
City of Seldovia



www.cityofseldovia.com

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October 22, 2021

Mayor Pierce and Kenai Peninsula Borough Assembly
Electronically submitted: assemblyclerk@kpb.us

Subject: Letter of Support for KPB Ordinance 2021-40

Mayor Pierce and Kenai Peninsula Borough Assembly,

On behalf of the City of Seldovia, I am writing in support of Kenai Peninsula Borough (KPB) Ordinance 2021-40.

At their July 26, 2021 meeting, Mayor Campbell and Seldovia City Council discussed the composition of the Kenai Peninsula Borough Planning Commission. While no formal action was taken at the meeting, the Council's preference was for Seldovia to retain a seat on the Kenai Peninsula Borough Planning Commission and the council spoke in support of requesting the KPB consider reinstating 13 seats on the Commission to ensure each first class and home rule city (5 total) has a guaranteed seat and that the Borough Mayor recognizes the city's recommended appointment to the Commission.

Ordinance 2021-40 seeks to increase the KPB Planning Commission seats from 11 to 13. The ordinance also guarantees Seldovia a seat on the Commission. Additionally, the ordinance maintains the City's ability to nominate one or more applicants for consideration to Seldovia's designated seat, and that the applicant must be a resident of Seldovia in order to serve.

Given discussion regarding this ordinance is occurring the day after the Seldovia City Council meeting (October 25th), I can offer additional feedback I receive from the council at the ordinance's hearing.

Thank you for your consideration,

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

Rachel Friedlander
City Manager

Introduced by: City Manager
Date: 11/8/21
Action: Approved
Vote: 6 Yes, 0 No

**CITY OF SELDOVIA
RESOLUTION 22-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA
SUPPORTING THE KENAI PENINSULA BOROUGH ORDINANCE 2021-40
REGARDING PLANNING COMMISSION MEMBERSHIP AND APPORTIONMENT.**

WHEREAS, At the July 26, 2021 regular meeting, Seldovia City Council discussed the composition of the Kenai Peninsula Borough (KPB) Planning Commission; and

WHEREAS, While there was no formal action taken at the meeting, the Council expressed that its preference was for Seldovia to retain a seat on the KPB Planning Commission and spoke in support of requesting that the Borough consider reinstating thirteen seats on the Commission to ensure each first class and home rule city has a guaranteed seat and that the Borough Mayor recognizes the city's recommended appointment to the Commission; and

WHEREAS, KPB Ordinance 2021-40 seeks to increase the KPB Planning Commission seats from 11 to 13. The ordinance maintains the City's ability to nominate one or more applicants for consideration to Seldovia's designated seat, and that the applicant must be a resident of Seldovia in order to serve; and

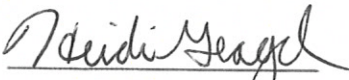
WHEREAS, It is in the best interest of the City of Seldovia to support KPB Ordinance 2021-40.

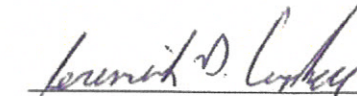
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELDOVIA that the Seldovia City Council unanimously supports KPB Ordinance 2021-40.

PASSED AND APPROVED by a duly constituted quorum of the City Council of Seldovia, Alaska, on this 8th day of November, 2021.

ATTEST:

APPROVED:


Heidi Geagel, City Clerk


Jeremiah Campbell, Mayor





KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Council Member Jim Glendening

DATE: October 25, 2021

SUBJECT: **Resolution 2021-65 – Supporting Kenai Peninsula Borough Ordinance 2021-40, Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment**

The Kenai Peninsula Borough Assembly will be considering Ordinance 2021-40, Amending KPB 2.40.015 regarding Planning Commission Membership and Apportionment at its December 7, 2021 meeting. This Ordinance re-establishes city seats, including the City of Kenai, on the Borough Planning Commission, which were reduced by Kenai Peninsula Borough Ordinance 2016-25 Substitute.

Since the enactment of Ordinance 2016-25, which was opposed by the City of Kenai at introduction, the five home rule and first class cities of the Borough, including Homer, Kenai, Soldotna, Seward, and Seldovia have shared four city seats by rotation. Kenai Peninsula Borough Code does not provide clarity as to how these seats would be distributed; however, the current policy of rotation means that at all times, one of these cities will not have representation on the Borough's Planning Commission for matters of importance to that city.

As the city with the largest population in the Borough, it is important that the City of Kenai has representation on the Borough's Planning Commission and not be required to share a rotating seat. Re-establishing the city seat lost by the enactment of Ordinance 2016-25 Substitute by re-establishing these seats and clarifying that the commissioner serving on a city seat must be a city resident, and a list have at least one name is in the best interests of residents of Kenai as well as the greater Kenai community.

Your consideration is appreciated.



Sponsored by: Council Member Jim Glendening

CITY OF KENAI

RESOLUTION NO. 2021-65

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, SUPPORTING KENAI PENINSULA BOROUGH ORDINANCE 2021-40, AN ORDINANCE AMENDING KPB 2.40.015 REGARDING PLANNING COMMISSION MEMBERSHIP AND APPORTIONMENT.

WHEREAS, Resolution 2016-31 opposed Kenai Peninsula Borough Ordinance 2016-25 as introduced, which proposed to reduce Borough Planning Commission membership from 13 to 9 and eliminate the designated seat for the City of Kenai; and,

WHEREAS, Kenai Peninsula Borough Ordinance 2016-25 Substitute amended Borough Code 2.40.010 to reduce the Borough's Planning Commission membership from 13 members, including one member from each of the five first class or home rule cities of the Borough, to 11 members, without providing a process for how the five cities would share the four remaining city seats; and,

WHEREAS Kenai Peninsula Borough Code 2.40.010 does not identify specific city seats, how they would equitably rotate each year and term, or require that the 5 city seats be filled by a resident of the respective cities; and,

WHEREAS, Kenai Peninsula Borough Ordinance 2021-40, which has been introduced and is scheduled to be heard on December 7, 2021, would re-establish the number of Borough planning commissioners at 13; and,

WHEREAS, the Ordinance would also establish a designated seat for the cities of Homer, Kenai, Soldotna, Seward, and Seldovia and require that the individual appointed to that seat be a resident of the respective city; and,

WHEREAS, current Borough policy requires that each Council provide a list of recommendations with more than one applicant, limiting the ability of the respective Council to comply with the policy in instances where only one applicant applies for a city seat; and,

WHEREAS, that same policy does not require that an individual that is appointed to a City seat be a resident of the respective City; and,

WHEREAS, the City of Kenai has the largest population of any city in the Borough, with a population of 7,424, or approximately 12% of the Kenai Peninsula Borough, according to the 2020 Census data; and,

WHEREAS, membership on the Borough's Planning Commission allows the City to provide input and weigh in on important development and economic activities that affect the City; and,

WHEREAS, specific representation on the Borough's Planning Commission for municipalities and population centers is critical as evidenced by the Alaska Statute 29.40.020 which sets out a specific apportionment for home rule and first class cities located in the borough; and,

WHEREAS, it is in the best interests of the residents of the City of Kenai to be served by representation on the Borough's Planning Commission as well as the residents of our neighboring home rule and first class cities within the Borough by re-establishing the number of Borough planning commissioners to 13 and reinstating City seats.

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

Section 1. The Council supports Kenai Peninsula Borough Ordinance 2021-40 as introduced and recommends the Kenai Peninsula Borough Assembly reestablish designated seats for the cities of Homer, Kenai, Soldotna, Seward, and Seldovia, and clarify that a Kenai Peninsula Borough planning commissioner representing a city must be a resident of that city, and a list have at least one name.

Section 2. That a copy of this Resolution be forwarded to the Kenai Peninsula Borough Assembly, Mayor Pierce and the Kenai Peninsula Borough Planning Commission.

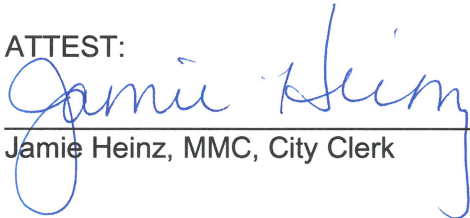
Section 3. That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of November, 2021.



