



Kenai City Council - Regular Meeting

April 05, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

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. Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center.

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

D. PUBLIC HEARINGS

1. **Ordinance No. 3339-2023** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
2. **Ordinance No. 3340-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
3. **Ordinance No. 3341-2023** - Accepting and Appropriating a Donation to the Kenai Senior Center. (Administration)
4. **Resolution No. 2023-24** - Supporting State of Alaska Legislative Action Increasing the Base Student Allocation by at Least \$1000 to Adequately Fund and Restore Student School Resources and Learning Opportunities. (Knackstedt)
5. **Resolution No. 2023-25** - Authorizing a Construction Contract and Corresponding Purchase Order for the 2023 Kenai Recreation Center Upgrades Project and an Increase to the Existing Design Services Purchase Order for Construction Administration Services. (Administration)

E. MINUTES

1. *Regular Meeting of March 15, 2023. (City Clerk)

F. UNFINISHED BUSINESS**G. NEW BUSINESS**

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. ***Action/Approval** - Non-Objection to the Renewal of a Liquor License for Don Jose's, LLC., DBA: Don Jose's Mexican Restaurant - License No. 3039. (City Clerk)
4. ***Ordinance No. 3342-2023** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for Costs in Excess of Budgeted Amounts. (Administration)
5. ***Ordinance No. 3343-2023** - Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)
6. ***Ordinance No. 3344-2023** - Amending Kenai Municipal Code Chapter 8.20 - Fireworks Control, by Removing References to City Permits - which are Redundant to the States Firework Display Permit. (Administration)
7. **Action/Approval** - Granting an Easement on Both Sides of Boat Launch Road to the Alaska Department of Transportation in Support of the Bridge Access Road Pavement Preservation Project. (Administration)
8. **Discussion/Action** - Scheduling a Budget Work Session. (Gabriel)
9. **Discussion/Action** - Scheduling Council Employee Evaluations. (Gabriel)

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

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89359317317>

Meeting ID: 893 5931 7317 **Passcode:** 224157

OR

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

Meeting ID: 893 5931 7317 **Passcode:** 224157



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3339-2023**

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

WHEREAS, the Kenai Animal Shelter recently received monetary donations from a number of donors totaling \$2,217.60, intended to support the care of animals at the shelter; and,

WHEREAS, the Animal Control Chief has identified equipment needs at the Animal Shelter, including a new washer and dryer, for the utilization of those donated funds; and,

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

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

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

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

General Fund:

Increase Estimated Revenues – Donations – Animal Control	<u>\$2,217.60</u>
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Increase Appropriations – Animal Control – Small Tools	<u>\$2,217.60</u>
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Section 3. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

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


ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5TH DAY OF APRIL, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Ordinance No. 3339-2023
Page 2 of 2

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced:	March 15, 2023
Enacted:	April 5, 2023
Effective:	April 5, 2023



MEMORANDUM

TO: Mayor Brian Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: David Ross, Police Chief
DATE: March 6, 2023
SUBJECT: **Ordinance No. 3339-2023** - Donations to Kenai Animal Shelter

The Kenai Animal shelter received a number of unsolicited donations recently, totaling \$2,217.60. The individual donors include: Julie Allison, James Carpenter, Mary Newby, Andrea Hanley, Gerda Trent, Shannon Richards, Kayla West, Kenaitze Indian Tribe, Allison Anderson (c/o Credit Union 1), Dawn Francisco, and Jackie Pearce. The Animal Control Chief has identified the need for a light commercial washer and dryer, that she believes would assist the shelter staff in reliably cleaning the blankets, towels, and wash clothes used for bedding or cleaning purposes.

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



KENAITZE
INDIAN
TRIBE

September 28, 2022

Kenai Animal Shelter
City of Kenai
210 Fidalgo Ave.
Kenai, AK 99611

Dear Kenai Animal Shelter,

On behalf of the Kenaitze Indian Tribe, I would like to express our support for your services and efforts to our community through a donation of \$1,000.00. We believe that Kenai Animal Shelter provides important assistance and support addressing the needs of our residents.

With this donation we hope to help your cause and encourage continuation of your endeavors for the lasting benefit of our shared community. We would love to hear how we have been able to contribute, so please do not hesitate to write us at:

Attn: Natália Flores
Kenaitze Indian Tribe
P.O. BOX 988
Kenai, AK 99611

The health and wellbeing of our community and cooperation for supporting its needs is important to the Tribe as we deliver a variety of programs and services that promote the wellness of our people and the region. We wish you much success in your continued work for our shared community.

If you have any questions, please do not hesitate to contact our Executive Office Supervisor, Natália Flores, through email NFlores@kenaitze.org.

Sincerely,

Peter Evon
Executive Director of Tribal Administration

www.kenaitze.org

Phone: 907-335-7200 • FAX: 855-335-8865

P.O. Box 988 • Kenai, AK 99611



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3340-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT RECEIVED THROUGH MADDIE'S FUND TO THE KENAI ANIMAL SHELTER FOR THE CARE OF ANIMALS.

WHEREAS, the Kenai Animal Shelter applied for a grant through a Return to Home Challenge with Maddie's Fund and received an award of \$4,375; and,

WHEREAS, Maddie's Fund is a family foundation that provides grants to animal shelter organizations towards 'increased community collaborations and live outcomes'; and,

WHEREAS, the Animal Control Chief has identified the need for additional staff training, a community animal educational event, and some additional equipment to be purchased with these grant funds; and,

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

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

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

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

General Fund:

Increase Estimated Revenues –	
Grants – Animal Control	<u>\$4,375.00</u>
Increase Appropriations –	
Animal Control – Small Tools	\$1,285.00
Animal Control – Transportation	2,500.00
Animal Control – Operating Supplies	<u>590.00</u>
Total	<u>\$4,375.00</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 5TH DAY OF APRIL, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced: March 15, 2023
Enacted: April 5, 2023
Effective: April 5, 2023



MEMORANDUM

TO: Mayor Brian Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: David Ross, Police Chief
DATE: March 6, 2023
SUBJECT: **Ordinance No. 3340-2023** - Maddie's Fund grant for Kenai Animal Shelter

The Kenai Animal Shelter applied for and received a grant after participating in a Return to Home Challenge through Maddie's Fund. The Kenai Animal Shelter was awarded \$4,375.00 from Maddie's Fund, #ThanksToMaddie. The Challenge was funded by Maddie's Fund, Michelson Found Animals Foundation and Petco Love in collaboration with Adopt-A-Pet.com, American Pets Alive!, ASPCA, The Association for Animal Welfare Advancement, Best Friends Animal Society, Companions and Animals for Reform and Equity (CARE), Community Cats Podcast, Cuddy Greater Good Charities, HeARTS Speak, Humane Society of the United States, National Animal Care and Control Association, Petfinder Foundation and PetSmart Charities.

The Animal Control Chief has identified the need for additional staff training, a community animal educational event, and some additional equipment to be purchased with the grant funds.

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

About Maddie's Fund:

Maddie's Fund[®] is a family foundation established in 1994 by Dave and Cheryl Duffield and is the fulfillment of a promise to an inspirational dog, Maddie. She provided them much joy for over ten years and continues to inspire them today.

The Foundation has awarded over \$265 million in grants toward increased community collaborations and live outcomes, pioneering shelter medicine education and establishing foster care as a standard across the U.S.

Maddie's Fund proudly offers the industry a national voice, important funding opportunities for bold ideas, learning resources and access to collaborate and share innovative solutions. The Foundation invests its resources in a commitment to keeping pets and people together, creating a safety net of care for animals in need and operating within a culture of inclusiveness and humility. #ThanksToMaddie.



Maddie's Fund





Maddie's Story

Maddie was a beloved Miniature Schnauzer whose unconditional love, loyalty and spirit inspired a revolution.

Dave and Cheryl Duffield founded [Maddie's Fund®](#) in 1994 to honor their delightfully feisty dog. While playing together in the living room one evening, they made her a promise: If they ever had any money, they would use it to help companion animals and the people who love them, so they could experience the same joy they had with Maddie. The rest, as they say, is history.

Dave and Cheryl made good on that promise after successfully launching several technology companies. In their lifetime, they have given more of their personal wealth to animal welfare than any other individuals. [All thanks to Maddie.](#)

Maddie

April 26, 1986 – March 13, 1997



Maddie's
Fund



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3341-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING A DONATION TO THE KENAI SENIOR CENTER.

