



## Kenai City Council - Regular Meeting

March 01, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

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

### Agenda

#### A. CALL TO ORDER

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

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

#### B. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

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

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

#### D. PUBLIC HEARINGS

1. **Ordinance No. 3336-2023** - Accepting and Appropriating an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)
2. **Ordinance No. 3337-2023** - Accepting and Appropriating an Increase from the Kenai Peninsula Borough for the Senior Citizen Program Grant. (Administration)
3. **Resolution No. 2023-16** - Amending the Employee Classification Plan by Removing the Data Entry Clerk, Consolidating the Meals Driver and Driver Classes, and Adjusting the Ranges of Driver, Kitchen Assistant, and Cook Positions at the Kenai Senior Center. (Administration)
4. **Resolution No. 2023-17** - Authorizing the Use of the Fleet Replacement Fund for the Purchase of Equipment to Upfit Four New Police Vehicles and Authorizing the Sole Source Purchase of a Portion of the Items from Alaska Safety Inc. Utilizing the Contract of Another Government Agency in which the City is Authorized to Participate. (Administration)
5. **Resolution No. 2023-18** - Renumbering Kenai City Council Supervisory Sub-Committee Policy No. 2017-02 to Policy No. 20.230. (City Clerk)

- [6.](#) **Resolution No. 2023-19** - Authorizing the Purchase of Real Property Described as Lots 8 and 9, Block 19, of the Original Townsite of Kenai, According to US Survey 2970B, Record of the Kenai Recording District, Third Judicial District, State of Alaska, and Designated as Kenai Peninsula Borough Parcel Number 04710308 from Billy McCann Et Al. and Glenda Sterling, for the Public Purpose of Including the Property in the Bluff Erosion Restoration Project and Determining that the Public Interest Will Not Be Served by an Appraisal. (Administration)
- [7.](#) **Resolution No. 2023-20** - Authorizing a Budget Transfer in the Visitor Center Improvement Capital Project Fund and Authorizing a Contract Award and Corresponding Purchase Order for the Visitor Center Roof Replacement Project. (Administration)
- [8.](#) **Resolution No. 2023-21** - Authorizing a Contract Award and Corresponding Purchase Order for the Green Strip Playground Equipment Project. (Administration)

#### **E. MINUTES**

- [1.](#) \*Regular Meeting of February 15, 2023. (City Clerk)

#### **F. UNFINISHED BUSINESS**

- [1.](#) **Ordinance No. 3332-2023** - Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai. (Douthit and Winger)  
*[01/04/23 Introduced by Council; Referred for recommendation to the 01/25/23 Planning and Zoning Commission Meeting; First Public Hearing by Council Scheduled for 02/01/23; 02/01/23 Referred to the Planning & Zoning Commission for a Work Session; Second City Council Public Hearing Scheduled for March 1, 2023.]*

#### **G. NEW BUSINESS**

- [1.](#) \***Action/Approval** - Bills to be Ratified. (Administration)
- [2.](#) \***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License for Cook Inlet Cannabis Co., DBA: East Rip - License No. 13382. (City Clerk)
- [3.](#) \***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License for Herban Extracts LLC., DBA: Herban Extracts LLC. - License No. 14432. (City Clerk)
- [4.](#) \***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License for KRC LLC., DBA: Kenai River Cannabis. - License No. 17808. (City Clerk)
- [5.](#) \***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License and a Standard Marijuana Cultivation License for Majestic Gardens LLC., DBA: Majestic Gardens LLC. - License No.'s 15393 and 15395. (City Clerk)
- [6.](#) \***Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for D & E Investments Inc., DBA: The Bow - License No. 1312. (City Clerk)
- [7.](#) \***Action/Approval** - Non-Objection to the Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit for Solitaire LLC., DBA: Pizza Paradisos - License No. 3032. (City Clerk)
- [8.](#) \***Ordinance No. 3338-2023** – Amending Kenai Municipal Code Chapter 1.15 - Rules of Order, to Allow Approval of the Agenda and Consent Agenda in One Motion, Remove Sections that May Conflict with the State of Alaska Open Meetings Act, and Remove any Rules that are Standard Rules as Established in Roberts Rules of Order. (City Clerk)

**H. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee

**I. REPORT OF THE MAYOR****J. ADMINISTRATION REPORTS**

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

**K. ADDITIONAL PUBLIC COMMENTS**

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

**L. EXECUTIVE SESSION****M. PENDING ITEMS**

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

**N. ADJOURNMENT****O. INFORMATION ITEMS**

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

**Join Zoom Meeting**

<https://us02web.zoom.us/j/83177161203>

**Meeting ID:** 831 7716 1203 **Passcode:** 166921

OR

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

**Meeting ID:** 831 7716 1203 **Passcode:** 166921



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3336-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING AN AMERICAN RESCUE PLAN ACT GRANT PASSED THROUGH THE STATE OF ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR KENAI SENIOR CENTER EXPENDITURES IN SUPPORT OF ITS RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law to provide additional support services to older adults and people with disabilities in the community affected by the COVID-19 Public Health Emergency; and,

WHEREAS, the State of Alaska, Department of Health and Social Services, Division of Senior and Disabilities Services received ARPA funds to provide additional support for costs incurred due to the increased demand for services due to the impacts of the COVID-19 Public Health Emergency on elders and care provider services; and,

WHEREAS, as the Kenai Senior Center is a current grantee under the State of Alaska, Department of Health and Social Services, Division of Senior and Disabilities Services, it has been awarded a \$35,795.44 increase to the FY23 Nutrition, Transportation, and Services (NTS) grant for services offered beginning July 1, 2022 – June 30, 2023; and,

WHEREAS, acceptance of these funds is in the best interest of the City.

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 an increase in the amount of \$35,795.44 to the FY23 NTS grant from the State of Alaska, Department of Health and Social Services, Division of Senior and Disabilities Services for Kenai Senior Center expenditures in support of its response to the COVID-19 Public Health Emergency.

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

Senior Citizen Fund:

Increase Estimated Revenues –	
Federal Grants	<u>\$35,795.44</u>
Increase Appropriations	
Congregate Meals - Operating & Repair Supplies	\$17,897.72
Home Meals – Operating & Repair Supplies	<u>17,897.72</u>
Total	<u>\$35,795.44</u>

**Section 3.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares

that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 4.** Effective Date: 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 1<sup>ST</sup> DAY OF MARCH, 2023.

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

ATTEST:

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

Approved by Finance:



Introduced: February 15, 2023  
Enacted: March 1, 2023  
Effective: March 1, 2023



# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

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

**DATE:** February 2, 2023

**SUBJECT:** Ordinance 3336-2023

The State of Alaska, Department of Health and Social Services, Division of Senior and Disabilities Services received American Rescue Plan Act (ARPA) funds to provide additional support for costs incurred due to the increased demand for services as a result of the COVID-19 Public Health Emergency.

The Kenai Senior Center receives a yearly grant from the State of Alaska, under the Title III Nutrition, Transportation, and Services (NTS) Program. We have been given an additional amount of \$35,795.44 for FY23. These funds will be utilized to provide additional operating supplies for home and congregate meals.

That the estimated revenues and appropriations be increased as follows:

Senior Citizen Fund:

Increase Estimated Revenues –	
Federal Grants	<u>\$35,795.44</u>
 Increase Appropriations	
Congregate Meals - Operating & Repair Supplies	\$17,897.72
Home Meals - Operating & Repair Supplies	<u>17,897.72</u>
Total	<u>\$35,795.44</u>

Your support for Ordinance 3336-2023 is greatly appreciated.



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3337-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING AN INCREASE FROM THE KENAI PENINSULA BOROUGH FOR THE SENIOR CITIZEN PROGRAM GRANT.

WHEREAS, the Kenai Peninsula Borough Assembly established the Senior Citizens Program Grants on June 3, 1986, to award grants to senior citizen centers operating and located within the Kenai Peninsula Borough; and,

WHEREAS, the Kenai Senior Center receives a yearly grant from the Kenai Peninsula Borough; and,

WHEREAS, the Kenai Peninsula Borough increased the Senior Center Program Grants for FY23 by \$16,992; and,

WHEREAS, acceptance of these funds is in the best interest of the City.

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 an increase in the amount of \$16,922 from the Kenai Peninsula Borough for Kenai Senior Center expenditures.

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

Senior Citizen Fund:

Increase Estimated Revenues –	
Kenai Peninsula Borough Grant	<u>\$16,922</u>
 Increase Appropriations –	
Congregate Meals - Operating & Repair Supplies	\$8,461
Home Meals - Operating & Repair Supplies	<u>8,461</u>
Total	<u>\$16,922</u>

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

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


ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1<sup>ST</sup> DAY OF MARCH, 2023.

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

Ordinance No. 3337-2023  
Page 2 of 2

ATTEST:

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

Approved by Finance: 

Introduced: February 15, 2023  
Enacted: March 1, 2023  
Effective: March 1, 2023





## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

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

**DATE:** February 2, 2023

**SUBJECT:** Ordinance 3337-2023

The Kenai Senior Center receives yearly funding from the Kenai Peninsula Borough for the Senior Center Program Grant. The Kenai Peninsula Borough Assembly increased the grant amount for the area senior centers by 10% in FY23. The increase to our budget is \$16,922 and will be very beneficial towards the Senior Center’s expenditures.

Increase Estimated Revenues –	
Kenai Peninsula Borough Grant	<u>\$16,922</u>
 Increase Appropriations –	
Congregate Meals - Operating & Repair Supplies	\$8,461
Home Meals - Operating & Repair Supplies	<u>8,461</u>
Total	<u>\$16,922</u>

Thank you for your consideration of this ordinance.



Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2023-16**

A RESOLUTION AMENDING THE EMPLOYEE CLASSIFICATION PLAN BY REMOVING THE DATA ENTRY CLERK, CONSOLIDATING THE MEALS DRIVER AND DRIVER CLASSES, AND ADJUSTING THE RANGES OF DRIVER, KITCHEN ASSISTANT, AND COOK POSITIONS AT THE KENAI SENIOR CENTER.

WHEREAS, Ordinance 3269-2022 adopted the annual budget, salary schedule, and employee classification plan for the City's Fiscal Year 2023; and,

WHEREAS, the FY2023 annual budget includes current employee classifications and ranges for multiple positions at the Kenai Senior Center, including Driver, Meals Driver, Data Entry Clerk, Kitchen Assistant, and Cook; and,

WHEREAS, consolidation of the Meals Driver and Driver positions into a single Driver class and reallocation of the Data Entry Clerk to a Driver position provides for an additional Driver and improves efficiency and organizational flexibility at the Kenai Senior Center; and,

WHEREAS, a position description was drafted to consolidate the Meals Driver, assigned at a range 1 in the City's Classification Plan and Driver position, assigned at range 6, into a single Driver class; and,

WHEREAS, as part of the FY24 budget process, Human Resources reviewed requests for reclassification of comparable positions at the Senior Center, including the Kitchen Assistant and Cook classes to ensure appropriate compensation; and,

WHEREAS, to fairly reflect the differences in duties and responsibilities related to compensation for comparable positions in other places of public employment, and to meet the City's objective to provide an appropriate compensation structure to recruit and retain competent employees, an amendment to the range for the combined Driver position from range 1 to range 4, the Kitchen Assistant from range 2 to range 4, and the Cook from range 6 to range 8 is warranted; and,

WHEREAS, these proposed amendments will result in an increase to the FY23 budget of \$4,950; and, if a similar staffing allocation were approved through the FY24 budget process, would result in an estimated increase of \$14,300 in the Senior Citizens Fund beginning in FY24; and,

WHEREAS, due to an increase in grant funding at the Senior Center, supplemental funding is available in the Senior Citizens Fund budget to cover the costs of the proposed amendments in FY23; and,

WHEREAS, this amendment ensures that the employee classifications and ranges for multiple Kenai Senior Center positions accurately reflect the duties and responsibilities of the positions comparable to other positions within the City and is adequate to recruit and retain qualified employees.

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

**Section 1.** The Council amends the Employee Classification Plan by amending the titles and ranges of Kenai Senior Center employee classes as follows:

*(E) General Services*

502	Assistant Parks & Recreation Director	19
503	Recreation Center Worker	3
504	Parks and Recreation Maintenance Technician	14
505	Parks and Recreation Laborer	6
506	Cook	[6]8
508	[MEALS] Driver	[6]4
509	Kitchen Assistant	[2]4
511	Janitor	3
[512	DATA ENTRY CLERK	1
512	DRIVER	1]

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1<sup>ST</sup> DAY OF MARCH, 2023.

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

ATTEST:

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

Approved by Finance





## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Christine Cunningham, Acting Human Resources Director  
Kathy Romain, Senior Center Director

**DATE:** February 14, 2023

**SUBJECT:** **Resolution 2023-16** – Amending Senior Center Employee Classifications

This resolution requests that City Council amend the City’s Classification Plan to make changes to multiple positions at the Kenai Senior Center, including the removal of the Data Entry Clerk position, which is currently vacant, consolidating two driving classes that have substantially similar duties, and amending the ranges of these positions to allow the City to recruit two Driver positions.

The part-time (14-hour) Data Entry Clerk and one of the part-time (14-hour) Driver positions became vacant in December 2022. Since that time, existing staff at the Senior Center have performed the duties of these positions. The Senior Center is not able to utilize volunteers to do the same type of work that would otherwise be performed by employees.

The Senior Center Director worked with Human Resources to recommend a proposed change to consolidate the Meals Driver and Driver positions into a single Driver class and reallocate the Data Entry Clerk to a Driver position, with the duties of the Data Entry Clerk to be permanently reassigned to Administrative Assistant II and Administrative Assistant III positions. This proposed change would benefit the City by improving workload distribution and allowing for greater opportunities for cross-training, replacement planning, and flexibility in staffing within the Senior Center.

The Meals Driver’s primary responsibility is delivering meals to client homes. The Driver’s primary responsibility is to transport clients. Both positions occasionally cover each other’s duties and are substantially similar in their essential duties and minimum requirements, except that the Meals Driver position requires a certified food handler’s card. The Senior Center is currently authorized to staff one Data Entry Clerk and four part-time Driver positions as follows:

- |                            |   |
|----------------------------|---|
| Data Entry Clerk (14-Hour) | Range 1 (starting pay \$13.30 per hour) |
| Meals Driver (14-Hour)     | Range 6 (starting pay \$16.99 per hour) |
| Meals Driver (20-Hour)     | Range 6 (starting pay \$16.99 per hour) |
| Driver (14-Hour)           | Range 1 (starting pay \$13.30 per hour) |
| Driver (14-Hour)           | Range 1 (starting pay \$13.30 per hour) |

The proposed combined Driver position description was reviewed, scored, and placed alongside comparable City positions. However, the City’s job evaluation system is less effective for part-time or lower-paid positions that key off minimum wage. The Driver position is similar to positions in other communities, although comparable data is limited. Regional differences are not included and comparison communities do not have a similar government structure. The City has experienced unusual difficulty in recruitment of the lower-paid Driver position as compared to the higher-paid Meals Driver position. To fairly reflect the differences in duties and responsibilities within the City’s Classification Plan related to compensation for comparable positions in other places of public employment and to meet the City’s objective to provide an appropriate compensation structure to recruit and retain an adequate supply of competent employees, classification of the consolidated Driver position at range 4 (starting pay \$15.40 per hour) is appropriate.

As part of the evaluation of the Driver positions, the Kitchen Assistant and Cook positions were referenced as City positions that received comparable scoring; however, the Kitchen Assistant is currently classified at a range below positions which received higher points in the job evaluation, and the Cook position is classified at a range with positions that score substantially lower. If the recommendation to consolidate and reclassify the Driver positions is approved, the disparity in compensation with duties and responsibilities for these positions would further increase within the City’s Classification Plan. Both the City’s current and proposed compensation structure and related compensation for comparable positions in other places of public employment support a reclassification of these positions to a higher range.

The following amendment to the Classification Plan is recommended (New Text Underlined; [DELETED TEXT BRACKETED]):

<i>(E) General Services</i>		
502	Assistant Parks & Recreation Director	19
503	Recreation Center Worker	3
504	Parks and Recreation Maintenance Technician	14
505	Parks and Recreation Laborer	6
506	Cook	<u>[6]8</u>
508	[MEALS] Driver	<u>[6]4</u>
509	Kitchen Assistant	<u>[2]4</u>
511	Janitor	3
[512	DATA ENTRY CLERK	1
512	DRIVER	1]

If approved, these changes would affect existing employees at the Senior Center. In recognition of the experience and longevity of existing employees, it is recommended that employees who are now at a higher range than the proposed range retain their current step and range (e.g., an employee at 6E would stay at 6E and be eligible for step increases and longevity at their current range), and if an existing employee is at a step lower than the proposed range, it is recommended the employee would move to the proposed range and keep their current step (e.g., an employee at 1B would move to 4B). Any new employee would be hired at the minimum step of the new range.

The proposed changes represent a reclassification and not the creation of a new position nor the removal of a classification of employees participating in PERS. The Data Entry Clerk position is ineligible for benefits and is not eligible for participation in PERS. Only one of the Driver positions is regularly scheduled to work more than 14 hours and is therefore eligible for benefits on a proportional basis and PERS participation. The City may amend or enhance the duties of non-participating positions but may not remove or terminate a participating class of employees, or it would result in a termination study.

Typically, requests for reclassification are reviewed as part of the City's budget process and become effective upon enactment by City Council of the ordinance adopting a budget for the following fiscal year, but they may also be adopted by resolution. Based on the immediate need for drivers at the Senior Center, the Senior Center Director worked with Human Resources and Finance to identify funding to support reclassification in FY23. The proposed changes would result in an increase to the FY23 budget of \$4,950 and, due to an increase in grant funding at the Senior Center, supplemental funding is available in the Senior Citizens Fund budget to cover the increase in FY23. If similar staffing levels are approved as part of the FY24 budget, it would result in an increase of \$14,300 to the Senior Citizens Fund beginning in FY24.

If approved, the Senior Center can begin recruitment to fill two Driver positions immediately.

Your consideration is appreciated.





Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2023-17**

A RESOLUTION AUTHORIZING THE USE OF THE FLEET REPLACEMENT FUND FOR THE PURCHASE OF EQUIPMENT TO UPFIT FOUR NEW POLICE VEHICLES AND AUTHORIZING THE SOLE SOURCE PURCHASE OF A PORTION OF THE ITEMS FROM ALASKA SAFETY INC. UTILIZING THE CONTRACT OF ANOTHER GOVERNMENT AGENCY IN WHICH THE CITY IS AUTHORIZED TO PARTICIPATE.

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WHEREAS, Resolution 2022-65 authorized the purchase of four new vehicles in 2022 to replace existing police vehicles and those vehicles are expected to arrive in the coming months and will require police equipment to be installed; and,

WHEREAS, upfitting the police vehicles requires a number of vendors for things such as push bumpers, light bars, consoles, gun locks, partitions, transport seats, window barriers, decals, winter tires and rims, and other accessories, etc.; and,

WHEREAS, the police department has worked closely with the City shop, where the vehicle equipment will be installed, to determine the cost utilizing a number of vendors and it is anticipated that \$56,000 should be adequate to complete the upfitting of the four police vehicles; and,

WHEREAS, the Kenai City shop has worked with Alaska Safety for a number of years in evaluating, purchasing, and installing many police vehicle accessories; and,

WHEREAS, Alaska Safety has contracts with the State of Alaska and with the Municipality of Anchorage to supply many of these police vehicle accessories and provided two quotes to the City of Kenai for the police vehicle equipment utilizing each of those pre-existing government contracts for portions of the needed equipment for \$36,959.92; and,

WHEREAS, the purchases were planned in the Fleet Replacement Fund where sufficient funding is available; and,

WHEREAS, KMC 7.15.070(b)(4) allows the City of Kenai to purchase equipment without giving an opportunity for competitive bidding if the equipment is purchasable under the contract of another governmental agency in which contract the City is authorized to participate.

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

**Section 1.** That the City Manager is authorized to use the Fleet Replacement Fund to upfit these four vehicles at an estimated cost of \$56,000 inclusive of contingency funds.

**Section 2.** That the City manager is authorized to issue a purchase order in an amount up to \$36,959.92 for the purchase police vehicle accessories from Alaska Safety Inc.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1<sup>ST</sup> DAY OF MARCH, 2023.


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Brian Gabriel Sr., Mayor

ATTEST:

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Michelle M. Saner, MMC, City Clerk

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





## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Dave Ross, Police Chief

**DATE:** February 17, 2023

**SUBJECT:** **Resolution 2023-17 - Police Vehicle Equipment Purchasing**

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Resolution 2022-65 previously authorized the ordering of four new vehicles in 2022 to replace existing police vehicles. This resolution would authorize the use of the Fleet Replacement Fund for the equipment necessary to upfit those four vehicles into police vehicles. It would also authorize the purchase of a significant amount of the required equipment from Alaska Safety Inc., utilizing government contracts established between both the State of Alaska and the Municipality of Anchorage for purchases from Alaska Safety Inc.

The quotes from Alaska Safety Inc., under those two government contracts, total \$36,950.92 and include items such as push bumpers, light bars, consoles, gun locks, partitions, transport seats, window barriers, etc.

In addition to those items to be purchase from Alaska Safety, there are a number of other expenses to prepare these vehicles utilizing a number of other vendors. Items needed in addition to the Alaska Safety purchases include; decals and the installation of decals, winter tires and rims, purchase of certain other lights and accessories, etc.

The total anticipated cost to upfit the four vehicles is anticipated to be less that \$56,000 and this resolution would authorize the use of the Fleet Replacement Fund up to that amount.

Thank you for your consideration.



Sponsored by: City Clerk

**CITY OF KENAI  
RESOLUTION NO. 2023-18**

A RESOLUTION RENUMBERING KENAI CITY COUNCIL SUPERVISORY SUB-COMMITTEE POLICY NO. 2017-02 TO POLICY NO. 20.230.

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WHEREAS, prior to 2014 Council policies were not given an identification number; and,

WHEREAS, after 2014 Council Policies were numbered utilizing the year they were adopted and the order in which they were adopted; and,

WHEREAS, development of a consistent Policy numbering system is an important part of policy management; and,

WHEREAS, having a system that manages policies in place ensures that policies are easy to find, referenced and that they are kept up to date and organized.

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

**Section 1.** That the attached Kenai City Council Supervisory Sub-Committee Policy No. 2017-02 is renumbered to Policy No. 20.230.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1<sup>ST</sup> DAY OF MARCH, 2023.

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

ATTEST:

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

**CITY COUNCIL – [2017-02] 20.230**  
**SUPERVISORY SUB-COMMITTEE**

Effective Date:

Date:

See Also: PRO-20.230; TSK-20.230

Approved by:

City Council

**POLICY – 20.230      Supervisory Sub-Committee**

**[A.] Purpose**

The purpose of this Policy is to establish procedures and duties of the Supervisory Sub-Committee of the City Council for the purpose of facilitating communication and efficiency between the City Council and the City Attorney, City Manager and City Clerk regarding performance and other work matters.

**[B.] Appointment**

The Supervisory Sub-Committee will consist of three Councilmembers, including the Mayor, Vice-Mayor and a third Councilmember appointed by the Mayor and confirmed by Council. The appointment of the third member shall occur at the same Council Meeting that committee and commission liaisons are appointed and confirmed, or as soon thereafter as practicable.

**[C.] Procedures**

The Supervisory Sub-Committee will meet privately with the City Attorney, City Manager and City Clerk as needed to review performance related matters and/or other work-related matters. Meetings may be with one or more council employees. In the quarter in which the Council completes an annual review of the employees' performance, the Supervisory Sub-Committee shall meet with each employee after the annual performance review.

**[D.] Duties**

The Supervisory Sub-Committee shall discuss performance related matters and/or other work-related matters with the City Attorney, City Manager and City Clerk. After each meeting, the Supervisory Sub-Committee shall provide a written report available to the City Council and employee. This report shall be considered a confidential working record for the sole purpose of accumulating data for evaluation reports. Such reports shall be kept outside the employee's personnel file and destroyed after each annual evaluation performed by the City Council. The reports shall be considered unofficial and have no standing other than as a temporary record of items discussed. Such reports are confidential, and shall be sealed and maintained by the City Clerk and are accessible only to the City Council and Council employee.

The Supervisory Sub-Committee may take no action, but shall act as an informal liaison between Council and its employee's. The Supervisory Sub-Committee may make reports to Council regarding performance, monitor performance expectations and goals, provide recommendations to employees regarding performance and work place matters and convey direction determined by Council.

The City Attorney, City Manager, and City Clerk may contact any Councilmember or the Council as a whole regarding any work-related matter, and also may request meetings on a more frequent basis with the Supervisory Sub-Committee. This Policy does not preclude Councilmembers or the Council as a whole from addressing its employees on performance or other work-related matters by other means.

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Brian Gabriel Sr., Mayor

ATTEST:

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Shellie Saner, MMC, City Clerk

*Policy History: Resolution No.'s 2017-03; 2019-71 Sub; 2023-18*



Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2023-19**

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY DESCRIBED AS LOTS 8 AND 9, BLOCK 19, OF THE ORIGINAL TOWNSITE OF KENAI, ACCORDING TO US SURVEY 2970B, RECORD OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, AND DESIGNATED AS KENAI PENINSULA BOROUGH PARCEL NUMBER 04710308 FROM BILLY MCCANN ET AL. AND GLENDA STERLING, FOR THE PUBLIC PURPOSE OF INCLUDING THE PROPERTY IN THE BLUFF EROSION RESTORATION PROJECT AND DETERMINING THAT THE PUBLIC INTEREST WILL NOT BE SERVED BY AN APPRAISAL.

---

WHEREAS, the subject real property is described as: Lot 8 and 9, Block 19, of the Original Townsite of Kenai, according to the US Survey 2970B, of the Kenai Recording District, Third Judicial District, State of Alaska; and,

WHEREAS, one of the owners of the property is deceased and the City will likely need to retain outside council to complete acquisition of the property; and,

WHEREAS, the total purchase price for the subject parcel containing approximately .3 acres with estimated closing costs, and attorney's fees should not exceed \$10,000; and,

WHEREAS, pursuant to Kenai Municipal Code 22.05.135(a) the City may acquire property needed for a public use on such terms and conditions as the Council shall determine; however, no purchase shall be made until a qualified appraiser has appraised the property and given the council an independent opinion as to the full and true value thereof unless the Council, upon resolution so finding, determines that the public interest will not be served by an appraisal; and,

WHEREAS, the City Council has authorized the City Manager to enter into negotiations with property owners whose parcels have been identified by the Department of Army, Corps of Engineers as being needed for the construction of erosion-control structures or to provide permanent access to support the bluff stabilization project; and,

WHEREAS, the Lower Kenai River has eroded the Kenai River Bluff through the Original Town Site of Kenai at an estimated rate of three feet per year, causing the loss of public and private infrastructure, buildings, and lands; and,

WHEREAS, the subject parcel will be included in the project to stabilize the erosion of the bluff at the mouth of the Kenai River; and,

WHEREAS, funds are available for the subject parcel purchase through Legislative Grant 12-DC-77.

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

**Section 1.** That the Kenai City Council hereby authorizes the City Manager to purchase the real property known as Lot 8 and 9, Block 19, Original Townsite of Kenai, located within Section 5, T5N, R11W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska.

**Section 2.** That the Kenai City Council further finds the acquisition of the subject parcel to be in

the best interests of the citizens of the City of Kenai and that the public interest shall be served by its acquisition for the total costs including estimated closing costs, and attorney's fees not to exceed \$10,000 in accordance it the recitals above which are incorporated.

**Section 3.** Given the low purchase price the Council finds that the public interests will not be served by an appraisal.

**Section 4.** That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1<sup>ST</sup> DAY OF MARCH, 2023.

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

ATTEST:

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

Approved by Finance

  
\_\_\_\_\_



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Scott Bloom, City Attorney

**DATE:** February 22, 2023

**SUBJECT:** **Resolution 2023-19** – Purchase of Real Property described as Lot 8 and 9, Block 19, of the Original Townsite of Kenai

---

The proposed Resolution authorizes the purchase of real property described as Lot 8 and 9, Block 19, of the Original Townsite of Kenai, according to US Survey 2970B, of the Kenai Recording District, Third Judicial District, State of Alaska.

The subject parcel is located along the Kenai River bluff. The subject parcel has been identified by the Department of Army, Corps of Engineers as being needed for the construction of erosion-control structures or to provide permanent access to support the bluff stabilization project.

One of the property owners is deceased and the City will need to retain outside council to obtain sufficient title to the property. Further complicating the purchase, the Borough assessment went from \$200 in 2021, to \$1,800 in 2022. The City is working with the Borough to address this increase. Time is of the essence in the purchase of the property to maintain the timeline for the project.

Attached, aerial photograph identifying the subject parcel.

Thank you for your consideration.

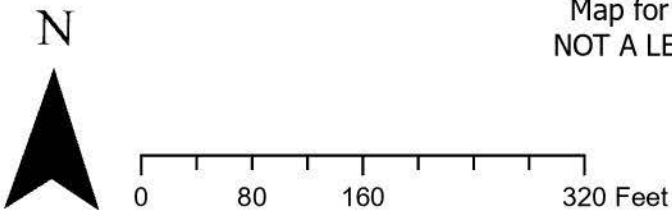


**Resolution No. 2023-19**  
**601 Outside Way**  
**KPB Parcel ID: 04710308**



Date Printed: 2/23/2023

Map for Reference Only  
NOT A LEGAL DOCUMENT





Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2023-20**

A RESOLUTION AUTHORIZING A BUDGET TRANSFER IN THE VISITOR CENTER IMPROVEMENT CAPITAL PROJECT FUND AND AUTHORIZING A CONTRACT AWARD AND CORRESPONDING PURCHASE ORDER FOR THE VISITOR CENTER ROOF REPLACEMENT PROJECT.

WHEREAS, a formal Invitation to Bid was released on January 19, 2023 for the Visitor's Center Roof Replacement Project with bids due on February 6, 2023; and,

WHEREAS, the following bids were received,

Bidders	Base Bid Totals			
	Base Bid	Add Alt #1	Add Alt #2	Add Alt #3
E/P Roofing	\$119,900	\$9,300	\$1,300	\$9,300
Hanson Roofing	<b>\$208,340</b>	<b>\$9,472</b>	<b>\$9,660</b>	\$10,000
Rainproof Roofing	\$234,350	\$9,850	\$13,500	\$27,985

;and,

WHEREAS, an Intent to Award was provided on February 8<sup>th</sup>, 2023 for E/P Roofing, however on February 15<sup>th</sup>, 2023 E/P Roofing requested to withdraw their bid; and,

WHEREAS, Hanson Roofing, a local contractor known to the City, provided the 2<sup>nd</sup> lowest bid, and is now recommended for the contract award; and,

WHEREAS, upon evaluation of the bids, award of the Base Bid with Additive Alternates #1 & #2 is recommended by the Administration at a total cost of \$227,472; and,

WHEREAS, supplemental funding is being requested by budget transfer from remaining funds in the Visitor Center HVAC Control Upgrade project in the total amount of \$42,000 to allow the Visitor Center Roof Replacement Project to proceed; and,

WHEREAS, if approved, the supplemental funding of \$42,000 will bring the project budget to \$262,000 for the project and is sufficient for design, construction and construction administration services; and,

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

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

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

Visitor's Center Improvement Capital Project Fund:

Decrease Expenditures:

Visitor Center HVAC Control Upgrade Project - Construction \$(42,000)

Increase Expenditures:



Visitor Center Roof Replacement Project - Construction \$ 42,000

**Section 2.** That the City Manager is authorized to execute a contract award and corresponding purchase order to Hanson's Roofing in the amount of \$227,472 for the Visitor's Center Roof Replacement Project.


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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1<sup>ST</sup> DAY OF MARCH, 2023.

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

ATTEST:

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

Approved by Finance: 



# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Scott Curtin, Director of Public Works

**DATE:** February 19, 2023

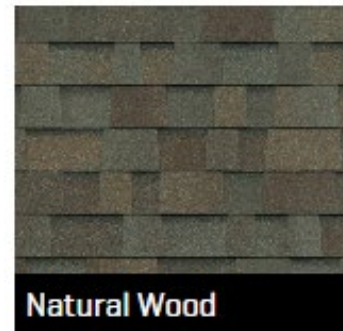
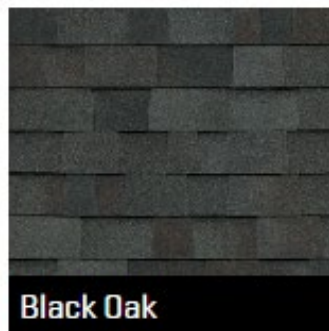
**SUBJECT:** **Resolution No. 2023-20** – Visitor Center Roof Replacement

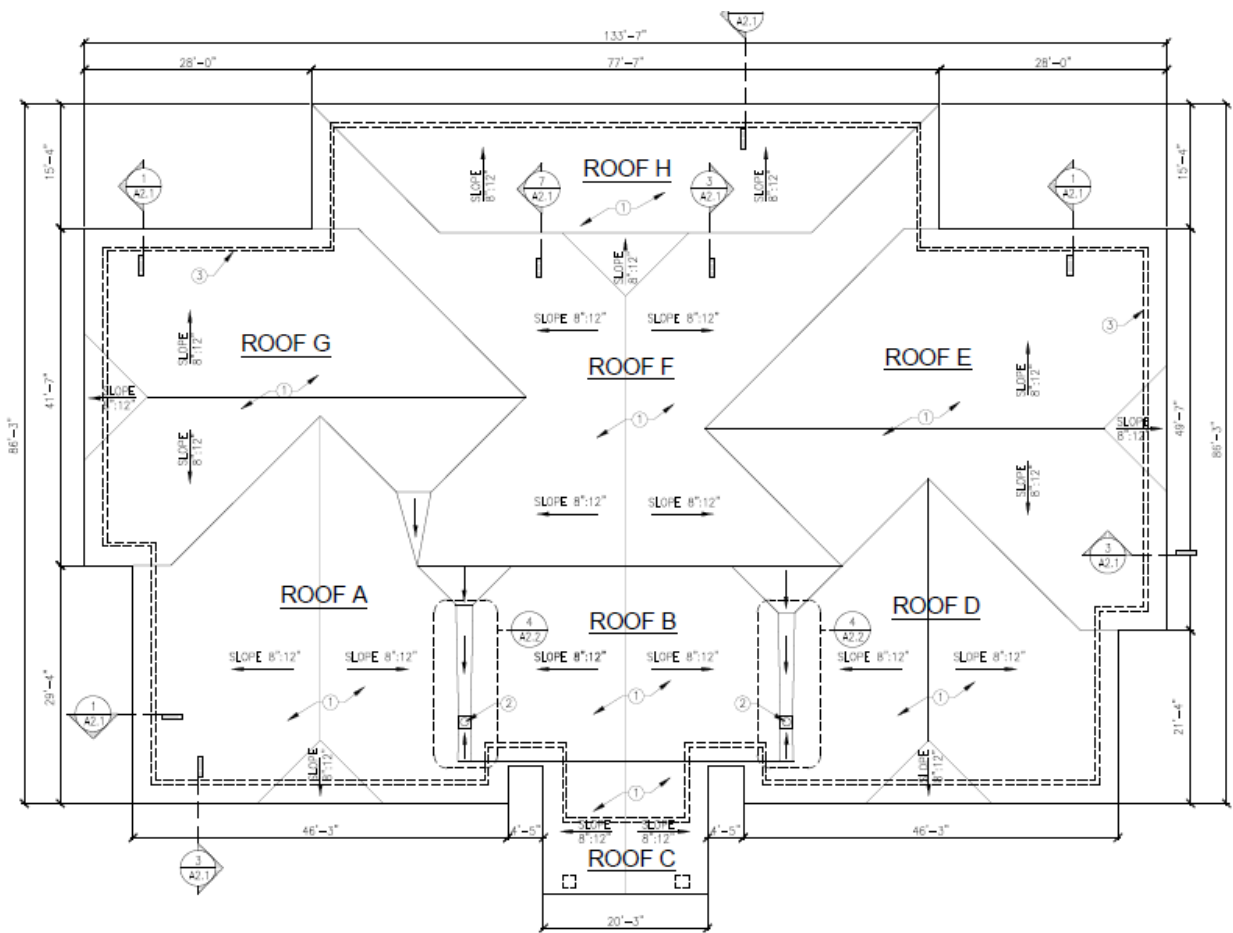
The Visitor’s Center existing asphalt shingle roof has reached the end of its intended life. The facility has experienced a few minor roof leaks and some ice damming to date. This project will remove the existing shingles, install new ice and water shield over the entire roof area, and install new Malarkey Legacy Scotchgard asphalt shingles similar to the photos below. Materials will be ordered once contract is executed with work anticipated to take place in May / June 2023.

This project has been a challenge for the department. Project was originally bid in July 2022, with only two bids received, both in excess of budgeted amounts. With the new bid release in January we had hoped to take advantage of more favorable market conditions, however with the withdrawal of the low bidder, this was not the case. The re-bid broke out several elements of the project into Additive Alternates, #1 included an upgrade to a heavier shingle with an improved warranty, #2 provided replacement of all flashings with new in lieu of reusing some of the existing, #3 was to install gutters and downspouts which we are electing to not purchase at this time.

Supplemental funding is necessary to complete the project, and the Visitor Center HVAC Control Upgrade project, originally funded at \$62,000 has only used \$8,000 in funds due to Building’s Maintenance staff successfully completing many of the needed repairs in house. The transfer of \$42,000 from this project to the Roof Replacement Project will allow the work to move forward and is in the best interest of the City.

Council’s approval is respectfully requested.







Sponsored by: Administration

**CITY OF KENAI  
RESOLUTION NO. 2023-21**

A RESOLUTION AUTHORIZING A CONTRACT AWARD AND CORRESPONDING PURCHASE ORDER FOR THE GREEN STRIP PLAYGROUND EQUIPMENT PROJECT.

WHEREAS, a formal Proposal Quote Request was released on February 1, 2023 with proposals due on February 21, 2023 for the Softball Green Strip Playground Equipment project; and,

WHEREAS, the following proposals were received and scored by the evaluation committee,

Proposer	Score	Cost
Playcraft Systems	275	\$85,000
Northwest Playground Equipment, Inc.	251	\$90,606

; and,

WHEREAS, Playcraft Systems was determined to have provided the highest scoring proposal and it is the recommendation of the evaluation committee and the administration that award to Playcraft Systems is in the best interest of the City; and,

WHEREAS, this project will replace the existing playground equipment at the Green Strip Park located at 400 Main St. Loop with grant funding provided by the Department of Health & Social Services through a Healthy & Equitable Communities Memorandum of Agreement (MOA) # C0622-584-K.

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 award and corresponding purchase order to Playcraft Systems in the amount of \$85,000.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1<sup>ST</sup> DAY OF MARCH, 2023.

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

ATTEST:

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

Approved by Finance

  
\_\_\_\_\_



# MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Scott Curtin, Director of Public Works  
**DATE:** February 19, 2023  
**SUBJECT:** **Resolution No. 2023-21** – Softball Green Strip Play Ground Equipment

This project will replace the aging playground equipment between the softball fields with new. Funding for this work is provided by COVID related grant funds from the Department of Health & Social Services through the State of Alaska and the Kenai Peninsula Borough. The project costing \$85,000, is anticipated to be completed quickly due to the tight deadlines on utilization of these funds. Playground equipment is expected to be installed before May 31, 2023.

The Parks & Recreation Department will be assisting with demolition and site prep as well as restoration of grass areas that may become damaged during the installation.

Council’s support is respectfully requested.



Softball Green Strip Playground  
NE VIEW

R5 FOR KIDS AGES 5-12



STRUCTURE # R50D1555A  
PROJECT # PCD232BBD0A  
DATE 2/20/2023



Softball Green Strip Playground  
SW VIEW

R5 FOR KIDS AGES 5-12



STRUCTURE # R50D1555A  
PROJECT # PCD232BBD0A  
DATE 2/20/2023



**KENAI CITY COUNCIL – REGULAR MEETING  
FEBRUARY 15, 2023 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR BRIAN GABRIEL, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on February 15, 2023, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Mayor Gabriel led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Brian Gabriel, Mayor  
Teea Winger  
Alex Douthit  
Henry Knackstedt

James Baisden, Vice Mayor  
Deborah Sounart  
Victoria Askin

A quorum was present.

