CITY AND THE LICENSEE(S) OR PERMITTEE(S) IS IN COMPLIANCE WITH SUCH PAYMENT PLAN. IF THE LICENSEE(S) OR PERMITTEE(S) HAS AN OUTSTANDING OBLIGATION TO THE CITY AND A CITY APPROVED PAYMENT PLAN HAS NOT BEEN ENTERED INTO, OR IF THE LICENSEE(S) OR PERMITTEE(S) IS NOT IN COMPLIANCE WITH THE PLAN, THE COUNCIL MAY CAUSE A PROTEST TO BE FILED WITH THE STATE ALCOHOLIC BEVERAGE CONTROL BOARD OR MARIJUANA CONTROL BOARD.] The City Council may approve a notice of non-objection for the issuance, renewal, relocation, transfer of ownership or continuation of a license operating within the City of Kenai, provided the applicant(s) have satisfied all obligations to the City or entered into a City approved plan with the Borough or City to satisfy unfulfilled obligations. If the applicant is not in compliance with the plan, the Council may cause a protest to be filed with the Board in accordance with KMC 2.10.020.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	June 6, 2025

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Shellie Saner, City Clerk

DATE: April 4, 2025

SUBJECT: **Ordinance No. 3465-2025 - Amending Kenai Municipal Code, Title 2 - Alcoholic Beverage and Marijuana, Standardizing How Licenses are Reviewed by the City, Allowing for Administrative Non-Objections for Renewal of Existing Licenses when No Grounds to Object to the Renewal are Identified, Updating Public Hearings for Protests or Conditional Non-Objections, Aligning Municipal Code with Requirements of Alaska Statutes, and Other Housekeeping Amendments.**

During the April 2, 2025 City Council provided direction to update Kenai Municipal Code (KMC) Title 2. If approved the Ordinance will make the following changes to KMC Title 2:

Chapter 2.05 - Definitions: This chapter was updated to include new definitions for "Board" and "License." These additions enable consistent reference throughout the code to the Alaska Alcoholic Beverage Control Board and Alaska Marijuana Control Board simply as "Board," and to Liquor and Marijuana Licenses collectively as "License."

Chapter 2.10 - Review of License: This chapter underwent substantial updates, including two new sections, revisions to public hearing procedures for alignment with State statute, and general housekeeping amendments:

2.10.005 - Active License Review. This section implements Council's request to receive an annual list of active licenses operating in the city, submitted no later than:

October 31 for liquor licenses (expire December 31 every two years).

June 30 for marijuana licenses (expire August 31 annually).

This new section will allow timely review by City Council before the protest deadlines issued by the Board.

2.10.010 - Review of Application. Formalizes the internal review process used when a license application is received from the Board; allows for administrative issuance of non-objection when no issues are identified; and clear guidance when a protest or conditional non-objection are warranted.

2.10.020 - Public Hearings. Rewritten to align with the Alaska Administrative Code regarding liquor license protests. *Note: The provisions for marijuana licenses is for a hearing before the*

Marijuana Control Board. Holding a public hearing during a City Council meeting would show local process prior to the issuance of a protest.

2.10.020 - Police to Investigate. Proposed for repeal. Police review is now identified in the new section 2.10.010.

2.10.030 - Review Standards. Rephrased for clarity and ease of interpretation.

Chapter 2.15 Conformity to State Liquor Laws: The single section within this chapter was rewritten to refer to subject matter rather than referencing specific Alaska Statute sections, which may change over time.

Chapter 2.20 - Sales on Election Day: The single section within this chapter was updated to refer to the subject matter rather than referencing a specific Alaska Statute section, which may change over time.

Chapter 2.25 - Consumption: No proposed changes to this chapter.

Chapter 2.35 - Violations of Chapter: Update to reflect that City only prosecutes minor offences and to reference the appropriate section of KMC regarding penalties.

Chapter 2.40 - Approval of Activity of a Licensee: Both sections were rewritten to modernize the language. The intent remains unchanged.

Thank you for your consideration.





Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3466-2025**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE, CHAPTER 4.32 RESIDENTIAL CODE, TO REINSTATE PROVISIONS RELATED TO ENGINEERED DESIGN AND LOCATION, INCLUDING FIRE CODE PROTECTION ON FLOORS PROVISIONS OF THE 2021 INTERNATIONAL RESIDENTIAL CODE.

WHEREAS, the current residential code prohibits buildings to exceed prescriptive path limits of the International Residential Code (IRC); and,

WHEREAS, it is in the best interest of new housing developments to provide safe design paths for new house construction; and,

WHEREAS, repealing and amending these code sections will retain building safety while giving additional design options 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. Amendment of Section 4.32.015 of Kenai Municipal Code: That Kenai Municipal Code, Section 4.32.015, Local Amendments to the 2021 International Residential Code amended as follows:

R105.2 Work Exempt from Permit. Amend #1 to read:

One story accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 300 square feet. Permits are required for any electrical, mechanical or plumbing provided.

Amend #10 to read:

Freestanding decks not structurally attached to another building and not exceeding 30 inches above grade.

R105.5 Expiration. Amend by adding a new sentence to read:

A building permit shall expire two (2) years after the date of issuance unless an extension has been granted and approved by the building official. Extensions to a building permit may not exceed 6 months.

R107.3 Temporary Power. Amend by deleting the reference to “NFPA 70” and replacing it with “Electrical Code adopted by KMC.”

R108.3 Building Permit Valuations. Amend by inserting a new sentence after the first sentence to read:

The Building Valuation Data Table shown in the latest edition of the Building Safety Journal published by the International Code Council shall be used to determine value.

R108.4 Related Fees. Amend by inserting a new sentence after the first sentence to read:

Any person who commences any work on a building before obtaining the necessary permits shall be subject to an additional fee, equal to the cost of the building permit.

Section R112 Board of Appeals. Delete the entire section. Refer to KMC Chapter 4.40.

Section R113.4 Violation Penalties. Delete the entire section. Refer to KMC Chapter 4.40.

[R301.1.3 ENGINEERED DESIGN. DELETE THE ENTIRE SECTION.]

Table R301.2(1) Climatic and Geographic Design Criteria. Add the following information to the table:

Ground Snow Load	70 PSF
Wind Speed	100 mph
Seismic Design Category	D2
Subject to Damage from:	
Weathering	Yes, severe
Frost Line Depth	42"
Termite	No
Decay	No
Winter Design Temperature	-18 deg F
Flood Hazards	No
Ice Shield Underlayment Required	Yes
Air Freezing Index	3000

Mean Annual Temperature	35 degrees
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R301.2.2.1.2 Alternate Determination of Seismic Design Category. Amend by deleting paragraphs R301.2.2.1.2, R301.2.2.2, and Table R301.2.2.1.1 and replacing them with the following:

The seismic design category for the City of Kenai shall be D2.

R302.13 Fire protection of floors. Delete exception #2 to and relace with:

2. Floor assemblies located directly over a crawl space shall be permitted to be unprotected where complying with either of the following:

2.1 The crawl space not intended for storage or for the installation of fuel-fired or electric-powered heating appliances.

2.2 If the crawl space contains an a direct-vent sealed combustion appliance with forced draft exhaust; combustion air intake must terminate to the building exterior. Application of this exception requires installation of a Smoke Alarm in the crawl space in accordance with the requirement of Section R314 Smoke alarms, with the exception of R314.3 Location, and a Carbon Monoxide Alarm in accordance with the requirements of Section R315 Carbon Monoxide Alarms, with the exception of R315.3 Location.

R302.2.4 Structural Independence. Amend by deleting the phrase “one-hour fire resistance rated wall” and replacing it with “two-hour fire resistance rated wall unless sprinklered per NFPA 13D.”

R302.2.4 Structural Independence. Delete Exception #5 and replace with:

5. Townhouses separated by a common 2-hour fire resistance rated wall as provided in Section R302.2 or a 1-hour wall as provided in Section R302.2 and sprinklered per NFPA 13D.

R302.5.1 Opening Protection. Amend the second sentence by adding the words “self closing” before the words “solid wood doors.”

Table R302.6 Dwelling/Garage Separation. Amend by replacing all references to 1/2-inch material with references to 5/8-inch material.

R313 Automatic Fire Sprinkler Systems. Delete the entire section.

[R314.3 LOCATION. AMEND THE FIRST SENTENCE OF #3 TO READ:

3. ON EACH ADDITIONAL STORY OF THE DWELLING, INCLUDING BASEMENTS, HABITABLE ATTICS AND CRAWL SPACES BUT NOT INCLUDING UNINHABITABLE ATTICS.]

R316.5.4 Crawl Spaces. Add the following:

Exception: Foam plastics used in crawl space areas do not require thermal barrier provided the following conditions are met:

1. Entry to crawl space is only to serve utilities.
2. There are no interconnected basement areas.
3. Air to the crawl space is not circulated to other parts of the building.
4. Foam plastic does not exceed a 2-inch thickness and a 2.5 pounds per cubic foot nominal density.
5. Ventilation complying with section R408 is provided.
6. No gas-fired equipment is located in crawl space.

R401.1 Application. Add the following exception 3:

Wood foundations shall have a minimum 16-inch x 10-inch reinforced concrete footing.

R402.1.3 Restraint for Wood Foundations. Add a new subsection, R402.1.3 Restraint for Wood Foundations, to read:

Basement. A 4-inch thick concrete slab poured against the studs. If a wooden screed is used, it shall be pressure treated Douglas fir or hem fir.

Crawlspace.

Option 1: A minimum 5-inch wide by 4-inch deep concrete curb poured against the inside face of the studs. The kicker shall be reinforced with a continuous horizontal No. 3 reinforcing bar. If the kicker is not poured with the continuous concrete footing, it may be poured later provided vertical #3 reinforcing bars x 10 inches long shall be cast into the footing at 2 feet on center. They shall extend 2 inches above the top of the footing. The continuous #3 bar shall be secured to the vertical #3 bars.

Option 2: Installation of preservative treated 4" x 4"s with a minimum 1/2" x 12" galvanized anchor bolts at 24" O.C. installed in footing against the inside face of studs along the entire perimeter.

Exception: The above need not apply if a suitable alternate design is prepared by an engineer registered in the State of Alaska and is approved by the Building Official.

R402.1.4 Dampproofing for Wood Foundation Walls. Add a new subsection, R402.1.4 Dampproofing for Wood Foundation Walls, to read:

Approved dampproofing shall be applied over the below-grade portion of exterior basement and crawlspace walls prior to backfilling. A treated lumber or plywood strip shall be attached to the wall to cover the top edge of the approved dampproofing. The wood strip shall extend at least two (2) inches above and five (5) inches below finish grade level to protect the

approved dampproofing from exposure to light and from mechanical damage at or near grade. The joint between the strip and the wall shall be caulked full length prior to fastening the strip to the wall. Alternatively, brick, stucco, or other covering appropriate to the architectural treatment may be used in place of the wood strip. The approved dampproofing shall extend down to the bottom of the concrete footing.

R403.1.1 Minimum Size. Amend the third sentence to read:

All footings shall be at least 10 inches in thickness.

R403.1.3 Seismic Reinforcing. Revise the second paragraph first sentence by changing “4 feet” to “24 inches.”

R403.1.6 Foundation Anchorage. Amend by deleting the phrase “6 feet on center” and replacing it with “four feet on center.” Further amend by deleting the measure of “1/2 inch” and replacing it with “5/8 inch.”

R404.1.4 Seismic Design Category D₀, D₁ and D₂. Add Subsection 5 to read “minimum reinforcement shall consist of No. 4 horizontal bar placed at 24” on center for poured concrete walls and No. 5 horizontal bar placed at 48” on center for CMU walls.”

Revise Subsection 3 by deleting the word “plain.”

Revise Subsection 4 by changing the changing the number “3” to “5” and the words “4 feet” to “32 inches” and adding to the end of the paragraph “and minimum vertical reinforcement of one No. 4 bar located a maximum of 24 inches on center in poured concrete walls.”

R404.3 Wood Sill Plates. Delete the paragraph and substitute with the following:

Wood sill plates shall be minimum 2-inch x 6-inch and shall be bolted to the foundation or foundation wall with not less than ten (10) inch-long by five-eighths (5/8) inch nominal diameter galvanized steel bolts embedded at least seven (7) inches into the concrete or in fully grouted cells of reinforced masonry and spaced not more than four (4) feet zero (0) inches apart. There shall be a minimum of two bolts per piece with one bolt located within 12 inches of each end of each piece. Wood sill plates must be treated material specified in Section R323.1.

R702.3.5.1 Screw Fastening. Amend by adding the following sentence at the end of the paragraph:

Gypsum board shall be attached with screws. Nails are not allowed.

R806.1 Ventilation Required. Amend by adding the following sentence to the end of the paragraph:

A non-ventilated roof system may be allowed as an alternate method when its design is approved by the Building Official.

Section 2. Severability. That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall

be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	June 6, 2025



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Joe Fisher, Building Official

DATE: April 4, 2025

SUBJECT: **Ordinance No. 3466-2025 - Amending Kenai Municipal Code, Chapter 4.32 Residential Code, to Reinstate Provisions Related to Engineered Design and Location, Including Fire Code Protection on Floors Provisions of the 2021 International Residential Code.**

This memo supports the removal of the following Sections from Title 4-Uniform Codes, of the Kenai Municipal Code.

- 1) Remove Section 4.32.015 Subparagraph R301.1.3 Engineered Design. This subparagraph deals with non-prescriptive design.
- 2) Amend Section 4.32.015 by Adding Subparagraph R302.13 Fire Protection of Floors. This subparagraph deals with Under floor fire protection.
- 3) Remove Section 4.32.015 Subparagraph R314.3 Location. This subparagraph deals with location of Smoke and Carbon Dioxide Alarms.

Subparagraph R301.1.3 deletes the provision that allows structural elements exceeding the limits of the 2021 International Residential Code (IRC) to be designed in accordance with accepted engineering practice thus exceeding the limits of the IRC. Without this provision all houses and building built to the IRC could not exceed the design limitations of the IRC.

Subparagraph R302.13 amendment would allow an additional option for Fire Protection of floors. This additional option would allow Smoke and Carbon Monoxide Alarms as an alternative to fire protection of floors in crawlspaces when a sealed combustion heating appliance is installed in the crawl space. This is a practice is common in most of our neighboring jurisdictions.

Subparagraph R314.3 was an amendment that will fall under new subparagraph R302.13.

While this ordinance would eliminate two subparagraphs and add another subparagraph it does not reduce building safety. These amendments would however give our contractors and homeowners options.

Thank you for your consideration.



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3467-2025**

AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT RECEIVED THROUGH THE ALASKA ANIMAL CONTROL ASSOCIATION TO THE KENAI ANIMAL SHELTER FOR ATTENDANCE AT THE ALASKA ANIMAL CONTROL ASSOCIATION 2025 TRAINING CONFERENCE.

WHEREAS, the Kenai Animal Shelter received a grant through the Alaska Animal Control Association in the amount of \$400; and,

WHEREAS, the Alaska Animal Control Association is hosting a training conference in Anchorage in May of this year and the grant funds are designated to support staff attendance at the conference; and,

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

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

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

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

General Fund:

Increase Estimated Revenues –
Grants – Animal Control

\$400

Increase Appropriations –
Animal Control – Transportation

\$400

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 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

Ordinance No. 3467-2025

Page 2 of 2

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____



Introduced:

April 16, 2025

Enacted:

May 7, 2025

Effective:

May 7, 2025



KENAI

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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Terry Eubank, City Manager

FROM: David Ross, Police Chief

DATE: April 4, 2025

SUBJECT: **Ordinance No. 3467-2025 - Accepting and Appropriating a Grant Received Through the Alaska Animal Control Association to the Kenai Animal Shelter for Attendance at the Alaska Animal Control Association 2025 Training Conference.**

The Kenai Animal Shelter received a \$400 scholarship from the Alaska Animal Control Association to assist with attendance to the Alaska Animal Control Association 2025 Training Conference. The Conference will take place May 2nd-4th in Anchorage. There are two Animal Control staff scheduled to attend the conference.

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



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3468-2025**

AN ORDINANCE ACCEPTING AND APPROPRIATING A DONATION TO THE KENAI COMMUNITY LIBRARY FOR THE SUMMER READING PROGRAM 2025.

WHEREAS, the Kenai Community Library received a \$1,000 donation for general support from Derek Kaufman Fund, a Hilcorp donor advised fund of the Alaska Community Foundation; and,

WHEREAS, the funds will be used to enhance our Summer Reading Program; and,

WHEREAS, acceptance of these donations to further the mission of the Kenai Community Library 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 miscellaneous donations in the amount of \$1,000.

Section 2. That the following budget revision is authorized:

General Fund:

Increase Estimated Revenues –
Miscellaneous Donation

\$1,000

Increase Appropriations –
Library – Operating and Repair Supplies

\$1,000

Section 3. That the City Manager is authorized to expend these funds in line with the intentions of the donors and this ordinance.

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance:  _____

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	May 7, 2025



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Katja Wolfe, Library Director

DATE: April 8, 2025

SUBJECT: **Ordinance No. 3468-2025 - Accepting and Appropriating a Donation to the Kenai Community Library for the Summer Reading Program 2025.**

The Kenai Community Library received a donation of \$1,000 for general support from Derek Kaufman Fund, a Hilcorp donor advised fund of the Alaska Community Foundation. The donation will be used to support this year's Summer Reading Program, our biggest programs of the year.

We are deeply grateful for the continued support of our library!

Your consideration is appreciated.



Sponsored by: Council Member Douthit

**CITY OF KENAI
ORDINANCE NO. 3469-2025**

AN ORDINANCE AMENDING KMC 1.85.060-CONFLICTS OF INTEREST PROHIBITED, TO ALLOW MUNICIPAL OFFICERS AND CITY EMPLOYEES TO PARTICIPATE IN CERTAIN SALES OPEN TO THE PUBLIC THROUGH A PUBLIC PROCESS AND NARROWING THE EXISTING PROHIBITION ON PURCHASES TO PERSONAL PROPERTY ITEMS.

WHEREAS, in 2008, KMC 1.85.060-Conflicts of Interest Prohibited, was last amended by Ordinance 2319-2008, to include a prohibition prohibiting municipal officials and employees from acquiring surplus or unneeded property of the City; and,

WHEREAS, the available legislative history indicates the intent of Ordinance 2319-2008 related to prohibitions on acquiring City property, was to prohibit municipal officers and employees from bidding on items in the City's annual surplus auction, however the provision can be interpreted to prohibit municipal officers or employees from acquiring anything from the City whether it be personal or real property which is broader than necessary to protect the public interest and could have unnecessary adverse consequences; and,

WHEREAS, while it is in the City's best interest to have laws regarding conflicts of interest and ethics that hold government officers and employees responsible and provide transparency for the public, employees and municipal officers should not be prohibited from all arms-length transparent public sales made generally available to the public; and,

WHEREAS, the proposed amendment continues the prohibition against bidding in the City's annual surplus auction, and also strikes a reasonable balance by allowing municipal officers and employees to purchase real property from the City when offered to the general public in an arms-length transaction and the employee or officer has no information regarding the property or sales process that is not available to the general public.

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

Section 1. Amendment of Section of Kenai Municipal Code 1.85.060: That Kenai Municipal Code, Section 1.85.060, Conflicts of Interest Prohibited is hereby amended as follows:

1.85.060 Conflicts of Interest Prohibited.

- (a) A municipal officer, appointed commission member, or employee of the City of Kenai may not solicit or receive money for advice or assistance given in the course of their official duties for the City of Kenai.
- (b) A municipal officer, appointed commission member, or employee of the City of Kenai may not represent a client before the City Council for a fee. However, a commission member may represent a client before a commission or the City Council for a fee if it does not involve a matter that is/was before the member's commission.
- (c) A municipal officer, appointed commission member, or employee of the City of Kenai may not accept a gift, loan, gratuity, or other valuable consideration, or a promise of any of them, with the

understanding or agreement, expressed or implied, that he or she will cast a vote or given an opinion, decision, or judgment in a particular manner, in a matter, question, cause, or proceeding which then is or may by law come or be brought before him or her, or with the understanding or agreement that the officer or employee will, in his or her official capacity, act in a particular manner to produce or prevent a particular result.

- (d) No Council or commission member may vote on any question in which he or she has a substantial direct or indirect financial interest. Direct or indirect financial interests shall be disclosed to the presiding officer prior to a vote on the question and the presiding officer shall determine whether the financial interest exists and whether the prohibition from voting is applicable. A decision by the presiding officer may be overridden by a unanimous vote of the members present, exclusive, of the member presenting the possible conflict.

(1) Whether the direct or indirect financial interest is substantial shall be determined by the presiding officer on a case-by-case basis, with evaluation of these factors:

- (i) Whether the financial interest is a substantial part of the consideration;
- (ii) Whether the financial interest directly and substantially varies with the outcome of the official action;
- (iii) Whether the financial interest is immediate and known or conjectural and dependent on factors beyond the official action;
- (iv) Whether the financial or private interest is significant monetarily;
- (v) Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council or commission.

- (e) A municipal officer, commission member or employee of the City of Kenai may not use, or permit others to use, any property owned by the City for profit or personal use or benefit, except:

- (1) When available to the public generally, or to a class of residents, on the same terms and conditions;
- (2) When permitted by written personnel policies approved by the City of Kenai;
- (3) When, in the conduct of official business, used in a relatively minor way for personal convenience.

- (f) A municipal officer, commissioner or employee of the City of Kenai shall not take or participate in official action on matters, other than minor or routine issues, affecting a former employer for a period one (1) year from the date of termination of the prior employment.

- (g) A City employee may not participate in an official action in which he or she, or a member of his or her household, has a substantial financial interest.

- (h) A municipal officer, commissioner or employee of the City of Kenai who leaves municipal service may not for one (1) year after leaving municipal service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the City if the person participated personally and substantially in the matter through the exercise of official action. This restriction on employment after leaving municipal service does not prohibit the City from contracting with a former City employee, commissioner or municipal officer on a matter on behalf of the City. The City Council may waive application of this restriction by motion upon determination that a proposed action is not adverse to the public interest.