BRIAN GABRIEL, SR., MAYOR

ATTEST:



Jamie Heinz, MMC, City Clerk



Introduced By: Mayor, Chilson
Date: November 10, 2021
Action: Adopted
Vote: 6 Yes, 0 No

CITY OF SOLDOTNA
RESOLUTION 2021-055

A RESOLUTION IN SUPPORT OF PROPOSED KENAI PENINSULA BOROUGH ORDINANCE
2021-40: AN ORDINANCE AMENDING KPB 2.40.015 REGARDING PLANNING
COMMISSION MEMBERSHIP AND APPORTIONMENT

WHEREAS, Resolution 2016-028 adopted by the Soldotna City Council on July 13, 2016 opposed Kenai Peninsula Borough (KPB) Ordinance 2016-25 in its original form which proposed the KPB Planning Commission be reduced from thirteen members to nine members, with one member being from either the City of Soldotna or City of Kenai; and

WHEREAS, the KPB Assembly amended Ordinance 2016-025 by substitute reducing the membership from thirteen to eleven members, the substitute ordinance as enacted provided no provisions for how the five cities would share the four seats designated for city representation; and

WHEREAS, KPB Ordinance 2021-40 proposes to increase the KPB Planning Commission membership from eleven back to thirteen, with each of the five first class or home rule cities within the KPB again having a designated seat on the KPB Planning Commission; and

WHEREAS, it is in the best interest of the cities and the borough that all cities have a fixed seat on the KPB Planning Commission to ensure that a diversity of perspectives are offered and that cities have a voice on local and regional land use decisions and policy recommendations; and

WHEREAS, the Borough Administration has historically held that candidates for a 'city' designated seat on the Borough Planning Commission must be a qualified voter of the borough "who reside within the city limits," and this qualification was reiterated as recently as May 5, 2021 in a letter from Mayor Pierce to Mayor Whitney, announcing the current vacancy on the Borough Planning Commission; and

WHEREAS, this residency interpretation has been consistently applied by the Borough in the past, even causing sitting planning commissioners to have to step down from their seat if they moved their residence during their tenure on the Borough Planning Commission; and

WHEREAS, the Borough's recent advertisement for a vacant city designated seat provided that 'Any borough resident may apply,' a reversal of the borough's own longstanding practice and in conflict with State Statutes which require membership to be apportioned based on population inside versus outside incorporated cities; and

WHEREAS, past and current Borough Mayors have given great deference to the City Councils of the incorporated cities, as the elected representatives designated under Alaska Statutes responsible for forwarding a recommendation for the Borough Planning Commission member to represent their city; and

WHEREAS, the various City Councils often forward a single name for consideration, and Mayor Pierce recently accepted and recommended Assembly confirmation when only one recommended candidate was forwarded from the City of Seldovia in 2018, the Cities of Kenai and Homer in 2019, and the City of Seward in 2020; and

WHEREAS, KPB Ordinance 2021-40 codifies in Borough code the long-standing processes for filling vacancies of City representatives on the Borough Planning Commission, and returns the commission to 13 members as it existed prior to 2016; and

WHEREAS, the City of Soldotna has not had a representative on the Borough Planning Commission since July 31, 2020; and

WHEREAS, it is in the best interest of the residents of the City of Soldotna that the Assembly adopt Ordinance 2021-40, reestablishing designated city seats on the Borough Planning Commission and codifying procedures that ensure the residents of home rule and first class cities within the Borough are represented in borough planning decisions and processes;

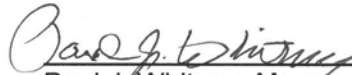
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Soldotna City Council supports KPB Ordinance 2021-40 as introduced, and recommends the Kenai Peninsula Borough Assembly reestablish designated seats for the cities of Homer, Kenai, Seldovia, Seward, and Soldotna, and clarifying that a planning commissioner serving on a city seat must be a city resident, and that City Councils may forward a single recommended candidate for consideration.


Section 2. That a copy of this Resolution shall be forwarded to the Borough Clerk's Office, the Borough Planning Commission, the Kenai Peninsula Borough Assembly, and the office of Mayor Charlie Pierce.

Section 3. This resolution shall become effective immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL THIS 10TH DAY OF NOVEMBER, 2021.


Paul J. Whitney, Mayor

ATTEST:


Michelle M. Sauer, MMC, City Clerk

Yes: Hutchings, Ruffridge, Nelson, Carey, Chilson, Parker
No: None