Also in attendance were:

\*\*Silas Thibodeau, Student Representative  
Terry Eubank, City Manager  
Scott Bloom, City Attorney  
Linda Mitchel, Planning Director  
Dave Ross, Police Chief  
Shellie Saner, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following additions to the Packet:

Add item D.9.

**Public Hearing – Resolution No. 2023-13**

- Substitute Policy No. 20.110 Use of Electronic Devices During Meetings

**MOTION:**

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

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

**4. Consent Agenda**

**MOTION:**

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

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

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

**UNANIMOUS CONSENT** was requested.

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

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

## **B. SCHEDULED PUBLIC COMMENTS**

1. Kenai Permanent Fund Annual Review, 2022 Financial Performance, Financial Projections and Recommended 2023 Asset Allocations for the City's Permanent Fund, Brandi Niclai and Bill Lierman, from Alaska Permanent Capital Management.

Brandy Niclai provided a review of the Permanent Fund Investment reporting overall growth; market review, portfolio review and a strategic review; and discussed the 2023 market outlook which suggested a shift from inflation to slow growth or recession.

2. Project Homeless Connect 2023 Report, Jodi Stuart, Project Homeless Connect Publicity Chair.

Jodi Stuart presented an overview of the 2023 Project Homeless Connect event; provided statistical information from the data collected; explained the organizational structure and organizations involved with the with homelessness services; and highlighted the success of the event and its positive impact on the participants.

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

## **D. PUBLIC HEARINGS**

1. **Ordinance No. 3335-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund Fiscal Year 2023 Budget for Utility Costs Associated with the Alaska Regional Fire Training Center. (Administration)

### **MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3335-2023. 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 with Beacon no longer managing the facility, the City was now responsible for the utilities; some of the utility costs would be recovered through rental from the facility; and Beacon was now a tenant.

### **VOTE:**

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

NAY: None

\*\*Student Representative Thibodeau: Yea

**MOTION PASSED, UNANIMOUSLY.**

2. **Resolution No. 2023-06** - Authorizing the City Manager to Accept a Donation, on Behalf of the City, of Property Described as Lot 4, Block 8 of the Original Townsite of Kenai, Kenai, Alaska from the Trust Agreement of Thelma M. Bagoy, for a Public Purpose and Determining that the Public Interest will Not be Served by an Appraisal. (Administration)



**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-06. Vice Mayor Baisden **SECONDED** the motion.

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

It was reported that the land would be used as an open space; the original letter offering the land was received in 2021 and recently found by new Planning Director Mitchel who contacted the owners and they were still interested in donating the land.

**UNANIMOUS CONSENT** was requested.

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

3. **Resolution No. 2023-07** - Designating the Investment and Allocation Plan for the City's Permanent Funds and Establishing Appropriate Benchmarks to Measure Performance for Calendar Year 2023. (Administration)

**MOTION:**

Council Member Askin **MOVED** to adopt Resolution No. 2023-07. Vice Mayor Baisden **SECONDED** the motion.

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

**UNANIMOUS CONSENT** was requested.

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

4. **Resolution No. 2023-08** - Repealing City Council Adopted Policy 2018-02 - Procedures for Including Contingency Funding in Contracts. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-08. 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.

**UNANIMOUS CONSENT** was requested.

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

5. **Resolution No. 2023-09** - Renumbering Kenai City Council Travel Policy No. 2014-02 to Policy No. 20.200. (City Clerk)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-09. 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.

**UNANIMOUS CONSENT** was requested.

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

6. **Resolution No. 2023-10** - Renumbering Kenai City Council Public Recognition Policy No. 2014-01 to Policy No. 20.210. (City Clerk)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-10. 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 the last update to the policy was in 2016 and increased costs of goods since that time.

**MOTION TO AMEND:**

Council Member Douthit **MOVED** to amend the City of Kenai Public Recognition Policy, paragraph 1 as attached to Resolution 2023-10 by increasing the amount not to exceed from \$150 to \$200 as follows:

“The Council recognizes a public benefit in the recognition, on behalf of the Council and City, of certain events affecting the community, City officials, and employees. Pursuant to this policy, the Mayor is authorized to expend City funds within budgeted amounts not to exceed \$[150] 200 per event on gifts and other appropriate items such as flowers. Council must approve by motion the expenditure of any greater amount.”

Council Member Askin **SECONDED** the motion.

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

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

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

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

7. **Resolution No. 2023-11** - Amending the City Council Agenda and Packet - Preparation, Distribution and Publication Policy No. 2019-01 and Renumbering to Policy No. 20.000. (City Clerk)

**MOTION:**

Council Member Askin **MOVED** to adopt Resolution No. 2023-11. Council Member Knackstedt **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.**

8. **Resolution No. 2023-12** - Amending the City Council Procedures for Recording City Council Meetings and Work Sessions Policy No. 2017-03 and Renumbering to Policy No. 20.010. (City Clerk)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-12. Council Member Winger **SECONDED** the motion.

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

**UNANIMOUS CONSENT** was requested.

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

- 9. Resolution No. 2023-13** - Repealing the Unnumbered City Council Electronic Devices During Meetings of the Council Policy and Adopting City Council Policy No. 20.110 Use of Electronic Devices During Meetings. (Gabriel, Baisden, Knackstedt)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-13. Vice Mayor Baisden **SECONDED** the motion.

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

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend City Council Policy No. 20.110 Use of Electronic Devices During Meetings as attached Resolution No. 2023-13 by Substitute Policy No. 20.110 Use of Electronic Devices During Meetings. Vice Mayor Baisden **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested on the motion to amend by Substitute Policy.

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

**UNANIMOUS CONSENT** was requested on the main motion as amended by Substitute.

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

- 10. Resolution No. 2023-14** - Amending the City Council Mobile Device Use and Management Policy No. 2017-01 and Renumbering to Policy No. 20.120. (City Clerk)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-14. Vice Mayor Baisden **SECONDED** the motion.

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

There was discussion regarding when the City established funding for mobile devices the intent was to reduce printing and binding costs of the City; and to discourage the use of paper whenever possible.

**UNANIMOUS CONSENT** was requested.

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

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

**MOTION:**

Council Member Askin **MOVED** to adopt Resolution No. 2023-15. Council Member Winger **SECONDED** the motion.

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

**MOTION:**

Council Member Winger **MOVED** to Postpone Resolution No. 2023-15 until the March 15, 2023 Regular City Council Meeting. Vice Mayor Baisden **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested.

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

## E. MINUTES

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

## F. UNFINISHED BUSINESS – None.

## G. NEW BUSINESS

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

Approved by the consent agenda.

2. \***Action/Approval** - Approval of the First Extension to the Agreement with Redline Sports for Management Services at the Kenai Multi-Purpose Facility. (Administration)

Approved by the consent agenda.

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

Introduced by the consent agenda and Public Hearing set for March 1, 2023.

4. \***Ordinance No. 3336-2023** - Accepting and Appropriating an Increase from the Kenai Peninsula Borough for the Senior Citizen Program Grant. (Administration)

Introduced by the consent agenda and Public Hearing set for March 1, 2023.

## H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

February 9, 2023 meeting was cancelled, next meeting March 9, 2023.

2. Airport Commission

Council Member Askin reported on the February 9, 2023 meeting.

3. Harbor Commission

Council Member Douthit reported on the February 6, 2023 work session.

4. Parks and Recreation Commission

February 2, 2023 meeting was cancelled, next meeting March 2, 2023.

5. Planning and Zoning Commission

Vice Mayor Baisden reported on the February 8, 2023 work session.

6. Beautification Committee

Next meeting February 21, 2023.

## I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Attending Chamber Luncheon for the Borough Mayor Candidate Forum.
- Attending the Retirement Party for former City Manager Paul Ostrander.

- Spoke at the Kenai Chamber of Commerce Job Shadow event.

## **J. ADMINISTRATION REPORTS**

1. City Manager – City Manager Eubank reported on the following:
  - The 2023 State of the City was scheduled for April 5, 2023 at the Kenai Chamber Luncheon.
  - Bluff Erosion Update, two properties were still needed.
  - Recruitment update for the Human Resource Director and Finance Director.
  - Meeting with the Boys and Girls Club and reviewing the preliminary designs.
  - Working to ensure the training schedule at the Fire Training Center is uninterrupted.
  - Testifying at the Senate Labor and Commerce meeting.
  - Capital Projects had been entered into CAPSIS.
  - Discussions regarding summer ice availability and the damage to the Multi-Purpose facility when ice is put in during the summer.
  - Property, Sales Tax and online Sales Tax numbers were up.
2. City Attorney – None.
3. City Clerk – City Clerk Saner reported on the following:
  - Reminder about the February 23, 2023 Appreciation Lunch and Training Session.

## **K. ADDITIONAL PUBLIC COMMENTS**

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

Council Member Douthit reported on activities at the Chamber of Commerce including a meeting with the Kenaitze and Salamatof Indian Tribes about museum artifacts, and applicants for the Executive Director position.

Student Representative Thibodeau reported on various school activities, including baseball practices and the recovery of a player's back injury, basketball games, junior job shadow day, Sadie Hawkins homecoming dance, honor choir, and E-sports team.

Council Member Askin thanked everyone for the great discussion.

Council Member Winger reported on the success of local student athletes; reminded the public to be cautious of moose in the area and not to feed them; encouraged support for Matt Brown's Operation Children First program.

Council Member Knackstedt stated that he had been out of town for the last two weeks.

## **L. EXECUTIVE SESSION - None.**

## **M. PENDING ITEMS**

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

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

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS - None.**

There being no further business before the Council, the meeting was adjourned at 7:58 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of February 15, 2023.

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Michelle M. Saner, MMC  
City Clerk

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

DRAFT



Sponsored by: Council Members Douthit and Winger

**CITY OF KENAI  
ORDINANCE NO. 3332-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE SECTION 3.10.070-LIVESTOCK WITHIN THE CITY LIMITS, TO ALLOW A MAXIMUM OF TWELVE (12) CHICKEN HENS TO BE KEPT ON CERTAIN LOTS LESS THAN 40,000 SQUARE FEET WITHIN THE CITY OF KENAI.

WHEREAS, the keeping of chicken hens within the City of Kenai on lots less than forty thousand (40,000) square feet and in the Urban Residential (RU), Suburban Residential 1 (RS1) Suburban Residential 2 (RS2), and Townsite Historic (TSH) zoning districts is currently prohibited; and,

WHEREAS, residents have expressed an interest in keeping chicken hens on lots less than forty thousand (40,000) square feet for personal use; and,

WHEREAS, outside the RU, RS1, RS2, and TSH zoning districts, a relatively small number of chicken hens may be kept within populated areas of the City without causing an unreasonable risk of nuisance or wild animal attractant if the hens are properly located, contained, managed and maintained; and,

WHEREAS, twelve (12) chicken hens or less is a reasonable number to provide a household with eggs without having too high a density of chickens, which could increase the likelihood of causing a nuisance or wild animal attractant.

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

**Section 1.** Amendment of Section 3.10.070 of Kenai Municipal Code: That Kenai Municipal Code, Section 3.10.070, Livestock within the city limits, is hereby amended as follows:

**3.10.070 Livestock within the city limits.**

(a) Except as otherwise provided in this section, no person shall keep or maintain livestock within the City of Kenai.

(b) No livestock shall be allowed in the RU, RS1, RS2 or TSH zones.

([B]c) Except in the RU, RS1, RS2, or TSH zones, [L]livestock, other than bees, may be kept on lots of forty thousand (40,000) square feet or greater. [NO LIVESTOCK SHALL BE ALLOWED IN THE RU, RS1, RS2 OR TSH ZONES. ANIMALS RAISED FOR A FUR-BEARING PURPOSE ARE NOT ALLOWED IN ANY ZONE. BEEKEEPING WILL BE RESTRICTED AS DESCRIBED IN SUBSECTION (G).]

(1) The keeping of chicken hens on lots less than forty thousand (40,000) square feet will be subject to the standards in subsection (k).

(2) Animals raised for a fur-bearing purpose are prohibited within the city limits.

(3) Beekeeping will be restricted as described in subsection (l).

([C]d) In this section "livestock" is defined as the following animals:

(1) Cow

- (2) Horse
- (3) American bison
- (4) Llama
- (5) Alpaca
- (6) Sheep
- (7) Swine
- (8) Goat
- (9) Mule
- (10) Donkey
- (11) Ratite
- (12) Duck
- (13) Goose
- (14) Chicken
- (15) Turkey
- (16) Rabbit
- (17) Honey bees (*Apis mellifera*)

- ([D]e) (1) Except for the RS1, RS2, RU, TSH zone(s), the Chief Animal Control Officer may issue temporary permits of not more than fourteen (14) days for the keeping of livestock not otherwise allowed for public exhibitions or entertainment events. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or pertinent section of the Kenai Municipal Code. The City may charge a permit fee, which fee shall be as set forth in the City's schedule of fees adopted by the City Council.
- (2) Except in the RU zone, the Chief Animal Control Officer may, after notifying adjoining property owners in writing and allowing reasonable time for comment, issue a permit for the keeping of livestock for educational or youth activities, such as 4-H, Future Farmers of America, or Boy/Girl Scouts on lots not otherwise eligible under this section. The permit shall state the duration of the permit, which shall not exceed two (2) years, and the type and number of livestock to be kept. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or Title 3 of the Kenai Municipal Code. Appeal of issuance or revocation of a permit may be made in writing to the board of adjustment. A permit may be renewed following written notice and reasonable time for comment to the adjoining property owners. The City may charge a permit fee, which fee shall be as set forth in the City's schedule of fees adopted by the City Council.
- ([E]f) Lots on which livestock are kept on the effective date of the ordinance codified in this section which are not eligible for the keeping of livestock under this section shall be considered a non-conforming use of land under KMC 14.20.050. No new or replacement livestock may be kept or introduced on such lots after the effective date of the ordinance codified in this section. Offspring of livestock allowed as a non-conforming use under this section may be kept on such lots only until they are old enough to be relocated to a site conforming to this section or outside of the city limits.



- ([F]g) Except as set forth in subsections ([G]h) and (i), below, corrals, pens, hutches, coops, fences or other animal containment structures must have a minimum setback of twenty-five feet (25') from the property's side yards, fifty feet (50') from the front yard, and ten feet (10') from the back yard. All animal containment structures must be secure and in good repair.
- (h) The keeping of chicken hens on lots less than forty thousand (40,000) square feet is allowed, except in the RU, RS1, RSL, and TSH zoning districts, subject to the following standards:
- (1) A maximum of twelve (12) chicken hens may be kept on lots with a permitted principal structure.
  - (2) Chicken hens must be kept in an enclosed shelter or fully fenced-in at all times.
  - (3) Chicken coops, hutches or other fully enclosed shelters may not be located in a front yard or side yard that abuts a street in a residential zoning district and must have a minimum setback of fifteen feet (15') from the side yards, ten feet (10') from the rear yard, and twenty-five feet (25') from residential dwellings on neighboring lots.
  - (4) Fences, corral, pen, or other similar containment structures must have a minimum setback of fifteen feet (15') from the side yards, twenty-five feet (25') from the front yard, ten feet (10') from the rear yard, and twenty-five feet (25') from residential dwellings on neighboring lots.
  - (5) All shelters or containment structures must be constructed of durable weather resistant materials, secured, and kept in good repair.
  - (6) No person may slaughter chickens on-site except when in an area of the property not visible to the public or adjoining properties.
  - (7) Chicken hens may not be kept in such a manner as to constitute a public nuisance as defined by Kenai Municipal Code.
  - (8) The keeping of chicken hens must be consistent with terms of this title and does not in or of itself constitute a nuisance or a disturbance.
- ([G]i) No person may keep honey bees, *Apis mellifera*, in a manner that is inconsistent with the following requirements or that is inconsistent with any other section of this code.
- (1) Colonies shall be managed in such a manner that the flight path of bees to and from the hive will not bring the bees into contact with people on adjacent property. To that end, colonies shall be situated at least twenty-five feet (25') from any lot line not in common ownership; or oriented with entrances facing away from adjacent property; or placed at least eight feet (8') above ground level; or placed behind a fence at least six feet (6') in height and extending at least ten feet (10') beyond each hive in both directions.
  - (2) No person shall keep more than four (4) hives on a lot of ten thousand (10,000) square feet or smaller, nor shall any person keep more than one (1) additional hive for each additional two thousand four hundred (2,400) square feet over ten thousand (10,000) on lots larger than ten thousand (10,000) square feet.
  - (3) It shall be a violation for any beekeeper to keep a colony or colonies in such a manner or in such a disposition as to cause any unhealthy condition to humans or animals.
  - (4) Beekeepers shall take appropriate care according to best management practices when transporting hives of bees. Bees being transported shall have entrance screens or be secured under netting.
  - (5) The term "hive" as used in this section means the single structure intended for the housing of a single bee colony. The term "colony" as used in this section means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

[(H) A PERSON SEEKING RELIEF FROM THE PROVISIONS OF THIS SECTION MAY APPLY FOR A CONDITIONAL USE PERMIT UNDER KMC 14.20.150.]

**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 1<sup>ST</sup> DAY OF MARCH, 2023.

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

ATTEST:

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

Introduced: January 4, 2023  
First Public Hearing: February 1, 2023  
Second Public Hearing: March 1, 2023  
Effective: March 31, 2023



# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Council Member Alex Douthit

**DATE:** December 29, 2022

**SUBJECT:** **Ordinance No. 3332-2023 Amending KMC Section 3.10.070-Livestock Within the City Limits**

---

This Ordinance addresses proposed changes to KMC Section 3.10.070 that will allow a relatively small number of chicken hens to be kept on certain lots within the city limits. Under the current ordinance, the keeping of chicken hens on lots less than 40,000 square feet is prohibited. Residents have expressed an interest in keeping chicken hens on lots less than 40,000 square feet to provide a supply of fresh eggs. The raising of chicken hens for their eggs helps to promote food security in our community.

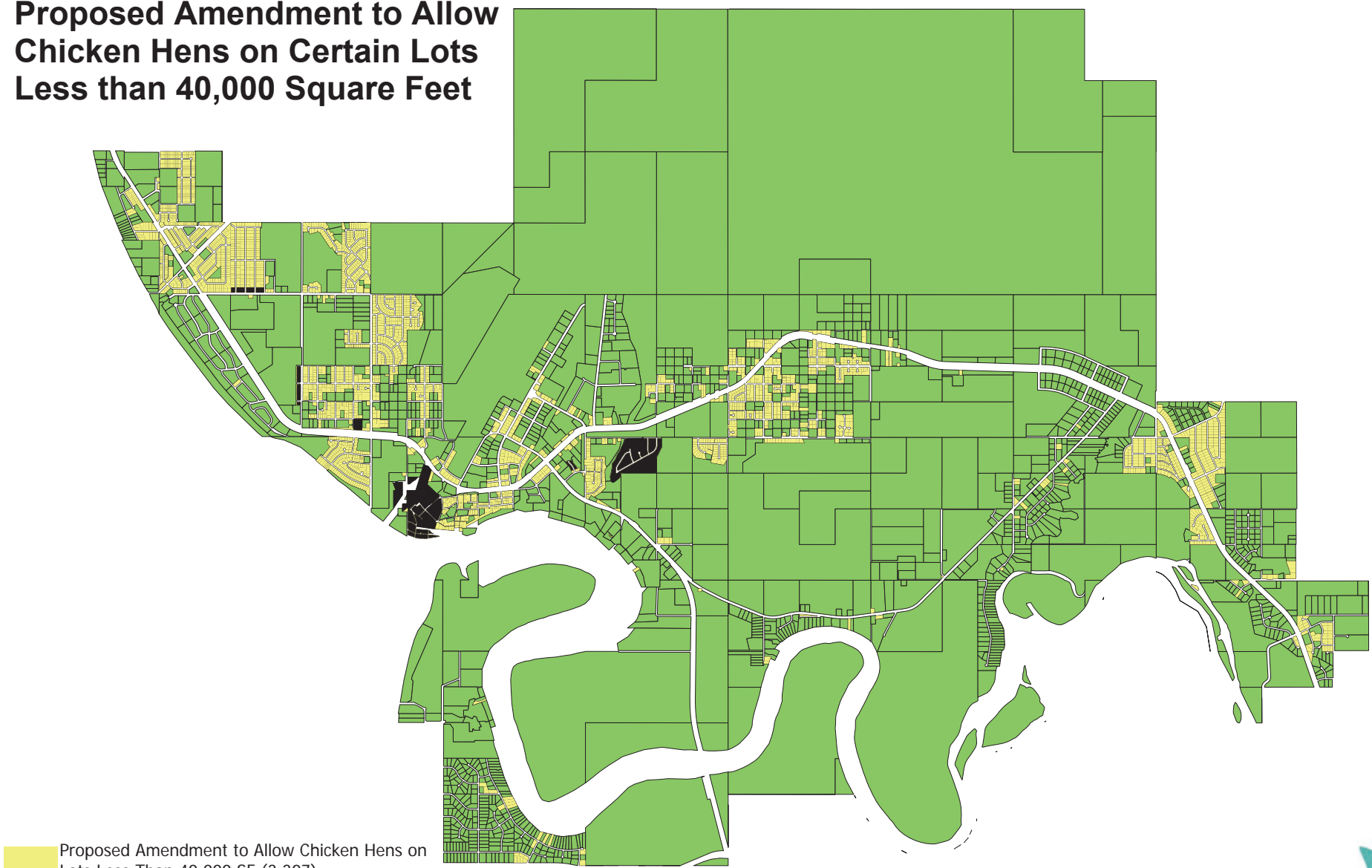
The proposed changes will allow a maximum of 12 chicken hens to be kept on lots less than 40,000 square feet except for the following zones: RU, RS1, RS2, and TSH, these four zones uniquely prohibit the keeping of any livestock regardless of lot size. Attached is a map of where chicken hens will be permitted under the proposed amendment. The proposed changes also includes specific conditions under which the keeping of chicken hens will be permitted.




Your consideration is appreciated.

# City of Kenai

## KMC 3.10.070-Livestock within city limits

Proposed Amendment to Allow  
Chicken Hens on Certain Lots  
Less than 40,000 Square Feet



-  Proposed Amendment to Allow Chicken Hens on Lots Less Than 40,000 SF (3,307)
-  Livestock are Permitted
-  Prohibited Zones (RU, RS1, RS2, and TSH)



This map is for graphic representation only and the City of Kenai assumes no responsibility for errors on this map.





# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Shellie Saner, City Clerk  
**DATE:** January 23, 2023  
**SUBJECT:** Ordinance No. 3332-2023 Requested Technical Amendment

---

The purpose of this memo is to request technical amendment to Ordinance No. 3332-2023.

The following technical amendments are respectfully requested.

### Motion

Amend Section 1, paragraph c. 1. by replacing the reference to subsection (k), with reference subsection (h); and

Amend Section 1, paragraph c. 3. By replacing the reference to subsection (L), with reference to subsection (i); and

Amend Section 1, paragraph h. by removing RSL from the listed exceptions and replacing with RS2.

And renumber the current Sections 2 and 3 to 3 and 4.

Thank you for your consideration.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Victoria Askin, Council Member  
**DATE:** January 26, 2023  
**SUBJECT:** Ordinance No. 3332-2023 Requested Amendment

Ordinance 3332-2023 should be amended to address the number of chicken hens allowed based on the geographic zone. The keeping of 12 chicken hens on smaller lots within denser areas is excessive for providing eggs for the average household or as household pets. The raising of chicken hens could affect or benefit the community and it is important to balance the number of chicken hens accordingly.

The following amendment is proposed.

- 1) 3.10.070(h)(1) Allow a maximum of 12 chicken hens in the Rural Residential (RR) zone and allow a maximum of six (6) chicken hens in the other zones, except in the prohibited zones.

The RR zone is generally located in the outlying and rural areas. Most of lots in the RR zone are surrounded by lots greater than 40,000 square feet where livestock are generally permitted. The keeping of 12 chicken hens would be better suited for lots within the RR zone based how it is dispersed away from the centrally developed area, where it would not significantly affect the surrounding neighbors.

The keeping of six (6) chicken hens is a reasonable amount for other zones since it is estimated that three (3) chickens per two (2) household members is the rule of thumb to support egg consumption needs. The other zones, specifically the residential zones are generally located in the dense residential neighborhoods and limiting the number of chicken hens to six (6) would balance the benefits and minimize the potential nuisance.

Attached is a map of the proposed amendment.

### Motion

Amend Section 1, paragraph h. 1. that reads:

A maximum of twelve (12) chicken hens may be kept on lots in the Rural Residential (RR) zone and a maximum of six (6) chicken hens on lots in other allowed zones with a permitted principal structure.

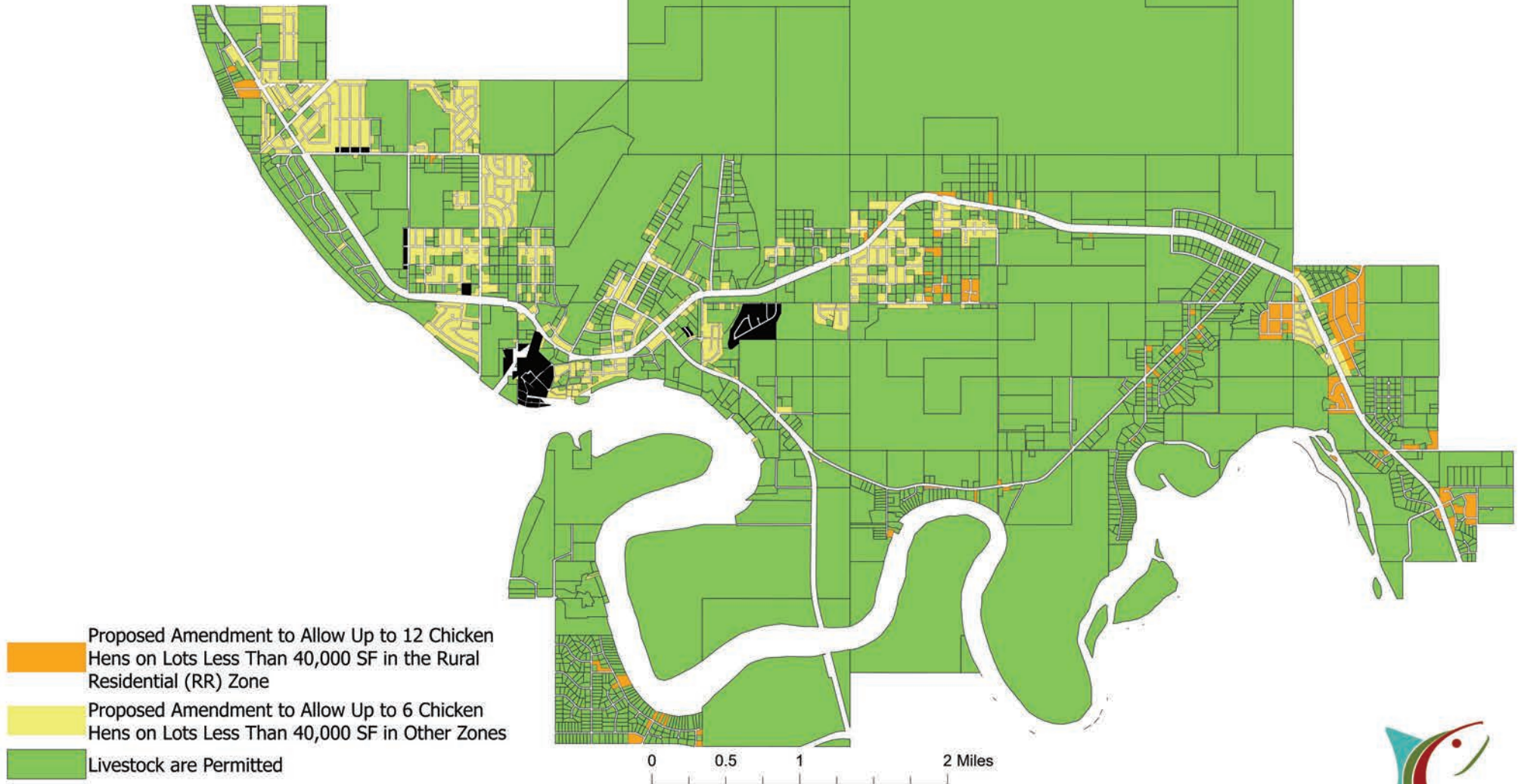
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Thank you for your consideration.

# City of Kenai

## KMC 3.10.070-Livestock within city limits

Proposed Amendment to Allow Up to 12 Chicken Hens in the Rural Residential (RR) Zone and Up to 6 Chicken Hens in other zones on Certain Lots Less than 40,000 Square Feet



-  Proposed Amendment to Allow Up to 12 Chicken Hens on Lots Less Than 40,000 SF in the Rural Residential (RR) Zone
-  Proposed Amendment to Allow Up to 6 Chicken Hens on Lots Less Than 40,000 SF in Other Zones
-  Livestock are Permitted
-  Prohibited Zones (RU, RS1, RS2, and TSH)

0 0.5 1 2 Miles

This map is for graphic representation only and the City of Kenai assumes no responsibility for errors on this map.





## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Henry Knackstedt, Council Member  
**DATE:** January 26, 2023  
**SUBJECT:** Ordinance No. 3332-2023 Comments and Proposed Amendments

---

Ordinance 3332-2023, an amendment to KMC 3.10.070-Livestock within City Limits should be more restrictive to provide low visibility and minimize impacts on the surrounding neighbors and community.

The following are my proposed amendments to the Ordinance:

- 1) 3.10.070(h) Add the Airport Light Industrial (ALI) Zone to the list of zoning districts that prohibits the keeping of any chicken hens.

Lots within the Airport Light Industrial Zone are reserved for aviation-related commercial and industrial uses. The keeping of chicken hens should be prohibited in the ALI Zone to be consistent with the intent of the zone.

- 2) 3.10.070(h)(1) Reduce the number of permitted chicken hens from 12 to 6.

The allowance of raising 12 chicken hens would provide a surplus of eggs for the average household. Additionally, fewer chicken hens would produce less waste and may be generally more acceptable to neighbors.

- 3) 3.10.070(h)(3) and (4) Restrict the location of the enclosed shelters and containment structures to the rear yard.

The ordinance provides lenient setback requirements for the location of housing and fencing of chicken hens that may detract from the neighborhood appearance. The Ordinance would potentially allow fencing of chicken hens in the front yard if a house has a setback greater than 25 feet from the front property line; therefore, chicken hens may roam in the front yard under the Ordinance. The potential of unobscured chicken hens in the front yard would diminish the neighborhood streetscape. To minimize the visual impact and nuisance complaints, the location of the housing and fencing for the chicken hens should be limited to the back yard.

Attached is a map of the proposed amendment.



## Motion

Amend Section 1, paragraph h as follows:

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

Amend Section 1, paragraph h. 1. that reads:

- (1) A maximum of six (6)[TWELVE (12)] chicken hens may be kept on lots with a permitted principal structure.

Amend Section 1, paragraphs h. 3. And h. 4. that reads:

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

New Text Underlined; [DELETED TEXT BRACKETED]

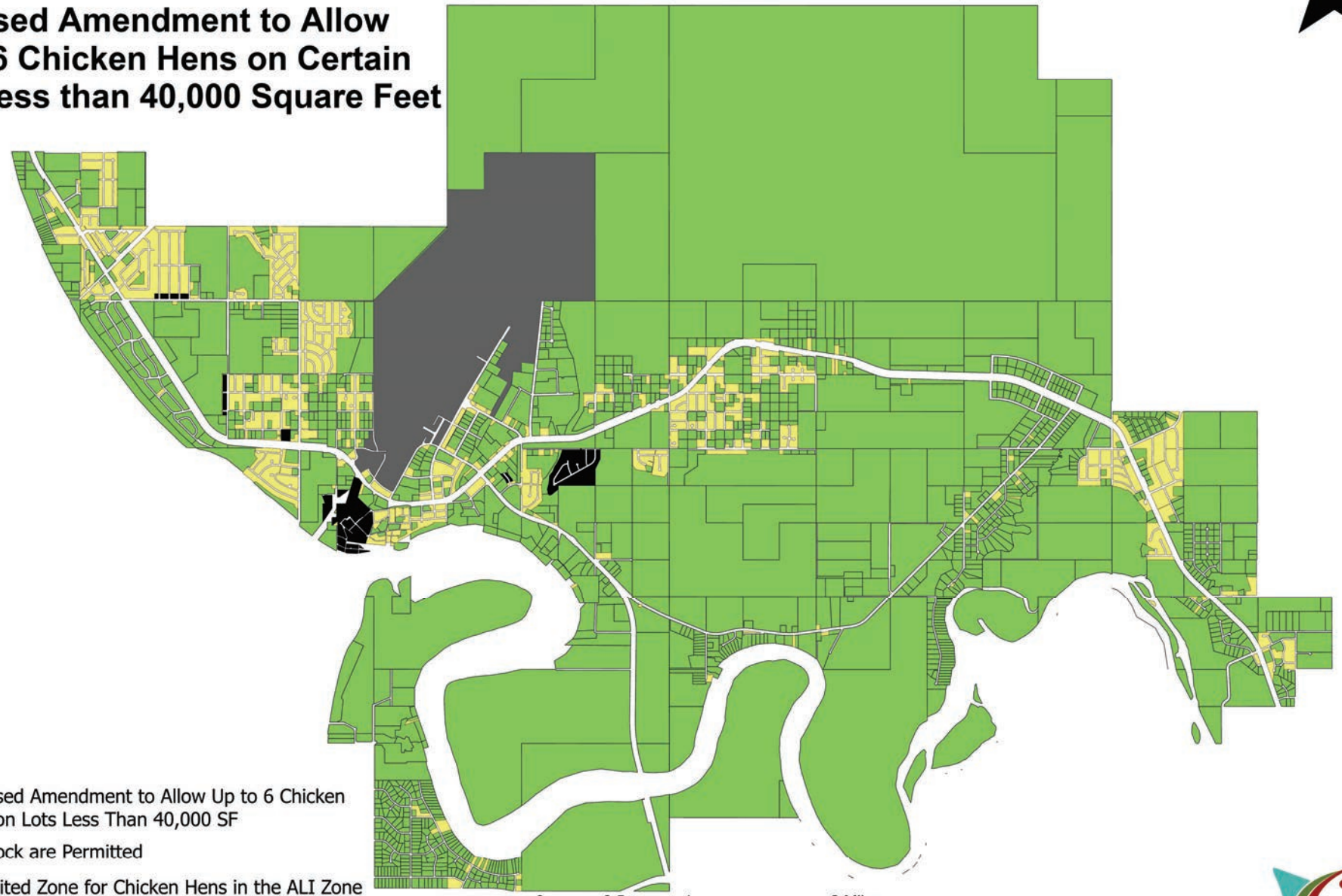
Thank you for your consideration.







# City of Kenai

## KMC 3.10.070-Livestock within city limits

Proposed Amendment to Allow  
Up to 6 Chicken Hens on Certain  
Lots Less than 40,000 Square Feet



-  Proposed Amendment to Allow Up to 6 Chicken Hens on Lots Less Than 40,000 SF
-  Livestock are Permitted
-  Prohibited Zone for Chicken Hens in the ALI Zone
-  Prohibited Zones (RU, RS1, RS2, and TSH)

0 0.5 1 2 Miles

This map is for graphic representation only and the City of Kenai assumes no responsibility for errors on this map.





# 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:** Alex Douthit, Council Member  
**DATE:** February 23, 2023  
**SUBJECT:** Ordinance No. 3332-2023 Requested Amendments

---

After reviewing the public comments on Ordinance No. 3332-2023, the proposed amendments are to limit the keeping of chicken hens to primarily laying eggs, determine flock size based on lot size, and place the burden of proof on the property owner for compliance.

The following amendments are respectfully requested.

### Motion 1

Amend Section 1, paragraph h. by adding a new line that reads:

(X) The term “laying hens” as used in this section means a female chicken that is kept primarily for laying eggs and not for the sole purpose of meat.

*New Text Underlined*

## Motion 2

Amend the following paragraphs in Section 1, where references of “chicken hens” are replaced with “laying hens”.

- (c)(1) The keeping of [CHICKEN HENS] laying hens on lots less than forty thousand (40,000) square feet will be subject to the standards in subsection (k).
- (h) The keeping of [CHICKEN HENS] laying hens on lots less than forty thousand (40,000) square feet is allowed, except in the RU, RS1, RSL, and TSH zoning districts, subject to the following standards:
  - (h)(1) A maximum of twelve (12) [CHICKEN HENS] laying hens may be kept on lots with a permitted principal structure.
  - (h)(2) [CHICKEN HENS] Laying hens must be kept in an enclosed shelter or fully fenced-in at all times.
  - (h)(7) [CHICKEN HENS] Laying hens may not be kept in such a manner as to constitute a public nuisance as defined by Kenai Municipal Code.
  - (h)(8) The keeping of [CHICKEN HENS] laying hens must be consistent with terms of this title and does not in or of itself constitute a nuisance or a disturbance.

New Text Underlined; [DELETED TEXT BRACKETED]

## Motion 3

Amend Section 1, paragraph h. 1. that reads:

- (1) Up to six (6) laying hens may be kept on lots of 10,000 square feet or greater [A MAXIMUM OF TWELVE (12) CHICKEN HENS MAY BE KEPT ON LOTS] with a permitted principal structure. Two (2) additional laying hens are allowed for each additional 5,000 square feet of lot area to a maximum of twelve (12) laying hens. Laying hens are prohibited on lots less than 10,000 square feet.

New Text Underlined; [DELETED TEXT BRACKETED]

## Motion 4

Amend Section 1, paragraph h. by adding a new line that reads:

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

New Text Underlined

Thank you for your consideration.





## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Meghan Thibodeau, Deputy City Clerk  
**DATE:** February 24, 2023  
**SUBJECT:** Ordinance No. 3332-2023 Public Comments

---

To provide a consistent record of all public comment received on Ordinance No. 3332-2023, we have included all written comments that has been submitted for this ordinance, including those that had been included in previous meeting packets or laydown.

- Pages 54 - 90: included in February 1, 2023 City Council Packet
- Pages 91 - 100: included in February 1, 2023 City Council Laydown
- **Pages 101 - 162: first being published to Council in this meeting packet (previously published in February 8<sup>th</sup> and/or February 22<sup>nd</sup> Planning & Zoning materials)**
- **Pages 163 - 181: first being published in in this meeting packet (not included in any previous meeting materials)**

By including all public comments on this ordinance, we hope to provide a complete and transparent record of the feedback that has been received from the community.

January 18, 2023

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

Re: Opposition to Ordinance No. 3332-2023

To: Mayor Gabriel and Kenai City Council  
Kenai Planning and Zoning Commission

Thank you to the City Council for referring this sweeping ordinance (affecting 3,307 parcels) to the Planning and Zoning Commission. This will give the public more opportunity for notice and comment. We wish to express our strong opposition to the passage of Ordinance No. 3332-2023. Passage of this ordinance will dramatically change the character of our neighborhoods. It severely limits the properties for residents who don't want to reside near chickens. Our guess is the majority of Kenai residents would oppose it if they were aware of it and of the impacts.

Most of the City Council was present for the June 20, 2022 Board of Adjustment Hearing (Case No. BA-22-01) where we and others expressed our opposition to our adjacent neighbor's Livestock Permit for Chickens. We purchased our home in Woodland Subdivision in 1988 (zoned Suburban Residential) because we wanted to live in a residential neighborhood. For over two years we witnessed blatant violation of the terms of our neighbor's 2020 permit. It wasn't until a "renewal" was applied for did Animal Control perform inspections in April 2022 and found the applicant violated not only the original permit but also the requested new permit. In addition, fencing and structures violating the setback requirements still have not been removed. This is a prime example of where residents did not comply with their permit. If the current laws can't be managed, new and broader allowances won't be enforced either.

Fresh eggs can be purchased locally. We buy eggs at local businesses where sales tax is collected to help support our community. As far as the increased cost of eggs, there is also an increasing cost to have proper chicken coops, fencing, feed, electricity and other expenses.

It seems this ordinance intends to satisfy a few residents at the expense of many. A similar ordinance failed in 2015.

We can attest that a dozen chickens, or several dozen chickens, are a nuisance in a densely populated subdivision on lots smaller than 40,000 square feet. Along with elevated noise, odors and spread of disease, there is an increased potential for predators, wild and domestic.

We think most homeowners affected by this ordinance bought their property knowing that chickens were not a permitted land use and had an expectation that their neighbors wouldn't have chickens either. Passage of this ordinance will pit neighbor against neighbor.