- (i) A municipal officer or employee of the City of Kenai is prohibited from bidding upon or otherwise obtaining any personal property items which [IS] are unneeded or surplus by the City. Municipal officers and employees may bid or propose on real property sales, or other interests in real property, when offered to the general public. A municipal officer or employee cannot acquire a real property interest through a negotiated sale or lease not available or advertised to the general public and my not acquire property in which they were in a position to obtain information not available to the general public with regard to the property itself or process of sale.
- (j) A current or former municipal officer, commissioner or employee may not disclose or use information gained in the course of, or by reason of, the person's official duties that could reasonably result in the receipt of any substantial personal or substantial financial benefit for the person or his or her immediate family member unless the information has also been disseminated to the public.
- (k) A current or former municipal officer, commissioner or employee may not use or disclose without appropriate authorization, information acquired in the course of official duties that is confidential.
- (l) If any section or provision of this ordinance is held to be contrary to law by a court of competent jurisdiction, that section or provision shall be deemed invalid. All other sections and provisions of this chapter shall continue in full force and effect.
- (m) The City Clerk shall cause a copy of this section to be distributed to every municipal officer, commissioner and employee of the City of Kenai within thirty (30) days after its enactment. Each municipal officer, commissioner and employee elected, appointed or engaged thereafter shall be furnished a copy before entering into the duties of his or her office or employment.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	April 16, 2025
Enacted:	May 7, 2025
Effective:	June 6, 2025



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Alex Douthit, Council Member

DATE: April 8, 2025

SUBJECT: **Ordinance 3469-2025 - Amending KMC 1.85.060-Conflicts of Interest Prohibited, to Allow Municipal Officers and City Employees to Participate in Certain Sales Open to the Public Through a Public Process and Narrowing the Existing Prohibition on Purchases to Personal Property Items.**

Kenai Municipal Code 1.85.060-Conflicts of Interest Prohibited, provides numerous limitations on municipal officials (Council members, Mayor, planning and zoning commission members, City Manager, Clerk and Attorney) and employees regarding their interactions with the City outside of the official purpose of their engagement with the City. It is in the City's best interest to have laws regarding conflicts of interest and ethics that hold government officers and employees responsible and provide transparency for the public. However, when KMC 1.85.060 was last amended in 2008 by Ordinance 2319-2008, new language was added that can be interpreted to be overly broad and have unnecessary consequences. The 2008 Ordinance added a new section that reads:

- (i) A municipal officer or employee of the City of Kenai is prohibited from bidding upon or otherwise obtaining any property which is unneeded or surplus by the City.

While the minutes from the meeting when the Ordinance was passed indicate the intent was to prohibit Kenai municipal employees and officials from bidding on items in the City's surplus auctions where unneeded personal property items are sold, ¹ the language can be interpreted to prohibit employees and officials from purchasing or acquiring anything from the City. This prohibition could include submitting sealed bids on real property offered to the public, participating in outcry auctions, or even buying retail items if the City sold them.

Recently the City held an outcry auction for residential property sold to the general public. The City has several new employees, even some that would have qualified for a veteran's discount like other participating veterans, that depending on how 1.85.060(i) is interpreted may not have been able to participate in the auction and build homes in the City on those lots, including employees who had nothing to do with the auction and had no advantage or information that was not available to the general public.

¹ See attached exert of June 18, 2008 meeting minutes related to subsection (i).

Other municipalities like the Kenai Peninsula Borough allow their employees and officers to purchase land offered by the municipality as long as it is an arms-length transaction and the person does not have special knowledge about the property or transaction. Borough code 17.10.120-Terms of a Land Sale, provides in relevant part:

F. Restrictions:

1. A person who is delinquent in the payment of any tax, debt or obligation owed to the borough may not buy, lease, or be authorized for any other use or disposition of borough land.
2. An employee of the Kenai Peninsula Borough is not eligible to acquire land by negotiated sale or negotiated lease.
3. An employee or contractor of the Kenai Peninsula Borough that was in a position to obtain information not available to the general public about the disposal process may not submit an application for a sealed bid sale held under 17.10.100(F) within the final 15 days of the offering period.

The proposed amendment narrows the scope of prohibitions in Kenai Code by continuing to prohibit participation of officials and employees in the City's annual surplus property auction or purchase of other personal property, but allows municipal officials and employees to participate in other sales or leases that are available to the general public, except when the property is through a negotiated sale not offered or advertised to the general public or the person was in a position to obtain information not available to the general public with regard to the property itself or process of sale.

The proposed amendment intends to continue to hold employees and officials responsible, provide transparency for the public, but not unnecessarily restrict employees and officials from purchasing City owned real property otherwise available for public purchase.

Your consideration is appreciated.



KENAI CITY COUNCIL MEETING
JUNE 18, 2008
PAGE 4

Council Member Molloy **MOVED** to amend the last sentence of subparagraph (h) (page 5 of packet), adding "by motion" between "restriction" and "upon." Council Member Ross **SECONDED** the motion.

VOTE ON AMENDMENT:

*Student Representative Johnson: Absent

Swarner	Yes	Smalley	Yes	Eldridge	Yes
Ross	Yes	Molloy	Yes	Boyle	Yes
Porter	Yes				

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Council Member Molloy **MOVED** to amend subparagraph (l) (page 6 of the packet) by deleting "or by action of the Alaska State Legislature" Council Member Boyle **SECONDED** the motion.

It was explained, new language could be drafted if the Legislature amends Title 29.

VOTE ON AMENDMENT:

*Student Representative Johnson: Absent

Swarner	Yes	Smalley	Yes	Eldridge	Yes
Ross	Yes	Molloy	Yes	Boyle	Yes
Porter	Yes				

MOTION PASSED UNANIMOUSLY.

*** MOTION TO AMEND:**

Council Member Ross **MOVED** to amend subparagraph (i) by deleting ", commissioner" after "A municipal officer" and by ending the sentence at ..."surplused by the city" adding a period and deleting the remaining portion of the paragraph. Council Member Swarner **SECONDED** the motion.

It was explained, there was some concern of unfair advantage if an employee would bid on a surplus items and the amendment would eliminate the city manager from making the decision of whether an employee had an advantage.

KENAI CITY COUNCIL MEETING
JUNE 18, 2008
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Note: The motion to amend was changed, with the consent of the second, to include the removal of ", commissioner" after a brief discussion of concern how such a restriction from commissioners bidding on surplus equipment/item would be policed.

VOTE ON AMENDMENT:

*Student Representative Johnson: Absent

Swarner	Yes	Smalley	Yes	Eldridge	Yes
Ross	Yes	Molloy	Yes	Boyle	Yes
Porter	Yes				

MOTION PASSED UNANIMOUSLY.

Council Member Molloy requested that if a future amendment is made to the ordinance with regard to the Legislature, to also include a definition of what is "confidential."

VOTE ON MAIN MOTION AS AMENDED:

*Student Representative Johnson: Absent

Swarner	Yes	Smalley	Yes	Eldridge	Yes
Ross	Yes	Molloy	Yes	Boyle	Yes
Porter	Yes				

MOTION PASSED UNANIMOUSLY.

E-3. Ordinance No. 2320-2008 -- Amending KMC 1.90.030 to Permit Appointment of Up to Two Members to Certain Advisory Boards, Commissions or Committees Who are Non-Residents of the City of Kenai Providing They Work at Least One-Half Time Within the City.

MOTION:

Council Member Molloy **MOVED** to enact Ordinance No. 2320-2008 and Council Member Eldridge **SECONDED** the motion.

The floor was opened for public hearing. There being no one wishing to be heard, the public hearing was closed. Council discussion followed during which concerns were expressed with the addition of "up to two" non-residents on a commission/committee would allow a majority of members to be non-residents.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2025-27**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES FOR A UTILITY EASEMENT FOR THE CITY WATER MAIN.

WHEREAS, the City of Kenai entered into a Lease Agreement with the State of Alaska Department of Natural Resources Division of Lands on March 11, 1971 to lease 4.13 acres of land described as T 6N R 11W Sec 35 Seward Meridian KN 0860072 Alaska State Land Survey 84-157 Tract A (KBP Parcel 04103040); and,

WHEREAS, the lease is expiring on March 10, 2026; and,

WHEREAS, the City constructed, operated, and subsequently decommissioned Well House 1 between 1971 and 2023; and,

WHEREAS, the City deconstructed the former Well House 1 and removed all above ground structures from the site in 2023; and,

WHEREAS, the City no longer needs access to the full 4.13-acre parcel; and,

WHEREAS, the City requires a utility easement to allow for monitoring, maintenance, and repairs to the water main remaining along the northern boundary of the parcel; and,

WHEREAS, it is in the best interest of the City to obtain an easement from the State of Alaska Department of Natural Resources to monitor, maintain, and repair water utility infrastructure in perpetuity or until such time that the proposed easement is no longer needed by 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 enter into an agreement for a utility easement on KPB Parcel 04103040 as shown on the attached map.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

THROUGH: Kevin Buettner, Planning Director

FROM: Brandon McElrea, Planning Technician

DATE: April 9, 2025

SUBJECT: **Resolution 2025-27 - Authorizing the City Manager to Enter Into an Agreement with the State of Alaska Department of Natural Resources for a Utility Easement for the City Water Main.**

The City of Kenai (City) currently leases an approximately 4.13-acre parcel from the State of Alaska Department of Natural Resources (DNR) which is the former site of the City water wellhouse 1 facility. The wellhouse facility was removed in 2023, with the exception of the City water main. The current lease expires March 10, 2026 and, as the parcel is no longer needed for the original use, will not be renewed. However, after the termination of the current lease the Public Works Department will require access to the section of land on which the water main resides in order to perform monitoring, maintenance and repair. This easement will be in place in perpetuity, or until such a time as the City relocates the water main, and will come at no cost to the City, per DNR.

This Resolution authorizes the City Manager to enter into an Easement Agreement with DNR, in perpetuity, or until such time that the proposed easement is no longer needed by the City.

Thank you for your consideration.

Attachments

Application Packet

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Division of Mining, Land and Water

APPLICATION FOR EASEMENT
AS 38.05.850

ADL# _____
 (to be filled in by State)

Applications that are submitted with unfilled sections or inadequate explanation and/or without application fees, a location figure and/or a completed Division of Mining, Land and Water (DMLW) Environmental Risk Questionnaire will be deemed incomplete. Incomplete applications will be returned without review. See DMLW's current fee regulations (11 AAC 05) and associated Director's Fee Order for applicable non-refundable fee amounts. The filing of an application does not guarantee processing or approval of the requested authorization.

Applicant: City of Kenai Doing Business As: City of Kenai
 Agent: (if applicable; attach record of authorization to represent) Terry Eubank, City Manager
 Mailing Address: 210 Fidalgo Avenue Email: planning@kenai.city
 City/State/Zip: Kenai, AK 99611
 Primary Phone: (907)283-8200 Alternate Phone: (907)283-8236
 General Location: Mile 7.5 Kenai Spur Highway Municipality: City of Kenai
 Section(s): 35 Township: 6 North Range: 11 West Meridian: Seward
 Section(s): _____ Township: _____ Range: _____ Meridian: _____

Attach a location figure, plan drawing or survey that shows the detailed location of the requested easement in relation to adjoining property boundaries and reference points. All features must be labeled.

Dimensions requested (Complete line 1 for a lineal easement or line 2 for an easement with an irregular shape):

1. Length: (feet) 785.75 Width: (feet) 50
2. Area: _____ Are units in ☐ square feet or ☐ acres? (check one)

Term requested and rationale: In Perpetuity - City of Kenai water main section

Are you applying for a ☐ public or a ☒ private easement? (check one) Rationale:

City water main location. City personell are the only ones needing access for maintenance or upgrades of utility.

Development plan summary/specific purpose of easement: (e.g., electric utility, fiber-optic cable, road, bridge, airstrip/airport, driveway, trail, drainage). This information will be used to determine the scope of use of the easement.

A wellhouse and water main were installed on the subject parcel in 1970 while under lease by City of Kenai from DNR. The wellhouse has since been removed, leaving the City water main. The lease expires March 10, 2026 and the City does not intend to renew the lease, but requests an easement for the existing water main.

Is this an existing use? ☒ Yes ☐ No. If yes, explain extent and duration of use to date:

The water main was installed in 1970, upgraded and modified in 1978, and remains the in place as of the date of this request. Land initially leased by City of Kenai for site of wellhouse. Wellhouse since removed. Lease expires March 10, 2026.

Describe plans for initial construction. Be detailed. Include a list of authorizations for portions of the project that are proposed for construction on adjoining lands, other permitting, and/or third-party non-objections: (Use extra sheets as needed)

Initial water main installation took place in 1970, system upgraded in 1978. See attached Asbuilts.

Anticipated construction timeframe: All construction complete since 1970.

If this authorization is granted, I agree to construct and maintain the authorized improvements in an acceptable manner, and to keep the area in a neat and sanitary condition; to comply with all the laws, rules, and regulations pertaining thereto; and provided further that upon termination of the easement for which application is being made, I agree to remove or relocate the improvements and restore the area without cost to the State and to the satisfaction of DMLW.

Applicant's Signature _____ Date: _____

This form must be filled out completely and submitted with the applicable fees. Failure to do so will result in a delay in processing. AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, AS 43.05.230, or AS 45.48). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.

In submitting this form, the applicant certifies that he or she has not changed the original text of the form or any attached documents provided by the Division. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original.

For Department Use Only
Application received date stamp

Receipt Types:

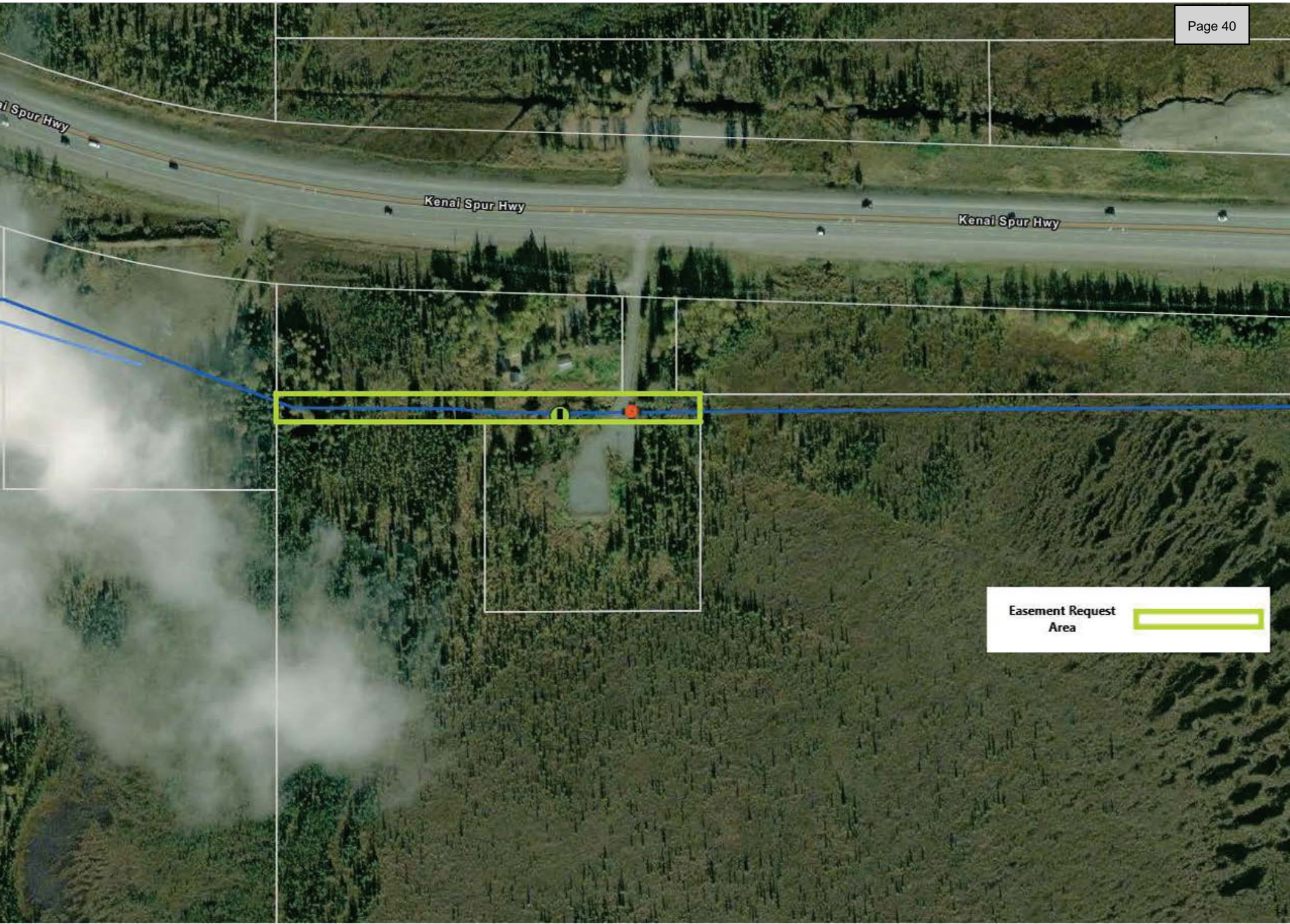
- ☐ 13A Pipeline Easement
☐ 13 Other Easement

ADL # _____

Easement Application Form 102-112 (Rev. 09/23)

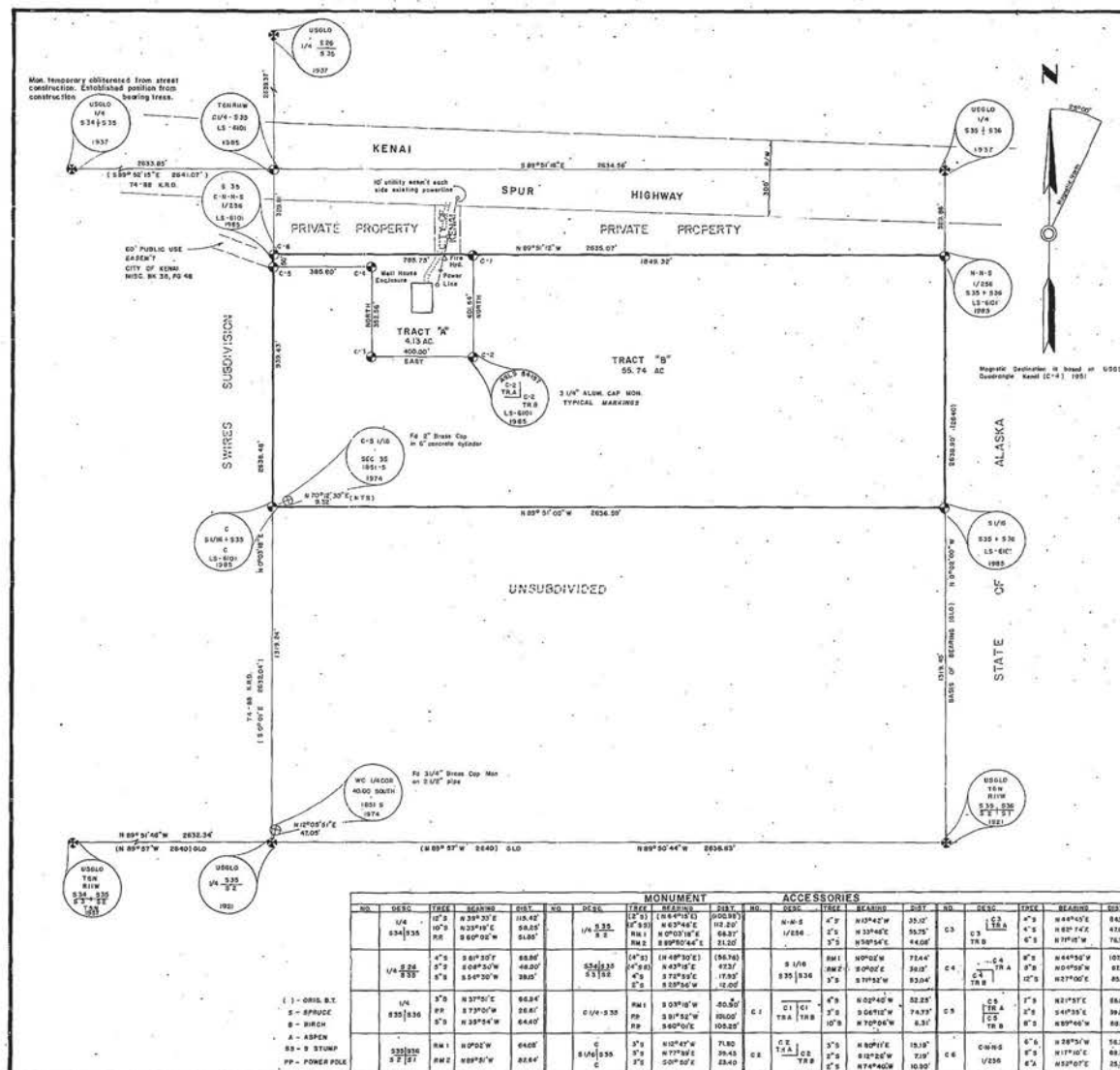
Page 2 of 2





Easement Request
Area





CERTIFICATE OF OWNERSHIP AND DEDICATION

I, the undersigned, hereby certify that I am the Director, Division of Geological & Geophysical Surveys, and that the State of Alaska is owner of ASLS 84-157 as shown herein. I hereby approve this survey and plat for the State of Alaska, and dedicate for public or private use as noted, all easements, public utility areas, and rights of way as shown and described herein.

DATE April 15, 1961 (Don L. Schaff)
DIRECTOR,
DIVISION OF GEOLOGICAL & GEOPHYSICAL SURVEY

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this
16th day of April 1988
For _____
_____ *John W. Schaff*
NOTARY FOR THE STATE OF ALASKA
My commission expires 11-28-88

CERTIFICATE OF LESSEE

I, hereby certify that the City of Kani is the lessee for
Tract A shown herein and that I hereby approve this plan
for the City of Kani.


 AUTHORIZED OFFICIAL

2-14-8
 DATE




NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this
14th day of February, 1986
for William J. Brighton
Deane M. Gerslauer
NOTARY FOR THE STATE OF ALASKA
My commission expires 8-9-89

NOTES

- 1) This survey was accomplished in accordance with Special Survey Instruction No. B4-157
- 2) All bearings shown are true bearings as oriented to the State of Bearing. Distances shown are reduced to horizontal flat distances.
- 3) The accuracy of this survey is greater than HSGO00
- 4) All parcels of land owned by the State of Alaska, located within fifty (50) feet of, or bordered by surveyor section line, are subject to a fifty (50) foot encroachment, such as a driveway, fence, well, which is related to the State of Alaska for public highways under AS 15.10.010.
- 5) A setback of 50' is required from all street right-of-way unless a lesser setback is approved by resolution of the appropriate planning commission.
- 6) Primary monuments consist of 2" x 30" aluminum pins with a 3/4" aluminum cap.
- 7) No structures permitted within prohibited portion of

LEGEND

- | | |
|---|--------------------------------------|
|  | G.I.O.-S.I.M. MONUMENT RECOVERED |
|  | PRIMARY ALUMINUM CAP MONUMENT SET |
|  | PRIMARY BRASS CAP MONUMENT RECOVERED |
| --- | UNSURVEYED |
| --- | SURVEYED |
| () | RECORD <i>46-72</i> |



SURVEYOR'S CERTIFICATE

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

DATE Feb 14 1966 REGISTRATION NUMBER LS-6101



PLAT APPROVAL

This plot was approved by the Keno Peninsula Borough Planning Commission at the meeting of
Nov. 18, 1985
KENAI PENINSULA BOROUGH

BY: Richard O. Trough
AUTHORIZED OFFICIAL

SELECTION INFORMATION

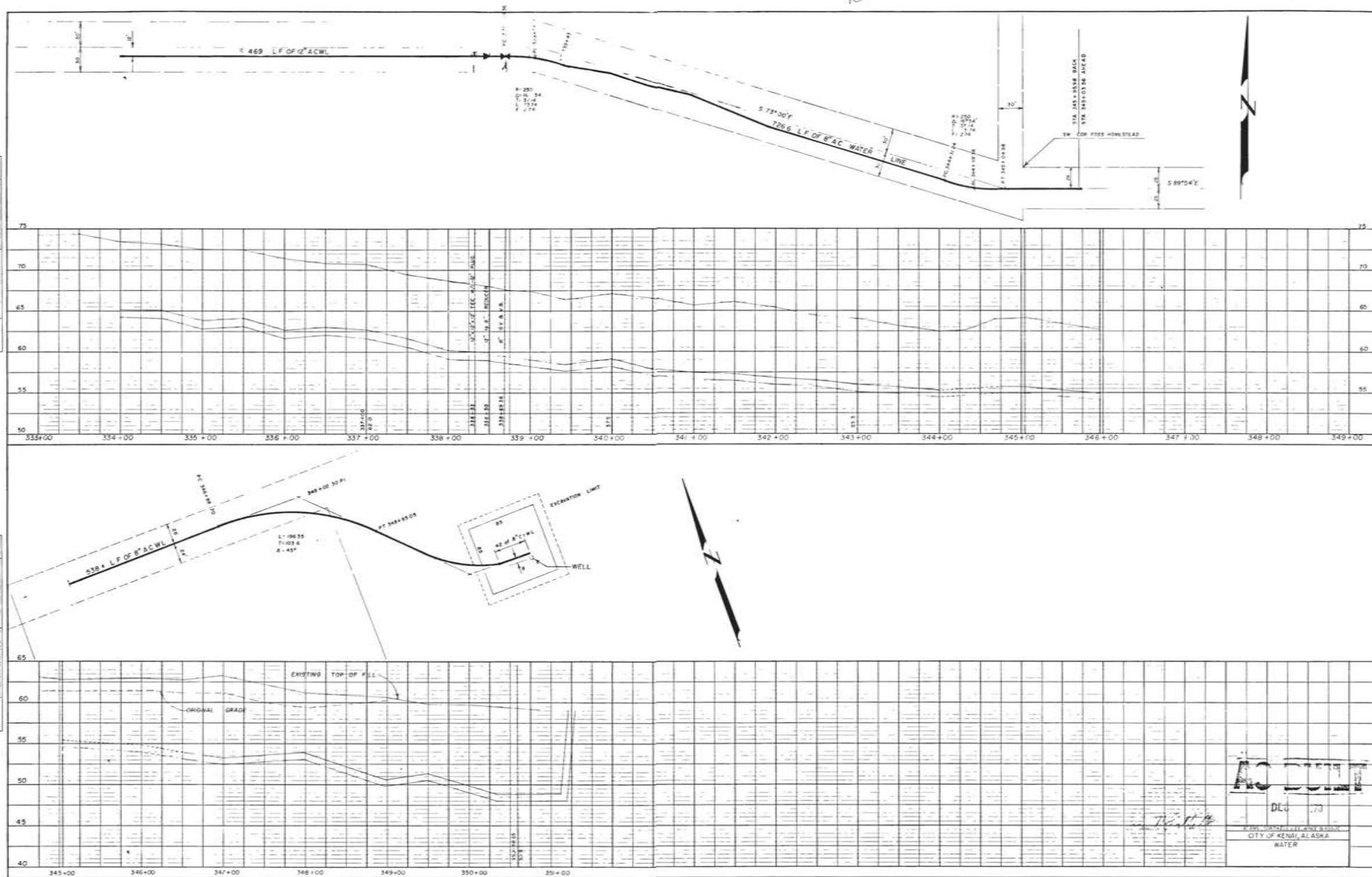
Mental Health 25
Tentative Approval dated 7-2-63



1 INCHER = 3.2808333 US FEET.		1 US ACRE = 0.4047 HECTARE	
DATE OF SURVEY		NAME OF SURVEYOR	
Beginning October 1995		DOWLING-RICE & ASSOC.	
Ending		1555 South West DOWLING, Alaska 99669	
STATE OF ALASKA			
DEPARTMENT OF NATURAL RESOURCES			
DIVISION OF GEOLOGICAL & GEOPHYSICAL SURVEYS			
ANCHORAGE, ALASKA			
ALASKA STATE LAND SURVEY NO. 84-118			
LOCATED WITHIN			
SE 1/4 SECTION 35, TOWNSHIP 6 NORTH, RANGE 11 WEST			
SEWARD MERIDIAN, ALASKA			
CITY OF KENAI			
1987-1988			
DRAWN BY		APPROVAL, RECOMMENDATION	
DATE 1/2/98		DATE 1/2/98	
BY CHAS. L. RICE		BY CHAS. L. RICE	
FILE NO.		FILE NO.	

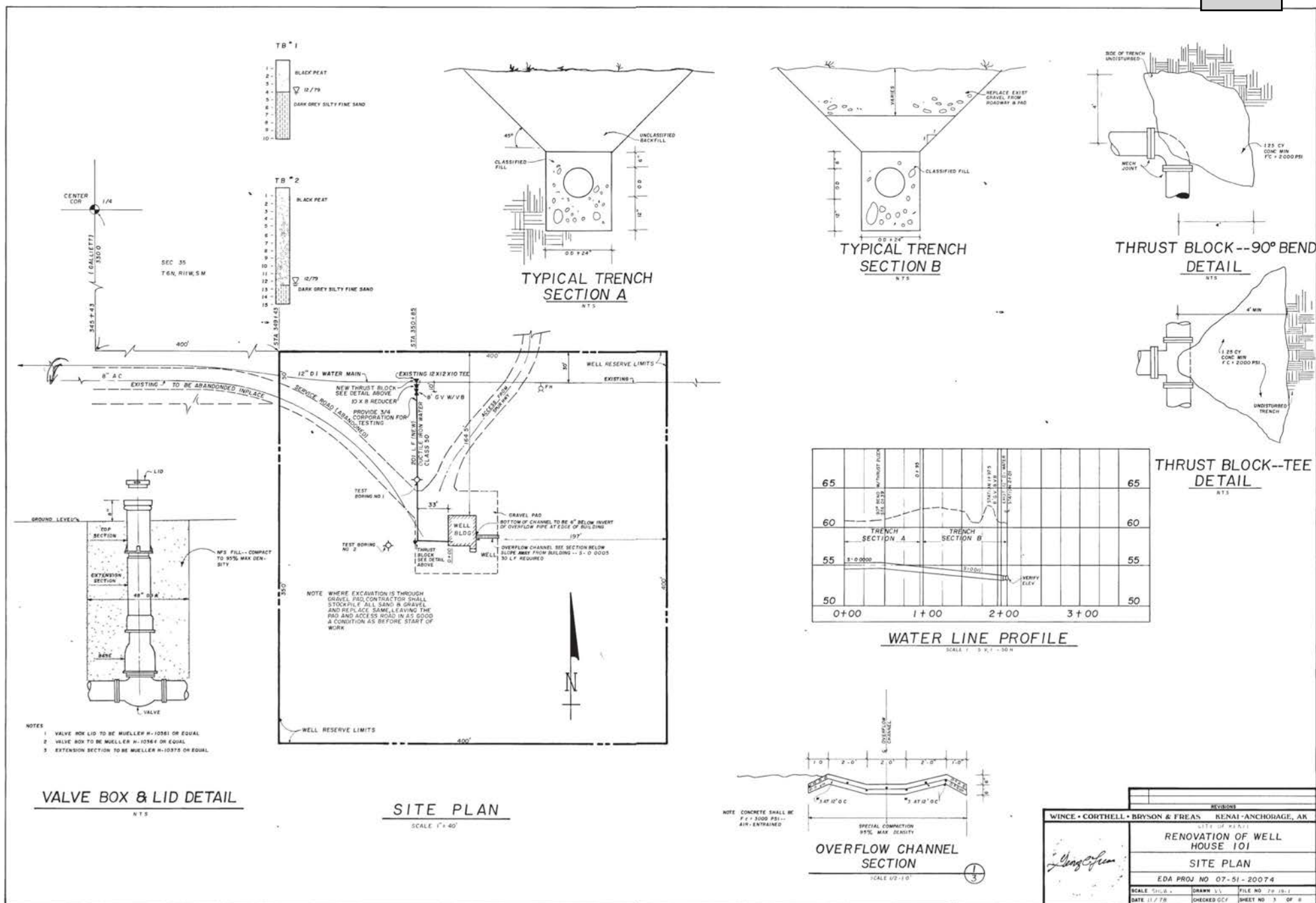
PLAN	DATE
DESIGNED BY	
CHECKED BY	
IN CHARGE BY	
DATE	

PROFILE	DATE
DESIGNED BY	
CHECKED BY	
IN CHARGE BY	
DATE	



K-E PLATE 2 PLAN PROFILE

SHEET 9 OF 15







Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2025-28**

A RESOLUTION AUTHORIZING CONTRACT AWARDS FOR PURCHASE OF WATER AND WASTEWATER CHEMICALS.

WHEREAS, an Invitation to Bid was released on April 1, 2025 with bids due on April 16, 2025 for the Water and Wastewater Chemicals; and,

WHEREAS, three bids were received

<u>Vendor</u>	<u>Bid Price</u>
Brenntag Pacific, Inc.	\$87,400.35 (water and wastewater chemicals)
Univar Solution, USA LLC	\$99,997.00 (water and wastewater chemicals)
PolyDyne, Inc.	\$53,360.00 (wastewater polymer only); and,

WHEREAS, Brenntag Pacific, Inc. was the lowest bid for the water and wastewater chemicals at \$87,400.35; and,

WHEREAS, Polydyne, Inc. was the lowest bid for the wastewater polymer at \$53,360.00; and,

WHEREAS, the bids were determined to be responsive and responsible; and,

WHEREAS, it is in the best interest of the City to award the contracts to Brenntag Pacific, Inc. and Polydyne, Inc.

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 contract with Brenntag Pacific, Inc. in the amount of \$87,400.35 for water and wastewater chemicals and with PolyDyne, Inc. for \$53,360.00 for wastewater polymer.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____

DS



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Lee Frey, Public Works Director

DATE: April 29, 2025

SUBJECT: **Resolution No. 2025-28 - Authorizing Contract Awards for Purchase of Water and Wastewater Chemicals.**

This memo requests Council's approval to award contracts for water and wastewater chemicals for Brenntag Pacific, Inc. and for wastewater polymer to Polydyne, Inc. The project was released for bidding and three bids were received. Bids received are as follows:

<u>Vendor</u>	<u>Bid Price</u>
Brenntag Pacific, Inc.	\$87,400.35 (water and wastewater chemicals)
Univar Solution, USA LLC	\$99,997.00 (water and wastewater chemicals)
PolyDyne Inc.	\$53,360.00 (wastewater polymer only)

Brenntag Pacific, Inc. was the low bidder for the sodium hypochlorite, sodium bisulfite, and hydrated lime with a total cost of \$87,400.35 and Polydyne, Inc. was the low bidder for the emulsion polymer with a total cost of \$53,360.00.

The chemicals are used for treatment processes at the water and wastewater treatment plants.

Award of this agreement is in the best interest of the City. Council's approval is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2025-29**

A RESOLUTION AUTHORIZING CONTRACT AWARD FOR ALIAK STORM WATER REHAB DESIGN.

WHEREAS, a Request for Proposals was released on March 20, 2025 with proposals due on April 17, 2025 for the Aliak Storm Water Rehab Design; and,

WHEREAS, three proposal were received

<u>Consultant</u>	<u>Total Score</u>
Bell & Associates	257
McLane Consulting Inc.	256
Nelson Engineering, PC	244; and,

WHEREAS, Bell & Associates was the highest ranking proposal with a cost of \$32,920; and,

WHEREAS, the proposals were determined to be responsive and responsible; and,

WHEREAS, the Aliak design project will develop construction documents to repair the road and infrastructure associated with the existing failing storm water system; and,

WHEREAS, it is in the best interest of the City to award the contract to Bell & Associates.

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 contract with Bell & Associates in the amount of \$32,920 for Aliak Storm Water Rehab Design.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Lee Frey, Public Works Director

DATE: April 30, 2025

SUBJECT: Resolution No. 2025-29 - Authorizing a Contract Award for Aliak Storm Water Rehab Design.

This memo requests Council's approval to award a contract for design of Aliak Street Storm Water Rehabilitation to Bell & Associates. The project was released for proposals and three proposals were received. Proposals were reviewed and scored by an evaluation committee and scores are as follows:

<u>Consultant</u>	<u>Total Score</u>
Bell & Associates	257
McLane Consulting Inc.	256
Nelson Engineering, PC	244

Bell & Associates was the highest ranking proposer for the project with an associated cost of \$32,920.

The Aliak Storm Water Rehab Design project will design removal of the failing storm water lines under the road, installation of alternate drainage infrastructure and repaving of the road.

Award of this agreement is in the best interest of the City. Council's approval is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2025-30**

A RESOLUTION APPROVING AMENDMENTS TO THE AGREEMENT FOR CONTRACT SERVICES FOR VINTAGE POINTE MANOR CONGREGATE HOUSING.

WHEREAS, the City entered into an agreement with William Sadler to provide on-site facility management services for Vintage Pointe Manor Congregate Housing for two years and nine months with an expiration date of June 30, 2024; and,

WHEREAS, the agreement allows for two one-year extensions of the agreement by mutual consent of the parties; and,

WHEREAS, Mr. Sadler and Administration agreed to extend the Agreement for services from July 1, 2024 to June 30, 2025 with an increase of approximately five percent to continue providing on-site services at Vintage Pointe Manor due to escalating supply costs which are provided at the contractor's expense; and,

WHEREAS, Mr. Sadler and Administration agreed to extend the Agreement for services for one final year from July 1, 2025 to June 30, 2026 with an increase of \$1.50 to the hourly rate for additional and/or emergency services; and,

WHEREAS, Mr. Sadler has performed well under the contract and it is in the best interest of the City to approve the extension and cost related amendment and authorize the City Manager to approve the final one-year extension at the City Manager's discretion.

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

Section 1. That the Second Amendment to Agreement for Services attached hereto, extending the Agreement to provide on-site facility management services for Vintage Pointe Manor Congregate Housing and increasing the hourly rate of \$1.50 for additional and/or emergency services is approved for execution by the City Manager, and the City Manager is authorized to execute the final one-year extension at the City Manager's discretion.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____

SECOND AMENDMENT TO AGREEMENT FOR SERVICES

This Second Amendment to Agreement for Services is between the City of Kenai (Owner), whose address is 210 Fidalgo, Kenai, AK 99611 and William Sadler (Contractor), whose address is 381 Senior Ct., Apt. 106, Alaska 99611.

WITNESSETH:

WHEREAS, Owner and Contractor entered into an Agreement for Services effective October 1, 2021, for an initial three-year period, to provide on-site facility management services for the Vintage Pointe Manor Congregate Housing Facility, owned by the City of Kenai; and,

WHEREAS, Owner and Contractor agreed to extend the Agreement for services for one year from July 1, 2024 to June 30, 2025, with an increase of 5% of the base rate for an annual base amount of \$72,664 plus overhead and profit for materials and supplies other than those regular maintenance tasks at 18% and an hourly rate for additional and/or emergency service at \$31.00 per hour; and,

WHEREAS, Owner and Contractor both desire to extend the Agreement for one final year as permitted in the Agreement; and,

WHEREAS, Section 19 of the Agreement allows for mutual modifications in writing.

NOW THEREFORE, the parties agree as follows:

1. Paragraph 1 of the Agreement is amended to extend the term of the Agreement for one (1) year from July 1, 2025, to June 30, 2026, unless terminated earlier as provided in the Agreement.

2. Paragraph 1 of the agreement is further amended by changing the last sentence in the paragraph to read:

Contractor shall be paid an annual sum beginning July 1, 2025 of \$72,664 for maintenance manager services including purchase of materials and supplies for regular maintenance tasks, plus overhead and profit for materials and supplies other than those regular maintenance tasks at a rate of 18%, plus an hourly rate of \$32.50 for additional and/or emergency services.

3. All other terms and conditions of the Agreement for Services remain in full force and effect except as expressly modified or stated herein.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Agreement for Services the day and year set forth below.

CITY OF KENAI

By: _____

Terry Eubank

Its: City Manager

CONTRACTOR

By: _____

William Sadler

STATE OF ALASKA)
) ss.
 THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Terry Eubank, City Manager of the City of Kenai, an Alaska municipal corporation, on behalf of the City.

 NOTARY PUBLIC for State of Alaska
 My Commission Expires: _____

STATE OF ALASKA)
) ss.
 THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by William Sadler.

 NOTARY PUBLIC for State of Alaska
 My Commission Expires: _____

Approved as to form:

 Scott M. Bloom
 City Attorney



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: Terry Eubank, City Manager

FROM: Kathy Romain, Senior Center Director

DATE: April 29, 2025

SUBJECT: **Resolution No. 2025-30 - Approving Amendments to the Agreement for Contract Services for Vintage Pointe Manor Congregate Housing.**

The current contract for Vintage Pointe Manor is a two-year, nine-month agreement with William Sadler, expiring on June 30, 2024. The contract includes the option for two one-year extensions by mutual consent.

The first one-year extension, covering July 1, 2024, through June 30, 2025, was negotiated between Mr. Sadler and Administration and approved by Council on April 17, 2024 through Resolution 2024-15.

Section 19 of the agreement allows for mutual modifications. Mr. Sadler was the sole bidder in the 2021 Request for Proposal (RFP) for Vintage Pointe Maintenance. Throughout his tenure, he has maintained a strong working relationship with the City and consistently earns a 100% approval rating from residents.

The final one-year extension, covering July 1, 2025, to June 30, 2026, has been negotiated and includes a \$1.50 hourly rate increase for additional and/or emergency services.

I respectfully request approval of Resolution 2025-30, authorizing the second and final one-year extension of the contract for services at the Vintage Pointe Manor Congregate Housing Facility and granting the City Manager discretion to execute the extension.

Thank you for your consideration.



Sponsored by: City Clerk

**CITY OF KENAI
RESOLUTION NO. 2025-31**

A RESOLUTION AMENDING THE KENAI MUNICIPAL CEMETERY REGULATIONS AND FEE SCHEDULE POLICY NUMBERING IT PRK-70.001, REVISING MARKER AND HEADSTONE REGULATIONS AND MAKING OTHER HOUSEKEEPING AMENDMENTS.

WHEREAS, the current Kenai Municipal Cemetery Regulations Policy was adopted via Ordinance 3293-2022; and,

WHEREAS, numbering this policy as Policy No. PRK-70.001 supports the City's ongoing effort to maintain an organized policy structure; and,

WHEREAS, the ongoing Cemetery headstone audit has identified a need for clarification in the Marker and Headstone section of the policy to ensure the regulations reflect standard headstone placement practices; and,

WHEREAS, the proposed amendments clarify the permitted number and placement of markers allowed on individual plots or across adjoining plots; and,

WHEREAS, including a new requirement that names and dates either be deeply engraved or raised in high relief to ensure the long-term legibility of inscriptions; and,

WHEREAS, other housekeeping amendments establish consistent terminology throughout the policy; and,

WHEREAS, the Parks & Recreation Commission recommended approval at their May 1, 2025 Regular Meeting.

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

Section 1. That City Council Policy PRK-70.001 Kenai Municipal Cemetery as amended and attached is hereby adopted.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 7TH DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

**CITY OF KENAI
PRK – 70.001
KENAI MUNICIPAL CEMETERY REGULATIONS**

Approved by:
City Council

PRK – 70.001 KENAI MUNICIPAL CEMETERY REGULATIONS

Purpose

The City of Kenai has ordinances and regulations in place for the administration of the Kenai Municipal Cemetery. These regulations apply to all persons utilizing the Kenai Municipal Cemetery. This document has been prepared as an informational guide and is not inclusive of all ordinances and regulations.

The Kenai City Clerk is charged with administration and maintains necessary records required by the State to ensure continuity in the operation of the cemetery. The Parks and Recreation Director enforces all cemetery regulations.

Administration and General Provisions

Hours of Operation: The Kenai Municipal Cemetery is open year-round for pedestrian traffic. No person shall enter the Kenai Municipal Cemetery except through the established access routes. Summer/Winter hours when vehicle access is permitted are as follows:

1. Summer Hours – 6:00 a.m. to 10:00 p.m. from May 1st to September 30th
2. Winter Hours – Closed from October 1st to April 30th

Fees: All fees shall be as set forth in the City's schedule of fees adopted by the City Council. The purchase of interment [SPACES] locations, interment services or required deposits shall be made through the City Clerk or a professional service provider licensed by the State of Alaska and authorized by the City. At the time of purchase of an interment [SPACE] location, a designated interment [SPACE] location will be assigned upon receipt payment.

Re-sell or re-assign: It is prohibited for the purchaser of an interment [SPACE] location to re-sell or re-assign except to the City.

Records: The City Clerk shall maintain all records of interment or disinterment within the Kenai Municipal Cemetery. The record shall include all files, maps and [BURIAL] records [of interment and inurnment](#).

Interment and Disinterment

All interment or disinterment's shall be made in compliance with the laws and regulations of the City of Kenai and State of Alaska.

The City Clerk shall be provided with the appropriate State burial-transit permits before interment will be permitted; a burial-transit permit is not required when interring cremains. [THE BURIAL PLOTS] [Interment plots](#) can be used for no other purpose than interment of human remains and

**CITY OF KENAI
PRK – 70.001
KENAI MUNICIPAL CEMETERY REGULATIONS**

Approved by:
City Council

cremains plots or columbarium niches can be used for no other purpose but inurnment of human remains.

