

**KENAI CITY COUNCIL - REGULAR MEETING**  
**APRIL 03, 2019 - 6:00 PM**  
**KENAI CITY COUNCIL CHAMBERS**  
**210 FIDALGO AVE., KENAI, AK 99611**  
<http://www.kenai.city>

**A. CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**AGENDA APPROVAL**

**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)*

B.1. Mark Griffin – Kenai Golf Course: Past, Present, and Future.

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

**D. PUBLIC HEARINGS**

D.1. Ordinance No. 3056-2019 - Amending Kenai Municipal Code 14.22.010-Land Use Table, to Allow Business/Consumer Services and Taxidermy/Gunsmithing in RR1 Zoning District by Conditional Use Permit and Removing the Location Restriction on Professional Offices Allowed by Conditional Use Permit Within the RR1 Zone. (Council Members Peterkin & Glendening)

[Ordinance No. 3056-2019.pdf](#)

[Ordinance No. 3056-2019 Amendments Memo.pdf](#)

D.2. Ordinance No. 3057-2019 – Accepting and Appropriating a Grant from the State of Alaska Department of Public Safety for Crime Prevention and Response and Equipment for the Purchase of Portable Radios and Accessories for the Police Department, and to Purchase Supplies in Support of the D.A.R.E Programs Conducted by the Police Department in Local Elementary Schools. (Administration)

[Ordinance No. 3057-2019.pdf](#)

D.3. Ordinance No. 3058-2019 – Amending Provisions in Kenai Municipal Code Title 7 – Finance, Taxation, and Business Affairs of the City, including Investment of Monies – Scope and Objectives 7.22.010; Land Sale Permanent Funds – General Fund Land Sale Permanent Fund 7.30.005; Investments 7.30.020; Investments 7.30.020; Investments 7.30.020; and

Investments 7.30.020 for Updates to Management Practices for the City's General Land Sale and Airport Land Sale Permanent Funds. (Administration)  
[Ordinance No. 3058-2019.pdf](#)

- D.4. Resolution No. 2019-19 – Supporting the Kenai Peninsula College. (Vice-Mayor Navarre)  
[Resolution No. 2019-19.pdf](#)
- D.5. Resolution No. 2019-20 – Supporting the Continued Operation of Sentenced Facilities at Wildwood Correctional Complex. (Mayor Gabriel & Council Member Peterkin)  
[Resolution No. 2019-20.pdf](#)
- D.6. Resolution No. 2019-21 – Authorizing the Award of a Construction Agreement for the Waste Water Treatment Plant Blowers Replacement / DO Analyzer Installation Project. (Administration)  
[Resolution No. 2019-21.pdf](#)
- D.7. Resolution No. 2019-22 – Authorizing the City Manager to Enter into an Amended Bar and Lounge Concession Agreement with the Kenai Municipal Airport. (Administration)  
[Resolution No. 2019-22.pdf](#)

## **E. MINUTES**

- E.1. \*Regular Meeting of March 20, 2019  
[03-20-19 Council Minutes - DRAFT.pdf](#)

## **F. UNFINISHED BUSINESS - None.**

## **G. NEW BUSINESS**

- G.1. \*Action/Approval – Bills to be Ratified. (Administration)  
[Payments over \\$15,000.pdf](#)
- G.2. \*Ordinance No. 3059-2019 – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Professional Services Agreement for the Design of the Alaska Regional Fire Training Facility Rehabilitation Project. (Administration)  
[Ordinance No. 3059-2019.pdf](#)
- G.3. \*Ordinance No. 3060-2019 – Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)  
[Ordinance No. 3060-2019.pdf](#)
- G.4. \*Ordinance No. 3061-2019 – Amending Kenai Municipal Code 14.20.320 - Definitions, 14.20.330 - Standard for Commercial Marijuana Establishments and 14.22.010 - Land Use Table, to Incorporate Onsite Consumption of Marijuana at Retail Marijuana Establishments into the City Of Kenai's Code of Ordinances. (Administration)  
[Ordinance No. 3061-2019.pdf](#)
- G.5. Action/Approval – Donation Request for the Kenai River Festival. (Mayor Gabriel)  
[Kenai River Festival Donation.pdf](#)
- G.6. Discussion – Schedule Special Meetings to Conduct Annual Performance Evaluations for the

City Attorney, City Clerk, and City Manager. (Mayor Gabriel)

G.7. Discussion – Schedule a Work Session to Review and Discuss the Fiscal Year 2020 City of Kenai Budget. (Mayor Gabriel)

## **H. COMMISSION/COMMITTEE REPORTS**

H.1. Council on Aging

H.2. Airport Commission  
[03-14-19 Airport Summary - DRAFT.pdf](#)

H.3. Harbor Commission  
[03-11-19 Harbor Summary - DRAFT.pdf](#)

H.4. Parks and Recreation Commission

H.5. Planning and Zoning Commission  
[03-13-19 P&Z Minutes - DRAFT.pdf](#)

H.6. Beautification Committee

H.7. Mini-Grant Steering Committee

## **I. REPORT OF THE MAYOR**

## **J. ADMINISTRATION REPORTS**

J.1. City Manager

J.2. City Attorney

J.3. City Clerk

## **K. ADDITIONAL PUBLIC COMMENT**

K.1. Citizens Comments (Public comment limited to five (5) minutes per speaker)

K.2. Council Comments

## **L. EXECUTIVE SESSION**

## **M. PENDING ITEMS - None.**

## **INFORMATION ITEMS**

Purchase Orders between \$2,500 and \$15,000 for Council Review  
[Purchase Orders between \\$2,500 - \\$15,000.pdf](#)

Notice of Revised Schedule for Environmental Review of the Alaska LNG Project  
[Environmental Review Notice.pdf](#)

## **N. ADJOURNMENT**

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



Sponsored by: Council Member Jim Glendening and  
Council Member Robert Peterkin

## CITY OF KENAI

### ORDINANCE NO. 3056-2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE 14.22.010-LAND USE TABLE, TO ALLOW BUSINESS/ CONSUMER SERVICES AND TAXIDERMY/GUNSMITHING IN RR1 ZONING DISTRICT BY CONDITIONAL USE PERMIT AND REMOVING THE LOCATION RESTRICTION ON PROFESSIONAL OFFICES ALLOWED BY CONDITIONAL USE PERMIT WITHIN THE RR1 ZONE.

WHEREAS, Kenai Municipal Code 14.20.080 provides that the RR Zone, including the RR1 Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment separating residential structures to preserve the rural, open quality of the environment preventing health hazards in areas not served by public water and sewer and prohibit uses that would violate the residential character of the environment and generate heavy traffic in predominantly residential areas; and,

WHEREAS, the main distinction of the RR1 Zone as differentiated from the RR Zone, is prohibiting multifamily dwellings beyond a four-family dwelling and only allowing four-family dwellings by conditional use; and,

WHEREAS, the purpose of conditional uses is to recognize that some uses may be compatible with designated principal uses in specific zoning districts provided certain conditions are met, intended to assure the proposed use is compatible with the surroundings; and,

WHEREAS, currently, the RR1 Zone allows four-family dwellings, limited marijuana cultivation facilities, professional offices, many public and institutional uses, bed and breakfasts, day care centers and surface extraction of natural resources, many with proximity limitations to the Kenai Spur Highway; and,

WHEREAS, 'business and consumer services' is defined in KMC 14.20.320 as the provision of services to others on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services; and,

WHEREAS, Kenai Municipal Code 14.20.320 defines 'gunsmith' a person who repairs, modifies, designs, or builds firearms; and,

WHEREAS, Kenai Municipal Code 14.20.320 defines 'taxidermy' as the act of mounting or reproducing dead animals, fish, and/or birds for display; and,

WHEREAS, Kenai Municipal Code 14.20.320 defines "profession" as an occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued

by an institution of high learning, e.g., Doctor of Medicine, and “office” as a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government; and,

WHEREAS, many business and consumer services, professional offices, gunsmithing, and taxidermy business can be run out of single family dwellings with negligible traffic and impact on surrounding properties; and,

WHEREAS, many business and consumer services, professional offices, gunsmithing and taxidermy are compatible with the residential character and location of the RR1 zones and should be allowed through a conditional use permit; and,

WHEREAS, removing the restrictions on the location of professional offices by conditional use within the RR1 zone will allow more opportunity for the location of low impact businesses within the RR1 zone; and,

WHEREAS, Kenai Municipal Code 14.05.010 states the City of Kenai Planning and Zoning Commission will act in an advisory capacity to the Kenai City Council regarding the Kenai Zoning Code; and,

WHEREAS, on \_\_\_\_\_, the Planning and Zoning Commission held a public hearing on PZ Resolution No. \_\_\_\_\_ and recommended the City Council \_\_\_\_\_ this Ordinance.

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

**Section 1.** Amendment of Section 14.22.010 of the Kenai Municipal Code: That Kenai Municipal Code, Section \_\_14.22.010- Land Use Table, is hereby amended as follows:

**14.22.010 Land [U] Use [T]Table.**

**LAND USE TABLE**

KEY: P = Principal Permitted Use  
 C = Conditional Use  
 S = Secondary Use  
 N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

ZONING DISTRICTS																		
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU	
<b>RESIDENTIAL</b>																		
One-Family Dwelling	N	C <sup>18</sup>	P	P	P	P	P	P	P <sup>21</sup>	S <sup>1</sup>	S <sup>2</sup>	S <sup>2</sup>	C <sup>22</sup>	P	P	P	S <sup>1</sup> /C <sup>21</sup>	
Two-, Three-Family Dwelling	N	C <sup>18</sup>	P	P	P	P	P	P	P <sup>21</sup>	S <sup>1</sup>	C	C	C <sup>22</sup>	P	P	P	S <sup>1</sup> /C <sup>21</sup>	
Four-Family Dwelling	N	C <sup>18</sup>	P	C <sup>3, 29</sup>	P	N	N	P	P <sup>21</sup>	S <sup>1</sup>	C	C	C <sup>22</sup>	N	P	C	S <sup>1</sup> /C <sup>21</sup>	

ZONING DISTRICTS																	
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU
<b>RESIDENTIAL (continued)</b>																	
Five-, Six-Family Dwelling	N	C <sup>18</sup>	C <sup>3</sup>	N	P	N	N	P	P <sup>21</sup>	S <sup>1</sup>	C	C	N	N	P	C	S <sup>1</sup> /C <sup>21</sup>
Seven- or More Family Dwelling	N	C <sup>18</sup>	C <sup>3</sup>	N	C <sup>3</sup>	N	N	P	P <sup>21</sup>	S <sup>1</sup>	C	C	N	N	P	C	S <sup>1</sup> /C <sup>21</sup>
Mobile Home Parks <sup>6</sup>	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C
Planned Unit Residential Development <sup>7</sup>	N	C <sup>18</sup>	C	C <sup>29</sup>	C	C	C	C	C	C	C	C	N	C	C	C	C
Townhouses <sup>4</sup>	N	C <sup>18</sup>	C <sup>3</sup>	C <sup>3</sup> , 29	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C	C	C	C	C <sup>22</sup>	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See KMC <a href="#">14.20.200</a> )	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N
<b>COMMERCIAL</b>																	
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Business/Consumer Services	C	N	C	[N]C	C	N	N	C	P	P	P	C	N	C	C	C	P
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P
Marijuana Cultivation Facility, Limited <sup>30</sup>	N	N	C	C	C	C	C	C	N	C	C	C	N	N	N	C	N
Marijuana Cultivation Facility, Standard <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N
Marijuana Product Manufacturing Facility <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
Marijuana Testing Facility <sup>30</sup>	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C
Professional Offices	C	N	C	C <sup>[29]</sup>	C	N	N	P	P	P	P	P	N	C	P	P	P
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Retail Business	C	N <sup>26</sup>	C	N	C	N	N	C	P	P	P	P	S <sup>24</sup>	S <sup>24</sup>	C	C	P
Retail Marijuana Store <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C

ZONING DISTRICTS																	
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RJ	CC	CG	IL	IH	ED	R	TSH	LC	CMU
<b>COMMERCIAL (continued)</b>																	
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S <sup>24</sup>	C	C	N
<b>INDUSTRIAL</b>																	
Airports	C	P <sup>20</sup>	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P
Gas Manufacturer/Storage	C <sup>9</sup>	N	N	N	C	N	N	N	N	N	C <sup>9</sup>	C <sup>9</sup>	N	N	N	N	N
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N
<b>PUBLIC/INSTITUTIONAL</b>																	
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches*	N	C	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	C	C	P	P <sup>10</sup>	P	P	P
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P
Colleges*	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	C	C	P	C	C	C	P
Elementary Schools*	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	C	C	P	C	C	C	P
Governmental Buildings	P	C	C	C <sup>29</sup>	C	C	C	C	P	P	P	C	P	C	C	P	P
High Schools*	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	C	C	P	C	C	C	P
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P
Libraries*	N	C	C	C <sup>29</sup>	C	C	C	C <sup>12</sup>	P	P	P	C	P	C	P	C	P
Museums	C	C	C	C <sup>29</sup>	C	C	C	C	P	P	P	C	P	C	P	C	P
Parks and Recreation	N	P	C	C <sup>29</sup>	C	C	C	C	P	P	P	P	P	P	P	C	P
<b>MISCELLANEOUS</b>																	
Animal Boarding/Commercial Kennel <sup>13</sup>	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C
Assemblies <sup>15</sup> (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	C	P	N	P <sup>15</sup>
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P



ZONING DISTRICTS																	
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU
<b>MISCELLANEOUS (continued)</b>																	
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** 28	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C
Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C
Day Care Centers <sup>12</sup>	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	P	C	C	C	C	P	P
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P <sup>21</sup>	S	C	P	P <sup>23</sup>	C	C	C	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P
Greenhouses/Tree Nurseries <sup>13</sup>	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P
Gunsmithing, Taxidermy	N	N	C	[N]C	C	C	C	C	P	P	P	P	N	C	P	P	P
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P
Parking, Public Lots <sup>12</sup>	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C
Personal Services <sup>25</sup>	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/C <sup>27</sup>	P
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C
Subsurface Extraction of Natural Resources <sup>16</sup>	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N
Surface Extraction of Natural Resources <sup>17</sup>	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N

\* See 42 USCA Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

\*\* See 42 Telecommunications Act of 1996, Sec. 704(a)

\*\*\* See, however, the limitations imposed under KMC [3.10.070](#)

Footnotes:

1 Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the

landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.

**2** One (1) single-family residence per parcel, which is part of the main building.

**3** Allowed as a conditional use, subject to satisfying the following conditions:

**a** The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;

**b** The site square footage in area must be approved by the Commission;

**c** Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;

**d** Water and sewer facilities shall meet the requirements of all applicable health regulations;

**e** The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;

**f** The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;

**g** There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;

**h** The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;

**i** The property adjacent to the proposed dwelling group will not be adversely affected.

**4** See "Townhouses" section.

**5** See "Mobile Homes" section.

**6** Allowed as a conditional use, subject to "Mobile Homes" section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.

**7** See "Planned Unit Residential Development" section.

**8** Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.

**9** Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.

**10** Provided that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.

**11** Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.

**12** Allowed as a conditional use; provided, that the following conditions are met:

- a** The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;
- b** Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.

**13** Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter [3.15](#)).

**14** Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.

**15** Allowed; provided, that the following conditions are met:

- a** An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.
- b** Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.

**16** See “Conditional Uses” section.

**17** See “Conditional Use Permit for Surface Extraction of Natural Resources” section.

**18** **Conditional use allowed only on privately held property.** Not allowed on government lands.

**19** Reserved.

**20** The airport related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC [14.20.070\(a\)](#), except that for properties contained inside the airport perimeter fence or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.

**21** Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.

**22** **Allowed as a conditional use in conjunction with a permitted use in the ED Zone.** For example, housing for teachers or students for a school in the zone.

**23 Allowed as an accessory use in conjunction with a permitted use in the ED Zone.** For example, a dormitory used to house students for a school or educational facility.

**24** Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

**25** Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

**26** Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

**27** Personal services not set forth in the below matrix are conditional uses.

Limited Commercial Zone		
Personal Services	Permitted (P)	Conditional Use (C)
Art Studios	X	
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

**28** Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC [14.20.255](#) are met or a conditional use (C) if the applicable conditions set forth in KMC [14.20.150](#) and [14.20.255](#) are met.

**29 Use allowed only for those parcels that abut the Kenai Spur Highway.** The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

**30** See marijuana regulations, KMC [14.20.230](#)—Home Occupations, [14.20.320](#)—Definitions, [14.20.330](#)—Standards for Commercial Marijuana Establishments.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3<sup>rd</sup> day of April, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Introduced: March 6, 2019  
Enacted: April 3, 2019  
Effective: May 3, 2019



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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Council Members Jim Glendening and Robert Peterkin  
**DATE:** February 28, 2019  
**SUBJECT:** **Ordinance No. 3056-2019 – Amending Kenai Municipal Code 14.22.010-Land Use Table**

---

The intent of this Ordinance is to conditionally allow for low impact compatible uses in the RR1 Zoning Districts, specifically business and consumer services, gunsmith and taxidermies, and expand the location options for professional offices within the zone. These uses generally have low traffic flow and would allow for expanded business opportunities without disrupting the character and nature of the RR1 zones. Any exceptions for business plans that would have a high traffic volume or impact on the neighborhoods can be excluded through the conditional use permitting process.

The City has very recently had two inquiries from individuals wanting to start businesses in the RR1 zone. One was a resident wishing to do gunsmithing from his home, and another wanting to locate a new professional office in the RR1 zone.

The proposed change to the Land Use Table needs to be considered by the Planning and Zoning Commission, and it is requested that, after introduction, this Ordinance be referred by Council to the Planning and Zoning Commission for consideration and a recommendation. A public hearing at the Council level will need to be postponed until after the Planning and Zoning Commission has made a recommendation.





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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz, CMC, City Clerk  
**DATE:** March 28, 2019  
**SUBJECT:** **Ordinance No. 3056-2019**

---

This memo requests amendments to be made to Ordinance No. 3056-2019 to reflect the Planning & Zoning Commission's recommendation. On March 27, 2019, the Planning & Zoning Commission held a public hearing for the purpose of making a recommendation on Ordinance No. 3056-2019 as directed by City Council. Resolution No. PZ2019-11 was the legislation associated with this recommendation and was written to recommend approval of Ordinance No. 3056-2019. Adoption of this resolution failed.

The last whereas clause of Ordinance No. 3056-2019 needs to be amended to reflect what took place at the Planning & Zoning Commission's meeting. It is recommend the following amendments be made:

WHEREAS, on **March 27, 2019**, the Planning and Zoning Commission held a public hearing on PZ Resolution No. **PZ2019-11** and recommended **did not recommend** approval of Ordinance No. 3056-2019 to City Council.





Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3057-2019**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE STATE OF ALASKA DEPARTMENT OF PUBLIC SAFETY FOR CRIME PREVENTION AND RESPONSE AND EQUIPMENT FOR THE PURCHASE OF PORTABLE RADIOS AND ACCESSORIES FOR THE POLICE DEPARTMENT, AND TO PURCHASE SUPPLIES IN SUPPORT OF THE DARE PROGRAMS CONDUCTED BY THE POLICE DEPARTMENT IN LOCAL ELEMENTARY SCHOOLS.

WHEREAS, The State of Alaska Department of Public Safety received funding from the legislature specifically for "Crime Prevention and Response and Equipment".

WHEREAS, the Kenai Police Department applied for part of that funding and received notice that it was awarded \$108,000 for specific items; and,

WHEREAS, the projects that were awarded funding include replacement of police portable radios for \$100,000, and supplies for the DARE program in the amount of \$8,000; and,

WHEREAS, the portable public safety radios used by police are reaching the end of their maintenance life, and these funds, in addition to a previous grant, will complete the replacement of the portable radios in the police department; and,

WHEREAS, these funds do not require a monetary match from the City.

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

**Section 1.** That the City Manager is authorized to accept a grant from the State of Alaska Department of Public Safety for the purchase of portable police radios and for the purchase of DARE supplies.

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

General Fund:

Increase Estimated Revenues –	
Police - State Grants	<u>\$108,000</u>
 Increase Appropriations –	
Police – Small Tools	\$100,000
Police – Operating	<u>8,000</u>
	<u>\$108,000</u>

**Section 3.** That the City Manager is authorized to execute any required grant documents and expend the funds in accordance with grant provisions and conditions.



**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 upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3<sup>rd</sup> day of April, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

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



Introduced: March 20, 2019  
Enacted: April 3, 2019  
Effective: April 3, 2019



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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** David Ross, Police Chief  
**DATE:** March 11, 2019  
**SUBJECT:** **Ordinance No. 3057-2019 accepting and appropriating a grant from the State of Alaska Department of Public Safety to purchase portable radios and DARE supplies.**

---

The State of Alaska Department of Public Safety (DPS) was allotted funds for "Crime Prevention and Response and Equipment" during the last legislative session. DPS solicited from law enforcement agencies Statewide for local requests for the use of those funds.

The Police Department submitted several requests to utilize those funds and two of those requests were approved:

1. P-25 compliant portable radios and accessories - \$100,000
2. Supplies to support the DARE program in local schools - \$8000

The portable radios currently in use are nearing the end of their maintenance life, and this grant, in addition to some previous grant funds, will complete the replacement of all those portable radios in the police department.

The supplies used in the teaching of the DARE program (i.e. DARE books, water bottles, t-shirts, etc.) have long been funded with the support of local donations and industry partners. This infusion of supplies, along with continued local support will be invaluable to continuing this program in the local elementary schools.

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





Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3058-2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING PROVISIONS IN KENAI MUNICIPAL CODE TITLE 7 – FINANCE, TAXATION, AND BUSINESS AFFAIRS OF THE CITY, INCLUDING INVESTMENT OF MONIES – SCOPE AND OBJECTIVES 7.22.010; LAND SALE PERMANENT FUNDS – GENERAL FUND LAND SALE PERMANENT FUND 7.30.005; INVESTMENTS 7.30.020; FOR UPDATES TO MANAGEMENT PRACTICES FOR THE CITY'S GENERAL LAND SALE AND AIRPORT LAND SALE PERMANENT FUNDS.

WHEREAS, 2019 represents the tenth year of the current policy of investing the City General Land Sale and Airport Land Sale Permanent Funds; and,

WHEREAS, the proposed amendments will change the investment methodology and distribution methodology of the City's permanent funds to better ensure their long-term viability and ability to consistently contribute to the annual operations and capital needs of the City's General and Airport Special Revenue Funds; and,

WHEREAS, in consultation with the City's Permanent Fund investment advisor the administration is proposing changes to the City's authorized investments in KMC 7.30.020(b), to incorporate a new asset class to provide improved diversification and enhance the return of the portfolio; and,

WHEREAS, the proposed amendments provide other general housekeeping amendments.

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

**Section 1.** Amendment of Section 7.22.010 of the Kenai Municipal Code: That Kenai Municipal Code, Section 7.22.010- Investment of Monies – Scope and objectives, is hereby amended as follows:

#### **7.22.010 Scope and objectives.**

- (a) This chapter applies to the investment of all City monies held in all City funds, except for pension and retirement monies, deferred compensation accounts and the Airport Land Sale Permanent Fund and General Fund Land Sale Permanent Fund which shall be governed by KMC 7.30.
- (b) The City's investment portfolio shall be managed so that the portfolio, as a whole, meets the objectives set forth below. All persons selecting investments for City monies shall adhere to these objectives, which are listed in order of relative importance:

- (1) Safety of principal;

- (2) Maintaining sufficient liquidity to meet the City's cash flow requirements; and
- (3) Achieving a reasonable market-average rate of return.

**Section 2.** Amendment of Section 7.30.005 of the Kenai Municipal Code: That Kenai Municipal Code, Section 7.30.005- Land Sale Permanent Funds – General Fund Land Sale Permanent Fund, is hereby amended as follows:

**7.30.005 General Fund Land Sale Permanent Fund.**

- (a) A separate fund of the City of Kenai is hereby established as the General Fund Land Sale Permanent Fund. The purpose of the fund is to account for the principal proceeds of the sale of City-owned non-trust lands that are not subject to deed or other conveyance restrictions that require the funds be used for specific other uses or benefits (General Fund Lands).
- (b) The General Fund Land Sale Permanent Fund shall be a restricted fund. City Charter prescribes the establishment of a separate City account for the principal proceeds from sales of City-owned, non-trust lands; however, the establishment of the investment guidelines for that account is within the discretion of the Kenai City Council.
- (c) The net proceeds received by the City on closing sale of non-trust lands shall be deposited in the General Fund Land Sale Permanent Fund. Where notes are taken in payment for General Fund Lands, all principal payments on said notes shall be deposited in the General Fund Land Sale Permanent Fund. Interest on notes taken in payment for General Fund Lands shall be recorded as investment earnings in the General Fund Land Sale Permanent Fund.
- (d) (Money placed in the General Fund Land Sale Permanent Fund shall not be available for use by the City for any purpose other than for investments in accordance with City Charter and ordinances.
- (e) Interest or income earned by the General Fund Land Sale Permanent Fund shall be recorded as investment earnings in the General Fund Land Sale Permanent Fund and [THEN] can be deposited in the General Fund or held in reserve in the fund. The City Council may, by ordinance, transfer funds from the General Fund to the General Fund Land Sale Permanent Fund. After such a transfer, the money will become a part of the General Fund Land Sale Permanent Fund to be used only for the investment purposes for which the fund is established.

**Section 3.** Amendment of Section 7.30.20 of the Kenai Municipal Code: That Kenai Municipal Code, Section 7.30.020- Land Sale Permanent Funds – Investments, is hereby amended as follows:

**7.30.020 Investments.**

- (a) The Land Sale Permanent Funds shall be managed by the Finance Director, with the following conditions:

- (1) The City will contract for the management of the investments for each Land Sale Permanent Fund with one (1) or more professional investment managers with experience handling institutional endowment investments subject to Council approval.
- (2) The Land Sale Permanent Funds shall be invested in such types of income producing investments as limited by subsection (b), Authorized Investments for the Land Sale Permanent Funds. The investments for each Land Sale Permanent Fund shall be approved by resolution annually, usually during the City budget process, in the form of an asset allocation plan, with each Land Sale Permanent Fund following the same asset allocation plan. The asset allocation plan shall have specific categories of investments for the funds with percentage targets that allow for reasonable fluctuations above and below the target percentage. The plan will establish benchmarks for evaluating the performance of each investment manager and asset classification. Investments shall be managed such that the target ranges of the asset allocation plan are adhered to.
- (3) All income derived from investment of each Land Sale Permanent Fund, including interest income, realized gains, and undistributed earnings [SHALL BE INCLUDED IN THE CORPUS OF EACH] can be distributed or reinvested into the respective Land Sale Permanent Fund and shall be invested in accordance with subsection (b), Authorized Investments for the Land Sale Permanent Funds.
- (4) Appropriations from the Airport Land Sale Permanent Fund may be made as follows:
  - (A) In any fiscal year, [AN AMOUNT NOT TO EXCEED FIVE PERCENT (5%) OF] the amount available for appropriation for airport operations and capital needs will be based upon the five (5) year average of the fund's calendar year end market value [MAY BE APPROPRIATED FOR AIRPORT OPERATIONS AND CAPITAL NEEDS. FOR THE FIRST FIVE (5) YEARS THE CALENDAR YEAR END MARKET VALUES FOLLOWING THE EFFECTIVE DATE OF THE ORDINANCE CODIFIED IN THIS SECTION WILL BE AVERAGED TO CALCULATE THE AVERAGE FUND MARKET VALUE.] An amount not to exceed 3.8% of the 5 year average market value may be distributed if the average market value is less than the fund's inflation adjusted principal balance. An amount not to exceed 4.2% of the 5 year average market value may be distributed if the average market value is greater than the fund's inflation adjusted principal balance.
  - [(B) FOR THE FIRST YEAR, FY 2009, THE APPROPRIATION FROM THE FUND SHALL NOT EXCEED THE LESSER OF EITHER FIVE PERCENT (5%) OF THE MARKET VALUE OF THE FUND AT THE EFFECTIVE DATE OF THE ORDINANCE CODIFIED IN THIS SECTION OR THE INCREASE IN THE MARKET VALUE OF THE FUND FROM THE EFFECTIVE DATE OF THE ORDINANCE CODIFIED IN THIS SECTION TO MAY 31, 2009.

(C) FOR THE SECOND YEAR, FY 2010, THE APPROPRIATION FROM THE FUND SHALL NOT EXCEED THE LESSER OF EITHER FIVE PERCENT (5%) OF THE MARKET VALUE OF THE FUND AT DECEMBER 31, 2008 OR THE INCREASE IN THE MARKET VALUE OF THE FUND FROM THE EFFECTIVE DATE OF THE ORDINANCE CODIFIED IN THIS SECTION TO MAY 31, 2010, LESS THE AMOUNT APPROPRIATED FOR FY 2009.]

(5) Appropriations from the General Fund Land Sale Permanent Fund shall be limited to the lesser of the [ACTUAL CALENDAR YEAR] cumulative earnings at calendar year end for the fund or [FIVE] four percent ([5]4%) of the fund's fair market value as of December 31st of each year. Cumulative earnings is defined as the market value at calendar year end minus the fund's inflation adjusted principal balance.

(b) Authorized Investments for the Land Sale Permanent Funds.

- (1) Investments authorized by KMC 7.22.030.
- (2) Corporate obligations of investment-grade quality as recognized by a nationally recognized rating organization. If, after purchase, these obligations are downgraded below investment grade, the obligations shall be sold in an orderly manner within ninety (90) days of downgrading.
- (3) Domestic equities, which taken as a whole, attempt to mirror the characteristics or replicate the Standard and Poor's 500 Index or another index of similar characteristics and approved by Resolution of the Council as a component of the annual Land Sale Permanent Funds Asset Allocation Plan, including both mutual funds and exchange traded funds (ETFs).
- (4) Domestic equities, which taken as a whole, attempt to replicate the Standard and Poor's 400 Mid-Cap Index or another index of similar characteristics and approved by Resolution of the Council as a component of the annual Land Sale Permanent Funds Asset Allocation Plan, including both mutual funds and exchange traded funds (ETFs).
- (5) Domestic equities, which taken as a whole, attempt to replicate the Standard and Poor's 600 Small-Cap Index or another index of similar characteristics and approved by Resolution of the Council as a component of the annual Land Sale Permanent Funds Asset Allocation Plan, including both mutual funds and exchange traded funds (ETFs).
- (6) International equities, which taken as a whole, attempt to replicate the Financial Times Stock Exchange Developed ex North America Index or another index of similar characteristics and approved by Resolution of the Council as a component of the annual Land Sale Permanent Funds Asset Allocation Plan, including both mutual funds and exchange traded funds (ETFs).
- (7) Equities, which taken as a whole, attempt to replicate the universe of domestic real estate investment trusts as represented by the Standard and Poor's REIT

composite index or another index of similar characteristics and approved by Resolution of the Council as a component of the annual Land Sale Permanent Funds Asset Allocation Plan, including both mutual funds and exchange traded funds (ETFs).

(8) Emerging market equities, which taken as a whole, attempt to replicate the Financial Times Stock Exchange Emerging Index or another index of similar characteristics and approved by Resolution of the Council as a component of the annual Land Sale Permanent Funds Asset Allocation Plan, including both mutual funds and exchange traded funds (ETFs).

(9) Global infrastructure equities, which taken as a whole, attempt to replicate the STOXX Global Broad Infrastructure Index, or a substantially similar index, including both mutual funds and exchange traded funds.

(10) Domestic bonds, which taken as a whole attempt to mirror the characteristics or replicate the Bloomberg Barclays Aggregate bond index or another index of similar characteristics and approved by Resolution of the Council as a component of the annual Land Sale Permanent Funds Asset Allocation Plan, including individual securities, mutual funds and exchange traded funds (ETFs).

(c) Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions. Such employees and officers shall disclose to the City Manager any material financial interests in financial institutions that conduct business with the City and such information shall be kept confidential to the extent otherwise allowed by law. Employees and officers shall subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchases and sales. A "material financial interest" in an entity is a financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect the employee's or officer's judgment with respect to transactions to which the entity is a party.

(d) The Finance Director shall submit to the City Council a quarterly investment report that summarizes recent and anticipated market conditions and that describes the City's investment portfolio in terms of transactions during the quarter, maturities, risk characteristics, and investment return compared with both bench mark performance returns and with the City's budgetary expectations.

(e) The Finance Director shall establish custody and safekeeping procedures with regard to all investments authorized by this chapter. All such investment securities, or their related collateral securities, shall be either held by the City or by a custodial agent for the City.

**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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3<sup>rd</sup> day of April, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: March 20, 2019  
Enacted: April 3, 2019  
Effective: May 3, 2019





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## MEMORANDUM

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

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Terry Eubank, Finance Director

**DATE:** March 13, 2019

**SUBJECT:** **Ordinance No. 3058-2019 – Proposed Amendment to the Authorized Investments and Distribution Methodology for the City's Permanent Funds.**

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The purpose of this memo is to recommend passage of ordinance 3058-2019. Ordinance 3058-2019 will codify recommended changes to the allowable investments of the City's General Fund Land Sale and Airport Land Sale Permanent Funds and the distribution methodology for each of these funds. A brief explanation of the recommended amendment for the applicable sections of the Kenai Municipal Code (KMC) has been provided for your consideration.

### **7.22.010 Scope and objectives.**

The requested amendment to KMC 7.22.010(a) should be classified as a housekeeping amendment. The City's General Land Sale Permanent Fund has been invested in the same manner as the Airport Land Sale Permanent Fund since April of 2011. This is a change that should have been made at that time but was overlooked.

### **7.30.005 General Fund Land Sale Permanent Fund.**

The requested amendment to KMC 7.30.005(e) provides the framework for establishment of an earnings reserve for the General Fund Land Sale Permanent Fund. Pursuant to Kenai Municipal Charter section 5-11, there is a prohibition on the spending of the proceeds from City-owned, non-trust lands. The administration proposes establishing an earnings reserve, similar to the Alaska Permanent Fund Earnings Reserve, where investment earnings on the proceeds from City-owned, non-trust lands can accumulate and be distributed to the City's General Fund for use for any lawful purpose. Distributions from this earnings reserve may occur outside of the year in which investment earning occur. This is a fundamental change in the distribution methodology for the General Fund Land Sale Permanent Fund that is expected to provide more consistent distribution while complying with the requirement to never spend the principle balance received from the sale of City-owned, non-trust lands.



**7.30.020 Investments.**

The requested amendment to KMC 7.30.020(a)(3) codifies additional changes needed to implement the earnings reserve concept for the General Fund Land Sale Permanent Fund started with amendments to 7.30.005(e).

The requested amendment to KMC 7.30.020(a)(4)(A) will codify the new distribution methodology for the Airport Land Sale Permanent Fund as recommended by the City's investment advisor. The new distribution methodology changes the annual distribution from five percent (5%) of the five (5) year average of the fund's calendar year end market value to four point two percent (4.2%) if the five (5) year average market value is greater than inflation adjusted principal or three point eight percent (3.8%) if the five (5) year average market value is less than inflation adjusted principal. This new distribution methodology is needed to ensure the sustainability of the Airport Land Sale Permanent Fund because the projections for future returns is less than the estimates of ten years ago but provides for increased distributions should investment returns exceed projections. The remaining changes to KMC 7.30.020(a)(4) can be classified as a housekeeping amendment. The requested changes will eliminate language which was needed in 2008 for the original implementation of the new Airport Land Sale Permanent Fund investment and distribution methodology. These section can be eliminated as they are no longer needed or applicable.

The requested changes to KMC 7.30.020(a)(5) will codify the proposed distribution methodology for the General Fund Land Sale Permanent Fund where the lesser of four percent (4%) of the funds market value or the earnings reserve balance may be distributed in any one year.

The requested amendment to KMC 7.30.020(b) adds a new subsection nine (9) and ten (10) to expand the allowable investment to include a new asset class, infrastructure, and provide the benchmark by which the returns of this asset class will be measured. The City Investment advisors have recommended the addition of this new asset class to enhance the returns of the portfolio while increasing the overall risk of the portfolio by a minor amount.

Adoption of these amendments is recommended and will codify the City's intent to provide for inflation proofing of its permanent funds, provide for new distribution methodologies for both the General Fund Land Sale and Airport Land Sale Permanent Funds that are both consistent and sustainable, will expand the allowable investments to incorporate a new asset class to enhance returns without significantly increase risk, and will provide housekeeping amendments. Your support for Ordinance 3058-2019 is respectfully requested.



Sponsored by: Vice Mayor Navarre

## CITY OF KENAI

### RESOLUTION NO. 2019 - 19

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, SUPPORTING THE KENAI PENINSULA COLLEGE.

WHEREAS, The Kenai Peninsula Borough has supported the Kenai Peninsula College since 1964 when the college was founded and the borough was formed; and,

WHEREAS, on July 24, 1971, the City of Soldotna signed a quit claim deed transferring property for \$1 to the State of Alaska for 171 acres to be used for the purpose of higher education; and,

WHEREAS, this land is the site of the Kenai Peninsula College's Kenai River Campus; and,

WHEREAS, the Kenai Peninsula College is responsible for all University of Alaska postsecondary education within the Kenai Peninsula Borough's boundaries; and,

WHEREAS, the Kenai Peninsula College is centrally located between Kenai and Soldotna and offers a variety of programs, including Adult Basic Education, and ongoing educational programs to prepare Alaskans for employment in the oil and gas industries; and,

WHEREAS, the citizens of Kenai have access to college courses at Kenai Peninsula College; and,

WHEREAS, the Kenai Peninsula College enrolls on average 5,700+ students annually; and,

WHEREAS, the Kenai Peninsula College is the largest University of Alaska community campus and larger than the Juneau Campus in enrollment and student credit hours; and,

WHEREAS, last year the Kenai Peninsula Borough provided \$817,755 to the Kenai Peninsula College to support postsecondary education to borough residents; and,

WHEREAS, the Kenai Peninsula Borough and the City of Valdez are the only municipalities to provide monetary funding to colleges in their respective areas.

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

**Section 1.** The Council of the City of Kenai supports the Kenai Peninsula College.

**Section 2.** The City of Kenai respectfully requests that the State of Alaska continue to fund the Kenai Peninsula College at the current funding level as a strong and healthy local college option is a priority.

**Section 3.** That a copy of this resolution will be provided to Governor Dunleavy, the Alaska State Legislature, and the University of Alaska Board of Regents.

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

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3<sup>rd</sup> day of April, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk



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## MEMORANDUM

**TO:** Kenai City Council  
**FROM:** Vice Mayor Tim Navarre  
**DATE:** March 27, 2019  
**SUBJECT:** **Resolution No. 2019 – 19 A Resolution Supporting the Kenai Peninsula College**

---

As part of his proposed budget, Governor Michael Dunleavy proposed reduced funding for the University of Alaska, which could result in several campus closures, including a potential closure of the Kenai Peninsula College Kenai River Campus.

The Kenai Peninsula College is responsible for all postsecondary education within the Kenai Peninsula Borough with an average of 5,700 students enrolled annually. It is the largest University of Alaska community campus, offering two-year Associates of Arts and Associates of Applied Science degrees, as well as Adult Basic Education, courses leading to vocational certificates, and ongoing educational programs to prepare Alaskans for employment in the oil and gas industries. Other four-year degree programs are available at KPC via distance delivery through other University of Alaska campuses.

Over the past three years, the Kenai Peninsula College has continued to work more efficiently with reductions in staff and increasing revenue by adding additional non-credit workforce development classes for professionals and educational summer camps for middle and high school students. The impact of a potential closure of the Kenai River Campus goes beyond displacing students, faculty and staff. The economic impacts are difficult to measure, but the community would lose the availability of quality educational opportunities.

Your consideration is appreciated.





Sponsored by: Council Member Peterkin

## CITY OF KENAI

### RESOLUTION NO. 2019 - 20

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, SUPPORTING THE CONTINUED OPERATION OF SENTENCED FACILITIES AT WILDWOOD CORRECTIONAL COMPLEX.

WHEREAS, Governor Michael Dunleavy has proposed closing sentenced facilities at the Wildwood Correctional Complex; and,

WHEREAS, while the Wildwood Correctional Complex lies physically just outside the City of Kenai, it plays a vital role in our community; and,

WHEREAS, closing the sentenced facilities would eliminate approximately 46 jobs, many held by City residents, impacting families and potentially forcing residents to relocate; and,

WHEREAS, inmates from the sentenced facilities perform many public services in the community and are an important part of the labor force in some economic sectors; and,

WHEREAS, services provided to the sentenced facilities support many local businesses; and,

WHEREAS, the Wildwood Correctional Complex is one of the most efficiently run correctional facilities in the State with a cost of care per inmate based on FY 2018 at \$104.21 per prisoner per day exclusive of shared administrative costs, only behind Goose Creek Correctional facility; and,

WHEREAS, the Wildwood Correctional Complex is supported by many local nonprofit organizations dedicated to working with prisoners and has other unique programs reducing recidivism; and,

WHEREAS, the State has not convincingly shown that shipping inmates out of state to privately run prisons actually saves the State money; and,

WHEREAS, shipping prisoners out of State to private prisons has many unquantified costs such as travel expenses for prisoners and probation officers, lack of early release leading to longer periods of incarceration and higher costs, and likely higher rates of recidivism; and,

WHEREAS, rather than closing the sentenced facility, the state should examine where efficiencies and costs savings can be made to reduce the operational costs of the facility; and,

WHEREAS, keeping the sentenced facilities at Wildwood Correctional Complex is in the best interest of the City and State.

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

**Section 1.** That Governor Dunleavy and the state legislature are strongly encouraged to keep the sentenced facilities at Wildwood Correctional Complex open and examine implementation of budget cuts that reduce operational costs as an alternative.

**Section 2.** That a copy of this resolution shall be sent to Governor Dunleavy, all members of the Alaska House of Representatives and all members of the Alaska State Senate.

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

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3<sup>rd</sup> day of April, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk



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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Council Member Robert Peterkin  
**DATE:** March 27, 2019  
**SUBJECT:** **Resolution No. 2019 – 20 A Resolution Supporting the Continued Operation of Sentenced Facilities at Wildwood Correctional Complex**

---

As part of his proposed budget, Governor Michael Dunleavy proposed closing the sentenced facilities at the Wildwood Correctional Complex. Closure of the sentenced facilities would negatively impact the City and it is unclear whether there would be actual cost saving to the State which is the rationale provided for the closure.

Closing the sentenced facility would cause the loss of about 46 fulltime positions at the jail. Many of these employees live in Kenai with their families. The closure would cause economic hardship and may require residents to relocate for other job opportunities. Additionally several local businesses provide services to the facility and these businesses would lose that opportunity. Further, inmates at Wildwood provide needed labor in the City, primarily in the fish processing industry. Inmates at Wildwood also provide many community services in the City, including assisting our parks and recreation department with beach cleanup, building park facilities, beautification projects and other structures, shoveling hydrants, irradiating invasive plants and also assist at the senior center.

The Governor's proposal includes shipping inmates out of state as opposed to keeping them at Wildwood. It is unclear whether this would result in any actual cost savings to the State. Wildwood has the second lowest inmate cost in Alaska, at \$104.21 per inmate per day for CY2019 exclusive of administrative costs. This factor alone raises the question why Wildwood would be selected as the facility to close. It is unclear what the cost per day to house inmates out of state at privately run prisons would be, but these rates must also consider transportation costs for prisoners and officers and that prison terms are often longer out of state than in state were prisoners have an opportunity for early release. Further Wildwood has many services provided by various community organizations, including counseling and work opportunities that reduce recidivism. To the contrary, prisoners sent out of state and housed with other out of state prisoners often return to Alaska with less chance of succeeding outside the criminal system than when they left. Rather





than close the sentenced facilities, the State should look at implementing efficiencies and cost savings within Wildwood and other in-state correctional facilities.

Your consideration is appreciated.



Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2019-21**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AUTHORIZING THE AWARD OF A CONSTRUCTION AGREEMENT FOR THE WASTE WATER TREATMENT PLANT BLOWERS REPLACEMENT / DO ANALYZER INSTALLATION PROJECT.

WHEREAS, the Public Works Department released an Invitation to Bid on February 13, 2019 with bids due on March 27, 2019; the following bids were received:

Bidder	Bid
Peninsula Construction	\$1,035,000.00
Blazy Construction	\$1,108,383.00

and,

WHEREAS, the bids above include the City exercising a deductive alternate which removed the digester blowers from the project for budgetary reasons; and,

WHEREAS, Peninsula Construction, Inc. was found to be the lowest responsive and responsible bidder and award to this bidder will be in the best interest of the City; and,

WHEREAS, the recommendation from the City Administration is to award the agreement to Peninsula Construction, Inc. for completion of the Aeration Blowers / DO Analyzer Project for the total cost of \$1,035,000; and,

WHEREAS, sufficient monies are appropriated.

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

**Section 1.** That the agreement is awarded to Peninsula Construction, Inc. for completion of the WWTP Blowers Replacement / DO Analyzer Installation Project in the amount of \$1,035,000.

**Section 2.** That the City Manager is authorized to issue a purchase order to Peninsula Construction, Inc. in the amount of \$1,125,000 for the contract amount of \$1,035,000 and \$90,000 of contingency funding, which may be authorized for construction change orders during completion of the project.


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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3<sup>rd</sup> day of April, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 



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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** March 27, 2019  
**SUBJECT:** **Resolution No. 2019-21 WWTP Blowers Replacement / DO Analyzer**

---

The Public Works Department released an Invitation to Bid on February 13, 2019 with bids due on March 27, 2019 to address the replacement of the 40+ year Aeration Blowers for the Waste Water Treatment Plant. The Project includes installation of DO (Dissolved Oxygen) Sensors which will assist in the control of the aeration equipment.

The project bid documents include the replacement of three aeration basin blowers, two digester blowers, and DO sensing equipment for their operation. The bid documents also included a deductive alternate, which allows the City to remove the digester blowers from the Project if the costs were deemed to be too high or to assist with the project falling into budget.

After reviewing the bids it is the recommendation of Public Works to exercise the deductive alternate option and only award the contract for the replacement of the three aeration basin blowers and associated DO probes in the amount of \$1,035,000.00 to the successful lowest responsive and responsible Bidder, Peninsula Construction, Inc.

The project falls within our existing budget and will expend the remaining State Grant funds received for repairs to the Waste Water Treatment Plant. Additionally, approval for a contingency of \$90,000.00 to process change orders is being requested. These funds are also already available within the existing budget. Total cost of requested project approval including contingency is \$1,125,000.00. As with all Capital Projects Public Works will continue to inform Council of progress and change orders through Departmental Mid-Month Reports.

Completion of this project is vital for the City to continue to meet our environmental permitting requirements. Aeration is a critical part of the treatment process and is something that is occurring 24 hours a day, 7 days a week. Replacement of this equipment will allow a tremendous amount



of safety and security for the facility's operations, as the existing equipment requires constant maintenance with parts difficult to come by.

Departmental staff and the Administration are in strong support of this project. Council's consideration is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2019 - 22**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED BAR AND LOUNGE CONCESSION AGREEMENT WITH THE KENAI MUNICIPAL AIRPORT.

WHEREAS, on June 17, 2015 Council passed Resolution No. 2015-40 authorizing the City Manager to enter into a Bar and Lounge Concession in the Airport Terminal for a period of five (5) years; and,

WHEREAS, the Upper Deck Lounge will be closed for approximately nine weeks, starting April 1, 2019, due to extensive work associated with this project; and,

WHEREAS, the Concessionaire is requesting reimbursement for costs impacting the business during this closure; and,

WHEREAS, City Administration has determined that the request is reasonable due to impacts of the construction project.

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

**Section 1.** That the City Manager is authorized to execute an amendment to the Bar and Lounge Concession Agreement with the Upper Deck to compensate the concessionaire in a reasonable manner to offset costs to the concessionaire caused by the Airport Terminal Rehabilitation Project.

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

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3<sup>rd</sup> day of April, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk



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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Mary L. Bondurant, Airport Manager  
**DATE:** March 27, 2019  
**SUBJECT:** Resolution No. 2019 – 22 Upper Deck

---

On April 1, 2019, the Upper Deck Lounge will be closed until May 31, 2019, due to impacts of the 2018 Terminal Rehabilitation Project.

The extensive project work includes asbestos abatement, window replacement, flooring, ceiling work, communications, roofing, electrical, mechanical, plumbing, etc., and will also include the closure of the south arrival entrance which in turn closes off the second egress to the lounge. Building code requires a second egress for the lounge. The project cannot move forward without this closure.

Costs to the Upper Deck include credit processing fees, storage fees, insurance, telephone and employee wages at approximately \$16,928.

If these costs are determined to be not grant eligible and at the request of the Concessionaire, City Administration will provide a rent credit for approximately twelve (12) months to offset the costs.

The Upper Deck is current in all fees owed to the City and in compliance with the Kenai Peninsula Borough.

Thank you for your consideration.



**KENAI CITY COUNCIL – REGULAR MEETING  
MARCH 20, 2019 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR BRIAN GABRIEL, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on March 20, 2019, 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	Robert Molloy
Henry Knackstedt	Tim Navarre
Jim Glendening	Robert Peterkin
Glenese Pettey	

A quorum was present.

Also in attendance were:

\*\*Student Representative Tristan Summers  
Paul Ostrander, City Manager  
Scott Bloom, City Attorney  
Jamie Heinz, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following revisions to the packet:

Add to item K.2.                      Council Comments

**MOTION:**

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

There was objection to unanimous consent.

Council Member Molloy noted the information was provided to aid the comments he would make during Council Comments.



**MOTION TO AMEND:**

Council Member Glendening **MOVED** to amend to remove the additions to the packet and Vice Mayor Navarre **SECONDED** the motion.

It was suggested it wasn't appropriate for documents to be incorporated into the laydown due to the potential for the Commission the associated legislation was referred to, to be influenced.

It was reiterated the documents were intended as a reference for verbal comments.

Both the main motion and amendment motions were withdrawn with approval of those that seconded the motions.

**MOTION:**

Vice Mayor Navarre **MOVED** to approve the agenda. Council Member Molloy **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

**VOTE:** There being no objections, **SO ORDERED**.

**4. Consent Agenda**

**MOTION:**

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

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing 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**

**1. Craig Thomsen – Cleanup of Valhalla Heights Subdivision**

City Manager Ostrander provided an overview of Mr. Thomsen's concerns and explained Administration was able to alleviate those concerns noting the Planning department had been working on code enforcement issues in the area. Efforts specifically included towing two vehicles, dumpsters for the residents to use, and bringing a boarding house into compliance. He added that the snow needed to melt for additional code enforcement efforts to take place and the residents asked for barricades to block streets of an undeveloped subdivision which was bringing crime to the area.

### **C. UNSCHEDULED PUBLIC COMMENTS**

Mark Griffin thanked the City, on behalf of the Morgan's and the Griffin's, for the trust in managing the golf course over the last 30 years. He noted that with the help of Administration, they were going to be able to replace Dick Morgan Bridge on the golf course, which was the largest capital improvement project at the golf course; planning a ceremony for mid-August. He added that a future project is to light the golf course for night use.

Ryan Tunseth noted the Lieutenant Governor signed into law, regulations for an onsite consumption endorsement, which would be applied to retail stores and, even though he didn't intend on applying for one, he suggested that it should be allowed in the City. He added that the regulations were well crafted and limits consumption quite a bit, regulates requirements for the area to be used for consumption, and provides an answer for areas with visitors that need a safe place for consumption.

### **D. PUBLIC HEARINGS**

1. **Ordinance No. 3053-2019** – Increasing Estimated Revenues and Appropriations in the General Fund for the Donation of a Bush Doctor's Historic Cabin from Doctor Peter Hansen and Kenai Community Foundation and Supporting the Placement of the Cabin Adjacent to the Kenai Visitor Center. (Council Members Molloy and Pettey)

#### **MOTION:**

Council Member Molloy **MOVED** to enact Ordinance No. 3053-2019 and Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened the public hearing.

Doctor Peter Hansen noted he had several pieces of outdated equipment which either needed a good use or trashed; thought a museum of a Bush Doctor's Cabin was a good opportunity to do something for the community. He provided an overview of how being a bush doctor worked, with patients coming by regularly through the week. He clarified the goal is to have a receptionist and typewriter at the door with surgical/delivery table, lab, and radiology area all included in the cabin. He added he had been working with medical curators on a national level and hoped that it would become a museum to be used to educate and intrigue people about medicine practice in the past.

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

Council Members Knackstedt and Peterkin declared that they were members of board of the Kenai Community Foundation which was a non-profit entity and for which they received no payment. Mayor Gabriel ruled they did not have a conflict and could participate.

Doctor Hanson and his wife were thanked for their generous donation and involvement in the City. The tremendous amount of work that went into constructing the cabin and accumulating the equipment was recognized.

#### **VOTE:**

YEA: Knackstedt, Gabriel, Glendening, Pettey, Molloy, Peterkin, Navarre

NAY:

\*\*Student Representative Summers: YEA

**MOTION PASSED UNANIMOUSLY.**

2. **Ordinance No. 3054-2019** – Accepting Drug Seizure Funds Forfeited to the City in the Amount of \$2,153.52 and Appropriating those Funds into the Police Professional Services Account in the Furtherance of Criminal Investigations. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3054-2019 and Council Member Peterkin **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

**VOTE:**

YEA: Knackstedt, Gabriel, Glendening, Pettey, Molloy, Peterkin, Navarre

NAY:

\*\*Student Representative Summers: YEA

**MOTION PASSED UNANIMOUSLY.**

3. **Ordinance No. 3055-2019** – Accepting and Appropriating a Scholarship from the Alaska Association of Municipal Clerks for Employee Travel and Training. (City Clerk)

**MOTION:**

Council Member Molloy **MOVED** to enact Ordinance No. 3055-2019 and Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

The Clerk was thanked for applying for the scholarship and appreciation was expressed for the funds.

**VOTE:**

YEA: Knackstedt, Gabriel, Glendening, Pettey, Molloy, Peterkin, Navarre

NAY:

\*\*Student Representative Summers: YEA

**MOTION PASSED UNANIMOUSLY.**

4. **Resolution No. 2019-15** – Amending its Comprehensive Schedule of Rates, Charges, and Fees to Amend the Fee for Mobile Food Vendor Licenses. (City Clerk)

**MOTION:**

Council Member Molloy **MOVED** to adopt Resolution No. 2019-15 and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

**VOTE:** There being no objections, **SO ORDERED**.

5. **Resolution No. 2019-16** – Approving the Purchase of Ten Portable Radios and Accessories for the Police and Fire Departments under a Sole Source Purchase from Motorola Solutions using NASPO ValuePoint Contract Pricing for the Total Price of \$55,401.16. (Administration)

**MOTION:**

Vice Mayor Navarre **MOVED** to adopt Resolution No. 2019-16 and requested **UNANIMOUS CONSENT**. Council Member Molloy **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

**VOTE:** There being no objections, **SO ORDERED**.

6. **Resolution No. 2019-17** – In Support of Modifying SB 57 and HB 59 to Restore Local Municipalities Authority to Tax Oil and Gas Property Taxable Under AS 43.56 to a Maximum of 15 Mils. (Council Member Peterkin and Mayor Gabriel)

**MOTION:**

Council Member Peterkin **MOVED** to adopt Resolution No. 2019-17 and Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

It was suggested the City be careful with what it's agreeing to when full impacts are unknown; added the City should have the ability to collect what the statute indicated.

Clarification was provided that the City has been fair in charging the same property tax on oil and gas property as it does on other property; noted the City should take a stance. It was also noted municipalities should maintain a strong voice for what the state constitution mandates.

The sponsors were thanked for putting forth the resolution; pointed out that when something negatively affects the City, the City should come out against it. It was also noted the legislation shifted the burden to the municipalities which would have to make up the difference somewhere.

It was noted the City was trying to be fair; the City provided infrastructure to support the properties and the property taxes allowed the City to provide the infrastructure to them.

It was suggested everyone sign the resolution; there was no objection.

**VOTE:**

YEA: Knackstedt, Gabriel, Glendening, Pettey, Molloy, Peterkin, Navarre

NAY:

\*\*Student Representative Summers: YEA

**MOTION PASSED UNANIMOUSLY.**

7. **Resolution No. 2019-18** – Opposing SB 63 and HB 65 Repealing Fisheries Business Tax Refunds to Municipalities and Revenue Sharing for Fishery Resource Landing Taxes. (Council Member Peterkin and Mayor Gabriel)

**MOTION:**

Council Member Peterkin **MOVED** to adopt Resolution No. 2019-18 and Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

The sponsors were thanked for bringing forth the resolution.

It was noted our area was a top fifty destination for fishing and also accommodated commercial fishing operations; the City provided infrastructure to support the fishing and the tax supported that infrastructure.

It was suggested everyone sign the resolution; there was no objection.

**VOTE:** There being no objections, **SO ORDERED.**

**E. MINUTES**

1. \*Regular Meeting of March 6, 2019

Approved by the consent agenda.

**F. UNFINISHED BUSINESS – None.**

**G. NEW BUSINESS**

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

Approved by the consent agenda.

2. **\*Action/Approval** – Purchase Orders Exceeding \$15,000. (Administration)

Approved by the consent agenda.

3. **\*Ordinance No. 3057-2019** – Accepting and Appropriating a Grant from the State of Alaska Department of Public Safety for Crime Prevention and Response and Equipment for the Purchase of Portable Radios and Accessories for the Police

Department, and to Purchase Supplies in Support of the D.A.R.E Programs Conducted by the Police Department in Local Elementary Schools. (Administration)

Introduced by the consent agenda and public hearing set for April 3.

4. **\*Ordinance No. 3058-2019** – Amending Provisions in Kenai Municipal Code Title 7 – Finance, Taxation, and Business Affairs of the City, including Investment of Monies – Scope and Objectives 7.22.010; Land Sale Permanent Funds – General Fund Land Sale Permanent Fund 7.30.005; Investments 7.30.020; Investments 7.30.020; Investments 7.30.020; and Investments 7.30.020 for Updates to Management Practices for the City’s General Land Sale and Airport Land Sale Permanent Funds. (Administration)

Introduced by the consent agenda and public hearing set for April 3.

5. **Action/Approval** – Special Use Permit to State of Alaska Division of Natural Resources-Forestry. (Administration)

**MOTION:**

Council Member Molloy **MOVED** to approve the special use permit to the State of Alaska Division of Natural Resources - Forestry and Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objections, **SO ORDERED.**

6. **Discussion** – Onsite Marijuana Consumption. (Administration)

It was noted the regulations allowing onsite marijuana consumption had been signed in to law and administration was seeking direction on a path forward. Statistics were provided on police activity related to marijuana and the options of no action, opting out, and enacting more restrictive regulations were discussed. State requirements for allowing onsite consumption were also discussed.

It was decided the attorney would draft regulations which would be introduced by City Council and referred to the Planning & Zoning Commission with a timeframe and instructions for making a recommendation on adoption.

**H. COMMISSION/COMMITTEE REPORTS**

1. Council on Aging – The upcoming March for Meals Auction was noted; next meeting April 11.
2. Airport Commission – It was reported that at their March 14 meeting the Commission recommended approval of the Special Use Permit for the Division of Natural Resources - Forestry and heard an update on the terminal rehabilitation project; next meeting April 11.

3. Harbor Commission – It was reported that at their March 11 meeting the Commission elected Chair and Vice Chair, discussed wakes and speeds, and also discussed Title 11 recommendations; next meeting April 8.
4. Parks and Recreation Commission – No report; next meeting March 7.
5. Planning and Zoning Commission – It was reported that at their March 13 meeting the Commission approved an encroachment permit and a Conditional Use Permit for a Guide Service; next meeting March 27.
6. Beautification Committee – No report; next meeting April 9.
7. Mini-Grant Steering Committee – No report.

**I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Attended the recent Election Stakeholders Meeting;
- Attended Administration’s budget presentation;
- Thanked Council Members for supporting Resolutions No. 2019-17 & 2019-18;
- Noted he would be traveling with the City Manager to Juneau to discuss the state budget and associated legislation; added the resolutions would help.

**J. ADMINISTRATION REPORTS**

1. City Manager – P. Ostrander reported on the following:
  - Continuing to work on the City’s budget; looking very closely at efficiencies and structure;
  - The Request for Proposals (RFP) for management of the Visitor Center was issued March 1; facility management and tourism marketing were the two parts in the RFP;
  - Met with Kenai Native Association regarding Wildwood Drive ownership; resolution needed in order to deal with capital improvements to the road;
  - Some capital money might be available from the state; submitted three projects;
  - Finance Director would testify on the shared fish tax legislation.
2. City Attorney – No Report.
3. City Clerk – No Report.

**K. ADDITIONAL PUBLIC COMMENT**

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

Council Member Pettey noted upcoming meetings regarding the state budget, thanked the Hansen’s for their work for the Bush Doctor’s Cabin, and asked everyone to attend the March for Meals event.

Council Member Glendening expressed appreciation that commissions were taking an interest in engaging the community; property appraisals increased recently and mean more tax revenue.

Council Member Peterkin noted a poll the Harbor Commission was working on; also noted he was working with the attorney on drafting two resolutions, one for supporting Wildwood Correctional Facility and one to ask the state to implement a fee for the dipnet permit and the revenues to be passed to the communities where dipnet took place. He also asked for more information about what revenue marijuana has brought.

Student Representative Summers noted the girls' high school basketball team was going to state championships for the first time in 18 years.

Council Member Molloy noted he wouldn't be able to attend the budget meetings locally, but was pleased residents have a voice to the state legislature. He also provided a history of amendments regarding the RR1 zone to get word out about the ordinance currently in circulation.

Council Member Knackstedt noted he went to the budget meeting hosted by City administration.

Vice Mayor Navarre asked everyone to attend the town hall meetings and March for Meals event.

**L. EXECUTIVE SESSION** – None.

**M. PENDING ITEMS**

1. **Ordinance No. 3056-2019** - Amending Kenai Municipal Code 14.22.010-Land Use Table, to Allow Business/ Consumer Services and Taxidermy/Gunsmithing in RR1 Zoning District by Conditional Use Permit and Removing the Location Restriction on Professional Offices Allowed by Conditional Use Permit Within the RR1 Zone. (Council Members Peterkin and Glendening)  
*[Clerk's Note: This item was Referred to the Planning & Zoning Commission for a Recommendation at their March 27, 2019 Meeting and a Public Hearing Scheduled before the City Council on April 3, 2019.]*

**N. ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 8:40 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of March 20, 2019.

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Jamie Heinz, CMC  
City Clerk

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



**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION  
COUNCIL MEETING OF: APRIL 3, 2019**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	88,791.76
HOMER ELECTRIC ASSOC.	ELECTRIC USAGE	VARIOUS	UTILITIES	129,945.85
ENSTAR NATURAL GAS	GAS USAGE	VARIOUS	UTILITIES	35,866.56

**INVESTMENTS**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>MATURITY DATE</b>	<b>AMOUNT</b>	<b>Effect. Int.</b>
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Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3059-2019**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE AND AIRPORT IMPROVEMENTS CAPITAL PROJECT FUNDS AND AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE ALASKA REGIONAL FIRE TRAINING FACILITY REHABILITATION PROJECT.

WHEREAS, the Alaska Regional Fire Training Facility was originally constructed twenty years ago and is in need of rehabilitation to the Facility’s operations equipment and controls; and,

WHEREAS, the Federal Aviation Administration has expressed their interest in seeing the facility’s operations brought back to current standards; and,

WHEREAS, the design and construction costs for this work will be eligible under a grant from the Federal Aviation Administration; and,

WHEREAS, the City of Kenai will begin the design phase in preparation of receiving the grant; and,

WHEREAS, request for Proposals were advertised on March 14, 2019, with proposals due on April 4, 2019; and,

WHEREAS, an evaluation committee determined \_\_\_\_\_ as having provided the highest rating proposal; and,

WHEREAS, it is the Administration’s recommendation that awarding a Professional Services Agreement to \_\_\_\_\_ in the amount of \_\_\_\_\_ is in the best interest of the City.

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

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

Airport Fund:

Increase Estimated Revenues –	
Appropriation of Fund Balance	\$xxx,000

Increase Appropriations:	
Airport Training Facility – Transfer to Other Funds	\$xxx,000

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

Airport Improvement Capital Project Fund:	
Increase Estimated Revenues –	
Transfer from Other Funds	\$xxx,000
Increase Appropriations:	
Construction	\$xxx,000

**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 upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 17<sup>th</sup> day of April, 2019.

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

ATTEST:

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

Approved by Finance: 

Introduced: April 3, 2019  
Enacted: April 17, 2019  
Effective: April 17, 2019



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin – Public Works Director  
**DATE:** March 28, 2019  
**SUBJECT:** Ordinance No. 3059-2019

---

The purpose of this memo is to recommend enactment of Ordinance No. 3059-2019 requesting an increase to the estimated revenue and appropriations in the Airport Special Revenue and Improvements Capital Project Fund and authorizing a Professional Services Agreement for the design of the Alaska Regional Fire Training Facility Rehabilitation Project.

The Alaska Regional Fire Training Facility located at 450 Daubenspeck, is 20+ years old now. The Facility provides a variety of Safety Training Services and is currently occupied and operated by Beacon Occupational Health & Safety. Individuals come from all over the state to participate in training, and the Facility even markets the services provided to organizations outside of Alaska.

Due to the aging equipment and in order to continue to provide a high level of services, the Facility needs updating and modernizing to its equipment and controls. The City released a formal Request for Proposals on March 14, 2019 with Proposals Due on April 4, 2019.

Proposals will be reviewed on April 8-9, 2019 to determine a successful proposer. With Council's approval of this Ordinance, the City will then enter negotiations for these services, anticipated to cost between 10-12% of overall Construction Costs of the project; Construction Costs yet to be determined. Design Phase is expected to take approximately 100 Days with an anticipated Construction Phase beginning in September 2019.

The City in coordination with the Federal Aviation Administration is anticipating the receipt of a grant. Staff from both agencies have walked through the facility, the FAA has expressed their support for the project, and the City is waiting to see whether the project will be funded through our typical AIP Funds or if FAA Supplemental Funding, which the City applied, for will be granted.

In either case, a grant is expected from one of those two sources.



Completion of this project will improve a unique City asset; staff and Administration believe support of this project is in the best interest of the City.

Council's support and approval is respectfully requested. Thank you for your consideration.





Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3060-2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE TERMINAL IMPROVEMENTS CAPITAL FUND, AND AUTHORIZING AN INCREASE TO THE CONSTRUCTION PURCHASE ORDER TO BLAZY CONSTRUCTION, INC.

WHEREAS, the City of Kenai executed a Construction Agreement with Blazy Construction, Inc. on October 1, 2018 for the Terminal Rehabilitation Project in the amount of \$10,985,994; and,

WHEREAS, council through enactment of Ordinance 3037-2018 authorized the City Manager to issue a Purchase Order in the amount of \$11,485,994 for the Contract amount of \$10,985,994 including \$500,000 of contingency funding; and,

WHEREAS, to date the City has executed two change orders totaling \$461,585.56 and the Federal Aviation Administration grant eligible portion of those Change Orders has been determined to be \$408,849.41; and,

WHEREAS, Administration is requesting appropriation of the additional eligible federal share and an increase to the authorized Purchase Order Amount to Blazy Construction, Inc. of the same amount, \$408,849.41 to replenish project contingency to \$447,263.85 and to allow for the continued processing of future change orders; and,

WHEREAS, Council will continue to be informed of Change Orders through Public Works Mid-Month Report.

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

**Section 1.** The City Manager is authorized to accept grant funding from the Federal Aviation Administration in the amount of \$408,849.41 for the grant eligible portions of Change Orders 1 & 2 to Blazy Construction, Inc.

**Section 2.** The City Manager is authorized to increase Purchase Order No. 116510 to Blazy Construction, Inc. by \$408,849.41

**Section 3.** That the estimated revenues and appropriations be increased as follows:

Terminal Improvement Capital Project Fund:

Increase Estimated Revenues –

FAA Grant

\$408,849.41

Increase Appropriations:

Construction

\$408,849.41

**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 upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 17<sup>th</sup> day of April, 2019.

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

ATTEST:

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

Approved by Finance: 

Introduced: April 3, 2019  
Enacted: April 17, 2019  
Effective: April 17, 2019



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## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin – Public Works Director  
**DATE:** March 28, 2019  
**SUBJECT:** **Ordinance No. 3060-2019**

---

The purpose of this memo is to recommend enactment of Ordinance No. 3060-2019 requesting an increase to the estimated revenue and appropriations in the Terminal Improvements Capital Project Fund and authorizing an increase to the Construction Purchase Order to Blazy Construction, Inc.

The Kenai Municipal Airport Terminal Rehabilitation Project has been underway since October 1, 2018. The Project began with \$500,000 in contingency funds for the administration to process change orders as they arise. To date \$461,585.56 of changes have been processed, largely associated with the removal of asbestos related materials. Of that amount, it has been determined that \$408,849.41 is eligible for reimbursement from the FAA through our grant.

Appropriation of these funds will replenish the projects contingency to \$447,263.85 and allow the Administration to continue to process change orders in the same manner, continuing to keep Council informed through Departmental Mid-Month reports. Staff and the Administration are in support of this appropriation; Council's support and approval is respectfully requested.

Thank you for your consideration.







Sponsored by: Legal

## CITY OF KENAI

### ORDINANCE NO. 3061-2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE 14.20.320- DEFINITIONS, 14.20.330- STANDARD FOR COMMERCIAL MARIJUANA ESTABLISHMENTS AND 14.22.010- LAND USE TABLE, TO INCORPORATE ONSITE CONSUMPTION OF MARIJUANA AT RETAIL MARIJUANA ESTABLISHMENTS INTO THE CITY OF KENAI'S CODE OF ORDINANCES.

WHEREAS, on November 4, 2014, the Alaskan voters passed Ballot Measure 2, an Act to Tax and Regulate the Production, Sale and Use of Marijuana; and,

WHEREAS, on January 20, 2016 the City of Kenai enacted regulations governing commercial marijuana establishments in the City; and,

WHEREAS, on March 12, 2019 Lieutenant Governor Kevin Meyer signed into law new regulations from the Marijuana Control Board allowing retail marijuana stores to allow onsite consumption of marijuana under certain conditions; and,

WHEREAS, in order to enforce City regulations applicable to onsite consumption of marijuana at retail marijuana stores the City must amend its code related to commercial marijuana establishments and land use table; and,

WHEREAS, the amendments in this Ordinance will require retail marijuana store owners to obtain a conditional use permit from the City as well as obtain a state endorsement prior to allowing onsite consumption of marijuana.

**Section 1.** Amendment of Section 14.20.320 of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.320 - Definitions, is hereby amended as follows:

#### **14.20.320 Definitions.**

(a) *General Interpretation.*

- (1) Words used in the present tense include the future tense.
- (2) The singular number includes the plural.
- (3) The word "person" includes a corporation as well as an individual.
- (4) The word "lot" includes the word "plot" or "parcel."

(5) The term “shall” is always mandatory.

(6) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged” or “designed to be used or occupied.”

(b) Specific Definitions.

**“Accessory Building”** means a detached building or structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot as the main building or use, except as allowed by a conditional use permit. An accessory building shall be considered to be a part of the main building when joined to the main building by a common wall or when any accessory building and the main building are connected by a breezeway.

**“Accessory Use”** means a use customarily incidental and subordinate to the principal use of the land, building, or structure and located on the same lot or parcel of land.

**“Administrative Official”** means the person charged with the administration and enforcement of this chapter.

**“Agricultural Building”** means a building or structure used to shelter farm implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation and which is not used by the public.

**“Agriculture”** means the science, art, and business of cultivating soil, producing crops, and raising livestock; farming.

**“Airport”** means a location where aircraft such as fixed-wing aircraft, helicopters, and blimps take off and land. Aircraft may be stored or maintained at an airport. An airport consists of at least one (1) surface such as a paved or gravel runway, a helicopter touchdown and lift off (TLOF) area, helipad, or water runway for aircraft takeoffs and landings, and often includes buildings such as control towers, hangars and terminal buildings.

**“Airport Compatible Uses”** means uses which include, but are not limited to: Hangars, Fixed Base Operators, Aircraft Repair and Manufacturing, Aircraft Sales, and other uses approved by the Ordinance of the City of Kenai, and the Federal Aviation Administration’s regulations, and compatible with the current Airport Master Plan, the Airport Layout Plan and the Comprehensive Plan.

**“Alley”** means a public way designed and intended to provide only a secondary means of access to any property abutting thereon.

**“Alteration”** means any change, addition, or modification in construction, location, or use classification.

**“Animal Boarding”** means any building or structure and associated premises in which animals are fed, housed, and/or exercised for commercial gain.

**“Apartment House,”** see “Dwelling, multiple-family.”

**“Area, Building”** means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of steps.

**“Assemblage”** means a large gathering of people for an event such as a concert, fair, or circus.

**“Assisted Living”** means a living arrangement in which people with special needs, especially seniors with disabilities, reside in a facility that provides help with everyday tasks such as bathing, dressing, and taking medication.

**“Automobile Sales”** means the use of any building or structure and associated premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

**“Automobile Service Station”** means the use of any building or structure and associated premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries, and other small accessories; the installation and servicing of such lubricants, tires, batteries, and other small accessories; and such other services which do not customarily or usually require the services of a qualified automotive mechanic.

**“Automobile Wrecking”** means the dismantling of used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled, obsolete, or wrecked vehicles.

**“Automotive Repair”** means the use of any building or structure and associated premises on which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

**“Bank”** means any establishment or building or structure used for a financial institution that provides financial services for its clients or members. The term “bank” includes savings and loan.

**“Bed and Breakfast”** means a residential, owner-occupied dwelling in which rooms are rented to paying guests on an overnight basis with no more than one (1) meal served daily.

**“Boarding House”** means a dwelling where the principal use is a dwelling by the owner or keeper and where the owner or keeper provides lodging for three (3) or more persons who are not members of the owner’s or keeper’s family and the lodgers pay compensation to use one (1) or more rooms. The common parts of the building or structure are maintained by the owner or keeper who may also provide lodgers with some services, such as meals, laundry, and cleaning. Boarding houses are not motels or hotels and are not open to transient guests.

**“Building”** means any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.

**“Building Code”** means the building code and/or other building regulations applicable in the City.

**“Building, Existing”** means a building erected prior to the adoption of the ordinance codified in this chapter or one for which a legal building permit has been issued.

**“Building Height”** means the vertical distance from the “grade,” as defined herein, to the highest point of the roof.

**“Building, Principal or Main”** means a building or structure in which is conducted the principal or main use on the lot which said building is situated.

**“Business/Consumer Services”** means the provision of services to others on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

**“Cabin Rentals”** means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.

**“Cemetery”** means any property used to inter the dead in buried graves or in columbarium, stacked vaults, or similar structures.

**“Centerline”** means the line which is in the center of a public right-of-way.

**“Church”** means a building or structure in which persons regularly assemble for worship, ceremonies, rituals, and education pertaining to a particular system of beliefs. The term “church” includes a synagogue or temple.

**“City”** means the City of Kenai, Alaska.

**“Clinic”** (or outpatient clinic or ambulatory care clinic) means a health care facility that is primarily devoted to the care of outpatients. Clinics can be privately operated or publicly managed and funded, and typically cover the primary health care needs of populations in local communities, in contrast to larger hospitals which offer specialized treatments and admit inpatients for overnight stays.

**“Collector Street”** means a street located and designed for the primary purpose of carrying through traffic and of connecting major areas of the City. Unless otherwise designated by the Commission, collector street shall be defined on the plan for streets and community facilities in the comprehensive development plan.

**“College”** means an educational institution providing postsecondary (after high school) education.

**“Commercial Kennel”** has the same meaning given in KMC [3.05.010](#).

**“Commercial Marijuana Establishment”** means any Retail Marijuana Store, Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, and Marijuana Testing Facility.

**“Commercial Recreation”** means a recreation facility operated as a business and open to the public for a fee.

**“Commission”** means the Kenai Planning and Zoning Commission.

**“Communication Antenna”** has the same meaning given in KMC [14.20.255](#).

**“Communication Tower”** has the same meaning given in KMC [14.20.255](#).

**“Conditional Use”** means a use which is permitted under the terms of this chapter provided that under the specified procedures, the Commission finds that certain conditions, specified in this chapter are fulfilled. Conditional uses are listed in the Land Use Table.

**“Condominium”** means a common interest ownership dwelling in which:

- (1) Portions of the real estate are designated for separate ownership;

(2) The remainder of the real estate is designated for common ownership solely by the owners of those portions;

(3) The undivided interests in the common elements are vested in the unit owners. In the Land Use Table (KMC [14.22.010](#)), “condominiums” shall be treated as two (2) or more family dwellings. For example, a four (4) unit condominium building would be treated as a four (4) family dwelling.

**“Coverage”** means that percentage of the total lot area covered by the building area.

**“Crematory/Funeral Home”** means building or structure used for preparation of the deceased for display and/or interment and may also be used for ceremonies connected with interment. Preparation may include cremation, which is the process of reducing dead bodies to basic chemical compounds in the form of gases and bone fragments. This is accomplished through burning—high temperatures, vaporization, and oxidation.

**“Day Care Center”** means an establishment where child care is regularly provided for children for periods of less than twenty-four (24) hours, including the building housing the facility and adjoining areas, and where tuition, fees, or other compensation for the care of the children is charged.

**“Dormitory”** means a building, whether public or private, associated with a school, college or university and designed, used, and arranged for private sleeping, studying, and living accommodation for students.

**“Dwelling”** means a building or any portion thereof designed or used exclusively for residential occupancy including one-family, two-family and multiple-family dwellings, but not including any other building wherein human beings may be housed.

**“Dwelling, One-Family”** means any detached building containing only one (1) dwelling unit.

**“Dwelling, Two-Family”** means any building containing only two (2) dwelling units.

**“Dwelling, Multiple-Family”** means any building containing three (3) or more dwelling units.

**“Dwelling Unit”** means one (1) or more rooms and a single kitchen in a dwelling designed as a unit for occupancy by not more than one (1) family for living or sleeping purposes.

**“Elementary School”** means any school usually consisting of grades pre-kindergarten through grade 6 or any combination of grades within this range.

**“Essential Service”** means the erection, construction, alteration, or maintenance by public utility companies or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. This definition shall not be interpreted to include public buildings.

**“Family”** means any number of individuals living together as a single housekeeping unit in a dwelling unit.

**“Farming”** means a tract of land cultivated for the purpose of commercial agricultural production.

**“Fence, Height”** means the vertical distance between the ground directly under the fence and the highest point of the fence.

**“Floor Area”** means the total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

**“Fraternal Organization”** means a group of people formally organized for a common object, purpose, or interest (usually cultural, religious or entertainment) that conducts regular meetings and has written membership requirements.

**“Frontage”** means all the property fronting on one (1) side of a street between intersection streets.

**“Garage, Private”** means an accessory building or any portion of a main building used in connection with residential purposes for the storage of passenger motor vehicles.

**“Garage, Public”** means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other vehicles.

**“Gas Manufacturer/Storage”** means the surface use of lands used in the production, the mechanical transformation, or the chemical transformation of hydrocarbon gas and includes uses for gas conditioning/compressor stations. “Storage” means surface uses necessary for storage of produced or non-native natural gas.

**“Governmental Building”** means a building or structure owned and operated by any department, commission, or agency of the United States or of a state or municipality and used to conduct official business of government.

**“Grade (Ground Level)”** means the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five (5) feet of a public sidewalk, the ground level shall be measured at the sidewalk.

**“Greenhouse”** means a building or structure, usually a glassed or clear plastic enclosure, used for the cultivation and protection of plants.

**“Guest Room”** means any room in a hotel, dormitory, boarding, or lodging house used and maintained to provide sleeping accommodations for one (1) or more persons.

**“Guide Service”** means any activity on any premises used for collecting or returning persons from recreational trips when remuneration is provided for the service.

**“Gunsmith”** means a person who repairs, modifies, designs, or builds firearms.

**“High School”** means a secondary school usually consisting of grades 9 through 12 or any appropriate combination of grades within this range.

**“Home Occupation”** means an accessory use carried out for remuneration by a resident in the resident’s dwelling unit.

**“Hospital”** means an institution that provides medical, surgical, or psychiatric care and treatment for the sick or the injured.

**“Hotel”** means a building or group of buildings containing more than five (5) guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals.

**“Junkyard”** means any space one hundred (100) square feet or more of any lot or parcel of land used for the storage, keeping, or abandonment of junk or waste material, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or any parts thereof.

**“Library”** means a collection of sources, resources, and services, and the structure in which it is housed; it is organized for use and maintained by a public body, an institution, or a private individual.

**“Licensed Premises For Commercial Marijuana Establishment”** means any and all designated portions of a building or structure, or rooms or enclosures in the building or structure, at the specific address for which a Commercial Marijuana Establishment license is issued, and used, controlled, or operated by the Commercial Marijuana Establishment to carry out the business for which it licensed.



“**Loading Space**” means an off-street space or berth on the same lot with a building or structure to be used for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

“**Lodge**” means a building or group of buildings containing five (5) or fewer guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals.

“**Lot**” means a parcel of land occupied or to be occupied by a principal use and having frontage on a public street.

“**Lot, Corner**” means a lot situated at the junction of, and bordering on, two (2) intersecting streets, two (2) platted rights-of-way, two (2) government easements, or any combination thereof.

“**Lot Coverage**” means that portion of the lot covered by buildings or structures that require a building permit.

“**Lot Depth**” means the horizontal distance separating the front and rear lot lines of a lot and at right angles to its width.

“**Lot Line, Front-Corner Lot**” means the shortest street line of a corner lot.

“**Lot Line, Front-Interior Lot**” means a line separating the lot from the street.

“**Lot Line, Rear**” means a line that is opposite and most distant from the front lot line, and in the case of irregular, triangular, or gore shaped lot, a line not less than ten feet (10') in length, within a lot, parallel to and at the maximum distance from the front lot line.

“**Lot Line, Side**” means any lot boundary line not a front lot line or a rear lot line.

“**Lot Width**” means the mean horizontal distance separating the side lot lines of a lot and at right angles to its depth.

“**Manufactured Housing**” means a dwelling unit that meets Department of Housing and Urban Development Standards for manufactured housing and is wider than sixteen feet (16'), has a roof pitch of 4:12 or greater with roofing and siding common to standard residential construction and is transported to the site and placed on a permanent foundation.

“**Manufacturing/Fabricating/Assembly**” means the mechanical or chemical transformation of materials or substances into new products including assembling of components parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

**“Marijuana”** means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. The term does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

**“Marijuana Concentrate”** means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the Tetrahydrocannabinol (THC)-bearing resins of the plant.

**“Marijuana Cultivation Facility”** means any entity with a state license registered to cultivate, prepare, and package marijuana and to sell marijuana to Marijuana Retail Facilities, Marijuana Products Manufacturing Facilities, Marijuana Testing Facilities, but not to consumers.

**“Marijuana Cultivation Facility, Standard”** means an entity registered to cultivate in an area greater than 500 square feet under cultivation, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

**“Marijuana Cultivation Facility, Limited”** means an entity registered to cultivate in an area of 500 square feet or less of cultivation, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

**“Marijuana Products”** means concentrated marijuana and marijuana products that are comprised of Marijuana and other ingredients and are intended for use or consumption, such as, but not limited to edible products, ointments, and tinctures.

**“Marijuana Product Manufacturing Facility”** means a state licensed fully enclosed secure indoor facility registered to purchase marijuana, manufacture, prepare and package marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

**“Marijuana Testing Facility”** means a state licensed commercial marijuana testing facility that is registered to analyze and certify the safety and potency of Marijuana and Marijuana Products.

**“Mini-Storage Facility”** means a completely enclosed structure containing three (3) or more areas or rooms available for lease or rent for the purpose of the general storage of household goods, vehicles or personal property; where the lessee of the unit is provided direct access to deposit or store items and where vehicles do not fill the majority of the allowed storage space.

**“Mobile Home”** means a structure, which is built on a permanent chassis in accordance with Department of Housing and Urban Development Standards and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. A mobile home is subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.

**“Mobile Home Park”** means a site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

**“Modular Home”** means a dwelling constructed in modules or sections at a place other than the building site, built to conform to Title [4](#) of the Kenai Municipal Code, is transported to the site and then assembled and placed on a permanent foundation.

**“Motel”** means a group of one (1) or more detached or semi-detached buildings containing two (2) or more individual dwelling units and/or guest rooms designed for, or used temporarily by, automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including groups designated as auto courts, motor lodges, or tourist courts.

**“Museum”** means a building or structure that houses and cares for a collection of artifacts and other objects of scientific, artistic, or historical importance and makes them available for public viewing through exhibits that may be permanent or temporary.

**“Necessary Aviation Facilities”** means any air navigation facility, airport visual approach aid, airfield lighting and signage, meteorological device or any type of device approved by the Federal Aviation Administration (FAA), the location and height of which is fixed by its functional purpose.

**“Nonconforming Lot”** means a lot lawfully existing at the time this chapter became effective, which by reason of area or dimensions, does not meet the development requirements for the zone in which it is located.

**“Nonconforming Structure”** means a structure or portion thereof, lawfully existing at the time this chapter became effective, which by reason of its yards, coverage, height, or other aspects of design, does not meet the development requirements of this zone.

**“Nonconforming Use”** means a use of a structure of land, or of a structure and land in combination, lawfully existing at the time this chapter became effective, or established on the premises of a previous nonconforming use as specified in this chapter, which is not in conformity with the uses permitted in the zone in which it exists.

**“Nursing, Convalescent or Rest Home”** means a building or structure used as a residence for people who require constant nursing care and/or have significant deficiencies with activities of daily living.

**“Office”** means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

**“Onsite Consumption Endorsement”** means the state regulated consumption of certain marijuana products at or adjacent to a retail marijuana store by patrons of the commercial marijuana establishment.

**“Park”** means a tract of land, designated by a public entity for the enjoyment of the public and generally used for active and passive recreational activities.

**“Parking, Public Lots”** means a parking area available to the public, whether or not a fee for use is charged.

**“Parking Space, Private”** means any automobile parking space, excluding garages, not less than nine feet (9') wide and one hundred eighty (180) square feet in total area.

**“Parking Space, Public”** means an area of not less than one hundred eighty (180) square feet exclusive of drives or aisles giving access thereto in area accessible from streets and alleys for the storage of passenger motor vehicles operated by individual drivers.

**“Person”** means a natural person, his or her heirs, executors, administrators, or assigns, and also including firm, partnership, or corporation, or their successors and/or assigns or the agent of any of the aforesaid.

**“Personal Services”** mean establishments engaged in providing services involving the care of a person or his or her apparel.

**“Planned Unit Residential Development”** means an alternative method of development of a residential neighborhood under more flexible conditions than otherwise required in a specific zoning district.

**“Principal Use”** means the major or predominant use of a lot or parcel of land.

**“Profession”** means an occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institution of high learning, e.g., Doctor of Medicine.

**“Property Owner”** means the owner shown on the latest tax assessment roll.

**“Public”** means a place to which the public or a substantial group or persons has access and includes highway, rivers, lakes, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, hallways, lobbies and other parts of apartments houses and hotels not constituting rooms or apartments designed for actual residence.

**“Recreation”** means leisure activities sometimes requiring equipment and taking place at prescribed places, sites, parks, or fields. It can include active recreation, such as structured individual or team activities requiring the use of special facilities, courses, fields or equipment or passive recreation, such as activities that do not require prepared facilities such as wildlife and bird viewing, observing and photographing nature, picnicking, and walking.

**“Recreational Vehicle”** means a vehicular-type unit, primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Recreational vehicles include, but are not limited to, travel trailers, camping trailers, truck campers, and motor homes.

**“Recreational Vehicle Park”** means an area established by a conditional use permit for the parking of two (2) or more recreational vehicles on a temporary basis.

**“Recreation or Youth Center”** means a building, structure, athletic playing field, or playground, run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors, or operated by a public or private organization, licensed to provide shelter, training, or guidance for persons under 21 years of age.

**“Restaurant”** means an establishment where food and drink is prepared, served, and consumed primarily within the principal building.

**“Retail Business”** means establishments engaged in selling goods or merchandise to the general public for business or personal/household consumption and rendering services incidental to the sale of such goods.

**“Retail Marijuana Store”** means a state licensed entity registered to purchase marijuana from a marijuana cultivation facility, to purchase marijuana and marijuana products from a marijuana manufacturing facility, and sell marijuana and marijuana products to consumers.

**“Secondary Use”** means a use allowed on a lot or parcel of land only if there is also an allowed principal use on the property.

**“Sign”** means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks by which anything is made known, such as are used to designate an individual, firm, association, corporation, profession, business, or a commodity or product, which are visible from any public street or highway and used to attract attention.

**“Square Feet Under Cultivation”** means an area of the licensed premises of a standard or limited cultivation facility that is used for growing marijuana, measured on the perimeter of the floor or growing space for marijuana “Square Feet Under Cultivation” does not include hallways, equipment storage areas, or other areas within the licensed premises that are not used for growing marijuana such as an office, or a processing or storage area.

**“State Highway”** means a right-of-way classified by the State of Alaska as a primary or secondary highway.

**“Storage Yard”** means a lot used primarily for the storage of operational vehicles, construction equipment, construction materials or other tangible materials and equipment.

**“Street”** means a public right-of-way used as a thoroughfare and which is designed and intended to provide the primary means of access to property abutting thereon.

**“Structure”** means that which is built or constructed, an edifice or a building of any kind, composed of parts joined together in some definite manner.

**“Subsurface Extraction of Natural Resources”** means removing valuable minerals or other geological materials from the earth, from an ore body, vein or (coal) seam. Materials recovered could include gas, oil, base metals, precious metals, iron, uranium, coal, diamonds, limestone, oil shale, rock salt and potash.

**“Surface Extraction of Natural Resources”** means removal of material, usually soil, gravel, or sand for use at another location.

**“Taxidermy”** means the act of mounting or reproducing dead animals, fish, and/or birds for display.

**“Theater”** means a building or structure, or part thereof, devoted to the indoor exhibition of motion pictures and/or of live dramatic, speaking, musical, or other presentations.

**“Townhouse”** means single-family dwelling units constructed in a series or group of two (2) or more units separated from an adjoining unit by an approved party wall or walls, extending from the basement of either floor to the roof along the linking lot line.

**“Tree Nursery”** means a place where trees/plants are propagated and grown to usable size.

**“Use”** means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

**“Variance”** means the relaxation of the development requirements of this chapter to provide relief when the literal enforcement would deprive a property owner of the reasonable use of his or her real property.

**“Warehouse”** means a building or structure used for the storage of goods, wares and merchandise that will be processed, sold or otherwise disposed of off the premises.

**“Wholesale Business”** means business conducted primarily for the purpose of selling wares or merchandise in wholesale lots to retail merchants for resale.

**“Yard”** means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the same lot on which a building is situated.

**“Yard, Front”** means a yard extending across the full width of the lot between the front lot line of the lot and the nearest exterior wall of the building which is the nearest to the front lot line.

**“Yard, Rear”** means a yard extending across the full width of the lot between the most rear main building and the rear lot line.

**“Yard, Side”** means a yard on each side of a main building and extending from the front lot line to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of a side lot line to the nearest part of the main building.

**“Zoning Change”** means the alteration or moving of a zone boundary; the reclassifica[-]tion of a lot, or parcel of land, from one zone to another; and the change of any of the regulations contained in this chapter.

“**Zoning Ordinance or Ordinances**” mean the zoning ordinance of the City of Kenai and Kenai Municipal Code Chapter [14](#).

**Section 2.** Amendment of Section 14.20.330 of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.330 – Standards for Commercial Marijuana Establishments, is hereby amended as follows:

**14.20.330 Standards for ~~[C]Commercial [M]Marijuana [E]Establishments.~~**

The purpose of this section is to establish general standards for commercial marijuana establishments.

- (a) Commercial marijuana establishments and onsite consumption endorsements may be permitted or allowed with a conditional use permit under KMC [14.20.150](#), as provided in the City of Kenai’s land use table, KMC [14.22.010](#), and the provisions of this section.
- (b) Applicants applying for a conditional use permit must include an area map drawn to scale indicating all land uses on other properties within a five hundred (500) foot proximity of the lot upon which the applicant is seeking a conditional use permit. This shall be in addition to the conditional use permit submission requirements in KMC [14.20.150](#).
- (c) A public hearing shall be scheduled before the Planning and Zoning Commission to review the conditional use permit application once it has been deemed complete. The public hearing shall be scheduled in accordance with the requirements in KMC [14.20.280](#), except that notification shall be mailed to all real property owners on record on the Borough Assessor’s records within a five hundred (500) foot periphery of the parcel affected by the proposed action.
- (d) The preparation, packaging, manufacturing, processing, and storing of all marijuana, marijuana concentrate or marijuana products must be conducted within a fully enclosed, secure indoor facility. The growing and cultivating of marijuana must be conducted within a fully enclosed, secure indoor facility or greenhouse with view-obscuring rigid walls, a roof and doors, unless a non-rigid greenhouse, or other structure, is specifically approved, in which case the cultivation must be enclosed by a sight-obscuring wall or fence at least six (6) feet high.
- (e) All commercial marijuana establishments shall not emit an odor that is detectable by the public from outside the commercial marijuana establishment.
- (f) No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:



(1) One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (500) feet of any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and state licensed substance abuse treatment facilities providing substance abuse treatment; and

(2) Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, or a substance abuse treatment facility providing substance abuse treatment.

(g) As provided in the Land Use Table, a person or licensee may apply for a conditional use permit to allow for a marijuana cultivation facility, standard, on lots of forty thousand (40,000) square feet or greater in size, and a marijuana cultivation facility, limited, on any size lot.

(h) A marijuana cultivation facility, standard, or a marijuana cultivation facility, limited, shall only be allowed on a lot which has an existing structure consistent with a principal permitted use.

(i) A marijuana cultivation facility located in an accessory building shall be subject to the setback provisions in KMC [14.24.020](#), Development Requirements Table. A person or licensee seeking relief from the provisions in the Development Requirements Table may apply for a variance subject to the provisions of KMC [14.20.180](#).

(j) A conditional use permit for onsite consumption of marijuana and/or certain marijuana products must be obtained, in addition to a state issued endorsement license, prior to operation of any onsite consumption in the City. The conditional use permit for onsite consumption must be separate from and in addition to any conditional use permit for the operation of a retail marijuana store. An onsite consumption conditional use permit will not be issued until a condition use permit for a retail marijuana store has been issued for the same location.

**Section 3.** Amendment of Section 14.22.010 of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.22.010 – Land Use Table, is hereby amended as follows:

**14.22.010 Land [U]Use [T]Table.**

**LAND USE TABLE**

KEY: P = Principal Permitted Use  
C = Conditional Use  
S = Secondary Use  
N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

<b>ZONING DISTRICTS</b>																	
<b>LAND USES</b>	<b>A LI</b>	<b>C</b>	<b>R R</b>	<b>R R-1</b>	<b>R S</b>	<b>R S-1</b>	<b>R S-2</b>	<b>R U</b>	<b>C C</b>	<b>C G</b>	<b>IL</b>	<b>IH</b>	<b>E D</b>	<b>R</b>	<b>TS H</b>	<b>LC</b>	<b>CM U</b>
<b>RESIDENTIAL</b>																	
One-Family Dwelling	N	C <sup>1</sup> <sub>8</sub>	P	P	P	P	P	P	P <sup>2</sup> <sub>1</sub>	S <sup>1</sup>	S <sup>2</sup>	S <sup>2</sup>	C <sup>2</sup> <sub>2</sub>	P	P	P	S <sup>1</sup> /C <sub>21</sub>
Two-, Three-Family Dwelling	N	C <sup>1</sup> <sub>8</sub>	P	P	P	P	P	P	P <sup>2</sup> <sub>1</sub>	S <sup>1</sup>	C	C	C <sup>2</sup> <sub>2</sub>	P	P	P	S <sup>1</sup> /C <sub>21</sub>
Four-Family Dwelling	N	C <sup>1</sup> <sub>8</sub>	P	C <sup>3</sup> <sub>, 29</sub>	P	N	N	P	P <sup>2</sup> <sub>1</sub>	S <sup>1</sup>	C	C	C <sup>2</sup> <sub>2</sub>	N	P	C	S <sup>1</sup> /C <sub>21</sub>
Five-, Six-Family Dwelling	N	C <sup>1</sup> <sub>8</sub>	C <sup>3</sup>	N	P	N	N	P	P <sup>2</sup> <sub>1</sub>	S <sup>1</sup>	C	C	N	N	P	C	S <sup>1</sup> /C <sub>21</sub>
Seven- or More Family Dwelling	N	C <sup>1</sup> <sub>8</sub>	C <sup>3</sup>	N	C <sup>3</sup>	N	N	P	P <sup>2</sup> <sub>1</sub>	S <sup>1</sup>	C	C	N	N	P	C	S <sup>1</sup> /C <sub>21</sub>
Mobile Home Parks <sup>6</sup>	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C
Planned Unit Residential Development <sup>7</sup>	N	C <sup>1</sup> <sub>8</sub>	C	C <sup>2</sup> <sub>9</sub>	C	C	C	C	C	C	C	C	N	C	C	C	C
Townhouses <sup>4</sup>	N	C <sup>1</sup> <sub>8</sub>	C <sup>3</sup>	C <sup>3</sup> <sub>, 29</sub>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C	C	C	C	C <sup>2</sup> <sub>2</sub>	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See KMC <a href="#">14.20.200</a> )	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N

<b>COMMERCIAL</b>																	
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Business/Consumer Services	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P
Marijuana Cultivation Facility, Limited <sup>30</sup>	N	N	C	C	C	C	C	C	N	C	C	C	N	N	N	C	N
Marijuana Cultivation Facility, Standard <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N
Marijuana Product Manufacturing Facility <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
Marijuana Testing Facility <sup>30</sup>	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C
Professional Offices	C	N	C	C <sup>2</sup> <sub>9</sub>	C	N	N	P	P	P	P	P	N	C	P	P	P
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Retail Business	C	N <sup>2</sup> <sub>6</sub>	C	N	C	N	N	C	P	P	P	P	S <sup>2</sup> <sub>4</sub>	S <sup>2</sup> <sub>4</sub>	C	C	P
Retail Marijuana Store <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C
<u>Onsite Consumption Endorsment</u> <sup>31</sup>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S <sup>2</sup> <sub>4</sub>	C	C	N

<b>INDUSTRIAL</b>																	
Airports	C	P <sub>0</sub> <sup>2</sup>	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P
Gas Manufacturer/Storage	C <sup>9</sup>	N	N	N	C	N	N	N	N	N	C <sub>9</sub>	C <sub>9</sub>	N	N	N	N	N
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N
<b>PUBLIC/INSTITUTIONAL</b>																	
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches*	N	C	P <sub>0</sub> <sup>1</sup>	P <sub>0</sub> <sup>10</sup>	P <sub>0</sub> <sup>1</sup>	P <sub>0</sub> <sup>1</sup>	P <sub>0</sub> <sup>1</sup>	P <sub>0</sub> <sup>1</sup>	P <sub>0</sub> <sup>1</sup>	P <sub>0</sub> <sup>1</sup>	C	C	P	P <sub>0</sub> <sup>1</sup>	P	P	P
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P
Colleges*	N	C	C	C <sub>9</sub> <sup>2</sup>	C	C	C	C	P	P	C	C	P	C	C	C	P
Elementary Schools*	N	C	C	C <sub>9</sub> <sup>2</sup>	C	C	C	C	P	P	C	C	P	C	C	C	P
Governmental Buildings	P	C	C	C <sub>9</sub> <sup>2</sup>	C	C	C	C	P	P	P	C	P	C	C	P	P
High Schools*	N	C	C	C <sub>9</sub> <sup>2</sup>	C	C	C	C	P	P	C	C	P	C	C	C	P
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P
Libraries*	N	C	C	C <sub>9</sub> <sup>2</sup>	C	C	C	C <sub>2</sub> <sup>1</sup>	P	P	P	C	P	C	P	C	P
Museums	C	C	C	C <sub>9</sub> <sup>2</sup>	C	C	C	C	P	P	P	C	P	C	P	C	P

Parks and Recreation	N	P	C	C <sup>2</sup> <sub>9</sub>	C	C	C	C	C	P	P	P	P	P	P	C	P
<b>MISCELLANEOUS</b>																	
Animal Boarding/Commercial Kennel <sup>13</sup>	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C
Assemblies <sup>15</sup> (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	P <sup>1</sup> <sub>5</sub>	P <sup>1</sup> <sub>5</sub>	P <sup>1</sup> <sub>5</sub>	P <sup>1</sup> <sub>5</sub>	P <sup>1</sup> <sub>5</sub>	C	P	N	P <sup>15</sup>
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** <sup>28</sup>	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C
Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C
Day Care Centers <sup>12</sup>	N	C	C	C <sup>2</sup> <sub>9</sub>	C	C	C	C	P	P	P	C	C	C	C	P	P
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P <sup>2</sup> <sub>1</sub>	S	C	P	P <sup>2</sup> <sub>3</sub>	C	C	C	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Fraternal Organizations/Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P
Greenhouses/Tree Nurseries <sup>13</sup>	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P
Gunsmithing, Taxidermy	N	N	C	N	C	C	C	C	P	P	P	P	N	C	P	P	P
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P
Parking, Public Lots <sup>12</sup>	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C

Personal Services <sup>25</sup>	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/C 27	P
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C
Subsurface Extraction of Natural Resources <sup>16</sup>	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N
Surface Extraction of Natural Resources <sup>17</sup>	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N

\* See 42 USCA Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

\*\* See 42 Telecommunications Act of 1996, Sec. 704(a)

\*\*\* See, however, the limitations imposed under KMC [3.10.070](#)

Footnotes:

**1** Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.

**2** One (1) single-family residence per parcel, which is part of the main building.

**3** Allowed as a conditional use, subject to satisfying the following conditions:

**a** The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;

**b** The site square footage in area must be approved by the Commission;

**c** Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;

**d** Water and sewer facilities shall meet the requirements of all applicable health regulations;

**e** The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;

**f** The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;

**g** There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;

**h** The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;

**i** The property adjacent to the proposed dwelling group will not be adversely affected.

**4** See "Townhouses" section.

**5** See "Mobile Homes" section.

**6** Allowed as a conditional use, subject to "Mobile Homes" section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.

**7** See "Planned Unit Residential Development" section.

**8** Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.

**9** Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.

**10** Provided that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.

**11** Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.

**12** Allowed as a conditional use; provided, that the following conditions are met:

**a** The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;

**b** Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.

**13** Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter [3.15](#)).

**14** Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.

**15** Allowed; provided, that the following conditions are met:

**a** An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.

**b** Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.

**16** See “Conditional Uses” section.

**17** See “Conditional Use Permit for Surface Extraction of Natural Resources” section.

**18** **Conditional use allowed only on privately held property.** Not allowed on government lands.

**19** Reserved.

**20** The airport related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC [14.20.070\(a\)](#), except that for properties contained inside the airport perimeter fence or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.

**21** Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.

**22** **Allowed as a conditional use in conjunction with a permitted use in the ED Zone.** For example, housing for teachers or students for a school in the zone.

**23** **Allowed as an accessory use in conjunction with a permitted use in the ED Zone.** For example, a dormitory used to house students for a school or educational facility.

**24** Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

**25** Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

**26** Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

**27** Personal services not set forth in the below matrix are conditional uses.

<b>Limited Commercial Zone</b>		
<b>Personal Services</b>	<b>Permitted (P)</b>	<b>Conditional Use (C)</b>
Art Studios	X	



<b>Limited Commercial Zone</b>		
<b>Personal Services</b>	<b>Permitted (P)</b>	<b>Conditional Use (C)</b>
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

**28** Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC [14.20.255](#) are met or a conditional use (C) if the applicable conditions set forth in KMC [14.20.150](#) and [14.20.255](#) are met.

**29 Use allowed only for those parcels that abut the Kenai Spur Highway.** The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

**30** See marijuana regulations, KMC [14.20.230](#)—Home Occupations, [14.20.320](#)—Definitions, [14.20.330](#)—Standards for Commercial Marijuana Establishments.

**31** A conditional use permit for an onsite consumption endorsement can only be approved if the applicant has a current conditional use permit for a Retail Marijuana Store.

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

**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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 17<sup>th</sup> day of April, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Introduced: April 3, 2019  
Enacted: April 17, 2019  
Effective: May 17, 2019



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Scott Bloom, City Attorney  
**DATE:** March 27, 2019  
**SUBJECT:** **Ordinance No. 3061-2019 An Ordinance to Incorporate Onsite Consumption of Marijuana at Retail Marijuana Establishments into the City Of Kenai's Code of Ordinances**

Lieutenant Governor Kevin Myer recently signed into law State regulations allowing for onsite consumption of marijuana at retail marijuana stores. A separate endorsement license for this activity is required from the State. While there is an opportunity for the City to prohibit onsite consumption, this Ordinance permits the activity through a conditional use permit process. In order to accomplish this, the City's zoning code and land use table are proposed to be amended to include a definition of an onsite consumption endorsement, clarify that a conditional use permit separate from a conditional use permit for the retail facility is required, and provide where the business activity is allowed in the City. These changes can be found on pages 12, 16, 17 and 19.

The State regulations require an applicant to apply with the Marijuana Control Board for an onsite endorsement, with new application fees of \$1000, renewal fees of \$600, and license fees of \$2000. Once an endorsement is obtained (and a conditional use permit in Kenai), a retail marijuana store can sell marijuana and marijuana products, excluding concentrates, to customers in a consumption area separated from the rest of the store. For consumption, only one gram may be sold to a person per day, or edible products containing 10 mg or less of THC. Food and beverages **not** containing alcohol or marijuana may also be sold at the location. Tobacco cannot be consumed in consumption areas, and only product purchased at the location can be consumed. Drunk and intoxicated people are prohibited from entering or remaining onsite. "Intoxicated" is defined as "intoxicated from the use of a drug or alcohol." (I recognize this is not a very informative definition) Consumption areas are required to have smoke free areas for employees to monitor the consumption area, a ventilation system that eliminates odor, security measures and procedures for handling unconsumed product. Outdoor consumption areas are contemplated in the regulations with additional requirements that the activity must be compatible with surrounding uses, there must be sight obscuring borders, and there is allowance for objection by property owners within 250 feet and local government objection.

Your consideration is appreciated.





44129 Sterling Highway • Soldotna, Alaska 99669 • 907-260-5449 • [www.kenaiwatershed.org](http://www.kenaiwatershed.org)

---

**Mayor Gabriel**  
**City of Kenai**  
**210 Fidalgo Ave.**  
**Kenai, Ak 99611**

**Dear Mayor,**

**Let's celebrate Living on the Kenai Peninsula at the 29<sup>th</sup> Annual Kenai River Festival!** We are never far from the Kenai River. Even in these winter months when the Kenai River freezes, water pulses through its channels inexorably, powerfully. The Kenai River fuels our economy, feeds our families, and bolsters our sense of place.

Though we are never far from the Kenai, we are sometimes distanced from each other. For over 25 years now, the Kenai Watershed Forum (KWF) has organized a celebration to welcome the summer months and bring us all together in the name of the Kenai River. That's right – it's time to start planning for the 29<sup>th</sup> Annual Kenai River Festival! This year's event will take place on the banks of the Kenai River at **Soldotna Creek Park in downtown Soldotna on June 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup>.**

**Join with us to help this year's festival take shape!** We will feature hands-on environmental education activities, presentations and, of course, entertainment to promote river stewardship. When you invest in the Kenai River Festival, you support the community's investment in the Kenai River, and you support KWF's ongoing restoration, research, and education efforts.

**Become a sponsor!** Demonstrate the spirit of engagement we want to cultivate in our community. With over 10,000 people in attendance at last year's festival, your impact will be known.

Your tax-deductible contribution makes this festival happen! The Kenai River Festival is possible because of local businesses, organizations and individuals like you. We rely on you to continue the tradition of celebrating our togetherness at the Kenai River Festival.

On the enclosed form sponsorship details are outlined including how we plan to show our appreciation for your investment (e.g. advertising opportunities). Thank you for considering partnering with KWF in this vibrant community celebration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tami Murray".

Tami Murray  
Development Director  
Kenai River Festival Coordinator  
[Tami@kenaiwatershed.org](mailto:Tami@kenaiwatershed.org)  
907-260-5449 ext. 1204



## 2019 Kenai River Festival - June 7, 8 & 9

### SPONSORSHIP OPPORTUNITIES

---

#### **CORPORATE SPONSOR \$2500**

- Company logo on festival t-shirt
- Quarter page ad in the festival schedule (10,000 printed)
- Recognition at the event
- Logo in ads, newsletters and on KWF web site
- Banner prominently displayed at the festival

\*Due to printing deadline, corporate sponsors who choose to have their logos on festival t-shirts must respond by 5/1/2019

#### **MAJOR SPONSOR \$1500**

- Company logo on festival t-shirt
- Recognition at the event
- Logo in ads, newsletters and on KWF web site
- Banner prominently displayed at the festival

#### **SPONSOR \$750**

- Recognition at the event
- Logo in ads, newsletters and on KWF web site
- Banner prominently displayed at the festival

#### **CONTRIBUTOR \$300**

- Recognition at the event
- Logo in newsletters
- Banner displayed at the festival

#### **STAGE SPONSOR \$200**

- Verbal recognition during the concerts at the event
- Logo on concert schedule
- Banner displayed at the festival

**IN-KIND CONTRIBUTIONS** – Benefits will be at the value level of the in-kind contribution listed above.

SPONSOR NAME: \_\_\_\_\_ CONTACT NAME: \_\_\_\_\_

EMAIL: \_\_\_\_\_ MAILING ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ SPONSORSHIP LEVEL: \_\_\_\_\_

FORM OF PAYMENT: Check / Invoice /Credit Card secure online payment, [www.kenaiwatershed.org](http://www.kenaiwatershed.org)

Please Return To: KENAI WATERSHED FORUM • 44129 STERLING HWY • SOLDOTNA, AK 99669

Contact [Tami@kenaiwatershed.org](mailto:Tami@kenaiwatershed.org) or at 907-260-5449 ext. 1204. 907-394-1318 Cell

THANK YOU! A receipt for your tax-deductible donation will be sent to you.  
501(c)(3) tax number: 91-1829284



28th Annual

FREE!

JUNE 8-10  
SOLDOTNA CREEK PARK



KENAI WATERSHED FORUM

# KENAI RIVER FESTIVAL

RUN FOR THE RIVER  
FREE KWF KIDS ZONE  
ALASKAN ARTISANS  
FOOD BOOTHS  
BEER GARDEN  
LIVE MUSIC • BIRD TLC  
AND MORE!

## FESTIVAL SCHEDULE

### FRIDAY, JUNE 8:

5PM – 7PM RUN FOR THE RIVER:  
Runner's feed, late registration & bib pick-up

5PM – 8PM ART & FOOD BOOTHS OPEN

5PM – 10PM LIVE MUSIC AND BEER & WINE GARDEN OPEN

### SATURDAY, JUNE 9:

8AM RUN FOR THE RIVER  
Race Day Registration

8:30AM RUN FOR THE RIVER  
10 mile Start

9AM RUN FOR THE RIVER  
5K Start

11AM KWF KIDS ZONE ACTIVITIES  
– FREE

11AM – 11PM LIVE MUSIC- ALL DAY

11AM – 9PM ART & FOOD BOOTHS OPEN

11AM – 11PM BEER & WINE GARDEN OPEN

2PM EAGLE RELEASE-BIRD TLC

3PM RUN FOR THE RIVER  
Results posted in the Welcome Tent

### SUNDAY, JUNE 10:

11AM KWF KIDS ZONE ACTIVITIES  
– FREE

11AM – 5PM ART & FOOD BOOTHS OPEN

11AM – 5PM LIVE MUSIC

12PM – 5PM BEER & WINE GARDEN OPEN

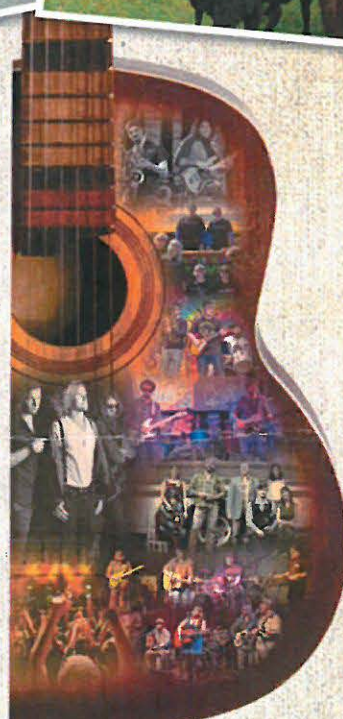
5:00PM FESTIVAL CLOSES



LIVE MUSIC ALL DAY!

FOR MUSIC SCHEDULE CHECK

THE CONWAY  
SEAVEY BAND  
DENALI COOKS  
BIG FAT BUDDHA  
SUPER SATURATED  
SUGAR STRINGS  
HOPE SOCIAL CLUB  
THE SPIRIT DADDIES  
SUPERFREQUENCY  
UP A MOUNTAIN  
THE LEDGERS  
SHAMWARI  
THE CROW  
SHOES



Alaska Wildland Adventures • Buckets Sports Grill • City of Kenai • City of Soldotna • Davis Block • Granite • Kenai Chamber of Commerce  
 • Kenai Veterinary Hospital • Soldotna Animal Hospital • UCIDA • Wells Fargo  
 Stage Sponsors: Artzy Junkin • Aspen Ridge Inn • Balir Construction • Creative Designers • Eagle Landing Resort • HEA • Kenai River  
 Haven • Kenai River Suites • Kenai Quality Flooring • Kurt Erickson • Law Office of Ehrhart and Kelley • Loopy Lupine • Mountain Mama  
 • Odie's Deli • Safari Club • Soldotna Professional Pharmacy • Sky Carver • Sun Dog • TDS Construction-Roger Boyd • The Vagabond Inn

FOR MORE INFORMATION CALL THE KENAI WATERSHED FORUM AT 907-260-5449 OR VISIT OUR WEBSITE WWW.KENAIWATERSHED.ORG

**KENAI AIRPORT COMMISSION  
REGULAR MEETING  
MARCH 14, 2019 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
CHAIR GLENDA FEEKEN, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

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

**a. Pledge of Allegiance**

Chair Feeken led those assembled in the Pledge of Allegiance.

**b. Roll was confirmed as follows:**

Commissioners Present: J. Zirul, G. Feeken, J. Bielefeld, P. Minelga, K. Dodge, D. Pitts

Commissioners Absent:

Staff/Council Liaison Present: Airport Manager M. Bondurant, Council Member G. Pettey

A quorum was present.

**c. Agenda Approval**

**MOTION:**

Commissioner Bielefeld **MOVED** to approve the agenda; Commissioner Pitts **SECONDED** the motion. There were no objections; **SO ORDERED**.

**2. SCHEDULED PUBLIC COMMENT – None.**

**3. UNSCHEDULED PUBLIC COMMENT – None.**

**4. APPROVAL OF MEETING SUMMARY**

a. January 10, 2019

**MOTION:**

Commissioner Dodge **MOVED** to approve the meeting summary of January 10, 2019 and Commissioner Bielefeld **SECONDED** the motion. There were no objections; **SO ORDERED**.

**5. UNFINISHED BUSINESS – None.**

**6. NEW BUSINESS**

- a. **Discussion/Recommendation** – Special Use Permit to State of Alaska/DNR Forestry

**MOTION:**

Commissioner Pitts **MOVED** to recommend Council approve the Special Use Permit to the State of Alaska Department of Natural Resources-Forestry and Commissioner Dodge **SECONDED** the motion. There were no objections; **SO ORDERED**.

**7. REPORTS**

- a. Airport Manager – Bondurant reported on the activities at the airport, including an update on the Terminal Rehabilitation project and snow removal.
- b. City Council Liaison – Glendening reported on the March 6 City Council meeting actions.

**8. NEXT MEETING ATTENDANCE NOTIFICATION** – April 11, 2019

**9. COMMISSIONER COMMENTS AND QUESTIONS**

Commissioners Bielefeld and Pitts complimented the Operations crew on first-rate snow removal of the Airport runway and apron.

Commissioner Minelga thanked the Civil Air Patrol for sanding and plowing.

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

**11. INFORMATION ITEMS**

- a. January 2019 Mid-Month Report
- b. February 2019 Mid-Month Report
- c. March 2019 Mid-Month Report
- d. January 2019 Enplanements

**12. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 6:24 p.m.

Meeting summary prepared and submitted by:

---

Jacquelyn LaPlante  
Deputy City Clerk



**KENAI HARBOR COMMISSION  
MARCH 11, 2019 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
PRESIDENT PRO TEMPORE BOB PETERS, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

Commissioner Peters called the meeting to order at approximately 6:00 p.m.

**a. Pledge of Allegiance**

Commissioner Peters led those assembled in the Pledge of Allegiance.

**b. Roll Call**

Roll was confirmed as follows:

Commissioners present: B. Peters, G. Greenberg, C. Crandall, M. Dunn, J. Desimone, N. Berga

Commissioners absent: Chair C. Hutchison

Staff/Council Liaison present: Public Works Director S. Curtin, Public Works Assistant K. Feltman, Council Member R. Peterkin

A quorum was present.

**MOTION:**

Commissioner Crandall **MOVED** to appoint Commissioner Peters as President Pro Tempore for this meeting and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED.**

**c. Elections of Chair and Vice-Chair**

Commissioner Dunn nominated Commissioner Peters as Chair but he declined.

**MOTION:**

Commissioner Crandall **MOVED** to appoint Commissioner Dunn as Chair; Commissioner Desimone **SECONDED** the motion. There were no objections; **SO ORDERED.**

**MOTION:**

Commissioner Greenberg **MOVED** to appoint Commissioner Crandall as Vice-Chair; Commissioner Peters **SECONDED** the motion. There were no objections; **SO ORDERED.**

**d. Agenda Approval**

**MOTION:**

Commissioner Crandall **MOVED** to approve the agenda and Commissioner Greenberg

**SECONDED** the motion. There were no objections; **SO ORDERED**.

2. **SCHEDULED PUBLIC COMMENTS** – (10 minutes) None scheduled.

3. **UNSCHEDULED PUBLIC COMMENT**

Council Member Jim Glendening introduced the new Commission member, Nate Berga.

4. **APPROVAL OF MEETING SUMMARY**

a. December 10, 2018

**MOTION:**

Commissioner Crandall **MOVED** to approve the meeting summary of December 10, 2018; and Commissioner Peters **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. **UNFINISHED BUSINESS**

a. **Discussion/Recommendation** – Kenai Municipal Code Amendments for Wake Signage, Safety Signage and Navigational Buoys

The Public Works Director noted this item was discussed at the previous meeting and a recommendation was requested. The Commission discussed the location for signs/buoys placement, recommending two be placed at the mouth of the River.

6. **NEW BUSINESS** – None.

a. **Discussion/Recommendation** – Harbor Commission Title 11 Amendments

The Public Works Director discussed the draft amendments as provided in the packet clarifying the specific changes. There was discussion regarding interest in matching specific airport leases wording, and the 5 mph listed as a no wake speed. Commissioners requested having the specific 5 mph removed and refer to any speed that produces a wake is prohibited. Council Member Peterkin clarified that the Commission's role was to make a recommendation to City Council for review and final approval on any changes they want made to Title 11.

7. **REPORTS**

a. **Public Works Director** – S. Curtin reported on the following:

- Earthquake Dock Repairs bid was expected in May or June;
- The Request for Proposal for management of the dock would be published soon and would include bidding for fuel service, cranes, and the dock; added that electronic card readers would not be purchased this year; and
- Currently working on budgets and determining capital plan projects.

b. **Commission Chair** – M. Dunn noted specific items of interest for the next agenda:

- More dredging information on the City Dock;
- A Questionnaire Discussion about the City Dock; and
- Discussion of the Homer Dock crane.

- c. **City Council Liaison** – R. Peterkin reported on March 6 City Council Meeting actions and specifically noted a resolution and an ordinance were on the upcoming meeting agenda regarding mil rate, fish tax and oil tax. R. Peterkin also thanked Commissioner Dunn for accepting the position as Chair and Commissioner Crandall as Vice-Chair.

**8. NEXT MEETING ATTENDANCE NOTIFICATION** – April 8, 2019

Commissioner Desimone noted she would not be in attendance.

**9. COMMISSIONER COMMENTS AND QUESTIONS**

Commissioner Berga thanked everyone for the opportunity to serve on the Commission.

All commissioners welcomed Commissioner Berga to the Harbor Commission.

Commissioner Crandall thanked Council Liaison Peterkin and Council Member Glendening for their input and suggestions to Title 11.

Commissioner Desimone thanked everyone for the hard work.

Commissioner Peters expressed gratitude for the help by Administration and Council Members in attendance.

Commissioner Dunn thanked Council Member Glendening for providing the 2018 Dipnet Report and the Bluff Stabilization Feasibility Report.

**10. ADDITIONAL PUBLIC COMMENT**

Council Member Jim Glendening supported the leadership on this Commission and thanked Council Member Peterkin for his knowledge and input. He noted the 2018 Dipnet Report and Bluff Stabilization Feasibility Reports were provided for informational purposes.

**11. INFORMATION ITEMS**

- a. Resolution No. 2018-63 Selecting an alternate allocation method for Share Fisheries Business Tax

**12. ADJOURNMENT**

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

Meeting summary prepared and submitted by:

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Jacquelyn LaPlante  
Deputy City Clerk

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MARCH 13, 2019 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**1. CALL TO ORDER**

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

**a. Pledge of Allegiance**

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

**b. Roll Call**

Commissioners present: Chair J. Twait, Vice-Chair D. Fikes, R. Springer, G. Greenberg, T. McIntyre, J. Halstead, V. Askin

Commissioners absent:

Staff/Council Liaison present: City Planner E. Appleby, Deputy City Clerk J. LaPlante, Planning Dept. Assistant W. Anderson, Council Liaison B. Molloy

A quorum was present.

**c. Agenda Approval**

**MOTION:**

Commissioner Askin **MOVED** to approve the agenda as provided and Commissioner Halstead **SECONDED** the motion. There were no objections; **SO ORDERED**.

**d. Consent Agenda**

**MOTION:**

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner McIntyre **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.

e. \*Excused absences – None.

2. \***APPROVAL OF MINUTES** – February 27, 2019

The minutes were approved by the Consent Agenda.

3. **SCHEDULED PUBLIC COMMENT** – (10 minutes) None scheduled.

4. **UNSCHEDULED PUBLIC COMMENT** – (3 minutes) None.

5. **CONSIDERATION OF PLATS** – None.

6. **PUBLIC HEARINGS**

- a. **Resolution PZ2019-04** – Application for an Encroachment Permit for an Existing Single-Family Residence Side Yard Setback for the property located at 2730 VIP Drive, Kenai, Alaska, 99611, and further described as Lot 12, Block 3, VIP Ranch Estates Subdivision Part One. The application was submitted by Tom Campanella, 2730 VIP Drive, Kenai, Alaska 99611

The City Planner noted the review of the staff report at the February 27 meeting and that due to a typo in the public notice cards; a second public hearing was scheduled.

**MOTION:**

Commissioner Fikes **MOVED** to approve Resolution No. PZ2019-04 with staff recommendations, and Commissioner Askin **SECONDED** the motion. There being no objection; **SO ORDERED**.

Chair Twait opened the floor for public testimony. There being no one wishing to be heard, public comment was closed.

**VOTE:**

YEA: Greenberg, McIntyre, Halstead, Springer, Fikes, Askin, Twait

NAY:

**MOTION PASSED UNANIMOUSLY.**

- b. **Resolution PZ2019-07** – Application for a Conditional Use Permit to operate a Bed and Breakfast and Guide Service located at 1555 Angler Drive, Kenai, Alaska 99611, and further described as Lot 31, Block 1, Anglers Acres Subdivision Part 2. The application was submitted by Evan and Kathy Harding, 1555 Angler Drive, Kenai, Alaska 99611

The City Planner reviewed the staff report as provided in the meeting packet and specifically noted there was a permit for the same use in 2003-2014 but it expired and the owners intended on resuming their business and have applied for a new conditional use permit.

The City Planner reported that all the conditions have been met and staff recommended approval of the application for a permit to operate a bed and breakfast, subject to the following conditions:

- Applicant must comply with all federal, State of Alaska, and local regulations;
- A fire inspection must be completed by the City of Kenai Fire Marshal for compliance with the Fire Code prior to renting out of the rooms as described in this conditional use permit to comply with Kenai Municipal Code (KMC) 14.20.431(d);
- After the initial fire inspection prior to operating in 2019, biennial fire inspections must be completed by the Fire Marshal for the City of Kenai, pursuant to KMC 14.20.321(d), starting in 2021;
- Applicant will file an annual report for the Conditional Use Permit as set forth in KMC 14.20.150(f) prior to the 31<sup>st</sup> day of December of each year;
- No more than three (3) boats shall be operated from or stored at this location; and
- Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination of interruption of the use for a period of at least one year.

**MOTION:**

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-07 with staff recommendations and Commissioner Halstead **SECONDED** the motion.

Chair Twait opened the floor for public testimony.

Owner, Evan Harding, clarified that his personal boat was the only boat in the water. He added there were no complaints in previous years of owning the Bed and Breakfast, noting the neighbors offer guide services.

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

**VOTE:**

YEA: Fikes, Springer, McIntyre, Askin, Greenberg, Twait, Halstead  
 NAY:

**MOTION PASSED UNANIMOUSLY.**

Chair Twait noted the 15-day appeal period.

7. **UNFINISHED BUSINESS** – None.

8. **NEW BUSINESS** – None.

9. **PENDING ITEMS** – None.

10. **REPORTS**

a. **City Council** – Council Member Molloy reviewed the action agenda from the March 6<sup>th</sup> City Council Meeting. He clarified the approval of decreased rent by the Airport Restaurant Concession was due to the Airport Rehabilitation Project; also noted there was an upcoming Ordinance to amend the Residential Rural (RR1) land use table to be reviewed by the Planning and Zoning Commission for a recommendation to City Council.

b. **Borough Planning** – Vice-Chair Fikes reported that the Commission met on March 11

and approved a limited marijuana cultivation license, Alaska Gold, in the Nikiski area; recommended approval of an Ordinance amending a 160-acre property parcel, creating the Murwood South Single Family Residential (R1) local option zoning; and approved a resolution for a conditional use permit for anadromous waters habitat pond on the Kenai Golf Course.

**c. Administration** – City Planner Appleby reported on the following:

- She attended an Alaska LNG Project meeting on March 12; the next meeting is in May;
- The Alaska Draft Environmental Impact Statement (EIS) was now scheduled to be released June 2019;
- The sign code work sessions will resume in April;
- There was upcoming training for Commissioners by the City Clerk focused on Parliamentary Procedures;
- Administration working on lands management process, update to follow;
- An updated City of Kenai website would be going live in a few weeks.

**11. ADDITIONAL PUBLIC COMMENT** – None.

**12. INFORMATIONAL ITEMS** – None.

**13. NEXT MEETING ATTENDANCE NOTIFICATION** – March 27, 2019

**14. COMMISSION COMMENTS & QUESTIONS** – None.

**15. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:43 p.m.

Minutes prepared and submitted by:

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Jacquelyn LaPlante  
Deputy City Clerk

**PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW**

**COUNCIL MEETING OF: APRIL 3, 2019**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPT.</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
BOB'S SERVICES	PARTS FOR SANDER	SHOP	OPERATING SUPPLIES	3,438.66
PROFESSIONAL ESCROW SERVICES	PURCHASE LOTS 2&3, BLK 5 EAST ADDN	KENAI BLUFF EROSION	LAND	2,685.55



UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION



Alaska Gasline Development Corporation

Docket No. CP17-178-000

NOTICE OF REVISED SCHEDULE FOR ENVIRONMENTAL REVIEW  
OF THE ALASKA LNG PROJECT

(February 28, 2019)

This notice identifies the Federal Energy Regulatory Commission (Commission) staff's revised schedule for the completion of the environmental impact statement (EIS) for the Alaska Gasline Development Corporation's (AGDC) Alaska LNG Project. The previous notice of schedule, issued on August 31, 2018, identified November 8, 2019 as the final EIS issuance date. The previous notice stated that the forecasted schedule was based upon AGDC providing complete and timely responses to any data requests. In its partial data request responses filed in January and February 2019, AGDC states that it would provide the remainder of the responses in stages through July 2019. As a result, staff has revised the schedule for issuance of the EIS. The revised schedule for the EIS is based upon AGDC meeting its commitment to provide complete responses to outstanding data requests on the dates it has identified. Staff has revised the schedule for issuance of the final EIS based on an issuance of the draft EIS in June 2019.

**Schedule for Environmental Review**

Issuance of Notice of Availability of the final EIS	March 6, 2020
90-day Federal Authorization Decision Deadline	June 4, 2020

In an additional notice issued on August 31, 2018, the Commission identified February 6, 2020 as the anticipated final order issuance for the Alaska LNG Project. Based on the revised final EIS schedule, the Commission currently anticipates issuing a final order for the project no later than:

**Issuance of Final Order**

June 4, 2020

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

**Additional Information**

In order to receive notification of the issuance of the EIS and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC website ([www.ferc.gov](http://www.ferc.gov)). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (i.e., CP17-178), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Kimberly D. Bose,  
Secretary.