Please reject this ordinance.

Thank you for your consideration in this matter.

Sincerely,

Handwritten signatures of Dave Howard and Kim Howard in blue ink. The signature for Dave Howard is on top, and the signature for Kim Howard is below it.

Kim and Dave Howard  
P.O. Box 2823  
Kenai, AK 99611

Attachment: Photo from our side yard window, 3/29/22

March 29, 2022  
8:49 PM



Edit





January 19, 2023

Mayor Brian Gabriel and Council Members  
 Planning & Zoning Commission Members  
 City of Kenai  
 210 Fidalgo Avenue  
 Kenai, AK 99611

RE: **ORDINANCE NO. 3332-2023** – Amending Kenai Municipal Code Section 3.10.070-Livestock Within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less Than 40,000 Square Feet Within the City of Kenai.

Thank you for reviewing and considering amendments to Kenai Municipal Code 3.10.070, Livestock. I live in Woodland Subdivision, and due to personal experience during 2022 as well as a neighbor's encounter with the ins and outs of the existing ordinance, it is very apparent the Livestock ordinance sorely needs attention, as well as monitoring of the ordinance.

My concerns with Ordinance No. 3332-2023 are listed below:

- (d) -- In the listing of animals defined as "livestock," should (14) Chicken be amended to read "(14) Chicken Hens?"
- (d) -- Should "roosters" be added to animals defined as "livestock?" Definition of chickens, i.e., the difference between chicken hens and roosters, was pointed out during the appeal for extending a permit for keeping chickens at Hansen Heritage Homestead during 2022.
- (g) -- "All animal containment structures must be secure and in good repair." Fairly subjective. Who will be policing these requirements?
- (h)(1) -- "A maximum of twelve (12) chickens may be kept on lots with a permitted principal structure." Add "hens" to "chickens"; perhaps reference where in the Code "permitted principal structure" is defined to assist the public; and, identify whether it would be the Animal Control Officer or Building Official who would be approving the structure.
- (h)(3)  
 & (4) -- Happy to see setbacks included, but concerned with the statement "and twenty-five feet (25') from residential dwellings on neighboring lots." Should a statement be included that requires a setback of containment structures from neighboring property lines/fences? Also, who will be inspecting/monitoring where and if containment structures have been placed according to Code?

Mayor and Council Member  
Planning & Zoning Commission Members  
January 19, 2023  
Page 2

- (h)(5) -- "All shelters or containment structures must be constructed of durable weather-resistant materials, secured, and kept in good repair." Who will be policing whether these requirements are followed? If it is to be the Chief Animal Control Officer or Building Official, then include that information.
- (h)(7) -- "Chicken hens may not be kept in such a manner as to constitute a public nuisance as defined by Kenai Municipal Code." Should where in the Code public nuisance is defined be added? Who decides if a public nuisance is taking place?


Add as

- (h)(9) -- No keeping of chicken hens, roosters, coops, fences, containment shelters, etc. may be situated on city-owned property without a City-approved permit (which could require a survey taken to identify property corners and whether any of the above are trespassing on city-owned property). (This was an issue raised during the Hansen Homestead appeal.)

During the Hansen appeal, it was apparent follow-up was lacking as to the permitted number of chickens (six (6) were permitted on the Hansen property and I believe it was reported approximately 30+ were actually counted by City officials existing on the property). Woodland Subdivision is a fairly highly populated subdivision. Even if half of the properties decide to raise chicken hens, that a huge amount of chicken hens in one area of the city. If passed as it is, for Animal Control to properly police the potential amount of chickened properties in Woodland Subdivision, along with the number of other under 40,000 sq. ft. properties within the city this ordinance will affect, plus responsibilities already assigned, I am not sure if tighter restrictions would be needed. And, whether additional staff will be needed which will affect the City's overall and year-around budget.

For someone to say, "I want to raise chicken hens in my backyard" takes on year-around responsibilities and issues. Having livestock affects more than just that property. Not everyone lives in a subdivision within the city to now have livestock living next door. City budgetary issues, property values; neighbors with allergies to livestock; avian flu; predatory animals; errant neighborhood dogs; foul/fowl odors, etc. are factors of concern to evaluate when considering Ordinance No. 3332-2023.

Thank you.

  
Carol L. Freas  
609 Maple Drive  
Kenai, AK 99611

**Linda Mitchell**

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**From:** Kristine Schmidt <kristine@kenai.alaska.us>  
**Sent:** Friday, January 20, 2023 3:49 PM  
**To:** Linda Mitchell  
**Subject:** Chicken Ordinance 3332-2023: for January 25, 2023 P&Z Commission Meeting

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

Dear Planning & Zoning Commissioners:

I am opposed to the chicken ordinance, Ordinance No. 3332-2023, as written. I agree with the three letters in your 1/25/23 meeting packet opposing this ordinance.

This ordinance is a major disruption to City of Kenai land use rules, and has the potential to harm our (Kenai residents') quality of life very greatly. Our family lives in Woodland Subdivision, on a very small lot (less than 1/3 acre). Our lot has 5 lots right next to us, and under this ordinance there could be as many as 60 chickens kept right next to our backyard.

Kenai residents went through a divisive process on chickens just a few years ago, and the two chicken ordinances were both failed, even the second one, which had only 2 chickens. Ordinance 3332-2023 allows 12 chickens — that is a chicken farm, not just "backyard chickens."

There are many many other problems with this ordinance. Just one example: there is a bird flu epidemic across the United States, including Alaska, killing millions of birds, especially wild birds, and much of the infection comes from backyard chickens! Do we really want to destroy the wild bird population in Kenai?

I will be sending a second letter detailing the many problems with this ordinance before your 1/25/23 meeting.

I am also extremely disappointed with the City's process for consideration of this ordinance. With no notice to Kenai residents, the ordinance was introduced ONE DAY after the Christmas/New Year's holidays, in the dead of winter, when many Kenai residents are out of town. It was put on the fast track to be heard and enacted within 2 weeks of introduction. Call me cynical, but this process seems designed to ensure that the public who might oppose the ordinance get as little time and input as possible. Luckily, Councilman Knackstedt convinced the City Council to send it to the Planning & Zoning Commission first.

However, there is no work session at either City Council or Planning & Zoning Commission scheduled to consider this ordinance and changes to it. Most if not all major ordinance changes like this one go through at least one work session, which allows the public and Council/Commission members to consider amendments.

I request that the Planning & Zoning Commission postpone action on Ordinance 3332-2023 and schedule a work session on it.

Thank you for your consideration of these comments.

Kristine Schmidt  
513 Ash Avenue  
Kenai, Alaska 99611  
(907) 283-7373 (work)

**From:** [Rachael Gaedeke](#)  
**To:** [City Clerk](#)  
**Subject:** Public comment regarding chicken rearing in Kenai city limits  
**Date:** Sunday, January 22, 2023 6:02:00 PM

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

To Whom it May Concern:

I'm writing to express my support in allowing the citizens of Kenai to be allowed to keep chickens in their backyards.

Keeping a small flock of chickens in your own backyard has many benefits from supplying you with fresh, healthy eggs from well-cared-for animals, to giving you great fertilizer for gardening, to providing lively pets—as well as being part of the drive to local, sustainable food systems.

Sustainable food systems have always been a top priority for Alaskans. Now more than ever, we need to be able to count on reliable, nutritious food sources.

Eggs laid from healthy chickens provide a much needed kitchen staple. Currently the price of eggs is skyrocketing and many grocery stores have empty shelves where their eggs used to be plentiful. Home-raised hens produce eggs that are fresher, better tasting and often more nutritious than their commercially farmed counterparts.

Millions of people keep backyard chickens responsibly. Let our children have the opportunity to understand where food comes from and contribute to its production.

Please include this email in public comment for the upcoming meeting.

Sincerely,

**Rachael Gaedeke**  
**[rgaedeke@gmail.com](mailto:rgaedeke@gmail.com)**

January 24, 2023

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

Dear Commissioners:

**RE: Ordinance No. 3332-2023**

***Amending KMC 3.10.070 to Allow a Maximum of Twelve (12) Chickens to Be Kept on Lots Less Than 40,000 Square Feet - Except for RU, RS-1, RS-2 and TSH Zoning Districts***

I oppose ordinance No. 3332-2023 as written and ask that the Commission recommend to Council that: (1) this ordinance not be enacted as written; (2) the ordinance be amended to also except the RS Zone from its scope; and (3) the Council otherwise postpone action and refer the ordinance back to the Commission for a public work session or sessions for consideration.

My spouse and I purchased our home on Ash Avenue in Woodland Subdivision, Kenai, Alaska, in 1985. When we bought our home in 1985, our property in Woodland Subdivision was zoned Suburban Residential (RS). We specifically chose to purchase a home in Woodland Subdivision because there were covenants restricting use to residential and there were the protections of the RS Zone. We raised our daughter there and have lived there for the last thirty-eight (38) years.

**Land Use Inequity in Suburban Residential Zones.**

The Suburban Residential Zone is intended to provide for medium density residential development and to prohibit uses which would violate the residential character of the environment. The Suburban Residential Zone includes the RS, RS-1, and RS-2 Zones.

Our lot is a small lot, 0.31 acre, which is approximately 13,504 s.f. The majority of lots in Woodland Subdivision, properties zoned RS, are of similar size. Some lots in Inlet View Subdivision, property zoned RS-1, are of slightly larger size, approximately 16,500 s.f., but are still small lots. The RS-2 Zone also has small lots.

The raising of chickens will have similar impacts on all of these RS Zones, but only properties in RS Zone are subject to the impacts that will be caused by this ordinance as written. There is no explanation of the policy reason supporting excepting all properties in the RS-1 and RS-2 Zones while including all properties in the RS Zone. This is arbitrary.

As you know, the City's Land Use Table establishes the land uses in the RS Zone (like the other zones) that are Permitted (P), Conditional (C), Secondary (S), and Not Permitted (N). "Chickens" are defined to be "livestock", and "agriculture" includes "raising livestock." The Land Use Table for RS, RS-1 and RS-2 Zones all have a "N" for **Not Permitted** for "general agriculture." Raising 12 chicken hens in small lots can qualify as "general agriculture" in a small lot, and would violate the residential character of the environment.

Even if the Commission and the Council deem raising 12 chicken hens on a small lot to be not “general agriculture,” this ordinance does not distinguish between raising chickens for personal use and for commercial use. There is at least one tenant in Woodland Subdivision who offers eggs for sale, and chicks for individuals who want to raise chickens, through use of social media. That is a retail business.

Retail business and wholesale business are both “N” in RS-1 and RS-2, but are a C in RS Zone. But this ordinance does not provide that commercial use is prohibited, nor does it require a conditional use permit or any application at all for any use, or the written consent of the property owner who has leased the property to the tenant who is raising livestock.

The ordinance should be amended to add the RS Zone to the exceptions, or to limit the lot sizes to lots greater than 20,000 s.f., while also limiting the maximum number of chicken hens to six (6) hens.

**Other issues.**

There are many other issues not addressed in this ordinance, such as:

- Nothing limits containment areas to back yards;
- Nothing about setbacks from streams and other waters;
- Free range within a fence is allowed, since enclosed shelters such as coops are optional;
- Nothing specific about standards for the dimensions, materials, and appearance of a “containment structure” such as a coop, or for protections against bears and other predators;
- Nothing requiring the containment area to be kept clean and sanitary, and nothing about removal of waste or other issues regarding odor;
- Nothing about enforcement and resources for enforcement.

Thank you for your consideration.



Bob Molloy

Jeremy & Bridget Grieme  
PO Box 2066  
Kenai, AK 99611  
bhgrieme@gmail.com

January 24, 2023

City of Kenai Planning & Zoning Members and Kenai City Council Members

To Whom It May Concern:

We are writing to express our support for City Ordinance No. 3332-2023a to allow residents on properties less than 40,000 square feet in size to own up to twelve laying hens to address food security issues.

The cost of a dozen eggs has increased sixty-percent in the last few months. This is on top of consistent and drastic rising food costs over the last three years. At last check, a dozen fresh local eggs was selling for \$10. Eggs are not isolated in these drastic increases. Allowing residents to keep up to twelve hens on their property to provide eggs for their family would help alleviate the financial burden that rising food costs have on Kenai residents.

Chickens require a small amount of space to be healthy and happy. Three square feet per chicken is recommended by Rural Living Today. That means that a thirty-six square foot coop could easily accommodate up to twelve chickens. That equates to a relatively small (6'x6') coop, which is smaller than most backyard sheds in Kenai neighborhoods. Chickens, unlike dogs and other animals, do not need to be outside and have room to roam – and actually are quite content to not be outside in the winter months. To this end, giving residents the option to keep up to twelve laying hens will not create an eye sore, or reduce the aesthetic appearance of our neighborhoods and homes.

Some may raise concerns about the potential noise nuisance that chickens could create in residential neighborhoods. People, such as myself, who choose to live in residential neighborhoods accept the noise that comes with living in close proximity to others. These sources of noise are often dogs, loud vehicles, and even children. A dozen laying hens would not create additional noise pollution or raise it to an unbearable level. Not unlike homeowners who have multiple dogs, it would be chicken owners' responsibility to be considerate of others and be sure their pets are not interfering with the quality of life for their neighbors. Homeowners who have pets have to perform "poop patrol" to clean up after their pets in their yards. Similarly, chicken owners would clean up after their chickens. Spring time in Alaska is an odorific experience – with or without chickens. I feel confident that home owners can and will do this in a responsible and appropriate way, no different than other pet owners.

Alaskans pride themselves on being self-sufficient and providing for themselves and their families. How many members of the council or committee have proudly announced to

friends and family that they harvested a moose or filled the freezer with salmon to feed their family all winter. Eggs are no different, and allowing up to twelve hens reinforces the Alaskan way of life that we are proud of and what sets us apart from other parts of the country.

Amending the current ordinance to allow up to twelve laying hens for residents of Kenai would be beneficial for families to provide for themselves and to share with their neighbors. Being an Alaskan is also about never knowing a stranger. Through this amendment, chicken owners will have the opportunity to share eggs with others who are also struggling to make ends meet due to the current economic climate we are experiencing.

Mr. Douthit's proposed amendment is fair, reasonable, and attainable. It is a small change in policy that has the potential to make a huge change for residents. For these reasons, and those outlined above, I urge you to pass this ordinance.

Respectfully,  
Jeremy & Bridget Grieme



January 24, 2023

Planning & Zoning Commission  
 City of Kenai  
 210 Fidalgo Avenue  
 Kenai, Alaska 99611

**Chicken Ordinance No. 3332-2023**

Dear Commissioners:

I do not support Ordinance 3332-2023, which would allow keeping of 12 chickens in RS (Suburban Residential) zones with very little regulation of this practice to protect the neighbors. Currently, chickens are not allowed on property in RS zones. For some reason, the ordinance singles out RS zones to allow chickens, while keeping a no chicken rule in RU, RS-1, RS-2 and TSH zones, with no explanation. Also, the RS zone currently does not permit agriculture such as chicken raising without a conditional use permit, in the Land Use Table.<sup>1</sup>

My neighborhood, Woodland Subdivision, is zoned RS. My family has lived in the subdivision since 1985. Our subdivision consists of small lots of one-quarter to one-third acre. Allowing large flocks of unregulated chickens would be a nuisance -- noise, odor, unsightly sheds and pens -- and disturb the quality of life in our neighborhood. There is little to nothing in the ordinance to address these concerns. Just take a look at the photo in your packet (page 38) of what one Woodland Subdivision owner gets to look at out their side window, and ask yourself *if this is what you would want to see on five sides around you.*<sup>2</sup>

Here is a partial list of reasons why you should give this ordinance a “no” recommendation if you have to vote on it Wednesday 1/25/2023. It would be better if you had a work session on the ordinance, to bring out all the issues with it, and address them.

**1. The Planning Commission and City Council Voted Down Chicken Ordinances in 2013 and 2015, and Nothing Has Changed.** The Planning Commission (6-0) and the Kenai City Council (4-3) voted down a similar unregulated 12-chicken ordinance in 2013, even when the ordinance sponsor agreed to reduce the number of chickens to 6. The City Council also voted down a similar ordinance two years later, in 2015.<sup>3</sup> Nothing has changed since 2013 and 2015 that would make this chicken ordinance any more acceptable. The Commission really needs to review what happened in 2013 and 2015, and the reasons why these ordinances failed.

<sup>1</sup> The ordinance does not address the conflict with the land use table.

<sup>2</sup> Woodland Subdivision lots are staggered, so there could be five lots with chickens around a lot such as our lot, for a total of 60 chickens. See attached photo; our lot has yellow borders.

<sup>3</sup> See, “Kenai Chicken Ordinance Fails Again,” Peninsula Clarion 11/6/2015.

**2. Chickens Are A Nuisance And Ordinance 3332-2023 Does Nothing To Reduce Or Prevent the Nuisance.** There is nothing in the ordinance that reduces or prevents the well known nuisances of barnyard animals, such as noise, odor, open waste, close proximity to residences, and attractiveness to dangerous predators such as bears. The setbacks are not sufficient. The ordinance merely recites that chicken keeping should not be a public nuisance (undefined). That is not enough.

**3. Ordinance 3332-2023 Is Discriminatory, In Ways That Do Not Make Sense.** For some unexplained reason, this ordinance singles out the RS zone to allow chickens, but excepts the RU, RS-1, RS-2 and TSH zones – why? The ordinance does not distinguish between large lots in the RS zone, where keeping chickens might be less burdensome on the neighbors, and small lots such as those in Woodland Subdivision – why not? Traditionally the City of Kenai has recognized that there can be more negative impacts on high density subdivisions versus lower density subdivisions in land use decisions – why is this not a consideration in this ordinance?<sup>4</sup>

The Animal Control Code, Title 3, has substantial regulations on keeping more than 3 dogs, or keeping bees, but few regulations on keeping chickens, which doesn't make sense. I can't see how bees in the summer are more of a problem than having up to 60 chickens living around you, year round.

**4. The Price Or Scarcity of Eggs Are Red Herrings.** You will no doubt hear that the price or scarcity of eggs are factors in favor of the ordinance. However, the reason for the increase in price or scarcity of eggs involves several factors, all of which are temporary, such as the bird flu pandemic (spread by backyard chickens), and egg farmers holding back product because retailers won't pay the prices they want. These temporary issues will resolve in a short period of time, but the ordinance, if passed, could have a very negative effect on people owning homes in Kenai, over the long term.

**5. The Ordinance Has Insufficient Protection For Homeowners/Neighborhoods.** This ordinance has little to no regulation to protect adjacent homeowners or neighborhoods from the negative effects of chickens. Even Wasilla, Alaska has chicken keeping regulations that provide some protections, including requiring administrative approval or permits. Some examples of regulations that should be in the ordinance:

- (a) Prohibit keeping chickens in front yards (allowed under Ord. 332-2023);
- (b) Require licenses, like dogs (currently required in the Animal Code);
- (c) Require that the chickens be kept for personal use only, and that the chicken farming can't be spread over multiple lots;
- (d) Require the homeowner's written consent for tenants keeping chickens;
- (e) Regulate the location, number and materials of pens or sheds to reduce nuisances such as noise, odor, waste and unsightliness;
- (f) Stiff fines for roosters, because of course chicken farmers will keep them too.

<sup>4</sup> See, "Kenai Chicken Ordinance Fails Again," Peninsula Clarion 11/6/2015.

Also, the ordinance is written to be self-enforcing, or complaint-driven. That won't work, especially when you are allowing 3,000+ more lots to have chicken farms, but no more funding for enforcement. The days when most people recognized a responsibility to be good citizens and obey municipal laws and regulations are over. Now people do what they want until they are caught. That is why permits should be required; so that the Animal Control Office has a handle on where potential problems may arise.

**6. The Ordinance Does Not Protect Public Safety.** In 2013, Larry Lewis from the Alaska Department of Fish and Game testified that backyard chickens were bear attractants. Brett Reid, Kenai Animal Control officer, testified that backyard chickens caused bear and other problems. There is nothing different now.

Now there is also a bird flu epidemic worldwide, that is killing millions of birds, especially wild birds. Backyard chickens are a major reason for the spread of bird flu. Many Kenai residents enjoy the wild birds that live here, and Kenai is known throughout Alaska and Outside for its wild birding – we even built a platform on the Kenai River Flats for better birding. It doesn't make sense to risk more bird flu infection by opening up 3,000+ more Kenai lots to infection.

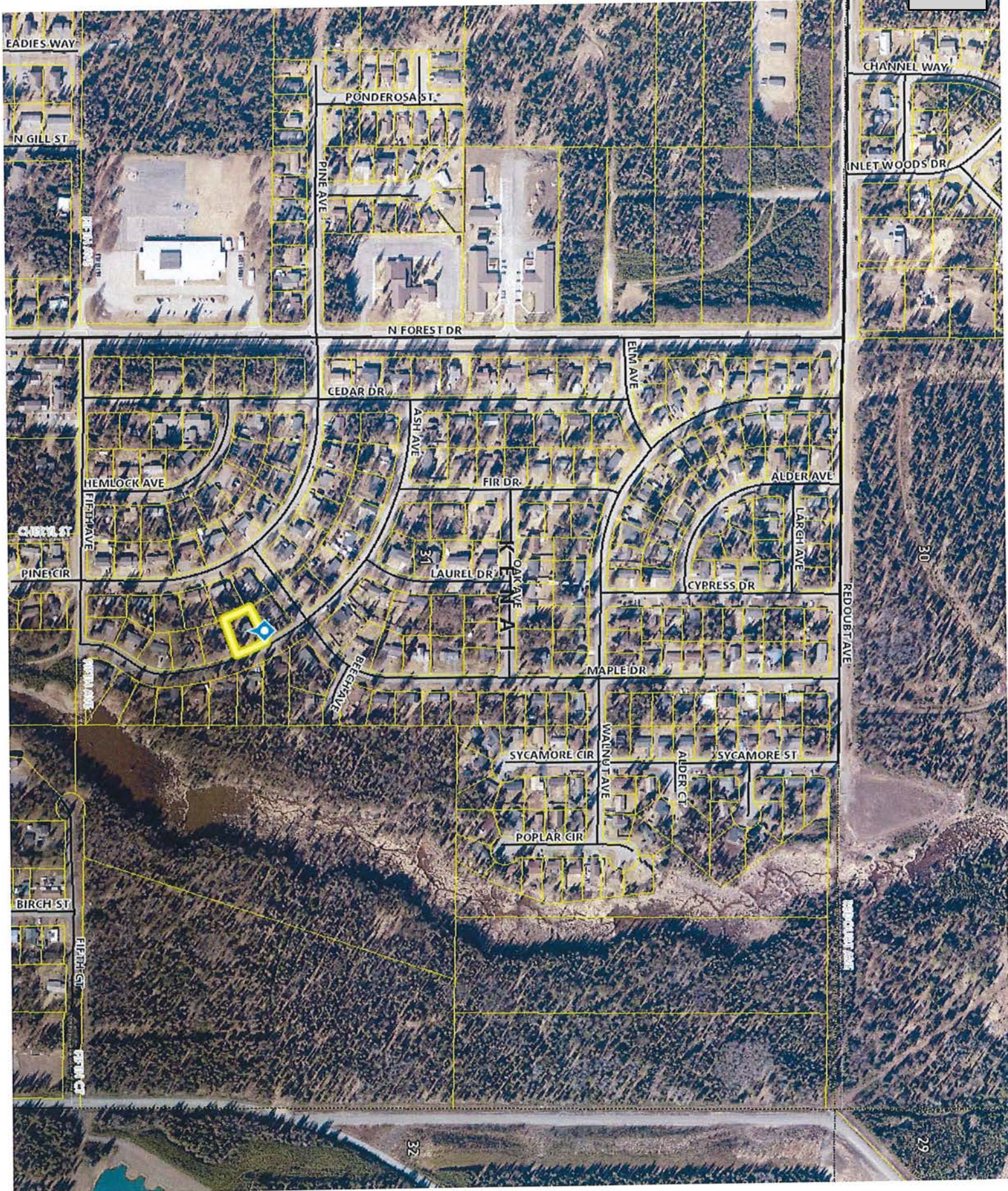
These are just a few reasons why Ordinance 3332-2023 is a bad fit for Kenai as written. Please vote "no" on this ordinance.

Sincerely,



---

Kristine A. Schmidt  
513 Ash Avenue  
Kenai, Alaska 99611  
(907) 283-7373



EADIES WAY

N GILL ST

PONDEROSA ST

PINE AVE

N FOREST DR

CHANNEL WAY

INLET WOODS DR

CEDAR DR

ELM AVE

HEMLOCK AVE

ASH AVE

FIR DR

ALDER AVE

CHERRY ST

PINE CIR

LAUREL DR

OAK AVE

CYPRESS DR

LARCH AVE

30

RED OUBT AVE

BEECH AVE

MAPLE DR

SYCAMORE CIR

WALNUT AVE

SYCAMORE ST

POPLAR CIR

ALDER CT

BIRCH ST

HILTI CT

WINDY HILL DR

32

29

# Kenai chicken ordinance fails again

ADVERTISEMENT

By Ben Boettger

Friday, November 6, 2015 6:07pm | NEWS KENAI

Kenai city council members Terry Bookey and Ryan Marquis introduced an ordinance allowing up to twelve hens to be kept on Kenai residential properties under 40,000 square feet — an activity that currently violates city code. At Wednesday's council meeting, the council voted down the ordinance 4-3. A similar chicken ordinance, introduced by then-member Mike Boyle, failed in 2013.

Marquis, who declined to run in the recent election and will soon leave the council after two terms, said that voting against the 2013 chicken ordinance was one of his few regrets.

"At that time, my primary reason for voting against it was bears being attracted to residential areas because of the chickens," Marquis said. "Since then, I've spent a lot of time walking through residential neighborhoods, and I realize how many people have chickens within the city — I'm assuming illegally — and I haven't heard much about any increased bear activity within the city."

Mayor Pat Porter was the first to oppose the ordinance.

"I live within 15 feet of my neighbor," Porter said. "The subdivision I live in is really tight quarters, and I cannot imagine having to live next door to chickens. Particularly where they don't have to be fenced off where I can't see them, or they can get loose."

Asked about bear activity by Porter, Kenai Police Chief Gus Sandahl said that bear reports in Kenai have been "significantly lower in the past two summers." When Porter asked again at a later point, Sandahl said bear encounters in Kenai have been "minimal."

"Maybe it's because we don't have any chickens," Porter said.

Chickens can be legally kept in Kenai — on lots greater than 40,000 square feet, or if the owner applies for and receives a conditional use permit from the Planning and Zoning Commission. Kenai City Manager Rick Koch said no chicken permits had been applied for in his nine years as City Manager.

Council member Henry Knackstedt is a legal Kenai chicken owner — he said he keeps about 30 egg-laying hens on about 30 acres.

"I really haven't had any problems with bears..." Knackstedt said. "I haven't had any problems with my neighbors because of the size of the lot. The zoning works, because I'm greater than 40,000 square feet."

Knackstedt said he “spent a lot of time” with the 2013 chicken ordinance as a then-member of the Planning and Zoning commission. According to previous Clarion reporting, the 2013 chicken ordinance was debated by the city council and Planning and Zoning for 7 months.

“If it’s done right, I don’t think anyone would have a problem with (hen-keeping),” Knackstedt said. “And I think there are people who should have conditional use permits, but don’t. It goes on just fine, just like a lot of other things. But when I look at this, it looks like it has Planning and Zoning written all over it... the way it should be managed, supervised. I think neighbors should have a say if they don’t want to have chickens next door. I’m conflicted because I think it can be done, but not the way it’s written at this point.”

Knackstedt encouraged Marquis and Bookey to send the ordinance to the Planning and Zoning commission, pointing out that “it’s a different planning and zoning than we had a few years ago.”

Council member Tim Navarre said he opposed allowing hen-keeping, not because of bears but because of “health issues that come with chickens.” Council member Brian Gabriel said the present permit allowance was sufficient to allow hen-keeping where appropriate.

“The fact is that when you get into smaller lot sizes, you run into issues that aren’t really relevant to larger lot sizes,” Gabriel said. “Such as proximity to your neighbors. Your neighbors might have dogs on several sides of your chicken coop. The effect on them could be pretty dramatic... I don’t have an objection to chickens, but the idea of having neighbors weigh in on the effects it might have on them in high-density neighborhoods, there’s a value to that I don’t think we should overlook.”

Bookey responded to Gabriel.

“To address the dogs, I think that’s more an issue of property-owners having dogs and not controlling them,” Bookey said. “I understand the reasoning and the need for zoning and planning and things like that. But when we continually reference ‘your neighbors should have a say in what you do on your property,’ I think that’s true to some extent. But in many, many cases we’re putting more value on what the neighbors think I should do on the parcel of land that I own than what I think I should do on the parcel of land that I own.”

Council members Gabriel, Knackstedt, Navarre, and Mayor Porter voted against chicken legalization.

*Reach Ben Boettger at [ben.boettger@peninsulaclarion.com](mailto:ben.boettger@peninsulaclarion.com)*

**From:** Deni Oren <mrsoren23@gmail.com>  
**Sent:** Tuesday, January 24, 2023 6:19 PM  
**To:** City of Kenai Planning Department  
**Subject:** Ordinance No. 3332-2023a

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

To whom it may concern,

Good evening, I am writing to express my support in favor of City of Kenai's Ordinance No. 3332-2023a; in regards to allowing residents on properties less than 40k square feet in size to own up to 12 laying hens.

As a City of Kenai resident I think this is a great idea to help offset some of the food supply issues and food insecurities my fellow neighbors and myself are starting to face in regards to inflation and supply chain issues lately. I do understand the concerns of some when it relates to how the city will pass this in a manner that doesn't create neighborhood nuisances. But as homeowners, I think this can be done in a responsible and appropriate way just as we are expected to do with any of our pets.

I think passing this ordinance would be so beneficial for local residents, not only for just each individual property/homeowner, but as well as for our neighbors who may benefit from receiving or purchasing fresh local eggs when our local stores are depleted. With rising costs of food, lack of food on shelves, it would be a world of difference to be able to offset some of these worries by having a more sustainable way to provide food for our families. I have read through the expectations listed and I find them to be very fair, and do believe it would help to reduce any issues in regards to having the hens. I also believe the allowance of up to 12 hens is perfect for a majority of the properties in the City of Kenai.

Thank you for your time and I hope that the City of Kenai takes my support into consideration.

Respectfully,  
Mr. & Mrs. Oren

**From:** [Nathan Smith](#)  
**To:** [City Clerk](#)  
**Subject:** Ordinance No. 3332-2023  
**Date:** Wednesday, January 25, 2023 1:37:48 PM

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

Afternoon,

I send you this due to the email address posted( city\_council@kenai.city)to send any support or concern continues to reject mine and my wife's email in support of this email. It comes up with a 550 code which is due to a spam blocker the city uses. This is concerning of itself as how many people attempt to have their voices heard but are met with this Code when attempting to email city council.

It would be foolish to not pass this ordinance and allow the citizens of kenai to raise Chickens. This could help provide food to low income families as well as teach children a valuable skill of raising and harvesting their own food.

I encourage the council to pass this ordnance and look forward to being allowed to raise my own chickens within city limits.

Thank you,

Nathan Smith



**From:** [Amanda Smith](#)  
**To:** [City Clerk](#)  
**Subject:** Comment for Ordinance No. 3332-2023  
**Date:** Wednesday, January 25, 2023 2:56:13 PM

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

Good Afternoon,

As a resident who would be directly impacted by the proposed amendment of Kenai Municipal Code Section 3.10.070, I am writing to express my support.

Removing barriers to individual food security and self-reliance only serves to improve the lives of residents of the City of Kenai. When individuals are able to provide for themselves, their family, and friends, the entire community becomes more economically resilient. This is always important, but has become especially critical during the economic crises that have continued to impact various sectors since the start of Covid-19.

With no end in sight for the current economic downturn, I implore you to allow Kenai residents the freedom to feed their families.

Sincerely,  
Amanda Smith

January 26, 2023

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

City Council, and Mayor Gabriel,

Subject: Opposition to Ordinance No. 3332-2023  
Allowing for Chickens to be Kept on Lots Less Than 40,000 s.f.

I urge the city council to NOT support Ordinance No. 3332-2023. I am opposed to Ordinance No. 3332-2023 which would allow chickens to be kept on lots less than 40,000 s.f. in a densely populated residential zone. I live in a residential neighborhood that is zoned RS (Woodland Subdivision, Part 4). I would like the city council to continue to preserve the character and integrity of our residential neighborhoods. Allowing chickens to be kept in a residential neighborhood like the Woodland Subdivision would cause great angst among neighbors. When I bought my house in 1988 I deliberately chose a lot in a residential neighborhood because I didn't want to live next to farm animals, a pack of sled dogs, a gravel pit, or other disruptive nuisances and I certainly didn't want to live next door to where chickens could be slaughtered. If I wanted to live in an area with less regulations, I could have bought property outside city limits as there is plenty of lots to pick from. I enjoy the amenities that the City of Kenai has to offer and I don't want to see the character and integrity of our residential neighborhoods compromised.

In a memorandum from Council Member Alex Douthit, dated December 29, 2022 two reasons were given for the proposed code changes: 1) Provide a supply of fresh eggs, and 2) Promote food security.

I have never had a problem with buying fresh eggs from the local grocery stores, until recently, but the current egg shortage in all likelihood is just temporary. As for food security we first need to understand what it is. One definition of food security is this: *"The state of having reliable access to a sufficient quantity of affordable, nutritious food."* By that definition I don't see a problem in our community. We have four grocery stores in the City of Kenai which seem to provide reliable access to a sufficient quantity of food. If the City of Kenai wants to address food security then maybe it would be better to establish a Food Security Task Force to recommend the best ways to address it. It seems that there are better ways to address this issue without compromising the integrity of our peaceful residential neighborhoods. One way to address food security without impacting one's neighbors is to grow a garden.

To bring further clarity to this issue we need to ask the right question. If you ask the question: Do you want fresh eggs and food security then the answer is yes. But if you ask the question: Are the proposed changes to the city code appropriate for lots less than 40,000 s.f. in a residential zone (RS zone) then the answer is No.

The second Whereas in Ordinance 3332-2023 is also misleading. It states that residents have expressed an interest in keeping chickens hens on lots less than forty thousand (40,000) square feet for personal use. While this statement may be technically true it's really just a few residents that have expressed this interest. There is no massive demand by the residents to raise chickens in residential neighborhoods. This ordinance aims to satisfy the interest of a few residents at the expense of all others. This ordinance reeks of an agenda to be satisfied and appears to be retaliatory in nature due to the last incident involving chickens kept on a residential lot when neighbors expressed opposition to a Livestock Permit for Chickens (Case No. BA-22-01, Board of Adjustment Hearing of June 20, 2022).

The sponsor of this ordinance has clearly demonstrated that he does not know how to balance the interests of residents in the Kenai community. The agenda that is driving this ordinance is simply bias.

Ordinance No. 3332-2023, as written, is not a balanced proposal

Currently the city code allows for chickens to be raised on 28% of the city's lots but if this ordinance passes, then it would allow for chickens to be raised on 96% of the city's lots. This would create a complete imbalance for those who want chickens in their residential neighborhood and those who don't.

Facts and Figures

Total number of Kenai city lots is 4,895

Current number of lots allowed to raise chickens is 1,384 (28%)

The proposed ordinance would allow an additional 3,307 (68%) lots for raising chickens

The result of the proposed ordinance would allow a total of 4,691 (96%) lots for raising chickens

These facts and figures can be verified with City Planning Director, Linda Mitchell

Inequity Among Subdivisions

The Inlet View Subdivision (Rogers Road area) is zoned RS1 and does not allow for raising chickens. But I live in the Woodland Subdivision, Part 4 which is zoned RS and this ordinance would allow for the raising of chickens. However, these two subdivisions have similar profiles (lot sizes, densely populated, street widths, etc.) but yet they are treated differently when it comes to raising chickens. The lot sizes in both of these subdivisions are too small to provide adequate buffers or practical setbacks to protect adjacent neighbors from nuisance activities. The proposed ordinance, as written, would create further inequity among subdivisions with similar profiles.

(To create equity among similar subdivisions, see Alternative 1 and 2 below)

Reasons not to change the code:

- 1) The current code already allows for the raising of chickens on and is adequate.
- 2) There are plenty of parcels outside city limits to raise chickens.
- 3) The city has no practical way to monitor properties for compliance. A complaint-driven system only pits neighbor against neighbor. This type of system only invites conflict and angst among neighbors.
- 4) Setback requirements are based on the property lines, which means that the city would need to hire a surveyor before it could determine compliance. This would be cost-prohibitive for the city or any property owner to do.
- 5) Ordinance No. 3332-2023 is not a balanced proposal. It only considers the will of those who want to raise chickens in a residential area.
- 6) Ordinance No. 3332-2023 creates a situation where the raising of chickens it is likely to be a breeding place for flies, mosquitoes, vermin, or disease. See KMC 12.10.010 (L)
- 7) Ordinance No. 3332-2023 invites the potential for more nuisance in our residential neighborhoods.
- 8) Ordinance No. 3332-2023 would change the character and integrity of our residential neighborhoods that are currently zoned RS.
- 9) Ordinance No. 3332-2023 creates a situation of competing interest among neighbors, inviting angst and conflict in our neighborhoods.
- 10) Ordinance No. 3332-2023 invites the potential to attract predators and rodents into our residential neighborhoods.
- 11) Ordinance No. 3332-2023 invites the potential to attract domestic cats and dogs to prey on neighborhood chickens causing more conflict among neighbors.
- 12) Ordinance No. 3332-2023 will circumvent the conditional use process. The conditional use process helps to decide if a particular parcel has merit for raising chickens. The proposed ordinance is a blanket proposal which would allow chickens to be raised on almost any lot without consideration.

City of Soldotna

The City of Soldotna prohibits the raising of chickens in all residential zones that are less than 1½ acres.

City of Soldotna Municipal Code 17.10.365 – Animals: *“In the Single, Single-Family/Two-Family and Multi-Family Residential Districts and on properties in the Rural Residential District 1½ acres or less in size, the keeping of farm or wild animals shall be prohibited...”*

I urge the Kenai City Council to NOT support Ordinance No. 3332-2023 as written and consider some compromise between those who want chickens in their residential neighborhood and those who don't.

I ask the City Council to consider some alternatives.

**Alternative 1:** Amend the proposed ordinance as follows:

Prohibit the raising of chickens in Parts 2, 3, and 4 of the Woodland Subdivision. This would be a more balanced proposal and preserve the character and integrity of our neighborhoods.

Parts 2, 3, and 4 have a profile that is on par with the Inlet View Subdivision (Rogers Road area) which is zoned RS1 and prohibits the raising of chickens. (See Exhibit A, attached)

**Alternative 2:** It would make more sense to amend the proposed ordinance to prohibit the raising of chickens in **RS Zones** (Suburban Residential) by inserting the RS Zone into the language below. Also striking the RU Zone from the language below will allow for the raising of chickens in the RU Zones (Rural Residential) as follows:

Please amend Section 1, part (b) to read as follows:

(b) No livestock shall be allowed in the RS, ~~RU~~, RS1, RS2 or TSH zones.

Please amend Section 1, part (h) to read as follows:

(h) The keeping of chickens hens on lots less than 40,000 square feet is allowed, except in the RS, ~~RU~~, RS1, RS2 and TSH zoning districts, subject to the following standards:

Including the **RS zone** into Section 1, part (b) and part (h) above will help to preserve the character and integrity of our residential neighborhoods and removing the RU zone above allows for those who want to raise chickens in a rural residential area.

**Alternative 3:** Amend the proposed ordinance as follows:

Add language that would establish a minimum lot size of 20,000 s.f. to raise chickens. Lots that are 20,000 s.f. will be large enough to sustain more impactful activities while buffering neighboring properties. Such lots are large enough to provide natural buffers and practical setbacks to protect neighboring properties from impactful activities.

Any of the above alternatives would seem to be a reasonable balance between those who want chickens in their densely populated residential neighborhood and those who don't. If no compromise can be made then I urge the city council to NOT support Ordinance No. 3332-2023.