Interment **[SPACE]** [Location](#) Specifications: One (1) casket and up to two (2) cremains may be interred in a standard or infant plot. Up to three (3) cremains may be buried in a standard or infant plot. Only one (1) cremains may be inurned in a cremains plot. Up to two cremains may be inurned in a standard columbarium niche. (Inner Niche dimensions 12" x 12".)

All columbarium niche openings and closings shall be overseen by the City and under the supervision of the Parks and Recreation Director or designee. A niche may be opened only at the request of the niche owner as listed in the cemetery records or as determined by the City Clerk. The initial opening and closing (inurnment) of the niche is included in the original cost of the niche. Additional openings and closings thereafter, for a second **[INTERMENT]** [inurnment](#) or for other reasons are charged at a rate pursuant to the City's Schedule of Rates, Charges and Fees.

All plot preparations for interments or disinterment's shall be overseen by the City and under the supervision of the Parks and Recreation Director or designee. Opening and closing of **[GRAVES]** [interment plots](#) shall be conducted by a professional licensed by the State of Alaska and authorized by the City to provide interment services within the Kenai Municipal Cemetery.

Maintenance and Landscaping

The City of Kenai shall take reasonable precaution to protect all interment markers within the Kenai Municipal Cemetery from loss or damage but expressly disclaims any responsibility for loss or damage from causes beyond such reasonable precautions. Damages incurred directly or collaterally and caused by or resulting from thieves, vandals, malicious mischief, natural disaster or unavoidable accidents shall be excluded from the City of Kenai's responsibilities.

The City will, if able to, clear a path to the interment **[SITE]** [location](#) when an interment is scheduled during winter months; however, the City reserves the right to suspend interment services due to high snow levels, other severe weather conditions or natural disasters.

Plants and Decorations

Prohibited:

- Enclosures such as picket fences or establishing a perimeter around an interment **[SITE]** [location](#) are prohibited.
- Planting of trees, shrubbery, plants or turf within the Kenai Municipal Cemetery is prohibited.
- Attaching decorations to trees, shrubs or fences is prohibited.

CITY OF KENAI
PRK – 70.001
KENAI MUNICIPAL CEMETERY REGULATIONS

Approved by:
City Council

Permitted:

- Boxes, shelves, toys and other such articles upon an [\[GRAVE OR BURIAL LOT\]](#) [interment location](#) shall be permitted only if contained within the plot and maintained monthly (April 1 through September 30). Articles that are not maintained, impede maintenance efforts, or become unsightly will be removed and discarded without prior notice at the discretion of the Parks and Recreation Director or designee.
- Plastic or silk flowers and artificial decorations are permitted.
- All decorations (except those on [\[BURIALS\]](#) [interments](#) less than thirty (30) days) will be removed during a selected Saturday in the month of May each year during the annual cemetery clean up. A twenty (20) day notice will be posted at the cemetery. Family and friends may either remove their properly placed decorations before Saturday's clean up and replace them later, or request the cemetery not to remove their properly placed decorations by calling or writing the Parks and Recreation Director. A final cleanup of the cemetery will also occur in late September.
- A professional licensed by the State of Alaska and authorized by the City may provide, place and remove greens, decorations or seating used for an interment service and must provide necessary lowering devices.

Plants, flowers, decorations, or articles not otherwise removed by the deadlines or regulations set forth herein, or that have become withered or discolored, will be removed by the Parks and Recreation Director or designee without prior notice. The cemetery is not responsible for damage or liable for the return of such items.

No material shall be allowed to remain in the Kenai Municipal Cemetery longer than is reasonably necessary for any construction work. During periods of break-up, no heavy hauling will be permitted. Within one (1) year of interment, [\[GRAVES\]](#) [plots](#) shall be restored to ground level and re-seeded.

Marker and Headstones

[\[NO MORE THAN ONE \(1\) MARKER OR HEADSTONE PER PLOT SHALL BE ALLOWED. ALL MARKER OR HEADSTONE PLACEMENT AND REMOVALS SHALL BE OVERSEEN BY THE CITY UNDER THE SUPERVISION OF THE PARKS AND RECREATION DIRECTOR OR DESIGNEE. UPRIGHT MARKERS OR HEADSTONES SHALL ONLY BE ALLOWED IN SPECIFIC DESIGNATED AREAS, ALL OTHER AREAS SHALL BE MARKED WITH FLAT MARKERS OR HEADSTONES THAT ARE FLUSH WITH THE GROUND AND ARE MAINTAINED WITHIN THE FOOT PRINT OF THE PLOT. MARKERS SHALL BE CONSTRUCTED OF MATERIALS THAT WILL NOT DECAY, ROT OR DECOMPOSE. EXAMPLES ARE HARD STONE, CONCRETE OR HARD METALS.\]](#)

[THE CITY WILL ATTEMPT TO REASONABLY ACCOMMODATE ANY RELIGIOUS PRACTICES THAT MAKE CONFORMANCE WITH THE BELOW REQUIREMENTS IMPOSSIBLE.\]](#)

CITY OF KENAI
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Approved by:
City Council

All marker or headstone placement and removals shall be overseen by the City under the supervision of the Parks and Recreation Director or designee. Upright markers or headstones shall only be allowed in specific designated areas, all other areas shall be marked with flat markers or headstones that are flush with the ground. Markers and headstones shall comply with the following provisions:

- Each interment location must have at least one (1) permanent marker or headstone.
- Each standard or infant plot may have a maximum of three (3) markers, and each cremains plot may have a maximum of one (1) marker. If the plot is located in an area designated for upright headstones, one (1) upright marker is permitted; any additional markers must be flush with the ground.
- Markers shall be constructed of materials that will not decay, rot or decompose. Examples are hard stone, concrete or hard metals.
- Inscriptions of names and dates must be deeply engraved or raised in high relief to ensure long-term legibility.

The City will attempt to reasonably accommodate any religious practices that make conformance with the above requirements impossible.

Marker Deposit: If at the time of interment, a marker or headstone is not ordered, the City will collect a deposit. Deposit refunds will be issued after proper installation of a marker or headstone. If after eighteen (18) months for a plot and six (6) months for a columbarium niche a permanent marker or headstone has not been installed, the City shall install a marker or headstone utilizing the deposit as payment.

Marker and Headstone Placement: Markers for cemetery interment plots may be set in a concrete base and installed at the head of the **[GRAVE]** plot(s), centered and within the assigned plot(s). The Parks and Recreation Director must be notified prior to any plot preparation, construction, or placement of headstone or marker.

Columbarium Markers: These markers shall follow a standard format, font, and size as determined by the City and shall include the first and last name of the deceased, year of birth, and year of death.

Columbarium Inscriptions: An inscription is required to be inscribed directly onto the granite faceplate. The Kenai City Cemetery requires a specific format for unification of inscriptions that shall be followed according to the purchaser's name designation. Emblems and/or photos will be allowed as space allows. When a suffix is needed (Jr., Sr., IV, etc.) they will be placed after the first name.

**CITY OF KENAI
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KENAI MUNICIPAL CEMETERY REGULATIONS**

Approved by:
City Council

Two (2) Urns with Same Last Name

SMITH (Emblem) (photo)
JOHN ALAN APR. 8, 1964 – FEB. 10, 2005
(Emblem) (photo) KATE ANN JAN. 30, 1954 – AUG. 5, 2003

Two (2) Urns with Different Last Names

JOHN Jr. (Emblem) (photo)
SMITH SEPT. 5, 1954 – NOV. 8, 2004 <hr style="width: 20%; margin: 5px auto;"/>
KATE (Emblem) (photo) WILLIAMS DEC. 5, 1960 – MAR. 10, 1999

One (1) Urn – Single Inscription

(Emblem)
JOHN ALAN SMITH OCT. 10, 1965 – NOV. 25, 2006 (photo)

Prohibited

Alcoholic beverages or controlled substances are strictly prohibited within the confines of the cemetery.

Fire/Flames: Open flames or fires of any type are prohibited within the confines of the Cemetery. This includes candles, memorial lanterns, barbeques or any other type of flame or fire.

Motorized Vehicle: Trucks over one ton, buses, tractors, trailers and over sized vehicles are strictly prohibited from the cemetery unless approved in writing by the Parks and Recreation Director or designee.

Motorized-Off Road Vehicles: motor bikes, three and four wheelers are prohibited in the cemetery. It is unlawful for any person to operate any motorized off-road vehicles within the cemetery.

Non-Motorized transportation: Bicycles, skateboards, roller blades, roller skates or other such riding devices are prohibited within the cemetery.

Effective Date: Pending

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**CITY OF KENAI
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KENAI MUNICIPAL CEMETERY REGULATIONS**

Approved by:
City Council

Effective Date	Description of Changes
July 15, 2022	Initial policy approved via Ordinance No. 3293-2022
Pending	Revising Marker and Headstone Regulations and Making Housekeeping Changes.

DRAFT



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Shellie Saner, City Clerk

FROM: Meghan Thibodeau, Deputy City Clerk

DATE: April 21, 2025

SUBJECT: **Resolution No. 2025-31 - Amending the Kenai Municipal Cemetery Regulations and Fee Schedule Policy Numbering It PRK-70.001, Revising Marker and Headstone Regulations and Making Other Housekeeping Amendments.**

The Resolution proposes several housekeeping changes to the Marker and Headstone section of the Kenai Municipal Cemetery Regulations & Fee Schedule. Since the Regulations were last updated in 2022, the Clerk's Office has been performing an audit on Cemetery records which includes collecting photo of headstones installed at the Cemetery. Through the audit, inconsistencies between cemetery regulations and current practices were identified. Proposed changes include:

- Clarification on marker limits per plot: The current language limits each plot to a single marker or headstone. Because up to three burials may occur in a single standard plot, the revised policy will allow for one marker per standard or infant plot, limited to one upright per plot.
- Headstones spanning multiple plots: The current language states that all markers must be "maintained within the foot print of the plot," and "within the assigned plot." This language inadvertently prohibits shared or dual markers that span two or more plots, which is common practice. The revised policy would remove this restriction.
- New standard for marker inscriptions: A new provision would require that marker and headstone inscriptions be deeply engraved or raised in high relief. Through the Cemetery headstone on-site audit, it has been noted there are markers which had been painted or lightly scratched-out by hand in way that will likely deteriorate and become illegible over time.
- Consistent terminology: Terms such as "burial site," "burial space," and "grave" have been updated to interment location (referring to both plots and columbarium niches) or interment plot (referring specifically to in-ground spaces).

The Parks & Recreation Commission recommended approval of these amendments at its regular meeting on May 1, 2025. Your consideration is appreciated.

**KENAI CITY COUNCIL – SPECIAL MEETING
APRIL 15, 2025 – 6:00 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 15, 2025, 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
Phil Daniel
Alex Douthit
Sovala Kisenia

Henry Knackstedt, Vice Mayor
Deborah Sounart (*arrived at 6:02 p.m.*)
Victoria Askin

A quorum was present.

Also in attendance were:

Terry Eubank, City Manager
Scott Bloom, City Attorney
Shellie Saner, City Clerk

3. Agenda Approval

MOTION:

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

UNANIMOUS CONSENT was requested.

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

B. PUBLIC COMMENTS - None.

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

MOTION:

Vice Mayor Knackstedt **MOVED** to enter into executive session to review and discuss the annual evaluation of the City Attorney and City Manager which may be a subject that tends to prejudice the reputation and character of the City Attorney and City Manager. [AS 44.62.310(C)(2)]. Mr. Bloom and Mr. Eubank have elected to have the discussion regarding their evaluations take place in executive session. The executive session will include Mayor Gabriel and City Council Members; City Attorney Bloom will be included if and when the Council requests his presence; and City Manager Eubank will be included if and when the Council requests his presence.

Council Member Askin **SECONDED** the motion.

VOTE:

YEA: Askin, Douthit, Kisen, Gabriel, Knackstedt

NAY: None

ABSENT: Daniel, Sounart

MOTION PASSED.

[Council Member Sounart arrived at 6:02 p.m.]

MOTION:

Vice Mayor Knackstedt **MOVED** to reconvene into regular session. Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

[Clerk's Note: The Council entered into executive session at 6:03 p.m. and reconvened into regular session at 7:09 p.m.]

It was reported that Council entered into executive session and discussed the City Attorney evaluation with the City Attorney; discussed the City Manager evaluation with the City Manager

D. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:10 p.m.

I certify the above represents accurate minutes of the Kenai City Council Special meeting of April 15, 2025.

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 will not affect the outcome of the official council vote. Advisory votes will be recorded in the minutes. A student representative may not move or second items during a council meeting.*

**KENAI CITY COUNCIL – REGULAR MEETING
APRIL 16, 2025 – 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 16, 2025, 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
Phil Daniel
Alex Douthit
Sovala Kisenia

Henry Knackstedt, Vice Mayor
Deborah Sounart
Victoria Askin

A quorum was present.

Also in attendance were:

**Xiling Tanner, Student Representative
Terry Eubank, City Manager
Scott Bloom, City Attorney
David Swarner, Finance Director
Kevin Buettner, Planning Director
Tyler Best, Parks and Recreation Director
Eric Jean, Public Works Assistant Director
Joe Fisher, Building Official
Shellie Saner, City Clerk

3. Agenda and Consent Agenda Approval

MOTION:

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

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

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

UNANIMOUS CONSENT was requested.

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 ADMINISTRATIVE REPORTS

1. Fiscal Year 2024 Audit Report, Principal Assurance Practice Leader Joy Merriner, BDO USA, LLP.

Ms. Merriner reported on the Fiscal Year 2024 Audit Wrap-up Document, providing an overview of the audit results; review of internal controls; implantation of new Governmental Accounting Standards Board (GASB) regulations; reported in unmodified clean opinion; and encouraged Council to review the Management's Discussion Analysis.

C. SCHEDULED PUBLIC COMMENTS

1. Boys and Girls Club of the Kenai Peninsula, Chief Executive Officer Shanette Wik.

Ms. Wik addressed the Council regarding the Teen Center (Center), noting that the local teen attendance is significantly higher than the state and national averages; teens from the Center participate in community services at the Food Bank, Salvation Army and mentoring youth at the clubhouse; and reported the Center operates in a financial deficit; does not charge membership fees; and staff actively seeks additional funding sources.

There was discussion regarding the current activities and future plans for the new campus; the new child care center; three very large class rooms; getting kids ready for life after high school, by teaching life skills with the commercial kitchen, gardens and greenhouse; and opportunities for community members to make donations.

Isabella Shannon, Teen Center participant addressed the Council regarding staff at the Center helping Teens get to know each other; and the positive learning environment at the Center.

2. Central Area Rural Transit System (CARTS), Board of Directors Secretary Linda Hutchings and Executive Director Jessica Schultz.

Tim Dillon, President of the CARTS Board of Directors and Ms. Schultz addressed the Council regarding the change in staffing; provided an overview of services including door-to-door demand transportation; hours of operation; noted the customer fare only covers about 15% of the actual cost of the ride; working with Alaska Cab, who provides additional services when demand exceed CARTS fleet capabilities; in 2024 the program experienced a 21% increase in rides; 66% of the riders are using CARTS to get to and from their jobs; 39% of the drops offs are in Kenai; implementation of a new dispatching software and mobile app; and the being requested this year was \$10,000, which would be used as local match funding.

There was discussion regarding the Kenaitze Indian Tribe transportation program; CARTS assisting with Kenaitze related to ADA transportation; the method used to develop the zone charge fee schedule; and CARTS actively looking at all funding opportunities.

D. UNSCHEDULED PUBLIC COMMENTS

Bobby Croom, Sterling resident addressed the Council regarding the KNC Golf, Inc. not offering discounted rates for individuals with disabilities; noting there were discounted rates for individuals who worked on the slope, children and seniors; the increase in season pass fees making the Kenai Golf Course the most expensive on the Peninsula; and provided a summary of the season pass costs at other courses in Alaska.

Samantha Springer, Executive Director of the Kenai Chamber of Commerce & Visitor Center addressed the Council noting that the detour from the Spur Hwy was working well; the digital database of artifacts should be ready by summer; and actively looking for grant funding to fix Moose Meat Johns Cabin.

Marion Nelson, Board Member for the Kenai Art Center reported on the upcoming still life show; the Mother's Day Pottery Sale; and she was working with a great team on the Bronze Bear project.

E. PUBLIC HEARINGS

1. **Ordinance No. 3462-2025** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Purchase of Equipment and Supplies. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3462-2025. Council Member Askin **SECONDED** the motion.

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

Gratitude was expressed to the donors.

VOTE:

YEA: Kisená, Gabriel, Daniel, Sounart, Knackstedt, Askin, Douthit

NAY: None

**Student Representative Tanner: Yea

MOTION PASSED.

2. **Ordinance No. 3463-2025** - Conditionally Donating Certain City Owned Property Described as Three Approximately 1½ Acre Parcels to be Subdivided from a Portion of the Approximately 69½ Acre Parcel Described as Kenai Meadows Addition No 1, Tract A1 According to Plat 2023-48 (KPB Parcel No. 03901067) to Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3463-2025. 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 presentation provided by KPHI during the previous Council meeting; appreciation stated for the private/public partnership; and general excitement for the project.

VOTE:

YEA: Gabriel, Daniel, Sounart, Knackstedt, Askin, Douthit, Kisená

NAY: None

**Student Representative Tanner: Yea

MOTION PASSED.

3. **Resolution No. 2025-23** - Redirecting Water & Sewer Capital Project Funds to Complete Citywide Lift Station Improvements. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2025-23. Council Member Askin **SECONDED** the motion.

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

There was discussion regarding other maintenance/improvement items to expect in the future; plans for future improvements; and that full replacement was not needed

UNANIMOUS CONSENT was requested.

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

4. Resolution No. 2025-24 - Implementing a New Fee for a Truck Fill Station Permit in the Water Fees Section of the Schedule of Rates, Charges and Fees. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2025-24. Council Member Daniel **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 being driven by Department of Environmental Conservation (DEC) regulations; inspection requirements; additional costs for contractors for transporting water to job sites; and future considerations for additional Fill Station locations.

UNANIMOUS CONSENT was requested.

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

5. Resolution No. 2025-25 - Authorizing Award of the Contract to Use Cranes, Offices, and Operation Area at the Boating Facility. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2025-25. Council Member Askin **SECONDED** the motion.

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

It was reported that the agreement was the same as previously approved agreements; it was a non-exclusive agreement; and others could pay a fee to utilize the cranes.

UNANIMOUS CONSENT was requested.

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

6. Resolution No. 2025-26 - Authorizing the City Manager to Enter into an Agreement with the City of Soldotna to Continue Providing Animal Shelter Services for the City of Soldotna at the Kenai Animal Shelter. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2025-26. 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.

UNANIMOUS CONSENT was requested.

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

F. MINUTES

1. *Regular Meeting of April 2, 2025. (City Clerk)

G. UNFINISHED BUSINESS - None.

H. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Action/Approval** - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)

Approved by the consent agenda.

3. ***Action/Approval** - Special Use Permit to the State of Alaska, Division of Forestry for Use of Apron Space at the Kenai Municipal Airport. (Administration)

Approved by the consent agenda.

4. ***Ordinance No. 3464-2025** - Amending Kenai Municipal Code 21.05.085 - Airport Fuel Flowage Fee, to Remove the Set Amount in Code and Instead Refer to the Annually Updated Schedule of Rates, Charges and Fees. (Administration)

Introduced by the consent agenda and Public Hearing set for May 7, 2025.

5. ***Ordinance No. 3465-2025** - Amending Kenai Municipal Code, Title 2 - Alcoholic Beverage and Marijuana, Standardizing How Licenses are Reviewed by the City, Allowing for Administrative Non-Objections for Renewal of Existing Licenses When No Grounds to Object to the Renewal are Identified, Updating Public Hearings for Protests or Conditional Non-Objections, Aligning Municipal Code with Requirements of Alaska Statutes, and Other Housekeeping Amendments. (City Clerk)

Introduced by the consent agenda and Public Hearing set for May 7, 2025.

6. ***Ordinance No. 3466-2025** - Amending Kenai Municipal Code, Chapter 4.32 Residential Code, to Reinstate Provisions Related to Engineered Design and Location, Including Fire Code Protection on Floors Provisions of the 2021 International Residential Code. (Administration)

Introduced by the consent agenda and Public Hearing set for May 7, 2025.

7. ***Ordinance No. 3467-2025** - Accepting and Appropriating a Grant Received Through the Alaska Animal Control Association to the Kenai Animal Shelter for Attendance at the Alaska Animal Control Association 2025 Training Conference. (Administration)

Introduced by the consent agenda and Public Hearing set for May 7, 2025.

8. ***Ordinance No. 3468-2025** - Accepting and Appropriating a Donation to the Kenai Community Library for the Summer Reading Program 2025. (Administration)

Introduced by the consent agenda and Public Hearing set for May 7, 2025.

9. ***Ordinance No. 3469-2025** - Amending KMC 1.85.060-Conflicts of Interest Prohibited, to Allow Municipal Officers and City Employees to Participate in Certain Sales Open to the Public Through a Public Process and Narrowing the Existing Prohibition on Purchases to Personal Property Items. (Douthit)

Introduced by the consent agenda and Public Hearing set for May 7, 2025.

10. **Action/Approval** - Confirmation of Mayoral Nomination for a Partial Term Appointment of Jeanne Reveal to the Planning & Zoning Commission. (Gabriel)

MOTION:

Vice Mayor Knackstedt **MOVED** to confirm the partial term appointment of Jeanne Reveal. Council Member Sounart **SECONDED** the motion.

There was discussion regarding the qualifications of the two applicants and the process utilized when the Mayor selects a nominee.

It was clarified that the Mayor makes the nomination; Council may confirm or not confirm the nominee; and if the nominee is not confirmed the Council may reopen the application period.

VOTE:

YEA: Gabriel, Sounart, Knackstedt, Askin, Kisen

NAY: Daniel, Douthit

**Student Representative Tanner: Yea

MOTION PASSED.

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging Commission

Vice Mayor Knackstedt reported on the April 10, 2025 meeting.

2. Airport Commission

Council Member Daniel reported on the April 10, 2025 meeting.

3. Harbor Commission

Council Member Kisen reported on the April 7, 2025 meeting.

4. Parks and Recreation Commission

Council Member Douthit reported on the April 3, 2025 meeting.

5. Planning and Zoning Commission

No report, next meeting May 14, 2025.

6. Beautification Commission

No quorum present at the April 8, 2025 meeting, next meeting May 13, 2025.

J. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Thanked Finance Director Swarn for his work on the audit, noting that the auditors work for the Council.
- Congratulated AJ Hull, a standout Kenai Central High School athlete who was voted into the High School Hall of Fame.
- Attending the Grand Opening of Debbie's Bistro.
- Reminded everyone of the upcoming Triumvirate Theatre grand opening.
- Wished everyone a Happy Easter.

K. ADMINISTRATION REPORTS

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

- New Firefighter Marcus Lopez starts soon and a second new Firefighter would be starting at the end of May.
- Utility Operator position has been filled; and currently recruiting for a Dispatcher.
- Representatives from Police, Fire, Human Resources, and Parks & Recreation attended the Job Fair, focusing on filling summer positions.
- Storefront Improvement program application deadline extended to May 2.
- The final report from the KPB Tourism Industry Working Group was not adopted, the group would be requesting an extension.

- Meeting with Kenai Peninsula College to discuss the possible use of the Fire Training Center for the Fire and Paramedic Programs.
- Meeting with Homer Electric Association to discuss impacts to the City related to the potential future gas shortages in Cook Inlet.
- Bluff Stabilization Project public meeting was rescheduled to April 30, 2025, 6:00 p.m. at the Visitor Center.
- Recreation Center will be closed Thursday and Friday due to gym floor repairs.

2. City Attorney - No report.

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

- Increased activity in the Clerk's Office due to Mobile Food Vendor and Taxi license renewals.

L. ADDITIONAL PUBLIC COMMENTS

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

2. Council Comments

Council Member Douthit reported attending the Job Fair and noted there were more attendees than the previous year, many looking for new jobs; and Soldotna High School brought a busload of 30 students to the Job Fair.

Student Representative Tanner reported that artwork from Connections Homeschool students was now on display in the Soldotna City Council Chambers; Connections upcoming Book Fair; Connection Homeschool wanted to congratulate Connections Student Xiling Tanner for placing first in the State of Alaska TrigStar competition; and provided a schedule of upcoming athletic events for Kenai Central High School.

Council Member Sounart reported that the Ensemble Competition for all Peninsula Students was scheduled for tomorrow at Soldotna High School, she wished all participating students good luck; and wished everyone a happy Holy Week.

Council Member Askin thanked the Finance Department for their hard work and wished everyone a happy Easter.

Council Member Daniel wished everyone a happy Easter.

Vice Mayor Knackstedt thanked Finance Director Swarner and staff for the clean audit; and stated he was looking forward to the Triumvirate Theatre open house.

M. EXECUTIVE SESSION

1. 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:

Vice Mayor Knackstedt **MOVED** to enter into executive session to review and discuss the annual evaluation of the City Clerk 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 regarding her evaluations take place in executive session. The executive session will include Mayor Gabriel and City Council Members; City Clerk Saner will be included if and when the Council requests her presence.

Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION:

Vice Mayor Knackstedt **MOVED** to reconvene into regular session. Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

[Clerk's Note: The Council entered into executive session at 8:44 p.m. and reconvened into regular session at 9:34 p.m.]

Vice Mayor Knackstedt reported that the Council entered into executive session and reviewed the City Clerk evaluation with the City Clerk.

N. PENDING ITEMS - None.

O. ADJOURNMENT

P. INFORMATIONAL ITEMS - None.

There being no further business before the Council, the meeting was adjourned at 9:35 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 16, 2025.

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 will not affect the outcome of the official council vote. Advisory votes will be recorded in the minutes. A student representative may not move or second items during a council meeting.*

PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: MAY 7, 2025

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	113,640.61

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

THROUGH: Kevin Buettner, Planning Director

FROM: Brandon McElrea, Planning Technician

DATE: April 15, 2025

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

James Doyle, individually, d/b/a Weaver Brothers, Inc., has requested to continue the use of several City owned parcels, or portions thereof, for truck trailer storage under a Special Use Permit (SUP). Weaver Brothers, Inc. has a SUP for truck trailer storage set to expire on June 20, 2025. Weaver Brothers, Inc. has been storing truck trailers at 400, 415, 425, and 435 Coral Street and 700 First Avenue under a SUP since June 2020 and at 410 and 420 Coral Street under a SUP since 2023 (Exhibits A).

The Coral Street Airport Zone of the City was most recently appraised at a rate of \$0.50 per square foot. The total square footage of the combined area is 162,982 square feet (3.74 acres). The annual permit fee will be \$7,316.84 and includes the Consumer Price Index (CPI) adjustments to date. The indicated lot area is based on the recorded plats with the exception of the portions, which used the calculated areas in the survey dated 8/17/2020 (Exhibit B).

Below is a breakdown of the subject parcels' calculations:

Address	Legal Description	Parcel ID	Acres	Square Footage (SF)
400 Coral Street	Portion of Tract C-1, Gusty Sub No. 7	4327034	0.09	3,754
410 Coral Street	Tract A of Gusty Sub No. 3	4327021	1.38	60,113
415 Coral Street	Lot 3, Block 3 Gusty Sub No. 4	4327032	0.86	37,500
420 Coral Street	Tract B of Gusty Sub No. 6 Amended	4327035	0.37	15,924
425 Coral Street	Lot 2, Block 3 Gusty Sub No. 4	4327031	0.46	20,000
435 Coral Street	Lot 1, Block 3 Gusty Sub No. 4	4327030	0.23	10,050
700 First venue	Portion of Lot 4, Block 2 Gusty Sub Addition No. 1 Amended	4327036	0.36	15,641
		Total	3.74	162,982

$$\begin{aligned}
 \text{Permit Fee} &= (8\% \text{ of Market Rate}) (\text{Appraised Rate}) (\text{SF}) (\text{CPI}) \\
 &= (8\%) (\$0.50) (162,982 \text{ SF}) (2022-2024 \text{ CPI } 8.11\%, 1.54\%, 2.24\%) \\
 &= \mathbf{\$7,316.84}
 \end{aligned}$$

The SUP is requested for one-year from June 21, 2025 to June 20, 2026. Weaver Brothers, Inc. is in compliance with the current SUP. The proposed SUP meets the intent of Chapter 21.10 *Leasing and Acquisition of Airport Reserve Lands*, Section .025 *Special Use Permits* in parking and temporary cargo staging and handling. There are no permanent improvements on the premises. For the proposed use of truck trailer storage, an SUP is appropriate.

The parcels and portions of parcels are within the Airport Light Industrial (ALI) Zone, Airport Reserve, and Runway Protection Zone (RPZ). Pursuant to the requirements of the Federal Aviation Administration, the City would reserve the right to cancel this SUP on 90 days notice.

If the City Council approves the Special Use Permit, the City Manager will be authorized to execute the Special Use Permit Agreement for truck trailer storage for 12 months to Weaver Brothers, Inc.

Thank you for your consideration.

Attachments

Special Use Permit Agreement

Exhibit A – Map of Subject Parcels

Exhibit B – Map of Portions of Parcels



SPECIAL USE PERMIT

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set out below, hereby grants to **JAMES C. 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 3.74 acres (162,982 square feet) of area as described below (Exhibits A & B):

Lot 1, Block 3 of Gusty Subdivision No. 4 (435 Coral Street; Parcel ID: 04327030); and,

Lot 2, Block 3 of Gusty Subdivision No. 4 (425 Coral Street; Parcel ID: 04327031); and,

Lot 3, Block 3 of Gusty Subdivision No. 4 (415 Coral Street; Parcel ID: 04327032); and,

Tract A of Gusty Subdivision No. 3 (410 Coral Street; Parcel ID: 04327021); and,

Tract B of Gusty Subdivision No. 6 Amended (420 Coral Street; Parcel ID: 04327035);
and

Approximately 3,754 square foot portion of Tract C-1 of Gusty Subdivision No. 7 (400 Coral Street; Parcel ID: 04327034); and,

Approximately 15,641 square foot portion of an unsubdivided remainder portion of Sections 5-6 of Township 5 North, Range 11 West, Seward Meridian, (700 First Avenue; Parcel ID: 04327036).

1. **TERM.** This special use permit shall be for 12 months from June 21, 2025 to June 20, 2026.
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 \$7,316.84 plus applicable sales tax.

The permit fees must be paid prior to the use of the subject parcels.

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 not 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 within 30 days of the effective date of the Special Use Permit. The effective date of the insurance shall be no later than June 21, 2024.
 - 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 C. Doyle
President

Date:

By: _____

Terry Eubank
City Manager

Date:

By: _____

James C. Doyle
Individually

Date:

ACKNOWLEDGMENTS

STATE OF ALASKA)
) ss
 THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2025, the foregoing instrument was acknowledged before me by Terry Eubank, 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 _____, 2025, the foregoing instrument was acknowledged before me by James C. 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 _____, 2025, the foregoing instrument was acknowledged before me by James C. Doyle.

 Notary Public for Alaska
 My Commission Expires: _____

ATTEST:

Michelle M. Saner, MMC, City Clerk

SEAL:

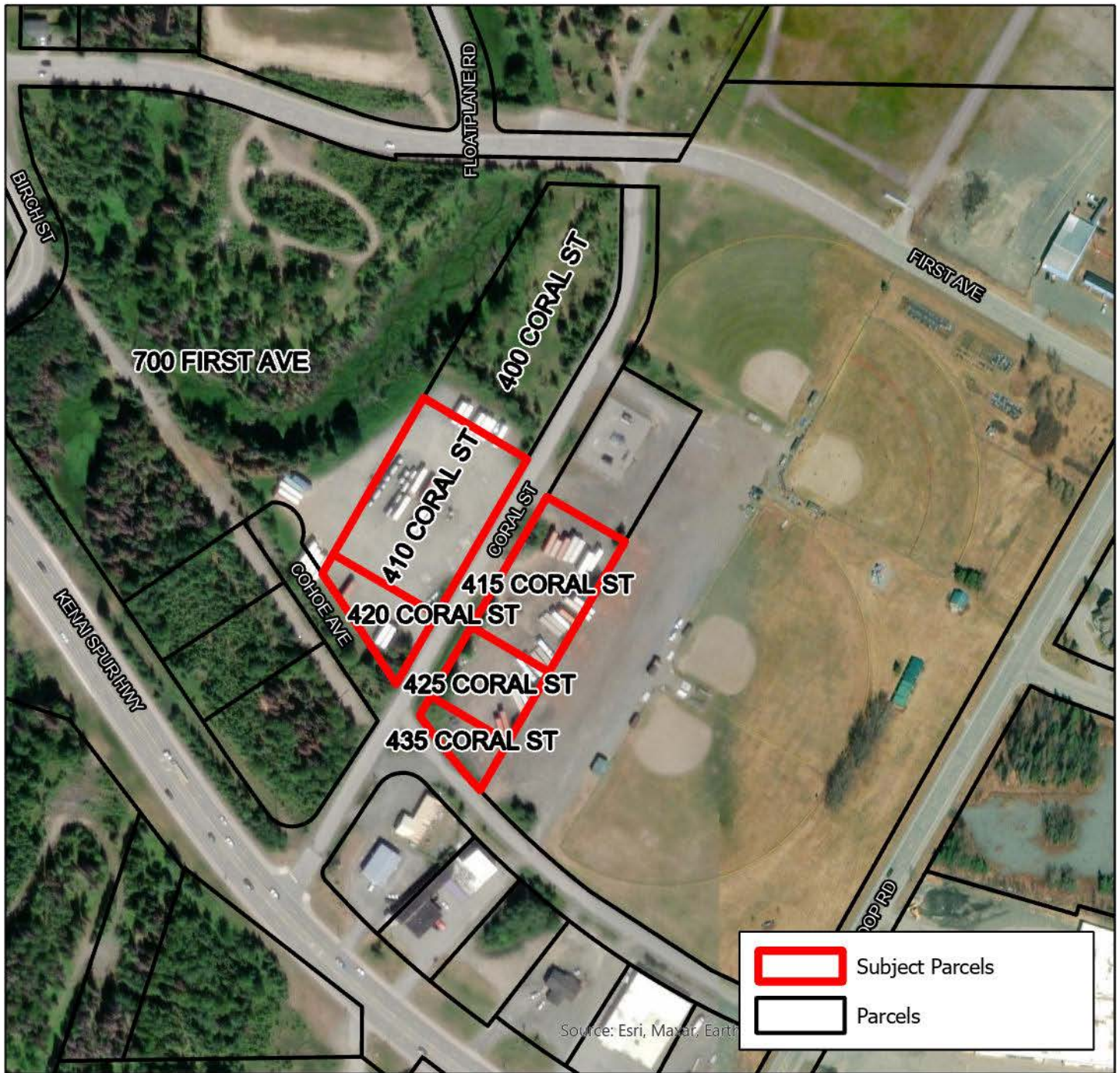
APPROVED AS TO FORM:

Scott M. Bloom, City Attorney



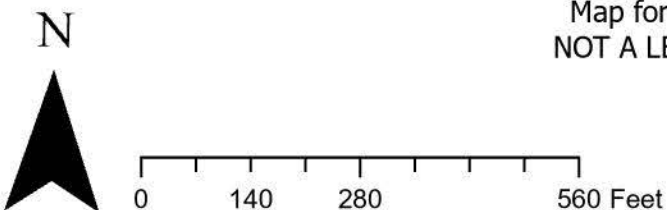
EXHIBIT A
Special Use Permit (SUP)
Truck Trailer Storage
400, 410, 415, 420, 425, 435 Coral Street
and 700 First Avenue

Page 82



Date Printed: 5/31/2023

Map for Reference Only
NOT A LEGAL DOCUMENT







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: Terry Eubank, City Manager

THROUGH: Kevin Buettner, Planning Director

FROM: Brandon McElrea, Planning Technician

DATE: April 22, 2025

SUBJECT: **Action/Approval - Special Use Permit to NILCHIL Solutions, LLC for an Off-Premise Sign on City Owned Property Described as Tract B, Gusty Subdivision Addition No. 2 Located at 11631 Kenai Spur Highway.**

Jennifer Yeoman, a managing member for NILCHIL Solutions, LLC (NILCHIL Solutions) has requested a Special Use Permit (SUP) to continue the use of the City-owned property described as Tract B, Gusty Subdivision Addition No. 2, located at 11631 Kenai Spur Highway, for an off-premise sign. While off-premise signs are not permitted in any zoning district, the Planning and Zoning Commission approved Resolution PZ2023-25 granting a variance permit to allow an approximately 75 square foot off-premise sign, not to exceed 18 feet in height. This Council previously approved an SUP for the requested purpose at the February 21, 2024 Council meeting.

The applicant has requested a start date of May 2, 2025. The proposed permit fee is \$500.00 plus applicable sales tax for one (1) year from May 2, 2025 through May 1, 2026.

Pursuant to Kenai Municipal Code (KMC) Section 22.05.130 *Special Use Permits*, City Council may authorize the City Manager to grant special use permits for the temporary use of real property owned by the City for a period not to exceed one (1) year, without appraisal of the value of the property or public auction, for any purpose compatible with the zoning of the land, and on such terms and for such rentals as the Council shall determine.

If the City Council approves the Special Use Permit, The City Manager will be authorized to execute a Special Use Permit Agreement to allow NILCHIL Solutions to continue the use of the above-mentioned City-owned property for an off-premise sign for one (1) year.

Thank you for your consideration.

Attachments

Special Use Permit

Aerial Map

Resolution PZ2023-25 – Variance Permit for Off-Premise Sign

SPECIAL USE PERMIT

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set out below, hereby grants to **NILCHIL SOLUTIONS, LLC** (PERMITTEE), whose address is 51306 Dunes Road, Kenai Alaska 99611, a Special Use Permit ("Permit") for an off-premise sign subject to the requirements and conditions set forth below.

1. **PREMISES.** Permittee shall have a non-exclusive right to use approximately 75 square feet of area on a property described as Tract B, Gustly Subdivision Addition No. 2 (11631 Kenai Spur Highway; Parcel ID: 04716002). See attached Exhibit A and refer to Resolution PZ2023-25 for details of the off-premise sign.
2. **TERM.** This term of this Permit shall be for 12 months commencing on May 2, 2025 to May 1, 2026.
3. **PERMIT FEES.** The Permittee shall be charged an annual permit fee of \$500.00 plus applicable sales tax.

The permit fees must be paid prior to the use of the subject parcel.

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 incidental 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 an Off-Premise Sign. 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 installing, using and maintaining the signage described in this Permit, together with such ingress, egress and access as is necessary or desirable for the construction, installation, use, operation, maintenance, modification, repair, and replacement of the signage as described in this Permit.
 - B. The sign may be further modified or amended without the consent of the City under this Permit, provided that the proposed modification does not increase the square footage of the sign. In the event that the proposed modification increases the square footage of the sign by more than twenty percent (20%), such modification shall be subject to the approval of the City Manager.
 - C. The Permittee shall be responsible for the maintenance and operation of the sign.
 - D. The Permittee shall not sell advertisements for and shall be limited to advertising businesses located on a property described as Tract A-1, Shadura Subdivision Nilchil Addition, known as 11595 Kenai Spur Highway (KPB Parcel No. 04703015).
 - E. The Premises shall not be used to store any equipment or materials.
 - F. The Permittee shall be responsible, at its sole cost, for designing, procuring, constructing, installing, repairing, upgrading, operating, and maintaining the sign, to include, but not limited to utility expenses to service the sign.
 - G. Upon termination of this Permit, the sign shall remain the property of the Permittee, and the Permittee shall have the right to remove the sign from the Premises at its sole costs, and in any event, shall remove the sign if the City requests such removal. If such sign is removed, the Permittee will have the obligation to repair any damage to the Premises caused by the removal of the sign at its sole cost.
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. 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. 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 the 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 within 30 days of the effective date of the Special Use Permit. Evidence of insurance coverage must be submitted to the City prior to any use.
- 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.

NILCHIL SOLUTIONS, LLC

CITY OF KENAI

By: _____

By: _____

_____(Name) Date
_____(Title)

Terry Eubank
City Manager

Date

ACKNOWLEDGMENTS

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2025, the foregoing instrument was acknowledged before me by Terry Eubank, 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 _____, 2025, the foregoing instrument was acknowledged before me by _____ (Name/Title) of Nilchil Solutions, LLC, an Alaska limited liability company, on behalf of the company.

Notary Public for Alaska

My Commission Expires: _____

ATTEST:

Michelle M. Saner, MMC, City Clerk

SEAL:

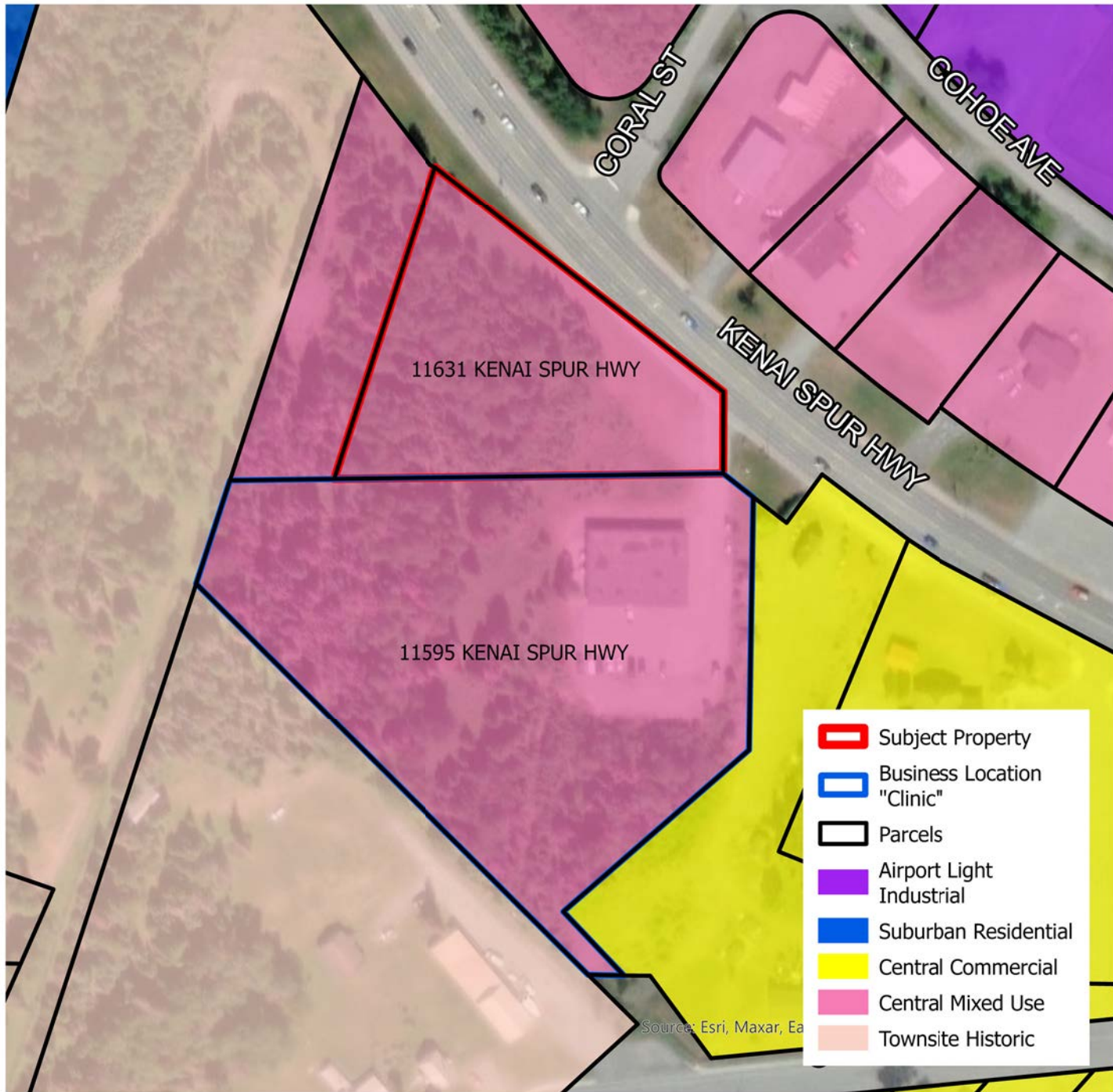
APPROVED AS TO FORM:

Scott M. Bloom, City Attorney



EXHIBIT A

Special Use Permit Off-Premise Sign 11631 Kenai Spur Highway





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-25**

A RESOLUTION **GRANTING** THE APPLICATION FOR A VARIANCE PERMIT FOR AN OFF-PREMISE SIGN.

