



Kenai City Council - Regular Meeting

January 05, 2022 – 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 comment limited to three (3) minutes) per speaker; thirty (30) minutes aggregated*)

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

B. SCHEDULED PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

- 1. Ordinance No. 3261-2021** - Accepting and Appropriating a Grant from the Institute of Museum and Library Services through the Department of Education and Early Development, Division of Library, Archives & Museums for the Purchase of a Hold Locker. (Administration)
- 2. Ordinance No. 3262-2021** - Accepting and Appropriating a Grant from the Institute of Museum and Library Services Passed Through the Department of Education and Early Development, Division of Library, Archives & Museums for the Purchase of Steam Kit Shelving, Library Materials, and Other Items. (Administration)
- 3. Ordinance No. 3263-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association (AMLJIA) for the Purchase of Ballistic Vests. (Administration)

- 4. Ordinance No. 3264-2021** - Accepting and Appropriating Asset Forfeiture Funds Provided to the City of Kenai through the State of Alaska Department of Public Safety. (Administration)
- 5. Ordinance No. 3265-2021** - Increasing Estimated Revenue and Appropriations in the General Fund and the Parks Improvement Capital Project Fund for Additional Kenai Dog Park Funding. (Vice Mayor Glendening and Council Members Winger and Baisden)
- 6. Resolution No. 2022-01** - Approving the Purchase of Fifteen Mobile Radios and Associated Programming for the Police and Fire Departments Under Sole Source Purchases from Motorola Solutions Using NASPO Valuepoint Contract Pricing for the Total Price of \$83,979.77. (Administration)
- 7. Resolution No. 2022-02** - Adopting an Alternative Allocation Method for the FY22 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity In FMA 14: Cook Inlet Area. (Administration)
- 8. Resolution No. 2022-03** - Amending the Employee Classification Plan to Change the Range of the Human Resources Director. (Administration)

E. MINUTES

- 1.** *Regular Meeting of December 15, 2021. (City Clerk)

F. UNFINISHED BUSINESS

- 1. Action/Approval** - Confirmation of Mayoral Nominations for Appointment to the Planning and Zoning Commission. (Mayor Gabriel) [**Clerk's Note:** *At the December 15, 2021 Meeting, this item was Postponed to this meeting.*]

G. NEW BUSINESS

- 1. *Action/Approval** - Bills to be Ratified. (Administration)
- 2. *Action/Approval** - Non-Objection to Marijuana License Transfer for Herban Extracts, LLC. (City Clerk)
- 3. *Action/Approval** - Non-Objection to Liquor License Renewals for Country Liquor, Wal-Mart Supercenter and American Legion Post 20. (City Clerk)
- 4. *Action/Approval** - Special Use Permit to Schilling Alaska, Inc., d/b/a the Uptown Motel for Snow Storage. (Administration)
- 5. *Ordinance No. 3266-2022** - Accepting and Appropriating Funds in the Airport Fund, and Accepting Two Grants From the Federal Aviation Administration Under the American Rescue Plan Act of 2021 (H.R. 1319, Public Law 117-2). (Administration)
- 6. Action/Approval** – Kenai Bluff Stabilization Project Thank You Letter (Council Member Pettey)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
- [5.](#) Planning and Zoning Commission
- [6.](#) Beautification Committee
7. Mini-Grant Steering Committee

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

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION**M. PENDING ITEMS****N. ADJOURNMENT****O. INFORMATION ITEMS**

- [1.](#) Purchase Orders Between \$2,500 and \$15,000
- [2.](#) Thank You Letter to VFW

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/87968544334>

Meeting ID: 879 6854 4334 **Passcode:** 274988

OR

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

Meeting ID: 879 6854 4334 **Passcode:** 274988



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3261-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES THROUGH THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT, DIVISION OF LIBRARY, ARCHIVES & MUSEUMS FOR THE PURCHASE OF A HOLD LOCKER.

WHEREAS, the Kenai Community Library desires to expand its services by installing an external materials hold locker; and,

WHEREAS, the Library received a grant from the Institute of Museum and Library Services (IMLS) through the Department of Education and Early Development, Division of Libraries, Archives, and Museums in the amount of \$22,300 for the purchase of an external hold locker; and,

WHEREAS, an external hold locker is a self-service system that allows patrons to pick up library materials in a convenient, contact-free method; and,

WHEREAS, the hold locker will be placed outside the front entrance and will therefore be accessible at all times; and,

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

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

Section 1. That the City Manager is authorized to accept a grant in the amount of \$22,300 from the IMLS through the Department of Education and Early Development, Division of Library, Archives & Museums.

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

General Fund:

Increase Estimated Revenues – Library--Federal Grants	<u>\$22,300</u>
Increase Appropriations – Library – Machinery and Equipment	<u>\$22,300</u>

Section 3. That the City Manager is authorized to execute the grant agreement and to expend the grant funds to fulfill the purpose and intent of this Ordinance.

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of January, 2022.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced: December 15, 2021
Enacted: January 5, 2022
Effective: January 5, 2022



KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Katja Wolfe, Library Director

DATE: December 6, 2021

SUBJECT: **Ordinance 3261-2021- Grant to the Purchase a Hold Locker**

The purpose of this memo is to request acceptance and appropriation of a \$22,300 grant from the Institute of Museum and Library Services (IMLS) through the Department of Education and Early Development, Division of Libraries, Archives, and Museums for the purchase of a self-service hold pickup locker.

Located outside the building, the secure locker will give library patrons the flexibility to pick up their reserved materials when it is convenient for them, even when the library is closed. The automated locker can also be utilized by those desiring a contact-less library visit.

Thank you for your consideration.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3262-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES PASSED THROUGH THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT, DIVISION OF LIBRARY, ARCHIVES & MUSEUMS FOR THE PURCHASE OF STEAM KIT SHELVING, LIBRARY MATERIALS, AND OTHER ITEMS.

WHEREAS, the Library received a grant from the Institute of Museum and Library Services (IMLS) through the Department of Education and Early Development, Division of Libraries, Archives, and Museums in the amount of \$6,000; and,

WHEREAS, \$3,500 will be used to purchase STEAM (Science, Technology, Engineering, Art and Math) kit shelving and programming equipment; and,

WHEREAS, \$2,500 will be used to purchase library materials; and,

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

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

Section 1. That the City Manager is authorized to accept a grant in the amount of \$6,000 from the Institute of Museum and Library Services through the Department of Education and Early Development, Division of Library, Archives & Museums.

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

General Fund:

Increase Estimated Revenues –	
Library---Federal Grants	<u>\$6,000</u>
 Increase Appropriations –	
Library – Books	\$2,500
Library – Operating/Repair Supplies	3,100
Library – Small Tools/Minor Equipment	<u>400</u>
	<u>\$6,000</u>

Section 3. That the City Manager is authorized to execute the grant agreement and to expend the grant funds to fulfill the purpose and intent of this Ordinance.

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of January, 2022.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced: December 15, 2021
Enacted: January 5, 2022
Effective: January 5, 2022



KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Katja Wolfe, Library Director

DATE: December 6, 2021

SUBJECT: **Ordinance 3262-2021 Acceptance of a Grant from the IMLS**

The purpose of this memo is to request acceptance and appropriation of \$6,000 from the Institute of Museum and Library Services (IMLS) through the Department of Education and Early Development, Division of Libraries, Archives, and Museums. Per the grant award, \$3,500 will be used for the purchase of STEAM (Science, Technology, Engineering, Art, and Math) kit shelving, a Chromebook charging station, and programming equipment (e.g., amplifiers and a canopy tent), and \$2,500 will be used for the purchase of library materials.

Thank you for your consideration.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3263-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND – POLICE DEPARTMENT AND ACCEPTING GRANTS FROM THE UNITED STATES DEPARTMENT OF JUSTICE AND ALASKA MUNICIPAL LEAGUE JOINT INSURANCE ASSOCIATION (AMLJIA) FOR THE PURCHASE OF BALLISTIC VESTS.

WHEREAS, the Kenai Police Department participates in a Ballistic Vest Partnership (BVP) grant program through the Department of Justice, which covers 50% of the cost of ballistic vests purchased for officers; and,

WHEREAS, the City’s current insurance company, AMLJIA, also has a ballistic vest reimbursement program, which covers 50% of the cost of ballistic vest purchased for officers; and,

WHEREAS, three ballistic vests were recently purchased for a total of \$5,630 and the two programs together will cover 100% of the cost of those ballistic vests.

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 and expend United States Department of Justice and AMLJIA grant funds for the purchase of ballistic vests.

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

General Fund:

Increase Estimated Revenues –	
Federal Grants – Police	\$2,815.00
Miscellaneous Grants	<u>2,815.00</u>
	<u>\$5,630.00</u>
Increase Appropriations –	
Police – Small Tools	<u>\$5,630.00</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 January, 2022.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced: December 15, 2021
Enacted: January 5, 2022
Effective: January 5, 2022



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: David Ross, Police Chief

DATE: November 24, 2021

SUBJECT: **Ordinance No. 3263-2021 Accepting Grant Funds for Ballistic Vests**

The police department participates in the United States Department of Justice' Ballistic Vest Partnership (BVP), which provides grant funds for half the cost of Officer ballistic vests. The City's insurance carrier, AMLJIA, also has a grant program by which they cover half the cost of ballistic vests purchased by officers.

The Police Department recently purchased five ballistic vests for officers, at a total cost of \$5,630 and anticipates that cost to be covered 100% by the two programs.

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



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3264-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING ASSET FORFEITURE FUNDS PROVIDED TO THE CITY OF KENAI THROUGH THE STATE OF ALASKA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the Kenai Police Department works cooperatively with the State of Alaska Department of Public Safety and participates in the regional drug task force (SCAN) with enforcement efforts that directly impact the City of Kenai and surrounding areas; and,

WHEREAS, In August of this year the Kenai Police Department received two asset forfeiture sharing checks totaling \$28,889.31 from the State of Alaska Department of Public Safety, related to drug cases where assets or cash were forfeited; and,

WHEREAS, the Kenai Police Department intends to use those funds as they were intended, for the furtherance of the administration of justice, through the purchase of law enforcement equipment.

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 asset forfeiture funds from the Alaska Department of Public Safety and to use those funds for the purchase of law enforcement equipment.

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

General Fund

Increase Estimated Revenues –	
Asset Forfeiture checks from the State of Alaska	<u>\$28,889.31</u>
 Increase Appropriations –	
Police – Small Tools	\$18,817.83
Police – Machinery and Equipment	<u>10,071.48</u>
	<u>\$28,889.31</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 January, 2022.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced: December 15, 2021
Enacted: January 5, 2022
Effective: January 5, 2022



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: David Ross, Police Chief

DATE: December 3, 2021

SUBJECT: Ordinance No. 3264-2021, Accepting Drug Forfeiture Funds

The Kenai Police Department received \$28,889.31 in asset forfeiture sharing funds from the State of Alaska Department of Public Safety. Those funds were shared with the Kenai Police Department after being forfeited to the State in connection with criminal drug cases, for which the Kenai Police Department participated in the investigation. Funds forfeited in this manner are intended to be used in furtherance of the administration of justice.

I am respectfully requesting consideration of the ordinance appropriating \$28,889.31 into the General Fund Accounts: Police- Small Tools - \$18,817.83 and Police – Machinery & Equipment - \$10,071.48 accounts to pay for law enforcement equipment. The primary purchases made with these funds are anticipated to be, an updated video recording system for police interview rooms, and video camera systems for some new police vehicles.



Sponsored by: Sponsored by Vice Mayor Glendening and Council Members Winger and Baisden

CITY OF KENAI

ORDINANCE NO. 3265-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUE AND APPROPRIATIONS IN THE GENERAL FUND AND THE PARKS IMPROVEMENT CAPITAL PROJECT FUND FOR ADDITIONAL KENAI DOG PARK FUNDING.

WHEREAS, Resolution 2018-52 designated land within the Daubenspeck Family Park for the development of an off-leash dog park; and,

WHEREAS, since that time a group of volunteers has worked on fundraising and construction of the dog park; and,

WHEREAS, Ordinance 3211-2021 (Substitute) provided \$25,000 in available funding from the City's General fund for the park; and,

WHEREAS, despite the prior appropriation and fundraising efforts, additional funds are needed to complete the project; and,

WHEREAS, the dog park will be the first of its kind in the City and provide new recreational opportunities for residents and visitors; and,

WHEREAS, the park is intended to include access for disabled users; and,

WHEREAS, the group of volunteers spearheading the project have requested City assistance in completing some of the more complicated construction aspects of the project including lighting, water supply, security, ADA accessible walkways, and concrete work; and,

WHEREAS, it is in the best interest of the City to support the completion of the park by finishing the scope, design work, and the bid process for construction as needed.

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

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

General Fund:

Increase Estimated Revenues –	
Appropriation of Fund Balance	<u>\$63,000</u>

Increase Appropriations –	
Transfer to Parks Improvement Capital Project Fund	<u>\$63,000</u>

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

Parks Improvement Capital Project Fund:	
Increase Estimated Revenues –	
Transfer from General Fund	<u>\$63,000</u>
Increase Appropriations –	
Construction – Kenai Community Dog Park	<u>\$63,000</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 January, 2022.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 

Introduced: December 15, 2021
Enacted: January 5, 2022
Effective: January 5, 2022



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Vice Mayor Glendening, Councilmembers Winger and Baisden

DATE: December 9, 2021

SUBJECT: **Ordinance No. 3265-2021, Kenai Dog Park Funding**

This Ordinance appropriates \$63,000 into the Parks Improvement Capital Project Fund in support of completion of the Kenai Dog Park, including design and construction needs. Council has previously dedicated land for this park, with a group of volunteers raising funds and completing work to date. The City has also previously made \$25,000 available for the project. The volunteer fundraising efforts are ongoing. To ensure the project is built to the desired standards, it is important for the City to continue working forward with the volunteers to assist in its completion, including managing some of the more complicated aspects of the project. Completion of the park will provide new recreational opportunities for residents and visitors.

Your consideration is appreciated.



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2022-01

A RESOLUTION OF THE CITY OF KENAI, ALASKA, APPROVING THE PURCHASE OF FIFTEEN MOBILE RADIOS AND ASSOCIATED PROGRAMMING FOR THE POLICE AND FIRE DEPARTMENTS UNDER SOLE SOURCE PURCHASES FROM MOTOROLA SOLUTIONS USING NASPO VALUEPOINT CONTRACT PRICING FOR THE TOTAL PRICE OF \$83,979.77.

WHEREAS, the City of Kenai received and accepted a grant award from the U.S Department of Homeland Security passed through the State of Alaska Department of Military and Veterans' Affairs in the amount of \$84,000 for the purchase of mobile radios for the Police and Fire Departments (Ordinance 3255-2021); and,

WHEREAS, the Police and Fire Departments both have complete inventories of Motorola Radios, have personnel with experience working on and programming the Motorola Radios, and have accessories in place for managing these radios; and,

WHEREAS, these funds are sufficient to replace 15 radios, or approximately 45% of those mobile radios used by the Police and Fire Departments and this partial replacement makes purchasing very similar equipment critical to maintenance and operations; and,

WHEREAS, a "Sole Source Procurement Method" for the purchase of these radios and accessories from Motorola Solutions has been authorized by the granting authority; and,

WHEREAS, Motorola is the only source for the Motorola APX 6500 radios to be purchased and those radios are covered in NASPO Valuepoint contract pricing that is standardized and ensures the lowest price available on the products; and,

WHEREAS, KMC 7.15.070(b)(1) allows the City of Kenai to purchase equipment without giving an opportunity for competitive bidding if the equipment can only be furnished by a single dealer or which has a uniform price wherever bought.

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

Section 1. The Police & Fire Departments are authorized to purchase Motorola radios in the amount of \$83,979.77.

Section 2. That the City Manager is authorized to make sole source purchases, per City Code, in lieu of the City conducting a bid process.

Section 3. That the City Manager is authorized to issue two purchase orders totaling \$83,979.77 for the purchase of Motorola mobile radios.

Section 4. That this resolution takes effect immediately upon passage.

Resolution No. 2022-01
Page 2 of 2

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of January, 2022.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Michelle M. Saner, MMC, City Clerk



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: David Ross, Police Chief

DATE: December 20, 2021

SUBJECT: Resolution No. 2022-01 – Approving A Sole Source Radio Purchase

The City of Kenai applied for and received a grant through the U.S. Department of Homeland Security passed through the State of Alaska Department of Military and Veterans' Affairs in the amount of \$84,000 for the purchase of mobile radios and associated programming for the Police and Fire Departments. The City accepted and appropriated those grant fund under ordinance 3255-2021.

This memo is intended to support the resolution for two sole source purchases totaling \$83,979.77 for those radios and associated programming from Motorola Solutions. The purchase order covering Fire Department radios will be for \$42,000 and the purchase order for Police Department radios will be for \$41,979.77.

There are a number of reasons to use a sole source with Motorola for this purchase. KPD and KFD are both fully equipped with Motorola radios, and their personnel have experience working on and programming the Motorola radios. The departments also have accessories in place for managing these radios. These funds are sufficient to only replace 15 radios or approximately 45% of the mobile radios in use by the departments. This partial replacement further necessitates the need to purchase like equipment for both maintenance and operations. The mobile radios that are currently in use by both departments (Motorola) have proven extremely reliable, with availability of maintenance from the vendor when required. The Motorola APX6500 radios to be purchased are covered under the NASPO Valuepoint contract that is standardized and ensures the lowest price available on the products. The Granting Authority, The Department of Homeland Security, has approved a sole source procurement for these radios.



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2022-02

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY22 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FMA 14: COOK INLET AREA.

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY22 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Community and Economic Development that the municipality suffered significant effects during calendar year 2020 from fisheries business activities; and,

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community and Economic Development; and,

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Community and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area.

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

Section 1. City Council of the City of Kenai proposes to use an alternative allocation method for allocation of FY22 funding available within FMA 14: Cook Inlet Area in agreement with all other municipalities in this area participating in the FY22 Shared Fisheries Business Tax Program.

Section 2. That the Kenai City Council by this Resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2019 of fisheries business activity in FMA 14: Cook Inlet Area:

- That all municipalities share equally 50% of the allocation; all municipalities share the remaining 50% on a per capita basis.

Section 3. That this resolution takes effect immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of January, 2022.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Michelle M. Saner, MMC, City Clerk



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Terry Eubank, Finance Director

DATE: December 20, 2021

SUBJECT: **Resolution No. 2022-02 Adopting an Alternate Allocation Method for FY22 Shared Fisheries Business Tax**

The City receives revenue from the State of Alaska for fish tax collected by the State in two different methods. The Department of Revenue (DOR) distributes “Raw Fish Tax,” fisheries business taxes, fishery resource landing taxes, salmon marketing tax, and other seafood taxes from licensed seafood processors, floating processors, and seafood exporters, to eligible municipalities as prescribed in AS 43.77.060. The City’s FY2021 share was \$78,289.27 and was based upon 2019 collections by the DOR.

The second method by which the City receives fish tax revenue is through the Alaska Department of Commerce Community and Economic Development (ADCCED) Shared Fisheries Business Tax Program. ADCCED receives 50% of the undistributed Raw Fish Tax from the DOR to distribute to impacted communities. For the Cook Inlet Fisheries Management Area, which the City is a part of, the amount to be distributed in FY22 is \$21,510.76. Ten communities will receive a portion of that amount with the City of Kenai estimated to receive \$1,278.46.

There are two methods of allocation for the Shared Fisheries Business Tax. The first method involves a lengthy application process in which the applicants must show the impact to their local community of the fishing industry. Once impact is shown, half of the total amount to be distributed (\$10,755.38 for FY2022) is divided equally amongst the communities, and the remaining half (\$10,755.38 for FY2022) is distributed based upon the impact shown in their application.

The second method permits all communities in Fisheries Management Area to elect an alternate method of allocation. This alternate method eliminates the lengthy community application process. Since inception of the Share Fisheries Business Tax Program in fiscal year 1992, the communities of the Cook Inlet Fisheries Management Area have selected the alternate allocation method. A resolution like 2022-02 has been adopted every year since fiscal year 1992 and is a required step to elect the alternate allocation method.

The alternate method elected by the Cook Inlet Fisheries Management Area for FY22 will again include an equal distribution of one-half the total and the remaining half is distributed based upon population of the community. The ten communities in the Cook Inlet Fisheries Management Area

are Anchorage, Homer, Kachemak, Kenai, Kenai Peninsula Borough, Seldovia, Seward, Soldotna, Houston, and Palmer. Allocations to each community under the alternative allocation method will be the following:

Anchorage	\$8,263.58	Kenai Peninsula Borough	\$2,760.85
Homer	1,233.19	Seward	1,147.29
Kachemak	1,090.67	Soldotna	1,196.67
Kenai	1,278.46	Houston	1,136.13
Seldovia	1,081.35		
Palmer	1,247.03		

Thank you for your consideration.





Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2022-03

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING THE EMPLOYEE CLASSIFICATION PLAN TO CHANGE THE RANGE OF THE HUMAN RESOURCES DIRECTOR.

WHEREAS, Ordinance 2022-2018 created the Human Resources Director position within the Department Head Service at a Range 21, which converts to a Range 26 in the City's Fiscal Year 2022 Salary Schedule; and,

WHEREAS, the Human Resources Department of the City is composed of one employee, the Director, who is responsible for administration of the City's Human Resource functions as well as a medium-to-high volume of transactional support work; and,

WHEREAS, the Human Resources Director position in the City has recently been vacated due to the retirement of the City's first Human Resources Director; and,

WHEREAS, the Human Resources Director job description was reviewed and improved upon to accurately reflect the essential duties and responsibilities of the position since its creation in 2018 to meet the City's Human Resource needs; and,

WHEREAS, the Human Resources Director role compares closely to the Department Head Class positions of Library Director, Planning Director, Senior Center Director, and Parks and Rec Director, all which have been assigned to range 23; and,

WHEREAS, after reviewing and updating the job description and comparing the position to other positions in the City within the Department Head Service, an amendment in the range of the Human Resources Director from a 26 to a 23 is warranted; and,

WHEREAS, making this amendment ensures that the range for the Human Resource Director accurately reflects the duties and responsibilities of the position comparable to other positions within the City and is adequate to recruit and retain candidates qualified to direct and coordinate the City's human resource functions.

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

Section 1. The Council amends the Employee Classification Plan by changing the range of the Human Resources Director from 26 to 23.

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



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Paul Ostrander, City Manager

DATE: December 22, 2021

SUBJECT: **Resolution 2022-03 – Amending Range of the Human Resources Director**

This resolution requests that Council amend the City's Classification Plan by changing the range of the Human Resources Director from 26 to 23. This change aligns the position with other similar roles within the City, including the Senior Center Director, Library Director, Planning Director, and Parks and Recreation Director.

The Human Resources Director position was created in 2018 through Ordinance 3022-2018 and will be vacant beginning December 28 with the retirement of the City's current Human Resources Director. The initial classification has been reviewed based upon the current position description, which has been revised over time to accurately reflect the essential duties and responsibilities of the job, which includes director-level responsibilities as well as a medium-to-high volume of transactional support work and file maintenance, usually performed by support staff.

The current position description and recommended classification at a range 23 accurately reflects the duties and responsibilities of the position, is equivalent to other director positions within the City and is comparable to similar positions in other places of public employment. Approval of Resolution 2022-03 will allow the City to hire a qualified candidate at a salary range appropriate for the position.

Thank you for your consideration.

**KENAI CITY COUNCIL – REGULAR MEETING
DECEMBER 15, 2021 – 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 December 15, 2021, 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
Henry Knackstedt
Deborah Sounart
Jim Glendingen

James Baisden
Tea Winger
Glenese Pettey

A quorum was present.

Also in attendance were:

Paul Ostrander, City Manager
Scott Bloom, City Attorney
Terry Eubank, Finance Director
Jamie Heinz, City Clerk

3. Agenda Approval

Mayor Gabriel recognized that this would be the last meeting attended by City Clerk Jamie Heinz, presented her with a gift, and led a round of applause to recognize her service.

MOTION:

Mayor Gabriel noted the following additions to the packet:

Add to item D.2.

Ordinance No. 3257-2021

- Written Public Comment

Add to item D.4.

Ordinance No. 3259-2021

- Amendment Memo

Add to item G.10. **City Participation in UCIDA Lawsuit**

- Homer Resolution

Add item G.11. **FY2023 Budget Goals Work Session Request**

- Memo

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions, and requested **UNANIMOUS CONSENT**. Council Member Pettet **SECONDED** the motion.

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

4. **Consent Agenda**

MOTION:

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

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

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

VOTE: There being no objections, **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

Carol Freas spoke from her previous experience as a City Clerk, thanking Jamie Heinz for serving the City of Kenai and noting the qualities that made her a great clerk.

Susan Smalley also recognized Jamie Heinz's service to the City, noting that in recent times there has been skepticism directed at election officials and the electoral process. Noted her experience as an election worker, and spoke to the high degree of integrity she observed. Thanked Clerk Heinz for her great work.

April Orth noted that she had no criticism of election workers but does have criticism and questions regarding an ordinance which re-wrote parts of the election code, remarking that it is sloppy, huge, indiscernible, and should be re-written. She expressed concern that it may open the door for election fraud.

D. PUBLIC HEARINGS

1. **Ordinance No. 3256-2021** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Funds, Authorizing the Acceptance of a Grant from the Federal Aviation Administration for the Kenai Municipal Airport Sand Storage Facility Construction Phase II, and Authorizing a Budget Transfer in the Airport Improvements Capital Project Fund – Kenai Municipal Airport Sand Storage Facility Project to Facilitate the Return of Funds Advanced from the Airport Special Revenue Fund. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance 3256-2021 and Council Member Baisden **SECONDED** the motion.

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

It was noted that this has been reported on in the Peninsula Clarion. A summary of the project was provided, noting it is largely financial housekeeping. The project was split in two phases for available funding, and the second part appropriates these funds as was planned originally. Noted that the groundwork has started, and the building is planned to go up this summer.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3257-2021** - Accepting and Appropriating a Collection Equity Award from the Network of the National Library of Medicine Region 5 for the Purchase of Health and Wellness Titles for the Kenai Community Library Collection. (Council Members Knackstedt and Pettey)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3257-2021 and Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Eileen Bryson explained her history of involvement with the library, noting her volunteer experience and Friends of the Library membership. She noted that Library Director Wolfe does a great job selecting books, and she hopes the Council supports her in this function of her job.

Marion Nelson noted that many letters of support had been sent to Council, and encouraged Council to support the Library.

Amy Murrell-Haunold noted that she had submitted written testimony to Council on this ordinance. She explained that selecting books is the Library Director's job, and for anyone else to do so would be duplication of work and would waste taxpayer money.

April Orth noted that the main concerns from the public regarding this ordinance were about the source of the funding and potential strings attached, and the intention was not to censor books.

Barb Christian explained how the City's Library code clarifies how materials should be chosen based on their value and aligns with the purpose of the grant.

Kristine Schmidt asked Council to support the ordinance, and thanked City staff for their work obtaining these funds.

Christine Hutchison requested clarification why the Library wants to accept the grant funds when the Friends of the Library raised more money.

Mary Jo Joiner noted that she had submitted written testimony to Council on this ordinance, and encouraged the Council to accept the grant.

Marion Nelson requested clarification regarding what the grant funds can be spend on, versus the Friends of the Library money.

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

Clarification was provided about what the grant was for, noting that it was silent on titles. It was noted that libraries are great equalizers in the community, and that health and wellness titles become obsolete between 3-5 years or sooner. The health and wellness subjects of the grant were explained, and it was noted that the Library Director will make the decision on what books to purchase.

Previously expressed concerns were discussed, and it was explained that the Library Director would not be choosing titles from a list and there were no strings attached to the grant. It was noted that it would not be equitable to our community to have outdated health materials. Director Wolfe was thanked for her expertise.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3258-2021** - Accepting and Appropriating Funding from the State of Alaska Department of Health and Social Services, Division of Public Health, for the Healthy and Equitable Communities Program, and Authorizing the City Manager to Execute a Memorandum of Agreement for this Funding. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3258-2021 and Council Member Baisden **SECONDED** the motion.

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

Clarification was provided that to construct the project as designed would not require approval from landowner, however the landowner's approval would be needed for an extension of the trail. Administration will seek approval and procure an easement prior to construction. It was clarified that this will establish a capital project fund for this project, and the design of this project will not start for a while so there is time to procure the easement. Noted that capital projects don't lapse, and carry over year to year.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Ordinance No. 3259-2021** - Increasing Estimated Revenues and Appropriations in the General and Municipal Roadway Improvement Capital Project Funds, and Increasing a Purchase Order to Foster's Construction for the 2021 Bryson Ave Bluff Erosion Repair Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3259-2021 and Council Member Baisden **SECONDED** the motion.

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

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance No. 3259-2021 to make the following changes:

- Amend the fourth Whereas by adding "as well as one additional section of storm water piping totaling thirty-five feet" after the word used.
- Amend the fifth Whereas by adding "and the additional section of piping installed totals \$16,065 for a total proposed Change Order 1 cost of \$69,397.50," after \$53,332.50.
- Replace \$53,332.50 in Section 1 with \$69,397.50.
- Replace \$363,107.50 where it appears in Section 1 with \$379,172.50.
- Replace \$8,332.50 where it appears in the fifth Whereas and Section 2 with \$24,397.50.

Council Member Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

Clarification was provided on the error corrected by the amendment, and it was noted that the site will be topsoiled and hydroseeded this spring. Noted that effort and magnitude of the job are

impressive. Clarification was provided on the amount of material for backfill, and that the energy dissipater will continue to be monitored for maintenance.

VOTE ON MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

5. **Ordinance No. 3260-2021** - Amending Kenai Municipal Code 13.40.010-Definitions, to Maintain Current Regulations on Off-Road Vehicle Use in Kenai After January 1, 2022. (Council Member Knackstedt)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3260-2021 and Council Member Baisden **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Alex Douthit noted that he thinks the City could use the new State regulations as a guideline, but suggested Council look into it further and try to get more public comment on it. He also suggested the code be updated to be more user-friendly, and provided recommendations regarding speed limits in certain areas.

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

Clarification was provided that when the new State regulations take place, the Kenai Police Department will regulate vehicles on City roads based on the new code definitions provided in this ordinance. It was noted that the Borough cannot make the same changes, presenting a situation in which City residents cannot access some recreational areas without breaking the law. It was noted that the proposed City code changes in this ordinance maintain the current public safety rules.

The suggestion was made that this code could be revisited in the future, and potentially add an exclusion for the month of July during dipnet season. It was noted that there are time constraints on passing this legislation, but further updates could include lowering of speed limit and clarification for unpaved roads.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

6. **Resolution No. 2021-71** - Amending the Employee Classification Plan to Change the Range of the Parks and Recreation Director. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-71 and Council Member Baisden **SECONDED** the motion.

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

Clarification was provided that this modification would change the classification for Parks & Recreation Director, noting that when reviewing the position description, Administration had found it would be most appropriate in range 23. Clarification was provided on the differences between classified services vs. Department Head services, and that the Parks & Recreation Director position would now be in the Department Head services. It was noted that there has been a candidate selected for the position. Administration had only made minor changes to the job description.

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. *Regular Meeting of December 1, 2021. (City Clerk)
- 2.

Approved by the consent agenda.

F. UNFINISHED BUSINESS

1. **Resolution No. 2021-64** - Awarding an Agreement for the Kenai Waterfront Redevelopment Assessment and Feasibility Study. (Administration) [**Clerk's Note:** *At the November 3, 2021 Meeting, this item was Postponed to this meeting; a motion to enact is on the floor.*]

It was noted that the resolution had been postponed because the newly seated Council Members had not yet had an opportunity to meet with Administration on this issue and wanted to receive more information before making a decision. Clarification was provided that this would only award a contract to McKinley Research Group, and was not a discussion of appropriation.

Concerns were shared about the scope of the waterfront study, that it would look at private property and could be government overreach. The view was expressed that the City should focus only on City lands instead of private property; that if the City studies opportunities for waterfront private property then it should also offer development studies for all private property in the City, which would be a slippery slope.

The Request for Proposal (RFP) process prior to this resolution was reviewed, noting that McKinley Research Group's proposal was determined to be the best of three submissions. It was clarified that this occurred after Council directed Administration to go after an RFP, and the funds for this contract have already been appropriated by ordinance.

The Council discussed the purpose of waterfront development and the feasibility study, noting that there will be no burden on private property owners. Explained what the feasibility study will offer, noting that it is the first step of a process which can help bring people to Kenai.

Noting the amount of private land in this area, concerns were expressed whether these landowners will buy into the vision presented by the feasibility study, whether the study would be a loss of taxpayer funds and potentially government overreach.

It was noted that support for the project was expressed by private landowners at the City Council work session on this subject, and there had been enthusiasm to partner with the City on a developmental plan. Noted that the City had gone through the proper processes of receiving public feedback, approving funds for the study, and obtaining RFP proposals.

It was noted that Council's waterfront revitalization work session was only one hour long, and that not all private landowners in this area had provided feedback on this issue yet. It was suggested that there are other City-owned lands which should be considered for development, and that the waterfront feasibility study should limit its focus to City assets. Doubt was expressed whether private landowners will agree with the City's vision of their land, and if not the study could be a loss of funds.

It was reiterated that the feasibility study would not require landowners to do anything they don't want to do, and only presents a possible development strategy. Noted that the consultant will be meeting and working with the property owners to discuss possibilities, and there will be additional public hearing on this subject.

Clarification was provided that the initial timeline for waterfront revitalization provided by Administration was a plan for the feasibility study as well as economic incentives. It was noted that work has already been done on some of these incentives, but further progress will be made after working with the feasibility study consultants; the intention is to encourage business ventures beyond just the waterfront area.

Clarification was provided that a feasibility study had been done for Airport lands, which provided direction for how the City could incentivize development there. After this study, the City had hired an airport consultant which helped lead to further development.

VOTE:

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

MOTION PASSED.

G. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Ordinance No. 3261-2021** - Accepting and Appropriating a Grant from the Institute of Museum and Library Services through the Department of Education and Early Development, Division of Library, Archives & Museums for the Purchase of a Hold Locker. (Administration)

Introduced by the consent agenda and Public Hearing set for January 5, 2022.

3. ***Ordinance No. 3262-2021** - Accepting and Appropriating a Grant from the Institute of Museum and Library Services Passed Through the Department of Education and Early Development, Division of Library, Archives & Museums for the Purchase of Steam Kit Shelving, Library Materials, and Other Items. (Administration)

Introduced by the consent agenda and Public Hearing set for January 5, 2022.

4. ***Ordinance No. 3263-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association (AMLJIA) for the Purchase of Ballistic Vests. (Administration)

Introduced by the consent agenda and Public Hearing set for January 5, 2022.

5. ***Ordinance No. 3264-2021** - Accepting and Appropriating Asset Forfeiture Funds Provided to the City of Kenai through the State of Alaska Department of Public Safety. (Administration)

Introduced by the consent agenda and Public Hearing set for January 5, 2022.

6. ***Ordinance No. 3265-2021** - Increasing Estimated Revenue and Appropriations in the General Fund and the Parks Improvement Capital Project Fund for Additional Kenai Dog Park Funding. (Vice Mayor Glendening and Council Members Winger and Baisden)

Introduced by the consent agenda and Public Hearing set for January 5, 2022.

7. **Action/Approval** - Special Use Permit to American Red Cross of Alaska for General Office Space. (Administration)

Clarification was provided that the Red Cross has been using approximately 475 square feet of office space on the 2nd floor of the Beacon Facility for the last year at no cost, and issuing them a Special Use Permit for this space would be more appropriate than a lease. Noted that one change is that they are now paying for their utilities.

MOTION:

Council Member Knackstedt **MOVED** to approve a Special Use Permit to American Red Cross of Alaska for General Office Space, and Council Member Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

- 8. Action/Approval** - Council Confirmation of Mayoral Nominations to the City's Commissions and Committee. (Mayor Gabriel)

MOTION:

Council Member Knackstedt **MOVED** to approve the Mayoral nominations to the City's Commissions and Committee. Council Member Pettey **SECONDED** the motion and requested **UNANIMOUS CONSENT.**

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

- 9. Action/Approval** - Confirmation of Mayoral Nominations for Appointment to the Planning and Zoning Commission. (Mayor Gabriel)

MOTION:

Vice Mayor Glendening **MOVED** to postpone the Mayoral nominations to appointment to the Planning and Zoning Commission until January 5, 2022, and Council Member Winger **SECONDED** the motion.

VOTE:

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

MOTION PASSED.

- 10. Action/Approval** - City Participation in UCIDA Lawsuit. (Mayor Gabriel)

MOTION:

Council Member Winger **MOVED** to approve the City's participation in the UCIDA lawsuit, and Council Member Baisden **SECONDED** the motion.

An explanation was provided that the United Cook Inlet Drift Association (UCIDA) lawsuit is in response to the closure of the Exclusive Economic Zone (EEZ) to commercial fishing. It was noted that the EEZ is a section of the Cook Inlet which is managed by the federal government per the Magnusen-Stevens Act. Council has previously passed two resolutions opposing this closure, and Administration suggested they may be interested in filing an amicus brief in support of UCIDA's lawsuit if they agree with UCIDA's argument that the federal government's findings were incorrect that there would be little economic impact to the City of Kenai. The participation of other municipalities were noted, and it was suggested that an amicus brief be filed jointly between them.

It was noted that Council understands the vital importance of the fishery and the burden that this closure would put on the community.

Robert Ruffner spoke on behalf of the Alaska Salmon Alliance, and noted that he supports Administration's summarization of the issue and suggestion to pursue this; noted that the City should respond when they disagree with how these waters are managed.

UNANIMOUS CONSENT was requested.

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

11. Discussion – FY2023 Budget Goals Work Session Request. (Administration)

It was noted that this is a change of budgetary process from previous years, in that this year the goals and priorities for FY23 would be brought to Council as recommendations from Administration to be considered by the Council and public prior to development of the budget. The guidance received would then be formally adopted via resolution, and distributed by the City Manager to Department Heads. Noted it would be a benefit to receive expectations from Council and the public prior to creating the budget document.

Clarification was provided that inflationary pressures in this country may lead to potential strains on the budget, and it is imperative to get Council's thoughts on how to approach these issues.

Council scheduled a work session for January 10, 2022 at 5:00 pm.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – No report. Next meeting January 13, 2021.
2. Airport Commission – Council Member Baisden noted that there was a work session on December 9, 2021. Next meeting January 13, 2022.
3. Harbor Commission – No report. A Special Meeting will be held in January, date to be determined.
4. Parks and Recreation Commission – No report. Next meeting on January 6, 2022 will be a joint meeting with the Beautification Committee.
5. Planning and Zoning Commission – Council Member Winger reviewed the actions of December 8, 2021 meeting. Next meeting December 22, 2021.
6. Beautification Committee – Council Member Sounart reviewed the actions of the December 14, 2021 meeting. Next meeting on January 6, 2022 will be a joint meeting with the Parks & Recreation Commission.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Attended a meeting with the sea belt communities to come up with priorities for these communities;

- Administered the Oath of Office to City Clerk Michelle Saner.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Ostrander reported on the following:
 - Testified along with Vice Mayor Glendening at the Kenai Peninsula Borough Assembly meeting of December 7, 2021 regarding an ordinance that would expand the Borough's Planning Commission, reviewed the legislative changes;
 - The Governor's budget includes \$6.5 million for City of Kenai's bluff stabilization project; thanked Governor Dunleavy and his staff, especially Regional Director Jill Schaefer.
2. City Attorney – No report.
3. City Clerk – Mayor Gabriel noted that it was City Clerk Jamie Heinz last Council meeting, and presented her with a gift. City Clerk Heinz reported on the following:
 - Expressed appreciation for the City Council and Administration;
 - Noted that there were funds in the legislative budget for the Kenai Peninsula Economic Development District's (KPEDD's) Industry Appreciation Day event which did not occur this year, and asked whether the additional funds could be donated for KPEDD's Industry Outlook Forum event.

K. ADDITIONAL PUBLIC COMMENT

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

Council Member Pettey thanked City Clerk Heinz and wished her best of luck. Wished everyone Merry Christmas and Happy New Year.

Council Member Sounart thanked City Clerk Heinz and wished her best of luck. Wished everyone Merry Christmas and Happy New Year. Noted she attended Kenai Central High School choir concert.

Vice Mayor Glendening noted that the testimony provided by himself and City Manager Ostrander regarding representation on the KPB Planning Commission was well received, and he was pleased with the response. Wished everyone Merry Christmas and Happy New Year.

Council Member Winger thanked City Clerk Heinz and wished her best of luck. Noted upcoming Shop with a Cop event. Discussed a social media initiative to find the person who helped a child after a snow machine accident so that the family can thank them, and noted the importance of wearing helmets. Stated she is looking forward to the upcoming year, and wished everyone Merry Christmas and Happy New Year.

Council Member Baisden thanked City Clerk Heinz and noted he looks forward to working with the new City Clerk Shellie Saner. Noted Kenai Central High School's upcoming basketball tournament, and wished everyone Merry Christmas.

Council Member Knackstedt noted it had been wonderful working with City Clerk Heinz and thanked her for her help. Noted he had provided written testimony to the Assembly regarding the KPB Planning Commission ordinance. Wished everyone Merry Christmas and Happy New Year.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATION ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000
2. Letter from the Alaska Association of Municipal Clerks
3. CIRCAC Director's Report
4. Thank you letter to GLM
5. Thank you letter to Pioneers of Alaska

There being no further business before the Council, the meeting was adjourned at 9:33 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of December 15, 2021.

Meghan Thibodeau
Deputy City Clerk



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz, City Clerk
DATE: December 8, 2021
SUBJECT: **Planning & Zoning Commission Vacancy**

The Planning & Zoning Commission will have two vacancies as of December 31, 2021 due to terms ending. All requirements pursuant to Code have been met to fill these vacancies. Applications received for consideration are attached to this correspondence.

Pursuant to KMC 14.05.015 (b), "... the Mayor shall make nominations only from the list of persons who timely submitted an application..." and, as per KMC 14.15.015 (c), "... The Kenai City Council shall review the Mayor's nomination no later than the next regular Council meeting following the meeting in which the Mayor made the nomination..."

Mayor Gabriel has nominated Jeff Twait and Gwen Woodard for reappointment to the Planning and Zoning Commission. Council shall consider confirmation of the Mayor's nominations no later than the January 5, 2022 meeting.

From: [Jeff Twait](#)
To: [City Clerk](#)
Subject: Form submission from: Commission/Committee Application
Date: Wednesday, November 10, 2021 6:05:06 PM

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

Submitted on Wednesday, November 10, 2021 - 6:04pm

Submitted by anonymous user: 24.237.158.248

Submitted values are:

Date Wed, 11/10/2021

Name Jeff Twait

Resident of City of Kenai? Yes

If resident, how long? 30 years

Residence Address 1808 Julie Anna Drive

Mailing Address 1808 Julie Anna Drive

Home Telephone 9073984624

Home Fax

Business Telephone 907-398-4624

Business Fax

Email address cornerstonecustomhomedesigns@gmail.com

May we include your contact information on our website? Yes

If not all, what may we include?

Employer Cornerstone Custom Homes & Designs

Job Title Owner

Name of Spouse Heather Morning

Current Membership Organization Kenai Peninsula Builders Association

Past organizational memberships

Committees or commissions in which you are interested Planning and Zoning

Why do you want to be involved with this commission or committee? Help craft planning and zoning policy in our community

What background, experience, or credentials do you possess to bring the board, commission, or committee membership? 15 years as a member of the Commission

The results of this submission may be viewed at:

<https://www.kenai.city/node/2601/submission/9371>



COMMITTEE/COMMISSION APPLICATION

City of Kenai
 210 Fidalgo Avenue
 Kenai, AK 99611
 Phone: 283-8231
 Fax: 283-5068
 Email: cityclerk@kenai.city

Personal Information	
Name: Gwen Woodard	Date: 11/24/2021
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? 54 years
Name of Spouse: Michael Woodard	
Employer: Retired	Job Title:
Contact Information	
Residence Address: 702 Cypress Dr	
Mailing Address:	Email Address:
Home Phone No.: 907-283-7708	Home Fax No.:
Business Phone No.:	Business Fax No.:
May we include your contact information on our webpage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage: Address, home phone	
Affiliations	
Current membership in organizations: Republican Women of the Kenai, Precinct leader #220	
Past organizational memberships:	
City committee or commission in which you are interested: Planning & Zoning (continued)	
Why do you want to be involved with this Committee or Commission? I've served on the Commission for nearly a year and have found it gratifying to participate in the future of our community.	
What background, experience, or credentials do you possess to bring to the commission or committee membership? I don't have the construction background of several of the Commissioners but feel I add the outlook of a local retailer (past) and homeowner.	

FOR CITY USE ONLY ROUTING: <input type="checkbox"/> Clerk's Office DISTRIBUTION: <input type="checkbox"/> City Council <input type="checkbox"/> File
--

From: [Victoria J. Askin](#)
To: [City Clerk](#)
Subject: Form submission from: Commission/Committee Application
Date: Wednesday, October 13, 2021 8:05:34 PM

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

Submitted on Wednesday, October 13, 2021 - 8:05pm

Submitted by anonymous user: 209.112.186.112

Submitted values are:

Date Wed, 10/13/2021

Name Victoria J. Askin

Resident of City of Kenai? Yes

If resident, how long? 37 years

Residence Address 2520 Watergate Way

Mailing Address PO Box 178

Home Telephone 9+07-283-3972

Home Fax 907-283-3972

Business Telephone 907-283-138

Business Fax 907-398-1308

Email address ectt@ptialaska.net

May we include your contact information on our website? Yes

If not all, what may we include?

Employer Hilcorp Alaska LLC

Job Title I & E Technician

Name of Spouse Marty

Current Membership Organization None

Past organizational memberships LEPC, Harbor Commission, Planning & Zoning Commissions, City Council

Committees or commissions in which you are interested Harbor, Planning & Zoning, Airport, Parks & Rec

Why do you want to be involved with this commission or committee?

Have served on both Harbor and Planning and Zoning, enjoyed both, Planning and Zoning being my favorite. Harbor is of interest now because of the potential waterfront activity happening in the next year.

What background, experience, or credentials do you possess to bring the board, commission, or committee membership?

Prior experience along with employment experience that is pertinent to both Harbor and Planning and Zoning.

The results of this submission may be viewed at:

<https://www.kenai.city/node/2601/submission/9201>

**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: JANUARY 5, 2022**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	87,241.54
REBORN AGAIN JANITORIAL	NOVEMBER SERVICES	AIRPORT	REPAIR & MAINTENANCE	4,231.25

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
---------------	--------------------	----------------------	---------------	---------------------



MEMORANDUM

TO: Mayor Gabriel and Kenai Council Members
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: December 13, 2021
SUBJECT: **Marijuana License Transfer**

The Alcohol & Marijuana Control Office has sent notification that the following applicant has requested a license transfer:

- Herban Extracts, LLC d/b/a Herban Extracts

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of the Standard Marijuana Cultivation Facility and the Retail Marijuana Store will be forwarded to the Alcohol & Marijuana Control Office and the applicant.

Your consideration is appreciated.

- Submit** by Meghan Thibodeau 11/23/2021 9:51:41 AM (Form Submission)
- Approve** by Jeremy Hamilton 11/23/2021 9:53:36 AM (Fire Marshall Review)
- The task was assigned to Jeremy Hamilton. The due date is: December 2, 2021 5:00 PM 11/23/2021 9:51 AM
- Approve** by Scott Curtin 12/1/2021 4:22:12 PM (Building Official Review)
- The task was assigned to Scott Curtin. The due date is: December 2, 2021 5:00 PM 11/23/2021 9:51 AM
- Approve** by Dave Ross 11/23/2021 10:22:49 AM (Police Department Review)
- The task was assigned to Dave Ross. The due date is: December 2, 2021 5:00 PM 11/23/2021 9:51 AM
- Approve** by Tina Williamson 11/23/2021 11:45:15 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: December 2, 2021 5:00 PM 11/23/2021 9:51 AM
- Approve** by Cindy Herr 11/23/2021 12:41:11 PM (Legal Asst Review)
- *There are no monies owed in traffic fines or restitution.*
 - The task was assigned to Cindy Herr. The due date is: December 2, 2021 5:00 PM 11/23/2021 9:51 AM
- Approve** by Ryan Foster 12/9/2021 5:00:38 PM (Lands Review)
- Jamie Heinz reassigned the task to Ryan Foster 12/1/2021 1:37 PM
 - The task was assigned to Wilma Anderson. The due date is: December 2, 2021 5:00 PM 11/23/2021 9:51 AM
- Approve** by Terry Eubank 12/10/2021 11:06:32 AM (Finance Review)
- The task was assigned to Terry Eubank. The due date is: December 20, 2021 5:00 PM 12/9/2021 5:00 PM
- Approve** by Scott Bloom 12/10/2021 9:22:49 AM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: December 20, 2021 5:00 PM 12/9/2021 5:00 PM
- Approve** by Ryan Foster 12/9/2021 5:01:33 PM (P&Z Department Review)
- The task was assigned to Ryan Foster. The due date is: December 20, 2021 5:00 PM 12/9/2021 5:00 PM

Date

11/23/2021

Establishment Information

License Type

Marijuana Product Manufacturing Facility

Licensee

Herban Extracts LLC

Doing Business As

Herban Extracts LLC

Premises Address

14927 Kenai Spur Highway

City, State

Kenai, AK

Contact Information

Contact Licensee

Lisa Coates

Contact Phone No.

907-252-4755

Contact Email

buddy@907maryjane.com

Additional Contact Information

Name

Buddy Crowder

Phone No.

907-617-7669

Email

buddy@907maryjane.com

Documents

File Upload

14432 DEC Food Safety.pdf	1.18MB		
14432 Entity Documents.pdf	3.87MB		
14432 MJ-00 Application Certifications.pdf	1.73MB		
14432 MJ-07 Public Notice Posting Affidavit.pdf	998.75KB		
14432 MJ-08 Local Government Notice Affidavit.pdf	804.32KB		
14432 MJ-09 Statement of Financial Interest_Redacted.pdf	4.11MB		
14432 MJ-17c Transfer Application.pdf	2.04MB		
14432 MJ-17d Unaltered Operating Plan and-or Premises Affidavit.pdf	1.43MB		
14432 POPPP.pdf	1.98MB		
14432 Publisher's Affidavit.pdf	1.46MB		
14432 Transfer Local Government Notice.pdf	265.33KB		



November 19, 2021

City of Kenai

Attn: City Clerk

VIA Email: cityclerk@kenai.city

Kenai Peninsula Borough

Attn: Borough Clerk

Via Email: jblankenship@kpb.us

CC: micheleturner@kpb.us

tshassetz@kpb.us

sness@kpb.us

mjenkins@kpb.us

btaylor@kpb.us

MAldridge@kpb.us

slopez@kpb.us

ncarver@kpb.us

JVanHoose@kpb.us

License Number:	14432
License Type:	Marijuana Product Manufacturing Facility
Physical Address:	14927 Kenai Spur Highway Kenai, AK 99611

Transferor:	Herban Extracts, LLC
Doing Business As:	Herban Extracts, LLC
Designated Licensee:	Lisa Coates
Phone Number:	907-252-4755
Email Address:	buddy@907maryjane.com

Transferee:	Herban Extracts, LLC
Doing Business As:	Herban Extracts, LLC
Designated Licensee:	Buddy Crowder
Phone Number:	907-617-7669
Email Address:	buddy@907maryjane.com

Transfer of Ownership Application

Transfer of Controlling Interest

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.045(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the transfer, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a marijuana establishment license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our January 19-21, 2022 meeting.

Sincerely,



Glen Klinkhart, Director

amco.localgovernmentonly@alaska.gov



Alaska Marijuana Control Board Marijuana Establishment Form MJ-17c: License Transfer Application

What is this form?

This form must be used to initiate a transfer of ownership of a marijuana establishment license under 3 AAC 306.045. This transfer application must be completed and submitted to AMCO's main office, along with all necessary supplemental documents and fees listed in **Form MJ-17b: License Transfer Application Checklist**, before a transfer of ownership, including a change that affects the controlling interest of an entity, will be considered by the Marijuana Control Board.

Please note that licensees seeking to change controlling interest of an entity that owns multiple licenses must submit a separate completed copy of this form and the required supplemental documents and fees for each license.

Section 1 – Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	Herban Extracts, llc	License Number:	14432
License Type:	Marijuana Product Manufacturing Facility		
Doing Business As:	HERBAN EXTRACTS, LLC		
Premises Address:	14927 Kenai Spur Hwy		
City:	Kenai	State:	Alaska
		ZIP:	99611
Email:	buddy@907maryjane.com		
Local Government:	Kenai		

- Regular ownership transfer
 Transfer of controlling interest in the licensed entity

Section 2 – Transferee Information

Enter information for the **new** applicant seeking to be licensed. The business license # should be issued for the DBA listed below, and held by the transferee.

Licensee:	Herban Extracts, LLC	Alaska Entity #	10064893
Mailing Address:	410 Magic Avenue		
City:	Kenai	State:	Alaska
		ZIP:	99611
Doing Business As:	Herban Extracts, LLC		
Business License #:	1058315	Business Phone:	907-252-4755
Designated Licensee:	Buddy Crowder		
Contact Email:	buddy@907maryjane.com	Phone #	907-252-4755



Form MJ-17c: License Transfer Application

Section 3 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 4. If any entity official is another entity, you must include the AK Entity # of that entity in the Entity Official Name field, attach a separate completed copy of this page that breaks down the ownership information for that entity, and submit the supplemental documents and fingerprint fees listed on Form MJ-17b required for each individual entity official. Entity documents must be submitted for each entity listed on this form.

If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, list each *officer or director, and owner of any of the corporation's stock*.
- If the applicant is a limited liability company, list each *member holding any ownership interest and each manager*.
- If the applicant is a partnership or limited partnership, list each *partner holding any interest and each general partner*.

Entity Official Name:	Lisa Coates				
Title(s):	Manager, Member	Phone:	907-252-4755	% Owned:	95
Email:	907maryjane@gmail.com				
Mailing Address:	410 Magic Ave				
City:	Kenai	State:	AK	ZIP:	99611
Entity Official Name:	Buddy Crowder				
Title(s):	Manager, Member	Phone:	907-398-1694	% Owned:	5
Email:	buddy@907maryjane.com				
Mailing Address:	410 Magic Ave				
City:	Kenai	State:	AK	ZIP:	99611
Entity Official Name:					
Title(s):		Phone:		% Owned:	
Email:					
Mailing Address:					
City:		State:		ZIP:	
Entity Official Name:					
Title(s):		Phone:		% Owned:	
Email:					
Mailing Address:					
City:		State:		ZIP:	
Entity Official Name:					
Title(s):		Phone:		% Owned:	
Email:					
Mailing Address:					
City:		State:		ZIP:	



Form MJ-17c: License Transfer Application

Section 4 - Other Licenses

Ownership and financial interest in other marijuana establishments:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other marijuana establishment that is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, which license number(s), and license type(s):

[Empty box for disclosure]

Section 5 - Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

Attorney Jana Weltzin and Staff

Section 6 - Transferee Certifications

Read the line below, and then sign your initials in the box to the right of the statement:

Initials

I certify that all proposed licensees (as defined in 3 AAC 306.020) have been listed on this application.

JL

Completed copies of all required documents and fees listed on Form MJ-17b are attached to this form.

JL

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

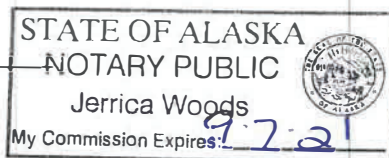
JL

I agree to provide all information required by the Marijuana Control Board in support of this application.

JL

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this form, including all accompanying schedules and statements, is true, correct, and complete.

Lisa Coates
Signature of transferee



Jerrica Woods
Notary Public in and for the State of Alaska.

Lisa Coates
Printed name of transferee

My commission expires: 9-7-21

Subscribed and sworn to before me this 11th day of April, 2021.



Form MJ-17c: License Transfer Application

Section 7 - Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of unsworn falsification that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) approve of the transfer of this license, and that the information on this form is true, correct, and complete.

Buddy Crowder
 Signature of transferor
Buddy Crowder
 Printed name of transferor

STATE OF ALASKA
 NOTARY PUBLIC
 Jerrica Woods
 My Commission Expires: 9-7-21

Jerrica Woods
 Notary Public in and for the State of Alaska.
 My commission expires: 9-7-21

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

 Signature of transferor

 Printed name of transferor

 Notary Public in and for the State of Alaska.
 My commission expires: _____

Subscribed and sworn to before me this ____ day of _____, 20____.

 Signature of transferor

 Printed name of transferor

 Notary Public in and for the State of Alaska.
 My commission expires: _____

Subscribed and sworn to before me this ____ day of _____, 20____.



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

December 1, 2021

Sent via email: jheinz@kenai.city

City of Kenai
Kenai City Hall

RE: Application for Marijuana Product Manufacturing Facility

Business Name : Herban Extracts, LLC
License Location : Kenai/14927 Kenai Spur Highway, Kenai, AK 99611
License No. : 14432

Dear Ms. Heinz,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

cc: buddy@907maryjane.com



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: Meghan Thibodeau, Deputy City Clerk
DATE: December 15, 2021
SUBJECT: **Liquor License Renewal**

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

- Country Liquor, LLC D/B/A Country Liquor
- Walmart Inc. D/B/A Wal-Mart Supercenter #4474
- American Legion Post 20 D/B/A George H. Plumley Memorial Post 20 American Legion

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

Your consideration is appreciated.

- Submit** by Meghan Thibodeau 12/7/2021 6:00:12 PM (Form Submission)
- Approve** by Jeremy Hamilton 12/13/2021 10:29:24 AM (Fire Marshall Review)
- The task was assigned to Jeremy Hamilton. The due date is: December 16, 2021 5:00 PM 12/7/2021 6:00 PM
- Approve** by Scott Curtin 12/15/2021 4:21:44 PM (Building Official Review)
- The task was assigned to Scott Curtin. The due date is: December 16, 2021 5:00 PM 12/7/2021 6:00 PM
- Approve** by Ben Langham 12/7/2021 6:04:43 PM (Police Department Review)
- Meghan Thibodeau reassigned the task to Ben Langham 12/7/2021 6:01 PM
 - The task was assigned to Dave Ross. The due date is: December 16, 2021 5:00 PM 12/7/2021 6:00 PM
- Approve** by Tina Williamson 12/8/2021 9:33:06 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: December 16, 2021 5:00 PM 12/7/2021 6:00 PM
- Approve** by Cindy Herr 12/8/2021 9:55:46 AM (Legal Asst Review)
- **No monies owed in traffic fines or restitution.**
 - The task was assigned to Cindy Herr. The due date is: December 16, 2021 5:00 PM 12/7/2021 6:00 PM
- Approve** by Ryan Foster 12/9/2021 5:03:12 PM (Lands Review)
- The task was assigned to Ryan Foster. The due date is: December 16, 2021 5:00 PM 12/7/2021 6:00 PM
- Approve** by Terry Eubank 12/10/2021 11:06:04 AM (Finance Review)
- The task was assigned to Terry Eubank. The due date is: December 20, 2021 5:00 PM 12/9/2021 5:03 PM
- Approve** by Scott Bloom 12/10/2021 9:22:37 AM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: December 20, 2021 5:00 PM 12/9/2021 5:03 PM
- Approve** by Ryan Foster 12/9/2021 5:03:56 PM (P&Z Department Review)
- The task was assigned to Ryan Foster. The due date is: December 20, 2021 5:00 PM 12/9/2021 5:03 PM

Date

12/7/2021

Establishment Information

License Type

Package Store

Licensee

Country Liquor LLC

Doing Business As

Country Liquor

Premises Address

140 South Willow Suite C

City, State

Kenai, AK

Contact Information

Contact Licensee

Benjamin Jackinsky

Contact Phone No.

907-283-7651

Contact Email

benjaminjackinsky@acsalaska.net

Additional Contact Information

Name

Phone No.

Email

Documents

File Upload

1308 Complete Renewal App.pdf

4.39MB

1308 LGB Renewal Notice.pdf

195.96KB



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

December 7, 2021

City of Kenai, Kenai Peninsula Borough

Via Email: cityclerk@kenai.city; mjenkins@kpb.us; jvanhooose@kpb.us; sness@kpb.us;
cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenship@kpb.us

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Package Store	License Number:	1308
Licensee:	Country Liquor LLC		
Doing Business As:	Country Liquor		

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

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

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

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

2022-2023 Master Checklist: Renewal License Application

Doing Business As:	Country Liquor	License Number:	1308
License Type:	Package Store		
Examiner:	<i>Carrie</i>	Transaction #:	1003041 <i>12</i>

Document	Received	Completed	Notes
AB-17: Renewal Application	11/15	12/7	
App and License Fees	11/15	11/15	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star / FAA Cert			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No	N/A
CBPL Entity Printout included?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Business License Copy included?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Background(s) Completed & Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Consideration: _____	Board Meeting Date: <u>1/18/22</u>		
LGB Sent Date: <u>12/7/21</u>	LGB Deadline Date: <u>2/5/22</u>		
LGB 1 Name: <u>City of Kenai</u>	LGB 2 Name: <u>Kenai Pen Bar</u>		
<input type="checkbox"/> Waive	<input type="checkbox"/> Protest	<input type="checkbox"/> Lapsed	<input type="checkbox"/> Waive <input type="checkbox"/> Protest <input type="checkbox"/> Lapsed



Alaska Alcoholic Beverage Control Board

Form AB-17b: 2022/2023 Package Store Renewal Application

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

Establishment Contact Information

Licensee (Owner):	Country Liquor LLC	License #:	1308
License Type:	Package Store		
Doing Business As:	Country Liquor		
Premises Address:	140 South Willow Suite C Kenai, Alaska 99611		
Local Governing Body:	City of Kenai, Kenai Peninsula Borough		
Community Council:			

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

Mailing Address:					
City:		State:		ZIP:	

Section 1 – Licensee Contact Information

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

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

Contact Licensee:	Benjamin Jackinsky	Contact Phone:	907 283-7681
Contact Email:	Benjamin.Jackinsky@gcsalaska.net		

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

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			

Section 2 – 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?

AMCO

NOV 15 2021

YES

NO



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

Section 3 – Entity or Community Ownership Information

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.

<https://www.commerce.alaska.gov/cbpl/lookup/entity.htm>

Alaska CBPL Entity #:	120358
-----------------------	--------

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

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

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

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

Important Note:

You must list full legal names, all required titles, phone number, percentage of shares owned (if applicable) and a full mailing address for each official of your entity whose information we require. **If more space is needed: attach additional completed copies of this page. Additional information not on this page will be rejected.**

Name of Official:	Benjamin Jarkinsky				
Title(s):	Manager, Member	Phone:	907 283-6228	% Owned:	40
Mailing Address:	Box 20				
City:	Kasilof	State:	Alaska	ZIP:	99610

Name of Official:	Billingslea Family Limited Partnership				
Title(s):	Member	Phone:	206 439-5496	% Owned:	60
Mailing Address:	Box 76				
City:	Seldotna	State:	Alaska	ZIP:	99669

Name of Official:	Everett Billingslea				
Title(s):	Affiliate	Phone:	206 439 5496	% Owned:	
Mailing Address:	2424 Lorentz Place N.				
City:	Seattle	State:	Washington	ZIP:	98109



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

Section 4 – Sole Proprietor Ownership Information

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

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

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

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

This individual is an: Applicant Affiliate

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

This individual is an: Applicant Affiliate

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

Section 5 – License Operation

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

- | | | |
|---|-------------------------------------|-------------------------------------|
| | 2020 | 2021 |
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<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> | <input type="checkbox"/> | <input type="checkbox"/> |

If you have not met the minimum number of hours of operation in 2020 and/or 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "OTHER" and COVID is listed as the reason.

Section 6 – Violations and Convictions

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

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

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

AMCO

NOV 15 2021



Form AB-17: 2022/2023 License Renewal Application

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 potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) 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 accurately listed, and I have provided AMCO with all required changes of Shareholders (10% or more), Managers, Corporate Officers/Board of Directors, Partners, Controlling Interest or Ownership of the business license, and have provided all required documents for any new or changes in officers.
- 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 certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name from what is currently approved and on file with the Alcoholic Beverage Control Board.

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

Benjamin Jackinsky
 Signature of licensee
Benjamin Jackinsky
 Printed name of licensee

Greg Carr
 Signature of Notary Public

Notary Public in and for the State of: Alaska

My commission expires: 12/18/2023

Subscribed and sworn to before me this 12th day of November, 2021.

All renewal and supplemental forms are available online

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



FOR OFFICE USE ONLY

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ 1800.00

AMCO

NOV 15 2021

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Country Liquor, LLC

Entity Type: Limited Liability Company

Entity #: 120358

Status: Good Standing

AK Formed Date: 1/28/2009

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2023

Entity Mailing Address: PO BOX 2311, KENAI, AK 99611

Entity Physical Address: 140 SOUTH WILLOW SUITE B, KENAI, AK 99611

Registered Agent

Agent Name: Benjamin Jackinsky

Registered Mailing Address: PO BOX 2311, KENAI, AK 99611

Registered Physical Address: 506 Attla, Kenai, AK 99611

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Benjamin Jackinsky	Manager, Member	40.00
	Billingslea Family Limited Partnership	Member	60.00

Filed Documents

Date Filed	Type	Filing	Certificate
1/28/2009	Creation Filing	Click to View	
2/06/2009	Initial Report	Click to View	
4/28/2009	Initial Report	Click to View	
1/28/2011	Biennial Report	Click to View	
11/28/2011	Change of Officials	Click to View	
3/04/2013	Biennial Report	Click to View	
3/04/2013	Agent Change	Click to View	
10/21/2013	Change of Officials	Click to View	
12/29/2014	Biennial Report	Click to View	

Date Filed	Type	Filing	Certificate
11/16/2016	Biennial Report	Click to View	
4/10/2019	Biennial Report	Click to View	
12/29/2020	Biennial Report	Click to View	

[Close Details](#)

[Print Friendly Version](#)

LICENSE DETAILS

License #: 926390

[Print Business License](#)

Business Name: COUNTRY LIQUOR

Status: Active

Issue Date: 02/13/2009

Expiration Date: 12/31/2024

Mailing Address: PO BOX 2311
KENAI, AK 99611

Physical Address: 140 SOUTH WILLOW
KENAI, AK 99611

Owners

COUNTRY LIQUOR, LLC

Activities

Line of Business	NAICS	Professional License #
42 - Trade	445310 - BEER, WINE, AND LIQUOR STORES	

Endorsements

End #	Issue	Renew	Expiration	Action End	Action Note	Address
1	10/9/2018	10/29/2020	12/31/2024			140 S WILLOW, KENAI, AK 99611

License Lapse(s)

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

No Lapses on record for the last 4 years.

[Close License Detail](#)

[Print Friendly Version](#)



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

12/8/2021

Sent via email: jheinz@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant	:	Country Liquor LLC
Business Name	:	Country Liquor
License Type	:	Package Store
License Location	:	140 S. Willow Street, City of Kenai
License No.	:	1308
Application Type	:	License Renewal

Dear Ms. Heinz,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

cc: benjaminjackinsky@acsalaska.net; jheinz@kenai.city; JVanHoose@kpb.us;
SNess@kpb.us; MJenkins@kpb.us

- Submit** by Meghan Thibodeau 12/13/2021 10:06:17 AM (Form Submission)
- Approve** by Jeremy Hamilton 12/13/2021 10:44:46 AM (Fire Marshall Review)
- The task was assigned to Jeremy Hamilton. The due date is: December 22, 2021 5:00 PM 12/13/2021 10:06 AM
- Approve** by Scott Curtin 12/15/2021 4:21:31 PM (Building Official Review)
- The task was assigned to Scott Curtin. The due date is: December 22, 2021 5:00 PM 12/13/2021 10:06 AM
- Approve** by Dave Ross 12/13/2021 10:08:54 AM (Police Department Review)
- The task was assigned to Dave Ross. The due date is: December 22, 2021 5:00 PM 12/13/2021 10:06 AM
- Approve** by Tina Williamson 12/13/2021 10:36:48 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: December 22, 2021 5:00 PM 12/13/2021 10:06 AM
- Approve** by Cindy Herr 12/16/2021 2:26:06 PM (Legal Asst Review)
- **No monies owed in restitution or traffic fines.**
 - The task was assigned to Cindy Herr. The due date is: December 22, 2021 5:00 PM 12/13/2021 10:06 AM
- Approve** by Ryan Foster 12/13/2021 4:59:25 PM (Lands Review)
- The task was assigned to Ryan Foster. The due date is: December 22, 2021 5:00 PM 12/13/2021 10:06 AM
- Approve** by Terry Eubank 12/16/2021 2:48:05 PM (Finance Review)
- The task was assigned to Terry Eubank. The due date is: December 27, 2021 5:00 PM 12/16/2021 2:26 PM
- Approve** by Scott Bloom 12/17/2021 9:10:25 AM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: December 27, 2021 5:00 PM 12/16/2021 2:26 PM
- Approve** by Ryan Foster 12/17/2021 3:05:38 PM (P&Z Department Review)
- The task was assigned to Ryan Foster. The due date is: December 27, 2021 5:00 PM 12/16/2021 2:26 PM

AMCO License Application

Date

12/13/2021

Establishment Information

License Type

Package Store

Licensee

Walmart Inc.

Doing Business As

Wal-Mart Supercenter #4474

Premises Address

10096 Kenai Spur Highway

City, State

Kenai, AK

Contact Information

Contact Licensee

David Reading

Contact Phone No.

479-204-2096

Contact Email

complic@wal-mart.com

Additional Contact Information

Name

Shawn Woods

Phone No.

479-619-5988

Email

shawn.woods@walmart.com

Documents

File Upload

#4878 Complete Renewal Packet with Temp.pdf

6.04MB

#4878 LGB Renewal Notice.pdf

810.23KB



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

December 13, 2021

Kenai Peninsula Borough City of Kenai

Via Email: cityclerk@kenai.city; mjenkins@kpb.us; jvanhooose@kpb.us; sness@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenship@kpb.us; cjackinsky@kpb.us

Re: Notice of 2022/2023 Liquor License Renewal Application

Table with 4 columns: License Type, Licensee, Doing Business As, License Number. License Type: Package Store, Licensee: Walmart Inc, Doing Business As: Wal-Mart Supercenter #4474, License Number: 4878

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 Glen Klinkhart

Glen Klinkhart, Director amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED
12/13/2021
ABC BOARD

LIQUOR LICENSE
2022 - 2023

4878

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

TEMPORARY

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Package Store

LICENSE FEE: \$1,500.00

1150

CITY / BOROUGH: Kenai
Kenai Peninsula Borough

D/B/A: Wal-Mart Supercenter #447.
10096 Kenai Spur Highway
Mail Address:
Walmart, Inc.
702 SW 8th St
Bentonville, AR 72716-0500

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 7/21)

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED
12/13/2021
ABC BOARD

LIQUOR LICENSE
2022 - 2023

4878

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

TEMPORARY

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Package Store

LICENSE FEE: \$1,500.00

CITY / BOROUGH: Kenai
Kenai Peninsula Borough

D/B/A: Wal-Mart Supercenter #4474
10096 Kenai Spur Highway
Mailing Address:
Walmart, Inc.
702 SW 8th St
Bentonville, AR 72716-0500

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

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

04-900 (REV 7/21)



Alaska Alcoholic Beverage Control Board
Form AB-17b: 2022/2023 Package Store Renewal Application

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

Establishment Contact Information

Licensee (Owner):	Walmart Inc.	License #:	4878
License Type:	Package Store		
Doing Business As:	Walmart #4474 Wal-Mart Supercenter #4474		
Premises Address:	10096 Kenai Spur Highway		
Local Governing Body:	City of Kenai (Kenai Peninsula Borough)		
Community Council:	None		

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

Mailing Address:	702 SW 8th Street			
City:	Bentonville	State:	AR	ZIP: 72716-0500

Section 1 – Licensee Contact Information

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

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

Contact Licensee:	David Reading	Contact Phone:	479-204-2096
Contact Email:	complic@wal-mart.com		

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

Name of Contact:	Shawn Woods	Contact Phone:	479-619-5988
Contact Email:	shawn.woods@walmart.com		

Name of Contact:		Contact Phone:	
Contact Email:			

Section 2 – 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?

AMCO
 NOV 0 2 2021
 YES NO



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

Section 3 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.

<https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	51180F
-----------------------	--------

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

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

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

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

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

Name of Official:	Please See Attached			
Title(s):	Phone:	% Owned:		
Mailing Address:				
City:	State:	ZIP:		

Name of Official:				
Title(s):	Phone:	% Owned:		
Mailing Address:				
City:	State:	ZIP:		

Name of Official:				
Title(s):	Phone:	% Owned:		
Mailing Address:				
City:	State:	ZIP:		

AMCO

NOV 02 2021



CORPORATE OFFICERS

NAME AND TITLE	BUSINESS ADDRESS	PHONE
Carl Douglas McMillon President	702 S.W 8 th Street Bentonville, AR 72716	479-277-2501
John Scudder Vice President	702 S.W 8 th Street Bentonville, AR 72716	479-876-3938
Jessica Rancher Vice President	702 S.W 8 th Street Bentonville, AR 72716	479-277-1140
Matthew Allen Treasurer/Vice President	702 S.W 8 th Street Bentonville, AR 72716	479-277-9710
David Reading Assistant Secretary	702 S.W 8 th Street Bentonville, AR 72716	479-204-2898
Gordon Allison Secretary/Vice President	702 S.W 8 th Street Bentonville, AR 72716	479-277-2347
Rachel Brand Secretary	702 S.W 8 th Street Bentonville, AR 72716	479-277-2345

The above officers / directors own less than 1% stock of Walmart Inc. a public corporation.



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

Section 4 – Sole Proprietor Ownership Information

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

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

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

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

This individual is an:	<input type="checkbox"/> Applicant	<input type="checkbox"/> Affiliate	
Name:		Contact Phone:	
Mailing Address:			
City:		State:	
		ZIP:	
Email:			

This individual is an:	<input type="checkbox"/> Applicant	<input type="checkbox"/> Affiliate	
Name:		Contact Phone:	
Mailing Address:			
City:		State:	
		ZIP:	
Email:			

Section 5 – License Operation

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

- | | | |
|---|-------------------------------------|-------------------------------------|
| | 2020 | 2021 |
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<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 calendaryears. <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 2020 and/or 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "OTHER" and COVID is listed as the reason.</u> | <input type="checkbox"/> | <input type="checkbox"/> |

Section 6 – Violations and Convictions

Have ANY Notices of Violation been issued for this license OR has ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2020 or 2021?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

AMCO

NOV 02 2021



Form AB-17: 2022/2023 License Renewal Application

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 potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) 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 accurately listed, and I have provided AMCO with all required changes of Shareholders (10% or more), Managers, Corporate Officers/Board of Directors, Partners, Controlling Interest or Ownership of the business license, and have provided all required documents for any new or changes in officers.
- 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 certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name from what is currently approved and on file with the Alcoholic Beverage Control Board.

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

[Signature]
Signature of licensee

David Reading
Printed name of licensee

[Signature]
Signature of Notary Public

Notary Public in and for the State of: Arkansas

My commission expires: Nov. 15, 2023

Subscribed and sworn to before me this 28 day of October, 2021.

TAKEISHA JAMES
BENTON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires Nov. 15, 2023
Commission No. 12396580

All renewal and supplemental forms are available online

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

FOR OFFICE USE ONLY

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ 1800.00

AMCO

NOV 02 2021

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS & PROFESSIONAL
 LICENSING**

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ENTITY DETAILS

Name(s)

Type	Name
Legal Name	WALMART INC.
Previous Legal Name	WAL-MART STORES, INC.

Entity Type: Business Corporation

Entity #: 51180F

Status: Good Standing

AK Formed Date: 3/2/1993

Duration/Expiration: Perpetual

Home State: DELAWARE

Next Biennial Report Due: 1/2/2023

Entity Mailing Address: 702 SW 8TH ST, BENTONVILLE, AR 72716

Entity Physical Address: 702 SW 8TH ST, BENTONVILLE, AR 72716

Registered Agent

Agent Name: C T Corporation System

Registered Mailing Address: 9360 GLACIER HWY STE 202, JUNEAU, AK 99801

Registered Physical Address: 9360 GLACIER HWY STE 202, JUNEAU, AK 99801

Officials

AK Entity #	Name	Titles	<input type="checkbox"/> Show Former Owned
	C. Douglas McMillon	Director, President	
	DAVID READING	Assistant Secretary	

AK Entity #	Name	Titles
	Gordon Y. Allison	Secretary, Vice President
	JESSICA RANCHER	Vice President
	John Scudder	Vice President
	Matthew Allen	Treasurer, Vice President
	Rachel Brand	Secretary

Filed Documents

Date Filed	Type	Filing	Certificate
3/02/1993	Creation Filing		
3/02/1993	Biennial Report		
5/30/1995	Biennial Report	Click to View	
10/01/1997	Biennial Report	Click to View	
1/06/1999	Biennial Report	Click to View	
1/04/2001	Biennial Report	Click to View	
12/31/2002	Biennial Report	Click to View	
4/01/2004	Agent Change	Click to View	
1/03/2005	Biennial Report	Click to View	
8/04/2006	Biennial Report	Click to View	
11/25/2008	Biennial Report	Click to View	
12/11/2010	Biennial Report	Click to View	
1/29/2013	Biennial Report	Click to View	
4/05/2013	Change of Officials	Click to View	
12/09/2014	Change of Officials	Click to View	
12/29/2014	Biennial Report	Click to View	
10/13/2015	Change of Officials	Click to View	
12/22/2016	Certificate of Compliance		Click to View
12/30/2016	Biennial Report	Click to View	
2/10/2017	Change of Officials	Click to View	
2/14/2017	Change of Officials	Click to View	
3/01/2017	Change of Officials	Click to View	
2/01/2018	Amendment	Click to View	Click to View
2/08/2018	Change of Officials	Click to View	
12/31/2018	Biennial Report	Click to View	
1/25/2019	Change of Officials	Click to View	
1/28/2019	Change of Officials	Click to View	
10/16/2019	Change of Officials	Click to View	
11/20/2020	Entity Address Change	Click to View	
11/20/2020	Change of Officials	Click to View	
1/12/2021	Biennial Report	Click to View	

Department of Commerce, Community, and Economic Development
**DIVISION OF CORPORATIONS, BUSINESS &
 PROFESSIONAL LICENSING**

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LICENSE DETAILS

License #: 910194

[Print Business License](#)

Business Name: WAL-MART

Status: Active

Issue Date: 01/02/2008

Expiration Date: 12/31/2023

Mailing Address: 702 SW 8TH ST
 BENTONVILLE, AR 72716-0500

Physical Address: 702 SW 8TH ST
 BENTONVILLE, AR 72712

Owners

WALMART INC.

Activities

Line of Business	NAICS	Professional License #
42 - Trade	452111 - DEPARTMENT STORES (EXCEPT DISCOUNT DEPARTMENT STORES)	
42 - Trade	446110 - PHARMACIES (RETAIL)	

Endorsements

End #	Issue	Renew	Expiration	Action End	Action Note	Address
1	10/23/2017	11/23/2021	12/31/2023			3101 A ST, ANCHORAGE, AK 99503
2	10/23/2017	11/23/2021	12/31/2023			8900 OLD SEWARD HWY, ANCHORAGE, AK 99515

End #	Issue	Renew	Expiration	Action End	Action Note	Address
3	10/23/2017	11/23/2021	12/31/2023			1350 S SEWARD MERIDIAN PKWY, WASILLA, AK 99654
4	10/23/2017	11/23/2021	12/31/2023			18600 EAGLE RIVER RD, EAGLE RIVER, AK 99577
5	10/23/2017	11/23/2021	12/31/2023			4230 DON KING RD, KETCHIKAN, AK 99901
6	10/23/2017	11/23/2021	12/31/2023			2911 MILL BAY RD, KODIAK, AK 99615
7	10/23/2017	11/23/2021	12/31/2023			537 JOHANSEN EXPRESSWAY, FAIRBANKS, AK 99709
8	10/23/2015		12/31/2017			6525 GLACIER HWY, JUNEAU, AK 99801
9	10/23/2017	11/23/2021	12/31/2023			10096 KENAI SPUR HWY, KENAI, AK 99611
10	1/29/2018	11/23/2021	12/31/2023			7405 DEBARR ROAD, ANCHORAGE, AK 99504

License Lapse(s)

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

No Lapses on record for the last 4 years.



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

12/14/2021

Sent via email: jheinz@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant	:	Wal-Mart Stores Inc.
Business Name	:	Wal-Mart Supercenter
License Type	:	Package Store
License Location	:	10096 Kenai Spur Hwy, City of Kenai
License No.	:	4878
Application Type	:	License Renewal

Dear Ms. Heinz,


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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

cc: heather.gregory@walmart.com; JVanHoose@kpb.us; SNess@kpb.us;
MJenkins@kpb.us

- Submit** by Meghan Thibodeau 12/13/2021 4:21:34 PM (Form Submission)
- Approve** by Jeremy Hamilton 12/14/2021 2:13:57 PM (Fire Marshall Review)
- The task was assigned to Jeremy Hamilton. The due date is: December 22, 2021 5:00 PM
12/13/2021 4:21 PM
- Approve** by Scott Curtin 12/15/2021 4:21:12 PM (Building Official Review)
- The task was assigned to Scott Curtin. The due date is: December 22, 2021 5:00 PM
12/13/2021 4:21 PM
- Approve** by Dave Ross 12/13/2021 4:27:00 PM (Police Department Review)
- The task was assigned to Dave Ross. The due date is: December 22, 2021 5:00 PM
12/13/2021 4:21 PM
- Approve** by Tina Williamson 12/13/2021 5:26:19 PM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: December 22, 2021 5:00 PM
12/13/2021 4:21 PM
- Approve** by Cindy Herr 12/16/2021 5:56:23 PM (Legal Asst Review)
-  *The American Legion does not owe any monies in restitution or traffic fines.*
 - The task was assigned to Cindy Herr. The due date is: December 22, 2021 5:00 PM
12/13/2021 4:21 PM
- Approve** by Ryan Foster 12/13/2021 4:58:21 PM (Lands Review)
- The task was assigned to Ryan Foster. The due date is: December 22, 2021 5:00 PM
12/13/2021 4:21 PM
- Approve** by Terry Eubank 12/17/2021 2:59:29 PM (Finance Review)
- The task was assigned to Terry Eubank. The due date is: December 27, 2021 5:00 PM
12/16/2021 5:56 PM
- Approve** by Scott Bloom 12/17/2021 9:10:37 AM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: December 27, 2021 5:00 PM
12/16/2021 5:56 PM
- Approve** by Ryan Foster 12/17/2021 3:05:24 PM (P&Z Department Review)
- The task was assigned to Ryan Foster. The due date is: December 27, 2021 5:00 PM
12/16/2021 5:56 PM

AMCO License Application

Date

12/13/2021

Establishment Information

License Type

Club

Licensee

George H Plumley Memorial Post 20 American Legion

Doing Business As

George H Plumley Memorial Post 20 American Legion

Premises Address

902 Cook Ave

City, State

Kenai, AK

Contact Information

Contact Licensee

Jeffrey P. Klemisch

Contact Phone No.

907-513-8646

Contact Email

jeff.klemisch@aol.com

Additional Contact Information

Name

Lisa C. Klemisch

Phone No.

907-513-8686

Email

spclee@aol.com

Documents

File Upload

#1380 Complete Renewal Packet with Temp.pdf	5.36MB
#1380 LGB Renewal Notice.pdf	810.08KB



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

December 13, 2021

Kenai Peninsula Borough City of Kenai

Via Email: cityclerk@kenai.city; mjenkins@kpb.us; jvanhooose@kpb.us; sness@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenship@kpb.us; cjackinsky@kpb.us

Re: Notice of 2022/2023 Liquor License Renewal Application

Table with 4 columns: License Type, Licensee, Doing Business As, License Number. License Type: Club, License Number: 1380, Licensee: George H Plumley Memorial Post 20 American Legion, Doing Business As: George H Plumley Memorial Post 20 American Legion.

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 Glen Klinkhart]

Glen Klinkhart, Director amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

12/13/2021

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

1380

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

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Club

LICENSE FEE: \$1,200.00

1110

CITY / BOROUGH: Kenai
Kenai Peninsula Borough

D/B/A: George H Plumley Memoria.
902 Cook Avenue

Mail Address:
George H Plumley Memorial Post 20 American Legion
902 Cook Ave
Kenai, AK 99611

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 7/21)

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

12/13/2021

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

1380

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

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Club

LICENSE FEE: \$1,200.00

CITY / BOROUGH: Kenai
Kenai Peninsula Borough

D/B/A: George H Plumley Memorial Post 20 American Legion
902 Cook Avenue

Mailing Address:
George H Plumley Memorial Post 20 American Legion
902 Cook Ave
Kenai, AK 99611

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

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

04-900 (REV 7/21)



Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 General Renewal Application

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

Establishment Contact Information

Licensee (Owner):	American Legion Post 20	License #:	1380
License Type:	Club		
Doing Business As:	George H. Plumley Memorial Post 20 American Legion, <i>Kenai, Alaska</i>		
Premises Address:	902 Cook Ave Kenai AK 99611		
Local Governing Body:	<i>City of Kenai</i>		
Community Council:			

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

Mailing Address:					
City:		State:		ZIP:	

Section 1 - Licensee Contact Information

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

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

Contact Licensee:	Jeffrey P. Klemisch	Contact Phone:	907-513-8646
Contact Email:	jeff.klemisch@aol.com		

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

Name of Contact:	Lisa C. Klemisch	Contact Phone:	907-513-8686
Contact Email:	spclee@aol.com		

Name of Contact:	David Segura	Contact Phone:	907-394-7533
Contact Email:	papastrucking20@gmail.com		

Name of Contact:		Contact Phone:	
Contact Email:			

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Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 License Renewal Application

Section 2 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.

<https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	43366D
-----------------------	--------

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

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

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

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

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

Name of Official:	David Segura				
Title(s):	President	Phone:	907-394-7533	% Owned:	N/A
Mailing Address:	35540 Poppy Drive				
City:	Kenai	State:	Alaska	ZIP:	99611

Name of Official:	Jeffrey P. Klemisch				
Title(s):	Vice President & Secretary	Phone:	9075138646	% Owned:	N/A
Mailing Address:	52733 Warren Ave				
City:	Kenai	State:	Alaska	ZIP:	99611

Name of Official:	Lisa C. Klemisch				
Title(s):	Treasurer	Phone:	907-513-8686	% Owned:	N/A
Mailing Address:	52733 Warren Ave				
City:	Kenai	State:	Alaska	ZIP:	99611

AMCO AMCO

DEC - 6 2021 NOV 0 3 2021



Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 License Renewal Application

Section 3 – Sole Proprietor Ownership Information

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

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

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

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

This individual is an: Applicant Affiliate

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

This individual is an: Applicant Affiliate

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

Section 4 – License Operation

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

- | | 2020 | 2021 |
|---|-------------------------------------|-------------------------------------|
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<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>
<i>If you have not met the minimum number of hours of operation in 2020 and/or 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "OTHER" and COVID is listed as the reason.</i> | <input type="checkbox"/> | <input type="checkbox"/> |

Section 5 – Violations and Convictions

Have ANY Notices of Violation been issued for this license OR has ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2020 or 2021?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

AMCO

AMCO

DEC - 6 2021

NOV 03 2021



Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 License Renewal Application

Section 6 - Certifications

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

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

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

Signature of licensee [Handwritten Signature]
Printed name of licensee DAVID SEGURA

Signature of Notary Public [Handwritten Signature]
Notary Public in and for the State of: ALASKA
My commission expires: August 16 2025

Subscribed and sworn to before me this 22 day of October, 2021.

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

All renewal and supplemental forms are available online

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

FOR OFFICE USE ONLY

Table with 4 columns: License Fee (\$1,200), Application Fee (\$ 300.00), Misc. Fee (\$), Total Fees Due (\$1,500.00)

AMCO
NOV 03 2021

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS & PROFESSIONAL
 LICENSING**

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[State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Corporations / Entity Details](#)

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	George H Plumley Memorial Post 20, The American Legion, Kenai, Alaska
Previous Legal Name	AMERICAN LEGION POST NO. 20, INC.

Entity Type: Nonprofit Corporation

Entity #: 43366D

Status: Good Standing

AK Formed Date: 1/27/1989

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 7/2/2023

Entity Mailing Address: 902 COOK AVE., KENAI, AK 99611

Entity Physical Address: 902 COOK AVE, KENAI, IA 99611

Registered Agent

Agent Name: Jeffrey Klemisch

Registered Mailing Address: 52733 WARREN AVE, KENAI, AK 99611

Registered Physical Address: 52733 WARREN AVE, KENAI, AK 99611

Officials

Show Former

AK Entity #	Name	Titles	Owned
	David Segura	President	
	DAVID SHOWALTER	Director	

AK Entity #	Name	Titles
	Jeffrey Klemisch	Vice President, Secretary
	Lisa Klemisch	Treasurer
	Michael Meredith	Director
	Steve Powell	Director
	THOMAS SCHANROCK SR	Director

Filed Documents

Date Filed	Type	Filing	Certificate
1/27/1989	Creation Filing	Click to View	
1/16/1992	Biennial Report		
10/04/1993	Biennial Report	Click to View	
2/05/1996	Biennial Report	Click to View	
8/11/1997	Biennial Report	Click to View	
7/02/2002	Admin Dissolution	Click to View	
8/08/2003	Agent Change	Click to View	
8/08/2003	Reinstatement	Click to View	
8/08/2003	Biennial Report	Click to View	
8/08/2003	Biennial Report	Click to View	
8/08/2003	Biennial Report	Click to View	
6/23/2005	Biennial Report	Click to View	
7/02/2007	Biennial Report	Click to View	
7/27/2007	Agent Change	Click to View	
7/27/2007	Biennial Report	Click to View	
8/02/2010	Biennial Report	Click to View	
8/06/2010	Agent Change	Click to View	
9/29/2010	Restated (NO AMENDMENT)	Click to View	Click to View
11/23/2012	Biennial Report	Click to View	
10/21/2013	Biennial Report	Click to View	
9/27/2015	Biennial Report	Click to View	
11/10/2017	Biennial Report	Click to View	
12/13/2019	Biennial Report	Click to View	
4/14/2021	Biennial Report	Click to View	
8/19/2021	Agent Change	Click to View	
8/26/2021	Change of Officials	Click to View	

LICENSE DETAILS

License #: 900041

[Print Business License](#)

Business Name: AMERICAN LEGION POST #20

Status: Active

Issue Date: 07/13/2006

Expiration Date: 12/31/2024

Mailing Address: 902 COOK ST.
KENAI, AK 99611

Physical Address: 902 COOK ST.
KENAI, AK 99611

Owners

GEORGE H PLUMLEY MEMORIAL POST 20, THE AMERICAN LEGION, KENAI, ALASKA

Activities

Line of Business	NAICS	Professional License #
81 - Services	813410 - CIVIC AND SOCIAL ORGANIZATIONS	

Endorsements

End #	Issue	Renew	Expiration	Action End	Action Note	Address
2	10/22/2018	12/31/2020	12/31/2024			902 COOK AVE, KENAI, AK 99611

License Lapse(s)

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

No Lapses on record for the last 4 years.



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

12/14/2021

Sent via email: jheinz@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant : AMERICAN LEGION #20 - Kenai
Business Name : AMERICAN LEGION POST #20
License Type : Club
License Location : 902 Cook Avenue, Kenai, AK 99611, City of Kenai
License No. : 1380
Application Type : License Renewal

Dear Ms. Heinz,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

cc: post20@alaska.net; JVanHoose@kpb.us; SNess@kpb.us; MJenkins@kpb.us



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: December 22, 2021

SUBJECT: **Action Approval for Schilling Alaska, Inc. – Special Use Permit for Snow Storage**

The Uptown Motel is located on property owned by Schilling Alaska, Incorporated (Schilling). Schilling obtained special use permits for the Uptown Motel to store snow on 7,500 square feet of City property in 2018, 2019, 2020, and 2021, and has requested a similar permit for 2022. The permit fee is proposed to be \$450.00 for the six-month period covering the months of January, February, March, April, November, and December, 2022.

The permit fee of \$475.00 is \$25.00 more than the fee charged in 2018-2021 to accommodate a CPI adjustment over the past four years. As in past years, Schilling would be required to carry adequate insurance, use the premises only for snow storage, store snow in a manner that would not limit sight lines for drivers or impact City snow clearing, and remove any trash or debris remaining after the snow has melted such that the premises are returned to their initial condition. Schilling was compliant with the terms of their special use permits during 2018, 2019, 2020, and 2021. Schilling has submitted a special use permit application for 2022 and paid the corresponding application fee.

If City Council approves, City Administration would execute the special use permit attached to this memorandum.

Thank you for your consideration.

SPECIAL USE PERMIT

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set out below, hereby grants to **SCHILLING ALASKA, INC.** (PERMITTEE) the non-exclusive right to use 7,500 square feet of area as described below:

T5N R11W SEC 5 SEWARD MERIDIAN KN PORTION OF GOVT LOT 5 LYING NORTH OF FAA TRACT PER SPUR SUB SENIOR CITIZEN ADDN & LYING SOUTH OF FRONTAGE RD 7 LYING WEST OF DAUBENSPECK PROPERTY SUB TRACT C & LYING EAST OF SPUR VIEW DR

and as further shown in the attached Exhibit A.

1. **TERM.** This special use permit shall be for approximately six (6) months from January 1, 2022 to April 30, 2022, and from November 1, 2022 to December 31, 2022.
2. **PERMIT FEES.** The Permittee shall be charged a permit fee of \$475.00 plus applicable sales tax.

The Permittee shall pay the City the permit fee on or before January 7, 2021.

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

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

- A. Sales tax not enforced, or levied in the future, computed upon the permit fee payable in monthly installments whether said fee is paid on a monthly or yearly basis;
 - B. All necessary licenses and permits; all lawful taxes and assessments which, during the term hereof may become a lien upon or which may be levied by the State, Borough, City, or by any other tax levying body, upon any taxable possessory right which Permittee may have in or to the Premises by reason of its use or occupancy or by reason of the terms of this Permit, provided however, that nothing herein contained shall prevent Permittee from contesting any increase in such tax or assessment through procedures provided by law.
 - C. Interest at the rate of eight percent (8%) per annum and penalties of ten percent (10%) of any amount of money owed under this Special Use Permit which are not paid on or before the due date.
 - D. Costs and expenses incident to this Special Use Permit, including but not limited to recording costs.
3. **USE.** The use by the Permittee of the Premises is limited to the purpose of Snow Storage. This use is subject to City, Borough, and State laws and regulations and the reasonable administrative actions of the City for the protection and maintenance of the Premises and of

adjacent and contiguous lands or facilities. Use of the Premises is subject to the following conditions:

- A. Permittee shall use the Premises only for snow storage.
 - B. Snow must be stored in a manner that will not limit sight lines or create other unsafe driving conditions on adjacent right-of-ways.
 - C. The premises shall be returned to its current condition prior to the end of the term of this Special Use Permit. This shall include the removal of any trash or debris that remains after the snow has melted in the spring. Failure to do so will result in Permittee being ineligible for future Special Use Permits for snow storage.
 - D. Snow must be stored in a manner that will not impact any City snow clearing or moving activities.
4. **INSURANCE.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, the City is entitled to coverage to the extent of the higher limits.
- A. Garage Liability or Commercial General Liability Insurance, including Premises, all operations, property damage, personal injury and death, broad-form contractual, with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.
 - B. Worker's Compensation Insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.
 - C. Commercial Automobile Coverage with not less than \$1,000,000 combined single limit per occurrence. This insurance must cover all owned, hired, and non-owned motor vehicles the Permittee uses for snow moving and storage activities to, from, or on the Premises. The policy must name the City as an additional insured.
 - D. All insurance required must meet the following additional requirements:
 - i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
 - ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.

- iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
 - iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
 - v. Evidence of insurance coverage must be submitted to City by January 7, 2022. The effective date of the insurance shall be no later than January 17, 2022.
 - vi. This insurance shall be primary and exclusive of any other insurance carried by the City of Kenai. This insurance shall be without limitation on the time within which the resulting loss, damage, or injury is actually sustained.
5. **INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** The Permittee shall fully indemnify, hold harmless, and defend the City of Kenai, its officers, agents, employees, and volunteers at its own expense from and against any and all actions, damages, costs, liability, claims, losses, judgments, penalties, including reasonable Attorney's fees of or for liability for any wrongful or negligent acts, errors, or omissions of the Permittee, its officers, agents or employees, or any subcontractor under this Permit. The Permittee shall not be required to defend or indemnify the City for any claims of or liability for any wrongful or negligent act, error, or omission solely due to the independent negligence of the City. If there is a claim of or liability for the joint negligence of the Permittee and the independent negligence of the City, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be established upon final determination of the percentage of fault. If any such determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. "Permittee" and "City" as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, for each party. The term "independent negligence of the City" is negligence other than in the City's selection, administration, monitoring, or controlling of the Permittee.
6. **PERMITTEE'S OBLIGATION TO PREVENT AND REMOVE LIENS.** Permittee will not permit any liens, including mechanic's, laborer's, construction, supplier's, mining, or any other liens obtainable or available under existing law, to stand against the Premises or improvements on the Premises for any labor or material furnished to Permittee or to any related entity or claimed entity. The Permittee shall have the right to provide a bond as contemplated by State of Alaska law and contest the validity or amount of any such lien or claimed lien. Upon the final determination of the lien or claim for lien, the Permittee will immediately pay any judgment rendered with all proper costs and charges and shall have such lien released or judgment satisfied at Permittee's own expense.
7. **PERSONALTY.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit. Personal property placed or used upon the Premises and not removed upon termination of this Permit will be removed and/or impounded by the City. Property removed or impounded by the City may be

redeemed by the owner thereof only upon the payment to the City of the costs of removal plus a storage fee of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or its customers.

8. **FORBEARANCE.** Failure to insist upon a strict compliance with the terms, conditions, and/or any requirement herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.
9. **TERMINATION, DEFAULT.** This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. The City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety. The City may also terminate this Permit immediately, or upon notice shorter than 30 days, due to a failure of Permittee to comply with conditions and terms of this Permit, which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period to correct the violation or breach.
10. **NO DISCRIMINATION.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.
11. **ASSIGNMENT.** Permittee may not assign, by grant or implication, the whole any part of this Permit, the Premises, or any improvement on the Premises without the written consent of the City. Unless the City specifically releases the Permittee in writing, the City may hold the Permittee responsible for performing any obligation under this permit which an assignee fails to perform.
12. **ASSUMPTION OF RISK.** Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on the Premises and its exercise of the privileges granted in this Permit.
13. **NO JOINT VENTURE.** The City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.
14. **SURVIVAL.** The obligations and duties of Permittee under paragraphs 5 and 6 of this Permit shall survive the cancellation, termination, or expiration of this Permit.
15. **AUTHORITY.** By signing this Permit, Permittee represents that is has read this agreement and consents to be bound by the terms and conditions herein and that the person signing this Permit is duly authorized by the business to bind the business hereunder.

CITY OF KENAI

SCHILLING ALASKA, INC.

By: _____
Paul Ostrander
City Manager

By: _____
David Schilling
President

ACKNOWLEDGMENTS

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 20____, the foregoing instrument was acknowledged before me by Paul Ostrander, City Manager of the City of Kenai, Alaska, an Alaska home rule municipality, on behalf of the City.

Notary Public for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 20____, the foregoing instrument was acknowledged before me by David Schilling, President of Schilling Alaska, Inc., an Alaska limited liability company, on behalf of the company.

Notary Public for Alaska
My Commission Expires: _____


ATTEST:

Michelle Saner, MMC, City Clerk

SEAL:

APPROVED AS TO FORM:

Scott Bloom, City Attorney

	City of Kenai Special Use Permit Application	Application Date: 12/21/21
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Applicant Information

Name of Applicant:	Schilling Alaska Inc						
Mailing Address:	47 Spur View Drive	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone: ()		Work/ Message Phone: () 907 398 2316				
E-mail: (Optional)	duane@uptownmotel.com						
Name to Appear on Permit:	Uptown Motel						
Mailing Address:	47 Spur View Drive	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone: ()		Work/ Message Phone: () 907 398 2316				
E-mail: (Optional)	duane@uptownmotel.com						
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____						

Property Information

Legal or physical description of the property:
T 5N R 11W SEC 5 BEWARD MERIDIAN KM 0910047 SPUR SUB SENIOR CITIZEN ADDN FAA TRACT

Description of the proposed business or activity intended: **Used snow storage**

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

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

If you answered yes to any of the above questions, please explain: **The area seems to be shared by others for used snow storage**

What is the term requested (not to exceed one year)? **December 2021 - December 2022**

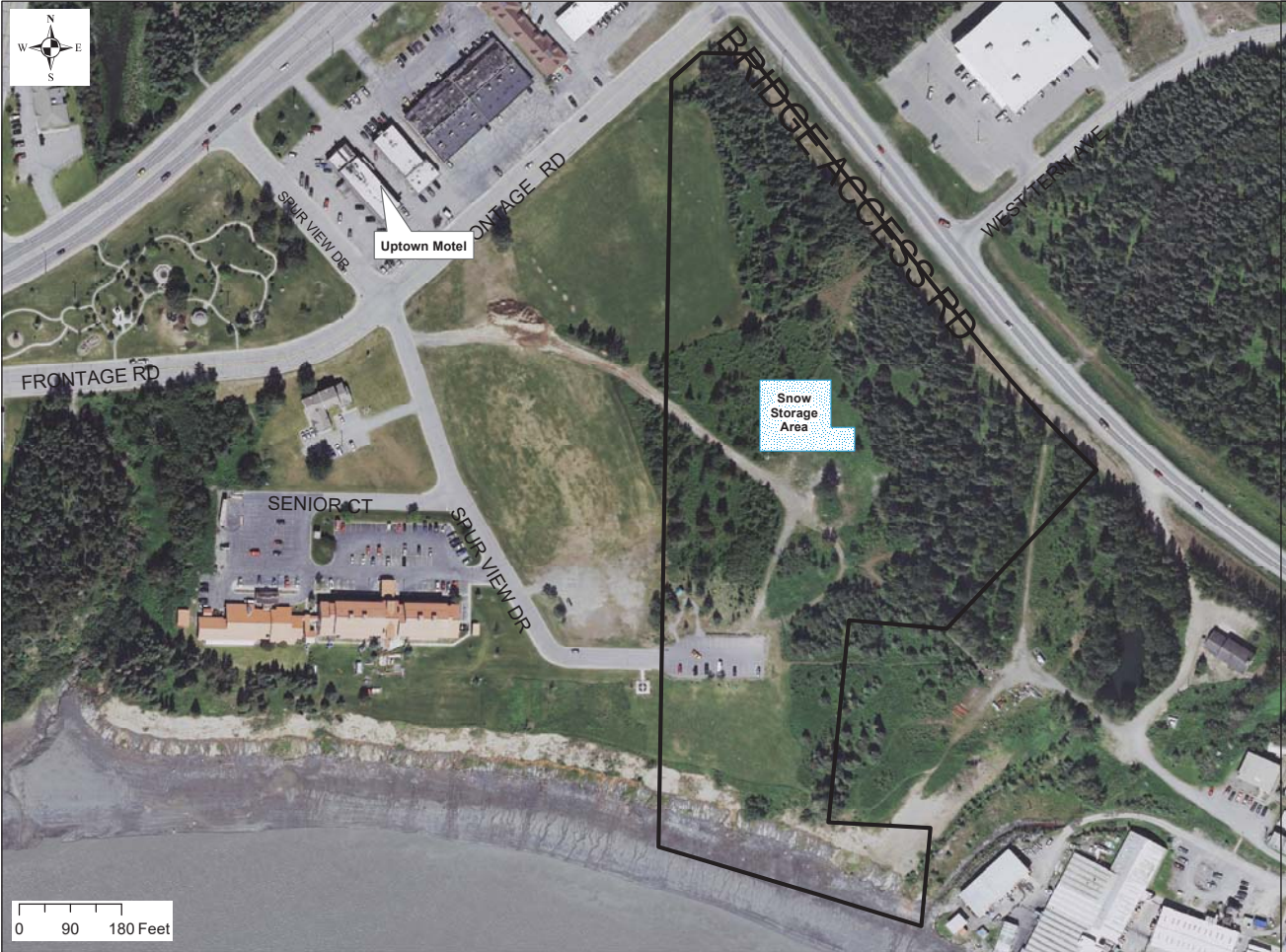
Requested Starting Date: **December 21, 2021**

Signature: 	Date: 12/21/21
--	-----------------------

Print Name: David Schilling	Title: President
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For City Use Only: <input type="checkbox"/> General Fund <input type="checkbox"/> Airport Reserve Land <input type="checkbox"/> Airport Fund <input type="checkbox"/> Outside Airport Reserve	Date Application Fee Received: City Council Action/Resolution: Account Number:	<div style="border: 2px solid blue; padding: 10px; color: blue; font-weight: bold; font-size: 1.2em;"> RECEIVED CITY OF KENAI DATE 12-22-21 PLANNING DEPARTMENT </div>
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Exhibit A



T5N R11W SEC 5 SEWARD
MERIDIAN KN PORTION OF
GOVT LOT 5 LYING NORTH OF
FAA TRACT PER SPUR SUB
SENIOR CITIZEN ADDN & LYING
SOUTH OF FRONTAGE RD 7
LYING WEST OF
DAUBENSPECK PROPERTY
SUB TRACT C & LYING
EAST OF SPUR VIEW DR



Legend

- City-Owned
- Subject Parcel
- Outline



The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3266-2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING FUNDS IN THE AIRPORT FUND, AND ACCEPTING TWO GRANTS FROM THE FEDERAL AVIATION ADMINISTRATION UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 (H.R. 1319, PUBLIC LAW 117-2).

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 was signed into law by the President which includes \$8 billion in funds to be awarded as economic assistance to eligible U.S. airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic; and,

WHEREAS, to distribute these funds, the FAA has established the Airport Rescue Grants; and

WHEREAS, on December 14, 2021, the Kenai Municipal Airport received the Airport Rescue Grant Offer, Grant No. 3-02-0142-070-2022, in the amount of \$1,719,887 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments; and,

WHEREAS, on _____, the Kenai Municipal Airport received the Airport Rescue Grant Offer, Grant No. 3-02-0142-_____-2022, in the amount of \$_____ to provide relief from rent and minimum annual guarantees to eligible in-terminal airport concessions; and,

WHEREAS, keeping the Airport in reliable, safe operation is in the best interest of the City; and,

WHEREAS, the executed grant, Grant No. 3-02-0142-070-2022, followed by the city attorney's certification must be completed no later than January 30, 2022; and,

WHEREAS, the executed grant, Grant No. 3-02-0142-_____-2022, followed by the city attorney's certification must be completed no later than _____.

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 Grant No. 3-02-0142-070-2022 in the amount of \$1,719,887 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments, and Grant No. 3-02-0142-_____-2022 in the amount of \$_____ for eligible in-terminal airport concessions relief.

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

Airport Fund:

Increase Estimated Revenues - Federal Grants	\$_____
Increase Appropriations – Administration:	
Contingency	\$1,719,887
Grants to other Agencies	<u>XX,XXX</u>
	<u>\$X,XXX,XXX</u>

Section 3. That the City Manager is authorized to accept grant funding totaling \$_____ from the Federal Aviation Administration and to execute grant agreements and to expend grant funds to fulfill the purpose and intent of this ordinance.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19th day of January, 2022.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Michelle M. Saner, MMC, City Clerk

Finance: 

Introduced: January 5, 2022
Enacted: January 19, 2022
Effective: January 19, 2022



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Eland Conway II, Airport Manager

DATE: December 22, 2021

SUBJECT: **Ordinance No. 3266-2022 – Kenai Airport ARP Act Grant, Accepting and Appropriating Airport Funds**

Air travel remains well below pre-pandemic levels (ENA enplanements ↓30% compared to 2019)— airport concessionaires, and the aviation industry as a whole continue to suffer from the many economic consequences of the COVID-19 pandemic. These funds are critical to sustaining the operation of the airport, regulatory compliance, and acceptable service levels.

Airport concessionaires are struggling or unable to meet the terms of their lease(s).

On December 14, 2021, the Kenai Municipal Airport (ENA) received Airport Rescue Grant Offer, Grant No. 3-02-0142-070-2022, from the Federal Aviation Administration for funds under the American Rescue Plan Act:

\$1,719,887 – Funds may be used for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

ENA is anticipating a second Airport Rescue Grant Offer, Grant No. 3-02-0142-___-2022, from the Federal Aviation Administration—before the January 12, 2022 deadline allowing a substitute to this ordinance to be advertised—in the amount of \$81,591. These funds provide relief from rent and minimum annual guarantees to eligible in-terminal airport concessions.

Ordinance 3266-2022 provides legislative action designating authority for acceptance and appropriation of grant funds.

Thank you for your consideration.



KENAI

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

December 20, 2021

The Honorable Mike Dunleavy
Governor, State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Re: Kenai Bluff Stabilization Project

Dear Governor Dunleavy,

On behalf of the citizens of Kenai, the Kenai City Council would like to offer our sincere thanks for your support of the Kenai Bluff Stabilization Project. We greatly appreciate the inclusion of this project in your annual budget, which provides State funding in the amount of \$6.5 million to help the City meet its local match of \$10.5 million, and moving us closer to making the City's top priority project for over 30 years a reality.

We appreciate the opportunity to prioritize and describe important projects to the State for consideration each year, and we are grateful to you and your team, including Jill Schaefer in the Kenai Peninsula Regional Office, for working with us on our funding request this year. The State funding will help the City to meet its 35% Federal match requirement and proceed with an estimated \$30 million project that will immediately save valuable infrastructure, protect against cultural vulnerability, increase safety, and spur investment and economic development in an area of cultural and historical significance to Alaska.

State funding to support this project provides the necessary matching funds, allowing the City to leverage over \$19.5 million in Federal dollars in economic activity in our State. This provides an outstanding return on the investment of the State's money, while helping the City save critical infrastructure and drive additional private capital investment in Old Town Kenai, preserving a significant asset that benefits the Kenai Peninsula and the State.

Thank you again for your thoughtful attention and support.

Sincerely,

Brian Gabriel, Mayor

Jim Glendening, Vice Mayor

Henry Knackstedt, Council Member

Glense Pettey, Council Member

Teea Winger, Council Member

James Baisden, Council Member

Deborah Sounart, Council Member



KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
DECEMBER 8, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

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

Commissioners absent: J. Halstead, R. Springer

Staff/Council Liaison present: Planning Director R. Foster, Deputy City Clerk M. Thibodeau, Council Liaison T. Winger

A quorum was present.

3. Agenda Approval

Chair Twait requested that the items under New Business be heard before the item under Unfinished Business.

MOTION:

Vice Chair Fikes **MOVED** to approve the agenda with requested revisions to the packet and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Greenberg **MOVED** to approve the consent agenda and Vice Chair Fikes **SECONDED** the motion. There were no objections; **SO ORDERED**.

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

5. *Excused absences – None

B. APPROVAL OF MINUTES

1. *Regular Meeting of November 10, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT

Jim Glendening discussed the Kenai Peninsula Borough Assembly's decision regarding membership and apportionment of Planning Commission members, noting that first-class home rule cities will have a guaranteed seat, the number of Planning Commission seats will increase to 14, and that seats will align with assembly districts. He also explained a proposed amendment that was defeated.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS – None.

G. NEW BUSINESS

- 1. **Resolution No. PZ2021-41** - Granting a Request for a Transfer of Conditional Use Permit for the Use of a Hotel, Guide, and Boat Parking in the Rural Residential Zone to Wild Kenai Adventures, LLC, 1105 Angler Drive, Lot 6, Anglers Acres, Subdivision Part 3.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-41 and Commissioner Woodard **SECONDED** the motion.

Planning Director Foster reviewed the staff report provided in the packet noting the Conditional Use Permit was for the use of a hotel, guide, and boat parking and would be transferred for the same use to Wild Kenai Adventures, LLC, and recommended approval with the following conditions:

- 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 2. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
- 3. The applicant will meet with City staff for on-site inspections when requested.
- 4. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
- 5. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
- 6. All conditions of PZ05-26 will be met.

Clarification was provided that the business would continue to be operated under the name of Hi

Lo Charters.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

- 2. **Resolution No. PZ2021-42** - Granting a Request for a Transfer of Conditional Use Permit for the Use of a Hotel (Short-Term Recreational Rentals) in the Rural Residential Zone to Wild Kenai Adventures, LLC, 1230 Angler Drive, Lot 1, Block 2, Anglers Acres Subdivision, Addition No.1, PT 2.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-42 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster reviewed the staff report provided in the packet noting the Conditional Use Permit was for the use of a hotel (short-term recreational rentals) and would be transferred for the same use to Wild Kenai Adventures, LLC, and recommended approval with the following conditions:

- 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 2. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
- 3. The applicant will meet with City staff for on-site inspections when requested.
- 4. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
- 5. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
- 6. All conditions of PZ06-84 (PZ01-11) will be met.

The applicants were wished good luck, and it was noted that it is good to see they are maintaining the business name as it has historical value in the area.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

H. UNFINISHED BUSINESS

- 1. **Resolution PZ2021-39** - Recommending the Council of the City of Kenai Approve and Adopt the City of Kenai Land Management Plan. *[Clerk's Note: At the November 10th Meeting, this Resolution was Postponed to this Meeting; a Motion to Enact is*

On the Floor.]

Chair Twait opened for public hearing.

Bob Molloy thanked Vice Mayor Glendening and Council Member Winger for trying to provide more time for public outreach on this discussion. He noted that the draft Land Management Plan (LMP) is a great tool for the City and public, but that it is incomplete because it does not include policies and procedures for disposal, and Title 22 of the code is not clear enough on this either. He also noted that some properties have a long history of contention, and recommend additional category for “to be determined” for those.

Kristine Schmidt noted that the problem with the LMP is that it is a plan to dispose of property and the City’s current processes for disposal are ad hoc and not well organized. She suggested approving the inventory but postponing disposal recommendation until there is a better plan, and also having a work session to go over these properties and have a dialogue for the public. She noted mistakes she saw in the LMP, including certain parcels which have a divisive history.

Jim Glendening explained that State Title 29 explains roles and responsibility of a Planning & Zoning Commission, and that commissioners have a responsibility to engage themselves with the LMP as much as they did the Comprehensive Plan.

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

The suggestion was made that the names of recommended categories should clarify that “dispose” properties are not needed by the City for a public purpose, and “retain” properties are needed. It was reiterated that the focus of the current document is an inventory of lands and recommendations, and the City has many processes that are required before moving forward with these recommendations and there may be changes to code to update these processes in the future.

It was noted that business owners looking to purchase a City-owned lot will have an easier time navigating the policies and procedures for disposal with this inventory. However, it may be so streamlined that it leads people to believe this is a land sale, and it would be good to clarify that is not the case. It was suggested that the City consider the Borough’s process for choosing lands for municipal entitlements to refine our disposal practice.

Clarification was provided that there have been some public comments submitted, and more comments have been received through commission meetings. It was reiterated that it is important to keep having conversations about the LMP to receive more comments. It was noted that refinement of semantics and definitions would help people to understand better.

Clarification was provided that it is possible to query the data in the GIS system to show which lands are wetlands and slopes, as well as things like water and sewer lines and some electric information.

The commission discussed the City’s approach to land sales, and it was noted that sales of City-owned lands are typically consumer-driven and disposal processes begin when a member of the public approaches the City with interest. An exception to this is airport lands, as the Airport Manager does advertise available lease lands through an annual brochure and through booths at aviation conventions. It was noted that when the GIS tool becomes available to the public, it may

generate more interest.

Clarification was provided that public works needs have been in consideration for the recommendations, and is the reason for some of the mixed-use designations.

The commission discussed the possibility of holding a work session, and it was noted that dates will be suggested at the next Planning & Zoning Commission meeting.

MOTION:

Commissioner Douthit **MOVED** to postpone Resolution No. PZ2021-39 until December 22, 2021 and Commissioner Woodard **SECONDED** the motion.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Winger reported on the actions from the December 1, 2021 City Council meeting. Encouraged commissioners to engage the public and get more comment about the LMP.
2. **Borough Planning** – Vice Chair Fikes reported on the actions from the November 29, 2021 Kenai Peninsula Borough Planning Commission.
3. **City Administration** – Planning Director Foster reported on the following:
 - The next Planning & Zoning Commission meeting with include two CUP applications, as well as dates to consider for scheduling a work session;
 - The Planning Department is working on trying to fill the administrative assistant position;
 - Informational Items includes a letter stating that a CUP code violation has been remedied; trees were planted by CUP owner to fulfil their approved landscape plan.

K. ADDITIONAL PUBLIC COMMENT

Jim Glendening noted that there is concern over a piece of property, and suggested that further information be provided during the City Manager’s Report at next Council meeting.

L. INFORMATIONAL ITEMS

1. 2022 Commission Meeting Calendar
2. Land Management Plan Comment Forms
3. Letter to JAC Enterprises - Violation Remedied

M. NEXT MEETING ATTENDANCE NOTIFICATION

- 1. Next Meeting: November 22, 2021

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard noted she will bring treats for the next meeting.

Commissioner Douthit noted that he was appointed to the Chamber of Commerce Board of Directors.

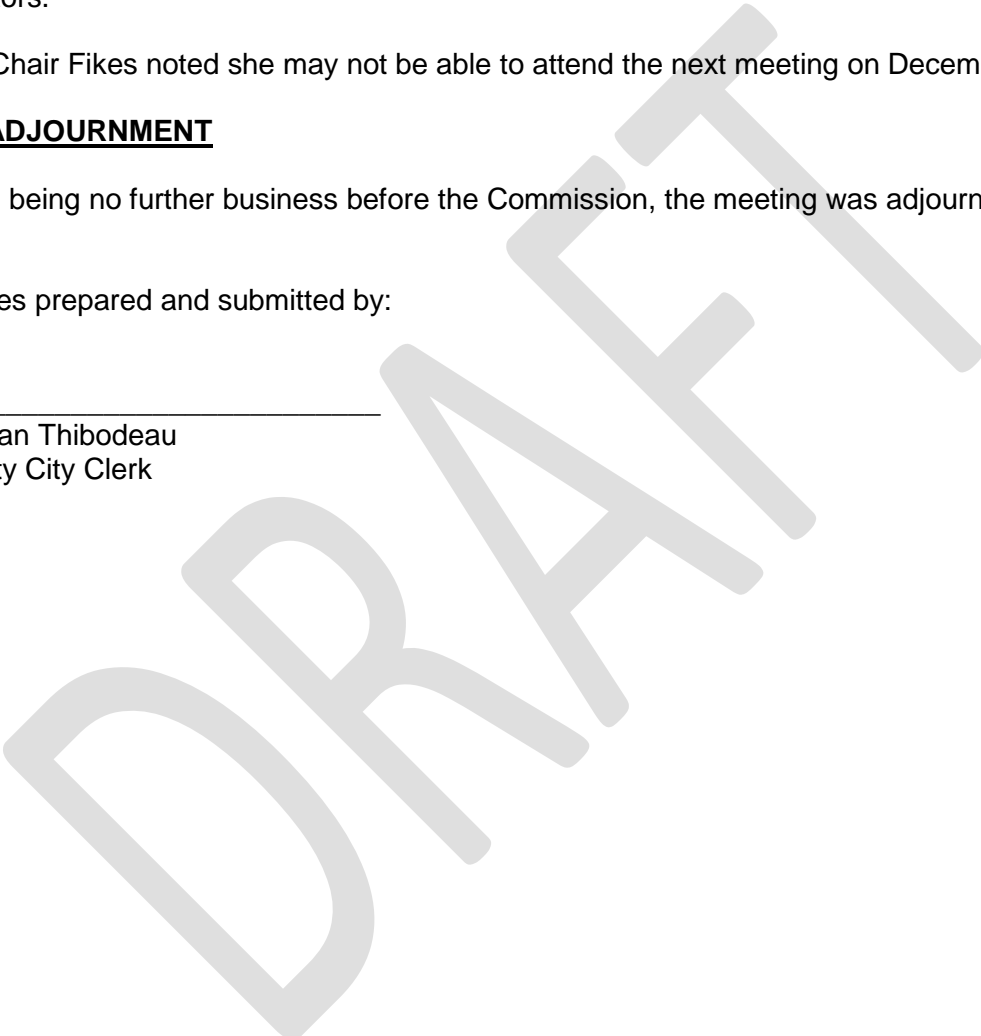
Vice Chair Fikes noted she may not be able to attend the next meeting on December 22nd.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:20 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
DECEMBER 22, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, D. Fikes, A. Douthit, G. Woodard, A. Douthit, J. Halstead, R. Springer

Commissioners absent: G. Greenberg

Staff/Council Liaison present: Planning Director R. Foster, City Manager P. Ostrander, Deputy City Clerk M. Thibodeau, Vice Mayor J. Glendening

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda and Vice Chair Fikes **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

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

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

5. *Excused absences – None

- B. **APPROVAL OF MINUTES** – None.
- C. **SCHEDULED PUBLIC COMMENT** – None.
- D. **UNSCHEDULED PUBLIC COMMENT** – None.
- E. **CONSIDERATION OF PLATS** – None.
- F. **PUBLIC HEARINGS**

1. **Resolution PZ2021-43** - Application for a Conditional Use Permit for a Limited Marijuana Cultivation Facility for the property described as Lot 2, Block 9, Valhalla Heights Subdivision Part 1, located at 5345 Kenai Spur Highway, Kenai, Alaska 99611. The application was submitted by Bryce Hoxeng, 5345 Kenai Spur Highway, Unit B, Kenai, Alaska 99611.'

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-43 and Commissioner Halstead **SECONDED** the motion.

Michael Welch noted that he is one of the owners of this business, and explained that his business partner lives on this property and is passionate about the business. Mr. Welch explained that he operates a cultivation facility at his own home address and is ready to help his partner to start another.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for a limited marijuana cultivation facility. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning construction of any new structures, a building permit must be issued by the Building Official for the City of Kenai. Any renovations must check in with the Building Official regarding any required building permits.
4. Standards for commercial marijuana establishments per KMC14.20.330 must be maintained.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(I)(5).
8. Pursuant to KMC 14.20.150(I)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

Chair Twait opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Clarification was provided that once the business is in operation it should not prevent other businesses from operating within a 1,000 foot radius, although it may create a scenario where there is a non-conforming use with any new uses; if the cultivation facility wanted to expand there may be additional requirements.

Mr. Welch clarified that the current State requirements for security, noting that he will receive notifications when regulations change. He explained that the 500 square foot area is canopy for the plants.

Clarification was provided on how the 500 foot buffer was determined. It was noted that there is no limitations on how many cannabis operations can be within proximity of each other.

VOTE:

YEA: Fikes, Halstead, Douthit, Woodard, Twait, Springer
NAY:

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

- 2. **Resolution PZ 2021-44** - Application for a Conditional Use Permit for a Standard Marijuana Cultivation Facility for the property described as Lot 1, Yragui Subdivision, located at 8847 Kenai Spur Highway, Kenai, Alaska 99611. The application was submitted by Nicholas Mann, 140 Bidarka Street #1342, Kenai, Alaska 99611.

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-44 and Vice Chair Fikes **SECONDED** the motion.

Nicholas Mann, business owner and sole proprietor, noted that he is looking forward to exercising his knowledge of the industry.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for a standard marijuana cultivation facility. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

- 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 2. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director.
- 3. Prior to beginning construction of any new structures, a building permit must be issued by Building Official for the City of Kenai. Any renovations must check in with the Building Official regarding any required building permits.
- 4. Standards for commercial marijuana establishments per KMC14.20.330 must be maintained.

- 5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
- 6. The applicant will meet with City staff for on-site inspections when requested.
- 7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
- 8. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
- 9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

Chair Twait opened for public hearing.

Nicholas Mann noted that Director Foster did a good job with the staff report presentation. In response to commissioner questions, he clarified that he does not currently have plans to go into retail, and if he did it would not be on this property. He noted that there is a family living in the house, and they will not be providing security for the business. He explained that he currently has an 18-month lease which he may extend, and the property is on City services for utilities. He clarified that he has taken the standard security measures required by the Alcohol and Marijuana Control Board, and provided details about his security system.

Katherine Uei, owner of the property, shared that every tenant on this property are all in support of this.

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

VOTE:

YEA: Halstead, Woodard, Springer, Douthit, Fikes, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

G. NEW BUSINESS – None.

H. UNFINISHED BUSINESS

- 1. **Resolution PZ2021-39** - Recommending the Council of the City of Kenai Approve and Adopt the City of Kenai Land Management Plan. *[Clerk's Note: At the December 8th Meeting, this Resolution was Postponed to this Meeting; a Motion to Enact is On the Floor.]*

Chair Twait opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Director Foster noted that information had been added to the packet on Titles 21 and 22, zoning and additional definitions.

Discussion involved how the commission had approached Land Management Plan (LMP)

discussions at previous meetings, and how better clarification can be reached with regard to their LMP recommendations and subsequent implementation plan.

The goals of LMP presentation to commissions were clarified, and it was noted that the intent was not to develop policies and procedure, and the focus should be more about developing recommendations for parcels to retain for a public purpose or dispose. It was also advised that the commission could recommend to re-zone or subdivide a parcel, which would affect the implementation plan.

The commission discussed how the City’s website offers resources for prospective land buyers such as GIS maps and land purchase application which clarify the disposal process of City lands. Director Foster clarifies that when he is approached by interested parties he will share this information, meet with them along with the Building Official and Fire Marshal to share information about the potential application, and discuss anything else required by code such as permits and site plans. It was noted that the lands inventory and GIS tool will make this process much easier.

Clarification was provided regarding how competing applications would be handled, and it was noted that the City pays for appraisal and the code specifies the reimbursement process.

Dates for a potential work session were discussed; clarification was provided on how motions will be made, and how public comment will be presented for consideration. It was noted that lands that have already been disposed of will not be moved.

Clarification was provided that commission can recommend eliminating property lines to make smaller adjacent parcels into one combined larger lot which could be more desirable; this would take place in implementation plan. It was noted that this could be expensive for the City, and the suggestion was made to wait until an interested party comes forward.

The commission decided to hold work session on Jan 20, 2022.

The commission requested that Administration provide information about the implementation plan, which would clarify differentiations between it and LMP recommendations.

MOTION:

Vice Chair Fikes **MOVED** to postpone Resolution No. PZ2021-39 until January 12, 2022 and Commissioner Woodard **SECONDED** the motion.

VOTE:

YEA: Springer, Twait, Halstead, Woodard, Douthit, Fikes

NAY:

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Glendening noted the good discussion, and discussed

next steps for LMP and implementation plan considerations. Reported on the actions from the December 15, 2021 City Council meeting.

2. **Borough Planning** – No report.

3. **City Administration** – Planning Director Foster reported on the following:

- Several meetings have been scheduled for January;
- January 12, 2022 meeting will include one CUP application;
- January 20, 2022 work session will begin at 6:00 pm;
- In response to inquiries from the commission, referred to KMC Title 12 Health & Safety which addresses abandoned and dilapidated buildings.

K. ADDITIONAL PUBLIC COMMENT

Vice Mayor Glendening noted that the City Council is looking for help with the LMP, and really depends on the Planning & Zoning Commission.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. January 12, 2022

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard wished everyone a Merry Christmas.

Commissioner Halstead thanked Commissioner Woodard for the treats she brought.

Vice Chair Fikes thanked Commissioner Woodard for the treats.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:57 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

**KENAI BEAUTIFICATION COMMITTEE
REGULAR MEETING
DECEMBER 14, 2021 – 6:00 P.M.
KENAI CITY HALL
CHAIR LISA GABRIEL, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

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

a. Pledge of Allegiance

Chair Gabriel led those assembled in the Pledge of Allegiance.

b. Roll was confirmed as follows:

Committee Members present: Chair L. Gabriel, T. Wilson, E. Heale, J. Phillips, S. Douthit

Committee Members absent: B. Roland

Staff/Council Liaison present: Parks & Recreation Administrative Assistant T. Best,
Council Liaison Sounart

A quorum was present.

c. Agenda Approval

MOTION:

Committee Member Heale **MOVED** to approve the agenda and Vice Chair Wilson **SECONDED** the motion. There were no objections; **SO ORDERED.**

2. UNSCHEDULED PUBLIC COMMENT – None.

3. OLD BUSINESS

a. Discussion – Pumpkin Festival

Assistant Best reviewed the 2021 Pumpkin Festival, noting the high attendance. Suggestions for future festivals included more pumpkins in the pumpkin drop, more food trucks and live music. It was noted that the petting zoo was missed in 2021.

4. NEW BUSINESS

a. Discussion/Recommendation – 2022 Summer Beautification

Assistant Best reviewed the proposed flower order included in the packet. The committee discussed preferred colors and varieties, and how flower selection could be improved by adding more vibrant colors and varying heights. Suggestions included ordering flowers for the Erik Hansen Scout Park and Historic Cabin sign, wildflowers for Doctor’s cabin, and a greenhouse

tour for committee members prior to planting of flowers. The committee commented on how they enjoyed the plant day vs. plant week in the past; a hybrid of this may be planned for 2022. Plans for wildflower management were clarified.

5. COMMITTEE MEMBER QUESTIONS AND COMMENTS

Committee Member Phillips wished everyone a Merry Christmas, happy New Year and have a great season

Committee Member Douthit noted the upcoming joint meeting with the Parks & Recreation Commission. Noted that she enjoys the group and is excited for summer, wished everyone a Merry Christmas.

Committee Member Heale inquired about snow clearing from City sidewalks, and noted she would like to see it improved.

Vice Chair Wilson noted that she likes the idea of the greenhouse tour, and looks forward to summer.

Council Liaison Sounart suggested an annual rotational flower display, and discussed ideas for contrasting flower colors.

Chair Gabriel thanked Administrative Assistant Best for his work on the Fall Festival, noted she would like to see the committee more involved in the winter static displays as they have been in the past, and requested a discussion of the Leif Hansen park fountain be on their next meeting agenda.

6. ADDITIONAL PUBLIC COMMENT – None.

7. INFORMATION ITEMS – None.

8. ADJOURNMENT

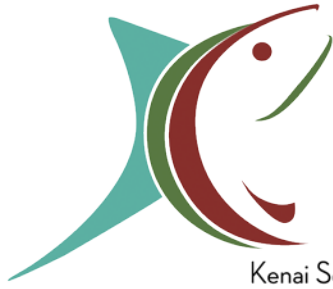
There being no further business before the Committee, the meeting was adjourned at 6:40 p.m.

Meeting summary prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW
COUNCIL MEETING OF: JANUARY 5, 2022

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
LN CURTIS & SONS	TWO SET ARFF TURNOUT GEAR	AIRPORT	SMALL TOOLS	5,180.00
GLACIER CHAIN SUPPLY	EQUIPMENT CHAINS	AIRPORT	OPERATING SUPPLIES	10,295.98
UNIVERSITY OF AK SOUTHEAST	POLICE ACADEMY	POLICE	TRANSPORATION	3,053.00



KENAI

Kenai Senior Center | 361 Senior Ct., Kenai, AK 99611 | 907.283.4156 | www.kenai.city

December 21, 2021

VFW Soldotna Post 10046
134 N Birch Street
Soldotna, AK 99669

Dear VFW Soldotna Post 10046,

On behalf of the Kenai Senior Center, I would like to thank you for the donation of \$500.00 to our senior programs. We strive to provide our community seniors with transportation, home and congregate meals, outreach services, and health and wellness activities. Since 1971, the Kenai Senior Center has been providing services to seniors allowing them to safely remain in the home environment as long as possible. Your contribution to our program will help to continue these efforts.

Again, thank you for your support of the Kenai Senior Center as we work to meet the needs of the aging in our community.

Sincerely,

CITY OF KENAI

Kathy Romain, Director
Kenai Senior Center



The City of Kenai | www.kenai.city