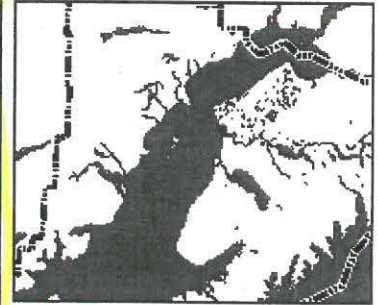
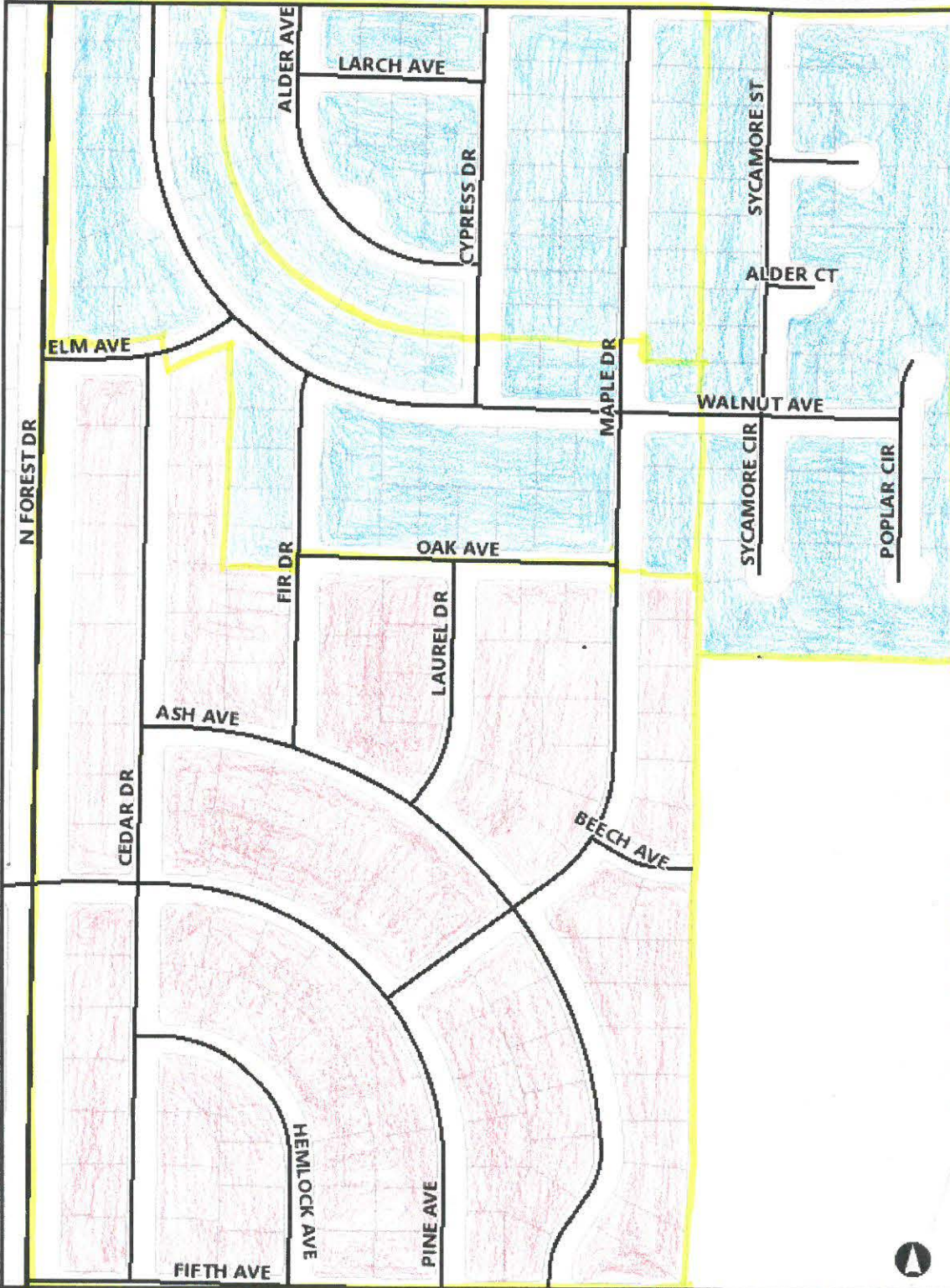
Sincerely,

*Daniel A. Conetta*

Daniel A. Conetta



# EXHIBIT A



### Legend

- Mileposts
- Highways
- Major Roads
- Roads
  - Town Medium Volume
  - Town Low/Seasonal; Other
  - Proposed
- Parcels

### WOODLAND SUB

PART 1 ■  
 PARTS 2,3,4 ■



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

Notes

January 26, 2023

Kenai City Council  
City of Kenai  
210 Fidalgo Avenue  
Kenai, Alaska 99611

**Opposition To Chicken Ordinance No. 3332-2023**

Dear Council Members:

Please vote **NO** on Ordinance No. 3332-2023 as written. It will be harmful to my small lot (high density) subdivision neighborhood, and **has many problems** which were brought up during the January 25, 2023 Planning & Zoning Commission meeting last night.<sup>1</sup> A majority of Commissioners were going to vote against the ordinance because of the problems with it, but then they were convinced by the City Attorney and City Planner to vote for it, on condition that there be a Council/Commission work session, and an amendment for backyard chickens only. Please honor these requests of the Commission: postpone action on the ordinance, hold a work session with the Commission, and adopt amendments to protect homeowners. Last night's Commission meeting proved that this ordinance **affects 96% of City lots**. There is no reason to rush this problematic ordinance through.

Dan Conetta made an important point (in his letter and testimony last night): let's have some balance between protecting the quality of life in high density residential subdivisions, and allowing incompatible uses like barnyard animals. At the Commission meeting last night, the only people who testified in favor of the ordinance were renters, and a woman who lives in the RR zone.<sup>2</sup> All except one of those who wrote to the Commission in favor of the ordinance were renters. There hasn't been a stampede of **actual homeowners in the RS zone** advocating for this ordinance, while several **actual homeowners** who would be adversely affected have written and testified against the ordinance as written. We Kenai homeowners who live here, located our businesses here, and paid property and sales taxes for decades deserve more consideration than renters, most of whom will be here a short time, and have nothing at stake like a home.

I put together a list of problems and potential solutions discussed last night for your information; see next page. I am also providing the Wasilla ordinance. Thank you for considering my comments and materials.



Kristine A. Schmidt  
513 Ash Avenue ,Kenai, Alaska 99611  
(907) 283-7373

<sup>1</sup> My letters to the Planning & Zoning Commission have details of some problems.

<sup>2</sup> I am assuming that people who didn't provide physical addresses or telephone numbers in their letters and emails are renters; as they aren't listed in the Borough property owner database.

### ORDINANCE 3332-2023

• **Problem:** The ordinance allows lots in the RS (Suburban Residential) zone to have 12 chickens, but exempts RS-1 and RS-2 zones, even though the size and density of lots, and land uses in the three zones are very similar. No property owner living in an RS zone testified or wrote in favor of this before the Commission last night.

-- **Solutions:** Exempt the RS zone from the ordinance, but leave in the rural residential (RR) zone; or reduce incompatible uses by limiting lot sizes to 20,000+ s.f. or limiting number of chickens: for example, no more than 4.

• **Problem:** The ordinance allows chickens to be kept in front yards, which would destroy the residential character of a neighborhood.

--**Solution:** Restrict chickens to the back yard, defined according the City Planner as the area behind the primary residence.

• **Problem:** The ordinance does not state that keeping chickens is for personal use only, not commercial use, although that is supposedly the intent. We are supposed to figure this out by referring to Title 14, the Zoning Code. This is confusing.

-- **Solution:** Add specific language that restricts chickens to “personal use only.”

• **Problem:** The ordinance does not require an application/license to have chickens, however, City Code does require a license to have a dog.<sup>3</sup> This makes no sense; licensing is simple, easy and would give Animal Control information about where problems could arise.

-- **Solution:** add “chicken hens” to KMC 3.20 (requiring dog licenses).

• **Problem:** The ordinance appears to allow free range within an existing fenced yard, but then has setbacks for “enclosed shelters” or “containment structures, which are optional. There are no standards for “enclosed shelters” or “containment structures” such as location, materials, dimensions, appearance, protection against bears and other predators.

-- **Solutions:** Require containment within the setbacks, add standards for shelters and structures to avoid eyesores.

• **Problem:** The ordinance does not require proof of homeowner consent; the homeowner may have no idea that their renter is keeping chickens.

-- **Solution:** Require written homeowner consent for application/license.

---

<sup>3</sup> Even Wasilla, Alaska requires some kind of permit for keeping chickens. See Wasilla ordinance attached.

Code Ordinance

By: Planning  
Introduced: March 12, 2018  
Public Hearing: April 9, 2018  
Amended: April 9, 2018  
Adopted: April 9, 2018  
Yes: Dryden, Graham, Harvey, Ledford, O’Barr  
No: None  
Absent: Burney

**City of Wasilla  
Ordinance Serial No. 18-12 (AM)**

**An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Section 16.04.070, Definitions, To Add Definitions For “Beehives”, “Exotic Animal”, “Pet Animal”, “Poultry”, And “Wild Animal”; Amending Section 16.04.070, Definitions, To Revise The Definitions For “Agriculture”, “Animal Husbandry”, And “Farm Animal”; Amending Section 16.16.060, Specific Approval Criteria, To Revise The Criteria That Regulates Farm Animals, Poultry, And Beehives; Amending Section 16.20.020, District Use Chart, To Identify The Appropriate Zoning Districts And Permit Types For Beehives, Exotic Animals, Poultry, And Wild Animals; And Other Minor Revisions.**

---

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

**Section 2. Amendment of section.** WMC 16.04.070, Definitions, is hereby amended to read as follows:

“Agriculture” is a use involving the commercial growing of vegetation or the raising, **controlled breeding, management, or keeping of beehives, farm animals, or poultry. Animals may be bred and raised for utility (e.g. meat, milk, eggs, fur), sport, pleasure, or research.**

“Animal husbandry” means a use involving the keeping of one or more ~~farm animals.~~

**“Beehive” means a man-made housing structure for the keeping of bee colonies and production of honey.**

Bold & Underline, added. ~~Strikethrough, deleted~~



“Exotic animal” means any animal not otherwise identified in the definitions provided in this section that is native to a foreign country or of foreign origin or character, or was introduced from abroad and is not native to the state of Alaska. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, alligators, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak and any animals regulated by the State of Alaska Department of Fish and Game. Exotic animals that are typically kept as indoor pets are exempt from this definition.

~~“Farm animal” means an accessory use involving a single animal with an adult weight over two hundred fifty (250) pounds usually associated with agriculture; or any combination totaling ten (10) poultry or rabbits, three sheep or three goats or other small animals; but not including domestic dogs and cats. Other animals including the orders Felidae (cats) and Ursidae (bears) which, in the opinion of the planner, may pose a threat to human safety are not a farm animal~~ any domestic species of cattle, sheep, swine, goat, horse, mule, donkey, llama, and alpaca, which are normally and have historically been kept and raised on farms in the United States and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur.

“Pet animal” means any animal that has commonly been kept as a pet in family households in the United States, such as, but not limited to, dogs,

~~Strikethrough, deleted~~  
 Bold & Underline, added.

cats, guinea pigs, rabbits, and hamsters. This term excludes farm, exotic, and wild animals as defined in this section.

“Poultry” means chickens, doves, ducks, geese, grouse, ptarmigan, pigeons, quail, swans, guinea fowl, peacocks, and turkeys.

“Wild animal” means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: Moose, caribou, elk, mink, Dall sheep, deer, bear, coyote, squirrel, fox, and wolf. Also included are any animals regulated by the State of Alaska Department of Fish and Game.

**Section 3. Amendment of subsection.** WMC 16.16.060(E), within Specific approval criteria, is hereby amended to read as follows:

E. Farm Animals, **Poultry, and Beehives.** ~~Farm animals are allowed as an accessory use to agriculture in the industrial zone. In the rural residential and single-family residential farm animal(s) may be allowed as described in the following:~~ **Farm animals, poultry, and beehives are allowed as indicated in the District Use Chart in Section 16.20.020(A), as an accessory use subject to the standards below. The uses identified in this section are not subject to the provisions in Title 7. The keeping of these uses consistent with the terms of this Title does not in and of itself constitute a nuisance or a disturbance.**

~~1. A residential use in the RR, R1 or R2 district with a total lot area of forty thousand (40,000) square feet or more may include the keeping of one farm animal as an accessory use, provided that a suitable fence is provided~~

Bold & Underline, added, Strikethrough, deleted

~~and no stable or building used for farm animals may be closer than twenty-five (25) feet from any exterior lot line. Two farm animals may be kept provided that a site plan is approved by the planner.~~

~~2. A residential use in the RR, R1 or R2 district may include the keeping of three or more farm animals if all of the above is met and the total lot area is eighty thousand (80,000) square feet or more.~~

~~3. Up to three dogs are allowed per residence. Keeping of more than three dogs more than four months of age is a kennel (see kennel in use chart).~~

~~4. No more than four hives per ten thousand (10,000) square feet of lot area shall be allowed and bee colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, the colonies shall:~~

~~a. Be at least twenty-five (25) feet from any exterior lot line not in common ownership and be oriented with entrances facing away from adjacent property; or~~

~~b. Be placed behind a fence at least six feet in height and extending at least ten (10) feet beyond the hive in both directions.~~

**1. Farm animals. The keeping of farm animals is subject to the following standards:**

**a. Farm animals are prohibited on lots with a total lot area of less than 40,000 square feet;**

Bold & Underline, added. Strikethrough, deleted

b. A suitable fence must be provided to safely contain the farm animal(s);

c. Stables or buildings used as shelter or storage of food for farm animals must be a minimum of 25 feet from any exterior lot line;

d. All fenced areas, pens, enclosures, stables, shelters, or other similar buildings or uses for a farm animal must be a minimum of 75 feet from the high-water mark of any water course or body of water, excluding man-made ponds on private property;

e. All facilities shall be kept in good repair, maintained in a clean and sanitary condition, and be free of vermin, obnoxious smells and substances, to the greatest extent feasible. The facilities may not create a nuisance or disturb neighboring residents due to excessive noise, odor, damage, or threats to public health. No storage of manure or other waste materials shall be permitted within 50 feet of any exterior lot line;

f. On lots with a minimum lot area of 40,000 square feet or more in the RR, R1, or R2 zoning districts, the following farm animals are allowed. Additional farm animals in the quantities indicated below may be allowed for each additional 20,000 square feet of lot area:

i. One farm animal (with an adult weight of 250 pounds or greater); or

Bold & Underline, added. Strikethrough, deleted

ii. Ten or fewer rabbits or similarly sized farm animals; or

iii. Three or fewer animals with an adult weight less than 250 pounds.

g. In the Industrial zoning district, farm animals are only allowed as an accessory use to a primary industrial use; and

h. If the applicant does not own the property, written proof of the owner's consent must be submitted with the application.

2. Poultry. The keeping of poultry is allowed as an accessory use to a residential dwelling and must meet the following standards:

a. Excessively noisy poultry including, but not limited to, roosters, turkeys, guinea fowl, peacocks, or geese are prohibited unless the total lot area is a minimum of 80,000 square feet and the animals and supporting structures and pens are a minimum of 100 feet from an adjoining lot;

b. All poultry must be contained by a suitable structure, fenced enclosure, pen, and/or fenced area that safely contains the poultry at all times. All structures, enclosures, and pens must meet the following dimensional standards:

i. Maximum height of structures, coops, enclosures, or runs is 15 feet in height;

ii. All facilities shall be kept in good repair, maintained in a clean and sanitary condition, and be free of vermin.

Bold & Underline, added, Strikethrough, deleted

obnoxious smells and substances to the greatest extent feasible. The facility will not create a nuisance or disturb neighboring residents due to excessive, noise, odor, damage, or threats to public health; and

iii. Chicken coops or other shelters may not be located in a front yard or side yard that abuts a street in the R1, R2, and RM zoning districts.

c. No storage of manure shall be permitted within 50 feet of the exterior lot line; and

d. If the applicant does not own the property, written proof of the owner's consent must be submitted with the application.

e. All structures, runs, and enclosures must be a minimum of 25 feet from residential dwellings on neighboring lots. For lots with more than one dwelling on the same lot, the structures, runs, and enclosures must also be a minimum of 25 feet from all other dwellings on the lot except the poultry owners' dwelling.

f. On lots with a total area less than 40,000 square feet, the following additional standards apply:

i. Maximum of six poultry on lots up to 20,000 square feet and a maximum of 12 poultry on lots greater than 20,000 square feet and less than 40,000 square feet. Poultry under the age of six months do not count towards the allowed numbers;

ii. Free-ranging within fenced yards is only allowed under direct supervision by the poultry owner and with consent of all tenants

Bold & Underline, added. Strikethrough, deleted

and/or property owners who have legal access to the premises at the time of permit application;

g. On lots with a total area of 40,000 square feet or greater, the following additional standards apply:

i. Maximum of 15 poultry on lots between 40,000 square but less than 50,000 square feet; an additional three poultry are allowed for each additional full 10,000 square feet of lot area. No proration of the number of poultry is allowed for lots with less than a full 10,000 square feet of lot area. Poultry under the age of six months do not count towards the allowed numbers.

h. In the Industrial zoning district, poultry is only allowed as an accessory use to a primary industrial use.

3. Beehives. The following standards apply:

a. Beehives are allowed in all zoning districts as an accessory use;

b. Four beehives are allowed per 10,000 square feet of lot area. No proration of the number of beehives is allowed for lots with less than a full 10,000 square feet of lot area;

c. Colonies shall be managed in such a manner that the flight path of bees to and from the hive will not bring the bees into contact with people on adjacent property. To that end, colonies shall:

i. Be situated at least twenty-five feet from any lot line not in common ownership; or

Bold & Underline, added, Strikethrough, deleted

ii. Oriented with entrances facing away from adjacent property; or

iii. Placed at least eight feet above ground level; or

iv. Placed behind a fence at least six feet in height and extending at least ten feet beyond each hive in both directions.

d. The maximum height for a beehive at ground level is eight feet measured from the base of the beehive, inclusive of any temporary or permanent stand or foundation. Beehives are permitted on rooftops or elevated decks provided that the beehive does not exceed five feet in height above the surface of the rooftop or deck and the rooftop or deck is a minimum of eight feet above ground level;

e. If the applicant does not own the property, written proof of the owner's consent must be submitted with the application; and

f. All beekeeping shall comply with applicable laws and regulations.

**Section 4. Amendment of subsection.** WMC 16.20.020(A), within District use chart, is hereby amended to read as follows:

A. The following chart summarizes the uses allowed and the standard of review for each use. In the commercial and industrial districts, more than one building housing a permissible principal use may be erected on a single lot; provided, that each building and use shall comply with all applicable requirements of this chapter and other borough, state or federal regulations.

Bold & Underline, added. Strikethrough, deleted



AA = Administrative approval    UP = Use permit    CU = Conditional use EX = Excluded                      Blank = No city approval necessary							
Districts	RR Rural	R1 Single- Family	R2 Residential	RM Multi- family	C Commercial	I Industrial	P Public
<b>Uses</b>							
Accessory Uses	AA	AA	AA	AA	AA	UP	AA
Agriculture	UP	EX	EX	EX	EX	EX	EX
Animal Husbandry	UP	EX	UP	EX	EX	EX	EX
<b><u>Beehives</u></b> <sup>1</sup>	<b><u>AA</u></b>	<b><u>AA</u></b>	<b><u>AA</u></b>	<b><u>UP</u></b>	<b><u>UP</u></b>	<b><u>UP</u></b>	<b><u>EX</u></b>
<b><u>Exotic Animals</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>
Farm Animals <sup>1</sup>	AA	UP	UP	EX	EX	AA	EX
<b><u>Poultry</u></b> <sup>1</sup>	<b><u>AA</u></b>	<b><u>AA</u></b>	<b><u>AA</u></b>	<b><u>UP</u></b>	<b><u>UP</u></b>	<b><u>CU</u></b>	<b><u>EX</u></b>
<b><u>Wild Animals</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>

<sup>1</sup>Must comply with specific approval criteria in Section 16.16.060.

Bold & Underline, added. Strikethrough, deleted

**Section 5. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on April 9, 2018.

  
BERT L. COTTLE, Mayor

ATTEST:

  
JAMIE NEWMAN, MMC, City Clerk

[SEAL]

**From:** [BreAnna Hamman](#)  
**To:** [City Clerk](#)  
**Subject:** Ordinance 3332-2023  
**Date:** Monday, January 30, 2023 10:38:37 PM

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

Hello,

My name is BreAnna Hamman and I am a homeowner in the Woodland subdivision. I would like to voice my support for the passing of the city ordinance 3332-2023. I have a neighbor directly next to us, who under a permit has chickens. The chickens have caused no disturbances and are not bothersome. I have been bothered more by the dogs that get left out to bark by my other neighbor. I have had problems with dogs and cats coming onto our property, I have yet had a chicken do so. I believe people should also have access to fresh eggs and poultry. The uncertainty with food shipments these days has added an extra need for local people to harvest their own eggs. All of these reasons and more contribute to why I think the ordinance needs to be passed. Thank you for your time.

-BreAnna Hamman

**From:** [Deni Oren](#)  
**To:** [City Clerk](#)  
**Subject:** Ordinance No. 3332-2023a  
**Date:** Tuesday, January 31, 2023 10:46:44 AM

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

To whom it may concern,

Good evening, I am writing to express my support in favor of City of Kenai's Ordinance No. 3332-2023a; in regards to allowing residents on properties less than 40k square feet in size to own up to 12 laying hens.

As a City of Kenai resident I think this is a great idea to help offset some of the food supply issues and food insecurities my fellow neighbors and myself are starting to face in regards to inflation and supply chain issues lately. I do understand the concerns of some when it relates to how the city will pass this in a manner that doesn't create neighborhood nuisances. But as homeowners, I think this can be done in a responsible and appropriate way just as we are expected to do with any of our pets.

I think passing this ordinance would be so beneficial for local residents, not only for just each individual property/homeowner, but as well as for our neighbors who may benefit from receiving or purchasing fresh local eggs when our local stores are depleted. With rising costs of food, lack of food on shelves, it would be a world of difference to be able to offset some of these worries by having a more sustainable way to provide food for our families. I have read through the expectations listed and I find them to be very fair, and do believe it would help to reduce any issues in regards to having the hens. I also believe the allowance of up to 12 hens is perfect for a majority of the properties in the City of Kenai.

Thank you for your time and I hope that the City of Kenai takes my support into consideration.

Respectfully,  
Mr. & Mrs. Oren

Glenn & Charlotte Yamada

1806 4<sup>th</sup> Ave

Kenai, AK 99611

907-398-4170

To Whom It May Concern;

Hello. Our names are Glenn & Charlotte Yamada, we would like to share our enthusiasm for Ordinance No. 3332-2023! We are most definitely in support of property owners being allowed (a maximum) of 12 chickens on lots less than 40,000 square feet. With the current state of the nation, and so many food shortages, combine that with shipping costs to us- we think it prudent that property owners not be restricted with regards to chickens. So, please pass/amend the Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of 12 Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai.

In closing, again please pass/amend this code to allow for chickens in city limits.

Sincerely,

Glenn & Charlotte Yamada

**From:** [Alice Waarvik](#)  
**To:** [City Clerk](#)  
**Subject:** Chickens in city limits  
**Date:** Wednesday, February 1, 2023 3:07:05 PM

---

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

Hello,

I'm writing in support of Kenai city residents keeping chickens. I'd like to request this email to be included in the public lay down and forwarded to all council members.

- The number 1 reason people like chickens: Chickens provide a valuable low-cost food source. Home raised eggs are fresher, better tasting, and more nutritious than commercially farmed eggs.
- Chickens provide value as pets and also teach kids about responsibility through caring for an animal. Raising chickens also promotes the humane treatment of food producing animals.
- Chickens divert waste from landfills. Lots of household waste is compostable and chickens are happy to eat much of that waste.

I've researched common complaints that people have about keeping chickens and would like to address a few of those.

- A hen's laying song is about 60 decibels so it would take 12 hens producing noise at the exact same time to produce more noise than 1 dog. I believe our city allows for 3 dogs per household.
- A chicken's manure should not smell if it's processed properly. Cat and dog manure are not advised to add to compost because of the risk of spreading disease to a garden, whereas chicken manure is recommended by the US Extension Colleges for use in composting when it is has been aged for 6 months before application.
- Backyard chickens can present a health risk to humans from salmonella infections, although not as great as simply preparing a meal with chicken in your kitchen. Wild birds also present this risk as do reptiles like turtles and geckos. Dogs transfer diseases to humans such as worms but we are so used to dogs in our lives that we do not normally think of it as a risk.

Before we moved to Kenai, we kept a small backyard flock of chickens. Our chickens not only nourished us with their eggs but enriched our lives in the same way cats and dogs do. They are not just livestock. Chickens are a wonderful hobby that provides companionship, entertainment, comic relief, and food! I look forward to the day we can share our lives with chickens again.

Thanks so much!

Alice Waarvik

Sent from my iPhone

**From:** [Bill Vedders](#)  
**To:** [City Clerk](#)  
**Subject:** No to chickens  
**Date:** Wednesday, February 1, 2023 12:23:54 PM

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

Please distribute this to all council members.

I chose to live in the city for a reason. Chickens are loud, stinky, and a bear attractant. If this passes I could potentially live between 24 chickens! This is not why I decided to live inside the city limits of the peaceful city of Kenai.

Bill Vedders  
504 Ash Avenue  
Kenai  
907-690-1884

**From:** [Chelsey Merriman](#)  
**To:** [City Clerk](#)  
**Subject:** Chicken Ordinance  
**Date:** Wednesday, February 1, 2023 12:49:22 PM

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To whom it may concern,

I support the ordinance on the basis of basic human rights. Anyone should be able to supply food for themselves and/or their family. To deny people the right to supply food for their family is abhorrent. With the supply and demand issues the nation is facing, it would be unwise to deny the ordinance.

Thank you for your time and consideration,

Chelsey



**From:** [Christina Wood](#)  
**To:** [City Clerk](#)  
**Subject:** Chicken ordinance  
**Date:** Wednesday, February 1, 2023 11:35:39 AM

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12 chickens is not that many.

Not everyone is going to get chickens.

I have lived on the Peninsula for 19 years and have always had chickens.

Nowadays, it's good to provide for yourself (eggs/meat) since we cannot rely on America's availability. I love my fresh eggs and am thankful on this day that we have no issues in obtaining eggs for meals like most people here in AK.

Living here... isn't that we take pride in? Being self-reliant?

Sincerely,

Mrs. Wood



JoeGoogle GoogleJoe &lt;julietthotelml@gmail.com&gt;

---

**Question Re Ordinance 3332-2023**

1 message

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**JoeGoogle GoogleJoe** <julietthotelml@gmail.com>  
To: adouthit@kenai.city

Tue, Jan 31, 2023 at 11:15 PM

Hello Kenai City Council Member Alex Douthit, Kenai resident Joseph Huard here ...

I have a question about your Ordinance 3332-2023 that I would like you to answer. In your 12/29/2022 letter introducing this Ordinance to Mayor Gabriel and City Council Members, you stated:

"The proposed changes will allow a maximum of 12 chicken hens to be kept on lots less than 40,000 square feet except for the following zones: RU, RS1, RS2. and TSH, these four zones uniquely prohibit the keeping of any livestock regardless of lot size."

I searched but was unable to corroborate your assertion that the "... RU, RS1, RS2, and TSH ... zones uniquely prohibit the keeping of any livestock regardless of lot size." Specifically, I searched the Land Use Table found in Kenai Municipal Code KMC Section 14.22.010, and came up empty. I don't know where else to look.

Would you please cite for me the source or sources that support your view that zones RU, RS1, RS2, And TSH uniquely prohibit the keeping of any livestock.

Thanks ...



JoeGoogle GoogleJoe &lt;julietthotelml@gmail.com&gt;

**Additional Ordinance 3332-2023 Comments and Attachment from Joseph Huard**

1 message

JoeGoogle GoogleJoe &lt;julietthotelml@gmail.com&gt;

Wed, Feb 1, 2023 at 2:05 PM

To: cityclerk@kenai.city

Hello Kenai City Clerk, Kenai City resident Joseph Huard here ...

Attached is a document I printed off the Woodland Subdivision Facebook site today. The highlighted post within this document-- authored by chicken expert and former Woodland Estates resident Lisa Marie Hansen-- discusses the level of noise that chicken hens are capable of versus the level of noise chicken roosters are capable of. At the 01/25 Planning and Zoning Commission Regular Meeting discussion of Ordinance 3332-2023 there was at least one Commission member (Glendening?) who was of the misunderstanding that chicken hens are substantially less noisy than chicken roosters. Lisa Marie Hansen's 'expert testimony' clears up that misunderstanding.

By the way, 'egg songs' isn't an invented phrase, it is indeed a 'real thing'!!!

Please include this email, along with its attachment in tonight's City Council Meeting packet ...

**Hen Noise Vs Rooster Noise.pdf**

596K

page 1 of 2

HUARD

Kelsey Robertson

I got eggs at Walmart in kenai two days ago for regular price ! They did have a limited selection but the prices were not raised any thank goodness.

Like Reply 3w



Carly MacDonald

\$6 ? Lol more like \$10

Like Reply 3w



3



Sarah Rigsby

People need to get on board with chickens they are not that bad unless you have roosters honestly

Like Reply 3w



4



Lisa Marie Hansen

Sarah Rigsby I mean "egg songs" by hens can be just as loud if not louder than rooster crows. However folks just need to accept animals make noise. Dogs bark, cats meow, etc. these are natural noises. Folks have become so desensitized by what used to be normal. Back in the day almost every backyard had a garden and chickens.

Like Reply 3w



5



Miranda Martin

They're even more expensive if you want the cage free, ranch raised (or whatever you call it) kind.

Like Reply 3w



Camy Snyder



Like Reply 3w



Sean Seyler

Walmart this evening.



Like Reply 3w



3



Phoebe Ruiz

It's the city people that move here that don't want chickens. They apparently don't know Alaska is a survival state and at some point we will have live stock back on our properties

Like Reply 44m



JUST AS  
LOUD  
NOT  
LOUDER!!!

page 2 of 2

HUARD

**From:** [Holly Ward](#)  
**To:** [City Clerk](#)  
**Subject:** Woodland subdivision  
**Date:** Wednesday, February 1, 2023 6:20:30 PM

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I support having chickens in the woodland subdivision.

I live in woodland for accumulative 8 years and have children. Please allow us to have chickens.

**From:** [Kristina Hamilton](#)  
**To:** [City Clerk](#)  
**Subject:** Chicken vote  
**Date:** Wednesday, February 1, 2023 4:31:17 PM

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Hello! I live in soldotna off gaswell, I'm aware that chickens are allowed only in certain areas of gaswell meaning I could keep chickens where I live, but my friends 2 minutes away from me cannot.

I ask that there's a law passed allowing people to keep live chickens on the kenai peninsula considering the egg shortage.

please consider including my email in the public lay down and to send my email to all council members.

Thank you for your time,  
Anonymous chicken lover

[Sent from Yahoo Mail for iPhone](#)

**From:** [Miranda Lee](#)  
**To:** [City Clerk](#)  
**Subject:** Please Include Public Lay down  
**Date:** Wednesday, February 1, 2023 6:22:36 PM

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

Due to lack of childcare I could not attend the meeting regarding a city ordinance to allow backyard chickens.

I would like this included in the public lay down and forwarded to all council members.

Please let it be mentioned that in our multigenerational household of 10 people, we support the allowance of keeping live chickens on residential property. The importance of a continuous and sustainable food source is more critical now than ever, as providing basic sustenance for a family has become especially difficult when relying solely on buying food. The eggs provided by the chickens will offer a critical protein source for growing children and adults alike when other proteins (like meats) cannot be purchased at an amount that would adequately nourish a family.

We live in the Woodland Subdivision and hope to see household in the neighborhood becoming more sustainable with their their food through chickens and gardens. Thank you for your time and consideration.

Respectfully,

The household of Levi Wanstall, Miranda Martin, Myron Martin, Cindy Martin, Kris Giles, Kalli Martin, and Chayton Martin (all the adults of our household)

**From:** [Miranda Lee](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** Ordinance No 3332-2023  
**Date:** Wednesday, February 1, 2023 7:44:58 PM

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

I am writing in regards to the ordinance number 3332-2023 pertaining to allowing chickens on residential property within city limits.

My name is Miranda Martin and I represent our household within the Woodland Subdivision, (home-owners) which in comparison to a wide variety of living conditions is not actually that “crowded” as previously mentioned. “Crowded” is subjective... not fact. If you have never had a yard smaller than a tenth of an acre, of course the lot sizes can be considered small and crowded. However, that does not apply to many people. The lot sizes not only can easily sustain a dozen small animals, like chickens, but can even grow substantial food gardens. Space is not a feasible issue. I feel this distinction is important based on previous testimony regarding chickens within our neighborhoods.

Please let it be mentioned that in our multigenerational household of 10 people, we support the allowance of keeping live chickens on residential property. The importance of a continuous and sustainable food source is more critical now than ever, as providing basic sustenance for a family has become especially difficult when relying solely on purchasing food. We aren't asking to slaughter chickens on a residential property. We are asking to peacefully raise chickens with love and attention as to harvest their eggs. Eggs to feed to our children in the many forms possible. For french toast, for scrambled eggs for my toddler, for extra protein in pancakes, to mix in fried rice.

It's easy for members of the community that have the means to make a significant purchase of a large piece of land outside of city limits to offer that as a solution to the need to raise chickens, however, for the general public, such expectations aren't realistic. Chickens won't serve the community members that don't have any financial concerns. This is not who the ordinance pertains to, as such, perhaps their opinions should be considered as such. Opinions on a matter that does not, in fact, negatively affect them in the least.

It is probably a safe assumption that these community members have never had to worry about where they or their children were going to get their nourishment from.

The eggs provided by the chickens will offer a critical protein source for growing children and adults alike when other proteins (like meats) cannot be purchased at an amount that would adequately nourish a family. When all things are considered, basic physiological needs of our children should NOT be overshadowed by entitled community members who have full bellies, thick wallets and no young children to feed.



Thank you for your time and consideration.

Miranda Martin and household.

**From:** [mrskwork@aol.com](mailto:mrskwork@aol.com)  
**To:** [City Clerk](#)  
**Subject:** Tonight's meeting regarding chickens  
**Date:** Wednesday, February 1, 2023 5:15:22 PM

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

The full City council meeting on chickens

I'm asking that it's included in the public lay down and forwarded to all council members.  
Hope to see the chamber full

Hi. We are in full support of allowing chickens inside city limits especially for the Woodland Estates neighborhood. Chickens that lay eggs and/or can be raised for meat In limited numbers (say 12) should be allowed. Not only does it help families help raise awareness to providing food for themselves and neighbors, it's a wonderful lesson of how to care for and where food comes from for children. Residents should have to provide some form of covered enclosure for chickens to protect from predators and escapement. I hope all those involved in the voting to pass this, remember why we love the freedoms Alaska provides us and why we live here.

(We own 5 homes in Woodland Estates so please consider this as 5 yes's for having chickens)

Thank you,  
Randy and Karen Work

[Sent from the all new AOL app for iOS](#)

Planning & Zoning Commission Members

Subject: Opposition to Ordinance No. 3332-2023  
Allowing for Chickens to be Kept on Lots Less Than 40,000 s.f.

I am not opposed to the raising chickens or harvesting fresh eggs but I am not supportive of this Ordinance as written which would allow chickens to be raised in a densely populated neighborhood like the Woodland Subdivision and would expand the raising of chickens from 28% to 96% of all lots within the city. This ordinance is not a balanced proposal as it only considers the will of those who want to raise chickens in a residential area at the expense of others. There are more equitable ways to accomplish such changes.

To bring further clarity to this issue we need to ask the right question. If you ask the question: Do you want fresh eggs and food security then the answer is yes. But if you ask the question: Are the proposed changes to the city code appropriate for lots less than 40,000 s.f. in a residential zone (RS zone) then the answer is No.

When I bought my house in 1988 I deliberately chose a lot in a residential neighborhood because I didn't want to live next to farm animals, a pack of sled dogs, a gravel pit, or other disruptive nuisances and I certainly didn't want to live next door to where chickens could be slaughtered. If I wanted to live in an area with less regulations I could have bought property outside city limits as there is plenty of lots to choose from. I enjoy the amenities that the City of Kenai has to offer and I don't want to see the character and integrity of our residential neighborhoods compromised.

I feel that this ordinance, as written, is a violation of public trust. And here's why: When I bought my house I trusted the zoning to protect the values and integrity of the Woodland Subdivision and I trusted the Land Uses within those zones to be upheld but I'm now finding out how easily those values can be compromised by an ordinance and a small group of people.

Ordinance No. 3332-2023, as written, is not a balanced proposal

Currently the city code allows for chickens to be raised on 28% of the city's lots but if this ordinance passes, then it would allow for chickens to be raised on 96% of the city's lots. This would create a complete imbalance for those who want chickens in their residential neighborhood and those who don't.

Facts and Figures for Number of Lots

Total number of Kenai city lots is 4,895

Current number of lots allowed to raise chickens is 1,384 (28%)

The proposed ordinance would allow an additional 3,307 (68%) lots for raising chickens

The result of the proposed ordinance would allow a total of 4,691 (96%) lots for raising chickens

Facts and Figures for Acreage

Total number of acres within the city is 18,536

Current number of acres where chickens can be raised in the city is 16,682 (90%)

Facts and figures can be verified with City Planning Director, Linda Mitchell

I ask the Planning & Zoning Commission to recommend to the City Council one of the following amendments.

**Alternative A:** Amend the proposed ordinance to prohibit the raising of chickens in **RS Zones** (Suburban Residential) as follows:

Please amend Section 1, part (b) to read as follows:

(b) No livestock shall be allowed in the RS, RU, RS1, RS2, TSH, and ALI zones.

Please amend Section 1, part (h) to read as follows:

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

Including the **RS zone (Suburban Residential)** into Section 1, part (b) and part (h) above will help to preserve the character and integrity of our residential neighborhoods. And because the **RR Zone (Rural Residential)** is not included in the above language it will expand the raising of chickens in the RR zone from lots that are 40,000 s.f. or greater to lots that are less than 40,000 s.f. This would seem to be a reasonable compromise as the RR Zone accounts for 72% of Kenai's total land mass.

**Alternative B:** Amend the proposed ordinance to establish a minimum lot size of 20,000 s.f. to raise chickens. Lots that are 20,000 s.f. or greater will be large enough to provide natural buffers and practical setbacks to protect neighboring properties from impactful activities.

Please amend Section 1, part (h) to read as follows:

(h) The keeping of chickens hens shall be allowed on lots 20,000 square feet or greater, subject to the following standards...:

Alternative B would reduce the minimum lot size for raising chickens from 40,000 s.f. down to 20,000 s.f. This would add an additional 617 lots for raising chickens. In other words this would increase the number of lots to raise chickens from 1,384 lots (28%) to 2001 lots (41%).

Both Alternatives A & B would seem to be a reasonable compromise between those who want to raise chickens and those who don't want chickens to be raised in their densely populated residential neighborhoods.

Sincerely,

*Daniel A. Conetta*

Daniel A. Conetta

February 2, 2023

City Council  
Planning & Zoning Commission  
City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

Dear Councilors and Commissioners:

**RE: Ordinance No. 3332-2023**  
***Amending KMC 3.10.070 to Allow a Maximum of Twelve (12) Chickens to Be Kept on Lots Less Than 40,000 Square Feet - Except for RU, RS-1, RS-2 and TSH Zoning Districts***

I am a property owner with my home in Woodland Subdivision Part I. At the minimum, please consider these items for amendments to this ordinance:

Except out the RS Zone, just like RS-1 and RS-2 Zones, by adding this exception to proposed 3.10.070(b) and (c); or;

Alternatively, except out Woodland Subdivision, or at least Parts I and IV, by adding this exception to proposed 3.10.070(b) and (c); or

Allow chicken hens to be kept on lots of 20,000 s.f. or greater, by amending proposed paragraph (c)(1) such as:

- “The keeping of chicken hens on lots between twenty thousand (20,000) square feet and forty thousand (40,000) square feet will be subject the standards in subsection (h)”
- And also modify proposed subsection (h) accordingly.

Provide that the keeping of chickens on lots less than 40,000 square feet is for personal use only, and not for commercial use, by adding that text to the standards listed in subsection (h)

Modify proposed paragraph (h)(3) to locate containment structures only in the back yard with appropriate setbacks per code, which was an original recommendation of the Commission;

Add more specific standards for the dimensions, materials, and appearance of a “containment structure” such as a coop, including standards for protections against bears and other predators, by adding to proposed subsection (5) of paragraph (h) or adding another subsection;

Put the Burden of Proof on the chicken keeper to show that his or her containment structure complies with the standards for a “containment structure.” Do not put the burden on the adjacent property owners or on the City.

Require an application, for lots less than 40,000 square feet;

If the applicant is a tenant, require the applicant to submit proof of the owner's consent; or at a minimum, require proof of owner's consent if the City receives a complaint;

3.10.040 doesn't require a person who keeps chickens to destroy diseased chickens infected with diseases like bird flu, and that should be required. Add a standard to paragraph (h) that requires the chicken keeper to destroy chickens infected with disease like bird flu.

Thank you for your consideration.

---

Bob Molloy

**From:** [Kiley Hansen](#)  
**To:** [City Clerk](#)  
**Subject:** Allowing chickens in Kenai  
**Date:** Friday, February 3, 2023 9:34:16 AM

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

Hello! I understand that there's currently an ongoing discussion about whether chickens (specifically hens) should be allowed in city limits in Kenai. I live on Fathom dr. and with the cost of eggs and poultry, being able to keep chickens would help those who really need to budget their groceries. Having chickens has a lot of benefits and I believe it would help the community immensely. Thank you so much for considering it.  
Kiley Hardesty

February 2, 2023

Planning & Zoning Commission  
City of Kenai  
210 Fidalgo Avenue  
Kenai, Alaska 99611

**Ordinance No. 3332-2023 (Chickens)**

Dear Commissioners:

I do not support Ordinance 3332-2023 – it is too broad: “anything goes.” This ordinance as written does not provide sufficient limitations to protect the residential character of our neighborhoods in the RS zone. Please adopt *reasonable standards* that would maintain the quality of life in our neighborhoods. Several amendments have been offered and discussed; many I agree with. Please consider and adopt the following standards.

- Remove the RS zone from the ordinance, or have a lot size minimum such as 20,000 square feet (1/2 acre);
- Reduce the number of hens from 12 to 6 in the RS zone (I would prefer more like 4);
- Don't allow keeping chickens in front yards (allowed under Ord. 3332-2023);
- Require licenses, like dogs (currently required in the Animal Code);
- Limit chickens for personal use only; and provide that chicken farming can't be spread over multiple lots;
- Require the homeowner's written consent for tenants keeping chickens;
- Provide standards for the location, number and materials of pens or sheds to reduce nuisances such as noise, odor, waste and eyesores;
- Require that chicken waste be removed promptly.

One argument for Ordinance 3332-2023 is that other cities in Alaska allow chickens, such as Wasilla, Juneau, Fairbanks, Anchorage, Palmer. However, those cities have many more regulations regarding chickens than Ordinance 3332-2023. For example, both Juneau and Wasilla require administrative approval or a license to keep chickens. Please review these city code regulations, and find out what works and what doesn't work. Thank you.

Sincerely,



---

Kristine A. Schmidt  
513 Ash Avenue  
Kenai, Alaska 99611  
(907) 283-7373



## **PROPOSED AMENDMENTS TO ORD. 3332-2023**

(from City Council/P&Z Commission/Public Comments)

1. **Zoning.**
  - Remove Airport Light Industrial zone from allowed zones. (Knackstedt 2/1/23 p. 14).
  - Remove RS (Suburban residential) zone from allowed zones.
    - Many subdivisions in this zone have small lot sizes (1/3 acre or less) and restrictive covenants banning poultry: Central Heights (off Walker Lane), Woodland Parts I-II-III-IV (off North Forest Drive), Redoubt Terrace (off South Forest Drive), Inlet Woods (off Redoubt Ave).
  - Add to land use table (see Wasilla ordinance).
  
2. **Lot Size/Configuration.**
  - Minimum lot size 20,000 s.f. (1/2 acre).
    - Avoids conflict between ordinance and numerous subdivisions with small lot sizes and covenants banning poultry.
  - Limit to lots with no more than 3 adjacent lots or a maximum number of chickens on adjacent lots (first come first served).
    - Because subdivisions with staggered lots may have 5 adjacent lots (60 chickens).
  - Maximum of one lot/owner – avoid “chicken farm.”
  
3. **Number/Gender.**
  - Limit to 12 in RR zone, reduce to 6 in other zones (Askin-2/1/23 p. 12).<sup>1</sup>
  - Reduce to 6 hens Knackstedt-2/1/23 p. 14).
  - Reduce from 12 to 4-6.
  - Specify that roosters are prohibited.
  
4. **Land Use.**
  - Limit to back of house in rear yard (PZC 2/1/23 p. 11).
  - Limit housing or fencing to rear yard (Knackstedt 2/1/23 pp. 14-15).
  - Setbacks, not free range with fences.
  - Limit to personal use, not commercial use.
  - Setbacks from water bodies (see Wasilla ordinance).
  - Prohibit storage of manure or waste outside containment structure.
  
5. **Other.**
  - No killing chickens on site.
  - No keeping chickens or containment structures/fences on City-owned property.
  - Property owner written consent required.
  - Standards for containment area/structures (see Wasilla ordinance).
  
6. **Enforcement/Public Safety.**
  - Burden of proof on owner to prove accessory structure setbacks.
  - Require license (like dogs) or registration with administration like Wasilla.
  - Require removal of chickens with bird flu.

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<sup>1</sup> Compiled by Kristine Schmidt, 513 Ash Ave, Kenai 99611

BOOK 136 PAGE 499  
Kenai Recording District

DECLARATION AND ESTABLISHMENT OF  
CONDITIONS, RESTRICTIONS AND COVENANTS FOR  
WOODLAND SUBDIVISION, PART IV, KENAI, ALASKA

This Declaration of Covenants, Conditions, Restrictions, and Charges is made this 1st day of June, 1978, by Hall Construction Company, Inc., an Alaskan Corporation, hereinafter referred to for the purpose of convenience as "Declarant".

WHEREAS, Declarant is owner of the real property situated in the State of Alaska, Third Judicial District, Kenai Recording District, legally described as set forth in the attached "Exhibit A" which is incorporated herein by reference; and

WHEREAS, Declarant has established a general plan for the improvement and development of said real property and desires to create covenants, conditions and restrictions upon which and subject to which that portion of said real property shown and legally described in "Exhibit B", incorporated herein by reference, shall be improved, or sold and conveyed by it, as owner thereof.

NOT THEREFORE, Declarant does hereby establish and impose upon said Lots described in said "Exhibit B", provisions, conditions, restrictions, covenants, easements and reservations upon and subject to which each and all of said Lots as provided for herein shall be held, occupied, leased, sold, and/or conveyed by Declarant or Declarant's successors. Said covenants shall run with said lots for the benefit of said Subdivision and each and every such lot, and for the benefit of each owner of one or more lots therein, and their assigns and successors in interest, and shall apply to and bind the respective successors in interest of Declarant and the owners of each and every lot in said Subdivision from and after the recordation of these Declarations. Said provisions, conditions, restrictions, covenants, easements and reservations now made applicable to said lots are as follows:

1. LAND USE AND BUILDING TYPE

No lot or other portion of the real property described shall be used for any purpose other than described in the following paragraph.

BOOK 136 PAGE 500  
Kend Recording District

Block H  
Lots 11 through 21, single family.

Block N  
Lots 11 through 20, single family.

Block T  
Lots 1 through 8, single family.

Block U  
Lots 1 through 20, single family.

## 2. DWELLING COST AND QUALITY

No dwelling shall be permitted on any lot at a cost of less than \$45,000.00 based upon cost levels prevailing on the date these conditions, restrictions, and covenants are recorded, it being the intention and purpose of such conditions, restrictions, and covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date such conditions, restrictions, and covenants are recorded at the minimum cost stated herein.

## 3. BUILDING LOCATION

(a) No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum setback lines shown on the recorded plat. In any event, no building shall be located on any lot nearer than 25 feet to the front line, or nearer than 20 feet to any side street line.

(b) No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 60 feet or more from the minimum building setback line.

(c) No dwelling shall be located on any lot nearer than 15 feet to the rear lot line.

(d) For the purpose of these conditions, restrictions and covenants, eaves, steps, and open porches shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

BOOK 136 PAGE 501  
Kensi Recording District

#### 4. TIME FOR CONSTRUCTION

Any and all improvements erected upon any lot in said Subdivision shall be completed with reasonable diligence.

#### 5. EASEMENTS

Easements for installation and maintenance of utilities, drainage facilities, and natural vegetation screening, are reserved as shown on the recorded plat. Within these easements no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of the utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

#### 6. NUISANCES

No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

#### 7. TEMPORARY STRUCTURES

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

#### 8. SIGNS

No signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by owner or a builder to advertise the property during the construction and/or sales period for marketing Subdivision lots.

#### 9. LIVESTOCK AND POULTRY

No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose. And

BOCA 136 PAGE 502  
Local Recording District

further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.

10. GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish. Trash or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the disposal or storage of such material shall be kept in a clean and sanitary condition.

11. WATER SUPPLY

No individual water supply system shall be permitted on any lot.

12. SEWAGE DISPOSAL

No individual sewage disposal system shall be permitted on any lot.

13. SIGHT DISTANCE AT INTERSECTIONS

No fence, wall, hedge or shrub plantings which obstruct sight lines at elevations of between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property line and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property line extended. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street property line with the edge of a driveway. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

14. TREES

No owner shall be permitted to completely clear a lot on which standing trees of size and beauty exist. Space may be cleared for construction, and trees may be thinned so long as maximum natural beauty and esthetic values of such trees are retained.

15. RESUBDIVISION

The area of the lots herein described shall not be

BOOK 136 PAGE 503  
Kenai Recording District

reduced in size by resubdivision, except that owners of three (3) contiguous lots may divide the inner lot, or middle lot, thus increasing the size of the two remaining lots which shall then be treated for all purposes pertinent to these conditions, restrictions and covenants, as enlarged single lots.

16. TERM

These conditions, restrictions and covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty (30) years from the date these conditions, restrictions and covenants are recorded, after which time said conditions, restrictions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said conditions, restrictions and covenants in whole or in part.

17. REMEDIES FOR VIOLATIONS - INVALIDATIONS

(a) Declarant may abate Violation. For a violation or breach of any of these conditions, restrictions or covenants by any person claiming by, through, or under the Declarant, or by virtue of any judicial proceedings, the Declarant, and the lot owners, or any of them severally shall have the right to proceed at law or in equity to compel a compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing right, the Declarant shall have the right whenever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the property where such violation of these conditions, restrictions and covenants exists and summarily abate or remove the same at the expense of the owner, and any such entry and abatement or removal shall not be deemed a trespass. The failure to promptly enforce any of these conditions, restrictions or covenants shall not bar their enforcement.

(b) Record Notice. Notwithstanding anything contained in this article, there shall be no right of re-entry as provided thereinabove, nor shall there be any right to enforce any remedies set forth in these Declarations until ten (10) days after there is recorded with the Recorder of Kenai District a Notice of Breach of this Declaration, which Notice shall state: The provisions hereof which have been breached, a description of the lot, the name of the person who has breached these restrictions, the name of the record owner of said lot, and an affidavit that a copy of said notice was served on any person present, if any, on the lot, and a copy

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Kenai Recording District

of said notice posted on a stake in a conspicuous place on said lot or common area. Any such Notice must be signed by Declarant, or the record owner of one or more lots in the Subdivision.

(c) Attorneys Fees and Costs. Whenever the Declarant, or any person entitled to enforce any rights hereunder, engages in legal proceedings to enforce the same, and prevails in said proceedings, the person violating said restrictions by acceptance of the title to said lot does hereby agree to pay to the prevailing party such reasonable attorney's fees and court costs as are awarded by any court.

#### 18. RESERVATIONS

Declarant, its successors and assigns, for the purpose of further insuring the development of the real property which is the subject of these conditions, restrictions and covenants, as an area of high standards, reserves the right:

- (1) to change, lay out a new, or discontinue any street, avenue or way shown on a filed plat which is not necessary for ingress or egress to or from an owner's premises, subject to the approval of the City of Kenai, or the platting authority, or both, if required.
- (2) to make such further exceptions, amendments and additions to these conditions, restrictions and covenants as it shall deem reasonably necessary and proper.

#### 19. ASSIGNMENT OF RIGHTS AND POWERS

Any and all of the rights and powers and reservations of the Declarant herein contained may be deeded, conveyed and/or assigned to any other corporation or association which is now organized, or which may hereafter be organized, and which will assume the duties of Declarant hereunder pertaining to the particular rights and powers and reservations assigned, and upon any such corporation or association evidencing its consent in writing to accept such assignment and assume such duties, it shall, to the extent of such deed, conveyance or assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Declarant herein, and thereafter, upon the sale by Declarant of all lots in the Subdivision covered herein, Declarant shall be relieved from that time on of the performance of any further duty and/or obligation hereunder.

BOOK 136 PAGE 505  
Kenai Recording District

20. WAIVER

Any delay or omission on the part of the Declarant, or its successors or assigns, or the owners of other lots or parcels in the Woodland Subdivision, in exercising any rights, powers, remedy or remedies provided by law or herein, in the event of any breach of the conditions, restrictions and covenants herein contained, shall not be construed as a waiver thereof or acquiescence therein, and no right of action shall accrue nor shall any action be brought or maintained by anyone whatsoever against the Declarant for on account of its failure to bring any action on account of the breach of these conditions, restrictions and covenants, or for imposing restrictions herein which may be unenforceable.

*Hall Construction Co.  
Jen A. Hall*

In witness whereof I have set my hand and seal this  
4<sup>th</sup> day of December, 1978  
*Pauline Healy*  
NOTARY PUBLIC IN AND FOR ALASKA  
My Commission Expires 12/13/82

STATE OF ALASKA )  
Third JUDICIAL DISTRICT ) ss:

Jess G. Hall and \_\_\_\_\_  
appeared before me, the undersigned Notary Public in and for Alaska, on this 4<sup>th</sup>  
day of December, 1978, at Anchorage, Alaska. I know them to be  
the President and Kenne of  
Hall Construction Company, an Alaskan corporation.  
They said that they knew the contents of the foregoing instrument and acknowledged  
the same to be the act of said corporation, done by authority of its Board of Directors.

WITNESS my hand and official seal.

*Pauline Healy*  
Notary Public in and for Alaska  
My commission expires: 12/13/82

78 010739  
1700

INDEXED-FILED  
RECORDS  
DISTRICT

Dec 4 3 54 PM '78  
REQUESTED BY Christ Hill  
ADDRESS Box 2829, Kenai  
667



Hello, long-time City of Kenai and Woodland Subdivision (1078 Walnut Ave) resident Joseph Huard here.

I strongly oppose the disaster otherwise known as Ordinance No. 3332-2023 ...

Some random thoughts ...

Question: Why are there RS1 and RS2 zones in the City of Kenai?

Answer: Because the residents of the RS1 and RS2 zones said 'enough is enough' with the perennial attempts at getting chickens crammed down their throats, so they organized to get rezoned as chicken-free areas.

Question: If chickens in the city are so great, why are they banned in the RS1 and RS2 zones?

Answer: Maybe because chickens in the city are not so great?

If I wanted to live among chickens, I would have purchased a home in an area that allowed chickens. But I didn't want to live among chickens, so in 1997 I purchased my home in Kenai in an area that didn't allow chickens. It's a betrayal if I will now be forced to live among chickens. It's not what I signed up for.

I know from bitter experience how easily a mismanaged chicken operation can adversely impact the quality of life in a neighborhood. I live right around the corner from the chicken fiasco on Poplar Circle that is now, blessedly, gone. All that remains of the operation is the blue tarp eyesore they left behind. Keep in mind, that enterprise was run by a chicken 'pro'; I can only imagine how badly things might end up when amateurs set up shop around here.

I live next door to the smallest lot in the entire Woodland Subdivision at 7,288 sq ft. My lot, at 7,350 sq ft is the second smallest in Woodland. The largest lot contiguous to my lot is 11,278 sq ft. I share a corner post with four other lots. That's five lots sharing one corner post. From my backyard I have a view of six backyards besides my own. Yes I said six. Six backyards with 12 chickens per back yard equals 72 chicken hens. That's a lot of those adorable little mother cluckers I may have to live with. There'll be quite the cloud of bloody chicken feathers floating in the air if all six of my neighbors decide at the same time to start chopping the heads off their adorable chickens.

Some people might dismiss the idea that what I describe (72 chickens) could actually happen. These same people tell us how popular chickens would be if only they were allowed in the city. If chickens end up being as popular as they tell us, I could very well end up looking at 100 hens, due to a lack of enforcement of what are, essentially, unenforceable requirements. They say it won't happen, but what if it does happen? Where does that leave me?

Barbara Kennedy, in her January 25 testimony in front of the Kenai Planning and Zoning Commission, said where she lives, on North Lupine Ave, 'there are chickens everywhere'. The same thing could happen in Woodland Subdivision. I don't want to see 'chickens everywhere'. It's the Woodland Subdivision, not the Woodland Zoo.

Predators like the taste of chicken, I'm not sure why, maybe because it tastes like chicken. No chickens means less predators.

Dogs bark at chickens. No chickens = less barking.

What is it about blue tarps and chicken wire? They always seem to go together (see photo on page 6).

Don't like looking at your neighbor's dirty, disgusting chickens? Do you consider them to be a nuisance? Chicken owners refuse to put up privacy fencing? Remember, chickens in and of themselves can not be considered a nuisance if the Ordinance passes. Your option: Put up a tarp (preferably blue).

If I decide to sell and I have chickens on either or both sides of me, my property will likely take much longer to sell and I will likely have to settle for a lower amount than I could get otherwise. That's despite all the starry-eyed claims of chicken popularity; most people, if given a choice, simply do not want to live next door to a freaking chicken coop. Chickens have never been a selling point. Anywhere. You don't find real estate agents using chickens as a selling point in their listings. And we all know why.

Woodland Subdivision could easily end up having many more chickens than people. And that's with just a few coops. If I wanted to live in an area with more chickens than people I would have bought a farm outside of town. A farm is a place where farmers grow crops and raise livestock, such as chickens. You know. A farm. Not a Woodland Subdivision back yard.

We aren't living in the food-insecure Bush. We've got plenty of food security around here. It's called IGA, Walmart, Safeway, Fred Meyer, Arby's, McDonald's, Subway, and most importantly, Taco Bell. I've worked in the Bush. The Bush has food insecurity. The Bush would love to have to suffer under the jack boot heel of our so-called 'food insecurity'. You want food security? Plant a garden. Tomatoes, cucumbers, rhubarb. Just don't plant eggplant. I *hate* eggplant.

First marijuana moves in, next the chickens move in, then it will be the potheads chasing their loose chickens around the neighborhood (and scaring the moose) because they were too stoned to remember to close the door to their chicken pen.

Instead of a mere seven politicians deciding on whether to destroy the character of the city, why not instead let we the people decide. Let's vote on it! Or you could instead do what all the previous City Councils did when this issue popped up-- they killed it in its cradle.

Let's keep the status quo. If people are keeping chickens under the table, they know they'll have to be discreet, and they'll be more likely to want to keep their neighbors happy. If chickens are made legal, unscrupulous people will be able to say EFF OFF to their neighbors, secure in the knowledge that the law is unenforceable.

However, if you insist on going forward with this fiasco:

A permitting process is an absolute must. That way, at least initial compliance with the law is ensured. It won't change the reality that the law will be unenforceable after initial compliance is achieved, but at least it's something.

The clause in the proposed law that says, 'The keeping of chicken hens ... does not in or of itself constitute a nuisance or a disturbance' needs to be carefully looked at. It was included for a reason. I don't believe dogs and cats enjoy that same kind of protection. I wonder why chickens get that protection and dogs and cats don't. Why are chickens granted 'protected class' status? There has to be a reason.

The Kenai City Attorney is tasked with looking out for the City of Kenai's best interests. Among his duties is one that commits him to ensure that any law passed by the City Council has minimal adverse financial impact on the City's coffers. The successful EXCLUSION from the Ordinance of the expensive, time-consuming, logistically night-marish permitting process will be a tremendous victory for the City Attorney and will make the City of Kenai very happy. With a permit process excluded from the Ordinance, the City Attorney will have done a good job in looking out for the interests of his boss, the City of Kenai.

The Kenai City Council is tasked with looking out for the residents of the City of Kenai's best interests. Among its duties is one that commits it to ensure that any law passed by the City Council has minimal adverse quality-of-life impact on the City's residents. The successful INCLUSION in the Ordinance of the quality-of-life-enhancing permitting process will be a tremendous victory for the City Council and will make the residents of the City of Kenai very happy. With a permit process included in the Ordinance, the City Council will have done a good job in looking out for the interests of its boss, the residents of the City of Kenai.

With the Ordinance soon to be in City Council's hands for final decision, now all the slick, fast-talking City Attorney has to do is relax and play the waiting game to find out if he was able to successfully sneak one past a majority of those gullible rubes on the City Council ...

If the City Council wants to make the vast majority of the residents of the City of Kenai supremely ecstatic, then with extreme prejudice they will proceed to nuke from orbit the entire Ordinance, or if not from orbit, at least from the tip of the spire of the Holy Assumption Russian Orthodox Church. It's the only way to be sure ...

Let me tell you about the fever dream I had the other night ...

*Kenai City Council Member Alex Douthit ambles into Kenai City Attorney Scott Bloom's office on a blustery December 2022 morning and says, 'I want chickens, can you help me write up an Ordinance?'*

*Bloom says, 'Sure, I'll help, but keep in mind, I represent the City, and my goal will be to ensure the financial burden on the City is kept to a minimum. Do you want a permitting process?'*

*Douthit says, 'Permitting process? Good God no, not if I can get away without one.'*

*Bloom responds, 'Whoopee! You just saved the City a ton of expense and headache.'*

*Bloom then asks, 'How many chickens do you want?'*

*Douthit says, 'Put me in for twelve. I'll get the City Council to settle for six. The City Council will then be able to tell the hayseed constituents that they were able to win a tremendous victory for them, by fighting hard to whittle down the chicken count by fifty percent. Heck, it won't matter anyway-- without a permitting process, the entire law will be pretty much completely unenforceable. Am I right, or am I right? BWA-HA-HA-HA-HA-HA!'*

*Bloom joins in, 'BWA-HA-HA-HA-HA-HA!'*

*Douthit asks, 'When can you get on this?'*

*Bloom replies, 'I'll start to work on this bad-boy as soon as I'm done with my three-hour lunch.'*

*Douthit says, 'Okay, I don't care how you go about it, I just want me some of them thar chickens!'*

*Bloom says, 'Oh by the way, congrats on your getting elected to the City Council. I saw that you attended your first Council meeting on October 19th. Here it is December, and you're working on your first piece of legislation. Chickens. I don't recall you having run on the Chickens in Every Backyard platform. Or did I miss something?'*

*Douthit replies, 'What, are you kidding? If I tried running on the chicken platform, I would have been defeated in a landslide at the polls. And then I probably would have been tarred and feathered and run out of town on a rail. No, the chickens are for me.'*

*Bloom says, 'Tarred and feathered? You mean like with chicken feathers?'*

*Douthit says, 'Yea, like with chicken feathers. BWA-HA-HA-HA-HA-HA!'*

*Bloom joins in, 'BWA-HA-HA-HA-HA-HA!'*

*Bloom then says, 'So you're one of those 'self-serving politicians' I've heard so much about.'*

*Douthit says, 'Yup, that's me! BWA-HA-HA-HA-HA-HA!'*

*Bloom once again joins in, 'BWA-HA-HA-HA-HA-HA!'*

*After the exchange of a vigorous series of 'high fives', Douthit proceeded on his way and Bloom commenced to grapple with his three-hour lunch.*

I woke up screaming, my sheets drenched in sweat, my heart pounding, body trembling. And so my fever dream came to it's frightening end. You will not be surprised when I tell you that I've been afraid to go to sleep ever since ...

Update with a twist:

The update:

At the 02/01 Kenai City Council meeting my letter to Council, addressing Ordinance 3332-2023, along with its attachment, was placed on the laydown table for public perusal. Included in today's package is said letter, along with it's attachment (see pages 8 and 9). That night, after the City Council meeting was adjourned, the author of the Facebook post shown in the attachment went on Facebook and edited her post by removing the post's first sentence, which had read:

*"I mean 'egg songs' by hens can be just as loud if not louder than rooster crows."*

The 'Edit History' of her post can be found on page 7 .

The twist:

I said all that to say this: By her removing the first sentence, it focused my attention on the second sentence, which I never really noticed before, what with the shock I felt when I read her '*admission accablante*' in her first sentence that CHICKEN HENS CAN BE JUST AS LOUD IF NOT LOUDER THAN ROOSTER CROWS. Her second sentence reads as follows:

*"Folks just need to accept animals make noise."*

Here we have another damning admission. I believe what the author is implying is, 'I don't mind the chicken noise, and neither should you. So you might as well get used to it, because chickens make a LOT of noise.'

I'm confident I speak for many when I say this:

I accept that animals make noise, I just don't want to have to start getting used to being surrounded by constant noise from my neighbors' chickens. I enjoy my peace and quiet. I don't want to have to hear a bunch of chicken hens at times squawking LOUDER than roosters can crow.

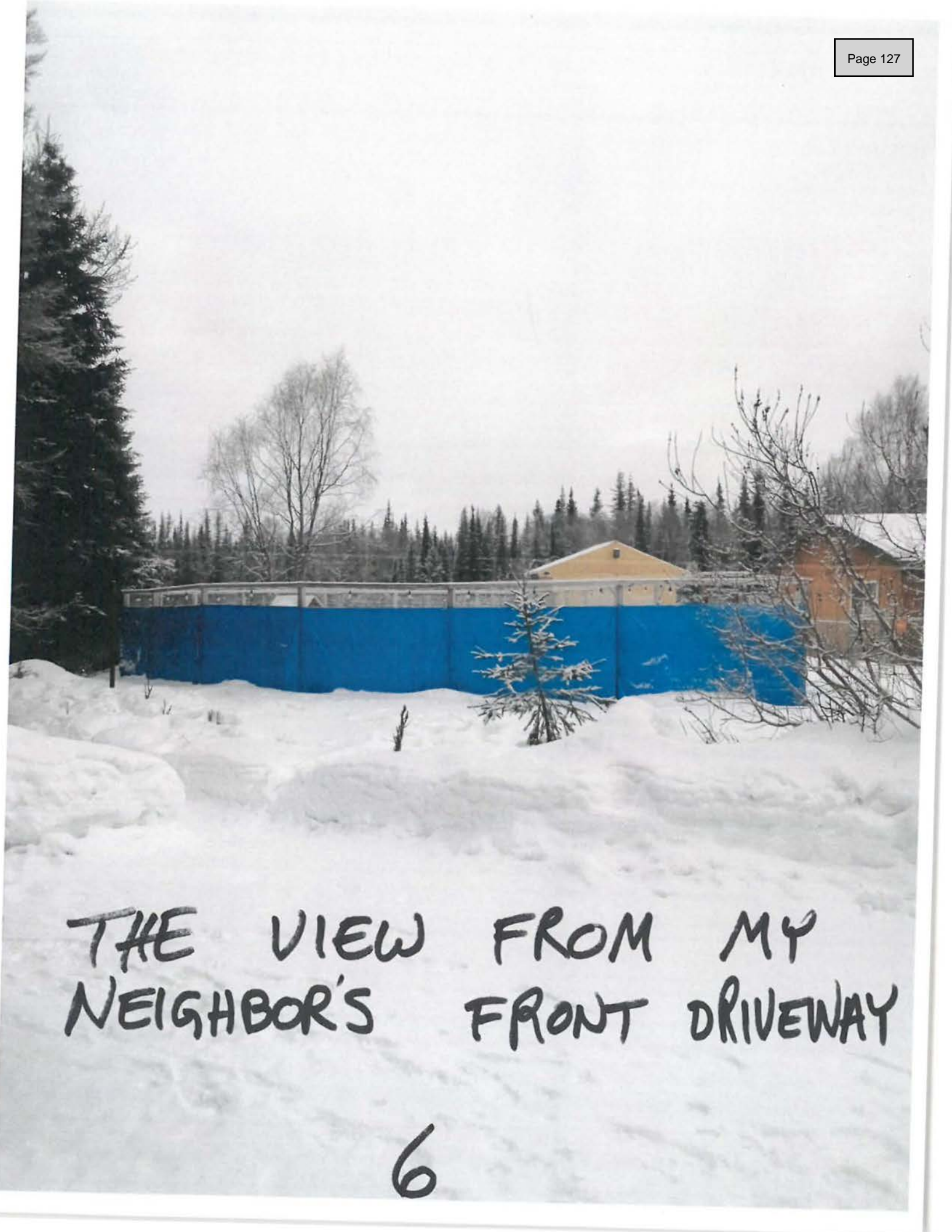
In conclusion:

At the 01/25 Planning and Zoning Commission Regular Meeting, the City of Kenai Chief Animal Control Officer was asked for is opinion on what kind of impact the passing of Ordinance 3332-2023 might have on his ability to do his job. His response:

*'I don't have an answer to that ... I don't know what the future holds.'*

Yikes. Methinks we're about to find ourselves in some big trouble around here. In the words of the immortal Bette Davis,

***'FASTEN  
YOUR  
SEATBELTS,  
IT'S GOING TO  
BE A BUMPY  
RIDE'***



THE VIEW FROM MY  
NEIGHBOR'S FRONT DRIVEWAY

6

ORIGINAL

### Edit History



**Lisa Marie Hansen**

**Sarah Rigsby** I mean "egg songs" by hens can be just as loud if not louder than rooster crows. However folks just need to accept animals make noise. Dogs bark, cats meow, etc. these are natural noises. Folks have become so desensitized by what used to be normal. Back in the day almost every backyard had a garden and chickens.

January 9 at 11:32 AM



**Lisa Marie Hansen**

**Sarah Rigsby** Folks just need to accept animals make noise. Dogs bark, cats meow, etc. these are natural noises. Folks have become so desensitized by what used to be normal. Back in the day almost every backyard had a garden and chickens.

February 1 at 10:06 PM

Edits to comments are visible to everyone who can see this comment.

EDITED

VERSION

7





JoeGoogle GoogleJoe &lt;julietthotelml@gmail.com&gt;

---

**Additional Ordinance 3332-2023 Comments and Attachment from Joseph Huard**

1 message

---

**JoeGoogle GoogleJoe** <julietthotelml@gmail.com>

Wed, Feb 1, 2023 at 2:05 PM

To: cityclerk@kenai.city

Hello Kenai City Clerk, Kenai City resident Joseph Huard here ...

Attached is a document I printed off the Woodland Subdivision Facebook site today. The highlighted post within this document-- authored by chicken expert and former Woodland Estates resident Lisa Marie Hansen-- discusses the level of noise that chicken hens are capable of versus the level of noise chicken roosters are capable of. At the 01/25 Planning and Zoning Commission Regular Meeting discussion of Ordinance 3332-2023 there was at least one Commission member (Glendening?) who was of the misunderstanding that chicken hens are substantially less noisy than chicken roosters. Lisa Marie Hansen's 'expert testimony' clears up that misunderstanding.

By the way, 'egg songs' isn't an invented phrase, it is indeed a 'real thing'!!!

Please include this email, along with its attachment in tonight's City Council Meeting packet ...

**Hen Noise Vs Rooster Noise.pdf**

596K

8

Kelsey Robertson

I got eggs at Walmart in kenai two days ago for regular price ! They did have a limited selection but the prices were not raised any thank goodness.

Like Reply 3w



Carly MacDonald

\$6 ? Lol more like \$10

Like Reply 3w



Sarah Rigsby

People need to get on board with chickens they are not that bad unless you have roosters honestly

Like Reply 3w



Lisa Marie Hansen

Sarah Rigsby I mean "egg songs" by hens can be just as loud if not louder than rooster crows. However folks just need to accept animals make noise. Dogs bark, cats meow, etc. these are natural noises. Folks have become so desensitized by what used to be normal. Back in the day almost every backyard had a garden and chickens.

Like Reply 3w



Miranda Martin

They're even more expensive if you want the cage free, ranch raised (or whatever you call it) kind.

Like Reply 3w



Camy Snyder



Like Reply 3w



Sean Seyler

Walmart this evening.



Like Reply 3w



Phoebe Ruiz

It's the city people that move here that don't want chickens. They apparently don't know Alaska is a survival state and at some point we will have live stock back on our properties

Like Reply 44m



JUST AS  
LOUD  
NOT  
LOUDER!!!

9

---

**From:** Krystal Ruiz <krystalruiz920@gmail.com>  
**Sent:** Thursday, February 9, 2023 4:27 PM  
**To:** City Clerk  
**Subject:** Ordinance No. 3332-2023a

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

Good afternoon,

I'm writing to whomever it may concern, my name is Krystal Ruiz (Phoebe Ruiz is my social media name) it was brought to my attention that a comment of mine on social media was used on the opposing side of Ordinance No. 3332-2023a. I'd like it publicly known that I am against Joesph Huards opposition, I fully disagree with him. I am in FULL SUPPORT of Ordinance No. 3332-2023a. My husband Anthony Ruiz and I both are. Below you will see the picture of the comments I am referencing too. Thank you for your time.

Krystal Ruiz  
907-215-0335

Kelsey Robertson  
I got eggs at Walmart in kenai two days ago for regular price ! They did have a limited selection but the prices were not raised any thank goodness.

Like Reply 3w

Carly MacDonald  
\$6 ? Lol more like \$10

Like Reply 3w 3

Sarah Rigsby  
People need to get on board with chickens they are not that bad unless you have roosters honestly

Like Reply 3w

Lisa Marie Hansen  
Sarah Rigsby I mean "egg songs" by hens can be just as loud if not louder than rooster crows. However folks just need to accept animals make noise. Dogs bark, cats meow, etc. these are natural noises. Folks have become so desensitized by what used to be normal. Back in the day almost every backyard had a garden and chickens.

Like Reply 3w

Miranda Martin  
They're even more expensive if you want the cage free, ranch raised (or whatever you call it) kind.

Like Reply 3w

Camy Snyder

Like Reply 3w

Sean Seyler  
Walmart this evening.



Like Reply 3w

Phoebe Ruiz  
It's the city people that move here that don't want chickens. They apparently don't know Alaska is a survival state and at some point we will have live stock back on our properties

Like Reply 44m

JUST AS  
IF  
LOUD  
NOT  
LOUDER!!!

page 2 of 2

11 HUARD

# Uncle Sam Expects You To Keep Hens and Raise Chickens



## Two Hens in the Back Yard for Each Person in the House Will Keep a Family In Fresh Eggs

**E**VEN the smallest back yard has room for a flock large enough to supply the house with eggs. The cost of maintaining such a flock is small. Table and kitchen waste provide much of the feed for the hens. They require little attention—only a few minutes a day.

An interested child, old enough to take a little responsibility, can care for a few fowls as well as a grown person.

Every back yard in the United States should contribute its share to a bumper crop of poultry and eggs in 1918.

**In Time of Peace a Profitable Recreation**

**In Time of War a Patriotic Duty**

*For information about methods of Back-Yard Poultry Keeping suited to your location and conditions, write*

**Your State Agricultural College**

or

**The United States Department of Agriculture**  
**Washington, D. C.**

**From:** [Lupine Orlob](#)  
**To:** [City Clerk](#)  
**Subject:** ATT. planning and zoning and council meeting regarding chickens  
**Date:** Friday, February 10, 2023 11:13:56 AM

---

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

My name is Lupine Orlob, I am an OWNER of property in the Woodland subdivision. I have owned my home for over 12 years, I ABSOLUTELY support having chickens in our neighborhood. As a owner who used to have a neighbor with chickens I do know all that it intails and had no problem with it. Many people need chickens for food, eggs, and income. or 4h, help youngers learn about life and earning money with it. obviously a limit/number of them needs to be reasonable, . Please add my email to the ordinance in support of the 12 chickens in city limits..... Thank u for your time, Lupine Orlob

February 13, 2023

Kenai City Council  
Planning & Zoning Commission  
City of Kenai  
210 Fidalgo Avenue  
Kenai, Alaska 99611

**Ordinance No. 3332-2023 (Chickens)**

Dear Council Members and Commissioners:

Attached to this letter is a map showing (in orange highlight) the many small lot subdivisions in the Kenai core which have “no poultry” covenants, together with cites from those subdivision covenants.<sup>1</sup> Six (6) of the seven (7) subdivisions are in the RS Zone. As you can see, there are at least 927 lots in the Kenai core/RS zone with poultry bans.<sup>2</sup> There are 2,453 lots in the RS zone; these “poultry ban” lots are **at least 38%** of the total RS-zoned lots.

The point of this research is to show you that many hundreds of people bought residential lots in the Kenai core/RS zone knowing their lots had poultry bans; yet there has been no vast outcry from these residential lot owners for the City of Kenai to pass an ordinance like 3332-2023. So far as I have seen in the public comments, there have only been a few RS zoned-lot **owner/occupants** that support Ordinance 3332-2023. Please vote Ordinance 3332-2023 down as written; it has too many problems with it as is. Or, at least remove the RS zone from the ordinance. Thank you for considering my request.

Sincerely,



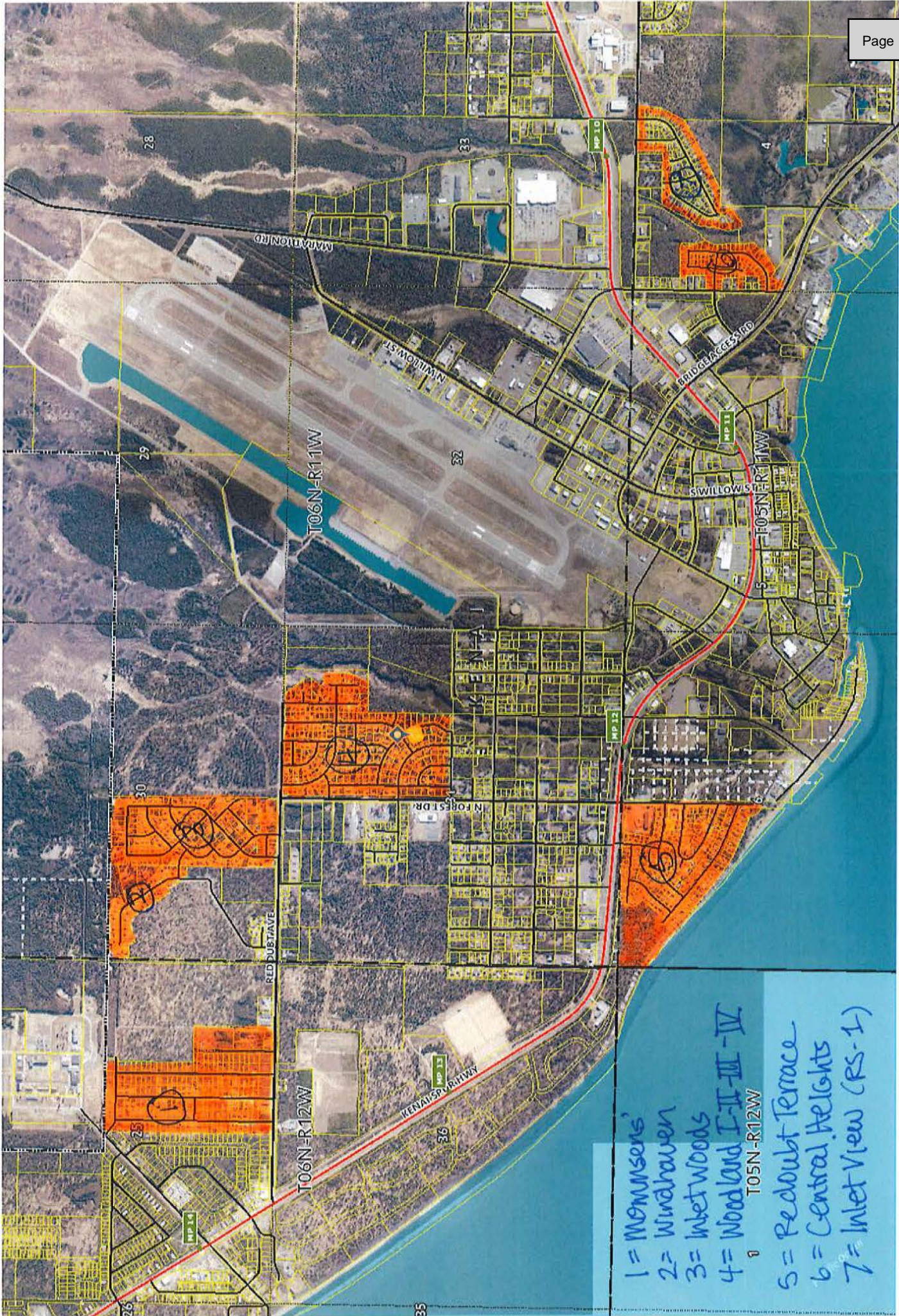
---

Kristine A. Schmidt  
513 Ash Avenue  
Kenai, Alaska 99611  
(907) 283-7373

---

<sup>1</sup> This is a just a partial list, of the largest subdivisions -- what I was able to complete by today.

<sup>2</sup> The 927 lot count does not include Inlet View Subdivision (off Rogers Road), which has a poultry ban covenant but which is zoned RS-1, which is excepted from Ordinance 3332-2023.



- 1 = Memmensen's
- 2 = Windhaven
- 3 = Inlet Woods
- 4 = Woodland I-II-III-IV
- 5 = Redoubt Terrace
- 6 = Central Heights
- 7 = Inlet View (RS-1)

Some Subdivisions in Kenai with poultry bans = 927 Lots in RS-1



**PARTIAL LIST OF RESIDENTIAL SUBDIVISIONS IN THE KENAI  
CORE (RS ZONE) WITH POULTRY BANS**

Central Heights Subdivision, Plat No. K-1546 etc.: **86 lots**; smallest 6,004 s.f., largest 13,639 s.f.  
 Inlet Woods Subdivision Part I, Plat No. 84-279: **178 lots**, smallest 7,455 s.f., largest 26,500 s.f.  
 Mommsen's Subdivision, Plat No. K-1222 etc.: **187 lots**.  
 Redoubt Terrace Subdivision, Plat No. K-1474 etc.: **180 lots**; smallest 7,499 s.f., largest 25,418 s.f.  
 Windhaven Estates Phase 1, Plat No. 98-26: **33 lots**; smallest 15,000 s.f., largest 18,488 s.f.  
 Woodland Subdivision Part I, Plat No. K-1522: **113 lots**, smallest 9,773 s.f., largest 22,073 s.f.  
 Woodland Subdivision Part II, Plat No. K-1543: **51 lots**, smallest 8,211 s.f., largest 13,529 s.f.  
 Woodland Subdivision Part III, Plat No. K-1571: **49 lots**, smallest 7,397 s.f., largest 10,795 s.f.  
 Woodland Subdivision Part IV, Plat No. 78-208: **50 lots**, smallest 7,288 s.f., largest 23,259 s.f.

**Total residential subdivision lots listed above with poultry bans: 927 lots**

**Central Heights Subdivision, Developer: M & S Development Company**

- Subdivision Plat No. K-1546, recorded 5/14/1968, Kenai Recording District.
- Covenants recorded 5/14/1968, Misc. Book 31 Page 61, Kenai Recording District:<sup>1</sup>

“11. Livestock and Poultry.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

**Inlet Woods Subdivision Part One, Developers: MSM and San Lar, Inc.**

- Subdivision Plat No. 84-279, recorded 10/23/1984, Kenai Recording District.
- Covenants recorded 8/15/1985, Book 268 Page 636, Kenai Recording District:

“No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.”

**Mommsen's Subdivision Addition No. 1, Developer: Morris Killen**

- Subdivision Plat No. K-1222 recorded 7/3/1962, Kenai Recording District.
- Covenants recorded 4/3/1964, Misc. Book 13 Page 48, Kenai Recording District:<sup>2</sup>

“C11. LIVESTOCK AND POULTRY. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes. No more than two dogs of the “husky” or “sled” type or breed may be kept or permitted on any lot.”

<sup>1</sup> These covenants apply to the entire piece of property owned by the developer, including original subdivision lots in Plat No. K-1546, and later additions, Plat Nos. 83-66 and 88-54.

<sup>2</sup> These covenants apply to the entire piece of property owned by the developer, including original subdivision lots in Plat No. K-1222, and later additions (many).

**Reboubt Terrace Subdivision, Developer: Fourth Avenue Investment Company**

- Subdivision Plat No. K-1474, recorded 5/31/1967, Kenai Recording District.
- Covenants recorded 5/31/1967, Misc. Book 26 Page 312, Kenai Recording District:<sup>3</sup>

“13. Livestock and Poultry.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

**Windhaven Estates Phase 1, Developer: Clint D. Hall**

- Subdivision Plat No. 98-26, recorded 6/22/1998, Kenai Recording District.
- Covenants recorded 7/22/1998, Book 535 Page 567, Kenai Recording District:

“No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets, limited to three (3), may be kept provided that they are not kept, bred or maintained for any commercial purpose.”

**Woodland Subdivision Part I, Developer: Collier Carbon and Chemical Corporation**

- Subdivision Plat No. K-1522, recorded 12/15/1967, Kenai Recording District.
- Covenants recorded 12/15/1967, Misc. Book 29 Page 187, Kenai Recording District:

“13. LIVESTOCK AND POULTRY.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

**Woodland Subdivision Part II, Developer: Collier Carbon and Chemical Corporation**

- Subdivision Plat No. K-1543, recorded 4/18/1968, Kenai Recording District.
- Covenants recorded 4/19/1968, Misc. Book 30 Page 292, Kenai Recording District:

“12. LIVESTOCK AND POULTRY.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

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<sup>3</sup> These covenants apply to the entire piece of property owned by the developer, including original subdivision lots in Plat No. K-1474, and later additions, Plat Nos. K-1519, 75-86, 76-96, 81-134, 83-7, 83-29, 83-207, 94-49.

**Woodland Subdivision Part III, Developer: Woodland Development Corporation**

- Subdivision Plat No. K-1571, recorded 8/23/1968, Kenai Recording District.
- Covenants recorded 8/23/1968, Misc. Book 32 Page 223, Kenai Recording District:

“12. LIVESTOCK AND POULTRY.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

**Woodland Subdivision Part IV, Developer: Hall Construction Company Inc.**

- Subdivision Plat No. 78-208, recorded 12/1/1978.
- Covenants recorded 12/4/1978, Misc. Book 136 Page 499, Kenai Recording District:

“9. LIVESTOCK AND POULTRY.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

February 15, 2023

City Council, Planning & Zoning Commission  
City of Kenai

Dear Councilors and Commissioners:

**RE: Ordinance No. 3332-2023**

Property owners in Woodland Subdivision, zoned RS (one of the three Suburban Residential Zones), questioned the inequity (and lack of rational basis) for excepting RS-1 and RS-2, but not RS, from KMC 3.10.070 Livestock within city limits, when all three are Suburban Residential Zones. The Land Use Table for RS, RS-1 and RS-2 Zones all have a "N" for **Not Permitted** for "general agriculture." The minimum lot size in RS and RS-2 is 7,200 s.f., while the minimum lot size in RS-1 is 12,500 s.f. The raising of chickens will have similar impacts on all of these Suburban Residential Zones, but only properties in RS Zone are subject to the impacts that will be caused by this ordinance as written.

At a recent council meeting, an answer was offered: that residents in RS-1 and RS-2 Zones had asked for more restrictions. We did not find that answer to be true when we researched the facts of the introduction and passage of the Title 3 livestock ordinance, that was enacted by Substitute Ordinance No. 1864-2000, *An Ordinance Of The Council Of The City Of Kenai, Alaska, Prohibiting The Keeping Of Livestock On Certain Lots Within The City Of Kenai* (Suggested by the Planning & Zoning Commission).

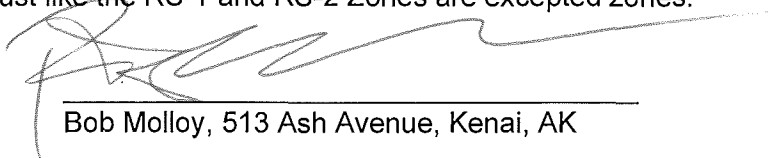
The Minutes and Notes of the P&Z Commission meetings and work sessions show that Ordinance No. 1864-2000 originated at the Commission. These Minutes and Notes do not show that residents of RS-1 and RS-2 Zones requested prohibition. The Commissioners considered zones and lot sizes and what livestock should be allowed in what zones and at what minimum lot sizes.

And the Notes of the 4/12/2000 Work Session of the PZC, page 2, contain the following key paragraph:

Graves indicated that the list of animals was developed in a brainstorm session and that the list could be changed. Graves addressed Option (d)(1), the circus option and asked if anyone had a problem with it. Discussion took place and it was recommended that RS1, RS2, RU and TSH zones be listed. This would leave the RR and commercial zones available.

The intent was to allow livestock, including chickens, in the RR and commercial zones, and to restrict livestock in the zones listed as excepted zones. It doesn't appear that the RS Zone was intentionally excluded from the excepted zones. This appears to be an oversight in the legislative process, and this has resulted in an arbitrary outcome that continues in Ordinance 3332-2023.

As Dan Conetta, Dave and Kim Howard, and Kristine Schmidt have also requested, the Commission can recommend to Council, and the Council can amend the ordinance to except the RS Zone from the keeping of chickens, just like the RS-1 and RS-2 Zones are excepted zones.



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Bob Molloy, 513 Ash Avenue, Kenai, AK

**CITY OF KENAI  
PLANNING & ZONING COMMISSION  
KENAI CITY COUNCIL CHAMBERS  
APRIL 12, 2000 - 7:00 P.M.  
CHAIRMAN CARL GLICK PRESIDING**

**WORK SESSION**

The Proposed Livestock Ordinance work session began at 7:17 p.m.

**Members Present:** Carl, Glick, Phil Bryson, Ron Goecke, Barb Nord, Amy Jackman

**Members Absent:** Donald Erwin, Don Gough

**Others Present:** Councilman Duane Bannock, Chief Animal Control Bill Godek, City Attorney Cary Graves, Administrative Assistant Marilyn Keschull, Contract Secretary Barb Roper

Goecke, who introduced the proposed livestock ordinance again expressed his strong desire to have an ordinance which the Commission could refer to when situations arise involving livestock in certain zones and lots under three acres within the City of Kenai.

P&Z Commissioners had the following comments regarding the proposed ordinance:

- Jackman referenced the list of animals that should not be allowed within the City and thought that bees should not be included, as they didn't appear to be a problem to those individuals she knows who have bees. She noted, bees are only kept for a short period during the year. Jackman also felt the lot size should be limited to 1.5 or 2 acres.
- Nord also referenced the list and thought that pigeons should be allowed, as they are not a detriment. With regard to lot size, Nord didn't think the lot should be less than 20,000 sq. ft.
- Bryson explained the handout provided prior to the work session (which he prepared). He noted, the spreadsheet listed various subdivisions with the total lots less than 14,000 and 20,000 sq. ft. The spreadsheet was discussed in detail.

Bryson referred to the draft ordinance included in the packet with options listed. With regard to Option 1, Bryson indicated he was receptive to 20,000 sq. ft or greater. In Option 2, Option 2.1 to 18,000 sq. ft. This could increase with the number of living units on the parcel. Bryson didn't think livestock should be allowed in the RU, RS1, RS2, and TSH zones. On page two of the draft ordinance, Item (d)(2), Bryson stated he would like RU inserted in the blank to indicate the zone. Further, Bryson would like the permit not to exceed two years (Option 1.2). In regard to Item (d)(3) regarding variances, Bryson

explained situations where variances may be necessary. Bryson thought Item (e) was reasonable and in Item (f) Option 1, 25' was appropriate on the side yard setback, 50' from the front and 10' from the back. This should also include 50' from the adjacent residences.

Bryson pointed out the ordinance did not address pets that may fall on the list of livestock (referring to the list of animals not allowed). With regard to the list, Bryson looked at it with size of animal, odor, noise and safety. Bryson thought buffalo should be changed to bison; Items 11 and 12 should not be on the list; and Items 17, 18 and 23 should also be removed.

Bryson indicated he was not in support of the ordinance but would try to suggest something workable.

- Godek thought that if there was going to be a livestock ordinance, individuals living in rural residential areas could have what they want within reason as they were living in a RR zone for the purpose of having animals. Godek indicated he added the rare birds as they were becoming more and more popular and could be dangerous if let loose. Godek indicated there is a rather large pigeon population in Kenai and that cats are a constant complaint at the animal shelter. Godek thought that Bryson's recommendations were very reasonable. Godek provided Commissioners with a list of properties with large animals.

- 
- Graves indicated the list of animals was developed in a brainstorm session and the list could be changed. Graves addressed Option (d)(1), the circus option and asked if anyone had a problem with it. Discussion took place and it was recommended that RS1, RS2, RU and TSH zones be listed. This would leave the RR and commercial zones available.

- 
- Kebschull echoed Bryson and Godek's comments regarding lot sizes.

After individual comments were made, a lengthy discussion ensued. It was decided that on Attachment A, the list of animals not allowed, Item 3 would be changed to Bison; and Items 17 and 23 would be removed. Rabbits and ducks would remain for now and a public hearing would be scheduled.

Prior to closing the work session, Graves requested anyone with ideas or input for the sign code re-write to contact him and noted, the sign code needed to be addressed as variances for signs had become the rule and not the exception.

Graves congratulated Kebschull on the grant for economic development. The City had received very positive comments regarding the grant application.

Work session ended at 8:20 p.m.

Respectfully submitted,

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Barbara L. Roper, Contract Secretary

CITY OF KENAI  
PLANNING AND ZONING COMMISSION

RESOLUTION NO. PZ00-09

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, RECOMMENDING THE KENAI MUNICIPAL CODE AT 3.10 BE AMENDED.

WHEREAS, the keeping of livestock on small lots within the City of Kenai creates sanitary, hygiene and odor problems; and

WHEREAS, the keeping of livestock on small lots within the City of Kenai in some instances reduces nearby property values; and

WHEREAS, restricting the keeping of livestock to lots of adequate size will reduce such problems; and

WHEREAS, it is in the best interest of the City of Kenai to restrict the keeping of livestock within the City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THAT KMC 3.10.070 is enacted as follows:

**3.10.070 Livestock within the city limits:**

- (a) Except as otherwise provided in this section, no person shall keep or maintain livestock within the City of Kenai.
- (b) Livestock may be kept on lots of 20,000 square feet or greater. On lots containing two-family or multiple family dwelling units, no livestock shall be allowed on lots containing less than 18,000 square feet per dwelling unit. No livestock shall be allowed in the RU, RS1, RS2 or TSH zones. Animals raised for a fur-bearing purpose are not allowed in any zone.
- (c) In this section "livestock" is defined as the following animals:

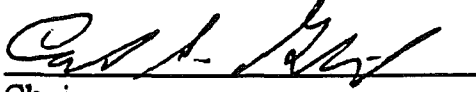
- |                   |             |
|-------------------|-------------|
| 1. Cow            | 11. Ratite  |
| 2. Horse          | 12. Duck    |
| 3. American bison | 13. Goose   |
| 4. Llama          | 14. Chicken |
| 5. Alpaca         | 15. Turkey  |
| 6. Sheep          |             |
| 7. Swine          |             |
| 8. Goat           |             |
| 9. Mule           |             |
| 10. Donkey        |             |

- (d) (1) Except for the RS1, RS2, RU, TSH zone(s), the Chief Animal Control Officer may issue temporary permits of not more than fourteen (14) days for the keeping of livestock not otherwise allowed for public exhibitions or entertainment events. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or pertinent section of the Kenai Municipal Code. The City Manager may set a permit fee as set out in KMC 7.15.100.
- (d)(2) Except in the RU zone, the Chief Animal Control Officer may, after notifying adjoining property owners in writing and allowing reasonable time for comment, issue a permit for the keeping of livestock for educational or youth activities, such as 4-H, Future Farmers of America, or Boy/Girl Scouts on lots not otherwise eligible under this ordinance. The permit shall state the duration of the permit, which shall not exceed two (2) years, and the type and number of livestock to be kept. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or Title 3 of the Kenai Municipal Code. Appeal of issuance or revocation of a permit may be made in writing to the Board of Adjustment. A permit may be renewed following written notice and reasonable time for comment to the adjoining property owners. The City Manager may set a permit fee as set out in KMC 7.15.100.
- (d)(3) If two or more lots of continuous frontage are owned or leased by the same person(s) and the combined square footage of such lots otherwise meets the requirements of this ordinance for the keeping of livestock, such lots shall be considered a single lot for purposes of this ordinance.
- (e) Lots on which livestock are kept on the effective date of this ordinance which are not eligible for the keeping of livestock under this ordinance shall be considered a non-conforming use of land under KMC 14.20.050. No new or replacement livestock may be kept or introduced on such lots after the effective date of this ordinance.
- (f) Corrals, pens, hutches, coops or other animal containment structures must have a minimum setback of twenty-five (25) feet from the property's side yards, fifty (50) feet from the front yard, and ten (10) feet from the back yard; and must be secure and in good repair.



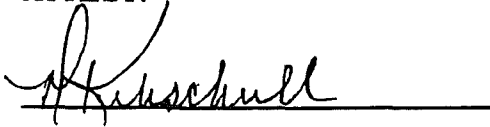
NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING AND ZONING COMMISSION RECOMMENDS TO THE KENAI CITY COUNCIL THAT KMC 3.10 BE AMENDED.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 10<sup>th</sup> day of May, 2000.



Chairman

ATTEST:



SUBSTITUTE  
Suggested by: Planning & Zoning Commission

CITY OF KENAI

ORDINANCE NO. 1864-2000

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, PROHIBITING THE KEEPING OF LIVESTOCK ON CERTAIN LOTS WITHIN THE CITY OF KENAI.

WHEREAS, the keeping of livestock on small lots within the City of Kenai creates sanitary, hygiene and odor problems; and

WHEREAS, the keeping of livestock on small lots within the City of Kenai in some instances reduces nearby property values; and

WHEREAS, restricting the keeping of livestock to lots of adequate size will reduce such problems; and

WHEREAS, it is in the best interest of the City of Kenai to restrict the keeping of livestock within the City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THAT KMC 3.10.070 is enacted as follows:

3.10.070 Livestock within the city limits:

- (a) Except as otherwise provided in this section, no person shall keep or maintain livestock within the City of Kenai.
- (b) Livestock may be kept on lots of 40,000 square feet or greater. No livestock shall be allowed in the RU, RS1, RS2 or TSH zones. Animals raised for a fur-bearing purpose are not allowed in any zone.
- (c) In this section "livestock" is defined as the following animals:

- |                   |             |
|-------------------|-------------|
| 1. Cow            | 9. Mule     |
| 2. Horse          | 10. Donkey  |
| 3. American bison | 11. Ratite  |
| 4. Llama          | 12. Duck    |
| 5. Alpaca         | 13. Goose   |
| 6. Sheep          | 14. Chicken |
| 7. Swine          | 15. Turkey  |
| 8. Goat           | 16. Rabbit  |

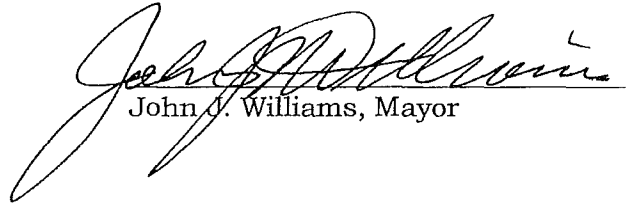
- (d) (1) Except for the RS1, RS2, RU, TSH zone(s), the Chief Animal Control Officer may issue temporary permits of not more than fourteen (14) days for the keeping of livestock not otherwise allowed for public exhibitions or

entertainment events. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or pertinent section of the Kenai Municipal Code. The City Manager may set a permit fee as set out in KMC 7.15.100.

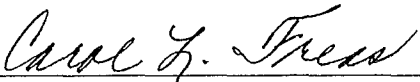
- (d)(2) Except in the RU zone, the Chief Animal Control Officer may, after notifying adjoining property owners in writing and allowing reasonable time for comment, issue a permit for the keeping of livestock for educational or youth activities, such as 4-H, Future Farmers of America, or Boy/Girl Scouts on lots not otherwise eligible under this ordinance. The permit shall state the duration of the permit, which shall not exceed two (2) years, and the type and number of livestock to be kept. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or Title 3 of the Kenai Municipal Code. Appeal of issuance or revocation of a permit may be made in writing to the Board of Adjustment. A permit may be renewed following written notice and reasonable time for comment to the adjoining property owners. The City Manager may set a permit fee as set out in KMC 7.15.100.
- (e) Lots on which livestock are kept on the effective date of this ordinance which are not eligible for the keeping of livestock under this ordinance shall be considered a non-conforming use of land under KMC 14.20.050. No new or replacement livestock may be kept or introduced on such lots after the effective date of this ordinance. Offspring of livestock allowed as a non-conforming use under this section may be kept on such lots only until they are old enough to be relocated to a site conforming to this ordinance or outside of the city limits.
- (f) Corrals, pens, hutches, coops or other animal containment structures must have a minimum setback of twenty-five (25) feet from the property's side yards, fifty (50) feet from the front yard, and ten (10) feet from the back yard; and must be secure and in good repair.
- (g) A person seeking relief from the provisions of this section may apply for a conditional use permit under KMC 14.20.150.
- (h) This ordinance will come back to the City Council for review 24 months after the effective date.

SUBSTITUTE  
Ordinance No. 1864 -2000  
Page 3 of 3

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19th day of July, 2000.

  
John J. Williams, Mayor

ATTEST:

  
Carol L. Freas, City Clerk

Introduced:	May 17, 2000
Adopted:	July 19, 2000
Effective:	August 19, 2000

**From:** [Don Pearce](#)  
**To:** [City Clerk](#)  
**Subject:** Chickens  
**Date:** Wednesday, February 15, 2023 2:19:56 PM

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

I am writing this e-mail in support of allowing chickens within the city limits of Kenai.  
Thank you  
Don Pearce

Sent from my iPhone

**From:** [Dan Wolverton](#)  
**To:** [City Clerk](#)  
**Subject:** Chickens inside of City Limits  
**Date:** Wednesday, February 15, 2023 2:59:12 PM

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

Sir/Ma'am,

As a resident of Kenai, I am writing you to provide my opinion on the matter of raising and keeping Chickens inside of city limits.

I have my reservations about this based on concerns of waste, pests, odor, and noise. Although I am not in favor of allowing Chickens to be raised inside City Limits, I believe a compromise could be reached. Maybe Chickens could be allowed for owners of lots/properties in the size of 1 Acre or greater. I think this would allow room for noise and odor dissipation, while making sure pests attracted to waste maintain a distance from neighboring lots.

If you wish to display or read this email publicly, I respectfully request you withdraw my contact information.

Thank you for your time,

Dan Wolverton

**From:** [Jen Brighton](#)  
**To:** [City Clerk](#)  
**Subject:** chickens in city limits  
**Date:** Wednesday, February 15, 2023 3:39:38 PM

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

Hello,

I am a homeowner in Kenai writing to give my support to having chickens allowed inside city limits.

We have raised chickens for 7 years, and our neighbors have chickens as well. Over the years we and they have had several arrangements for the birds, including free ranging and three different coop styles. Chickens do need a place to roost safely (we lost one to a neighborhood dog and a few to eagles), but they are not loud or destructive animals. They help eat bugs and kitchen scraps, and turn out excellent compost for our garden. The only time they have been disruptive was the one year we accidentally got a rooster, but even he was not as loud as the average pet dog.

Chickens are environmentally friendly and economically practical. A small flock of 6-8 birds can live happily and healthily in a small space and are appropriate for within city limits. Increasing chicken-raising in the area also brings an economic boost, through sharing or sale of eggs, compost, feed, and chicks.

Thank you,  
Jen Brighton

**From:** [Loretta Pearce](#)  
**To:** [City Clerk](#)  
**Subject:** Chickens  
**Date:** Wednesday, February 15, 2023 4:50:58 PM

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

I am writing this to inform you that I am in favor of having chickens. Thank you.  
Loretta Pearce



**From:** [Abe Pellegrom](#)  
**To:** [City Clerk](#)  
**Subject:** Chicken  
**Date:** Wednesday, February 15, 2023 5:17:17 PM

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

Will the city impose a tax on chickens? If I remember correctly the city has a tax for each dog owned by a resident. Who will enforce the rules ? I all about having chickens and livestock. But at what cost ?

RedLine welding  
Abe Pellegrom  
907-394-2709

**From:** [Antonio Andrade](#)  
**To:** [City Clerk](#)  
**Subject:** Chickens.  
**Date:** Wednesday, February 15, 2023 6:33:45 PM

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

Please allow chickens within city limits in kenai.

**From:** [germainepatchett@gmail.com](mailto:germainepatchett@gmail.com)  
**To:** [City Clerk](#)  
**Subject:** Chickens  
**Date:** Thursday, February 16, 2023 7:50:21 AM

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

Hello,

Please allow chickens in Kenai city limits. This is Alaska where we strive to be self sustainable. High tunnels, fishing, hunting, foraging... Chickens are not loud, give great fertilizer and double as meat. It'll help feed supply business as feed will be bought, lumber for coops, caterers, feeders, treats and the list goes on. Please say yes.

Germaine Patchett

*Sent from my LG V20, an AT&T 4G LTE smartphone*

February 16, 2023

Kenai Planning and Zoning Commission  
City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

Re: Opposition to Ordinance No. 3332-2023

We wish to express our strong opposition to the passage of Ordinance No. 3332-2023. We purchased our home in Woodland Subdivision in 1988 (zoned Suburban Residential) because we wanted to live in a residential neighborhood. As responsible home buyers, we read the covenants and the zoning for Woodland Subdivision. We think most homeowners affected by this ordinance bought their property knowing that chickens were not a permitted land use and had an expectation that their neighbors wouldn't have chickens either.

For 35 years we have paid property taxes on a modest home (Lot is 10,170 s.f.) on a cul-de-sac in a nice neighborhood, raised our children here and now are retired here. Passage of this ordinance will dramatically change the residential character of our neighborhood. There is no question that having chickens next door to us has lessened our property value. We and others expressed opposition to our adjacent neighbor's Livestock Permit for Chickens at the June 20, 2022 Board of Adjustment Hearing (Case No. BA-22-01). It wasn't until a "renewal" was applied for did Animal Control perform inspections in April 2022 and found the applicant violated not only the original permit but also the requested new permit. In addition, fencing and structures violating the setback requirements still have not been removed. For nearly three years we witnessed blatant violation of the terms of our neighbor's 2020 permit. If the current laws can't be managed, new and broader allowances won't be enforced either!

This ordinance severely limits the number of properties for residents who don't want to reside near chickens.

Fresh eggs can be purchased locally. We buy eggs at local businesses where sales tax is collected to help support our community. As far as the increased cost of eggs, there is also an increasing cost to have proper chicken coops, fencing, feed, electricity and other expenses.


We can vouch that a dozen chickens, or several dozen chickens, are a public nuisance in a densely populated subdivision on lots smaller than 40,000 square feet. We prefer to enjoy our front, side and back yard without a dozen or more chickens cackling when the UPS truck shows up or someone walks by, not to mention the squawking as they lay eggs. Along with elevated noise, odors and spread of disease, there is an increased potential for predators, wild and domestic. A press release by the Alaska Dept. of Environmental Protection in October 2022 states at least four backyard flocks had detections of the highly pathogenic avian influenza statewide.

It seems this ordinance intends to satisfy a few residents at the expense of many. A similar ordinance failed in 2015.

As Kenai taxpayers, we feel enough city resources have been spent on this issue. We don't want any chickens next to us. We should not be forced to live next door to chickens. Enforcement of the keeping of chickens parameters in this ordinance should not be complaint driven and the responsibility of the neighbors. We hope the City Council will reject this ordinance entirely. However, if you feel you must take action, please recommend to the City Council to prohibit the keeping of chickens in the RS Zone, like the other residential RS-1 and RS-2 Zones.

Thank you for your consideration in this matter.

Sincerely,



Kim and Dave Howard  
P.O. Box 2823  
(703 Poplar Circle)  
Kenai, AK 99611

February 16, 2023

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

Planning & Zoning Commission, City Council, and Mayor Gabriel,

Subject: Opposition to Ordinance No. 3332-2023  
Opposition to chickens being raised in RS Zones like the Woodland Subdivision

I feel that any ordinance that allows for the raising of chickens in the Woodland Subdivision is a violation of public trust. And here's why:

When I bought my house in 1988 I trusted the covenants to protect the values and integrity of the Woodland Subdivision and I trusted our City to honor those covenants. The covenants for the Woodland Subdivision expressly prohibits the raising of poultry. We're not asking the city to enforce the covenants but instead we're asking the city not to pass an ordinance that they know is in direct conflict with our property rights. Passing an ordinance that is in direct conflict with the covenants would cause an obvious dilemma as it provides an avenue for a violation of our covenants. Does the City really want to pass an ordinance that they know is in direct conflict with the covenants of the Woodland Subdivision? I urge the City to comply with our covenants and not compromise the property rights that have been established for our residential neighborhoods. This ordinance, as written, violates the covenants of at least 8 Subdivisions and more than 900 lots. (See comments submitted by Kristine Schmidt)

If we want to open up more areas for raising chickens there are more responsible ways to accomplish this without causing a direct conflict with neighborhood covenants. We already have a zoning district that is set up to do just that. This would be the RR Zone (Rural Residential). I urge the city to use our planning tools correctly and not cause a conflict with our covenants.

At the February 8, 2023 Planning & Zoning Work Session there were concerns from three main parties:

Party 1: Those who don't want chickens in a densely populated neighborhood (RS Zones).

Main Concern: The city will pass an ordinance in direct conflict with the neighborhood covenants which prohibits the raising of poultry and cause an obvious dilemma.

Party 2: Those who want to raise chickens.

Main Concerns: 1) Open up more areas for raising chickens. 2) The regulations that were discussed at the last work session were overkill.

Party 3: The City of Kenai

Main Concern: Having a provision for a Conditional Use Permit for smaller lots would become a budgetary problem to administer.

I have come up two options that address the concerns of each party as follows:

**Option 1:** Amend the proposed ordinance to prohibit the raising of chickens in **RS Zones (Suburban Residential)** and open up more area in the **RR Zone (Rural Residential)** for raising chickens as follows:

Please amend Section 1, part (b) to read as follows:

(b) No livestock shall be allowed in the RS, RU, RS1, RS2, TSH, and ALI zones.

Please amend Section 1, part (h) to read as follows:

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

Results of Option 1: Excepting the **RS zone (Suburban Residential)** from Sections (b) and (h) of the ordinance will avoid a conflict with neighborhood covenants that prohibit the raising of poultry and save the city from causing an obvious conflict with our covenants. And because the **RR Zone (Rural Residential)** is not included in Section (h) it will lower the threshold for raising chickens in the RR Zone from lots that are 40,000 s.f. or greater to lots that are less than 40,000 s.f. The RR Zone accounts for 72% of Kenai's total land mass and is well suited for raising chickens and livestock while the RS Zone was never intended for this kind of impact. Lots in the RR Zone would need few regulations as they are generally large enough and rural enough to provide natural buffers and practical setbacks to protect neighboring properties. Option 1 would seem to be a reasonable compromise as it would uphold the covenants in our RS Zoned neighborhoods while allowing more lots in the RR Zone to raise chickens.

**Option 2:** Amend the proposed ordinance to establish a minimum lot size of 20,000 s.f. to raise chickens. Also strike the provision for a conditional use permit. Lots that are 20,000 s.f. or greater would need few regulations as they are large enough to provide natural buffers and practical setbacks to protect neighboring properties.

Please amend Section 1, part (h) to read as follows:

(h) The keeping of chickens hens shall be allowed on lots 20,000 square feet or greater, subject to the following standards...:

The results of Option B for each party would be this:

Party 1: For those who don't want chickens this will avoid a conflict with the covenants that prohibit poultry in their subdivision.

Party 2: For those who want to raise chickens this would add an additional 617 lots for raising chickens. Option B would increase the number of lots to raise chickens from 1,384 lots (28%) to 2001 lots (41%).

Party 3: Striking the provision for a conditional use permit will avoid a budgetary problem for the city to administer. Option B will also save the city from promoting an ordinance that is in direct conflict with neighborhood covenants.

Both Options A and B address the main concerns that were expressed at the February 8, 2023 P&Z work session and would be a win-win-win for each party. Both Options A and B also make sensible use of the current zoning districts in a way they were intended to be used.

Bob Molloy's letter of February 15, 2023, which is in this packet, also outlines the intent of our residential zoning districts and how to use them in a way they were intended to be used.

Sincerely,

*Daniel A. Conetta*

Daniel A. Conetta



**From:** [Brittany Anderson](#)  
**To:** [City Clerk](#)  
**Subject:** Regarding Chickens in Kenai  
**Date:** Thursday, February 16, 2023 3:55:54 PM

---

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

Hello, my name is Brittany. I'm an Alaskan resident born and raised. Chickens are source of food for people. Not to mention how great Chickens can be for the land and farming. I'm a definite YES to allowing the people of Kenai to keep Chickens within City Limits. Especially if it can't be provided locally by a store. There should be no reason for Alaskans not to be allowed to keep Chickens. Thanks so much!

Get [Outlook for iOS](#)

February 22, 2023

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

Planning & Zoning Commission, City Council, and Mayor Gabriel,

Subject: Opposition to Ordinance No. 3332-2023  
Opposition to chickens being raised in RS Zones like the Woodland Subdivision

I live in the Woodland Subdivision and I am opposed to the raising of chickens in our neighborhood. The zoning for our neighborhood was never intended for raising chickens and I would like the city to uphold that intent. There are other zoning districts that are better suited for raising chickens like the RR Zone (Rural Residential). I urge the city to NOT pass this ordinance as it would fundamentally change the character and integrity of our peaceful neighborhood.

Sincerely,

Carolyn McGee

February 23, 2023

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

Kenai City Council and Mayor Gabriel,

Subject: Opposition to Ordinance No. 3332-2023, as written  
Opposition to chickens being raised in RS Zones like the Woodland Subdivision

I feel that any ordinance that allows for the raising of chickens in RS Zones like the Woodland Subdivision is a violation of public trust. And here's why:  
When I bought my house in 1988 I trusted the covenants to protect the values and integrity of the Woodland Subdivision and I trusted our City to honor those covenants. The covenants for Woodland expressly prohibits the raising of poultry. We understand that the city does not enforce covenants but we're not asking the city to enforce the covenants but instead we're asking the city to not pass an ordinance that they know is in direct conflict with our property rights. Passing an ordinance that undermines our covenants will cause an obvious dilemma as it provides an avenue to violate our covenants. I urge the City to comply with our covenants and not undermine the property rights that have been established for our residential neighborhoods. This ordinance, as written, violates the covenants of at least 8 Subdivisions and more than 900 lots. (See letter of February 13, 2023 by Kristine Schmidt included in this packet)

Fortunately, at the February 22, 2023 Planning & Zoning Commission meeting several amendments were made to the ordinance. The most significant amendment was Motion No. 2 which would prohibit the keeping of chickens in the RS Zone (Suburban Residential). This one amendment alone would resolve many of the problems associated with this ordinance and the angst it has caused for many homeowners. I strongly urge the City Council to accept and enact this amendment as the P&Z Motion No. 2 passed by a vote of 5 to 1. This amendment would uphold the covenants in our RS Zoned neighborhoods while protecting the character and integrity of the Woodland Subdivision. This amendment would also save the city from causing an obvious conflict with our covenants.

PS: Bob Molloy's letter of February 15, 2023 in this packet outlines the intent of our residential zoning districts and how they were intended to be used. I urge the city to comply with this intent and uphold the P&Z amendment that prohibits the keeping of chickens in the RS Zones.

Sincerely,

*Daniel A. Conetta*

Daniel A. Conetta

February 23, 2023

Mayor Gabriel and Kenai City Council  
City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

Re: Opposition to Ordinance No. 3332-2023

My husband and I are opposed to the passage of Ordinance No. 3332-2023 as is. We agree with the Planning and Zoning Commission's recommendation to prohibit the keeping of chickens in the RS Zone, like the other residential RS-1 and RS-2 Zones.

Two of our previous letters on this issue are included in the packet for your consideration. I would like to emphasize a few key points.

1. When we purchased our home in Woodland Subdivision in 1988, as responsible home buyers, we read the covenants and the RS zoning code. We think most homeowners affected by this ordinance bought their property knowing that chickens were not a permitted land use and had an expectation that their neighbors wouldn't have chickens either.
2. Our modest home (10,170 sq.ft. lot) is on a cul-de-sac situated where we can see six of our neighbors' back yards. Having livestock such as chickens in densely populated zones on small lots without adequate buffer affects other properties. Passage of this ordinance will dramatically change the residential character of our neighborhood. For nearly three years we've witnessed blatant violation of the terms of our neighbor's 2020 Livestock Permit for Chickens. If the current laws can't be managed, new and broader allowances won't be enforced either.
3. Chickens are a public nuisance and a disturbance in a densely populated subdivision. We prefer to enjoy our front, side and our back yard without a dozen or more chickens cackling when the FedEx truck shows up or someone walks by, not to mention the squawking as they lay eggs. Contrary to what this proposed ordinance says, these sounds do constitute a public nuisance and a disturbance.

4. This ordinance, as written, would severely limit the number of properties for residents who don't want to reside near chickens.

As Kenai taxpayers, we feel enough city resources have been spent on this issue. We don't want any chickens adjacent to us. We should not be forced to live next door to chickens. Enforcement of the keeping of chickens parameters in this ordinance should not be complaint driven and the responsibility of the neighbors.

Please support the Planning and Zoning Commission's recommendation to prohibit the keeping of chickens in the RS Zone, like the other residential RS-1 and RS-2 Zones.

Again, thank you for your consideration in this matter.



Kim and Dave Howard  
P.O. Box 2823  
703 Poplar Circle  
Kenai, AK 99611

3332-2025

**IF THIS CHICKEN FIASCO PASSES, I HOPE/BELIEVE MY BELOVED WOODLAND  
SUBDIVISION WILL BE EXEMPT DUE TO ITS PROTECTIVE COVENANTS.**

**PERHAPS SOME DAY WE'LL SEE THIS SIGN AT THE WOODLAND SUBDIVISION  
ENTRANCE:**

**WELCOME  
TO  
WOODLAND ESTATES**

**A  
CERTIFIED  
'CHICKEN-FREE'  
SANCTUARY!**

**ONE OF  
ONLY A FEW  
CHICKEN-FREE  
NEIGHBORHOODS  
IN THE  
CITY OF KENAI**

1078 WALKWIT

HOWARD



# IF THEY HAVE A VOTE THEY HAVE A VOICE!

22 Pilate responded, "Then what should I do with Jesus who is called the Messiah?"

They **shouted** back, "Crucify him!"

23 "Why?" Pilate demanded. "What crime has he committed?"

But **the mob roared even louder**, "Crucify him!"

So what is the point?

As Council Members, don't allow the 'mob' who may appear at City Council meetings to unduly influence your good judgement. Don't allow their numbers, their over-enthusiasm, their attempts to tug at your heartstrings, their over-exaggerations-- their 'shouts'-- to steer you into making a rash decision. Don't allow the horde to 'crucify' the City of Kenai.

Keep in mind, the City Council page on the City of Kenai website lists four ways for residents to participate in Council meetings: in-person, telephonically, virtually, and via written testimony. Of those four options, only one is specifically encouraged: written testimony. Many constituents, like myself, who would otherwise appear in-person at City Council meetings, instead provide written testimony because-- once again-- written testimony is specifically encouraged. As Council Members, your charge is to keep that in mind; to carefully read and consider all written testimony, and not allow yourself to be overly-swayed by more immediate forms of communication.

Having said all that, I now say this:

It's a travesty having as few as four City Council Members being able to decide on a matter of such great import to the City and its residents based on the input of a small fraction of the entire population who decide to participate in Council Meetings via oral and/or written testimony. It is a farce to allow these few Members' human failings-- human failings we all possess-- their personal prejudices, their arbitrariness, their capriciousness, along with their possibly misinformed judgement to-- with little notice and in the dead of winter-- decide on a matter having such a potentially tremendous impact on the City. Don't allow as few as four people to hang an albatross around the City's neck, an albatross that could stink up the City for years.

Instead, let We the People decide on this matter of import via a referendum vote! In the words of Council Member Teea Winger:

*I don't think renters or owners should have a different weight, when all our [sic] residents of Kenai. It's kind of like saying only property owners should get to vote in Kenai and we know that's not how that works. **If they have a vote they have a voice.***

3332-2025

1478 WALNUT

HLWARD

***Council Member Teea Winger:***

**IF  
THEY  
HAVE  
A  
VOTE  
THEY  
HAVE  
A  
VOICE**

***I agree with Council Member Winger:***

**LET  
WE  
THE  
PEOPLE  
DECIDE  
VIA  
REFERENDUM  
VOTE**

5332-2023

1078 WALNUT

HLARD





**Carol Lease Freas**

**Sarah Rigsby** I believe flames are being fanned related to "homeowners opposing" the ordinance. I believe reference to the "majority of homeowners" is of those homeowners who testified, either in person, in writing, or both, opposing the ordinance. Not all homeowners in Woodland have stated their feelings about the ordinance.

It would be fair to say that the homeowners, aka property owners in Woodland (or other areas of the city this ordinance covers) perhaps have more of a bone in the discussion because, as a property owner, they are paying property taxes that support the city to provide the amenities we have. Renters, certainly not to be slighted, do not pay property taxes.

I again urge you to go on line to the city's website (or contact the city clerk's office and request copies of the information) and read the ordinance, the testimony provided by all those who submitted it, meeting minutes, etc. to get a full picture of the issue. Points have been made on both sides. Attend meetings, provide comments whether written or in person (keep the comments to the point (you have three minutes) and polite. We all have the right to speak and have opinions.

Like Reply 5d

**Bill Vedders**

**Carol Lease Freas** renters most definitely pay property taxes. Taxes are figured into rents and renters pay property taxes indirectly.

Like Reply 4d

**Teea Winger**

**Bill Vedders** I don't think renters or owners should have a different weight, when all our residents of Kenai. It's kind of like saying only property owners should get to vote in Kenai and we know that's not how that works. **If they have a vote they have a voice.**

Like Reply 4d

**Carol Lease Freas**

**Bill Vedders** good point, though there may be a difference between the amount figured into a rent price and what the property owner actually pays, but a good point.

Like Reply 3d

**Bill Vedders**

**Carol Lease Freas** all corporate taxes are passed through to the customer.

Like Reply 3d



**Tania Cazares**  
**Chuisa Chapman**

Like Reply 5d

WINGER  
→

3332-2023

1078 CAVALLI

HWARD

3332-2023

**Fun Facts:**

*I live next door to the smallest lot in the entire Woodland Subdivision at 7,288 sq ft. My lot, at 7,350 sq ft is the second smallest in Woodland. The largest lot contiguous to my lot is 11,278 sq ft. I share a corner post with four other lots. That's five lots sharing one corner post. From my backyard I have a view of six backyards besides my own. Yes, I said six. Six backyards with only six chickens per backyard equals 36 chicken hens. That's a lot of those adorable little mother hens I may have to be putting up with.*

WALWIT

1478

HOWARD



# CHICKENS ARE ABOVE PEOPLE IN THE PECKING ORDER

If you insist on going forward with the Ordinance 3332-2023 nightmare, one thing you absolutely must do is completely eliminate the addition to the code which reads as follows:

*KMC 3.10.070 (h)(8)*

*The keeping of chicken hens must be consistent with terms of this title and does not in or of itself constitute a nuisance or a disturbance.*

Ask yourself: Why does Ordinance 3332-2023 contain two additions addressing chickens as a potential nuisance? Why isn't KMC 3.10.070 (h)(7) good enough? Why is KMC 3.10.070 (h)(8) included?

It is an indisputable fact that chicken hens-- in or of themselves--are a 'wild animal attractant'; therefore the replacement of the term 'chicken hens' with the term 'wild animal attractant' in the Ordinance is not inconsistent with the Ordinance's meaning and intent. So, if the *keeping* of a wild animal attractant (aka chicken hens) in or of itself can not be considered as constituting a nuisance, then whenever chicken hens attract wild predators to the neighborhood-- as they surely will-- and when those wild predators end up placing children and old folks in danger-- as they surely will-- then the obvious remedy to the problem-- the removal of the innocent, but nonetheless problematic chickens cannot be an option because of this proposed addition.

Thus we end up with chickens being above people in the 'pecking order'.

This is what we'll end up getting by retaining KMC 3.10.070 (h)(8).

3332-2023

1078 WALKWILT

HLARD

**HOUSE FOR SALE**

*House For Sale: This cozy Woodland Subdivision home on a cozy lot has chicken coops on both sides of it! City living at its best! Won't be on the market for long!*

One year later:

*House For Sale: Yet another drastic price reduction on this lovely Woodland Subdivision home!!! Wake up to the full-throated 'egg songs' coming from the chicken coops on both sides of you!!!*

3332-2023

1078 WALNUT

HLARD



# HENS ARE LOUDER THAN ROOSTERS

## The Chicken Pro

Noted chicken pro, chicken expert, chicken specialist, chicken educator, chicken aficionado, and former Livestock (Chickens) Permit holder on Poplar Circle in Kenai's once exclusive Woodland Subdivision-- Lisa Marie Hansen-- knows chickens!

How 'noted' is she?

She's this noted:

- District 6 Director at The Marans (Chickens) Club
- Last Frontier Poultry Association
- Alaska State Representative - District 8 at Serama (Chickens) Council of North America
- Member & Ambassador at American Poultry Association
- Breeder & Member at The Livestock Conservancy

All of the above is accessible on Lisa's public Facebook Page.

*So-- when Lisa talks chickens, everyone can rest assured she knows what she's talking about!*

Now that I have established her 'bona fides', let's hear what chicken expert Lisa has to say about the level of noise chicken hens make in comparison with the level of noise chicken roosters make. Quoted from her original Woodland Subdivision Facebook reply to Sarah Rigsby:

*I mean "egg songs" by hens can be just as loud if not louder than rooster crows. However folks just need to accept animals make noise ...*

Chicken pro Lisa unequivocally states here that chicken hens can be louder than chicken roosters. I personally can attest to that fact-- having heard with my own ears and on more than one occasion Lisa's chickens in their full-throated 'egg song' cacophonous ruckus!

## The Ordinance 3332-2023 Exclusion

Ordinance 3332-2023, if enacted into law, will allow chicken hens on lots less than 40,000 sq ft but will continue to forbid chicken roosters on lots less than 40,000 sq ft. Why do roosters remain unwelcome? The consensus is that roosters can disturb the peace and tranquility of a neighborhood by the loudness of their crowing. Hence, the continued ban.

3332-2023

1078 WALKER

HOWARD



**The Conundrum**

If roosters are banned because they're too loud, but hens-- who-- according to chicken expert Lisa Hansen-- can get even louder-- are not banned, then something is amiss.

**The Logic**

To a disinterested third party the inconsistency should be clear: If chicken roosters are banned because of noise, then, *ipso facto*, chicken hens-- who are even noisier-- must also be banned.

**The Elephant in the Room**

The term 'elephant in the room' defined:  
*a major problem or controversial issue that is obviously present but avoided as a subject for discussion because it is more comfortable to do so.*

Some people may be avoiding the hen noise vs. rooster noise discussion because of the major problem it presents; it is more convenient to pretend 'the elephant in the room' doesn't exist. And so that is what they do.

**The Cognitive Dissonance**

When it comes to the rooster noise versus hen noise conflict, an uncomfortable state of mind may arise among those P&Z Commissioners and City Council Members who take their role seriously and decide to face the issue head-on. Logically, they know that if roosters are banned because of noise, then hens, who are noisier according to chicken expert Lisa Hansen, must also be banned. Yet their presupposition is that roosters are louder than hens. Thus the mental conflict-- the cognitive dissonance-- that occurs when tackling the hen noise/rooster noise issue.

**The Solution**

On the one hand there is a long-held preconception-- roosters are louder than hens. On the other hand there is expert testimony that hens are louder than roosters. The conflict cannot go unaddressed; it has to be faced up to, and let the chips fall where they may. Not being experts, one must defer to the expert; the preconception must be allowed to morph into a misconception.

**The Decision**

A hard decision must be made. Logic must prevail. The expert must be given her due. Misconceptions must be cast aside. Egos must be deflated a bit. The right thing must be done:

***Roosters are banned because they can get too loud  
so  
Hens must be banned because they can get even louder***

3332-2023

WARD

1078

WARD




# HANSEN

Kelsey Robertson  
I got eggs at Walmart in kenai two days ago for regular price ! They did have a limited selection but the prices were not raised any thank goodness.

Like Reply 3w



Carly MacDonald  
\$6 ? Lol more like \$10

Like Reply 3w  3



Sarah Rigsby  
People need to get on board with chickens they are not that bad unless you have roosters honestly

Like Reply 3w



Lisa Marie Hansen  
Sarah Rigsby I mean "egg songs" by hens can be just as loud if not louder than rooster crows. However folks just need to accept animals make noise. Dogs bark, cats meow, etc. these are natural noises. Folks have become so desensitized by what used to be normal. Back in the day almost every backyard had a garden and chickens.


Like Reply 3w  5



Miranda Martin  
They're even more expensive if you want the cage free, ranch raised (or whatever you call it) kind.

Like Reply 3w



Camy Snyder  


Like Reply 3w




Sean Seyler  
Walmart this evening.

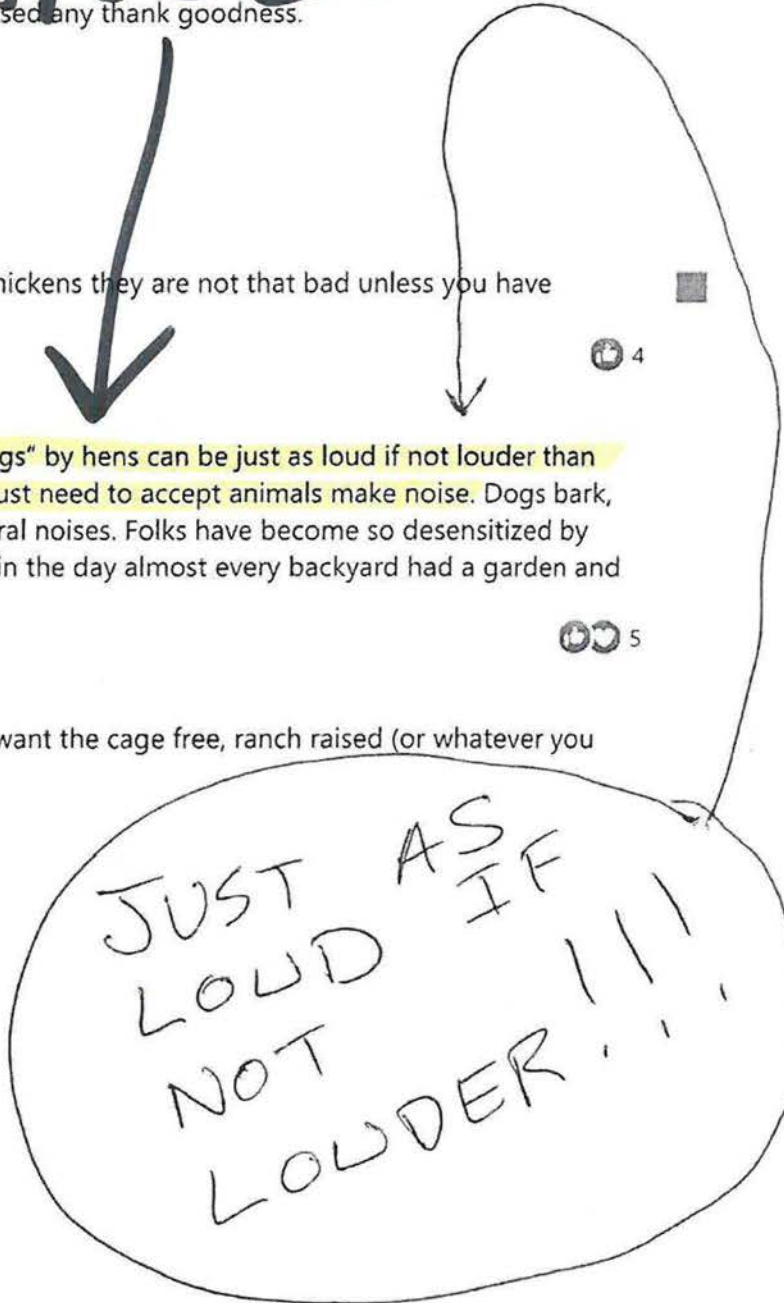


Like Reply 3w  3



Phoebe Ruiz   
It's the city people that move here that don't want chickens. They apparently don't know Alaska is a survival state and at some point we will have live stock back on our properties

Like Reply 44m



page 2 of 2

HUARD

3332-2023  
HUARD 1078 WALMART



**WHY I LOVE MY WOODLAND SUBDIVISION COVENANTS!**

My Covenants:

- Are registered with the State of Alaska
- Are a part of my property Deed
- Run with the land in perpetuity
- Can only be changed by a majority vote of the property owners
- Allow me to engage in legal proceedings to enforce them
- Prohibit the keeping of poultry
- Can not be nullified by the City of Kenai

**THAT'S WHY I LOVE MY WOODLAND SUBDIVISION COVENANTS!**

3332-2023

1078 WAUKST

HLARD





# COUNCIL MEMBERS WINGER AND DOUTHIT HAVE VIOLATED THE PUBLIC TRUST

Instead of acting with restraint-- like their fellow City Council Members-- Teea Winger and Alex Douthit are vocal cheerleaders on the pro-chicken side.

By their actions (see attached), Winger and Douthit demonstrate they are negligent in their obligation to a large number if not a majority of their constituents. As at-large Council Members, their charge is to provide impartial representation to their constituents, yet that is clearly not happening.

Question: How does a responsible pro- or anti- chicken Council Member impartially represent their pro- and anti- chicken constituents?

Answer: By urging BOTH pro- and anti- chicken people to let their voices be heard at City Council meetings, in letters to the editor, etc.

It really is that simple. Unfortunately these two self-interested politicians are actively seeking out ONLY pro-chicken voices to write testimony and appear at the P&Z and KCC meetings.

There is nothing wrong with being a pro- or anti- chicken Council Member, and letting your constituents know your stance via newspaper editorial or Facebook comments, etc., but when you are actively 'rallying the troops' for one side over the other, you have crossed a line-- you have reneged on your commitment to represent all Kenai City residents.

It is 'conduct unbecoming.'

**Winger and Douthit, by their actions:**

**Foster mistrust in city government**

**Divide and polarize our city**

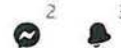
**Make them unfit to hold public office**

3332-2023

1078 WALNUT

HLWARD





Woodland Subdivision Community

Q tea winger



Tea Winger

2 mutual friends: Sheryl Main and Lindsay Dunipin

Add Friend

Message



Tea Winger

2 mutual friends

Add friend



Holly Ward

February 14 at 4:02 PM · 🌐



Alex Douthit for Kenai City Council

February 8 at 8:07 PM · 🌐

If you own a property in Kenai and are in favor of being able to possibly have a few chickens In your back yard please come and testify at the next p&z on February 22nd and council meeting on March 1st.

At least please send an email to the city clerk! The couple people that keep testifying against it are saying that nobody that owns their home is in favor of this.

10 comments

Like

Comment

Send



Holly Ward

February 1 at 10:00 PM · 🌐

Thank you to our neighbors who voiced their opinions tonight on the city chicken ordinance. I appreciated hearing both concerns and supporting views and having healthy conversations.

14

38 comments

Like

Comment

Send



Hansen Heritage Homestead

January 9 · 🌐

Great news 🎉 for all those living here in our subdivision who was/are wanting a few backyard chickens! The City of Kenai is holding a meeting about changing the City Ordinance to allowing folks to have a maximum of 12 chicken hens (no permit needed)! 😊 That means that even if your lot is small you can have some chickens! What a great win for the people, especially with food security being an issue! There should be an upcoming meeting Feb. 1st. for the public to comment... See more — 🥰 feeling delighted.

vests. (Administration)

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

DOUTHIT  
←

3332-2023

1078 WARD

WARD



# WINGER



Entoni Deaz  
Following

Like Reply 2w



Teea Winger

Hi everyone just an update the planning and zoning had a work session last night and will continue to work on this again Feb 22nd and it will be voted on by council March 1st.

You have 5 neighbors heavily opposing this ordinance, who have friends who serve on both bodies. The repeated opposed testimony is they don't want chickens and those supporting chickens are not property owners.

It's important now more than ever we hear from you all again! Please AGAIN email cityclerk@kenai.city to be included in public comments and forward to all council, let us know if you OWN the property and support the original ordinance allowing 12hens. Alex and I appreciate your support.

Like Reply 1w



Phoebe Ruiz

Teea Winger my husband will be there again!! Unfortunately I will not be again it was a little much for our kiddos but he'll be there for both of us!!

Like Reply 1w



Teea Winger

Phoebe Ruiz thank you, can you dm me to let me know your address, if you own or rent, and the lot size. Alex and I won't share but we're having to use this info in argument

Like Reply 1w



Phoebe Ruiz

Teea Winger yes of course

Like Reply 1w



Toni Reitter

Teea Winger I PMed you the the other day about some concerns.

Like Reply 1w



Teea Winger

Toni Reitter thanks for letting me know I'll go check my others box.

Like Reply 1w



Nadia Nichole

Teea Winger I am sending you a PM

Like Reply 1w



Reply to Teea Winger...

3332-2025  
1078 WATLUT  
HWARD



**Tea Winger**  
 This will be heard this Wednesday 6pm @ City Hall. I encourage you to email cityclerk@kenai.city, attend via zoom, or come in person.  
 We've got a lot of Woodland neighbors heavily opposing the passage of this ordinance. We need the support to be heard!!

Like Reply 3w 4

**Holly Ward** Admin Group expert +2  
**Tea Winger** thank you!

Like Reply 2w

**Bre Hamman**  
**Tea Winger** thank you for the reminder, I have sent an email in support.

Like Reply 2w 2

**Quaella Leah**  
 Where is this meeting being held?

Like Reply 2w

**Tea Winger**  
**Quaella Leah** this Wednesday 6pm @ Kenai City Hall

Like Reply 2w

**Lisa Marie Hansen**  
**Quaella Leah** 210 Fildalgo Ave (behind police department and kind of across from post office)

Like Reply 2w



**WINGER**

3332 - 2023  
 HUARD 1078 WALNUT

*GAH*

3332-2023  
HWARD 1078 WALNUT

CLARE SEZ:  
I'M KEEPING THE  
PREDATORS AWAY!



**PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION  
COUNCIL MEETING OF: MARCH 1, 2023**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	101,392.77
REBORN AGAIN JANITORIAL	FEBRUARY SERVICES	AIRPORT	REPAIR & MAINTENANCE	4,231.25
ENSTAR NATURAL GAS	GAS USAGE	VARIOUS	UTILITIES	38,769.94

**INVESTMENTS**

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



## MEMORANDUM

**TO:** Mayor Gabriel and Kenai Council Members  
**FROM:** Shellie Saner, City Clerk  
**DATE:** February 22, 2023  
**SUBJECT:** **Marijuana License Renewal - East Rip**

---

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

Applicant: Cook Inlet Cannabis Co.  
D/B/A: East Rip  
License Type: Retail Marijuana Store  
License No: 13382

Pursuant to KMC 2.40 a review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the marijuana license renewal will be forwarded to the AMCO Board and applicant.

Your consideration is appreciated.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

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

January 13, 2023

**City of Kenai / Kenai Peninsula Borough**

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

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

License Renewal Application (no OCE in this list)  Endorsement Renewal Application

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

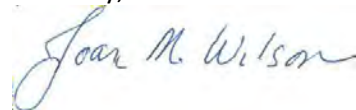
At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for



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

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

Sincerely,

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

Joan M. Wilson, Director

Submit

by Meghan Thibodeau 1/13/2023 5:40:20 PM (Form Submission)

Approve

by Jeremy Hamilton 1/13/2023 5:43:34 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:40:20 PM

Approve

by Donald Hendrickson 1/17/2023 9:13:08 AM (Building Official Review)

Final Inspection for Building Permit completed and Cert Of Occupancy Issued 1/16/2023. All Building Official actions are up to date.

- The task was assigned to Donald Hendrickson. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:40:21 PM

Approve

by David Ross 1/16/2023 5:48:22 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:40:21 PM

Approve

by Tina Williamson 1/13/2023 5:47:21 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:40:21 PM

Approve

by Cindy Herr 1/16/2023 12:35:16 PM (Legal Asst Review)

There are no monies owed in restitution or traffic fines.

- The task was assigned to Cindy Herr. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:40:21 PM

Approve

by Linda Mitchell 2/16/2023 5:18:13 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:40:22 PM

Approve

by Terry Eubank 2/17/2023 1:45:54 PM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: February 27, 2023 5:00 PM 2/16/2023 5:18:14 PM

Approve

by Scott Bloom 2/16/2023 5:19:10 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: February 27, 2023 5:00 PM 2/16/2023 5:18:15 PM

Approve

by Linda Mitchell 2/16/2023 5:23:30 PM (P&amp;Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: February 27, 2023 5:00 PM 2/16/2023 5:18:15 PM

# AMCO License Application

**Date**

1/13/2023

**Establishment Information**

---

**License Type**

Retail Marijuana Store

**Licensee**

Cook Inlet Cannabis Co.

**Doing Business As**

East Rip

**Premises Address**

10767 Kenai Spur Hwy, Suite D

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Ryan Tunseth

**Contact Phone No.**

907-398-1233

**Contact Email**

ryan@east-rip.com

**Additional Contact Information**

---

**Name**

**Phone No.**

**Email**

**Documents**

---

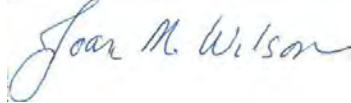
**File Upload**

13382 Entity Documents.pdf	3.53MB
13382 MJ20 Renewal App Cert x 1.pdf	164.07KB
13382 Online Application_Redacted.pdf	149.94KB
13382 POPPP.pdf	3.72MB

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

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

Sincerely,

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

Joan M. Wilson, Director



**Alaska Marijuana Control Board**

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

**Why is this form needed?**

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

**Section 1 – Establishment Information**

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

<b>Licensee:</b>	Cook Inlet Cannabis Co.	<b>License Number:</b>	13382		
<b>License Type:</b>	Retail Marijuana Store				
<b>Doing Business As:</b>	East Rip				
<b>Premises Address:</b>	10767 Kenai Spur Hwy, Suite D				
<b>City:</b>	Kenai	<b>State:</b>	Alaska	<b>ZIP:</b>	99611

**Section 2 – Individual Information**

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

<b>Name:</b>	Ryan Tunseth
<b>Title:</b>	Director, President, Secretary, Shareholder, Treasurer

**Section 3 – Violations & Charges**

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

Initials

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has not been issued for this license.

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

Initials

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



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

## Section 4 - Certifications

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

Initials

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

RT

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

RT

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

RT

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

RT

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

RT

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

RT

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

RT

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

N/A

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

RT

Ryan Tunseth

Printed name of licensee

Signature of licensee



# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

January 18, 2023

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

City of Kenai  
Kenai City Hall

RE: Renewal Application for Retail Marijuana Store

Business Name : East Rip  
License Location : Kenai/10767 Kenai Spur Highway Suite D, Kenai, AK 99611  
License No. : 13382

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [ryan@east-rip.com](mailto:ryan@east-rip.com)

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

MT/jr



# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel and Kenai Council Members  
**FROM:** Shellie Saner, City Clerk  
**DATE:** February 22, 2023  
**SUBJECT:** **Marijuana License Renewal - Herban Extracts LLC**

---

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

Applicant: Herban Extracts LLC.  
D/B/A: Herban Extracts LLC.  
License Type: Marijuana Product Manufacturing Facility  
License No: 14432

Pursuant to KMC 2.40 a review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the marijuana license renewal will be forwarded to the AMCO Board and applicant.

Your consideration is appreciated.





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

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

January 13, 2023

**City of Kenai / Kenai Peninsula Borough**

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

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

License Renewal Application (no OCE in this list)  Endorsement Renewal Application

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

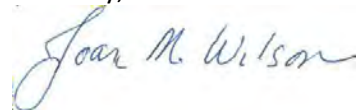
3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for

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

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

Sincerely,

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

Joan M. Wilson, Director

Submit

by Meghan Thibodeau 1/13/2023 5:44:23 PM (Form Submission)

Approve

by Jeremy Hamilton 1/26/2023 11:47:55 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:44:23 PM

Approve

by Donald Hendrickson 1/17/2023 9:24:41 AM (Building Official Review)

- All Building Official requirements are up to date. C/O issued June 1st 2021
- The task was assigned to Donald Hendrickson. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:44:24 PM

Approve

by David Ross 1/16/2023 5:57:40 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:44:24 PM

Approve

by Tina Williamson 1/13/2023 5:46:04 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:44:24 PM

Approve

by Cindy Herr 1/16/2023 12:37:47 PM (Legal Asst Review)

- No monies owed in restitution or traffic fines.
- The task was assigned to Cindy Herr. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:44:24 PM

Approve

by Linda Mitchell 2/16/2023 5:44:05 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:44:24 PM

Approve

by Terry Eubank 2/17/2023 1:44:52 PM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:44:06 PM

Approve

by Scott Bloom 2/17/2023 9:09:49 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:44:06 PM

Approve

by Linda Mitchell 2/21/2023 3:44:14 PM (P&amp;Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:44:07 PM

# AMCO License Application

**Date**

1/13/2023

**Establishment Information**

---

**License Type**

Marijuana Product Manufacturing Facility

**Licensee**

Herban Extracts, LLC

**Doing Business As**

Herban Extracts, LLC

**Premises Address**

14927 Kenai Spur Hwy

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Buddy Crowder

**Contact Phone No.**

907-252-4755

**Contact Email**

buddy@907maryjane.com

**Additional Contact Information**

---

**Name****Phone No.****Email****Documents**

---

**File Upload**

14432 Entity Documents.pdf	3.42MB
14432 MJ20 Renewal App Cert x 2 .pdf	2.66MB
14432 Online Application_Redacted.pdf	152.71KB
14432 POPPP rev.pdf	2.97MB



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Marijuana Control Board

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

**Why is this form needed?**

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

**Section 1 - Establishment Information**

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

Licensee:	Herban Extracts, LLC	License Number:	14432		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	Herban Extracts, LLC				
Premises Address:	14927 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

**Section 2 - Individual Information**

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

Name:	Buddy Crowder
Title:	Manager/Member

**Section 3 - Violations & Charges**

Read each line below, and then sign your initials in the box to the right of any applicable statements: Initials

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

BC

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

BC

I certify that a notice of violation has not been issued for this license.

BC

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

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



Alaska Marijuana Control Board

Form MJ-20: 2022-2023 Renewal Application Certifications

Section 4 - Certifications

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

Initials

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

BC

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

BC

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

BC

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

BC

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

BC

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

BC

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

[ ]

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

N/A

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

BC

Buddy Crowder

Printed name of licensee

Buddy Crowder
Signature of licensee



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Marijuana Control Board

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

### Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

### Section 1 – Establishment Information

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

Licensee:	Herban Extracts, LLC	License Number:	14432		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	Herban Extracts, LLC				
Premises Address:	14927 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

### Section 2 – Individual Information

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

Name:	Lisa Coates
Title:	Manager/Member

### Section 3 – Violations & Charges

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

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license.

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

Initials

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



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

Section 4 - Certifications

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

Initials

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

[Handwritten initials LC]

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

[Handwritten initials LC]

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

[Handwritten initials LC]

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

[Handwritten initials LC]

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

[Handwritten initials LC]

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

[Handwritten initials LC]

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

[Empty box]

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

N/A

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

[Handwritten initials LC]

Lisa Coates
Printed name of licensee

[Handwritten signature of Lisa Coates]
Signature of licensee





# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

January 17, 2023

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

City of Kenai  
Kenai City Hall

RE: Renewal Application for Marijuana Product Manufacturing Facility

Business Name : Herban Extracts, LLC  
License Location : Kenai/14927 Kenai Spur Highway, Kenai, AK 99611  
License No. : 14432

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [buddy@907maryjane.com](mailto:buddy@907maryjane.com)

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

MT/jr



## MEMORANDUM

**TO:** Mayor Gabriel and Kenai Council Members  
**FROM:** Shellie Saner, City Clerk  
**DATE:** February 22, 2023  
**SUBJECT:** **Marijuana License Renewal - Kenai River Cannabis**

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

Applicant: KRC LLC.  
D/B/A: Kenai River Cannabis  
License Type: Retail Marijuana Store  
License No: 17808

Pursuant to KMC 2.40 a review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the marijuana license renewal will be forwarded to the AMCO Board and applicant.

Your consideration is appreciated.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

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

January 13, 2023

**City of Kenai / Kenai Peninsula Borough**

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

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

License Renewal Application (no OCE in this list)  Endorsement Renewal Application

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for

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

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

Sincerely,

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

Joan M. Wilson, Director

Submit

by Meghan Thibodeau 1/13/2023 5:50:52 PM (Form Submission)

Approve

by Jeremy Hamilton 1/26/2023 11:55:41 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:50:52 PM

Approve

by Donald Hendrickson 1/17/2023 9:21:08 AM (Building Official Review)

- All Building Official requirements are up to date. C/O Issued 4/11/2019
- The task was assigned to Donald Hendrickson. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:50:52 PM

Approve

by David Ross 1/16/2023 5:55:58 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:50:53 PM

Approve

by Tina Williamson 1/16/2023 9:06:27 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:50:53 PM

Approve

by Cindy Herr 1/16/2023 12:38:44 PM (Legal Asst Review)

- No monies owed in restitution or traffic fines.
- The task was assigned to Cindy Herr. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:50:53 PM

Approve

by Linda Mitchell 2/16/2023 5:44:20 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:50:53 PM

Approve

by Terry Eubank 2/17/2023 1:44:34 PM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: February 27, 2023 5:00 PM 2/16/2023 5:44:21 PM

Approve

by Scott Bloom 2/17/2023 9:09:41 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: February 27, 2023 5:00 PM 2/16/2023 5:44:21 PM

Approve

by Linda Mitchell 2/21/2023 3:43:33 PM (P&amp;Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: February 27, 2023 5:00 PM 2/16/2023 5:44:21 PM

# AMCO License Application

**Date**

1/13/2023

**Establishment Information**

---

**License Type**

Retail Marijuana Store

**Licensee**

KRC LLC

**Doing Business As**

Kenai River Cannabis

**Premises Address**

14429 Kenai Spur Hwy

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Clint Pickarsky

**Contact Phone No.**

907-953-1985

**Contact Email**

kenairivercannabis@yahoo.com

**Additional Contact Information**

---

**Name**

**Phone No.**

**Email**

**Documents**

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**File Upload**

17808 Entity Docs.pdf	1.75MB
17808 MJ20 Renewal App Cert x 2.pdf	1.97MB
17808 Online Application_Redacted.pdf	114.12KB
17808 POPPP.pdf	940.83KB



Alaska Marijuana Control Board

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

### Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

## Section 1 – Establishment Information

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

Licensee:	KRC LLC	License Number:	17808		
License Type:	Retail Marijuana Store				
Doing Business As:	KENAI RIVER CANNABIS				
Premises Address:	14429 Kenai Spur Highway				
City:	Kenai	State:	AK	ZIP:	99611

## Section 2 – Individual Information

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

Name:	Clint Pickarsky
Title:	Managing Member

## Section 3 – Violations & Charges

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

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

CP

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

CP

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

CP

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

Initials

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



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

## Section 4 – Certifications

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

Initials

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

CP

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

CP

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

CP

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

CP

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

CP

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

CP

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

CP

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

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

CP

Clint Pickarsky

Printed name of licensee

Signature of licensee





# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

January 25, 2023

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

City of Kenai  
Kenai City Hall

RE: Renewal Application for Retail Marijuana Store

Business Name : Kenai River Cannabis  
License Location : Kenai/14429 Kenai Spur Highway, Kenai, AK 99611  
License No. : 17808

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [kenairivercannabis@yahoo.com](mailto:kenairivercannabis@yahoo.com)

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

MT/jr



## MEMORANDUM

**TO:** Mayor Gabriel and Kenai Council Members  
**FROM:** Shellie Saner, City Clerk  
**DATE:** February 22, 2023  
**SUBJECT:** **Marijuana License Renewal - Majestic Gardens**

---

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

Applicant: Majestic Gardens LLC.  
D/B/A: Majestic Gardens LLC.

License Type: Retail Marijuana Store  
License No: 15393

License Type: Standard Marijuana Cultivation  
License No: 15395

Pursuant to KMC 2.40 a review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the marijuana license renewal will be forwarded to the AMCO Board and applicant.

Your consideration is appreciated.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

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

January 13, 2023

**City of Kenai / Kenai Peninsula Borough**

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

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

License Renewal Application (no OCE in this list)  Endorsement Renewal Application

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for

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

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

Sincerely,

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

Joan M. Wilson, Director

Submit

by Meghan Thibodeau 1/13/2023 5:55:11 PM (Form Submission)

Approve

by Jeremy Hamilton 1/26/2023 11:55:29 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:55:12 PM

Approve

by Donald Hendrickson 2/23/2023 1:13:29 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:55:12 PM

Approve

by David Ross 1/16/2023 5:46:15 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:55:12 PM

Approve

by Tina Williamson 1/16/2023 9:07:43 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:55:12 PM

Approve

by Cindy Herr 1/16/2023 12:40:43 PM (Legal Asst Review)

■ No monies owed in restitution or traffic fines.

- The task was assigned to Cindy Herr. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:55:13 PM

Approve

by Linda Mitchell 2/16/2023 5:43:48 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:55:13 PM

Approve

by Terry Eubank 2/17/2023 1:45:09 PM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:43:49 PM

Approve

by Scott Bloom 2/17/2023 9:09:54 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:43:49 PM

Approve

by Linda Mitchell 2/21/2023 3:44:53 PM (P&amp;Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:43:50 PM

# AMCO License Application

**Date**

1/13/2023

**Establishment Information**

---

**License Type**

Retail Marijuana Store

**Licensee**

Majestic Gardens LLC

**Doing Business As**

Majestic Gardens LLC

**Premises Address**

12656 Kenai Spur Hwy

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Deniece M Isaacs

**Contact Phone No.**

907-953-4872

**Contact Email**

magicalgardens@alaska.net

**Additional Contact Information**

---

**Name****Phone No.****Email****Documents**

---

**File Upload**

15393 Entity Documents combined.pdf	1.59MB
15393 MJ20 Renewal App Cert x 2.pdf	3.12MB
15393 Online Application_Redacted.pdf	117.41KB
15393 POPPP.pdf	820.92KB



AMCO received 6.14.22, 6.28.22

Alcohol and Marijuana Contr Page 215  
550 W 7<sup>th</sup> Avenue, Su  
Anchorage, AK 99501  
marijuana.licensing@alaska.gov  
https://www.commerce.alaska.gov/web/amco  
Phone: 907.269.0350

Alaska Marijuana Control Board

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

### Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

## Section 1 - Establishment Information

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

Licensee:	Majestic Gardens llc	License Number:	15393		
License Type:	Retail Marijuana Store				
Doing Business As:	Majestiac Gardens llc				
Premises Address:	12656 Kenai Spur Hwy				
City:	Kenai	State:	AK	ZIP:	99611

## Section 2 - Individual Information

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

Name:	Deniece M Isaacs				
Title:	Owner/Member				

## Section 3 - Violations & Charges

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

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

Initials

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

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

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

Initials

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



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

## Section 4 - Certifications

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

Initials

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

*[Handwritten initials]*

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

*[Handwritten initials]*

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

*[Handwritten initials]*

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

*[Handwritten initials]*

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

*[Handwritten initials]*

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

*[Handwritten initials]*

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

*[Handwritten initials]*

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

15395 Standard Marijuana Cultivation

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

*[Handwritten initials]*

Deniece M Isaacs

Printed name of licensee

*[Handwritten signature]*

Signature of licensee





AMCO received 6.14.22, 6.28.22

Alcohol and Marijuana Control Board  
550 W 7th Avenue, Suite 100  
Anchorage, AK 99501  
marijuana.licensing@alaska.gov  
https://www.commerce.alaska.gov/web/amco  
Phone: 907.269.0350

Alaska Marijuana Control Board

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

**Why is this form needed?**

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

**Section 1 – Establishment Information**

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

Licensee:	Majestic Gardens llc	License Number:	15393		
License Type:	Retail Marijuana Store				
Doing Business As:	Majestic Gardens llc				
Premises Address:	12656 Kenai Spur Hwy				
City:	Kenai	State:	AK	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Ronald D Isaacs
Title:	Owner/Member

**Section 3 – Violations & Charges**

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

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

RE

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

RE

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

RE

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

Initials

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



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

## Section 4 – Certifications

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

Initials

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

RI

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

RI

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

RI

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

RI

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

RI

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

RI

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

RI

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

15395 Standard Marijuana Cultivaiton

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

IRA

Ronald D Isaacs

Printed name of licensee

*Ronald Isaacs*  
Signature of licensee



# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

January 27, 2023

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

City of Kenai  
Kenai City Hall

RE: Renewal Application for Retail Marijuana Store

Business Name : Majestic Gardens LLC  
License Location : Kenai/12656 Kenai Spur Highway, Kenai, AK 99611  
License No. : 15393

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [majesticgardens@alaska.net](mailto:majesticgardens@alaska.net)

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

MT/jr

**Submit**

by Meghan Thibodeau 1/13/2023 5:53:40 PM (Form Submission)

**Approve**

by Jeremy Hamilton 1/26/2023 11:55:23 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:53:41 PM

**Approve**

by Donald Hendrickson 2/23/2023 1:13:22 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:53:41 PM

**Approve**

by David Ross 1/16/2023 5:54:17 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:53:41 PM

**Approve**

by Tina Williamson 1/16/2023 9:06:48 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:53:41 PM

**Approve**

by Cindy Herr 1/16/2023 12:39:59 PM (Legal Asst Review)

■ No monies owed in restitution or traffic fines.

- The task was assigned to Cindy Herr. The due date is: January 24, 2023 5:00 PM 1/13/2023 5:53:41 PM

**Approve**

by Linda Mitchell 2/16/2023 5:43:39 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: January 24, 2023 5:00 PM  
1/13/2023 5:53:42 PM

**Approve**

by Terry Eubank 2/17/2023 1:45:20 PM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:43:39 PM

**Approve**

by Scott Bloom 2/17/2023 9:09:59 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:43:40 PM

**Approve**

by Linda Mitchell 2/21/2023 3:44:58 PM (P&amp;Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:43:40 PM

# AMCO License Application

**Date**

1/13/2023

**Establishment Information**

---

**License Type**

Standard Marijuana Cultivation Facility

**Licensee**

Majestic Gardens LLC

**Doing Business As**

Majestic Gardens LLC

**Premises Address**

12656 Kenai Spur Hwy

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Deniece M Isaacs

**Contact Phone No.**

907-953-4872

**Contact Email**

majesticgardens@alaska.net

**Additional Contact Information**

---

**Name**

**Phone No.**

**Email**

**Documents**

---

**File Upload**

15395 Entity Documents combined.pdf	1.59MB
15395 MJ20 Renewal App Cert x 2 .pdf	3.03MB
15395 Online Application_Redacted.pdf	152.62KB
15395 POPPP.pdf	822.29KB



Alcohol and Marijuana Control Office  
550 W 7th Avenue, Suite 1600  
Anchorage, AK 99501  
marijuana.licensing@alaska.gov  
https://www.commerce.alaska.gov/web/amco  
Phone: 907.269.0350

Alaska Marijuana Control Board

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

### Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

## Section 1 – Establishment Information

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

Licensee:	Majestic Gardens llc	License Number:	15395		
License Type:	Standard Marijuana Cultivation				
Doing Business As:	Majestic Gardens llc				
Premises Address:	12656 Kenai Spur Hwy				
City:	Kenai	State:	AK	ZIP:	99611

## Section 2 – Individual Information

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

Name:	Deniece M Isaacs				
Title:	Owner/Member				

## Section 3 – Violations & Charges

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

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

Initials

*DM*

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

*DM*

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

*pd in advance to avoid being late ; Possible late with tax*

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

Initials

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

*DM*



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

## Section 4 – Certifications

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

Initials

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

*DM*

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

*DM*

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

*DM*

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

*DM*

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

*DM*

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

*DM*

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

*DM*

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

15393 Retail Marijuana Store

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

*DM*

Deniece M Isaacs

Printed name of licensee

*Deniece M Isaacs*  
Signature of licensee



Alaska Marijuana Control Board

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

**Why is this form needed?**

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

**Section 1 – Establishment Information**

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

Licensee:	Majestic Gardens llc	License Number:	15395		
License Type:	Standard Marijuana Cultivation				
Doing Business As:	Majestic Gardens llc				
Premises Address:	12656 Kenai Spur Hwy				
City:	Kenai	State:	AK	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Ronald D Isaacs				
Title:	Owner/Member				

**Section 3 – Violations & Charges**

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

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

Initials

RI

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

RI

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

RI

*Late paying tax's, paid in advance to avoid being late again*

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

Initials

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

RI





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

## Section 4 - Certifications

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

Initials

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

RI

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

RI

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

RI

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

RI

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

RI

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

RI

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

RI

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

15393 Retail Marijuana Store

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

RI

Ronald D Isaacs

Printed name of licensee

*Ronald D Isaacs*  
Signature of licensee



# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

January 27, 2023

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

City of Kenai  
Kenai City Hall

RE: Renewal Application for Standard Marijuana Cultivation Facility

Business Name : Majestic Gardens LLC  
License Location : Kenai/12656 Kenai Spur Highway, Kenai, AK 99611  
License No. : 15395

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

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

MT/jr



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Shellie Saner, City Clerk  
**DATE:** February 22, 2023  
**SUBJECT:** **Liquor License Renewal - The Bow**

---

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

Applicant: D & E Investments Inc.  
D/B/A: The Bow  
License Type: Beverage Dispensary  
License No.: 1312

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

Your consideration is appreciated.

Submit

by Meghan Thibodeau 2/1/2023 10:15:14 AM (Form Submission)

Approve

by Jeremy Hamilton 2/1/2023 10:15:50 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: February 10, 2023 5:00 PM  
2/1/2023 10:15:15 AM

Approve

by Donald Hendrickson 2/10/2023 4:17:26 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: February 10, 2023 5:00 PM  
2/1/2023 10:15:16 AM

Approve

by David Ross 2/1/2023 2:29:04 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: February 10, 2023 5:00 PM  
2/1/2023 10:15:16 AM

Approve

by Tina Williamson 2/1/2023 4:10:50 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: February 10, 2023 5:00 PM  
2/1/2023 10:15:16 AM

Approve

by Cindy Herr 2/1/2023 3:28:50 PM (Legal Asst Review)

- There are no monies owed in restitution or traffic fines.
- The task was assigned to Cindy Herr. The due date is: February 10, 2023 5:00 PM  
2/1/2023 10:15:16 AM

Approve

by Linda Mitchell 2/16/2023 5:50:33 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: February 10, 2023 5:00 PM  
2/1/2023 10:15:17 AM

Approve

by Terry Eubank 2/17/2023 1:44:24 PM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:50:34 PM

Approve

by Scott Bloom 2/17/2023 9:09:30 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:50:34 PM

Approve

by Linda Mitchell 2/16/2023 5:51:21 PM (P&amp;Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:50:34 PM

# AMCO License Application

**Date**

2/1/2023

**Establishment Information**

---

**License Type**

Beverage Dispensary

**Licensee**

D & E Investments Inc

**Doing Business As**

The Bow

**Premises Address**

502 S. Main St

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Elton McGahan

**Contact Phone No.**

907-252-5169

**Contact Email**

emcgahan@hotmail.com

**Additional Contact Information**

---

**Name**

Karen McGahan

**Phone No.**

907-252-4989

**Email**

kmcgahan@outlook.com

**Documents**

---

**File Upload**

#1312 Complete Renewal Application with Temp.pdf

4.34MB

#1312 LGB Renewal Notice.pdf

260.56KB



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

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

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

January 31, 2023

City of Kenai

Kenai Peninsula Borough

Via Email: [mjenkins@kpn.us](mailto:mjenkins@kpn.us); [JVanHoose@kpb.us](mailto:JVanHoose@kpb.us); [jratky@kpb.us](mailto:jratky@kpb.us); [Cjackinsky@kpb.us](mailto:Cjackinsky@kpb.us);  
[MAldridge@kpb.us](mailto:MAldridge@kpb.us); [ncarver@kpb.us](mailto:ncarver@kpb.us); [slopez@kpb.us](mailto:slopez@kpb.us); [JBlankenship@kpb.us](mailto:JBlankenship@kpb.us); [assemblyclerk@kpb.us](mailto:assemblyclerk@kpb.us);  
[bcarter@kpb.us](mailto:bcarter@kpb.us); [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

**Re: Notice of 2023/2024 Liquor License Renewal Application**

<b>License Type:</b>	Beverage Dispensary	<b>License</b>	1312
<b>Licensee:</b>	D & E Investments Inc		
<b>Doing Business As:</b>	The Bow		

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

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

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

Sincerely,

Joan Wilson, Director

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED  
01/31/2023  
ABC BOARD

LIQUOR LICENSE  
2023 - 2024  
TEMPORARY

1312

LICENSE RENEWAL APPLICATION DUE  
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT  
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispenser

LICENSE FEE: \$2,500.00

1104

CITY / BOROUGH: Kenai  
Kenai Peninsula Borough

D/B/A: The Bow  
502 S Main Street

Mail Address:  
D & E Investments Inc  
502 S Main St  
Kenai, AK 99611

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD

*Janet Wilson*  
DIRECTOR

04-900 (REV 10/20/22)

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED  
01/31/2023  
ABC BOARD

LIQUOR LICENSE  
2023 - 2024  
TEMPORARY

1312

LICENSE RENEWAL APPLICATION DUE  
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT  
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispenser

LICENSE FEE: \$2,500.00

CITY / BOROUGH: Kenai  
Kenai Peninsula Borough

D/B/A: The Bow  
502 S Main Street

Mailing Address:  
D & E Investments Inc  
502 S Main St  
Kenai, AK 99611

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD

**COPY**

DIRECTOR

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

04-900 (REV 5/9/22)



# AB-17: 2023/2024 License Renewal Application

Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue,  
Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

### Section 1 - Establishment Contact Information

Licensee (Owner):	D & E Investments Inc	License #:	1312
License Type:	Beverage Dispensary		
Doing Business As:	The Bow		
Local Governing Body:	Kenai, Kenai Peninsula Borough		
Community Council:			

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

Mailing Address:					
City:		State:		ZIP:	

### Section 2 - Licensee Contact Information

**Contact Licensee:** The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Eiton Mcbahan	Contact Phone:	907-252-5169
Contact Email:	emebahan@hotmail.com		

**Optional:** If you wish for AMCO staff to communicate with anyone other than the Contact Licensee (such as legal counsel) about your license, list their information below:

Name of Contact:	Karen Mcbahan	Contact Phone:	907-252-4989
Contact Email:	kmebahan@outlook.com		

### Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2022 and/or 2023?

YES      NO





# Form AB-17: 2023/2024 License Renewal Application

## Section 4 – Ownership Structure Certification

YES  NO

Did the ownership structure of the licensed business change in 2021/2022?

If Yes, and you have **NOT** notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application.

If No, certify the statement below by initialing the box to the right of the statement.

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2021 or 2022.

EM

## Section 5 – License Operation

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

- |  | 2021                                | 2022                                |
|--|-------------------------------------|-------------------------------------|
| 1. The license was <b>operated for more than 240 hours</b> throughout each year. (Year-round)  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was <b>only operated during a specified time</b> each year. (Not to exceed 6 months per year)<br><i>If your operation dates have changed, list them below:</i><br>_____ to _____  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.<br><i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i>   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. <i>A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.</i><br><b><u>If you have not met the minimum number of hours of operation in 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "Other" and COVID is listed as the reason.</u></b> | <input type="checkbox"/>            | <input type="checkbox"/>            |

## Section 6 - Violations and Convictions

YES NO

Have **ANY** Notices of Violation been issued for this license?

Has **ANY** person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2021 or 2022?

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

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

## Section 7 – Certifications

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

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and the license being potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, has a direct or indirect financial interest in the licensed business.
- I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and I have provided AMCO with all required changes of the ownership structure of the business license, and have provided all required documents for any new or changes of officers.

AMCO

NOV 29 2022



# Form AB-17: 2023/2024 License Renewal Application

- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 304.465.

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

*[Signature]*  
Signature of licensee

KAREN MCGAHAN  
Notary Public  
State of Alaska  
My Commission Expires Oct 6, 2025

*[Signature]*  
Signature of Notary Public

Elaine McGahan  
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: Oct. 6, 2025

Subscribed and sworn to before me this 28 day of November, 2022

- Restaurant and Eating Place** applications must include a completed AB-33: Restaurant Receipts Affidavit
- Recreational Site** applications must include a completed AB-36: Recreational Site Statement
- Tourism** applications must include a completed AB-37: Tourism Statement
- Wholesale** applications must include a completed AB-25: Supplier Certification
- Common Carrier** applications must include a current safety inspection certificate

All renewal and supplemental forms are available online:  
<https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx>

**FOR OFFICE USE ONLY**

License Fee:	\$ <u>2500</u>	Application Fee:	\$ 300.00	Misc. Fee:	\$
<b>Total Fees Due:</b>					\$ <u>2800</u>

# 100500591

AMCO

NOV 29 2022

# ENTITY DETAILS

## Name(s)

Type	Name
Legal Name	D & E INVESTMENTS, INC.

**Entity Type:** Business Corporation

**Entity #:** 55056D

**Status:** Good Standing

**AK Formed Date:** 12/19/1994

**Duration/Expiration:** Perpetual

**Home State:** ALASKA

**Next Biennial Report Due:** 1/2/2024

**Entity Mailing Address:** 502 S. MAIN, KENAI, AK 99611

**Entity Physical Address:** 502 S. MAIN, KENAI, AK 99611

## Registered Agent

**Agent Name:** Elton McGahan

**Registered Mailing Address:** PO BOX 8013, NIKISKI, AK 99635

**Registered Physical Address:** 47265 MILKY WAY ROAD, NIKISKI, AK 99635

## Officials

Show Former

AK Entity #	Name	Titles	Owned
	DIANNE IRELAND	Director, Secretary, Shareholder, Vice President	50.00
	ELTON MCGAHAN	President, Shareholder, Treasurer	50.00

## Filed Documents

Date Filed	Type	Filing	Certificate
12/19/1994	Creation Filing		
2/13/1995	Biennial Report		
9/03/1996	Biennial Report	<a href="#">Click to View</a>	
3/29/2000	Biennial Report	<a href="#">Click to View</a>	
2/25/2002	Biennial Report	<a href="#">Click to View</a>	
5/03/2004	Biennial Report	<a href="#">Click to View</a>	
2/28/2007	Biennial Report	<a href="#">Click to View</a>	
3/06/2007	Agent Change	<a href="#">Click to View</a>	
4/30/2008	Biennial Report	<a href="#">Click to View</a>	

Date Filed	Type	Filing	Certificate
2/11/2009	Entity Address Change	<a href="#">Click to View</a>	
2/15/2011	Biennial Report	<a href="#">Click to View</a>	
3/04/2013	Biennial Report	<a href="#">Click to View</a>	
3/04/2013	Agent Change	<a href="#">Click to View</a>	
8/17/2014	Admin Dissolution		<a href="#">Click to View</a>
12/30/2014	Biennial Report	<a href="#">Click to View</a>	
12/30/2014	Reinstatement	<a href="#">Click to View</a>	<a href="#">Click to View</a>
4/08/2016	Biennial Report	<a href="#">Click to View</a>	
6/22/2018	Biennial Report	<a href="#">Click to View</a>	
1/16/2020	Biennial Report	<a href="#">Click to View</a>	
10/17/2021	Biennial Report	<a href="#">Click to View</a>	

[Close Details](#)

[Print Friendly Version](#)

## LICENSE DETAILS

**License #:** 935197

[Print Business License](#)

**Business Name:** THE BOW

**Status:** Active

**Issue Date:** 10/23/2009

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

**Mailing Address:** 502 S. MAIN STREET  
KENAI, AK 99611

**Physical Address:** 502 S. MAIN STREET  
KENAI, AK 99611

## Owners

D & E INVESTMENTS, INC.

## Activities

Line of Business	NAICS	Professional License #
72 - Accommodation and Food Services	722410 - DRINKING PLACES (ALCOHOLIC BEVERAGES)	
72 - Accommodation and Food Services	722320 - CATERERS	

## Endorsements

End #	Issue	Renew	Expiration	Action End	Action Note	Address
1	11/2/2018	10/12/2021	12/31/2023			502 S MAIN ST, KENAI, AK 99611

## License Lapse(s)

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

No Lapses on record for the last 4 years.

[Close License Detail](#)

[Print Friendly Version](#)

Alaska Business License # 935197

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

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

**THE BOW**

502 S. MAIN STREET, KENAI, AK 99611

owned by

D & E INVESTMENTS, INC.

is licensed by the department to conduct business for the period

October 12, 2021 to December 31, 2023  
for the following line(s) of business:

72 - Accommodation and Food Services



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.  
It is not transferable or assignable.

Julie Anderson  
Commissioner

Alaska Business License # 935197

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

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

**THE BOW**

502 S. MAIN STREET, KENAI, AK 99611

owned by

D & E INVESTMENTS, INC.

**ENDORSEMENT: 935197 - 1**

Effective October 12, 2021 through December 31, 2023

This business license has an endorsement for the physical address shown below:

502 S MAIN ST, KENAI, AK 99611



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Julie Anderson  
Commissioner



# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

2/15/2023

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

Kenai City Hall  
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant : D & E Investments Inc.  
Business Name : Bow Bar, The  
License Type : Beverage Dispensary  
License Location : 502 South Main Street, Kenai, AK 99611, City of Kenai  
License No. : 1312  
Application Type : License Renewal

Dear Ms. Saner,

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

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

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [emcgahan@hotmail.com](mailto:emcgahan@hotmail.com);

<mailto:amco.localgovernmentonly@alaska.gov>

MT/jr





# KENAI

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

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Shellie Saner, City Clerk  
**DATE:** February 22, 2023  
**SUBJECT:** **Liquor License Transfer of Ownership - Pizza Paradisos**

---

The following establishment has submitted an application to the Alcohol and Marijuana Control Office (AMCO) for the Transfer of Ownership of licenses:

Transferor: George Pitsilionis  
Transferee: Solitaire, LLC.  
D/B/A: Pizza Paradisos  
License Type: Beverage Dispensary & Restaurant Designation Permit  
License No.: 13032

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

Your consideration is appreciated.

**Submit**

by Meghan Thibodeau 2/1/2023 11:51:30 AM (Form Submission)

**Approve**

by Jeremy Hamilton 2/2/2023 8:59:18 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: February 10, 2023 5:00 PM  
2/1/2023 11:51:31 AM

**Approve**

by Donald Hendrickson 2/10/2023 4:06:56 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: February 10, 2023 5:00 PM  
2/1/2023 11:51:31 AM

**Approve**

by David Ross 2/1/2023 2:28:15 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: February 10, 2023 5:00 PM  
2/1/2023 11:51:32 AM

**Approve**

by Tina Williamson 2/1/2023 4:10:24 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: February 10, 2023 5:00 PM  
2/1/2023 11:51:32 AM

**Approve**

by Cindy Herr 2/1/2023 3:31:54 PM (Legal Asst Review)

- There are no monies owed in restitution or traffic fines.
- The task was assigned to Cindy Herr. The due date is: February 10, 2023 5:00 PM  
2/1/2023 11:51:32 AM

**Approve**

by Linda Mitchell 2/16/2023 5:41:51 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: February 10, 2023 5:00 PM  
2/1/2023 11:51:32 AM

**Approve**

by Terry Eubank 2/17/2023 1:45:31 PM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:41:52 PM

**Approve**

by Scott Bloom 2/17/2023 9:10:04 AM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:41:52 PM

**Approve**

by Linda Mitchell 2/16/2023 5:42:28 PM (P&amp;Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: February 27, 2023 5:00 PM  
2/16/2023 5:41:52 PM

# AMCO License Application

**Date**

2/1/2023

**Establishment Information**

---

**License Type**

Beverage Dispensary

**Licensee**

Solitaire LLC

**Doing Business As**

Pizza Paradisos

**Premises Address**

815 Frontage Rd

**City, State**

Kenai, AK

**Contact Information**

---

**Contact Licensee**

Joanna Pitsilionis

**Contact Phone No.**

907-953-2222

**Contact Email**

gianainc@gmail.com

**Additional Contact Information**

---

**Name**

**Phone No.**

**Email**

**Documents**

---

**File Upload**

3032\_2022\_11\_29\_Transfer\_of\_Ownership smaller file size.pdf

4.3MB



November 29, 2022

City of Kenai, Kenai Peninsula Borough

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

<b>License Type:</b>	Beverage Dispensary	<b>License Number:</b>	3032
<b>Licensee:</b>	Soltaire LLC		
<b>Doing Business As:</b>	Pizza Paradisos		
<b>Premises Address</b>	815 Frontage Road		

- New Application
  Transfer of Ownership Application  
 Transfer of Location Application
  Transfer of Controlling Interest Application

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

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

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan Wilson, Director

Last Name

Date

Page 2

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

Alcohol and Marijuana Control  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350



**Alaska Alcoholic Beverage Control Board**

**Form AB-38: Off-Site Warehouse/Storage Application**

**Why is this form needed?**

Per AS 04.21.060, 3 AAC 304.415, AS 04.16.140 and AS 04.16.130, alcoholic beverages cannot be sold or consumed at an approved storage facility. Alcoholic beverages cannot be removed from the approved storage facility except at the direction of the licensee.

A detailed diagram of the proposed Off-Site Warehouse/Storage location is required. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

**The second page of this form may not be required.** Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The remaining pages must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

**This form must be completed and submitted to AMCO's Anchorage office for review and consideration before utilizing the space.**

Yes      No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

<b>Licensee:</b>	G & P, Inc.	<b>License Number:</b>	3032		
<b>License Type:</b>	Beverage Dispensary				
<b>Doing Business As:</b>	Pizza Paradisos				
<b>Off-Site Address:</b>	815 Frontage Road				
<b>City:</b>	Kenai	<b>State:</b>	AK	<b>ZIP:</b>	99611
<b>Contact Person:</b>	Joanna Pitsilionis	<b>Contact Phone:</b>	907-953-2222		
<b>Contact Email:</b>	gianainc@gmail.com				

Alcohol and Marijuana Control  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350



Alaska Alcoholic Beverage Control Board

## Form AB-38: Off-Site Warehouse/Storage Application

### Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.



Alaska Alcoholic Beverage Control Board

**Form AB-38: Off-Site Warehouse/Storage Application**

**Section 3 – Off-Site Location Information**

- |   | Yes                                 | No                                  |
|---|-------------------------------------|-------------------------------------|
| Is this location within 200 feet of a school or church grounds? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Does this location comply with local zoning limitations?        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Will this location be available for inspection?                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Is the location another licensed premises?                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

If yes, provide the license number and DBA: \_\_\_\_\_

- Are you anticipating, or in the process of applying for a liquor license for the location listed above?  Yes  No

Describe how the location will be secured?

The storage rooms are under lock and key, and only a manager or trained bar tender can access this





Alaska Alcoholic Beverage Control Board

**Form AB-38: Off-Site Warehouse/Storage Application**

**Section 4 – Certifications and Approvals**

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

Initials

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

Joanna Pitsilionis

Printed name of licensee

Signature of licensee

AMCO Enforcement Review:

Approved

Denied



Signature of AMCO Enforcement Supervisor

Date

Printed name of AMCO Enforcement Supervisor

Enforcement Recommendations:

# PIZZA PARADISOS RESTAURANT

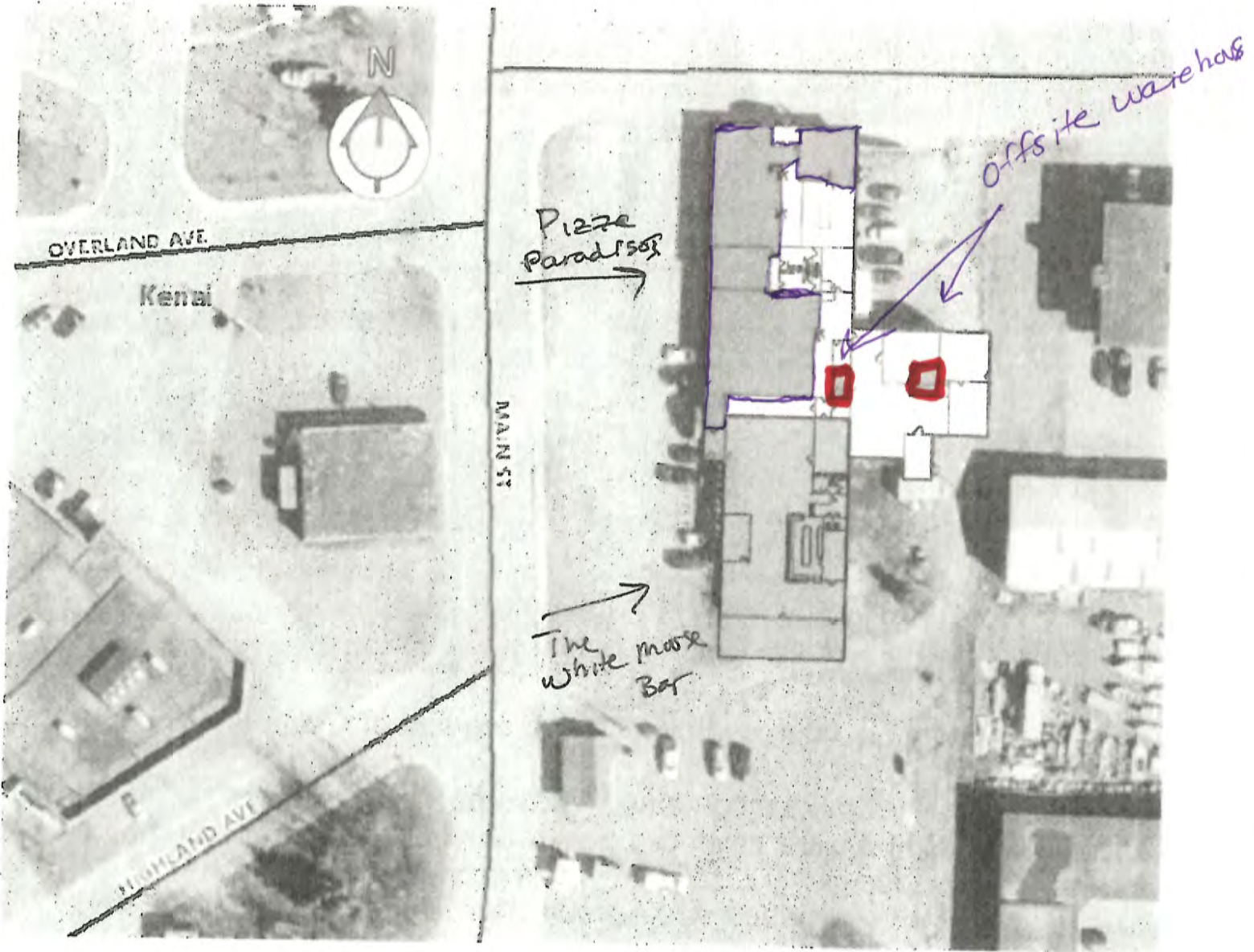
Alaska Alcohol and Marijuana Control Office, Alaska Alcoholic Beverage Control Board  
Site Plan for Application for Transfer of Alcoholic Beverage License

# \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ATTACHMENTS FOR FORM: AB-02

DETAILED PREMISIS DIAGRAM: FIGURE 1 OF 7



Areas appearing in "Red" indicate designated spaces in which, "alcohol storage, service, consumption, and manufacturing," occur as required and defined by Form AB-02.

Areas appearing in "White" are designated spaces where the activities defined in AB-02 do not occur.

Areas appearing in "Gray or Black" are spaces not otherwise included in this application or the identified license.

-MQ  
JEP 27 2022



Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**Why is this form needed?**

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrées prepared on-site and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

**Section 1 – Establishment Information**

Enter information for licensed establishment.

Licensee:	Solitaire, LLC		
License Type:	Beverage Dispensary	License Number:	3032
Doing Business As:	Pizza Paradisos		
Premises Address:	815 Frontage Road		
City:	Kenai	State:	AK
		ZIP:	99611
Contact Name:	Joanna Pitsilionis	Contact Phone:	907-953-2222

**Section 2 – Type of Designation Requested**

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)

NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY

Transaction #:	Initials:
----------------	-----------

AMCO



Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**Section 3 – Minor Access**

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minor customers will only be permitted in the dining area, and restroom areas.  
Minor employees will only be permitted in the dining area, kitchen area, and restroom areas.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

Storage: All alcohol will be locked in secure storage. This will only be accessible by the restaurant owners, general manager and bar tender. Each of these individuals will be at least 21 years old and will hold on their persons a current TAP or eTIP card verifying that they have been trained to control the distribution and service of alcoholic beverages in Alaska.  
Access/Service: There will be no alcohol sales or delivery outside the building walls. Dining guests must walk in and out the same door, which controls the transfer of alcohol. An owner or manager is always on site and monitors the consumption of alcohol.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes  No

**Section 4 – DEC Food Service Permit**

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

IF you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

\*Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.



Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**Section 5 – Hours of Operation**

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

11am - 10pm Monday through Sunday.

**Section 6 – Entertainment & Service**

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes  No

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Food and beverage service offered or anticipated is:

table service  buffet service  counter service  other

If "other", describe the manner of food and beverage service offered or anticipated:



Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**Section 7 – Certifications and Approvals**

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

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrées that are regularly sold and prepared by the licensee at the licensed premises.

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.

*(AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)*

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

Joanna Pitsillonis

Printed name of licensee

Signature of licensee

Local Government Review (to be completed by an appropriate local government official):

Approved

Denied

Signature of local government official

Date

Printed name of local government official

Title



Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

AMCO Enforcement Review: \_\_\_\_\_ Enforcement Recommendation: Approve Deny

\_\_\_\_\_  
Signature of AMCO Enforcement Supervisor

\_\_\_\_\_  
Printed name of AMCO Enforcement Supervisor

\_\_\_\_\_  
Date

Enforcement Recommendations:

AMCO Director Review: \_\_\_\_\_ Approved Denied

\_\_\_\_\_  
Signature of AMCO Director

\_\_\_\_\_  
Printed name of AMCO Director

\_\_\_\_\_  
Date

Limitations:



# Alaska Food Code 2022 Establishment Permit

Division of Environmental Health  
Food Safety & Sanitation Program

Permit Number: 6082  
Issued to: **GEORGE PITSILIONIS**  
For: **Pizza Paradisos Bar**  
For Operation of: **FN-4 Tavern/Bar**  
Located at: **811 Frontage RD STE 1400 Kenai, AK 99611**

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:  
**December 31, 2022**

Program Manager:

**If you have questions or concerns regarding  
safe food handling practices call toll free:**

# 1-87-SAFE-FOOD

**(in Anchorage call 334-2560)**



AMCC  
SEP 27 2022





## Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

### Why is this form needed?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form may not be required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's Anchorage office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.



### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Solitaire, LLC	License Number:	3032
License Type:	Beverage Dispensary		
Doing Business As:	Pizza Paradisos		
Premises Address:	815 Frontage Road		
City:	Kenai	State:	AK
		ZIP:	99611

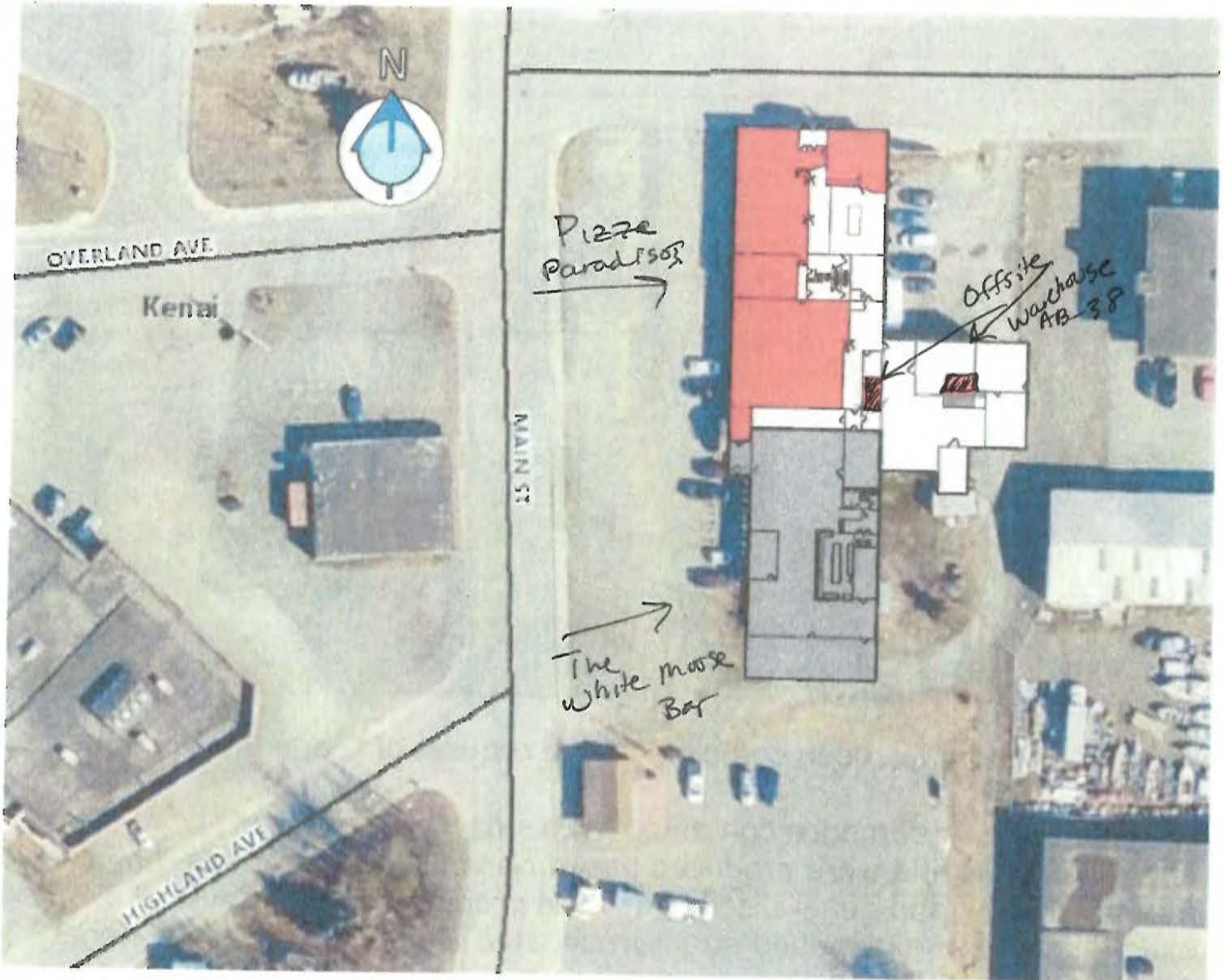
# PIZZA PARADISOS RESTAURANT

Alaska Alcohol and Marijuana Control Office, Alaska Alcoholic Beverage Control Board  
Site Plan for Application for Transfer of Alcoholic Beverage License  
# \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ATTACHMENTS FOR FORM: AB-02

DETAILED PREMISIS DIAGRAM: FIGURE 1 OF 7



Areas appearing in "Red" indicate designated spaces in which, "alcohol storage, service, consumption, and manufacturing," occur as required and defined by Form AB-02.

Areas appearing in "White" are designated spaces where the activities defined in AB-02 do not occur.

Areas appearing in "Gray or Black" are spaces not otherwise included in this application or the identified license.

AMCO

SEP 27 2022

# PIZZA PARADISOS RESTAURANT

Alaska Alcohol and Marijuana Control Office, Alaska Alcoholic Beverage Control Board  
Site Plan for Application for Transfer of Alcoholic Beverage License

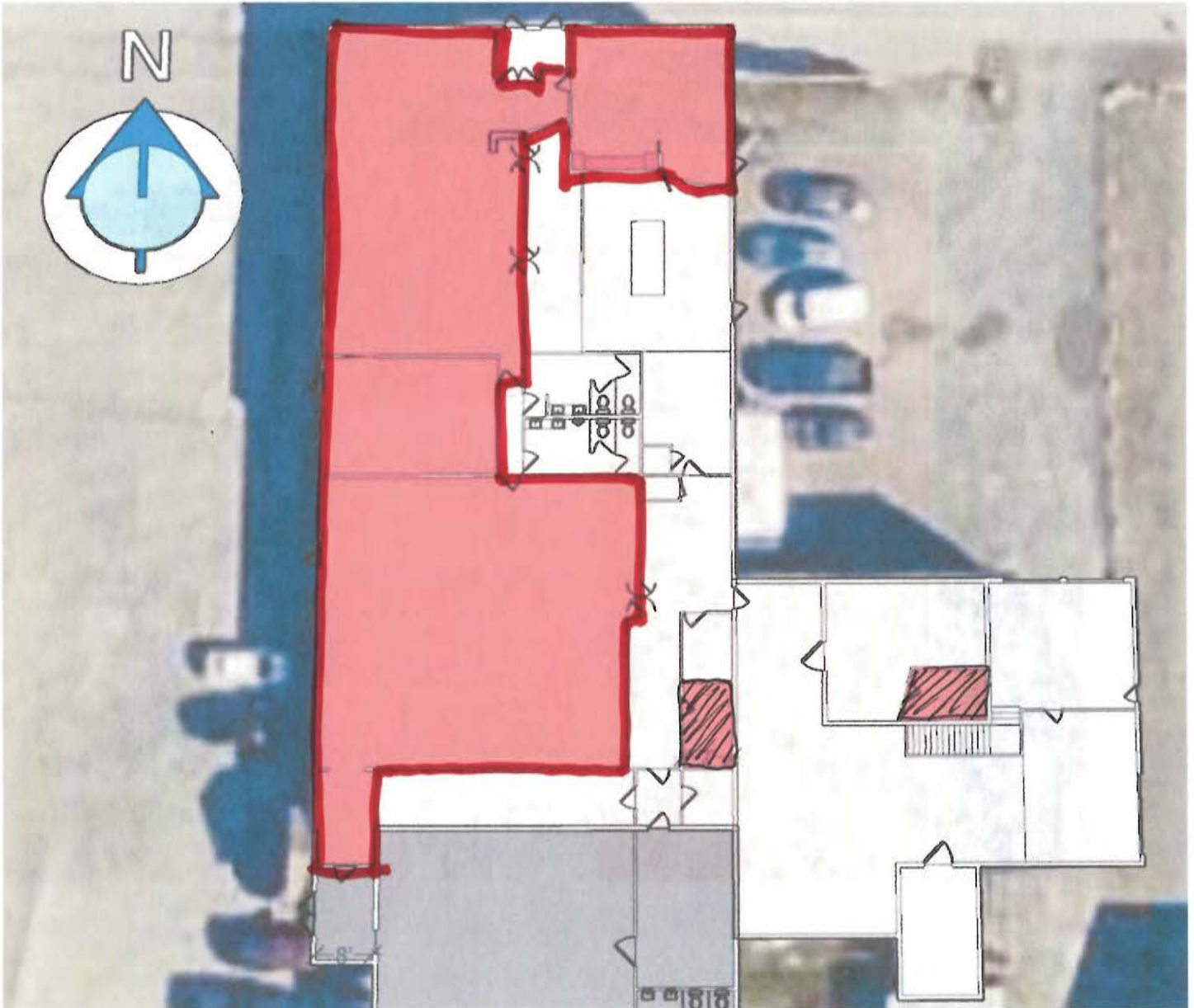
# \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ATTACHMENTS FOR FORM: AB-02

DETAILED PREMISIS DIAGRAM: FIGURE 2 OF 7

(Close-up excluding attached structure not otherwise included in this application)





Alaska Alcoholic Beverage Control Board

# Form AB-01: Transfer License Application

### Why is this form needed?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's Anchorage office, along with all other required forms and documents, before any license application will be considered complete.

## Section 1 – Transferor Information

Enter information for the *current* licensee and licensed establishment.

Licensee:	George Pitsilionis		License #:	3032	
License Type:	Beverage Dispensary		Statutory Reference:	04.11.090	
Doing Business As:	Pizza Paradisos				
Premises Address:	815 Frontage Road				
City:	Kenai	State:	AK	ZIP:	99611
Local Governing Body:	City of Kenai				

### Transfer Type:

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

### OFFICE USE ONLY

Complete Date:	11-29-2022	Transaction #:	100461692
Board Meeting Date:	12-12-22	License Years:	
Issue Date:		Examiner:	KRS.



Alaska Alcoholic Beverage Control Board

# Form AB-01: Transfer License Application

## Section 2 – Transferee Information

Enter information for the **new** applicant and/or location seeking to be licensed.

Licensee:	Solitaire, LLC				
Doing Business As:	Pizza Paradisos				
Premises Address:	815 Frontage Road				
City:	Kenai	State:	AK	ZIP:	99611
Community Council:					

Mailing Address:	P.O. Box 151				
City:	Kenai	State:	AK	ZIP:	99611

Designated Licensee:	Joanna Pitsilionis				
Contact Phone:	907-953-2222	Business Phone:	907-953-2222		
Contact Email:	gianainc@gmail.com				

Seasonal License?    Yes     No     If "Yes", write your six-month operating period: \_\_\_\_\_

## Section 3 – Premises Information

Premises to be licensed is:

an existing facility     a new building     a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

0.2 Miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

0.2 Miles



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Joanna Pitsilionis				
Title(s):	Member	Phone:	907-953-2222	% Owned:	100
Address:	P.O. Box 151				
City:	Kenai	State:	AK	ZIP:	99611



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10203497	AK Formed Date:	8/8/2022	Home State:	AK
Registered Agent:	Joanna Pitsilionis	Agent's Phone:	907-953-2222		
Agent's Mailing Address:	PO BOX 151				
City:	Kenai	State:	AK	ZIP:	99611

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 - Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Joanna Pitsilionis has ownership in Package #643 in Kenai, and Package #2592 in Kenai.

#643 Discount Liquor

#2592 Red Diamond Liquor Barn

Section 7 - Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

The Law Offices of Ernouf & Coffey, P.C. is assisting with the application process.

AMCO

SEP 07 2022





Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 8 - Transferor Certifications**

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a controlling interest of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

*[Handwritten signature]*

Signature of transferor

George Pitsilionis

Printed name of transferor

Subscribed and sworn to before me this 10 day of August, 2022

*[Handwritten signature]*

Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: 06/07/2026

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of Notary Public

Notary Public in and for the State of \_\_\_\_\_

My commission expires: \_\_\_\_\_



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

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

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

I certify that all proposed licensees have been listed with the Division of Corporations.

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

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

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

Signature of transferee  
Joanna Pitsilionis

Printed name

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 2/1/23 <sup>ABS</sup>

Subscribed and sworn to before me this 1<sup>st</sup> day of September, 2022





# Office of the Borough Clerk

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

Michele Turner, CMC  
Acting Borough Clerk

1/27/2023

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

Kenai City Hall  
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant : Joanna Pitsillionis  
Business Name : PIZZA PARADISOS  
License Type : Beverage Dispensary  
License Location : 815 Frontage Rd, City of Kenai  
License No. : 3032  
Application Type : Restaurant Designation Permit  
Transfer of Owner

Dear Ms. Saner,

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

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

Sincerely,

Michele Turner, CMC  
Acting Borough Clerk

cc: [gianainc@gmail.co,;](mailto:gianainc@gmail.co,;)

<mailto:amco.localgovernmentonly@alaska.gov>

MT/jr



Sponsored by: City Clerk

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

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

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

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

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

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

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

**Chapter 1.15  
Rules of Order**

**1.15.010 Presiding officer.**

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

**1.15.030 Public meetings.**

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

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

**1.15.040 Agenda.**

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

**1.15.050 Order of business.**

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

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

**1.15.060 Motions.**

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

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

**1.15.070 Ordinances—Procedure in passing.**

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



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

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

#### **1.15.080 Resolutions.**

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

#### **1.15.090 Ordinances and resolutions.**

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

#### **1.15.100 Speaking.**

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

#### **1.15.110 Voting.**

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

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

**1.15.120 Rules of order.**

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

**1.15.130 Remote electronic participation.**

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

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

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

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

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

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

ATTEST:

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

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



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Shellie Saner, City Clerk

**DATE:** February 22, 2023

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

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

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

The proposed changes to KMC 1.15 would:

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

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