APPLICANTS: Jennifer Yeoman and Jason Yeoman

PROPERTY ADDRESS: 11631 Kenai Spur Highway

LEGAL DESCRIPTION: Tract B, Gusty Subdivision Addition No. 2

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04716002

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code (KMC) 14.20.185(c) was submitted to the City on November 30, 2023; and,

WHEREAS, the applicant has demonstrated that the prerequisites of a variance permit have been met pursuant to KMC 14.20.180(b); and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing, following requirements outlined in KMC 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds the criteria are met as set forth in KMC 14.20.180(c):

1. *Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same land use or zoning district.*

Findings: The existing medical clinic ("clinic") is located at 11595 Kenai Spur Highway, known as Tract A-1, Shadura Subdivision Nichil Addition. The clinic is currently established on a parcel that records show it was first platted under Shadura Subdivision (Plat No. K-831) in 1961. Subsequently, several replats have been recorded on the parcel with the clinic but the overall property lines of the parcel have remained the same (see attached plats). The parcel with the clinic is setback at least 86 feet away from Kenai Spur Highway compared to other adjacent parcels with street frontage along Kenai Spur Highway. Therefore, the clinic is on a parcel with a unique site development that are not similar to surrounding parcels with primary access off of Kenai Spur Highway.

As expressed by the applicant, they have sought various options and concluded there is not a practical place on the subject parcel to place a sign for the clinic with reasonable visibility.

2. *The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.*

Findings: Staff finds the requested variance is not intended to redress a pecuniary hardship or inconvenience by the applicant; rather, it would address a non-pecuniary hardship to persons who visit the clinic for services.

3. *The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.*

Findings: The proposed off-premise sign is intended to promote and identify the existing clinic, which is a permitted use in the Central Mixed Use (CMU) zoning district. The existing use is under construction for expansion. Therefore, the existing use will be compliant with the zoning district.

4. *The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.*

Findings: The granting of the variance will allow an off-premise sign to be installed on 11631 Kenai Spur Highway, that would meet setbacks, height, and size requirements. The proposed sign face for the off-premise sign would be approximately 75 square feet, approximately 18-foot tall and at least 10 feet from the east property line due to an existing utility easement. In the CMU zone, it does not state a minimum setback from property lines; however due to the layout of the right-of-way, staff is recommending that a minimum 20-foot setback is required from the northeast corner and 10-foot setback from the street frontage along Kenai Spur Highway on the parcel with the off-premise sign to minimize any visual obstructions or interference with any future ROW expansion. Within proximity of the subject parcel, there is an existing pole sign, currently displaying "Coffee Time" along Kenai Spur Highway. If the business was located on 11631 Kenai Spur Highway, the proposed sign would be permitted without a variance permit. Therefore, the variance request would not provide relief beyond what would be allow if it was an on-premise sign.

5. *The granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district.*

Findings: The business location presents its own unique circumstance due to how it was originally platted and how the right-of-way of Kenai Spur Highway has changed overtime. Staff finds that the granting of this variance permit is not based upon other non-conforming land uses or structures within the same land use or zoning district.

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

- Section 1.** That the request for a variance permit is granted for an approximately 75 square foot off-premise sign, not to exceed 18 feet in height, on the parcel located at 11631 Kenai Spur Highway and described as Tract B, Gusti Subdivision Addition No. 2.

Resolution No. PZ2023-25
Page 3 of 3

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

1. Applicant(s) must comply with all federal, State of Alaska, and local regulations.
2. The off-premise sign must be located a minimum 20-foot setback from the northeast corner and 10-foot setback from the street frontage along Kenai Spur Highway.
3. Prior to the installation of an off-premise sign on City-owned property, the applicant(s) must obtain approval from the City of Kenai City Council.
4. Applicant(s) must obtain a sign permit issued by the Building Official.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 27TH DAY OF DECEMBER, 2023.



JEFF TWAIT, CHAIRPERSON

ATTEST:



Meghan Thibodeau, Deputy City Clerk



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3470-2025**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND LAND USE TABLE BY REZONING TWENTY-EIGHT PROPERTIES LOCATED NEAR THE INTERSECTION OF THE KENAI SPUR HIGHWAY AND WILDWOOD DRIVE FROM SUBURBAN RESIDENTIAL (RS) TO GENERAL COMMERCIAL (CG) ZONING DISTRICT.

WHEREAS, the properties located near the intersection of the Kenai Spur Highway and Wildwood Drive, as listed below:

<u>Parcel No.</u>	<u>Address</u>	<u>Lot Size</u>	<u>Legal Description</u>
03902122	14383 Kenai Spur Hwy	1.96-acre	BUSH LANES SUB NO 2
03903308	14320 Kenai Spur Hwy	0.52-acre	BLACK GOLD EST SUB AMD
03903310	14288 Kenai Spur Hwy	0.52-acre	BLACK GOLD EST SUB AMD
03903312	2807 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03903313	2809 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03903314	2811 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03903315	2813 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03903316	2815 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03904001	14260 Kenai Spur Hwy	0.26-acre	BLACK GOLD EST SUB AMD
03904002	14256 Kenai Spur Hwy	0.26-acre	BLACK GOLD EST SUB AMD
03904010	1303 Orchid Way	0.34-acre	BLACK GOLD EST SUB AMD
03904011	2705 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03904012	2707 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03904015	2713 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
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03904017	2717 Windflower Dr.	0.21-acre	BLACK GOLD EST SUB AMD
03908108	2726 Augustine Way	0.40-acre	CARL F. AHLSTROM SUB

03908109	2724 Augustine Way	0.61-acre	CARL F. AHLSTROM SUB
03908111	2722 Augustine Way	0.28-acre	CARL F. AHLSTROM SUB
03908113	2720 Augustine Way	0.26-acre	CARL F. AHLSTROM SUB
03908115	2718 Augustine Way	0.26-acre	CARL F. AHLSTROM SUB
03904009	2710 Wildwood Dr.	0.20-acre	BLACK GOLD EST SUB AMD
03904008	2712 Wildwood Dr.	0.20-acre	BLACK GOLD EST SUB AMD
03904007	2714 Wildwood Dr.	0.20-acre	BLACK GOLD EST SUB AMD
03908116	2717 Wildwood Dr.	0.26-acre	CARL F. AHLSTROM SUB
03908114	2719 Wildwood Dr.	0.26-acre	CARL F. AHLSTROM SUB
03908112	2721 Wildwood Dr.	0.41-acre	CARL F. AHLSTROM SUB
03908110	2723 Wildwood Dr.	0.34-acre	CARL F. AHLSTROM SUB

are currently zoned Suburban Residential (RS); and,

WHEREAS, the City of Kenai received a rezone application from a property owner in accordance with KMC 14.20.270 *Amendment Procedures*; and,

WHEREAS, the current RS zoning district is for low to medium density residential development; and,

WHEREAS, the proposed rezone to CG zoning district would allow for a wide range of commercial uses; and,

WHEREAS, the land use classification on properties immediately to the south and west is General Commercial, which envisioned a mix of commercial uses; and,

WHEREAS, the proposed rezone would eliminate conditional use permits initiated in 1999 to allow for low-impact commercial operations; and,

WHEREAS, the rezone is consistent with the Imagine Kenai 2030 Comprehensive Plan and aligns with the Land Use Plan and addresses Goal 1 – *Quality of Life: Promote and encourage quality of life in Kenai*; and,

WHEREAS, at their regularly scheduled meeting held on April 23, 2025, the City of Kenai Planning and Zoning Commission voted to approve that the subject properties be rezoned from Suburban Residential to General Commercial zoning district.

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

Section 1. Amendment of City of Kenai Official Zoning Map: That City of Kenai, Official Zoning Map is hereby amended as follows: Rezone parcels 03902122, 03903308, 03903310, 03903312, 03903313, 03903314, 03903315, 03903316, 03904001, 03904002, 03904010, 03904011, 03904012, 03904015, 03904016, 03904017, 03908108, 03908109, 03908111, 03908113, 03908115, 03904009, 03904008, 03904007, 03908116, 03908114, 03908112, and 03908110 from Suburban Residential (RS) to General Commercial (CG) zoning district.

Section 2. Amendment of City of Kenai Land Use Map: That City of Kenai, Land Use Map is hereby amended as follows: Rezone parcels 03902122, 03903308, 03903310, 03903312, 03903313, 03903314, 03903315, 03903316, 03904001, 03904002, 03904010, 03904011, 03904012, 03904015, 03904016, 03904017, 03908108, 03908109, 03908111, 03908113, 03908115, 03904009, 03904008, 03904007, 03908116, 03908114, 03908112, and 03908110 from Suburban Residential to General Commercial.

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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 21ST DAY OF MAY, 2025.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	May 7, 2025
Enacted:	May 21, 2025
Effective:	June 20, 2025



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: Terry Eubank, City Manager

FROM: Kevin Buettner, Planning Director

DATE: April 24, 2025

SUBJECT: **Ordinance No. 3470-2025 - Amending the Official Zoning Map and Land Use Table by Rezoning Twenty-Eight Properties Located Near the Intersection of the Kenai Spur Highway and Wildwood Drive from Suburban Residential (RS) to General Commercial (CG) Zoning District.**

The applicants are seeking to rezone properties located primarily north and east of the Kenai Spur Highway and north of Wildwood Drive in the Black Gold Estates Subdivision (Amended) from Suburban Residential (RS) to General Commercial (CG) zoning district. One parcel is located to the west of the Kenai Spur Highway (KPB Parcel 03902122), which is currently split zoned as RS and CG. The new zoning for this parcel would be wholly CG. Parcels south of Wildwood Drive in the Carl F. Ahlstrom Subdivision are also included due to their proximity to other CG zoned parcels and common ownership.

The purpose of the rezone is to allow commercial uses to be developed on the subject parcels. Due to the proximity of the Kenai Spur Highway, it is anticipated that commercial uses are more likely to develop along the corridor, acting as a buffer to the proposed suburban residential subdivision beyond the affected parcels.

The Kenai Spur Highway is classified as a Principal Arterial in this location by the Alaska Department of Transportation and as such, it is used to convey a high volume of traffic to Nikiski and points north. A Principal Arterial route often has higher annual average daily traffic counts than surrounding city streets, and generally results in higher associated road noise. This noise often deters substantial residential development directly on the route.

These parcels were originally platted in the 1960s. As development priorities within the City have changed over time, the preferred use of the land has also changed. Land use along this corridor and similar corridors in the City are commercial or light industrial in nature. Expanding the CG Zoning District will allow for additional development along the Kenai Spur Highway, as it is anticipated that it would be developed in junction with the surrounding commercial uses to the south and west.

The existing land use classification states that the area is to be Suburban Residential. Due to the Kenai Spur being a Principal Arterial route, there is reason to anticipate that this area will become a mix of commercial uses, as traffic is higher along the Kenai Spur Highway and the

associated road noise make residential uses less desirable. The proposed rezone to CG zone would be consistent as a natural extension of the General Commercial land use classification that is immediately south of the subject properties as identified in the Comprehensive Plan.

An amendment to the land use map in the Comprehensive Plan is required, as all the proposed uses are not allowable in Suburban Residential zones. The City anticipates updating the Comprehensive Plan within a couple years, and a new Land Use Plan may be developed as a part of this process.

The Comprehensive Plan supports this rezoning in the following identified goal:

Goal 1 – Quality of Life: Promote and encourage quality of life in Kenai.

- *Q-4: Promote the siting and design of land uses that are in harmony and scale with surrounding uses.*

On April 23, 2025, the City of Kenai Planning and Zoning Commission voted to recommend the subject properties be rezoned from Suburban Residential to General Commercial zoning district.

Attachments

Location Map

Proposed Zoning Map

Bush Lanes Subdivision (Plat No. 94-54)

Carl F. Ahlstrom (Plat No. KN-216)

Black Gold Estates Subdivision Amended

P&Z Resolution PZ2025-14

Staff Report PZ2025-14





NOTARY'S ACKNOWLEDGEMENT

FOR: JAMES H. DOYLE

Subscribed and sworn before me this

9th day of AUGUST, 1994.

My commission expires 11-20-95

Peggy S. Dye
Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and we hereby adopt this plan of subdivision and by our free consent grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this replat; or require signature and approval of beneficiary.

James H. Doyle
Authorized Representative
Doyle's Fuel Service, Inc.

LEGEND

- ⊕ GLO survey monument of record not recovered.
- Found 6" x 6" conc. R/W marker
- Set 1/2"x24" rebar w/ McLane & Assoc. cap
- Found 1" Al. cap 610-S
- Found 5/8" rebar
- () Record data K 1028
- ▨ Indicates that portion of 20' alleyway vacated by this plat.

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The survey information shown hereon was derived from data of record and a partial boundary survey performed at this date to determine the boundaries of this parcel.
- 5) The Kenai Peninsula Planning Commission approved the vacation of that portion of a 20' Alley shown hereon at the meeting of January 10, 1994.

RECORDED 20-
KENAI REC. DIST

DATE Oct 7 1994
TIME 12:09 P.M.
REQUESTED BY McLane & Assoc
ADDRESS P.O. BOX 468
SOLDOTNA, AK 99669

WASTEWATER DISPOSAL

The Alaska Department of Environmental Conservation has reviewed plans for this subdivision's wastewater disposal, and approves this subdivision for platting.

Scott Ingersoll EEAT 3/3/94
Signature Title Date

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

January 10, 1994.

KENAI PENINSULA BOROUGH by

Authorized Official

BUSH LANES SUBDIVISION NO. 2

(A REPLAT OF LOTS 7,8,9,10,11 & 12 BLOCK 1 AND LOTS 1,2 & 3 BLOCK 2 BUSH LANES SUBDIVISION & THE VACATION OF A 20' ALLEY)

Doyle's Fuel Service, Inc.
Box 582
Kenai, AK 99611

LOCATION

1.962 AC. M/L SITUATED IN THE SW 1/4 SECTION 25, T. 6 N., R. 12 W., S.M., AK. WITHIN THE CITY OF KENAI, KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT.

Surveyed by: McLane & Associates
P.O. BOX 468
Soldotna, AK 99669

Date: Nov. 27, 1993	Book No. 90-22	Dwg. No. 932033
Drawn by msm	Scale 1" = 50'	K.P.B. File No. 93-186

1/4
S26

S25

LILAC STREET

60' R/W

TRACT B
1.962 AC.

NORTH KENAI ROAD 150' R/W

BASIS OF BEARING K 1018

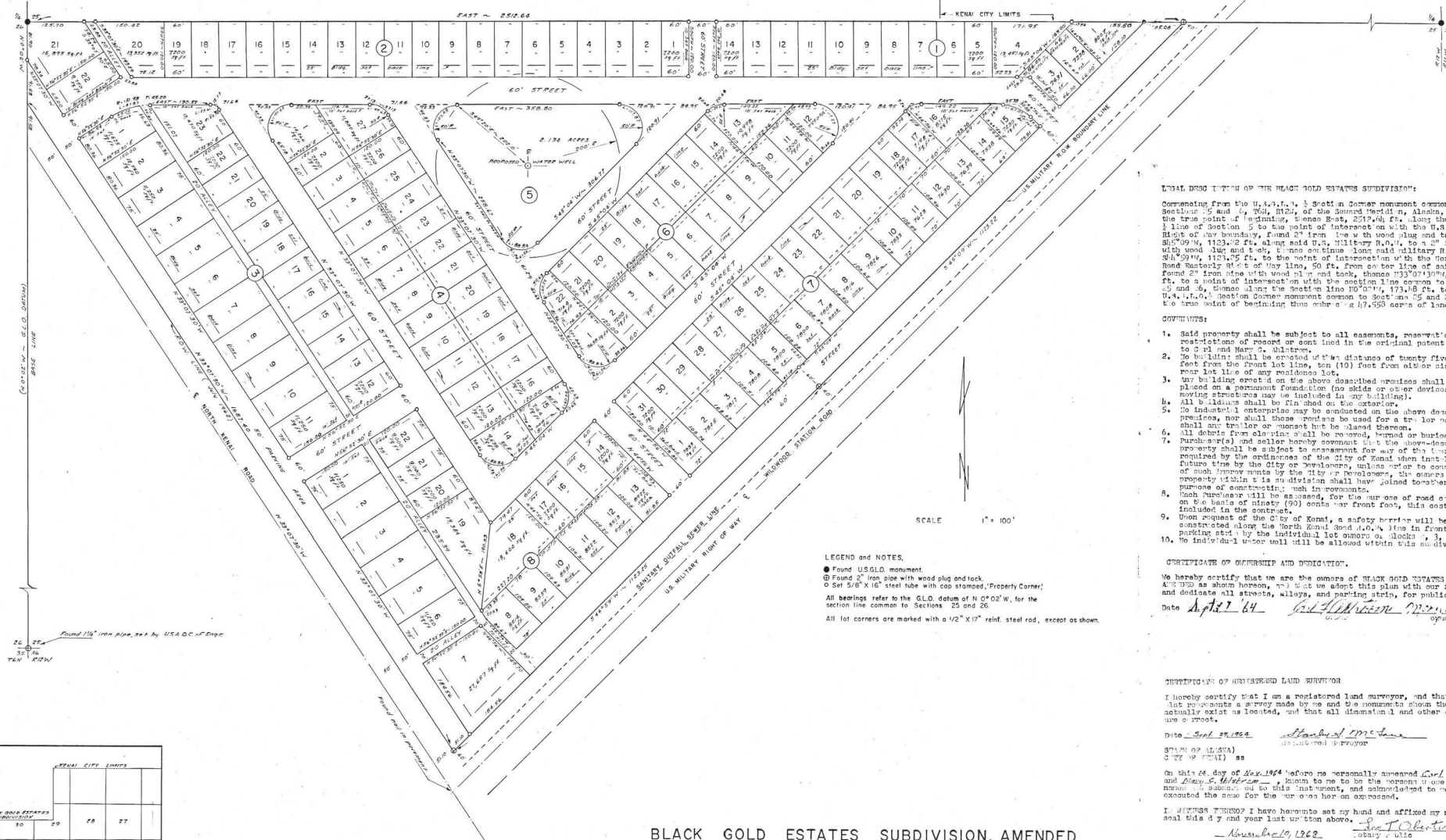
LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
BDY	C1	9083.82	37.64	18.82	37.64	N 31°22'48" W	007°41'5"

KN-216

216

SEE PC RES 2012-44 VACATE 10 FT UTILITY EASEMENT





LEGEND AND NOTES.

● Found U.S.G.O. monument.

⊙ Found 2" iron pipe with wood plug and lock.

⊙ Set 5/8" x 16" steel tube with cap stamped 'Property Corner'.

All bearings refer to the G.L.O. datum of N 0° 02' W, for the

section line common to Sections 25 and 26.

All lot corners are marked with a 1/2" x 17" reinf. steel rod, except as shown.

SCALE 1" = 100'

REVISIONS.

1. The addition of a 60 ft. street in front of lots 8 thru 13, in block 8, and lots 1 thru 15, in block 7, and eliminating the 20 ft. alley to the back of these lots.

2. The addition of a 60 ft. street in front of lots 1, 2, 3, in block 1, and eliminating the 20 ft. alley to the back of these lots.

3. The frontage on lots 11, 12, 13, 14, & 15, in block 7, and lots 1, 2, & 3, in block 1, has been revised.

4. These revisions were necessary to fill covenant No. 9, as shown on the original plat, and have been completed this date, Sept. 23, 1964, by Stanley S. McLane, R.L.S.

BLACK GOLD ESTATES SUBDIVISION, AMENDED

CARL F. AHLSTROM and MARY C. AHLSTROM
OWNERSRICHARD and JOAN WILLIAMS
DEVELOPERSA PORTION OF THE CARL F. AHLSTROM, HOMESTEAD LOCATED WITHIN THE SW 1/4 OF SECTION 25,
T6N, R12W, OF THE SEWARD MERIDIAN, ALASKA, CONTAINING 47.558 ACRES OF LAND.

SURVEYED BY

STANLEY S. McLane, R.L.S.

REVISIONS

Date Begin July 19, 1962
End Oct. 24, 1962
Sept. 10, 1964

LEGAL DESCRIPTION OF THE BLACK GOLD ESTATES SUBDIVISION:

Commencing from the U.S.G.O. monument corner to Sections 25 and 26, T6N, R12W, of the Seward Meridian, Alaska, this is the true point of beginning, thence S 8° 25' E, 257.44 ft., along the corner line of Section 25 to the point of intersection with the U.S. Military Right of Way boundary, found 2" from line with wood plug and tack, thence S 8° 09' W, 113.02 ft., along said R.W. Military Right of Way, to a 2" iron pipe with wood plug and tack, thence S 13° 07' 30" W, 167.60 ft., to a point of intersection with the section line common to Sections 25 and 26, thence along the section line N 0° 02' W, 173.86 ft., to the U.S.G.O. Section Corner monument common to Sections 25 and 26, and to the true point of beginning, thus enclosing 47.558 acres of land.

Covenants:

1. Said property shall be subject to all easements, reservations and restrictions of record or contained in the original plat issued to Carl and Mary C. Ahlstrom.
2. No building shall be erected at a distance of twenty five (25) feet from the front lot line, ten (10) feet from either side or rear lot line of any residence lot.
3. Any building erected on the above described premises shall be placed on a permanent foundation (no skids or other devices for moving structures may be included in any building).
4. All buildings shall be finished on the exterior.
5. No industrial enterprises may be conducted on the above described premises, nor shall these premises be used for a trailer park, nor shall any trailer or monument be placed thereon.
6. All debts from advertising shall be removed, burned or buried.
7. Purchaser(s) and seller hereby covenants that the above-described property shall be subject to assessment for any of the improvements required by the ordinances of the City of Kenai when installed at a future time by the City or Developer, the owners of property within this subdivision shall have joined together for the purpose of constructing such improvements.
8. Each purchaser will be assessed, for the purpose of road construction on the basis of ninety (90) cents per front foot, this cost will be included in the contract.
9. Upon request of the City of Kenai, a safety barrier will be constructed along the North Kenai Road A.P. 4 line in front of the parking strip by the individual lot owners of blocks 1, 3, and 8.
10. No individual owner will be allowed within this subdivision.

CERTIFICATE OF OWNERSHIP AND DEDICATION.

We hereby certify that we are the owners of BLACK GOLD ESTATES SUBDIVISION as shown herein, and that we adopt this plan with our free consent, and dedicate all streets, alleys, and parking strips, for public use.

Date Sept. 23, 1964 Carl F. Ahlstrom Mary C. Ahlstrom
Owner

CERTIFICATE OF REGISTERED LAND SURVEYOR

I hereby certify that I am a registered land surveyor, and that this plat represents a survey made by me and the comments shown thereon actually exist as located, and that all dimensions and other details are correct.

Date Sept. 23, 1964 Stanley S. McLane
Registered Land Surveyor

STATE OF ALASKA

COUNTY OF KENAI

CITY OF KENAI

as

On this 24 day of May, 1964 before me personally appeared Carl F. Ahlstrom and Mary C. Ahlstrom, known to me to be the persons whose names are subscribed to this instrument, and acknowledged to me that they executed the same for the purposes hereon expressed.

I, JAMES T. BRIDGES, have hereunto set my hand and affixed my notarial seal this 24 day of May, 1964.

James T. Bridges, Notary Public

City Planning Commission

Received 11/14/64Approved 11/14/64Chairman Edgar C. Carr

MEMBER

This is to certify that the within plat was duly submitted to and approved by the Council of the City of Kenai, Alaska, by Resolution Number 601 dated August 11, 1964.

James T. Bridges, Notary Public

City Clerk

BLACK GOLD ESTATES, AMENDED

607



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION PZ2025-14**

A RESOLUTION **RECOMMENDING** THE KENAI CITY COUNCIL APPROVE THE REZONE FROM SUBURBAN RESIDENTIAL (RS) TO GENERAL COMMERCIAL (CG) ZONING DISTRICT FOR THE FOLLOWING PROPERTIES AND AS DEPICTED ON THE ATTACHED BOUNDARY MAP.

<u>Parcel No.</u>	<u>Address</u>	<u>Lot Size</u>	<u>Legal Description</u>
03902122	14383 Kenai Spur Hwy	1.96-acre	BUSH LANES SUB NO 2
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Resolution No. PZ2025-14

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03908108	2726 Augustine Way	0.40-acre	CARL F. AHLSTROM SUB
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03908110	2723 Wildwood Dr.	0.34-acre	CARL F. AHLSTROM SUB

WHEREAS, the City of Kenai received a rezone application and supporting documentation from the majority of property owners in accordance with Kenai Municipal Code (KMC) Section 14.20.270 *Amendment procedures*; and,

WHEREAS, the area proposed to be rezoned contains a minimum of one (1) acre (excluding street or alley rights-of-way); and,

WHEREAS, the proposed amendment to the zoning ordinance is not substantially the same as any other unapproved proposed amendment submitted within the previous nine (9) months; and,

WHEREAS, a map has been included of the proposed rezone area; and,

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

WHEREAS, the Planning and Zoning Commission finds:

1. The current zoning district, Suburban Residential (RS) is intended to provide for medium density residential development. The existing RS zone is not the preferred land use for this area as there are existing commercial uses to the south and west of the proposed rezone area and the subject properties are located within 600 feet of the Kenai Spur Highway.
2. The rezone to General Commercial (CG) zone would increase the adjacent CG zoning district, which it is anticipated that it would be developed in conjunction with the surrounding

commercial uses along the Kenai Spur Highway, therefore minimizing potential impacts of commercial development on existing residential uses.

3. Kenai Spur Highway has a Functional Classification as a Primary Arterial, as designated by the Alaska Department of Transportation, which infers a higher annual average daily traffic volume than surrounding neighborhood streets and therefore less desirable for residential uses due to vehicle noise.
4. The existing land use classification states that the area is to be Suburban Residential. Due to the Kenai Spur Highway being a Primary Arterial route, there is reason to anticipate that this area will become commercial uses, as traffic volume is higher along the highway and the associated road noise make residential uses less desirable. In the current RS zone, several commercial uses are permitted subject to a Conditional Use Permit (see attached Land Use Table). The proposed rezone to CG zone would be consistent as a natural extension of the General Commercial land use classification that is immediately south of the subject properties as identified in the Comprehensive Plan and reduce the administrative burden on business owners and city staff.
5. The proposed rezone to CG would align with the current commercial character of the neighborhood.

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

- Section 1.** That Kenai City Council approve the rezone request for the twenty-eight (28) properties located near the intersection of the Kenai Spur Highway and Wildwood Drive from Suburban Residential (RS) to General Commercial (CG) zoning district.
- Section 2.** That Kenai City Council amend the Land Use Map for the twenty-eight (28) properties located near the intersection of the Kenai Spur Highway and Wildwood Drive from Suburban Residential (RS) to General Commercial (CG).
- Section 3.** That Kenai City Council amend the Official Zoning Map for the twenty-eight (28) properties located near the intersection of the Kenai Spur Highway and Wildwood Drive from Suburban Residential (RS) to General Commercial (CG).
- Section 4.** That the Commission will forward its written recommendation to the Kenai City Council, along with all certified minutes and public records relating to the proposed amendment.

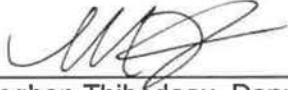
PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 23rd DAY OF APRIL, 2025.



Jeff Twait, CHAIRPERSON

Resolution No. PZ2025-14
Page 4 of 4

ATTEST:

A handwritten signature in black ink, appearing to read 'MT', is written over a horizontal line.

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Kevin Buettner, Planning Director
DATE: April 15, 2025
SUBJECT: Resolution PZ2025-14 – Rezone Twenty-eight (28) Parcels from Suburban Residential (RS) to General Commercial (GC) Zoning District

Request The applicants are requesting a rezone of Twenty-eight (28) parcels from Suburban Residential (RS) to General Commercial (CG) Zoning District.

Staff Recommendation Adopt Resolution PZ2025-14 recommending approval of a rezone of twenty-eight (28) parcels from Suburban Residential (RS) to General Commercial (CG) Zoning District; recommending a Zoning Map Amendment; and a Land Use Map Amendment.

Applicants: Alexander Douthit
 1104 Leeward Drive
 Kenai, AK 99611

<u>Parcel No.</u>	<u>Address</u>	<u>Lot Size</u>	<u>Legal Description</u>
03902122	14383 Kenai Spur Hwy	1.96-acre	BUSH LANES SUB NO 2
03903308	14320 Kenai Spur Hwy	0.52-acre	BLACK GOLD EST SUB AMD
03903310	14288 Kenai Spur Hwy	0.52-acre	BLACK GOLD EST SUB AMD
03903312	2807 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03903313	2809 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03903314	2811 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03903315	2813 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03903316	2815 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03904001	14260 Kenai Spur Hwy	0.26-acre	BLACK GOLD EST SUB AMD

03904002	14256 Kenai Spur Hwy	0.26-acre	BLACK GOLD EST SUB AMD
03904010	1303 Orchid Way	0.34-acre	BLACK GOLD EST SUB AMD
03904011	2705 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03904012	2707 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03904015	2713 Windflower Dr.	0.17-acre	BLACK GOLD EST SUB AMD
03904016	2715 Windflower Dr.	0.21-acre	BLACK GOLD EST SUB AMD
03904017	2717 Windflower Dr.	0.21-acre	BLACK GOLD EST SUB AMD
03908108	2726 Augustine Way	0.40-acre	CARL F. AHLSTROM SUB
03908109	2724 Augustine Way	0.61-acre	CARL F. AHLSTROM SUB
03908111	2722 Augustine Way	0.28-acre	CARL F. AHLSTROM SUB
03908113	2720 Augustine Way	0.26-acre	CARL F. AHLSTROM SUB
03908115	2718 Augustine Way	0.26-acre	CARL F. AHLSTROM SUB
03904009	2710 Wildwood Dr.	0.20-acre	BLACK GOLD EST SUB AMD
03904008	2712 Wildwood Dr.	0.20-acre	BLACK GOLD EST SUB AMD
03904007	2714 Wildwood Dr.	0.20-acre	BLACK GOLD EST SUB AMD
03908116	2717 Wildwood Dr.	0.26-acre	CARL F. AHLSTROM SUB
03908114	2719 Wildwood Dr.	0.26-acre	CARL F. AHLSTROM SUB
03908112	2721 Wildwood Dr.	0.41-acre	CARL F. AHLSTROM SUB
03908110	2723 Wildwood Dr.	0.34-acre	CARL F. AHLSTROM SUB

Current Zoning: Suburban Residential (RS)

Proposed Zoning: General Commercial (CG)

Current Land Use Unimproved Residential Lots

Land Use Plan Suburban Residential

SUMMARY

The applicants are seeking to rezone properties located primarily north and east of the Kenai Spur Highway and north of Wildwood Drive in the Black Gold Estates Subdivision (Amended) from Suburban Residential (RS) to General Commercial (CG) zoning district. One parcel is located to the west of the Kenai Spur Highway (KPB Parcel 03902122), which is currently split zoned as RS and CG. The new zoning for this parcel would be wholly CG. Five parcels south of Wildwood Drive in the Carl F. Ahlstrom Subdivision are also included due to their proximity to other CG zoned parcels and common ownership.

The purpose of the rezone is to allow commercial uses to be developed on the subject parcels. Due to the proximity of the Kenai Spur Highway, it is anticipated that commercial uses are more likely to develop along the corridor, acting as a buffer to the proposed suburban residential subdivision beyond the affected parcels.

The Kenai Spur Highway is classified as a Principal Arterial in this location by the Alaska Department of Transportation and as such, it is used to convey a high volume of traffic to Nikiski and points north. A Principal Arterial route often has higher annual average daily traffic counts than surrounding city streets, and generally results in higher associated road noise. This noise often deters substantial residential development directly on the route.

These parcels were originally platted in the 1960s. As development priorities within the City have changed over time, the preferred use of the land has also changed. Land use along this corridor and similar corridors in the City are commercial or light industrial in nature. Expanding the CG Zoning District will allow for additional development along the Kenai Spur Highway.

ANALYSIS

Pursuant to KMC Section 14.20.270, the initiation of a Zoning Map Amendment may be initiated by a majority of the property owners in the area to be rezone. Furthermore, the area to be rezoned contains a minimum one (1) acre (excluding street or alley rights-of-way) unless the amendment enlarges an adjacent district boundary.

The affected parcels are owned by eight different landowners. A majority of the landowners have expressed support. Written letters of support are attached to the application in this packet. This therefore, meets the requirements for the initiation of a rezone application. The combined area of the rezone is approximately 9.55 acres, which exceeds the minimum one (1) acre requirement for a zoning map amendment and it would expand the adjacent General Commercial zoning district to the south and west of the proposed rezone area.

Existing and Proposed Zoning

The existing zoning is Suburban Residential (RS) and the intent as outlined in KMC Section 14.20.090 states the following:

The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;*

- (2) *To prohibit uses which would:*
- (A) *Violate the residential character of the environment;*
 - (B) *Generate heavy traffic in predominantly residential areas.*

Findings: The area is currently surrounded to the west and south with existing commercial uses. A commercial use is also present in the center of the proposed rezoning area. The subdivision has not been developed in over sixty years, and given current development trends in the City of Kenai, the land closest to the Kenai Spur Highway is typically used for commercial uses. The current zoning, RS prohibits commercial uses unless it is a conditional use which may preclude potential development from occurring due to an increased administrative burden on potential developers.

The proposed zoning is General Commercial (CG) and the intent as outlined in KMC Section 14.20.120 states the following:

The CG zone allows for the widest range of commercial uses compared to other commercial zoning districts. The current zoning district, Suburban Residential (RS) is intended to provide for medium density residential development. The existing RS zone is not the preferred land use for this area as there are existing commercial uses to the south and west of the proposed rezone area and the subject properties are located on or near the Kenai Spur Highway.

The rezone to General Commercial (CG) zone would increase the adjacent CG zoning district, which it is anticipated that it would be developed in conjunction with the surrounding commercial uses along the Kenai Spur Highway. Therefore, it would minimize potential impacts of commercial development on existing residential uses.

Findings: The rezone to CG zone would increase the adjacent CG zoning district, which it is anticipated that it would be developed in conjunction with the surrounding commercial/institutional uses to the west and south. Therefore, minimizing potential impacts of commercial development on existing uses.

Comprehensive Plan – Land Use Classification

The existing land use classification is Suburban Residential and the intent as outlined in the *Imagine Kenai 2030 Comprehensive Plan* (“Comprehensive Plan”) states the following:

Kenai residents place a high value on residential neighborhoods that are safe for all ages and located near important community facilities such as schools, recreational facilities, the library, parks, government services, and commercial areas.

Findings: The existing land use classification states that the area is to be Suburban Residential. Due to the Kenai Spur being a Principal Arterial route, there is reason to anticipate that this area will become a mix of commercial uses, as traffic is higher along the Kenai Spur Highway and the associated road noise make residential uses less desirable. The proposed rezone to CG zone would be consistent as a natural extension of the General Commercial land use classification that is immediately south of the subject properties as identified in the Comprehensive Plan.

An amendment to the land use map in the Comprehensive Plan is required, as all the

proposed uses are not allowable in Suburban Residential zones. The City anticipates updating the Comprehensive Plan within a couple years, and a new Land Use Plan may be developed as a part of this process.

The Comprehensive Plan supports this rezoning in the following identified goal:

Goal 1 – Quality of Life: Promote and encourage quality of life in Kenai.

- *Q-4: Promote the siting and design of land uses that are in harmony and scale with surrounding uses.*

Findings: The proposed rezone to CG would align with the commercial development of the surrounding neighborhoods.

Existing Use

In the proposed rezone area, there are no principal structures. Commercial enterprises exist to the south and west of the proposed rezone area, and mirroring the zoning on the opposite side of the Kenai Spur Highway would open up land for new development. The original subdivision was platted over sixty years ago, and to date, there is little development within the entirety of the subdivision.

Findings: The proposed rezone to CG zone would make the land fronting the Kenai Spur Highway, as well as adjacent lots behind them more desirable for development. The parcels not fronting the highway could potentially be merged in future subdivisions to allow for large developments.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280 notices of the public hearing for the rezone were mailed to property owners within a three hundred-foot (300') periphery of the subject properties. City staff published notice of the public hearing in the *Peninsula Clarion*, and notification was posted.

No public comments have been received as of the date of this meeting.

STAFF RECOMMENDATION

Based on the findings and analysis in this staff report, Staff recommends the Planning & Zoning Commission recommending approval of a rezone of twenty-eight (28) parcels from Suburban Residential (RS) to General Commercial (CG) Zoning District; recommending a Zoning Map Amendment; and a Land Use Map Amendment. Planning & Zoning Commission's recommendation will be forwarded to City Council for consideration.

ATTACHMENTS

Zoning Map
Application Materials
Letter of Intent
Letters of Support
Aerial Map
Plat
Draft Zoning Map





Rezoning Application

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

PETITIONER

Name:	Alexander Douthitt		
Mailing Address:	[REDACTED]	Kenai	State: AK Zip Code: 99611
Phone Number(s):			
Email:			

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (s):	See attached list
Physical Address:	Centered on 14224 Kenai Spur Hwy, Kenai, AK 99611
Legal Description:	See attached list

ZONING INFORMATION

Present Zone:	Suburban Residential
Proposed Zone:	General Commercial

Intended Use and/or Reason for Rezoning (attach additional sheets if necessary):

Extend general commercial zone and mirror adjacent zoning along Kenai Spur Hwy.
Would also remove split-zoned areas, allowing for easier transfers of property.

AMENDMENT PROCEDURE REQUIREMENTS

The area proposed to be rezoned contains a minimum of 1 acre (excluding street or alley rights-of-way), unless the amendment enlarges an adjacent zoning district boundary.	<input checked="" type="checkbox"/> YES
This proposed amendment to the zoning ordinance is not substantially the same as any other unapproved proposed amendment submitted within the previous 9 months.	<input checked="" type="checkbox"/> YES
I understand a public hearing is required as outlined in the Kenai Zoning Code, a \$250 fee is required (\$265 total after tax), and that this application will be reviewed following Kenai City Code 14.20.270, available at kenai.municipal.codes/KMC/14.20.270.	<input checked="" type="checkbox"/> YES
I have included a map of the proposed rezone area and applicable signatures.	<input checked="" type="checkbox"/> YES

The proposed Zoning Code and Official Zoning Map Amendments is initiated by (check one):

- ☐ Kenai City Council
☐ Kenai Planning & Zoning Commission
☒ Petition of majority of the property owners in the area to be rezoned
☐ Petition bearing the signatures of 50 registered voters within the City of Kenai
☐ Petition as provided by the Home Rule Charter of the City of Kenai

PETITIONER'S SIGNATURE

Signature:	See email - 3/4/2025		
Printed Name:		Date:	

For City Use Only

Date Application Fee Received:
PZ Resolution Number:

Kevin Buettner

From: Alex Douthit [REDACTED]
Sent: Tuesday, March 4, 2025 10:45 AM
To: Kevin Buettner
Subject: Rezone

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon,

It is my request to rezone an area on the Kenai Spur Hwy and Wildwood Drive.

I currently own a large lot in the middle of the area that is zoned General Commercial and this would align the surrounding areas to also be general commercial.

The surrounding lots are currently zoned Suburban residential.
With this change, this area would then mirror the adjacent side of the Kenai Spur hwy which has a very similar area that is already zoned General Commercial.

This rezoning would allow for much needed commercial development areas within the City of Kenai and encourage economic growth within the city. The attached letters in addition to myself represent 22 of 29 surrounding lots.

The lots requesting to rezone are listed as follows

4320, 14288, 14260, 14256, 14224, 14383 KENAI SPUR HWY
2815, 2813, 2811, 2809, 2807, 2717, 2715, 2713, 2707, 2705 WILDFLOWER DR.
2710, 2714, 2712, 2717, 2719, 2721, 2723 Wildwood dr.
1303 ORCHID WAY
2718, 2720, 2722, 2724, 2726 Augustine

Also attached are letters of support from a large majority of the involved land owners.

Thank you,

Alex Douthit
[REDACTED]

**DOYLE'S FUEL SERVICE****SERVING THE KENAI SINCE 1962**

3/4/2025

To Whom it may concern,

Weaver Brothers/Doyle's Fuel Service is in support of zoning 14383 Kenai Spur Hwy Kenai, Alaska 99611 into a commercial zone as well as any lots directly across the Kenai Spur Hwy in the vicinity of this address.

Thank you,
Kevin Doyle

Weaver Brothers/Doyle's Fuel Service, Inc.

* Kenai, AK 99611 * Phone: *Fax:



Alex Douthit [redacted]

rezone

[redacted]

Fri, Feb 28, 2025 at 9:44 AM

yes i John Bennett would like to rezone my lots to general commercial

[Quoted text hidden]



Alex Douthit [redacted]

Rezone on Kenai Spur Hwy project

bryan lowe [redacted]
To: Alex Douthit [redacted]

Fri, Feb 28, 2025 at 9:09 PM

I, Bryon Lowe, owner of 14260 Kenai Spur Hwy am in support of Rezoning this lot and the surrounding area to General Commercial as proposed by Alex Douthit.

Thank You

Bryan Lowe [redacted]

Sent from my iPhone

[Quoted text hidden]



Alex Douthit [redacted]

rezone

1 message

John Mellish [redacted]

Fri, Feb 28, 2025 at 5:16 PM

To: [redacted]

To Who It May Concern,

I am in full support of rezoning the property adjacent to RPM's at 14096 Kenai Spur Highway to "general commercial".

Sincerely,

RPM's LLC
John Mellish
[redacted]



NOTES

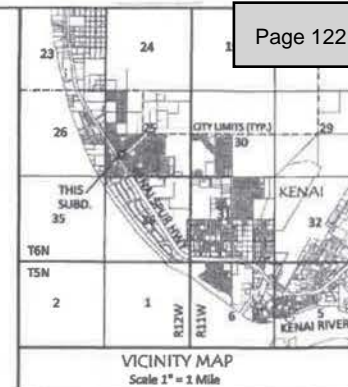
1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
3. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
4. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
5. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 5.1. THIS SUBDIVISION MAY BE AFFECTED BY A RESERVATION OF EASEMENT RESERVED BY PUBLIC LAND ORDER No.601, DATED AUGUST 10, 1948 AND AMENDED BY PUBLIC LAND ORDER No.757 DATED OCTOBER 10, 1958, PUBLIC LAND ORDER No.1613 DATED APRIL 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER No.2665 DATED OCTOBER 16, 1951, AMENDMENT No.1 DATED JULY 17, 1952 AND AMENDMENT No.2 DATED SEPTEMBER 15, 1956 FILED IN THE FEDERAL REGISTER.
 - 5.2. AN ELECTRIC EASEMENT GRANTED TO KENAI POWER CORPORATION ON JUNE 4, 1958 IN MISC. BOOK 2, PAGE 31, KRD, LOCATION NOT DEFINED. AS ASSIGNED TO THE CITY OF KENAI, DECEMBER 31, 1963 IN MISC. BOOK 11, PAGE 188, KRD.
 - 5.3. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON DECEMBER 5, 1958 IN MISC. BOOK 2, PAGE 64, KRD, LOCATION NOT DEFINED.
 - 5.4. COVENANTS, CONDITIONS AND RESTRICTIONS FOR BLACK GOLD ESTATES SUBDIVISION, AMENDED K1359. THE BOROUGH WILL NOT ENFORCE PRIOR COVENANTS, EASEMENTS OR DEED RESTRICTIONS FOR KPB 20.60.120.

WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



GRAPHIC SCALE
25 50
1 inch = 50 ft.




VICINITY MAP

Scale 1" = 1 Mile

LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S

 R/W VACATED BY THIS PLAT AND APPROVED FOR VACATING BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE AUGUST 23, 2021 MEETING. THE KENAI CITY COUNCIL CONSENTED TO THE VACATED R/W AT THE SEPTEMBER 15, 2021 MEETING.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

ALEXANDER DOUTHITT
1104 LEEWARD DR.
KENAI, AK 99611

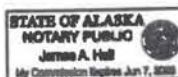
NOTARY'S ACKNOWLEDGEMENT

FOR: ALEXANDER DOUTHIT
ACKNOWLEDGED BEFORE ME THIS

22nd DAY OF October, 2021

MY COMMISSION EXPIRES JUNE 7, 2023

NOTARY PUBLIC FOR THE
STATE OF ALASKA



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI
PENINSULA BOROUGH IN ACCORDANCE WITH
KPB 20.10.080.

Scott A. [Signature] 1/20/22
AUTHORIZED OFFICIAL DATE

BLACK GOLD ESTATES 2021 REPLAT

A R/W VACATION PLAT OF UNNAMED 60' STREET ADJACENT TO LOT 4A BLOCK 8 BLACK GOLD ESTATES SUBDIVISION No.2 (KN84-76)

ALEXANDER DOUTHIT, OWNER
1104 LEeward DR
KENAI, AK 99611

3.436 AC. M/L SITUATED IN THE SW1/4 OF SECTION 25, TOWNSHIP 6 NORTH
RANGE 12 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA
BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.



ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 408
SOLDOTNA, AK 99689
VOICE: (907) 283-4218
FAX: (907) 283-3255
WWW.MCLANECDG.COM

KPB File No. 2021-1114

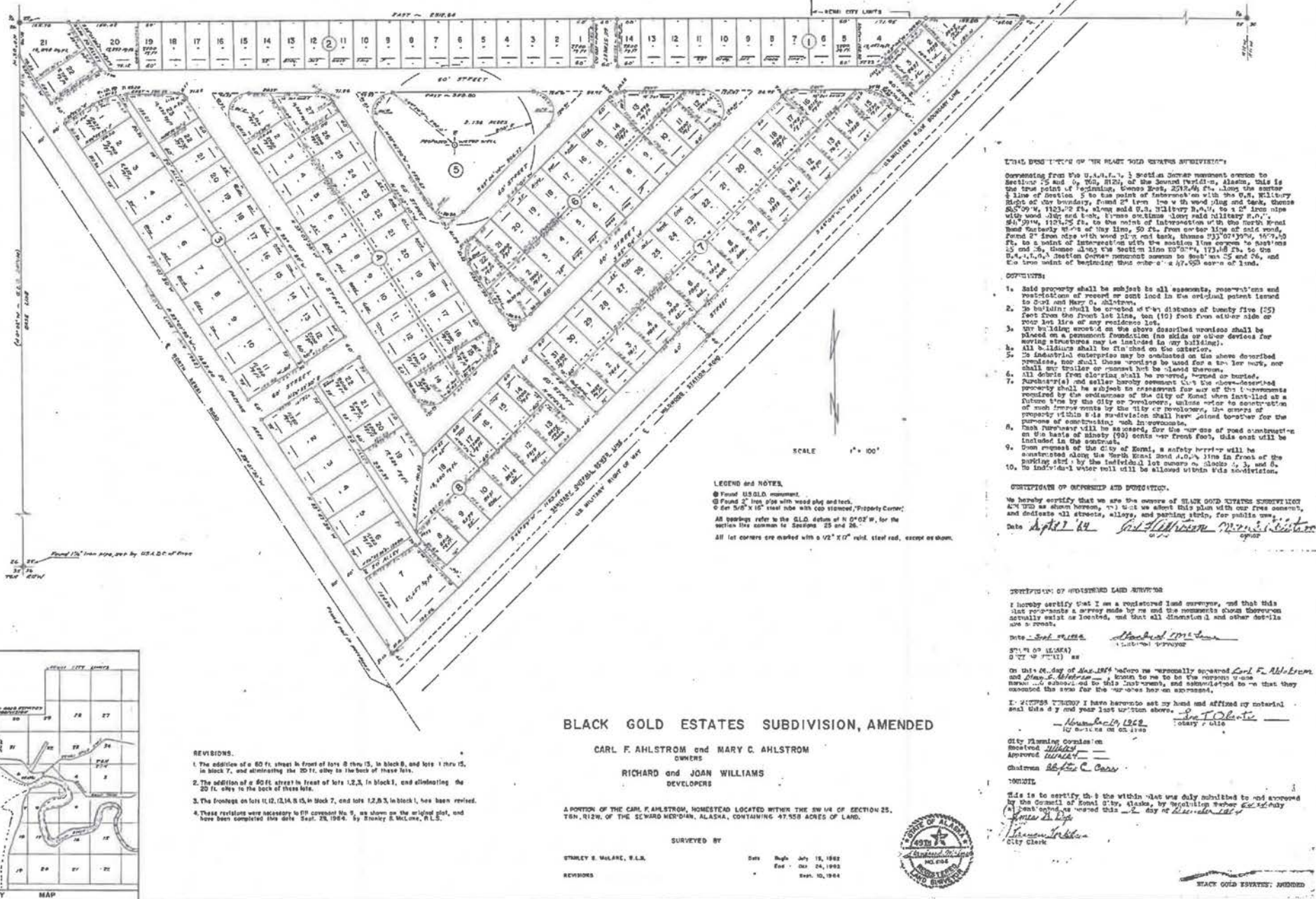
PROJECT NO. 212037

SCALE 1" = 50'

DATE 1 JUN 90

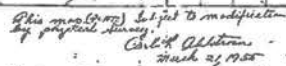
1. Водяк № 1 : 21-04. Реактив № 1 : 1.

Page 181



216

SEE PC RES 2012-44 VACATE 10 FT UTILITY EASEMENT



FILED

NO OF CHANGES: 1175. 11/10/01

CARL F. AHLSTROM
K-216

VICTOR FISCHER Planning Architect Chicago	EDWARD C. TROMP ARCHITECT Springfield, Ill.	PAUL HENRY CHRISTENSEN DESIGN FEB. 20, 1976 CARL F. AHLSTROM KANAI ALASKA	SW 1/4 SECTION 25 T8N R12W SEWARD MICHIGAN	UNRECORDED SHEET 1
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MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Terry Eubank, City Manager

DATE: April 25, 2025

SUBJECT: Discussion - Facility Use Policy Administration

This memo is intended to provide context and invite feedback regarding the administration and development of facility use policies across City facilities.

City departments manage a wide range of facilities—approximately 45 indoor and outdoor locations—that are subject to differing policies and procedures. In certain cases, such as the Kenai Municipal Cemetery, City Code specifically requires Council action to adopt or amend related policies. In most instances, departments have historically developed and maintained facility policies administratively under the supervision of the City Manager, consistent with City Code, which assigns the City Manager responsibility for overseeing departments and their operations.

There have, however, been instances where policies were brought to Council for approval even when not expressly required by Code. These occurrences have raised questions about when Council action is appropriate, particularly in cases not specifically addressed by City Code.

The current structure generally supports administrative flexibility while allowing for the Council to set broad policy direction. Departments have developed and updated standard operating procedures (SOPs) and facility use guidelines accordingly. While there is no immediate concern with this structure, questions have occasionally been raised about how best to ensure consistent practices and transparency across facilities.

For City facilities not explicitly governed by code, the Administration intends to continue managing facility use policies administratively. This includes consultation with relevant commissions, such as Parks & Recreation, Airport, or Council on Aging, as appropriate, prior to finalizing any changes. As policies are adopted or amended, notable updates may be shared with the Council through the City Manager's report, depending on their scope or public interest.

This approach balances operational flexibility and efficiency with transparency and Council awareness. If there are any concerns with this direction, the Administration welcomes further discussion.



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Terry Eubank, City Manager

DATE: April 25, 2025

SUBJECT: Discussion - Unsafe Driving Through Parking Lots (Rat Running)

This memo is intended to provide background and support Council discussion regarding the unsafe driving practice of motorists cutting through private or public property to avoid traffic control devices—commonly referred to as "rat running."

The issue has become particularly visible at the Kenai Visitor and Cultural Center. Last spring, the Kenai Chamber Director reported numerous vehicles—15 to 20 at a time—using the parking lot as a shortcut between Overland Street and the Kenai Spur Highway, often at high speeds. This created safety concerns for pedestrians, visitors, and staff. In response, the Administration explored several deterrents.

A marked police vehicle was temporarily parked at the site, which reduced speeding but was not sustainable as a long-term enforcement measure. Temporary barricades blocking the Spur Highway exit successfully stopped the cut-through traffic but prompted complaints about appearance, restricted RV access (an original design intent), and interference with a private easement. Directional signage marking the exit as "Right Turn Only" was installed; while somewhat helpful, it lacked enforceability and was often ignored. Speed bumps, previously installed to slow traffic, had deteriorated due to snow removal and are now scheduled for replacement at an estimated cost of \$15,000. The City is also considering a permanent reconfiguration of the Spur Highway entrance/exit, which would cost approximately \$45,000. While these previous efforts have provided temporary relief, none have fully resolved the issue or offer a sustainable solution on their own.

Current Alaska law limits the City's ability to enforce traffic rules on private or public parking lots unless a driver's behavior rises to the level of reckless driving. Some other Alaska communities—such as Anchorage and Fairbanks—have adopted local ordinances to prohibit cut-through driving and allow for fines. Enacting a similar ordinance in Kenai would provide the Police Department with a targeted enforcement tool. While enforcement would depend on officer availability and would not eliminate the behavior entirely, it could deter frequent offenders and signal that the City takes pedestrian safety seriously. The Kenai Police Department supports pursuing this option, with the understanding that it should be paired with continued investment in physical deterrents, such as speed bumps or entry redesigns.

City Administration recommends a combined approach: enactment of a local ordinance, paired with physical deterrents where feasible. While legislation alone will not solve the problem, it creates a legal mechanism to discourage the behavior and supports ongoing safety efforts. If Council concurs, draft legislation will be prepared for introduction at the May 21st meeting.



**KENAI COUNCIL ON AGING – REGULAR MEETING
APRIL 10, 2025 – 3:00 P.M.
KENAI SENIOR CENTER
361 SENIOR CT., KENAI, AK 99611
VICE CHAIR GLENDENING, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Council on Aging was held on April 10, 2025, at the Kenai Senior Center, Kenai, AK. Vice Chair Glendening called the meeting to order at approximately 3:00 p.m.

1. Pledge of Allegiance

Vice Chair Glendening led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jim Glendening, Vice Chair
Velda Geller
Gina Kuntzman

William Sadler
Barbara Modigh
Kit Hill

A quorum was present.

Absent:

Rachael Craig, Chair

Also in attendance were:

Kathy Romain, Senior Center Director
Red Piersee, Senior Center Administrative Assistant
Henry Knackstedt, City Council Liaison

3. Agenda Approval

MOTION:

Commissioner Hill **MOVED** to approve the agenda as presented. Commissioner Kuntzman **SECONDED** the motion.

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

1. March 13, 2025 Regular Meeting Minutes

MOTION:

Commissioner Hill **MOVED** to approve the March 13, 2025 Council on Aging minutes. Commissioner Sadler **SECONDED** the motion.

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

E. UNFINISHED BUSINESS – None.

F. NEW BUSINESS

1. Discussion/Recommendation - Committees appointments to Workplan Goals

Director Romain gave a staff report from information provided in the packet, and explained that she had asked for this meeting to be held so that commissioners could be appointed to the Committee's Workplan goals.

Assignments were made as follows: Commissioners Hill and Sadler to Goal #1; all members to Goal #2; and Commissioners Modigh and Kuntzman to Goal #3.

2. Discussion – KPHI Presentation to Council from 04.02.2025

The Kenai Peninsula Housing Initiatives (KPHI) presentation that was presented at the April 2, 2025 City Council meeting was reviewed. Commissioners discussed the land donation with Council Liaison Knackstedt.

G. REPORTS

1. Senior Center Director – Director Romain reported on the following:
 - The February Midmonth report as provided in the packet was reviewed.
 - The March for Meals fundraiser was a success.
 - The Senior Center will host an annual Health and Wellness Day in May.
 - Senior Center surveys are out and available at the front desk until the end of June.
2. Commission Chair – Vice Chair Glendening reported on recent funding challenges; praised Senior Center staff for their commitment and efficiency in spending funds; noted that it is the mission of this advisory group to remain strong to accept further challenges; and expressed appreciation for Council Liaison Knackstedt.
3. City Council Liaison – Council Member Knackstedt reported on the recent actions of the City Council.

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – May 8, 2025

It was noted that the May 8, 2025 meeting would be cancelled.

J. COMMISSION QUESTIONS AND COMMENTS

K. ADJOURNMENT

L. INFORMATIONAL ITEMS

1. February Monthly Report

There being no further business before the Council on Aging, the meeting was adjourned at 4:25 p.m.

I certify the above represents accurate minutes of the Council on Aging meeting of April 10, 2025.

Meghan Thibodeau
Deputy City Clerk

**KENAI AIRPORT COMMISSION – REGULAR MEETING
APRIL 10, 2025 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR GLENDA FEEKEN, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Airport Commission was held on April 10, 2025, in the Kenai City Council Chambers, Kenai, AK. Chair Feeken called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Chair Feeken led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Glenda Feeken, Chair
James Bielefeld
James Zirul

Paul Minelga, Vice Chair
Dan Knesek

A quorum was present.

Absent:

Cody Whicker

Jacob Caldwell

Also in attendance were:

Derek Ables, Airport Manager
Sarah Conley, Airport Administrative Assistant
Phil Daniel, City Council Liaison

3. Agenda Approval

Chair Feeken noted the following additions to the packet:

Add to Item F.1.

Discussion/Recommendation – Recommending Council Amend Kenai Municipal Code 21.05.085- Airport Fuel Flowage Fee, To Remove the Set Amount in Code and Instead Refer to the Annually Updated Schedule of Rates Charges and Fees.

- Ordinance Memo

MOTION:

Commissioner Bielefeld **MOVED** to approve the agenda with the requested additions. Vice Chair Minelga **SECONDED** the motion.

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

1. March 13, 2025 Regular Meeting Minutes

MOTION:

Commissioner Bielefeld **MOVED** to approve the March 13, 2025 Airport Commission minutes. Commissioner Knesek **SECONDED** the motion.

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

E. UNFINISHED BUSINESS – None.

F. NEW BUSINESS

1. **Discussion/Recommendation** – Recommending Council Amend Kenai Municipal Code 21.05.085- Airport Fuel Flowage Fee, To Remove the Set Amount in Code and Instead Refer to the Annually Updated Schedule of Rates Charges and Fees.

MOTION:

Vice Chair Minelga **MOVED** to recommend City Council amend Kenai Municipal Code 21.05.085- Airport Fuel Flowage Fee, To Remove the Set Amount in Code and Instead Refer to the Annually Updated Schedule of Rates Charges and Fees. Commissioner Bielefeld **SECONDED** the motion.

Airport Manager Ables gave a staff report from information provided in the packet.

[Clerk's Note: Commissioner Zirul arrived at 6:04 p.m.]

UNANIMOUS CONSENT was requested on the motion.

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

2. **Discussion/Recommendation** – Recommending Council Award a Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC, for operation of a gift shop inside the Kenai Municipal Airport Terminal.

MOTION:

Commissioner Zirul **MOVED** to recommend City Council Award a Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC, for operation of a gift shop inside the Kenai Municipal Airport Terminal.

Commissioner Bielefeld **SECONDED** the motion.

Airport Manager Ables gave a staff report from information provided in the packet.

UNANIMOUS CONSENT was requested on the motion.

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

3. **Discussion/Recommendation** – Recommending Council Award a Special Use Permit to the State of Alaska Division of Forestry and Fire Protection for 30,000 square feet of apron space for aircraft loading and parking.

MOTION:

Commissioner Zirul **MOVED** to recommend City Council Award a Special Use Permit to the State of Alaska Division of Forestry and Fire Protection for 30,000 square feet of apron space for aircraft loading and parking. Commissioner Bielefeld **SECONDED** the motion.

Airport Manager Ables gave a staff report from information provided in the packet.

UNANIMOUS CONSENT was requested on the motion.

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

G. REPORTS

1. Airport Manager – Airport Manager Ables reported on the following:
 - Airport Master Plan moving forward; working primarily on data collection by HDL Engineers; 90% of FAA equipment locates completed.
 - Attended Volaire forum with 24 other airports, met with five airlines to discuss future service in Kenai.
 - Debbie's Bistro is now open in the Airport Terminal.
 - QR codes are up on the signs at the float plane basin.
 - Invitation extended to pancake breakfast and Kenai Peninsula Air Fair.
2. Commission Chair – None.
3. City Council Liaison – Council Member Daniel reported on recent actions of the City Council.

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – May 8, 2025

J. COMMISSION QUESTIONS AND COMMENTS

Commissioner Zirul discussed whether there's an option for commercial vs private hangar leases.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS

1. Administrative Report

There being no further business before the Airport Commission, the meeting was adjourned at 6:23 p.m.

I certify the above represents accurate minutes of the Airport Commission meeting of April 10, 2025.

Meghan Thibodeau
Deputy City Clerk

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

**KENAI HARBOR COMMISSION – REGULAR MEETING
APRIL 7, 2025 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR LISA GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Harbor Commission was held on April 7, 2025, in the Kenai City Council Chambers, Kenai, AK. Chair Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Chair Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Lisa Gabriel, Chair
Zachary Rohr
Dominick Sarte

Reveal, Vice Chair
Matthew Moffis, Vice Chair

A quorum was present.

Also in attendance were:

Lee Frey, Public Works Director
Lisa List, Public Works Administrative Assistant
Sovala Kisenia, City Council Liaison

3. Election of Chair and Vice Chair

Chair Gabriel called for nominations for the position of Harbor Commission Chair.

MOTION:

Commissioner Moffis **NOMINATED** Commissioner Reveal to the position of Chair. Commissioner Rohr seconded the motion.

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

[Clerk's Note: Chair Gabriel passed the gavel to newly elected Chair Reveal.]

Chair Reveal called for nominations for the position of Harbor Commission Vice Chair.

MOTION:

Commissioner Gabriel **NOMINATED** Commissioner Moffis to the position of Chair. Commissioner Rohr **SECONDED** the motion.

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

4. Agenda Approval

MOTION:

Commissioner Gabriel **MOVED** to approve the agenda as presented. Commissioner Rohr **SECONDED** the motion.

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS

Robert Peterkin addressed the Commission regarding in building a Harbor in Kenai, summarizing the number of items that are transported through the road system to get to a port and the number of boats that would utilize stalls.

Tom Pellegrom addressed the Commission in support of building a Harbor in Kenai.

D. APPROVAL OF MINUTES

1. February 10, 2025 Regular Meeting Minutes

MOTION:

Commissioner Gabriel **MOVED** to approve the February 10, 2025 Harbor Commission minutes. Commissioner Moffis **SECONDED** the motion.

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

E. UNFINISHED BUSINESS – None.

F. NEW BUSINESS

1. **Discussion/Recommendation** - Work Plan Implementation.

It was reported this was placed on the agenda to allow the commission to discuss what direction the Commission wanted to move forward with from the work plan; the Bluff Stabilization project was scheduled to be completed this year; and the Waterfront Revitalization Project would be based on private investment and development.

2. **Discussion/Recommendation** - Schedule date for Kenai Dock Site Visit.

The Kenai Dock Site Visit Work Session was scheduled for June 9, 2025.

G. REPORTS

1. Public Works Director – Director Frey reported on the following:
 - Bluff Stabilization Project is moving forward.
 - Dock is currently open, earliest opening in years.
 - Purchasing materials to build new floats that we built in house over the winter.
2. Commission Chair – No report.
3. City Council Liaison – Council Member Kisena reported on recent actions of the City Council.

H. ADDITIONAL PUBLIC COMMENTS

Todd Paxton, Nikiski addressed the Commission in support of developing a Harbor in Kenai.

I. NEXT MEETING ATTENDANCE NOTIFICATION - May 12, 2025.

J. COMMISSION QUESTIONS AND COMMENTS

Commissioner Gabriel congratulated Commissioner Moffis and Chair Reveal for the election as Commission Officers.

Chair Reveal stated she appreciated everyone patients when taking these long term issues through process.

Commissioner Sarte congratulated the new Officers and stated his appreciation for the public participation and ideas.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS – None.

There being no further business before the Harbor Commission, the meeting was adjourned at 6:35 p.m.

I certify the above represents accurate minutes of the Harbor Commission meeting of April 7, 2025.

Meghan Thibodeau
Deputy City Clerk

**KENAI BEAUTIFICATION COMMISSION – REGULAR MEETING
APRIL 8, 2025 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR SARAH DOUTHIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Beautification Commission was held on April 8, 2025, in the Kenai City Council Chambers, Kenai, AK. Chair Douthit called the meeting to order at approximately 6:06 p.m.

1. Pledge of Allegiance

Chair Douthit led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Sarah Douthit, Chair
Brittney Hoffert

Emily Heale

A quorum was not present.

Absent:

Christina Warner, Vice Chair
Sonja Barbaza

Terri Wilson
Samantha Springer

Also in attendance were:

Tyler Best, Parks & Recreation Director
Victoria Askin, City Council Liaison

3. Agenda Approval

B. SCHEDULED PUBLIC COMMENTS

C. UNSCHEDULED PUBLIC COMMENTS

D. APPROVAL OF MINUTES

1. November 19, 2024 Regular Meeting Minutes
2. February 11, 2025 Regular Meeting Minutes

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. **Discussion/Recommendation** – Annual report of 2024 work plan goals
2. **Discussion/Recommendation-** Workplan Goals for 2025

G. REPORTS

1. Parks & Recreation Director

2. Commission Chair
3. City Council Liaison

H. ADDITIONAL PUBLIC COMMENTS

I. NEXT MEETING ATTENDANCE NOTIFICATION – May 13, 2025

J. COMMISSION QUESTIONS AND COMMENTS

K. ADJOURNMENT

L. INFORMATIONAL ITEMS

1. Park inventory

Due to a lack of a quorum, the meeting was adjourned at 6:07 p.m.

I certify the above represents accurate minutes of the Beautification Commission meeting of April 8, 2025.

Meghan Thibodeau
Deputy City Clerk

PROCLAMATION

WHEREAS, sexual assault is an intolerable violent crime with public health implications for every person in the central Kenai Peninsula, and no one person, organization, agency or community can eliminate sexual assault alone; and,

WHEREAS, sexual violence prevention can be better addressed through education, counseling, support of victims/survivors, and increased support for service agencies in collaboration with The LeeShore Center; and,

WHEREAS, the LeeShore Center, its staff and volunteers work year around to address sexual assault by providing 24-hour crisis services, offering support to those impacted by sexual assault, and providing prevention education and survivor empowerment information to schools, churches, and civic organizations, as well as to medical, mental health, law enforcement, education and criminal justice personnel; and,

WHEREAS, The LeeShore Center continues to develop and improve the quality of service for those most profoundly and directly impacted by sexual violence.

NOW, THEREFORE, I, HENRY KNACKSTEDT, VICE MAYOR OF THE CITY OF KENAI, ALASKA, hereby proclaim April 2025 as:

“Sexual Assault Awareness Month”

in the City of Kenai and urge all citizens to support and assist The LeeShore Center as it continues its efforts to bring real hope for freeing the central Kenai Peninsula from the tragedy of sexual violence and exploitation.

DATED: *This 7th day of May, 2025.*

Henry Knackstedt, Vice Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk