

**JULY 7, 2021  
CITY COUNCIL MEETING  
ADDITIONAL MATERIAL/REVISIONS**

**REQUESTED REVISIONS TO THE AGENDA/PACKET:**

<b><u>ACTION</u></b>	<b><u>ITEM</u></b>	<b><u>REQUESTED BY</u></b>
Add to item D.1.	<b>Ordinance No. 3217-2021</b> <ul style="list-style-type: none"><li>• Amendment Memo</li></ul>	City Manager
Add to item D.2.	<b>Ordinance No. 3219-2021</b> <ul style="list-style-type: none"><li>• Amendment Memo</li><li>• Supplemental Information</li></ul>	City Manager City Clerk
Add to item D.6.	<b>Resolution No. 2021-48</b> <ul style="list-style-type: none"><li>• Substitute Resolution</li><li>• Substitute Resolution Memo</li></ul>	City Manager
Add to item I.	<b>Report of the Mayor</b> <ul style="list-style-type: none"><li>• Mayoral Letter Regarding FMP Regulations</li></ul>	City Clerk
Add to item J.3.	<b>City Clerk's Report</b> <ul style="list-style-type: none"><li>• Board of Adjustment Hearing Memo</li></ul>	City Clerk
Add to item O.	<b>Information Items</b> <ul style="list-style-type: none"><li>• Fourth of July Parade Results</li></ul>	Council Member Knackstedt



# KENAI

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

## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** July 7, 2021

**SUBJECT:** **Ordinance No. 3217-2021 – Request to include the recommendation of the Planning and Zoning Commission**

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On June 2, 2021 City Council approved a request for postponement and a hold for a second public hearing to July 7, 2021 to allow for the Planning and Zoning Commission to review Ordinance 3217-2021 at their meeting on June 23, 2021 and provide a recommendation to City Council. This memorandum requests the following amendment to Ordinance No. 3217-2021.

**Move to add as the sixth whereas clause; WHEREAS, the Planning and Zoning Commission recommended approval of the conditional land donation at their meeting on June 23, 2021; and**

Thank you for your consideration.



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## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Ryan Foster, Planning Director

**DATE:** July 7, 2021

**SUBJECT:** **Ordinance No. 3219-2021 – Request update of the legal description of the parcel requested for consideration of donation to the Triumvirate Theatre and recommendation of the Planning and Zoning Commission**

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This memorandum provides an update of the legal description of the parcel requested for consideration of donation to the Triumvirate Theatre for construction of a theatre facility. Baron Park was replatted in December 2020, creating a new legal description for this parcel, Tract 4A, Baron Park 2020 Replat. The drafted Ordinance No. 3219-2021 utilizes the previous legal description before the dog park was carved out of the subject parcel. The title advertised is the same subject parcel and provides adequate public notice. This memorandum requests the following amendment to Ordinance No. 3219-2021.

**Move to amend the legal description in both the Title and Section 2 to Tract 4A, Baron Park 2020 Replat.**

In addition, on June 2, 2021 City Council approved a request for postponement and a hold for a second public hearing to July 7, 2021 to allow for the Planning and Zoning Commission to review Ordinance 3219-2021 at their meeting on June 23, 2021 and provide a recommendation to City Council. This memorandum requests the following amendment to Ordinance No. 3219-2021.

**Move to add as the sixth whereas clause; WHEREAS, the Planning and Zoning Commission recommended approval of the conditional land donation at their meeting on June 23, 2021; and**

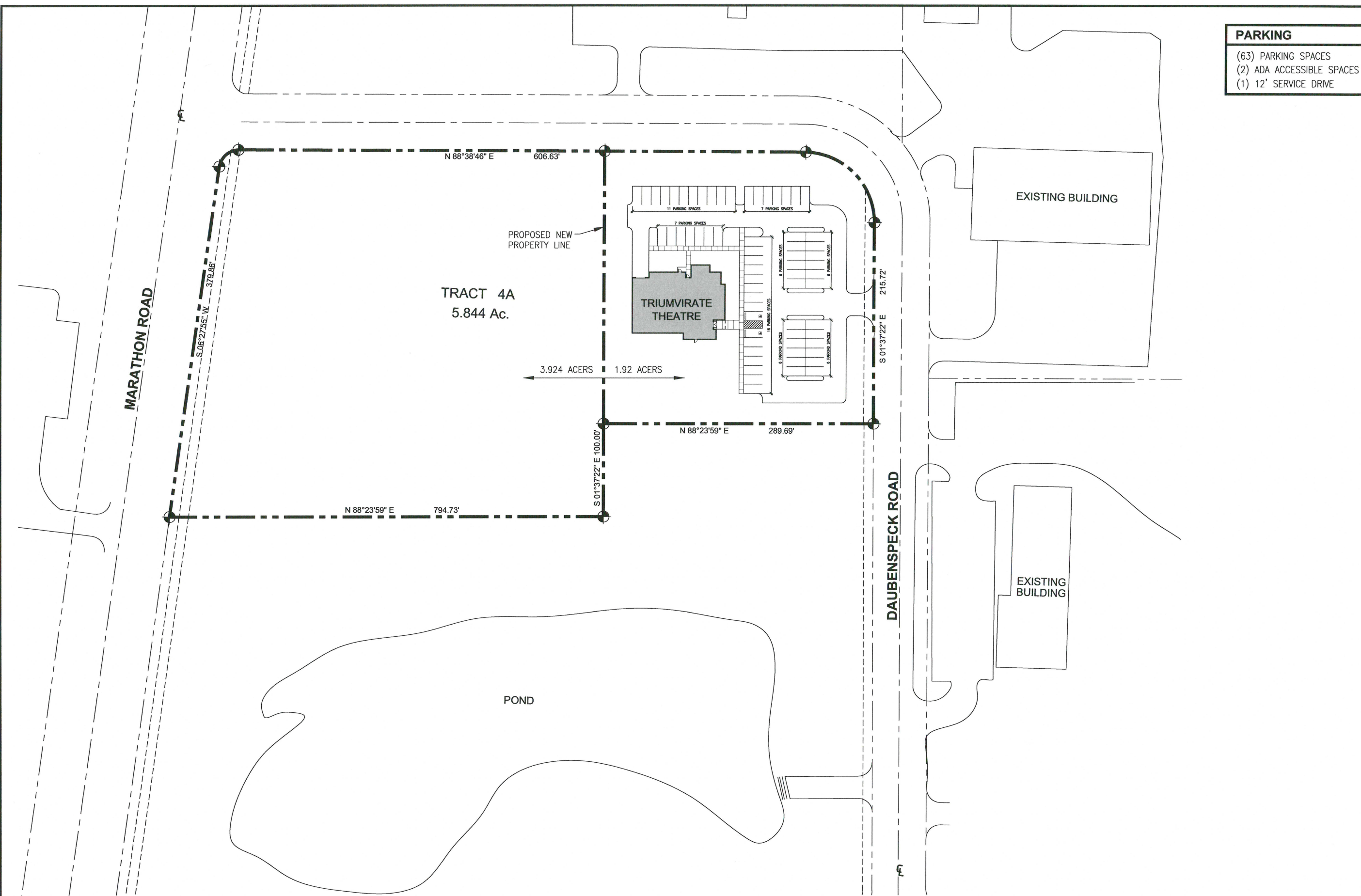
Thank you for your consideration.

<b>PARKING</b>
(63) PARKING SPACES
(2) ADA ACCESSIBLE SPACES
(1) 12' SERVICE DRIVE

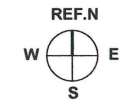
**K+A** designstudios  
**ARCHITECTURE + PLANNING**  
 130 TRADING BAY RD. SUITE 300 KENAI, ALASKA 99811  
 T: 907.283.8686 WWW.KA-DESIGNSTUDIOS.COM

**TRIUMVIRATE THEATRE**  
**CONCEPTUAL DESIGN**  
**KENAI, ALASKA**

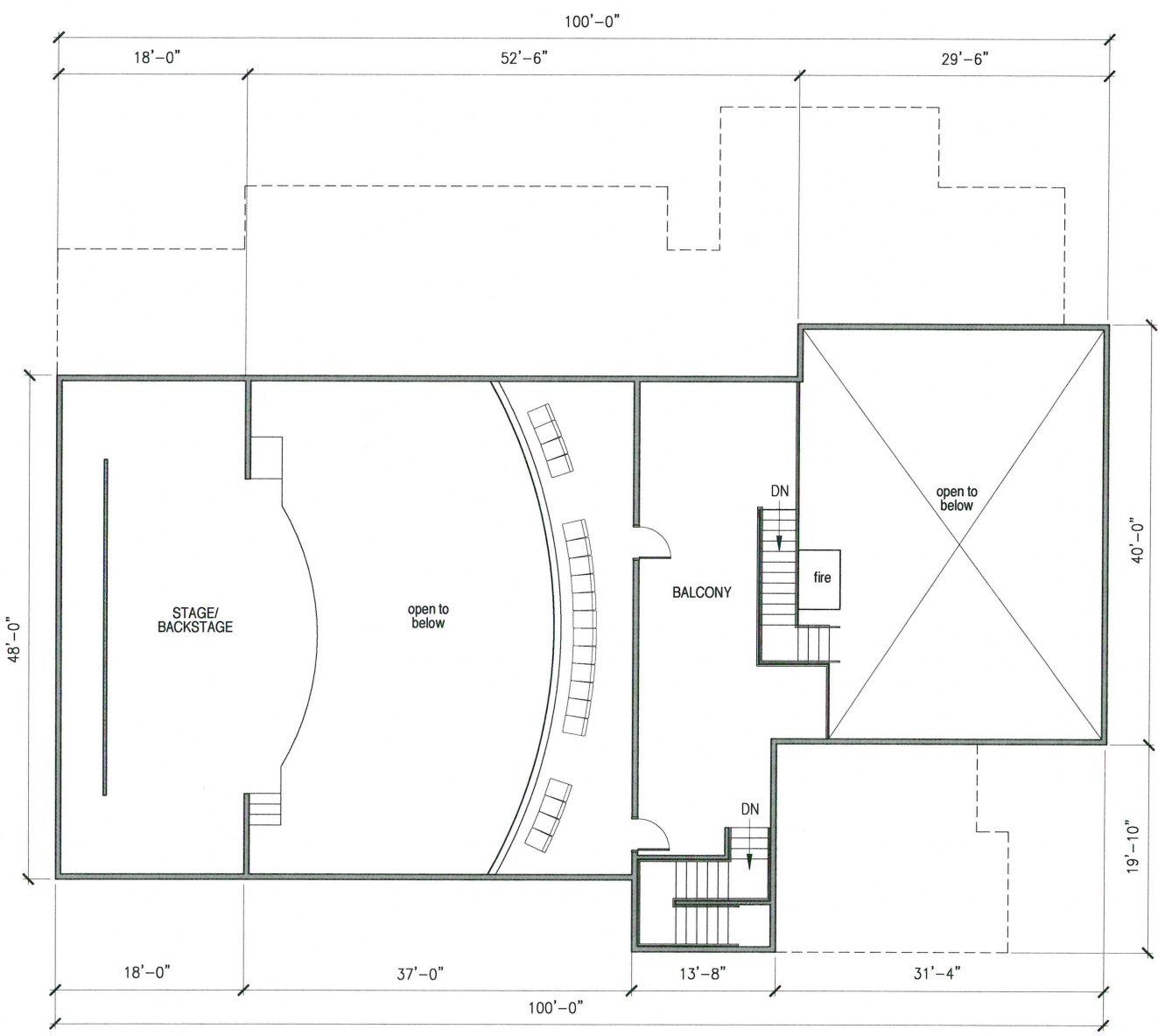
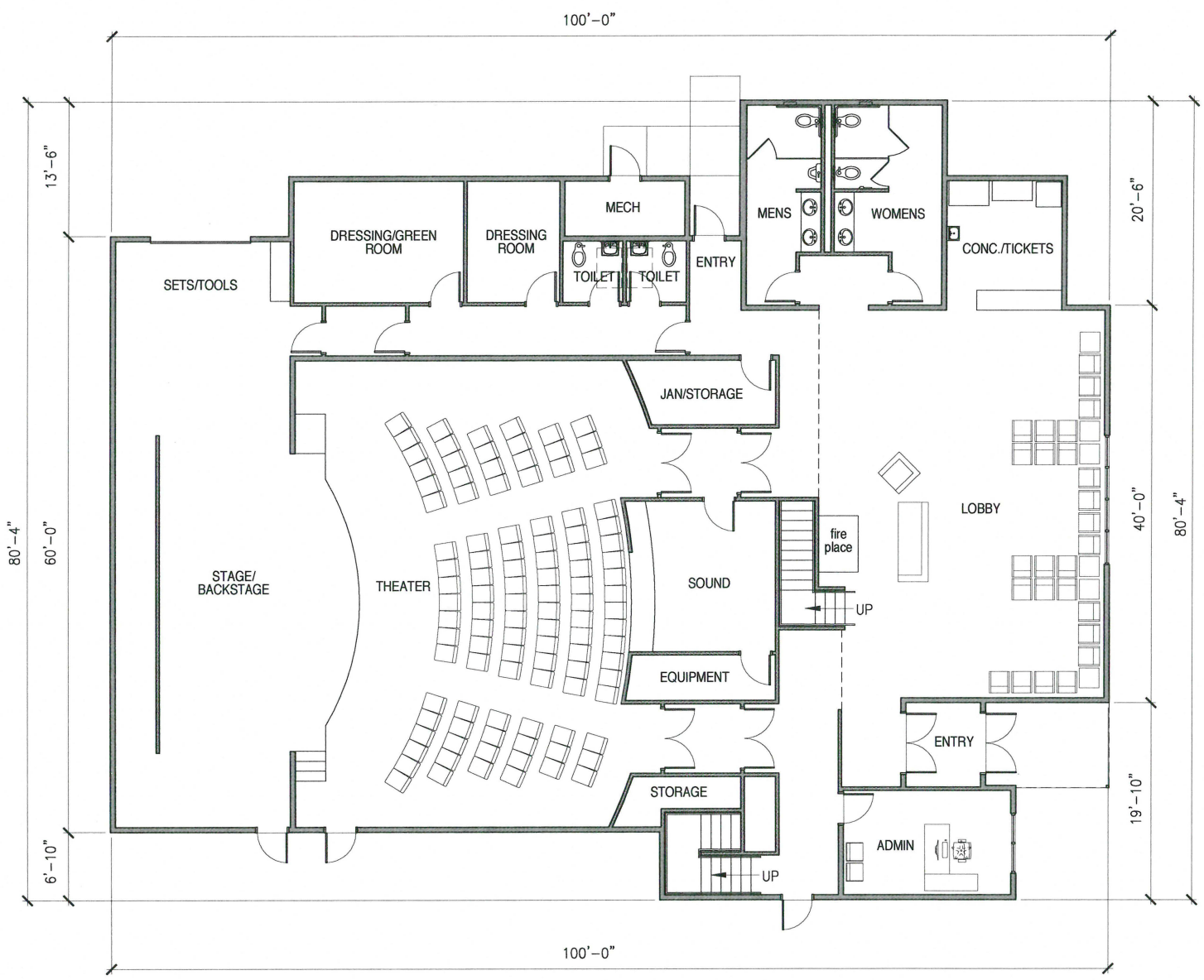
Revisions:
Date: JULY 6, 2021
Drawn: MCM
Checked: CMP
Project: 2131.DWG
File Name: 2131.DWG
Sheet Title: SITE PLAN
Sheet: <b>A1.0</b>
of



**1 SITE PLAN**  
 GRAPHIC SCALE: 50' 100'

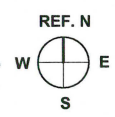


**TRIUMVIRATE THEATRE**  
**CONCEPTUAL DESIGN**  
**KENAI, ALASKA**



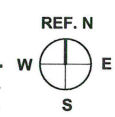
**1 MAIN FLOOR PLAN**  
 GRAPHIC SCALE: 1" = 6'

MAIN FLOOR AREA: 6,650 S.F.  
 SECOND FLOOR AREA: 1,100 S.F.  
 TOTAL AREA: 7,750 S.F.



**2 SECOND FLOOR PLAN**  
 GRAPHIC SCALE: 1" = 6'

MAIN FLOOR AREA: 6,650 S.F.  
 SECOND FLOOR AREA: 1,100 S.F.  
 TOTAL AREA: 7,750 S.F.



Revisions:
Date: JULY 6, 2021
Drawn: MCM
Checked: CMP
Project: 2131.DWG
File Name: 2131.DWG
Sheet Title: CONCEPTUAL FLOOR PLAN
Sheet: <b>A1.1</b>
of



Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2021 – 48 SUBSTITUTE**

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AUTHORIZING A BUDGET TRANSFER IN THE PERSONAL USE FISHERY FUND - PARKS, RECREATION & BEAUTIFICATION AND BOATING FACILITY DEPARTMENTS AND AUTHORIZING A SERVICE AGREEMENT FOR THE PERSONAL USE FISHERY DUMPSTERS AND PORTABLE RESTROOMS.

WHEREAS, the City of Kenai in support of the Personal Use Fishery annually seeks services for dumpsters and portable restrooms; and,

WHEREAS, an Invitation to Bid for these services was released on June 15, 2021 with bids due on June 28, 2021; and,

WHEREAS, two bids were received, as detailed below:

Contractor	Schedule A	Schedule B	Schedule C	Schedule D
Alaska Waste	-	-	\$8,249.40	\$14,999.00
Peninsula Pumping	\$30,000.00	\$28,000.00	\$5,530.00	\$14,000.00

; and,

WHEREAS, Schedule A is for all road accessible restrooms, Schedule B is for all non-road accessible restrooms, Schedule C is for all road accessible dumpsters and Schedule D is for all non-road accessible dumpsters; and,

WHEREAS, Peninsula Pumping was found to be the lowest responsive responsible bidder with a total combined bid in the amount of \$77,530.00; and,

WHEREAS, award of this service agreement will provide clean and safe access to these services, and the award is in the best interest of the City; and,

WHEREAS, the FY2022 Budget included \$49,450 for these requiring supplemental funding of \$28,080 prior to award; and,

WHEREAS, supplemental funding is temporarily available using funds appropriated for float replacement which may be replenished by an appropriating ordinance once the fishery is complete and the actual funding amounts is determined.

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

**Section 1.** That the following budget revision is authorized.

Personal Use Fishery Fund:

Decrease Expenditures:

Boating Facility:

Rentals

\$ 258

Transfer to Other Funds

28,080

\$28,338

Increase Expenditures:

Parks, Recreation & Beautification –

Rentals

\$28,338

**Section 2.** That the Kenai City Council authorizes the award of a Service Agreement to Peninsula Pumping in the amount of \$77,530 to provide dumpsters and portable restrooms in support of the Personal Use Fishery from July 10<sup>th</sup> – July 31<sup>st</sup>. In the event the State of Alaska alters the timeline, it is the intent of this authorization to coincide with the State’s timeline.

**Section 3.** That the Kenai City Council authorizes the City Manager to issue a Purchase Order to Peninsula Pumping in the amount of \$77,530.

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

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 7th day of July, 2021.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, MMC, City Clerk

Approved by Finance:





# KENAI

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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Robert J. Frates, Parks & Recreation Director  
**DATE:** July 7, 2021  
**SUBJECT:** **Resolution No. 2021-48 - Substitute**

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The purpose of this memorandum is to request Council's support of the Resolution 2021-48 Substitute. The FY2022 Personal Use Fishery Budget was formulated anticipating savings for rentals because of the three newly constructed vaulted restrooms. Despite a reduction in the required services for portable restroom rentals the bid amount increased over FY2021 bid amounts resulting in the need for supplemental funding of \$28,308.00.

Council's support is respectfully requested.



July 2, 2021

National Oceanic and Atmospheric Administration  
1401 Constitution Avenue NW, Room 5128  
Washington, DC 20230

Re: City of Kenai Comments on NOAA-NMFS-2021-0018

The North Pacific Fishery Management Council (NPFMC) developed the *Fishery Management Plan for Salmon Fisheries in the EEZ off Alaska*, (FMP) that manages salmon fisheries in the United State Exclusive Economic Zone (EEZ; 3 nautical miles to 200 nautical miles off shore of Alaska.)

Pursuant to a United States Court of Appeals Ninth Circuit ruling, after successful litigation brought by the Cook Inlet commercial fishermen and seafood processors, the NPFMC must amend the FMP in the Cook Inlet to bring it in line with the Ninth Circuit Court's decision.

As a result of that decision by the courts, the NPFMC and stakeholders have spent 3 years trying to work out the details for an FMP that complies with the federal law and the court order. The NPFMC had been considering three alternative approaches to management of the EEZ in Cook Inlet. At the last meeting of the NPFMC on October 12, 2020, however, the Deputy Commissioner of the Alaska Department of Fish and Game introduced a 4<sup>th</sup> alternative for consideration by the NPFMC that would close the EEZ in the Cook Inlet to all commercial salmon fishing.

NOAA is now soliciting comments on regulations implementing Amendment 14 to the Fishery Management Plan for salmon fisheries in the EEZ submitted by the North Pacific Management Council. Amendment 14 would incorporate the Cook Inlet EEZ Subarea into the Salmon Fishery Management Plan's West Area, resulting in a prohibition on commercial salmon fishing in an area that has supported our local drift fleet for over seventy years. This would effectively close the commercial salmon drift fishery in the Cook Inlet and force remaining processing plants to close.

According to a 2015 McDowell Group report, the seafood industry in Southcentral Alaska directly employs over 10,000 people seasonally and has an annual economic output of \$1.2 billion. The closure of the Cook Inlet EEZ Subarea jeopardizes that industry. The impacts to our local economy and our residents that participate in this fishery is unacceptable.

Additionally, the closure of the fishery in the EEZ does not promote the goals of the Magnuson-Stevens Act, specifically the stated purpose of the Act that fishery management plans which achieve optimal yield should be implemented. The closure of the EEZ reduces the effectiveness of the fleet dramatically – 48% of the historical harvest of the drift fleet is from this area. The North Pacific Management Council also concluded that Amendment 14 will provide for sustained participation of communities in the fishery and minimize adverse economic impacts to the City of Kenai. This is simply not true. There will undoubtedly be adverse impacts to the City of Kenai if regulations implementing Amendment 14 are adopted.

All of the user groups that rely on our annual salmon returns are important to the City of Kenai. Any action by NPFMC that effectively eliminates one of those user groups should be opposed.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Gabriel Sr.", written in a cursive style.

Brian Gabriel Sr.  
Mayor





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## MEMORANDUM

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

**FROM:** Jamie Heinz, MMC, City Clerk

**DATE:** July 7, 2021

**SUBJECT:** **Appeal of a Planning and Zoning Commission Action Approving a Conditional Use Permit to Applicant, Tracey Hedlund-Smith, for a Firewood Bundling Business (Storage Yard) in the Rural Residential Zone, Lot 24, Block 3 VIP Ranch Estates Subdivision Part 6, and Located at 2825 Bowpicker Lane.**

An application to appeal the above-referenced matter was received today, July 7, 2021

KMC 14.20.290(f)(1), "Appeals - Board of Adjustment" provides,

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

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

<b>FORTY-FIVE DAY END DATE</b>	<b>Saturday, August 21, 2021 which would be extended to Monday, August 23, 2021 per KMC 14.20.290(f)(1)</b>
<b>COUNCIL MEETING DATES (within 45-day requirement)</b>	<b>Wednesday, August 4, 2021 Wednesday, August 18, 2021</b>
<b>SIXTY-DAY END DATE</b>	<b>Sunday, September 5, 2021</b>
<b>COUNCIL MEETING DATE(S) (within 60-day requirement)</b>	<b>Wednesday, August 4, 2021 Wednesday, August 18, 2021 Wednesday, September 1, 2021</b>

Pursuant to KMC 14.20.290 referenced above, the City is required to provide notice of the hearing at least fifteen (15) days prior to the hearing. As such, to comply with the notice requirements, the hearing must be scheduled no sooner than Friday, July 23, 2021.

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



**From:** [Henry Knackstedt](#)  
**To:** [Paul Ostrander](#); [Jamie Heinz](#)  
**Cc:** [Brittany Brown](#)  
**Subject:** Fw: 4th of July Parade Results  
**Date:** Monday, July 5, 2021 2:38:16 PM

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Please provide as a laydown

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**From:** Brittany Brown <[brittany@kenaichamber.org](mailto:brittany@kenaichamber.org)>  
**Sent:** Monday, July 5, 2021 10:43:21 AM  
**To:** Al Hull; Penny Furnish; Bob Molloy; Henry Knackstedt; Victoria Askin  
**Subject:** 4th of July Parade Results

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

Good Morning Parade Judges!

Thank you all so much for volunteering your time to come out and participate as judges for the 4th of July parade. We had such a great turnout and I've received so many comments already about how great it was to see so many people in Kenai for it.

As promised below are the parade winners per category:

**Commercial**  
KENAI VISION

**Youth/School**  
KENAI PERFORMERS

**Individual**  
AMPHIBIOUS CAR - JEFF & LINDA WILLIAMS

**Organization**  
HARLEY GROUP

**Automobile**  
JEFF KIPP

**Overall**  
DIAMOND DANCE

Plaques will be made and delivered to the winners this week.

Thanks again, for all your help to make this event a success!

--

**Brittany Brown** | Executive Director

**Kenai Chamber of Commerce & Visitor Center**

11471 Kenai Spur Hwy, Kenai, AK 99611

Main Office. 907-283-1991

Direct Line. 907-283-3127

Email. [brittany@kenaichamber.org](mailto:brittany@kenaichamber.org)

[www.kenaichamber.org](http://www.kenaichamber.org)