WHEREAS, the Kenai Senior Center received a \$5,000 donation from Ray and Yen-ti Verg-In; and,

WHEREAS, the Verg-Ins requested the funds to be used for the Congregate Meal Program, the Home Delivered Meal Program, Transportation Services, and Senior Activities; and,

WHEREAS, acceptance of these donations will further the Kenai Senior Center's mission and is in the City's and its residents' best interest.

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

Section 1. That the City Manager is authorized to accept these funds in the amount of \$5,000.

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

Senior Citizen Fund:

Increase Estimated Revenues –

Donations \$5,000

Increase Appropriations –

Congregate Meals – Operating Supplies \$2,000

Home Meals – Operating Supplies 1,000

Transportation – Operating Supplies 1,000

Senior Access – Operating Supplies 1,000

\$5,000

Section 3. That the City Manager is authorized to accept and expend these funds consistent with the intentions of the donors.

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5TH DAY OF APRIL, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced:	March 15, 2023
Enacted:	April 5, 2023
Effective:	April 5, 2023



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Kathy Romain, Senior Center Director
DATE: March 7, 2023
SUBJECT: **Ordinance No. 3341-2023** - Donation to the Kenai Senior Center

The Kenai Senior Center received a \$5,000 donation from Ray and Yen-ti Verg-In who regularly participate at the Senior Center. The Kenai Senior Center and Kenai Senior Connection, Inc. have previously received numerous donations from the Verg-Ins and their support is greatly appreciated.

The Verg-Ins requested this donation be designated as follows:

- \$2,000 towards the Congregate Meal Program
- \$1,000 towards the Home Delivered Meal Program
- \$1,000 towards Transportation Services
- \$1,000 towards Senior Activities

Thank you for your consideration.



Sponsored by: Knackstedt

**CITY OF KENAI
RESOLUTION NO. 2023-24**

A RESOLUTION SUPPORTING STATE OF ALASKA LEGISLATIVE ACTION INCREASING THE BASE STUDENT ALLOCATION BY AT LEAST \$1000 TO ADEQUATELY FUND AND RESTORE STUDENT SCHOOL RESOURCES AND LEARNING OPPORTUNITIES.

WHEREAS, the State of Alaska is constitutionally obligated to establish and maintain a system of public schools; and,

WHEREAS, in the Kenai Peninsula Borough, including within the City of Kenai, important school resources and opportunities for students have both been cut and are at risk of further cuts do to budgetary shortfalls; and,

WHEREAS, the Kenai Peninsula Borough School District is facing a \$13.1 million budget deficit for FY24, which would require increased class sizes and elimination of programs important to our students and community; and,

WHEREAS, previous increases to the base student allocation have not been equitable compared to increased costs and the rates of inflation; and,

WHEREAS, increasing the base student allocation by at least \$1000 would help restore and maintain reasonable class sizes, electives such as art, theatre, music and foreign lanaguages, vocational training programs, counseling and other student resource opportunities as well as sporting activities such as swimming; and,

WHEREAS, adequately funding education by theState of Alaska will help provide quality education to our students.

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

Section 1. That Kenai City Council supports State Legislative action that would increase the base student allocation by at least \$1,000.

Section 2. That a copy of this resolution will be sent to Governor Dunleavy and the Kenai Peninsula legislative delegation, the President of the Kenai Peninsula Borough School District Board of Education, the Kenai Peninsula Borough Assembly, the Education Committees of the Alaska House and Alaska Senate, and the Finance Committees of the Alaska House and Alaska Senate.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5TH DAY OF APRIL, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

New Text Underlined: [DELETED TEXT BRACKETED]



MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Council Member Knackstedt
DATE: March 30, 2023
SUBJECT: **Resolution No. 2023-24 – Base Student Allocation**

This Resolution requests the Alaska legislature increase the Base Student Allocation (BSA) by at least \$1000. There are currently both House and Senate Bills being considered by the legislature with varying amounts of increase proposed to the BSA. Regardless of how the Bills move forward, what is important is an increase to the BSA of at least \$1000 to both maintain and restore important educational resources and opportunities for students in Kenai. The School District currently faces a significant budgetary shortfall that could further eliminate important programs such as vocational training, foreign languages, art, music and theatre classes, reduce counseling services, result in pool closures, and cause increased class sizes. Recent increases to the BSA have not kept up with inflation or the costs of providing a quality education.

Your consideration is appreciated.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2023-25**

A RESOLUTION AUTHORIZING A CONSTRUCTION CONTRACT AND CORRESPONDING PURCHASE ORDER FOR THE 2023 KENAI RECREATION CENTER UPGRADES PROJECT AND AN INCREASE TO THE EXISTING DESIGN SERVICES PURCHASE ORDER FOR CONSTRUCTION ADMINISTRATION SERVICES.

WHEREAS, a formal Invitation to Bid was released on February 23, 2023 for the Kenai Recreation Center Upgrades Project with bids due on March 28, 2023; and,

WHEREAS, the following bids were received:

	Orion Construction	Blazy Construction
Base Bid	\$1,259,400	\$1,551,961
Additive Alternate 1	\$107,400	\$46,989
Additive Alternate 2	\$58,900	\$91,880
Total	\$1,425,700	\$1,690,830

; and,

WHEREAS, Orion Construction was determined to be the lowest responsive and responsible bidder with a contract award to Orion Construction in the best interest of the City; and,

WHEREAS, K+A Design Studios as the Architect of Record for this project has provided a proposal for Construction Administrative Services dated March 16, 2023 in the total proposed amount of \$19,995, which will be added to the current Agreement by contract amendment and an increase to their existing purchase order 125053; and,

WHEREAS, the combined total costs of construction at \$1,425,700, and design services including construction administrative services at \$119,929 is \$1,545,629; and,

WHEREAS, completion of this project which includes a complete roof replacement for the facility as well demolition and replacement of six roof top air handling units, is in the best interest of the City to provide for the continued operation of the Recreation Center.

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 construction agreement with Orion Construction in the amount of \$1,425,700 and to issue a purchase order in that same amount.

Section 2. That the City Manager is authorized to execute a design agreement amendment with K+A Design Studios in the amount of \$19,995 for Construction Administrative services and to increase purchase order 125053 by that same amount.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5TH DAY OF APRIL, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Scott Curtin, Director of Public Works
DATE: March 28, 2023
SUBJECT: **Resolution No. 2023-25 - Recreation Center Upgrades Project**

With award of this project much needed and anticipated repairs to the Kenai Recreation Center will begin. Staff has been struggling for several years with roof leaks within multiple areas of the facility, often resulting in the temporary closure of spaces for safety reasons. The existing asphalt built-up roof is well beyond its intended life, and will be replaced with a fully adhered membrane roof system. The new roof is expected to serve the facility for the next 25-30 years.

One of the contributing factors to the deterioration of the existing roof was a lack of roof drains. Much of the roof drained through roof scuppers down to lower sections of roof before eventually falling to grade. New roof drains have been added and piped to a new storm water collection system beneath the existing parking lot. This will limit the amount of water the lower sections of roofing will see throughout its life, as well directing water away from the building providing further protection to the buildings foundation.

The second largest issue facing the facility is significantly aging HVAC mechanical units. Six roof top units are planned for replacement, several of which have not been operational for years. Improvements to multiple exhaust air fans are also being addressed with this work.

Completion of this work will safeguard the facility, and allow other desired interior improvements to proceed. Items like the refinishing of the gymnasium floor, which would not be practical with a leaky roof above. The HVAC improvements will help the facility with heating and air quality issues while reducing utility costs through the operation of more efficient equipment.

The department looks forward to the successful completion of this project. Roof installation is anticipated for the early summer, with installation of the mechanical equipment when it arrives likely in late summer / early fall. Council support is respectfully requested.



KENAI CITY COUNCIL – REGULAR MEETING
MARCH 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 March 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
James Baisden, Vice Mayor
Deborah Sounart
Victoria Askin
Henry Knackstedt

A quorum was present.

Absent:

Tea Winger
Alex Douthit

Also in attendance were:

Tony Prior, Acting City Manager
Scott Bloom, City Attorney (*remote attendance*)
Brad Walker, Parks and Recreation Director
Eland Conway, Airport Manager
Scott Curtin, Public Works Director
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

- Add item D.1. **Public Hearing – Ordinance No. 3338-2023**
 - Requested Amendment Memo
- Add item G.4. **Action/Approval** - Special Use Permit to the Fishing Grounds, LLC.
 - Requested Amendment Memo

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions and requested **UNANIMOUS CONSENT**. Council Member Askin **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 following agenda item was removed from the consent agenda to be heard at its schedule place on the agenda:

G. 4. Action/Approval - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)

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 - None.

C. UNSCHEDULED PUBLIC COMMENTS

Marion Nelson addressed the Council regarding the rescheduled Bird Call presentation by George Kirsch; the upcoming Hummingbird Banding presentation by Todd Eskelin, Biologist from the Kenai National Wildlife Refuge; and thanked the City for the snow removal.

Jim Duffield, Kenai resident, addressed the Council in opposition to the cancellation of the Summer Ice program at the Kenai Multi-Purpose facility noting that his children were interested in playing hockey; the importance having summer ice, including the ability to hold summer tournaments; the multiple sizable communities near that City that would use the facility; and if there was not going to be summer ice the facility should be used for other summer youth programs.

Lea Stuber, Sterling resident, addressed the Council in opposition to the cancellation of the Summer Ice program; the need for a Summer Ice program to keep kids out of trouble; her previous experience raising fund for Hockey facilities; and she provided a telephone connection for testimony from Anchorage Hockey Coach Rob Larkey.

Rob Larkey, Anchorage resident and Alaska Wolves 14U Coach addressed the Council regarding the cancellation of the Summer Ice program and possible options for leaving the ice in beyond the end of spring break.

Tim Estep, Sterling resident, addressed the Council in opposition to the cancellation of the Summer Ice program; moving to this area because of the availability of year-round ice; the benefits to the community if ice is available year-round; his willingness to pay additional taxes for year-round ice; and the need to do whatever is needed to get the rink opened up for the kids.

Public Works Director Curtin reported that the Kenai Multi-Purpose facility was not designed for year-round ice; buildings designed for year-round ice are better insulated for lower utility costs and humidity/condensation control; ice was removed in the spring so that the refrigeration tubes could be turned off to prevent the possibility of snow melt freezing under the concrete slab and causing frost heaves and damaging the refrigeration tubes and concrete; operating during the spring and fall caused fog/condensation which penetrates every part of the building and created a rust problem; he summarized the 2020 engineering study which indicated without treatment due to rust the facility had an expected life of two to four years; treatment that was completed in the summer of 2022; even with treatment if summer ice continued the life expectancy of the facility was five to ten years; and if the desire is for year-round ice a new facility would be the most appropriate option.

D. PUBLIC HEARINGS

- 1. 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)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3338-2023. Council Member Sounart **SECONDED** the motion.

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

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance No. 3338-2023, Section 1, Chapter and Section 1.15.060 - Motions, paragraph c. as follows:

“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 and adequate public notice is provided before the matter is reconsidered.”

Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

There was discussion regarding the benefits of adding a place on the agenda for Administrative Reports; and the additional noticing requirements for items prior to a matter being reconsidered.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Sounart, Gabriel, Baisden, Askin, Knackstedt

NAY: None

ABSENT: Winger, Douthit

MAIN MOTION AS AMENDED PASSED.

- 2. Resolution No. 2023-22** - Authorizing a Budget Transfer in the Water & Sewer Capital Project Fund, Public Works Department – Water Division for Additional SCADA Related Services. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-22. 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**.

- 3. Resolution No. 2023-23** - Requesting State of Alaska Funding Support for the Wildwood Drive Rehabilitation Project. (Administration)

MOTION:

Council Member Askin **MOVED** to adopt Resolution No. 2023-23. 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 Administration was working with the legislature for funding assistance on this project as the primary use of the road was to access the State of Alaska, Wildwood Correctional Facility.

There was discussion regarding this being rated as the worst road in Kenai since 2009; options regarding trading road with the state; and the ability of the City to maintain the road once the repairs are complete.

UNANIMOUS CONSENT was requested.

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

E. MINUTES

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

F. UNFINISHED BUSINESS - Postponed Item.

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) *[Clerk's Note: At the February 15, 2023 City Council Meeting, this Resolution was Postponed to this Meeting; a Motion to Adopt is on the Floor.]*

- **Substitute Resolution No. 2023-15** - Repealing City Council Policy No. 2021-01 - Selecting and Appointing a Qualified Person to Fill Vacancies on the City Council and Adopting City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (Gabriel and Baisden)

[Clerk's Note: The motion to adopt Resolution No. 2023-15 was on the floor from the February 15, 2023 Regular City Council meeting.]

MOTION TO AMEND BY SUBSTITUTE:

Council Member Knackstedt **MOVED** to amend Resolution No. 2023-15 by Substitute Resolution No. 2023-15. Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amended by substitute.

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

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 new policy included advertising requirements; application period requirements; the requirement that applicants submit a financial disclosure statement; eligibility verification procedures and notification to the applicants of their eligibility; and a point scoring process initially when there were more than two applicants to reduce the number of applicants.

It was clarified that the new policy included provisions that in the case of a tie, and the tie is not broken after two votes the tie will be broken by lot.

UNANIMOUS CONSENT was requested on the motion as amended by substitute.

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

G. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Action/Approval** - Non-Objection to the Renewal of a Limited Marijuana Cultivation Facility for Jennifer Huffman DBA: Grateful Bud LLC., - License No. 16474. (City Clerk)

Approved by the consent agenda.

3. ***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License and a Standard Marijuana Cultivation License for Red Run Cannabis Cultivators, LLC., DBA: Red Run Cannabis Cultivators, LLC. - License No.'s 19372 and 10052; and a Retail Marijuana Store License for Red Run Cannabis Company, LLC., DBA: Red Run Cannabis Company, LLC. – License No. 10056 (City Clerk)

Approved by the consent agenda.

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

MOTION:

Council Member Knackstedt **MOVED** to approve the Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds. Vice Mayor Baisden **SECONDED** the motion.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend the Special Use Permit Agreement, paragraph 2. Terms as follows:

“The term of this permit shall be for [FOUR] twelve months commencing on May 1, 2023 and ending on April 30, 2024. Regardless of the date of signature, this Permit shall be effective as of May 1, 2023.”

Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

It was reported that this agreement aligned with previous agreements, the only difference was that this agreement was for twelve months, which is the maximum amount of time allowed for a Special Use Permit.

UNANIMOUS CONSENT was requested on the main motion as amended.

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

5. ***Action/Approval** - Special Use Permit to Pacific Star Seafoods, Inc. for On or Off Loading Fish at the Kenai Municipal Airport. (Administration)

Approved by the consent agenda.

6. ***Ordinance No. 3339-2023** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)

Introduced by the consent agenda and Public Hearing set for April 5, 2023.

7. ***Ordinance No. 3340-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)

Introduced by the consent agenda and Public Hearing set for April 5, 2023.

8. ***Ordinance No. 3341-2023** - Accepting and Appropriating a Donation to the Kenai Senior Center. (Administration)

Introduced by the consent agenda and Public Hearing set for April 5, 2023.

9. Action/Approval - Approving a Memorandum of Agreement for the Use of the Alaska Regional Aircraft Fire Training Center for the Calendar Year 2023. (Administration)

MOTION:

Council Member Askin **MOVED** to approve the Memorandum of Agreement. Council Member Sounart **SECONDED** the motion.

It was reported that this was a short-term agreement to ensure a successful fire training season in 2023; staff was continuing to look for another long term operator; and that the fee and rates were established to capture as much of the operating cost for the facility as possible.

UNANIMOUS CONSENT was requested on the motion.

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

10. Action/Approval - Issuing a Letter of Support for the Challenger Learning Center of Alaska's Request for Funding. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to authorize the issuance of the Letter of Support. Council Member Askin **SECONDED** the motion.

It was reported that the letter would be sent to Senator Murkowski's Office to request Federal Funding.

UNANIMOUS CONSENT was requested on the motion.

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

11. Discussion - Scheduling the Council Employee Evaluations. (Gabriel)

There was discussion that the evaluation sheets would be distributed with instructions and a return date; however, having two absent Council Members setting the dates of the Evaluation meetings will be done at the next Council meeting.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

Council Member Sounart reported on the March 9, 2023 meeting, next meeting April 13, 2023.

2. Airport Commission

Council Member Askin reported on the March 9, 2023 meeting, next meeting April 13, 2023.

3. Harbor Commission

No report, next meeting April 10, 2023.

4. Parks and Recreation Commission

Council Member Knackstedt reported on the March 2, 2023 meeting, next meeting April 6, 2023.

5. Planning and Zoning Commission

Meeting canceled, next meeting March 22, 2023.

6. Beautification Committee

No, report, next meeting April 11, 2023.

I. REPORT OF THE MAYOR

Mayor Gabriel stated he was looking forward to the March 31, 2023, Kenai Senior Connections March for Meals Pie Auction and reported on the following:

- Meeting with City Manager Eubank and Peter Evon, the Executive Director of the Kenaitze Indian Tribe to identify items of mutual interest.
- Attending the Brown Bear House Bed and Breakfast, Open House, noting they had maintained the buildings characteristics.
- Due to the low numbers in the Sports Fishing forecast the season would be starting as closed, which automatically closes the Set Nets on the East Side; and in addition the Norther District would be closed.

J. ADMINISTRATION REPORTS

1. City Manager – Acting City Manager Prior reported on the following:
 - Stated his appreciation for City Manager Eubank having met with all of the Department Heads to go over their goals and to identify ways to support them.
 - Thanked the Streets Department for removing their snow response this winter and removing the snow from the Kenai Central High School Fields.
 - Successful response to a distress call from an individual stuck in the mud on the beach with the tide coming in.
 - Update on the Bluff Stabilization Project at 95% design.
 - Receipt of the Supplemental Emergency Medical Transport (SEMT) Program reimbursement.
2. City Attorney – No report.
3. City Clerk – City Clerk Saner reported on the following:
 - Attending the Commission, Committee and Council on Aging meetings to report on the last two Council Policies to be updated.

K. ADDITIONAL PUBLIC COMMENTS

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

Council Member Askin reminded everyone to be cautious on the ice.

Council Member Sounart stated that she was able to play with the Orchestra for the first time in three-years for the Linked-Up Program with elementary school children; they played both here locally and in Homer and both concerts were well attended.

Vice Mayor Baisden thanked Acting City Manager Prior for sitting in for City Manager Eubank; stated he liked hearing reports regarding what Departments are doing; reported that the Kenai Central High School Boys and Girls Basket Ball Teams were going to the State Tournaments with the Cheerleaders; thanked the Streets Department for the winter road maintenance and clearing the school fields.

Council Member Knackstedt stated he was happy to hear that Larry Semmens agreed to work as the temporary Finance Director; thanked Acting City Manager Prior for his report and the radio announcement regarding snow load; and said he was looking forward to the March 31, 2023, Kenai Senior Connection, Inc's March for Meals Pie Auction.

L. EXECUTIVE SESSION - None.

M. PENDING ITEMS - None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS - None.

There being no further business before the Council, the meeting was adjourned at 7:46 p.m.

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

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

**PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: APRIL 5, 2023**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
ENSTAR NATURAL GAS	GAS USAGE	VARIOUS	UTILITIES	37,801.22
PERS	PERS	VARIOUS	LIABILITY	100,101.83
HOMER ELECTRIC	ELECTRIC USAGE	VARIOUS	UTILITIES	117,680.79

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
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PURCHASE ORDERS OVER \$35,000.00 WHICH NEED COUNCIL APPROVAL
 COUNCIL MEETING OF: APRIL 5, 2022

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
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INCREASE OF EXISTING PURCHASE ORDER

VENDOR	DESCRIPTION	P.O. # - DEPT.	REASON	AMOUNT	TOTAL PO AMT
KACHEMAK ELECTRIC	FY23 STREET LIGHT REPAIR/LINE LOCATE SERVICES	126151 - STREET LIGHTING	FIXTURE REPLACEMENTS AND LINE REPAIR WORK	23,077.50	45,000.00



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: March 28, 2023
SUBJECT: **Purchase Order – Kachemak Electric**

The purpose of this memo is to request Council's approval to increase Kachemak Electric's purchase order 126151 from \$21,922.50 to \$45,000, an increase of \$23,077.50, for continued work in support of city street light and utility locate services. Funding for this work has already been provided by council through approval of Ordinance 3322-2022 enacted December 21, 2022 which appropriated \$50,000 of fund balance into the Street Lighting Repair & Maintenance account. This memo is requesting those funds are now made available to Kachemak's existing PO to allow street light fixture replacements and line repair work to continue through the fiscal year end.

This work was released for formal bids on December 29, 2022 with bids due on January 17, 2023. Kachemak Electric was found to be the lowest responsive responsible bidder. The bid requested unit pricing based on an estimated amount of work, 175 utility locates and 30 light assessments as example. The additional funding being provided now, as budgeted, is allowing the repairs to move forward after assessment. The majority of the additional funds will be used to replace old light fixtures with new LED units.

The remaining \$5,000 budgeted, may be used to obtain electrical engineering services, to ensure the appropriate long term repairs are being provided in some of our recurring problem areas. The intent will be to have an electrical engineer on site with the contractor to properly diagnose major repairs.

Council's approval will allow the department to continue to effectively maintain our street lights. Approval is respectfully requested.



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: March 27, 2023
SUBJECT: **Liquor License Renewal – Don Jose’s Mexican Restaurant**

The following establishment has submitted applications to the Alcohol and Marijuana Control Office (AMCO) for a renewal of licenses:

Applicant: Don Jose’s, LLC
D/B/A: Don Jose’s Mexican Restaurant
License Type: Beverage Dispensary
License No.: 3039

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 2/21/2023 12:24:23 PM (Form Submission)
- Approve** by Jeremy Hamilton 2/22/2023 4:37:58 PM (Fire Marshall Review)

 - The task was assigned to Jeremy Hamilton. The due date is: March 2, 2023 5:00 PM 2/21/2023 12:24:24 PM
- Approve** by Donald Hendrickson 2/23/2023 1:13:09 PM (Building Official Review)

 - The task was assigned to Donald Hendrickson. The due date is: March 2, 2023 5:00 PM 2/21/2023 12:24:24 PM
- Approve** by David Ross 2/21/2023 4:45:07 PM (Police Department Review)

 - The task was assigned to David Ross. The due date is: March 2, 2023 5:00 PM 2/21/2023 12:24:24 PM
- Approve** by Tina Williamson 2/21/2023 12:47:19 PM (Finance Asst Review)

 - The task was assigned to Tina Williamson. The due date is: March 2, 2023 5:00 PM 2/21/2023 12:24:24 PM
- Approve** by Cindy Herr 2/21/2023 12:27:51 PM (Legal Asst Review)

 - No monies owed in traffic fines or restitution.
 - The task was assigned to Cindy Herr. The due date is: March 2, 2023 5:00 PM 2/21/2023 12:24:25 PM
- Approve** by Linda Mitchell 2/21/2023 3:42:19 PM (Lands Review)

 - The task was assigned to Linda Mitchell. The due date is: March 2, 2023 5:00 PM 2/21/2023 12:24:25 PM
- Approve** by Terry Eubank 2/22/2023 8:35:58 AM (Finance Review)

 - The task was assigned to Terry Eubank. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:42:20 PM
- Approve** by Scott Bloom 2/21/2023 3:55:02 PM (Legal Review)

 - The task was assigned to Scott Bloom. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:42:20 PM
- Approve** by Linda Mitchell 2/21/2023 3:45:33 PM (P&Z Department Review)

 - The task was assigned to Linda Mitchell. The due date is: March 2, 2023 5:00 PM 2/21/2023 3:42:21 PM

AMCO License Application

Date

2/16/2023

Establishment Information

License Type

Beverage Dispensary

Licensee

Don Jose's, LLC

Doing Business As

Don Jose's Mexican Restaurant

Premises Address

205 S Willow St

City, State

Kenai, AK

Contact Information

Contact Licensee

Jose Ramos

Contact Phone No.

907-229-7196

Contact Email

salmonalaska@yahoo.com

Additional Contact Information

Name

Lizz Barr

Phone No.

907-229-1106

Email

lizz.nigelquestcpa@gmail.com

Documents

File Upload

#3039 Complete Renewal Application with Temp.pdf

4.44MB

#3039 LGB Renewal Notice.pdf

261.05KB



THE STATE of ALASKA GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7th Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

February 16, 2023

City of Kenai

Kenai Peninsula Borough

Via Email: MJenkins@kpb.us; JVanHoose@kpb.us; jratky@kpb.us; Cjackinsky@kpb.us; MAldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; JBlankenship@kpb.us; assemblyclerk@kpb.us; bcarter@kpb.us; cityclerk@kenai.city

Re: Notice of 2023/2024 Liquor License Renewal Application

Table with 4 columns: License Type, Licensee, Doing Business As, License. Row 1: Beverage Dispensary, Don Jose's, LLC, Don Jose's Mexican Restaurant, 3039.

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,

Handwritten signature of Joan M. Wilson

Joan Wilson, Director amco.localgovernmentonly@alaska.gov



AB-17: 2023/2024 License Renewal Application

Alcohol and Marijuana Control Office
550 W 7th Avenue,
Suite 1600
Anchorage, AK 99501
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):	Don Jose's, LLC	License #:	3039
License Type:	Beverage Dispensary		
Doing Business As:	Don Jose's Mexican Restaurant		
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:	JOSE RAMOS	Contact Phone:	907.229-7196
Contact Email:	salmonalaska@yahoo.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:	LIZZ BARR	Contact Phone:	907.229-1106
Contact Email:	lizz.nigelquestcpa@gmail.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

AMCO

DEC 02 2022



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.

JR

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 operated for more than 240 hours throughout each year. (Year-round)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. The license was only operated during a specified time each year. (Not to exceed 6 months per year) <i>If your operation dates have changed, list them below:</i> _____ 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. <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> <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>	<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

DEC 02 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 of licensee

Signature of Notary Public

Printed name of licensee

Notary Public in and for the State of



My commission expires:

Subscribed and sworn to before me this 30 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:	\$	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ <u>2800.00</u>

#100502587

AMCO
DEC 02 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

3/27/2023

Sent via email: cityclerk@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant : Don Jose's LLC
Business Name : Don Jose's Mexican Restaurant
License Type : Beverage Dispensary
License Location : 205 S. Willow Street, Kenai, AK 99611, City of Kenai
License No. : 3039
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: lizz.nigelquestcpa@gmail.com;

MT/jr

Sponsored by: Administration



**CITY OF KENAI
ORDINANCE NO. 3342-2023**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE CONGREGATE HOUSING FUND FOR COSTS IN EXCESS OF BUDGETED AMOUNTS.

WHEREAS, Vintage Pointe Manor was constructed in 1992; and,

WHEREAS, emergency repairs and snow removal have been in excess of the FY23 Budget for Professional Services; and,

WHEREAS, the amount of \$10,000 is needed to ensure funds are available through the remainder of the FY23; and,

WHEREAS, proper maintenance and repairs are essential to the Facility's long-term life and in the best interest of the residents of Vintage Pointe Manor and the City of Kenai.

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

Section 1. That estimated revenues and appropriations be increased as follows:

Congregate Housing Fund:

Increase estimated revenues –	
Appropriation of Retained Earnings	<u>\$10,000</u>
 Increase appropriations	
Professional Services	<u>\$10,000</u>

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 immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 19TH DAY OF APRIL, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced:	April 5, 2023
Enacted:	April 19, 2023
Effective:	April 19, 2023



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Kathy Romain, Senior Center Director

DATE: March 27, 2023

SUBJECT: **Ordinance 3342-2023 – Vintage Pointe Supplemental Appropriation**

Throughout FY23, there has been an increase in emergency repairs and maintenance for Vintage Pointe with respect to the dry sprinkler system and the tremendous amount of snow. Each of these issues has weighed heavily on our FY23 Budget and will require supplemental funding from the Congregate Housing Enterprise Fund for the remainder of the current fiscal year.

I respectfully request your approval of Ordinance No. 3342-2023



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3343-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING A VOLUNTEER FIRE ASSISTANCE GRANT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE PASSED THROUGH THE STATE OF ALASKA DIVISION OF FORESTRY FOR THE PURCHASE OF FORESTRY FIREFIGHTING EQUIPMENT.

WHEREAS, City of Kenai Fire Department is a cooperator with Division of Forestry and has contracted personnel and equipment on major fire incidents on the Kenai Peninsula; and,

WHEREAS, grant funding will be used to purchase personal protective equipment for our personnel, to be used while responding to forest fire incidents; and,

WHEREAS, additional equipment will be purchased to improve response capabilities in our service area and assist Division of Forestry on incidents as a cooperator; and,

WHEREAS, the State of Alaska Division of Forestry has provided a grant in the amount of \$5,897.94 to assist the City of Kenai Fire Department in purchasing forestry firefighting gear, and,

WHEREAS, appropriation of this grant for its intended purpose is in the best interest of the City and its residents.

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

Section 1. That the City Manager is authorized to accept a grant from the United States Department of Agriculture Forest Service passed through the State of Alaska Division of Forestry in the amount of \$5,897.94 for the purchase of forestry firefighting equipment and is authorized to execute a grant agreement and to expend the grant funds to fulfill the purpose and intent of this Ordinance.

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

General Fund:

Increase Estimated Revenues –	
Federal Grant – Fire	<u>\$5,897.94</u>

Increase Appropriations –	
Fire Department – Small Tools/Minor Equipment	<u>\$5,897.94</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 19TH DAY OF APRIL, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced:	April 5, 2023
Enacted:	April 19, 2023
Effective:	April 19, 2023



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Tony Prior, Fire Chief

DATE: March 23, 2023

SUBJECT: **Ordinance 3343-2023 – Volunteer Fire Assistance Grant**

The City of Kenai Fire Department has been awarded a Volunteer Fire Assistance (VFA) grant in the amount of \$5,897.94 from the United States Department of Agriculture Forest Service through State of Alaska Division of Forestry for the purchase of forestry firefighting gear. The grant will fund the purchase of forestry firefighting Personal Protective Equipment (PPE), along with equipment to place on our designated forestry response apparatus. This gear and equipment will enable us to respond appropriately with tools needed on forestry incidents.

Your consideration is appreciated.



Division of Forestry

550 West 7th Avenue, Suite 1450
Anchorage, AK 99501-3561
Main: 907.269-8463
Fax: 907-269-8931

March 10th, 2023

Dear Alaska Fire Department:

Thank you for applying for the 2023 Volunteer Fire Assistance (VFA) grants. Thirty-two (32) fire departments applied for a VFA grant requesting a total of \$177,089 in assistance. Thirty-one (31) Alaska Fire Departments will receive up to \$6000 per fire department. A total of \$171,712 will be awarded. This is the letter of official notification.

The enclosed spreadsheet lists all applicants and the amount requested/amount awarded. If a fire department was awarded a grant, the amount awarded will be listed in the column titled "Amount Awarded". If a VFD did not receive any funding or will be receiving a partial award, please get in touch with your respective DOF Fire Management Officer (FMO) with any questions you may have.

- Checks will be distributed electronically by association with the VFD's SOA vendor number and the SOA electronic payment agreement. Electronic disbursements are expected by May 2023.
- To be eligible for a 2024 VFA grant, compliance documentation, such as copies of receipts for 2023 grant expenditures, must be submitted to your nearest Forestry office at the time of, or prior to, submitting a 2023 application.
- Volunteer Fire Assistance is an award of Federal Financial Assistance with funding from the USDA Forest Service. Prime and sub-recipients to this award are subject to OMB guidance in sub parts A through F of 2 CFR Part 200 as adapted and supplemented by the USDA in 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to OMB guidance in 2 CFR 200 where full text may be found.
- The brochure, *Complying with Civil Rights, FS-850*, can be found at: www.fs.usda.gov/internet/fse_documents/fseprd526908.pdf
- The OMB Circulars are available on the internet at www.ecfr.gov

If an application was not fully successful, do not be discouraged and continue to apply every year by submitting an online application package by the deadline.

Sincerely,

Sarah Saarloos, Fire Staff Officer

2023 VFA Grant Awards

Fire Department	Amount Requested	Amount Awarded	Division of Forestry Office
Delta Junction VFD	\$5,973.88	\$5,973.88	Delta Area Office
Rural Deltana VFD	\$6,000.00	\$6,000.00	Delta Area Office
Chena-Goldstream Fire & Rescue	\$5,848.20	\$5,848.20	Fairbanks Area Office
Ester VFD	\$5,658.41	\$5,658.41	Fairbanks Area Office
North Pole FD	\$6,000.00	\$6,000.00	Fairbanks Area Office
North Star VFD	\$5,959.89	\$5,959.89	Fairbanks Area Office
Salcha Fire & Rescue	\$5,377.00	\$0.00	Fairbanks Area Office
Bear Creek Fire/EMS Department	\$3,293.55	\$3,293.55	Kenai Kodiak Area Office
Central Emergency Services	\$5,331.60	\$5,331.60	Kenai Kodiak Area Office
Cooper Landing VFD	\$5,384.36	\$5,384.36	Kenai Kodiak Area Office
Kachemak Emerg. Services	\$5,923.60	\$5,923.60	Kenai Kodiak Area Office
Kenai FD	\$5,897.94	\$5,897.94	Kenai Kodiak Area Office
Lowell Point VFD	\$6,000.00	\$6,000.00	Kenai Kodiak Area Office
Moose Pass Vol. Fire Co.	\$5,239.78	\$5,239.78	Kenai Kodiak Area Office
Nikiski FD	\$4,358.47	\$4,358.47	Kenai Kodiak Area Office
Seward FD	\$4,229.32	\$4,229.32	Kenai Kodiak Area Office
Western Emergency Services Area	\$5,844.96	\$5,844.96	Kenai Kodiak Area Office
Butte FD	\$5,999.75	\$5,999.75	Mat Su Area
Girdwood Vol. Fire & Rescue, Inc.	\$5,810.00	\$5,810.00	Mat Su Area
Houston FD	\$5,931.00	\$5,931.00	Mat Su Area
Palmer Fire and Rescue	\$5,759.45	\$5,759.45	Mat Su Area
Sutton VFD	\$5,999.99	\$5,999.99	Mat Su Area
Talkeetna VFD	\$6,000.00	\$6,000.00	Mat Su Area
Trapper Creek	\$6,000.00	\$6,000.00	Mat Su Area
Haines VFD	\$6,000.00	\$6,000.00	Southeast Alaska
Whale Pass VFD	\$3,471.50	\$3,471.50	Southeast Alaska
Bethel FD	\$4,963.68	\$4,963.68	Southwest District
Tok VFD	\$5,992.00	\$5,992.00	Tok Area Office
Gakona VFD	\$5,975.10	\$5,975.10	Valdez-Copper River Area Office
GlennRich Fire Rescue	\$5,611.50	\$5,611.50	Valdez-Copper River Area Office
Kennicott/McCarthy VFD	\$5,367.24	\$5,367.24	Valdez-Copper River Area Office
Kenny Lake VFD	\$5,887.71	\$5,887.71	Valdez-Copper River Area Office
GRAND TOTAL	\$177,089.88	\$171,712.88	



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3344-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE CHAPTER 8.20 – FIREWORKS CONTROL, BY REMOVING REFERENCES TO CITY PERMITS – WHICH ARE REDUNDANT TO THE STATES FIREWORK DISPLAY PERMIT.

WHEREAS, Kenai Municipal Code establishes rules for the use of fireworks in the City; and,

WHEREAS, there is not a permitting process established by the City for a Fireworks Display; and,

WHEREAS, the State requires a letter from the local fire department stating that they are aware and do not object to the display before a Firework Display Permit is issued; and,

WHEREAS, the Use Permit for the City is redundant to the Firework Display Permit issued by the State.

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

Section 1. Amendment of Section 8.20.020 of Kenai Municipal Code: That Kenai Municipal Code, Section 8.20.020 - Fireworks prohibition-Exceptions, is hereby amended as follows:

8.20.020 Fireworks [P]Prohibition—Exceptions.

Except as specifically provided below, the use of all classes of fireworks are forbidden within the City of Kenai.

- (a) Personal and Private Use. On the days of December 31st and January 1st only, a forty-eight (48) hour period, a person over the age of eighteen (18) may use salable fireworks within the City for personal and private use on real property owned by the person, or other private property with the consent of the property owner.
- (b) Public Use. As specifically provided below, the City, associations and other organizations, or groups holding a current and valid permit issued by the [CITY AND ANY OTHER] State or Federal agency with jurisdiction, may provide a public display of fireworks.
- (c) Official Use. Employees or contractors of the City may use fireworks in the interest of public safety, animal control and animal hazing at the Kenai Municipal Airport.

Section 2. Repeal of Section 8.20.030 of Kenai Municipal Code: That Kenai Municipal Code, Section 8.20.030 – Use permits, is hereby repealed as follows:

[8.20.030 USE PERMITS.

- (A) THE CITY MAY ISSUE A PYROTECHNIC PERMIT TO THE CITY, ASSOCIATION OR OTHER ORGANIZATION, OR GROUPS FOR PUBLIC FIREWORKS DISPLAYS, PROVIDED THAT THE DISPLAY IS TO BE CONDUCTED BY A STATE LICENSED PYROTECHNIC OPERATOR WITHIN THIRTY (30) DAYS FROM THE DATE OF AN APPROVED APPLICATION SHOWING THE FOLLOWING:

- (1) DATES AND LOCATION OF THE PROPOSED DISPLAYS; AND

- (2) THAT ALL APPROPRIATE OR REQUIRED STATE LICENSES OR CERTIFICATES HAVE BEEN PROCURED;
AND
 - (3) THAT A POLICY OR CERTIFIED TRUE COPY OF A POLICY OF PUBLIC LIABILITY INSURANCE AND PRODUCTS LIABILITY INSURANCE COVERAGE PROVIDED BY THE APPLICANT OR HIS OR HER EMPLOYER HAS BEEN FILED WITH THE CITY, BOTH ACCIDENT AND OCCURRENCE IN THE AMOUNT OF AT LEAST ONE MILLION DOLLARS (\$1,000,000.00) FOR BODILY INJURY AND DEATH AND AT LEAST FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR PROPERTY DAMAGE; AND
 - (4) THAT THE CITY OF KENAI FIRE DEPARTMENT HAS BEEN NOTIFIED AND INVITED TO BE IN ATTENDANCE FOR FIRE CONTROL PURPOSES; AND
 - (5) THAT THE OFFICE OF THE STATE FIRE MARSHAL HAS ISSUED THE NECESSARY LICENSES OR CERTIFICATES, IF APPLICABLE; AND
 - (6) THE NAME OF THE APPLICANT AND THE NAME AND ADDRESS OF THE STATE LICENSED PYROTECHNIC OPERATOR OR COMPANY WHO WILL BE CONDUCTING THE DISPLAY.
- (B) IN THE EVENT THAT AN OBJECTION IS RECEIVED FROM THE STATE FIRE MARSHAL OR THE CITY OF KENAI FIRE DEPARTMENT, THE CITY MAY DENY THE APPLICATION FOR CAUSE SHOWN.]

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

Section 4. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 19TH DAY OF APRIL, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	April 5, 2023
Enacted:	April 19, 2023
Effective:	May 19, 2023



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Tony Prior, Fire Chief
DATE: March 28, 2023
SUBJECT: Ordinance 3344-2023 – Amend KMC Fireworks Prohibition

The City Code Chapter 8.20 Fireworks Control regulates the use of fireworks in the City. This Ordinance requests amendments to KMC Chapter 8.20 to remove reference to City “Use Permits”, as the City does not have an official Permit, or permit process. The State of Alaska has a permit and process in place that the Fire Department approves at the local level.

Before an applicant can receive a Firework Display Permit from the State, the applicant must inform the local fire department and receive a letter from the fire department stating that they are aware and do not object to the display.

The proposed amendments to KMC 8.20 only remove provisions for a local Use permit, thus removing redundancy with State requirements for a Fireworks Display Permit. The result is the same with a clearer and simpler permitting process.

Your consideration is appreciated.



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Scott Curtin, Director of Public Works
DATE: March 28, 2023
SUBJECT: **Action Approval – DOT Easement Approval on Boat Launch Rd.**

The purpose of this memo is to request Council's approval to grant an easement to the Alaska Department of Transportation (ADOT) in support of their Bridge Access Road Pavement Preservation Project (CFHWY00830). Part of ADOT's project is to replace and upgrade failing culverts at Boat Launch Rd at the intersection with Bridge Access Road. Please see the attached Figure 2 drawing for exact location.

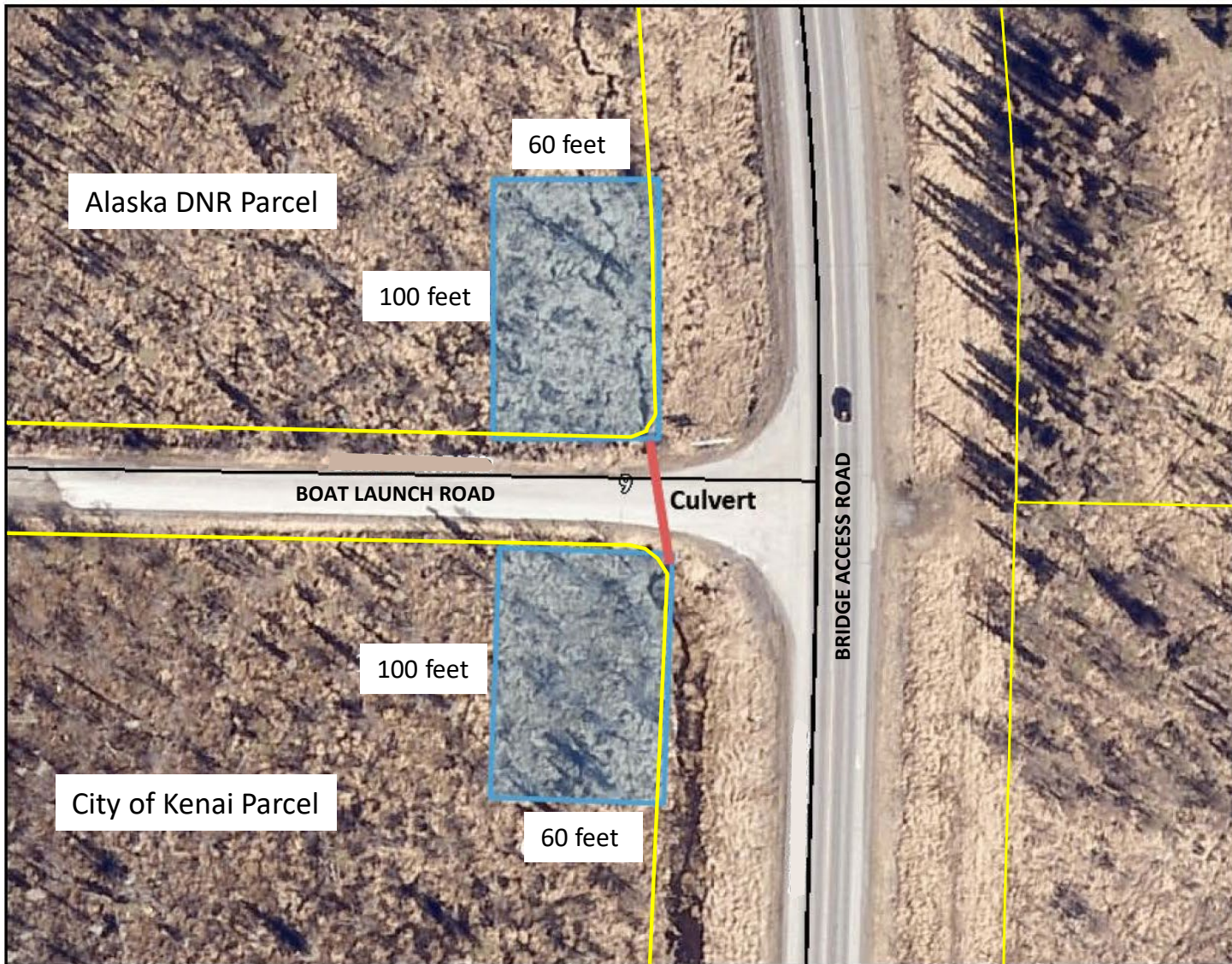
The requested easement is 60'x100' on both sides of Boat Launch Rd. and is intended to allow ADOT equipment to remove the existing culvert and replace it with a River Center and Department of Natural Resources approved fish passage type culvert.

All costs associated with this project are being paid by ADOT. The affected project area will be restored to natural site conditions upon their departure. The Administration recommends approval of the requested easement.

Council's support is respectfully requested.



Temporary Construction Easements



Legend

Parcel Boundaries



BOAT LAUNCH CULVERT REPLACEMENT

STATE OF ALASKA

Department of Transportation and Public Facilities

Bridge Access Road
Pavement Preservation
CFHWY00830

Kenai, Alaska

DATE: 3/14/2023

FIGURE 2

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. Do not use for navigation.



KENAI

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

MEMORANDUM

TO: Council Members

FROM: Mayor Gabriel

DATE: March 21, 2023

SUBJECT: **Discussion/Action** – Scheduling Special Meeting(s) for Individual Council Employee Personnel Evaluations

The individual Council employees who have evaluations due for the evaluation period ending December 31, 2022 are City Clerk and City Attorney. The City Manager evaluation is not due at this time because his employment began on January 10, 2023, after the end of the evaluation period. The City Manager Employment Agreement states the employee will receive a performance evaluation within the first six months, and this evaluation will need to be scheduled at a later date than the evaluations for the City Clerk and City Attorney.

The following timeline is recommended for the evaluation process this year:

April 5, Regular Council Meeting	Schedule employee evaluations with a Clerk's Note that Council May Convene into Executive Session at the April 19 meeting to review and finalize evaluations
April 20 – 28, Special Meeting	Council reviews employee evaluation(s) with employee(s) with a Clerk's Note that Council May Convene into Executive Session
May 3, Regular Council Meeting	Council Action/Approval Item Amending any Employment Agreement(s) by motion with a specified effective date

This timeline differs from previous years to allow Council to provide employees with a copy of the evaluation *prior* to the Special Meeting to review evaluations with the employee(s). Copies of the current employment agreements will be provided to Council by Human Resources in advance of the April 19 meeting.

Review and Discussion of the evaluation(s) may be held in Executive Session as it may be a subject that tends to prejudice the reputation and character of a person provided the employee may request a public discussion.

**KENAI AIRPORT COMMISSION
REGULAR MEETING
MARCH 9, 2023 – 6:00 P.M.
KENAI MUNICIPAL AIRPORT CONFERENCE ROOM
CHAIR GLENDA FEEKEN, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Chair Feeken called the meeting to order at 6:00 p.m.

a. Pledge of Allegiance

Chair Feeken led those assembled in the Pledge of Allegiance.

b. Roll was confirmed as follows:

Commissioners Present: G. Feeken, P. Minelga, D. Pitts, J. Caldwell, J. Bielefeld, J. Daily, J. Zirul

Commissioners Absent: None.

Staff/Council Liaison Present: Airport Manager E. Conway, City Clerk S. Saner, Council Member Knackstedt

A quorum was present.

c. Agenda Approval

MOTION:

Commissioner Caldwell **MOVED** to approve the agenda as revised. Commissioner Daily **SECONDED** the motion. There were no objections; **SO ORDERED**.

2. SCHEDULED PUBLIC COMMENT – None.

3. UNSCHEDULED PUBLIC COMMENT – None.

4. APPROVAL OF MEETING SUMMARY

a. January 12, 2023

MOTION:

Vice Chair Minelga **MOVED** to approve the meeting summary of January 12 2023 as written. Commissioner Daily **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. UNFINISHED BUSINESS – None.

6. NEW BUSINESS

a. Discussion/Recommendation – Recommending City Council Approval of the Student Representative Policy No. 20.100

City Clerk Saner clarified that this would repeal both of the existing student representative policies and establish one policy that's applicable to all boards, commissions and councils; she reviewed the proposed changes from the previous policy.

Clarification was provided that the students' reporting requirements would be established through their school's leadership groups.

MOTION:

Vice Chair Minelga **MOVED** to recommend that the Kenai City Council approve the Student Representative Policy No. 20.100. Commissioner Caldwell **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: There were no objections; **SO ORDERED.**

[Commissioner Zirul arrived 6:05 p.m.]

- b. **Discussion/Recommendation** – Recommending City Council Approval of Amendments to the City Council Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01

City Clerk Saner reviewed the proposed amendments to the Procedures for Commissions, Committees and Council on Aging Policy.

MOTION:

Council Member Daily **MOVED** to recommend that the Kenai City Council Approval of Amendments to the City Council Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01. Vice Chair Minelga **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: There were no objections; **SO ORDERED.**

- c. **Discussion/Recommendation** – Recommending City Council Approval of a Special Use Permit to Pacific Star Seafoods to Conduct Fish Haul Operations.

Airport Manager Conway explained that Pacific Star Seafoods, Inc. is requesting a Special Use Permit for 15,000 square feet for aircraft loading and parking related to fish haul operations, to be used between June 1, 2023 and July 21, 2023.

MOTION:

Commissioner Caldwell **MOVED** to recommend that the Kenai City Council approve a Special Use Permit to Pacific Star Seafoods to Conduct Fish Haul Operations. Commissioner Daily **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: There were no objections; **SO ORDERED.**

- d. **Discussion/Recommendation** – Recommending City Council Approval of a Special Use Permit to The Fishing Grounds LLC to Operate a Snack/Gift Shop Inside the Airport Terminal Building, Suite 120.

Airport Manager Conway reported that multiple individuals had expressed interest in the space, and he is glad to see the space in operation again as it will have value for travelers.

Applicant Rebecca Boettcher reviewed what would be sold and clarified that she intends for the operating hours to be 6:00 a.m. to 8:00 p.m.

MOTION:

Commissioner Caldwell **MOVED** to recommend that the Kenai City Council approve a Special Use Permit to The Fishing Grounds LLC to Operate a Snack/Gift Shop Inside the Airport Terminal

Building, Suite 120. Commissioner Bielefeld **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: There were no objections; **SO ORDERED.**

7. REPORTS

a. **Airport Manager** – Airport Manager Conway reported on the following:

- Enplanement increase year over year.
- Met with the FAA in Anchorage to discuss upcoming runway project.
- Will attend FAA workshop in Anchorage on March 21st.
- Vacancy update.

b. **City Council Liaison** – Council Member Askin reported on the actions of the February 15, 2023 and March 1, 2023 City Council meetings.

8. NEXT MEETING ATTENDANCE NOTIFICATION – April 13, 2023

9. COMMISSIONER COMMENTS AND QUESTIONS

Vice Chair Minelga suggested that the Commission tour the Fire Training Center Facility.

Commissioner Pitts inquired about snow removal at the Airport.

10. ADDITIONAL PUBLIC COMMENT – None.

11. INFORMATION ITEMS

- a. January 2023 Enplanements
- b. February 2023 Enplanements

12. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 6:28 p.m.

Meeting summary prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

**KENAI PARKS & RECREATION COMMISSION
REGULAR MEETING
MARCH 2, 2023 – 6:00 PM
KENAI CITY COUNCIL CHAMBERS
CHAIR PRO TEM CHARLIE STEPHENS, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

The meeting was called to order at approximately 6:10 p.m.

a. Pledge of Allegiance

Parks & Recreation Charlie Stephens led those assembled in the Pledge of Allegiance.

b. Roll was confirmed as follows:

Commissioners present:	C. Stephens, M. Bernard, J. Joanis, K. Graham
Commissioners absent:	G. Wisniewski, S. Kisenka, D. Rigall
Staff/Council Liaison present:	Parks & Recreation Director B. Walker, Parks & Recreation Assistant Director T. Best, City Clerk S. Saner, Council Liaison H. Knackstedt

A quorum was present.

MOTION:

Commissioner Joanis **MOVED** to nominate Commissioner Stephens as Chair Pro Tem. Commissioner Bernard **SECONDED** the motion. There were no objections; **SO ORDERED.**

c. Election of Chair and Vice-Chair

The commission agreed to hold the election of Chair and Vice-Chair until the next meeting when more of the body would be present.

d. Agenda Approval

Chair Pro Tem Stephens noted the request from staff to revise the agenda by hearing item 6a. Presentation of Parks and Recreation 2023 Summer Maintenance Plan after items 6b. and 6c.

MOTION:

Commissioner Joanis **MOVED** to approve the agenda as revised. Commissioner Bernard **SECONDED** the motion. There were no objections; **SO ORDERED.**

2. SCHEDULED PUBLIC COMMENT – None.

3. UNSCHEDULED PUBLIC COMMENT

Rebecca Lambourne, an anthropologist and resident of the city, discussed her involvement in an archaeological dig with the City of Soldotna. Lambourne mentioned that there are cultural sites in the municipal parks, some of which are protected, and suggested that they could be worked into an educational nature trail. She also mentioned that there are salmon fry in a salmon-rearing stream in the park and highlighted the importance of protecting this area. Lastly, she shared that she had conducted a recent survey in the park and found more salmon fish storage pits, indicating that there are likely more cultural sites in the park.

4. APPROVAL OF MEETING SUMMARY

- a. November 3, 2022

MOTION:

Commissioner Joanis **MOVED** to approve the meeting summary of November 3, 2022. Commissioner Bernard **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. UNFINISHED BUSINESS – None.

6. NEW BUSINESS

- b. **Discussion/Recommendation** – Recommending City Council Approval of Amendments to the City Council Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01

City Clerk Saner reviewed the proposed amendments to the Procedures for Commissions, Committees and Council on Aging Policy.

MOTION:

Commissioner Joanis **MOVED** to recommend approval of the amendments to the City Council Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01. Kyle Graham **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: There were no objections; **SO ORDERED**.

- c. **Discussion/Recommendation** – Recommending City Council Approval of the Student Representative Policy No. 20.100

City Clerk Saner clarified that this would repeal both of the existing student representative policies and establish one policy that's applicable to all boards, commissions and councils; she reviewed the proposed changes from the previous policy.

The commission discussed the wording of eligibility requirements and whether it excludes homeschool or online students. They proposed different options to include residents who attend schools outside the city limits, such as adding a residency requirement or amending the wording to include the name of the school district.

MOTION:

Commissioner Joanis **MOVED** to recommend approval of the Student Representative Policy No. 20.100, with the change that a student must be a junior or senior in good standing at a school within the Kenai Peninsula Borough. Commissioner Graham **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: There were no objections; **SO ORDERED**.

- a. **Discussion/Recommendation** – Presentation of Parks and Recreation 2023 Summer Maintenance Plan

Parks Director Walker provided a staff report of the 2023 Summer Maintenance Plan, which includes maintaining the turf for soccer fields, ball fields, softball, and baseball. He explained that staff will also implement watering programs and work on the wildflower field to overcome the seed bank by removing the weed seeds in the soil.

Further discussion from the commission included clarification on herbicide use, community marketing, snow removal, and rototilling the playground in Old Town Park.

7. REPORTS

- a. **Parks and Recreation Director** – Director Walker reported on the following:
- Assistant Director Best will be acting Director the following week while Director

Walker will be out of office.

- City League Basketball update.
- Planning for Easter Egg Hunt and Kite Festival events.
- Flowers have been ordered, to be received in March.
- Moving snow on walkways at Municipal Park.
- City leadership training.
- Recognized long-serving commissioners Michael Bernard (eight years) and Charlie Stephens (12 years); provided with certificates of appreciation and pins.

b. **Commission Chair** – No report.

c. **City Council Liaison** – Council Member Knackstedt reviewed the actions of the February 15, 2023 and March 1, 2023 City Council meetings.

8. **NEXT MEETING ATTENDANCE NOTIFICATION** – April 6, 2023

It was noted that Commissioner Stephens would not be in attendance.

9. **COMMISSION QUESTIONS AND COMMENTS**

Commissioner Joanis noted that she appreciated the Robert Rules of Order training provided by the City during the Commission & Committee training session.

10. **ADDITIONAL PUBLIC COMMENT** – None.

11. **INFORMATIONAL ITEMS**

a. Parks & Recreation Report – December 2022 and January 2023

It was noted that the Department of Natural Resources reached out and has been removing trees from Ryan's Trails, where they dropped over 300 trees.

12. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:32 p.m.

Meeting summary prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk