

**KENAI HARBOR COMMISSION
REGULAR MEETING
APRIL 10, 2023– 6:00 P.M.
KENAI CITY HALL
210 FIDALGO AVE., KENAI, AK 99611
Telephonic/Virtual Information on Page 2
<http://www.kenai.city>**

1. **CALL TO ORDER**
 - a. Pledge of Allegiance
 - b. Roll Call
 - c. **Election of Chair and Vice-Chair**
 - d. Agenda Approval

2. **SCHEDULED PUBLIC COMMENTS** *(Public comment limited to ten (10) minutes per speaker)*

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

4. **APPROVAL OF MEETING SUMMARY**
 - a. August 8, 2022.....Pg. 3
 - b. November 7, 2022Pg. 6

5. **UNFINISHED BUSINESS**

6. **NEW BUSINESS**
 - a. **Discussion/Recommendation** – Recommending City Council Approval of the Student Representative Policy No. 20.100.....Pg. 8
 - b. **Discussion/Recommendation** – Recommending City Council Approval of Amendments to the City Council Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01.....Pg. 13

7. **REPORTS**
 - a. Public Works Director
 - b. Commission Chair
 - c. City Council Liaison Pg. 18

8. **NEXT MEETING ATTENDANCE NOTIFICATION** – May 8, 2023

9. **COMMISSION QUESTIONS AND COMMENTS**

10. **ADDITIONAL PUBLIC COMMENT**

11. **INFORMATION ITEMS**
 - a. Annual River Center Permit Renewal for Boat Launch Dredging.....Pg. 24
 - b. City Dock Special Use Permit (SUP) DraftPg. 28

12. **ADJOURNMENT**

Join Zoom Meeting

<https://us02web.zoom.us/j/85665467341>

Meeting ID: 856 6546 7341

Passcode: 901565

OR

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

Meeting ID: 856 6546 7341

Passcode: 901565

**KENAI HARBOR COMMISSION
REGULAR MEETING
AUGUST 8, 2022 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
CHAIR PRO TEM DAVID PECK, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Chair Pro Tem Peck called the meeting to order at approximately 6:00 p.m.

a. Pledge of Allegiance

Chair Pro Tem Peck led those assembled in the Pledge of Allegiance.

b. Roll Call

Roll was confirmed as follows:

Commissioners present:	D. Peck, B. Peters, V. Askin, C. Hutchison
Commissioners absent:	M. Dunn, N. Berga, B. Bornemann
Staff/Council Liaison present:	Public Works Director S. Curtin, Public Works Administrative Assistant L. List, Council Liaison G. Pettey

A quorum was present.

c. Agenda Approval

MOTION:

Commissioner Hutchison **MOVED** to approve the agenda as written. Commissioner Peters **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. June 6, 2022

MOTION:

Commissioner Peters **MOVED** to approve the meeting summary of June 6, 2022. Commissioner Hutchison **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. UNFINISHED BUSINESS – None

6. NEW BUSINESS

a. Discussion – HDR Bluff Stabilization Project 65% DDR Complete
..... [Kenai Bluffs Bank Stabilization Project Webpage](#)

Director Curtin explained that 65% of the dock was done, that the shape would be changing slightly as requested by the Army Corps, and that the next steps would include the bid release goal of April 3rd. He noted that on Tuesday, August 2nd, representatives from the Corps met in Old Town and by boat; funding is now in State; \$28.5 million in account is with the Corps. They

are currently on time with the budget, and 95% is expected by this winter.

Further discussion from the commission involved the 2023 bid/source materials and 2024 construction start timelines. Clarification was provided that a \$2 million bond is not included in the \$4 million State grants, and that the City cannot move rock, but will coordinate with the Borough and Seldovia to use contractors.

b. Discussion – Clean Harbors Participation

There was a presentation by a representative who wanted to get the Commission's feelings about participation. Discussion included the benefit of acknowledgment for the City, and best management practices.

Clarification was provided that participation would involve education, trash containers, dumpsters and restrooms, and that some items are already in place. It was noted that a downside would be that it would cause a lot of work for Director Curtin.

c. Discussion – Capital Improvement Plan Potential Projects/Amendments

Director Curtin explained two projects: reconstruction of floats and Lane 4 concrete ramps. He asked the commission for suggestions for the next Capital Improvement Plan, and noted to bring their suggestions to the commission so they can make a motion before the end of the year. It was noted that the boat house for fireboat would be deferred to the Fire Chief.

7. REPORTS

- a. Public Works Director – Director Curtin reported on the following:
 - Fishery is on target; budget and actual figures were reported;
 - Dock closure on November 1st;
 - Dredging hauled over to racetrack.
- b. Commission Chair – Chair Pro Tem noted that his neighbors had been happy with the dipnet season.
- c. City Council Liaison – Council Member Pettey reported on the City Council Special Meeting of July 26, 2022 and the Regular Meeting of August 3, 2022.

8. NEXT MEETING ATTENDANCE NOTIFICATION – September 12, 2022

9. COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Peters asked about how often Kenai Avenue is graded, and it was clarified that it was twice a year. He also asked about dipnet cameras, and was referred to contact the City's IT department.

Commissioner Askin noted that we are down in the budget because the number of people is down.

10. ADDITIONAL PUBLIC COMMENT – None.

11. ADJOURNMENT

MOTION:

Commissioner Peters **MOVED** to adjourn. Commissioner Hutchison **SECONDED** the motion. There were no objections; **SO ORDERED**.

The meeting was adjourned at approximately 7:09 p.m.

Meeting summary prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

DRAFT

**KENAI HARBOR COMMISSION
REGULAR MEETING
NOVEMBER 7, 2022 – 6:00 P.M.
KENAI CITY HALL
210 FIDALGO AVE., KENAI, AK 99611
CHAIR PRO TEM DAVID PECK, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Chair Pro Tem Peck called the meeting to order at approximately 6:00 p.m.

a. Pledge of Allegiance

Chair Pro Tem Peck led those assembled in the Pledge of Allegiance.

b. Roll Call

Roll was confirmed as follows:

Commissioners present:

D. Peck, B. Bornemann, B. Peters
*C. Hutchison (Electronic Participation) *[Note: due to technical issues, Commissioner Hutchison was unable to join the meeting until after adjournment due to no quorum.]*

Commissioners absent:

M. Dunn, N. Berga

Staff/Council Liaison present:

Public Works Director S. Curtin, Council Liaison A. Douthit

No quorum was present.

c. Agenda Approval

2. SCHEDULED PUBLIC COMMENT – None.

3. UNSCHEDULED PUBLIC COMMENT – None.

4. APPROVAL OF MEETING SUMMARY

a. August 8, 2022

5. UNFINISHED BUSINESS – None

6. NEW BUSINESS

a. Discussion/Recommendation – Priority List for the City of Kenai Fiscal Year 2024-2028 Capital Improvement Plan

7. **REPORTS**

- a. Public Works Director
- b. Commission Chair
- c. City Council Liaison

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

9. **COMMISSIONER COMMENTS AND QUESTIONS**

10. **ADDITIONAL PUBLIC COMMENT** – None

11. **INFORMATION ITEMS**

- a. Alaska DNR Notice of Public Scoping for Possible Regulations Regarding Derelict Vessels

12. **ADJOURNMENT**

Due to a lack of a quorum, the meeting was adjourned at approximately 6:12 p.m.

Meeting summary prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



KENAI

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MEMORANDUM

TO: Chair Dunn and Harbor Commission Members
FROM: Shellie Saner, City Clerk
DATE: February 21, 2023
SUBJECT: **Recommending City Council Approval of the Student Representative Policy No. 20.100**

The Student Representative to City Council Policy was adopted in 2005 and last amended in 2010. The Student Representative to the Parks and Recreation Commission was adopted in 2018-03 and last amended in 2020.

The proposed amendment would be to repeal both the City Council and Parks and Recreation Commissions Student Representative Policies and adopt one Student Representative Policy that would be applicable to all boards, commissions, committees and councils of the City of Kenai.

This has been forwarded for recommendation from your commission. Your commission may recommend adoption of the policy or fail to recommend adoption of the policy. In addition, your commission may propose additional amendments to the policy. The list below identifies changes that were made from the existing policies.

- Purpose and scope of the policy were expanded to provide clarity regarding the purpose of a student representative.
- Previously the policy required students attend Kenai Central High School. The new policy would remove that requirement and allow Juniors and Seniors applicants from all schools within Kenai City Limits.
- Preference is given for students who are members of Leadership Groups or the Student Council. This ensures the ability for a student to report back to the school the actions or issues that are affecting students.
- The term of the student representative was reduced to 1-year terms to ensure an opportunity for more students to participate as well as consider their academic and athletic schedule when committing to the service.
- The student representative will no longer be in rotation of the roll call and will now be called last, this takes into consideration that sometimes the issues before the commission may be controversial and that the students vote is advisory only.
- Previously the Parks and Recreation Commission Student Representative was required to reside within the Kenai City Limits, the new policy will allow non-residents attending a school within the city limits to participate as student representative to boards, commissions, committees and the Council on Aging. There are provisions within Kenai Municipal Code that allow a certain number of non-residents as members of various boards and commissions. *Note: Student Representatives to City Council will still be required to be residents of the City, which is the same requirement that applies to the Mayor and City Council Members.*



CITY COUNCIL – 20.100 STUDENT REPRESENTATIVE

Effective Date: February 15, 2023
See Also: PRO-20.100; TSK-20.100

Last Approved Date:
Approved by:

April 19, 2023
City Council

POLICY – 20.100 Student Representative Policy

Purpose

The purpose of this policy is to provide an opportunity for student representation to the various governmental body of the City of Kenai. The policy provides an opportunity for students to develop and strengthen leadership skills by connecting with the various governmental bodies of the City of Kenai and assisting fellow students with having their voices heard.

Commented [S1]: Purpose and Scope have been expanded to provide a broader idea of why Student Representation is important.

Scope

The Student Representative is a vital channel of communication between the students and the governmental bodies of the City of Kenai and has a variety of important roles and responsibilities, including representing the views of students on matters of concern to students; as time allows, participation in other events attended by the governmental body; and increased student involvement in matters affecting students. The appointed student acts as a representative leader of the student body.

Policy

It is important to seek out and consider student ideas, viewpoints and reaction to City decisions and policies affecting students. In order to provide student input and involvement, the Kenai City Council may appoint a Student Representative and an Alternate Student Representative to the various governmental bodies of the City as it deems necessary.

Commented [S2]: Previously the Council Policy required students attend KCHS. In 2020 the Parks and Recreation Commission did a very thorough review of their policy and amended it to allow students from other schools within the City.

Qualifications of Student Representatives

1. Must be a Junior or Senior in good standing at a school within the Kenai City Limits.
2. Residency Requirements are as follows:
 - a. City Council Student Representatives must reside within the Kenai City limits.
 - b. Student Representatives to the Council on Aging, Airport Commission, Harbor Commission, Parks and Recreation Commission, Planning and Zoning Commission or Beautification Committee may but are not required to reside within Kenai City limits.
3. Preference will be given to students who are active members of a School Leadership Group or the Student Council.
4. Must obtain approval from the school administration and their parent or legal guardian.
5. If multiple applications are received for the same governmental body, the Mayor may select one applicant for appointment.

Commented [S3]: Qualifications for Student Reps to Council requires City residency (same as required for Council Members) Qualifications for Student Reps to other bodies does not require City residency (same as required for those bodies)

Commented [S4]: One of the primary purposes of a Student Rep is to be a communication liaison between the City Council and the students. Students who are part of the leadership groups from their schools will have a better ability to report to the students.

Requirements of Student Representatives

1. Attend and participate in all meetings and work sessions of the governmental body in which the student is appointed to while school is in session, unless excused by the Mayor or Mayors designee.
2. Act as a communication liaison between the governmental body and students by reporting to the students the activities of the governing body; and, providing information and feed back to the governing body on policies and issues affecting the students.
3. Conduct themselves in proper business etiquette when acting as a Student Representative.
4. Should have an interest in public service and utilize this appointment as a way to develop leadership skills.

Limitations of Student Representatives

1. Appointments are for 1-Year terms, beginning in early September of each year and ending in August of the following year.
2. May not move or second items during a meeting.
3. May cast advisory votes on all matters except those subject to executive session discussions; however, the advisory vote will not affect the outcome, the advisory vote will be recorded in the meeting minutes, and the student vote will be last in the roll call order.

Commented [SS5]: Limiting the term to 1-year, will allow the students who apply to review the meeting schedule and any potential conflicts with their academic, athletic or personal schedules. It will also provide more students with the opportunity serve as students reps.

Commented [SS6]: This is a change, Council may be voting on very controversial items and allowing the student to vote last will reduce the pressure on the student, as well as provide a more clear role to observers that the vote is in fact advisory only and does not impact the outcome.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

Student Representative Policies History: Action Approval 03/16/2005; Action Approval 09/01/2010; Resolutions 2018-03; 2020-61; and, 2023-XX

[CITY COUNCIL STUDENT REPRESENTATIVE POLICY. NOT NUMBERED.]

IT IS IMPORTANT TO SEEK OUT AND CONSIDER STUDENTS' IDEAS, VIEWPOINTS AND REACTIONS TO CITY DECISIONS AND POLICIES AFFECTING STUDENTS. IN ORDER TO PROVIDE STUDENT INPUT AND INVOLVEMENT, THE KENAI CITY COUNCIL MAY APPOINT A STUDENT REPRESENTATIVE AND AN ALTERNATE STUDENT REPRESENTATIVE AS IT DEEMS NECESSARY.

LIMITATIONS, QUALIFICATIONS AND REQUIREMENTS:

1. THE STUDENT MAY CAST ADVISORY VOTES ON ALL MATTERS EXCEPT THOSE SUBJECT TO EXECUTIVE SESSION DISCUSSION. ADVISORY VOTES SHALL BE CAST IN ROTATION WITH THE OFFICIAL COUNCIL VOTE AND SHALL NOT AFFECT THE OUTCOME OF THE VOTE. ADVISORY VOTES SHALL BE RECORDED IN THE MINUTES. STUDENT REPRESENTATIVES MAY NOT MOVE OR SECOND ITEMS DURING A COUNCIL MEETING.
2. THE STUDENT(S) SHALL BE RESIDENTS OF THE CITY OF KENAI.
3. THE STUDENT(S) SHALL BE A JUNIOR OR SENIOR IN GOOD STANDING AT KENAI CENTRAL HIGH SCHOOL.
4. THE STUDENT(S) SHALL BE ELECTED BY THE STUDENT COUNCIL OF KENAI CENTRAL HIGH SCHOOL AND SUBJECT OF APPROVAL OF THE KCHS ADMINISTRATION.
5. THE STUDENT(S) SHALL ATTEND ALL CITY COUNCIL MEETINGS AND WORK SESSIONS, UNLESS EXCUSED BY THE MAYOR. THE ALTERNATE SHALL ATTEND MEETINGS IN THE ABSENCE OF THE STUDENT REPRESENTATIVE.
6. THE STUDENT(S) SHOULD HAVE A LONG-TERM INTEREST IN PUBLIC SERVICE/
7. THE STUDENT(S) SHOULD GIVE FEEDBACK TO COUNCIL MEMBERS ABOUT POLICIES IMPACTING YOUNG PEOPLE.
8. THE STUDENT(S) SHOULD USE THIS OPPORTUNITY AS A WAY TO DEVELOP LEADERSHIP SKILLS.
9. THE STUDENT(S) WILL COMMUNICATE WITH STUDENT COUNCIL MEMBERS AT KENAI CENTRAL HIGH SCHOOL TO PROVIDE INFORMATION AND SEEK FEEDBACK FROM OTHER STUDENTS ON CITY ISSUES AFFECTING YOUNG PEOPLE AND COPIES OF ALL WRITTEN REPORTS REGARDING THEIR SERVICE BE PROVIDED TO THE KENAI CITY COUNCIL THROUGH THE CITY CLERK'S OFFICE.]

Action Approval Dates: 03/16/05; 09/01/2010

[PARKS AND RECREATION COMMISSION STUDENT REPRESENTATIVE POLICY. POLICY No. 2018-01

PURPOSE

THE PURPOSE OF THIS POLICY IS TO PROVIDE FOR A STUDENT REPRESENTATIVE FOR THE PARKS AND RECREATION COMMISSION.

SCOPE

THIS POLICY APPLIES TO THE PARKS AND RECREATION COMMISSION AND ALL STUDENT REPRESENTATIVES APPOINTED TO THE PARKS AND RECREATION COMMISSION.

POLICY

IT IS IMPORTANT TO SEEK OUT AND CONSIDER STUDENTS' IDEAS, VIEWPOINTS AND REACTIONS TO PARKS AND RECREATION DECISIONS. IN ORDER TO PROVIDE STUDENT INPUT AND INVOLVEMENT, THE MAYOR OF THE CITY OF KENAI, MAY APPOINT A STUDENT REPRESENTATIVE TO THE PARKS AND RECREATION COMMISSION AND THE STUDENT REPRESENTATIVE MAY PARTICIPATE IN THE PARKS AND RECREATION COMMISSION MEETINGS PURSUANT TO THE FOLLOWING:

1. LIMITATIONS, QUALIFICATIONS, AND REQUIREMENTS:

- A. THE STUDENT MAY CAST ADVISORY VOTES ON ALL MATTERS EXCEPT THOSE SUBJECT TO EXECUTIVE SESSION DISCUSSION. ADVISORY VOTES SHALL BE CAST IN ROTATION WITH THE OFFICIAL COMMISSION VOTE AND SHALL NOT AFFECT THE OUTCOME OF A VOTE. ADVISORY VOTES SHALL BE RECORDED IN THE MEETING SUMMARIES. STUDENT REPRESENTATIVES MAY NOT MOVE OR SECOND ITEMS DURING A COMMISSION MEETING.
- B. THE STUDENT SHALL BE A KENAI RESIDENT AND A JUNIOR OR SENIOR IN GOOD STANDING WITH THE SCHOOL ADMINISTRATION.
- C. THE STUDENT SHALL BE APPROVED BY SCHOOL ADMINISTRATION; IF MULTIPLE APPLICATIONS ARE RECEIVED, THE MAYOR MAY SELECT AN APPLICANT FOR APPOINTMENT.
- D. THE STUDENT SHALL ATTEND ALL PARKS AND RECREATION COMMISSION MEETINGS AND WORK SESSIONS, UNLESS EXCUSED BY THE PARKS AND RECREATION DIRECTOR.
- E. THE STUDENT SHOULD HAVE AN INTEREST IN PUBLIC SERVICE.
- F. THE STUDENT SHOULD USE THIS OPPORTUNITY AS A WAY TO DEVELOP LEADERSHIP SKILLS.
- G. THE STUDENT WILL COMMUNICATE WITH OTHER STUDENTS TO PROVIDE INFORMATION AND SEEK FEEDBACK FROM OTHER STUDENTS ON PARKS AND RECREATION ISSUES AFFECTING YOUNG PEOPLE.]

Policy History: Resolution No.'s 2018-03; 2020-61



KENAI

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MEMORANDUM

TO: Chair Dunn and Harbor Commission Members
FROM: Shellie Saner, City Clerk
DATE: February 21, 2023
SUBJECT: **Recommending City Council Approval of Amendments to the City Council Procedures for Commissions Committees and Council on Aging Policy No. 2016-01**

City Council Policy No. 2016-01 was originally adopted in 2014, since adoption the policy has been amended on multiple occasions with the last amendments made in 2019.

The proposed amendments to the policy have been forwarded for recommendation from your commission. Your commission may recommend adoption of the proposed amendment or fail to recommend adoption of the proposed amendments. In addition, your commission may propose additional amendments. Below is an outline of the amendments as currently proposed:

- The scope of the policy has been expanded to include references to code sections that area applicable to each commission.
- The amendment to paragraph 3.b. at the request of the Airport Manager would move Airport Commission meetings from City Hall Council Chambers to the Conference Room of the Kenai Municipal Airport terminal building.
- The amendment to paragraph 3.c. would remove the specific times for each commission meeting from the policy. Meetings schedules and times would still require Council approval.
- The amendments to paragraph 3.e. will include rescheduling meetings for the occasion when a meeting may be rescheduled instead of cancelled.
- The amendment to paragraph 4.b. would change the type of minutes kept for commissions from Summary minutes to Action minutes. Action minutes capture what was done, not what was said. When acting as an advisory body recommendation that were acted on and approved by the majority of the body are the ones that should be forwarded and considered by the City Council. **Exception:** *Summary minutes will be produced for the Planning and Zoning Commission when they are acting on quasi-judicial items.*
- The amendments to paragraph 6.b. clarify that actions of the commission must be relevant to the authority of the commission.
- Newly inserted paragraph j. clarifies the role of commissioners and that they may only speak on behalf of the commission when authorized to do so by a majority vote of the commission.
- The amendments to Section 7 expand and clarify the role of the Council Liaison as well as the role of a Council Member when attending a meeting as a sponsor to a legislative item.



CITY COUNCIL – 20.020 [2016-01]

COMMISSIONS, COMMITTEES AND COUNCIL ON AGING PROCEDURES

Effective Date: March 5, 2014

Last Approved Date:

April 19, 2023

See Also: PRO-20.020 TSK-20.020

Approved by:

City Council

POLICY – 20.020 Commissions, Committees and Council on Aging Procedures

Purpose

The purpose of this policy is to establish procedures, other than those provided in KMC 1.90, for Commissions, Committees and Council on Aging.

Scope

This policy applies to all advisory bodies appointed by the City Council. [In addition to this policy the following Kenai Municipal Code \(KMC\) provisions are applicable:](#)

[Airport Commission is also regulated by KMC 21.20](#)

[Harbor Commission is also regulated by KMC 11.10](#)

[Parks and Recreation Commission is also regulated by KMC 19.05](#)

[THE] Planning and Zoning Commission is also regulated by KMC 14.05.

Commented [S1]: The scope was expanded to reference the code sections that exist and are applicable to certain commissions.

There are no code provisions for the Beautification Committee.

Policy

1. Appointment and Reappointments

- a. An application for consideration of appointment or reappointment to a Commission, Committee or Council on Aging must be submitted to the City Clerk.
- b. The Mayor nominates an applicant for appointment or reappointment and by motion, the City Council confirms.

2. Establishing Subcommittees

- a. A subcommittee of a commission or committee may be established for a specific function upon approval of Council.

3. Meeting Schedules

- a. Commission, Committee and Council on Aging meeting schedule is as follows:

Commission / Committee / Council on Aging	Meeting Schedule	Scheduled Meeting Days
Airport Commission	Monthly	Second Thursday of the month
Beautification	Meetings held January, April, May, September and October	Second Tuesday of the month
Council on Aging	Monthly	Second Thursday of the month
Harbor Commission	Meetings held February, March, April, May, June, August, September and November	First Monday after first Council meeting of the month
Library Commission (<i>Suspended as of 2015, Ordinance No. 2815-2015</i>)		

Parks & Recreation Commission	Monthly, except for July	First Thursday of the month
Planning & Zoning Commission	Twice monthly	Second & fourth Wednesday

- b. All regular meetings will be held in the Kenai City Hall Council Chambers with the exception of the Council on Aging who shall meet at the Senior Center and the Airport Commission who shall meet in the Conference Room of the Kenai Municipal Airport terminal building, unless offsite arrangements are approved by the Clerk. Exceptions for subcommittee meetings may be made with the advance notice of the City Clerk.
- c. **[REGULARLY SCHEDULED MEETINGS SHALL BEGIN AT 7:00 P.M. UNLESS OTHERWISE APPROVED BY COUNCIL VIA MOTION, WITH THE EXCEPTION OF THE COUNCIL ON AGING, WHICH BEGINS AT 4:30 P.M.] Regularly scheduled meeting times will be approved by Council.**
- d. Commissions, Committees and Council on Aging may, with the City Clerk's approval and notification to Council and the City Manager, hold special meetings (for a specific purpose) on an as-needed basis.
- e. Commissions, Committees and Council on Aging meetings may be cancelled or rescheduled by the City Clerk, with notification to Council and the City Manager, if cancellation or rescheduling is warranted, i.e. lack of agenda items, pre-knowledge of lack of a quorum, etc.
- f. Any additional commissions or committees established will be set and incorporated into the meeting schedule by the City Council.

Commented [SS2]: This proposed amendment was requested by the Airport Manager.

Commented [SS3]: The information in the current policy is incorrect. Removing the specific times from the policy; however, establishing that changes in the times are approved by Council will eliminate the possibility of this policy having incorrect information in it.

Commented [SS4]: There are occasions when meetings are not cancelled, just rescheduled. Including "or rescheduled" would include steps already being taken.

4. Minutes & Meeting Recordings

- a. With exception of the Planning & Zoning Commission, taking notes and electronically recording meetings shall be the responsibility of department liaison to the specific meeting body. The Clerk's Office shall take notes and record the meeting for the Planning and Zoning Commission.
- b. **[SUMMARY] Action** minutes will be produced by the Clerk's Office from the department liaisons notes and provided to the City Council as official records of the meetings. Summary minutes will be produced by the Clerk's Office for Planning and Zoning Commission items when the item is quasi-judicial.
- c. Regularly scheduled meetings shall be electronically recorded and with the exception of Planning & Zoning Commission, shall be kept for two years.
- d. Planning & Zoning Commission meeting recordings shall be kept for 6 years.

Commented [SS5]: Roberts Rules of Order establishes that minutes capture what was done, not what was said.

When acting as an advisory body, the opinions and recommendations that were acted on and approved by the majority or disapproved by the majority, are the recommendations that should be considered by the Council.

It is my recommendation when acting in an advisory capacity the minutes kept be "Action Minutes", not summary minutes.

When acting in a quasi-judicial role, summary minutes will be taken; however, it would be in the best interest in quasi-judicial hearings to also clearly adopt findings that support their decisions.

5. Work Sessions

- a. Work sessions may not be held without the approval of the City Clerk unless they occur on the night of and at the time of a regularly scheduled advertised meeting. Notification of scheduled work session shall be provided to City Council and the City Manager. Work session may be requested by Council, the liaison or Chair of the body.
- b. During work sessions, only items on the work session agenda may be discussed and no formal actions may be taken.
- c. At a minimum, work sessions shall be posted on the Official City Bulletin Board in Kenai City Hall and on the city website at least five days prior to the meeting.

6. Basic Meeting Information

- a. All meetings shall be open to the public.
- b. At a minimum, meeting notices shall be posted on the Official City Bulletin Board in Kenai City Hall and on the city website at least five days prior to the meeting.
- c. Meeting agendas shall be established by the Chair and the department liaison and shall be relevant to the authority of the board, commission or committee as designated within the bylaws or Kenai Municipal Code. Items requiring Committee, Commission or Council on Aging action under applicable municipal code prior to final action by the Council, as distinguished from advisory recommendations, will be referred to the respective body prior to any final Council action. The City Council, by motion, may refer any other item to be placed on an agenda seeking a recommendation from the respective Committee, Commission, or Council on Aging.
- d. The department liaison shall submit items for the agenda and supporting documentation to the Clerk's Office one week prior to a meeting, no later than 2:00 p.m. The Clerk's Office will compile meeting material and distribute. The Planning & Zoning Commission is exempt from this requirement as the Planning Department advertises, compiles meeting material and distributes for its commission.
- e. Rules of Order: Pursuant to KMC 1.15.120(b) and KMC 1.90.050(c), in all matters of parliamentary procedure, Robert's Rules of Order, as revised shall be applicable and govern all meetings, except as specified in KMC 1.15.060 (Motions), KMC 1.15.100 (Speaking), and KMC 1.15.110 (Voting).
- f. Quorum: No meeting may proceed in the absence of a quorum, i.e. a quorum is more than one-half of the board/commission (quorum of the whole).
- g. Motion: Pursuant to KMC 1.15.060(k), all motions require a second. A majority of votes is required to pass a motion.
- h. Speaking: In a meeting, members should be recognized by the Chair before speaking.
- i. When is it a Meeting: If any public business is discussed collectively by four or a majority of members of one body.
- j. Representation of the body: Members of a City of Kenai Board, Commission, Committee or Council on Aging may only speak on behalf of the body when approved to do so by a majority vote of the body; at which time their basic responsibility is to carry out the body's directives identified within motion as approved.

Commented [SS6]: It is important to keep the City of Kenai bodies and staff on task, including this in the policy ensures that body is acting on matters that the City Council has given them authority to act on.

Commented [SS7]: This addition is important in establishing each members role to the body they have been appointed to; if speaking on behalf of the body, a member must receive direction from a majority of the body to do so.

This would not prevent a member from providing comments on a subject to the council as an individual, they would just need to make it clear they are speaking as an individual and do not represent the opinions of the body they serve on.

Commented [SS8]: More than three would be a quorum, and a violation of the State of Alaska Open meetings act.

Commented [SS9]: Neither Council Liaison or a Council Member who sponsored a legislative item should influence the direction in which an advisory body is going to advise. The Council members (Liaison or legislative sponsor) will have the opportunity to debate the issue when it is before the City Council.

7. Council Participation

- a. Any Council Member may attend a meeting or work session of any Commission, Committee or the Council on Aging; however, no more than three Council Members may attend any one meeting without additional public notice.
- b. Only the Council Liaison to the respective, Commission, Committee or Council on Aging may speak on behalf of the Council if approved to do so by a majority vote of the City Council. **[PARTICIPATION BY COUNCIL MEMBERS AT COMMISSION, COMMITTEE OR COUNCIL ON AGING MEETINGS SHOULD BE LIMITED TO INTRODUCTION OF LEGISLATION BY ONE COUNCIL LEGISLATIVE SPONSOR. PARTICIPATION BY ANY OTHER COUNCIL MEMBERS, WRITTEN OR ORAL, IS DISCOURAGED.]** Participation of the Liaison at Commission, Committee and Council on Aging meetings is limited to updating the body on the actions of the Council and reporting back to the Council the actions of the Commission, Committee or Council on Aging. The Liaison is a non-voting member and does not participate in the debate of an advisory body.
- c. Participation by Council Members other than the Liaison should be limited to ONE Council Member who is a sponsor of a legislative item to be considered for recommendation from the advisory body. The

sponsors participation should be limited to three-minute testimony and answering questions from the body, the sponsor of the legislation will not participate in debate of the advisory body. When speaking to the advisory body as the legislate sponsor the following additional rules apply:

i. The legislative sponsor will not testify from the Dais, testimony from the sponsor shall be made from the area designated for public comment.

ii. If the legislative sponsor is the Liaison to the advisory body, the legislative sponsor will remove themselves from the dais and seat themselves in the public area of the chambers. The legislative sponsor will remain in the public seating area during the discussion, debate and voting on the legislative item in which they sponsored.

- b. Exception: Council Members may fully participate in any joint work session or other meeting with a Commission, Committee, or the Council on Aging when it has been noticed that the City Council will be in attendance, or there has been a specific delegation of authority by the Council for a member(s) to represent the Council.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

*Policy History: Action Approval on 08-04-2004; R2017-24; R2018-19; 2019-03; 2023-XX
Note: Between 2004 and 2017 other amendments to the policy were made through the action approval process.*



Kenai City Council - Regular Meeting

March 01, 2023 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

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

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

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

D. PUBLIC HEARINGS

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

5. **ADOPTED UNANIMOUSLY. Resolution No. 2023-18** - Renumbering Kenai City Council Supervisory Sub-Committee Policy No. 2017-02 to Policy No. 20.230. (City Clerk)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2023-19** - Authorizing the Purchase of Real Property Described as Lots 8 and 9, Block 19, of the Original Townsite of Kenai, According to US Survey 2970B, Record of the Kenai Recording District, Third Judicial District, State of Alaska, and Designated as Kenai Peninsula Borough Parcel Number 04710308 from Billy McCann Et Al. and Glenda Sterling, for the Public Purpose of Including the Property in the Bluff Erosion Restoration Project and Determining that the Public Interest Will Not Be Served by an Appraisal. (Administration)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2023-20** - Authorizing a Budget Transfer in the Visitor Center Improvement Capital Project Fund and Authorizing a Contract Award and Corresponding Purchase Order for the Visitor Center Roof Replacement Project. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2023-21** - Authorizing a Contract Award and Corresponding Purchase Order for the Green Strip Playground Equipment Project. (Administration)

E. MINUTES

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

F. UNFINISHED BUSINESS

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

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License for Cook Inlet Cannabis Co., DBA: East Rip - License No. 13382. (City Clerk)
3. ***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License for Herban Extracts LLC., DBA: Herban Extracts LLC. - License No. 14432. (City Clerk)
4. ***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License for KRC LLC., DBA: Kenai River Cannabis. - License No. 17808. (City Clerk)
5. ***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License and a Standard Marijuana Cultivation License for Majestic Gardens LLC., DBA: Majestic Gardens LLC. - License No.'s 15393 and 15395. (City Clerk)
6. ***Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for D & E Investments Inc., DBA: The Bow - License No. 1312. (City Clerk)

- 7. ***Action/Approval** - Non-Objection to the Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit for Solitaire LLC., DBA: Pizza Paradisos - License No. 3032. (City Clerk)
- 8. ***Ordinance No. 3338-2023** - Amending Kenai Municipal Code Chapter 1.15 - Rules of Order, to Allow Approval of the Agenda and Consent Agenda in One Motion, Remove Sections that May Conflict with the State of Alaska Open Meetings Act, and Remove any Rules that are Standard Rules as Established in Roberts Rules of Order. (City Clerk)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENTS

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

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

N. ADJOURNMENT

O. INFORMATION ITEMS

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

Join Zoom Meeting
<https://us02web.zoom.us/j/83177161203>
Meeting ID: 831 7716 1203 **Passcode:** 166921

OR
 Dial In: (253) 215-8782 or (301) 715-8592
Meeting ID: 831 7716 1203 **Passcode:** 166921



Kenai City Council - Regular Meeting

March 15, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

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

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

D. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3338-2023** – Amending Kenai Municipal Code Chapter 1.15 - Rules of Order, to Allow Approval of the Agenda and Consent Agenda in One Motion, Remove Sections that May Conflict with the State of Alaska Open Meetings Act, and Remove any Rules that are Standard Rules as Established in Roberts Rules of Order. (City Clerk)
2. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-22** - Authorizing a Budget Transfer in the Water & Sewer Capital Project Fund, Public Works Department – Water Division for Additional SCADA Related Services. (Administration)
3. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-23** - Requesting State of Alaska Funding Support for the Wildwood Drive Rehabilitation Project. (Administration)

E. MINUTES

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

F. UNFINISHED BUSINESS

1. **ADOPTED WITHOUT OBJECTION AS AMENDED BY SUBSTITUTE. Resolution No. 2023-15** - Amending the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 and Renumbering and Renaming to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (City Clerk) [**Clerk's**

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

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

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Renewal of a Limited Marijuana Cultivation Facility for Jennifer Huffman DBA: Grateful Bud LLC., - License No. 16474. (City Clerk)
3. ***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License and a Standard Marijuana Cultivation License for Red Run Cannabis Cultivators, LLC., DBA: Red Run Cannabis Cultivators, LLC. - License No.'s 19372 and 10052; and a Retail Marijuana Store License for Red Run Cannabis Company, LLC., DBA: Red Run Cannabis Company, LLC. – License No. 10056 (City Clerk)
4. **APPROVED WITHOUT OBJECTION AS AMENDED. *Action/Approval** - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)
5. ***Action/Approval** - Special Use Permit to Pacific Star Seafoods, Inc. for On or Off Loading Fish at the Kenai Municipal Airport. (Administration)
6. ***Ordinance No. 3339-2023** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
7. ***Ordinance No. 3340-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
8. ***Ordinance No. 3341-2023** - Accepting and Appropriating a Donation to the Kenai Senior Center. (Administration)
9. **APPROVED WITHOUT OBJECTION. Action/Approval** - Approving a Memorandum of Agreement for the Use of the Alaska Regional Aircraft Fire Training Center for the Calendar Year 2023. (Administration)
10. **APPROVED WITHOUT OBJECTION. Action/Approval** - Issuing a Letter of Support for the Challenger Learning Center of Alaska's Request for Funding. (Administration)
11. **Discussion** – Scheduling Council Employee Evaluations. (Gabriel)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
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5. Planning and Zoning Commission
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M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

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Join Zoom Meeting

<https://us02web.zoom.us/j/89054304153>

Meeting ID: 890 5430 4153 **Passcode:** 616083

OR

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

Meeting ID: 890 5430 4153 **Passcode:** 616083



514 Funny River Road • Soldotna, AK 99669 • (907) 714-2460 • Fax: (907) 260-5992

MULTI-AGENCY PERMIT PACKAGE

**City of Kenai - Public Works
210 Fidalgo Ave
Kenai, AK 99611**

**RC# 12995
3/14/2023**

PARCEL ID: 04945002

PROJECT DESCRIPTION:

Dredge 3000 cubic yards of mud and accumulated sediments from .80 acres below the Mean High Water (MHW) of the Kenai River, a water of the U.S. for the purpose of maintaining an existing basin around the Kenai public boat launch. Dredged material would be placed approx. 990' tp the east pm am existing gravel pad. The work would be done with a track hoe when the site is completely dewatered at low tides, and no part of the equipment would be below the water line at any point in time.

Enclosed please find the individual permits from the following River Center Agencies:

Expiration	Agency
<input type="checkbox"/> Not required	Kenai Peninsula Borough, Habitat Protection
<input type="checkbox"/> Not required	Kenai Peninsula Borough, Floodplain Development
<input type="checkbox"/> Not required	State of Alaska, Division of Parks & Outdoor Recreation
<input checked="" type="checkbox"/> 12/31/2026	State of Alaska, Department of Fish & Game Habitat Division

Each of these permits have expiration dates. Please review them carefully. If you are unable to complete your project by the expiration dates, you must apply for an extension to your permits.

The permittee is responsible for the actions of the contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that deviates from the approved plan, the permittee shall notify the River Center and obtain written approval before beginning the activity.

If you have any questions regarding your project, please contact the River Center at (907) 714-2460 or kenairivcenter@kpb.us.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Southcentral Region Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

FISH HABITAT PERMIT FH22-V-0129 Amendment I

ISSUED: March 13, 2023
EXPIRES: December 31, 2026

City of Kenai
Alan F Robillard
210 Fidalgo Ave
Kenai, AK 99611

RE: Maintenance Dredging
Kenai River – Stream No. 244-30-10010
Section 9, T 5N, R 11W, S.M.
Location: 60.54497°N, 151.22153°W
Kenai Peninsula Borough Parcel No. 049-450-02
River Center Tracking No. 12995

Dear Mr. Robillard:

Pursuant to the Anadromous Fish Act at AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Habitat Section, has reviewed your request for a time extension to Fish Habitat Permit FH22-V-0129 for maintenance dredging of the City of Kenai public boat launch. Approximately 3,000 cubic yards of accumulated sediment will be removed annually from a 35,000 square foot area downstream of the boat launch at the referenced location. Fish Habitat Permit FH22-V-0129 is amended, authorizing a time extension. Your permit application and all materials, maps, and drawings are hereby adopted by reference into this permit. All terms and conditions of the original permit remain in effect.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

Please direct questions about this permit amendment to Habitat Biologist Kaitlynn Cafferty at (907) 714-2481 or e-mail at kaitlynn.cafferty@alaska.gov.

Sincerely,

Doug Vincent-Lang
Commissioner

Tony Munter

By: Tony Munter
Kenai Peninsula Area Manager
Habitat Section

cc: AWT Soldotna
ADF&G Soldotna
COE – KFO
AI Ott, ADF&G Fairbanks

DISPLAY THIS SIGN SO IT IS VISIBLE FROM THE ROAD AND A SECOND COPY THAT IS VISIBLE FROM THE RIVER
 THIS SIGN SHOULD BE POSTED DURING ALL PHASES OF CONSTRUCTION



RC 12995

RIVER CENTER PERMITTED PROJECT

<p>Applicant: City of Kenai - Public Works</p> <p>KPB Parcel: 04945002</p>	<p>Authorized Work: Dredge 3000 cubic yards of mud and accumulated sediments from .80 acres below the Mean High Water (MHW) of the Kenai River, a water of the U.S. for the purpose of maintaining an existing basin around the Kenai public boat launch. Dredged material would be placed approx. 990' to the east of an existing gravel pad. The work would be done with a track hoe when the site is completely dewatered at low tides, and no part of the equipment would be below the water line at any point in time.</p>	
<p>Legal Description: The project site is located at S 9, T 5N, R 11W, Seward Meridian, 60.5449N; 115.2216W, in the Kenai River Kenai, in Kenai, Alaska.</p>	Permits Issued:	Expiration:
	KPB Floodplain	Not required
	KPB Habitat Protection	Not required
	ADNR Park Use Permit	Not required
	ADFG Division of Habitat	12/31/2026

Questions regarding this permit should be directed to the Gilman River Center: (907) 714-2460



SPECIAL USE PERMIT

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set forth below, hereby grants to _____ (PERMITTEE), whose Address is _____ Phone number _____ Email _____ the non-exclusive right to use the City Dock Crane and associated dock space and infrastructure as described below:

Open dock space, furthest downriver (National) Crane and floating docks

and as further shown in the attached **Exhibit A**.

1. **TERM.** This special use permit shall be from _____ to Seasonal Closure of Dock Facility in 2023.
2. **PERMIT FEES.** The Permittee shall be charged a permit fee of **\$1000.00** plus applicable sales tax.

The Permittee shall pay the City the permit fee on or before _____.

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

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

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

3. **USE.** The use by the Permittee of the Premises is limited to the purpose of Crane Operations. This use is subject to City, Borough, and State laws and regulations and the reasonable administrative actions of the City for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities. Use of the Premises is subject to the following conditions:
 - A. Permittee shall use the Premises only for loading and unloading of fish and other equipment and goods.
 - B. Crane operations must be conducted in a manner not to interfere with other City and Public Use of the Dock. Vehicles may not be parked, and equipment may not be placed in any manner that blocks ingress and egress from the dock. Vehicles, boats and equipment may not be left unattended at Dock or floats.
 - C. Unless specifically agreed to in a separately written authorization of the City Public Works Director, Permittee may not receive payment or other compensation for operation or use of the Crane.

4. **TRAINING.** Permittee shall, prior to operating any cranes owned by the City or permitting any employee, agent, representative, service provider, or other person to operate any City-owned crane, ensure and verify that each Covered Operator has successfully completed:
 - A. Online Pedestal Crane Training from Hard Hat Training Series provided by Safety Provisions, Inc., and present Certificate of Completion to City. A current certificate will be provided to the City of Kenai. Certifications are valid for three years from the completion of training.
 - B. Proficiency training session with the Dock Cranes administered by the City's Dock personnel.
 - C. Only those persons listed below as Permittee's Crane Operators may operate the Crane. Permittee shall not allow any other person to operate the crane.
 - a. Names of Approved Crane Operators: _____

 - D. The requirements in A. and B. above must be completed each calendar year. Completed training from prior years does not satisfy this requirement.

5. **INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** The Permittee shall fully indemnify, hold harmless, and defend the City of Kenai, its officers, agents, employees, and volunteers at its own expense from and against any and all actions, damages, costs, liability, claims, losses, judgments, penalties, including reasonable Attorney's fees of or for liability for any wrongful or negligent acts, errors, or omissions of the Permittee, its officers, agents or employees, or any subcontractor under this Permit. The Permittee shall not be required to defend or indemnify the City for any claims of or liability for any wrongful or negligent act, error, or omission solely due to the independent negligence of the City. If there is a claim of or liability for the joint negligence of the Permittee and the independent negligence of the City, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be established upon final determination of the percentage of fault. If any such

determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. "Permittee" and "City" as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, for each party. The term "independent negligence of the City" is negligence other than in the City's selection, administration, monitoring, or controlling of the Permittee.

6. **DAMAGES.** Permittee is solely responsible for any damage to the Crane and adjacent Premises and Improvements during the term of this Permit. In the event that the Crane and adjacent City Premises and Improvements are damaged or destroyed during the term of this Permit, Permittee shall immediately notify the City and shall pay to the City all costs of repair or replacement including, but not limited to replacement of locks or keys as determined by the City Public Works Director.
7. **NO WARRANTIES IMPLIED.** The City, its officers, agents, and employees make no warranties or representations as to the condition of the Crane and adjacent Premises and Improvements or their suitability for Permittees use. Permittee uses the Crane, adjacent Premises, and Improvements in AS IS CONDITION. Permittee shall inspect the Crane, adjacent Premises, and improvements prior to use and report any defects, hazards, or dangers to the Public Works Director before using. The City shall have no liability to Permittee or to any other person for delays, loss of use, loss of income, damage to property, personal injury, or death arising from or related to the availability, condition, or use of the Crane or adjacent Premises or Improvements during the term of this Permit.
8. **PERMITTEE'S OBLIGATION TO PREVENT AND REMOVE LIENS.** Permittee will not permit any liens, including mechanic's, laborer's, construction, supplier's, mining, or any other liens obtainable or available under existing law, to stand against the Premises or improvements on the Premises for any labor or material furnished to Permittee or to any related entity or claimed entity. The Permittee shall have the right to provide a bond as contemplated by State of Alaska law and contest the validity or amount of any such lien or claimed lien. Upon the final determination of the lien or claim for lien, the Permittee will immediately pay any judgment rendered with all proper costs and charges and shall have such lien released or judgment satisfied at Permittee's own expense.
9. **PARKING.** Parking limited to the designated area as shown on map.
10. **PERSONAL PROPERTY.** Personal property may not be left on the dock when permittee is not actively using the crane for loading and unloading activities.
11. **FORBEARANCE.** Failure to insist upon a strict compliance with the terms, conditions, and/or any requirement herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.
12. **TERMINATION, DEFAULT.** This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. The City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety. The City may also terminate this Permit immediately, or upon notice shorter than 30 days, due to a failure of Permittee to comply with conditions and terms of this Permit, which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period to correct the violation or breach.
13. **NO DISCRIMINATION.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for

My Commission Expires: _____



STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____day of _____, 20____, the foregoing instrument was acknowledged before me by _____.

Notary Public for Alaska
My Commission Expires: _____

ATTEST:

Shellie Saner, CMC, City Clerk

SEAL:

APPROVED AS TO FORM: _____
Scott M. Bloom, City Attorney