

**KENAI HARBOR COMMISSION
REGULAR MEETING
SEPTEMBER 16, 2019 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611**

<http://www.kenai.city>

1. **CALL TO ORDER**
 - a. Pledge of Allegiance
 - b. Roll Call
 - c. 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 19, 2019 Pg. 3

5. **UNFINISHED BUSINESS** – None.

6. **NEW BUSINESS**
 - a. **Discussion/Recommendation** – Assignment of Shore Fishery Lease – Tract Two, Shore Fishery Plat No. 71 Pg. 7
 - b. **Discussion/Recommendation** – Assignment of Tidelands Lease – Tract B, Kenai Tidelands Survey No. 2, According to Plat No. 89-2. Pg. 13

7. **REPORTS**
 - a. Public Works Director
 - b. Commission Chair
 - c. City Council Liaison Pg. 19

8. **NEXT MEETING ATTENDANCE NOTIFICATION** – Tuesday, November 12, 2019

9. **COMMISSIONER COMMENTS AND QUESTIONS**

10. **ADDITIONAL PUBLIC COMMENT**

11. **INFORMATION ITEMS**

12. **ADJOURNMENT**

<p>PLEASE CONTACT US IF YOU WILL NOT BE ABLE TO ATTEND THE MEETING: JAMIE -- 283-8231 OR, KAYLA -- 283-8236</p>
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**KENAI HARBOR COMMISSION
JUNE 10, 2019 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
CHAIR MIKE DUNN, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

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

a. Pledge of Allegiance

Chair Dunn led those assembled in the Pledge of Allegiance.

b. Roll Call

Roll was confirmed as follows:

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

Commissioners absent:

Staff/Council Liaison present: Public Works Director S. Curtin, City Manager P. Ostrander, Assistant to City Manager C. Cunningham, City Attorney S. Bloom Administrative Assistant K. Feltman, Council Member J. Glendening

A quorum was present.

c. Agenda Approval

MOTION:

Commissioner Crandall **MOVED** to approve the agenda and Commissioner Peters **SECONDED** the motion. There were no objections; **SO ORDERED**.

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

3. UNSCHEDULED PUBLIC COMMENT – None.

4. APPROVAL OF MEETING SUMMARY

a. June 10, 2019

MOTION:

Commissioner Peters **MOVED** to approve the meeting summary of June 10, 2019; and Commissioner Crandall **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. UNFINISHED BUSINESS

- a. **Discussion** – Potential for Dredging at the City Dock

Public Works Director Curtin reported that dredging is accomplished by engaging the Corps of Engineers and would cost between \$500,000 and \$1 million. He added that he would reach out to the Corps of Engineers and, if any new information was provided, he would provide an update at a future Commission meeting.

6. NEW BUSINESS

- a. **Discussion/Recommendation** – Land Sale and Leasing Policies and Procedures Presentation

City Manager Ostrander and Assistant to City Manager Cunningham presented on proposed changes to the Land Sale Leasing Policy noting the administration was striving for uniform policies for both leasing and sale, development of a Land Management Plan, and being proactive instead of reactive with the sale or leasing of City land.

- b. **Discussion/Recommendation** – Ordinance No. 3072-2019

City Attorney Bloom reviewed the ordinance explaining the policy changes suggested by administration.

- c. **Discussion/Recommendation** – Assignment of Shore Fishery Lease – Tract 2, Shore Fishery Plat No. 71.

Not discussed.

- d. **Discussion/Recommendation** – Assignment of Tidelands Lease – Tract B, Kenai Tidelands Survey No. 2, According to Plat No. 89-2.

Not discussed.

7. REPORTS

- a. **Public Works Director** – S. Curtin reported on the following:
- Working with the Insurance Adjuster and engineers on dock repairs;
 - Well house damage from the earthquake;
 - Potential lessee for dock next year;
 - Special Use Permit for dock use working well this year;
 - Dock & Harbor Survey results to be provided at the next meeting.
- b. **Commission Chair** – M. Dunn asked about the following:
- Asked about an update on the Airport Terminal Rehabilitation Project;
 - Asked about a better way to record fish counts during dipnet.
- c. **City Council Liaison** – J. Glendening thanked the Public Works Director and the team that developed the Land Sale and Leasing Policies and Procedures and provided an overview of the August 7th City Council meeting.

8. NEXT MEETING ATTENDANCE NOTIFICATION – September 9, 2019

MOTION:

Commissioner Hutchison **MOVED** to move the September meeting to September 16 and Commissioner Crandall **SECONDED** the motion. There were no objections; **SO ORDERED**.

9. COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Peters thanked staff for participating.

Commissioner Crandall thanked the Public Works Director for the update regarding the City Dock, Coast Guard follow-up, and dipnet follow-up; also thanked staff for making the dock accessible.

Commissioner Desimone spoke about the Coast Guard presence and safety on the river; thanked the Public Works Director for smooth operations at the dock during the dipnet fishery.

Commissioner Hutchison thanked the Public Works Director.

Commissioner Berga noted a donation of salmon to the Food Bank; a festival event being planned for next June to include a fish bake; management of fish was the responsibility of Fish & Game.

10. ADDITIONAL PUBLIC COMMENT – None.

11. INFORMATION ITEMS – None.

12. ADJOURNMENT

MOTION:

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

There being no further business before the Commission, the meeting was adjourned at 8:34 p.m.

Meeting summary prepared and submitted by:

Jamie Heinz, CMC
City Clerk

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"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
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MEMORANDUM

TO: Harbor Commission and Scott Curtin, Public Works Director

THROUGH: Paul Ostrander, City Manager

FROM: Elizabeth Appleby, City Planner

DATE: August 13, 2019

SUBJECT: **Assignment of Shore Fishery Lease – Tract Two (2), Shore Fishery Plat No. 71**

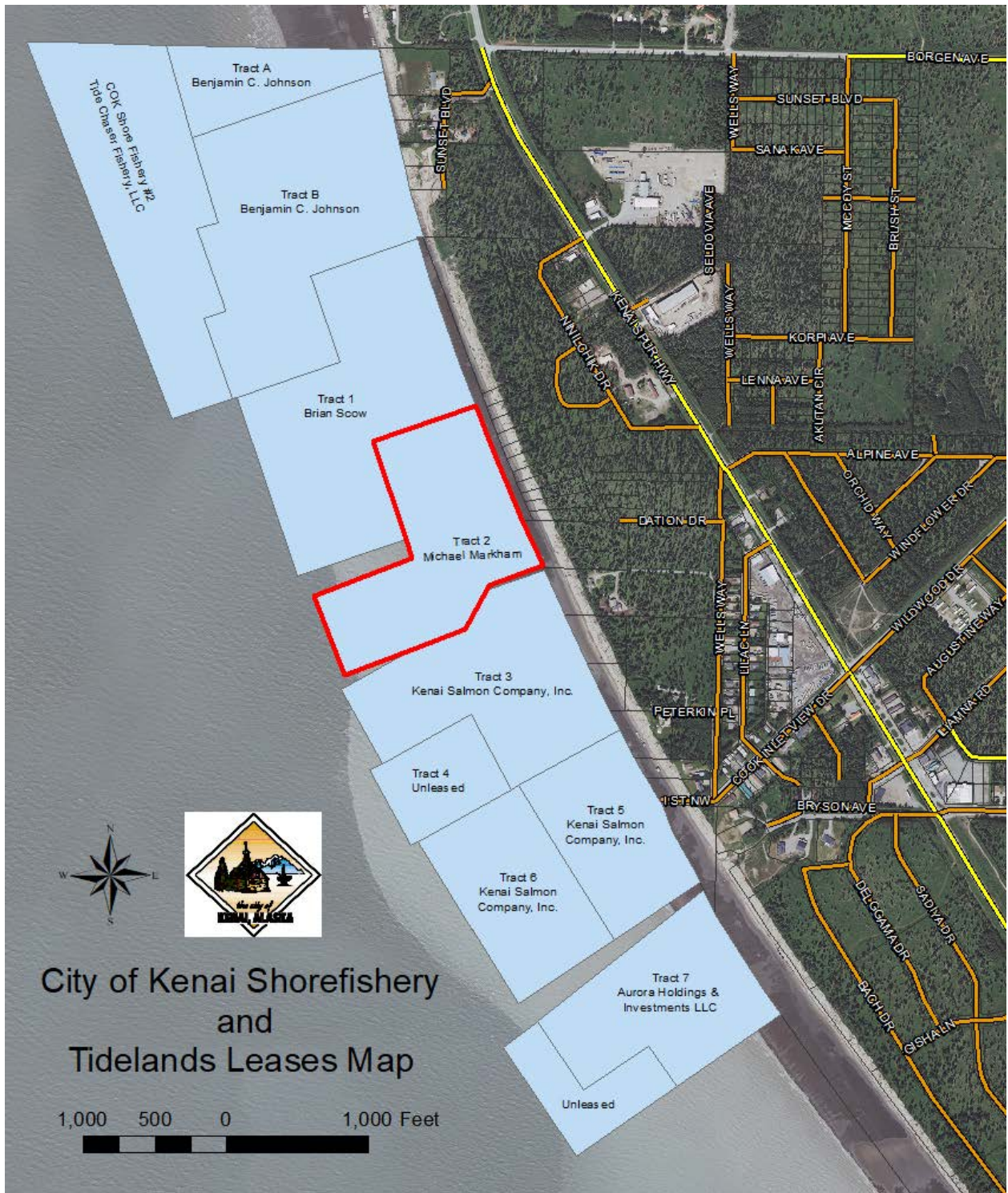
Michael Markham, lessee, submitted a request to the City to assign his shore fishery lease of Tract Two (2), Shore Fishery Plat No. 1 to Nancy Hillman-Scow. A map showing the location of the lease is attached to this memorandum. Drafts of the Consent to Assignment and Assignment of the Shore Fishery Lease are also attached to this memorandum. Kenai Municipal Code 11.10.010(a)(5) states the Harbor Commission is to review leases of City-owned tide, submerged, and lands or navigable waters within the City and make recommendations to City Council.

Before Tract 2, Shore Fishery Plat No. 1 was leased by the City to Michael Markham, it was leased to Markham-Scow, LLC. Markham-Scow, LLC, which was involuntarily dissolved in 2013. The lessee is current on obligations due to the City, has submitted a formal written request to assign the shore fishery lease, and paid the assignment fee. There would not be a change of use or terms of the lease with the assignment. The lease expires in 2026.

Does the Harbor Commission recommend the consent to assignment of the shore fishery lease with the City of the Kenai from Michael Markham to Nancy Hillman-Scow? The City Council will be notified of the Harbor Commission's decision as part of their evaluation of the lease assignment request.

Thank you for your consideration.





CITY OF KENAI

CONSENT TO ASSIGNMENT

The Assignment of that certain Shore Fishery Lease entered into on June 3, 2016, and recorded under document number 2016-005237-0, on June 20, 2016, in the Kenai Recording District, from MICHAEL MARKHAM whose address is 6209 E. Baseline Road, Mesa, Arizona, AZ 85206, to NANCY A. HILLMAN-SCOW, whose address is P.O. Box 2199, Kenai, AK 99611, covering the following-described property:

Tract 2, Shore Fishery Plat No 71

is hereby ACKNOWLEDGED AND CONSENTED TO, subject to the same terms and conditions as contained in the above-described original Shore Fishery Lease, and any and all amendments thereto.

This Consent is given by the City of Kenai without waiving any right or action, or releasing the Assignor from any liability or responsibility under the aforementioned Lease, and does not relieve the Assignee from the condition requiring the City's approval for any subsequent sublease or assignment.

Dated this ____ day of _____, 2019.

Paul Ostrander
City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2019, Paul Ostrander, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

Notary Public for Alaska
My Commission Expires: _____

Approved as to form:



Scott Bloom, City Attorney

After Recording, Return to:

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

ASSIGNMENT OF SHORE FISHERY LEASE

This assignment is entered into between MICHAEL MARKHAM whose address is 6209 E. Baseline Road, Mesa, AZ 85206 (Assignor) and NANCY A. HILLMAN-SCOW, whose address is P.O. Box 2199, Kenai, Alaska, 99611 (Assignee).

Assignor does hereby assign and transfer all of Assignor’s interest in the leasehold estate as provided by that certain Shore Fishery Lease with the CITY OF KENAI as Lessor, entered into on June 3, 2016, and recorded under document number 2016-005237-0 on June 20, 2016, in the Kenai Recording District and for the following-described property:

Tract Two (2), Shore Fishery Plat No. 71

to Assignee to have and to hold the same from the date hereof, for and during all of the remainder of the term of said Shore Fishery Lease.

Assignee agrees to comply fully with all the terms and provisions of the Shore Fishery Lease.

This Assignment of Lease is effective beginning on this _____ day of _____, 2019.

ASSIGNOR:

By: _____
Michael Markham

ASSIGNEE:

By: _____
Nancy A. Hillman-Scow

ACKNOWLEDGEMENTS

State of Alaska)
) ss
Third Judicial District)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Michael Markham being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

Notary Public of Alaska
My Commission Expires: _____

State of Alaska)
) ss
Third Judicial District)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Nancy A. Hillman-Scow being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

Notary Public of Alaska
My Commission Expires: _____

Return to:
City of Kenai
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Kenai, AK 99611



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MEMORANDUM

TO: Harbor Commission and Scott Curtin, Public Works Director

THROUGH: Paul Ostrander, City Manager

FROM: Elizabeth Appleby, City Planner

DATE: August 13, 2019

SUBJECT: **Assignment of Tidelands Lease – Tract B, Kenai Tidelands Survey No. 2, according to Plat No. 89-2**

Snug Harbor Seafoods, Inc., lessee, submitted a request to the City to assign their tidelands lease of Tract B, Kenai Tidelands Survey No. 2 to CRS Can Operate, Inc. A map showing the location of the lease is attached to this memorandum. Drafts of the Consent to Assignment and Assignment of the Tidelands Lease are also attached to this memorandum. Kenai Municipal Code 11.10.010(a)(5) states the Harbor Commission is to review leases of City-owned tide, submerged, and lands or navigable waters within the City and make recommendations to City Council.

Snug Harbor Seafoods, Inc. was assigned the lease in 1999. The original lessee was Royal Pacific Seafoods, Inc. and Marvin Dragseth, Individually and the lease was entered into in 1989. The lease expires in 2043 and is for 55 years. The lessee is current on obligations due to the City, has submitted a formal written request to assign the tidelands lease, and paid the assignment fee. There would not be a change of use or terms of the lease with the assignment.

Does the Harbor Commission recommend the consent to assignment of the tidelands lease with the City of the Kenai from Snug Harbor Seafoods, Inc. to CRS Can Operate, Inc.? The City Council will be notified of the Harbor Commission's decision as part of their evaluation of the lease assignment request.

Thank you for your consideration.





City of Kenai Tidelands Leases Map



CITY OF KENAI

CONSENT TO ASSIGNMENT

The Assignment of that certain Lease of Tidelands entered into on January 24, 1989, and recorded in Book 341 at Pages 16 - 41, on January 27, 1989, in the Kenai Recording District, from SNUG HARBOR SEAFOODS, INC. whose address is P.O. Box 701, Kenai, Alaska, 99611, to CRS CAN OPERATE, INC., whose address is 1500 Georgia, Ste. 800, Vancouver, BC Canada V6G 2Z6 , covering the following-described property:

Tract B, Kenai Tidelands Survey No. 2, according to Plat No. 89-2, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

is hereby ACKNOWLEDGED AND CONSENTED TO, subject to the same terms and conditions as contained in the above-described original Lease of Tidelands, and any and all amendments thereto.

This Consent is given by the City of Kenai without waiving any right or action, or releasing the Assignor from any liability or responsibility under the aforementioned Lease, and does not relieve the Assignee from the condition requiring the City's approval for any subsequent sublease or assignment.

Dated this ____ day of _____, 2019.

Paul Ostrander
City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2019, PAUL OSTRANDER, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

Notary Public for Alaska
My Commission Expires: _____

Approved as to form:



Scott Bloom, City Attorney

After recording, return to:
City of Kenai
210 Fidalgo Ave.
Kenai, AK 99611

ASSIGNMENT OF TIDELANDS LEASE

This assignment is entered into between SNUG HARBOR SEAFOODS, INC. whose address is P.O. Box 701, Kenai, Alaska 99611 (Assignor) and CRS CAN OPERATE, INC., whose address is 1500 Georgia, Ste. 800, Vancouver, BC Canada V6G 2Z6, (Assignee).

Assignor does hereby assign and transfer all of Assignor's interest in the leasehold estate as provided by that certain Lease of Tidelands with the CITY OF KENAI as Lessor, and MARVIN DRAGSETH, Individually, and ROYAL PACIFIC FISHERIES, INC. as Lessees, entered into on January 24, 1989, and recorded In Book 341 at Pages 16 – 41, on January 27, 1989. The Lessee's interest was assigned to SNUG HARBOR SEAFOODS, INC., on May 26, 1999, and recorded in Book 564 at Pages 245 and 246, on July 29, 1999, in the Kenai Recording District and for the following-described property:

Tract B, Kenai Tidelands Survey No. 2, according to Plat No. 89-2, filed in the Kenai Recording District, Third Judicial District, State of Alaska.

to Assignee to have and to hold the same from the date hereof, for and during all of the remainder of the term of said Lease Agreement.

Assignee agrees to comply fully with all the terms and provisions of the Lease and any amendments thereto.

This Assignment of Lease is effective beginning on, the _____ day of _____, 2019.

ASSIGNOR:

ASSIGNEE:

By: _____
Paul Dale
Its: President

By: _____
Merle Chaisson
Its: Signor

ACKNOWLEDGEMENTS

State of Alaska)
) ss
Third Judicial District)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by PAUL DALE, President of SNUG HARBOR SEAFOODS, INC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

Notary Public of Alaska
My Commission Expires: _____

State of Alaska)
) ss
Third Judicial District)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by MERLE CHAISSON, Signor for CRS CAN OPERATE, INC. being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument.

Notary Public of Alaska
My Commission Expires: _____

After recording, return to:
City of Kenai
210 Fidalgo Ave.
Kenai, AK 99611



Kenai City Council - Regular Meeting

September 04, 2019 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

ACTION AGENDA

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **POSTPONED AS AMENDED TO 10/2/19. Ordinance No. 3072-2019** - Renaming, Repealing and Re-Enacting Kenai Municipal Code Title 22-General Fund Lands, Renaming Title 21-City Airport and Airport Lands, and Repealing Kenai Municipal Code Chapter 21.15-Lease and Sale of Airport Lands Outside of the Airport Reserve to Encourage Responsible Growth and Development to Support a Thriving Business, Residential, Recreational and Cultural Community through Responsible Land Policies and Practices. (Administration) [**Clerk's Note:** *At the 08/21/19 Meeting, this Item was Postponed to the Meeting After a Work Session was Held Regarding the Matter for a Second Public Hearing. A Work Session was Held On 09/03/19. A Motion to Enact is On the Floor.*]
2. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3079-2019** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue

and Airport Improvements Capital Project Funds and Accepting a Grant from the Federal Aviation Administration for the Purchase of Two Aircraft Rescue and Firefighting (ARFF) Vehicles, Rehabilitation of the Fire Training Props, and Rehabilitation of the Training Facility for the Alaska Regional Fire Training Facility. (Administration)

3. **ENACTED UNANIMOUSLY. Ordinance No. 3080-2019** - 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)
4. **ENACTED UNANIMOUSLY. Ordinance No. 3081-2019** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund, and Authorizing an Increase to the Construction Purchase Order to Polar North Construction, Inc. (Administration)
5. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3082-2019** - Amending Kenai Municipal Code Chapter 5.35, Oil and Gas Wells, to Provide that Applications and Supplemental Applications be Filed with the City Manager. (City Clerk)
6. **REFERRED AS AMENDED TO PLANNING & ZONING/SECOND PUBLIC HEARING SET FOR 10/2/19. Ordinance No. 3083-2019** - Amending Kenai Municipal Code 14.20.175 - Adult Businesses, To Increase The Buffer Distances Between Adult Businesses And Sensitive Uses From 500 Feet To 1000 Feet And Define Sensitive Uses. (Council Member Pettey)
 - **Substitute Ordinance No. 3083-2019** - Amending Kenai Municipal Code 14.20.175 - Adult Businesses, To Increase The Buffer Distances Between Adult Businesses And Sensitive Uses From 500 Feet To 1000 Feet And Define Sensitive Uses and Amend Kenai Municipal Code 14.22.010 – Land Use Table, to Add Adult Businesses. (Council Members Pettey and Knackstedt)
7. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2019-61** - Awarding a Construction Contract for Rehabilitation of Training Props at the Alaska Regional Fire Training Facility. (Administration)
8. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2019-62** - Awarding a Construction Contract for Rehabilitation of the Alaska Regional Fire Training Facility. (Administration)
9. **ADOPTED UNANIMOUSLY. Resolution No. 2019-63** - Authorizing the Use of the State of Alaska Department of Transportation and Public Facilities Fleet Procurement Program for the Purchase of Two Aircraft Rescue and Firefighting (ARFF) Vehicles for the Alaska Regional Fire Training Facility. (Administration)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Regular Meeting of August 21, 2019

F. UNFINISHED BUSINESS

1. **POSTPONED TO 10/2/19. Resolution No. 2019-58** - Amending its Comprehensive Schedule of Rates, Charges, and Fees to Incorporate Changes to Application Fees for Lands Outside the Airport Reserve. (Administration) [**Clerk's Note:** At the 08/21/19 Meeting, this Item was Postponed to the Meeting which Ordinance No. 3072-2019 was Scheduled for its Second Public Hearing; a Motion to Enact is On the Floor.]

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Purchase Orders Exceeding \$15,000. (Administration)
3. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 10/2/19. *Ordinance No. 3084-2019** - Increasing Estimated Revenues and Appropriations in the General Fund for Reimbursement Received for Support of the Swan Lake Fire Suppression Efforts. (Administration)
4. **DIRECTION GIVEN TO ADMINISTRATION TO DRAFT AN ORDINANCE. Discussion** – Amending Kenai Municipal Code 14.20.330 - Standards for Commercial Marijuana Establishments, to Incorporate Hours of Operation for Retail Marijuana Establishments into the City of Kenai's Code of Ordinances as Recommended by the Planning and Zoning Commission. (Council Member Molloy)
5. **HEARING SET FOR 10/7/19 AT 6:00 P.M. Discussion** - Set a Board of Adjustment Hearing Date. (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
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders between \$2,500 and \$15,000.

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.