

Introduced by: Mayor, Ecklund  
Date: 04/05/22  
Hearing: 04/19/22  
Action: Enacted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-19-43**

**AN ORDINANCE REDIRECTING EXCESS FUNDS APPROPRIATED FOR THE US  
ARMY CORPS OF ENGINEERS JAPANESE CREEK FEASIBILITY STUDY TO  
COMPLETE FLOOD HAZARD AND ALTERNATIVES ANALYSES, AND DESIGN  
PLANS FOR FLOOD RISK MITIGATION PROJECTS**

- WHEREAS,** Ordinance 2019-19-27 appropriated matching funds for the US Army Corps of Engineers (USACE) to complete a feasibility study of flood risk management alternatives on the Japanese Creek alluvial fan (the “study”); and
- WHEREAS,** the study required a \$450,000 local match with the Kenai Peninsula Borough (Borough) Seward-Bear Creek Flood Service Area committing \$180,000, the Borough’s Solid Waste Department committing \$135,000, and the City of Seward committing \$135,000
- WHEREAS,** the USACE completed the feasibility study and provided the local sponsors with a detailed technical report of recommended measures and mitigation alternatives, including hydraulic and hydrologic analyses, national and local cost estimates, natural and cultural resources, and the identification, development and evaluation of alternatives; and
- WHEREAS,** there is an additional \$241,849.02 in project funds remaining; and
- WHEREAS,** the primary flooding threat in the Japanese Creek corridor is a rapid deposition of sediment that would cause the existing levee and Dieckgraeff Road to overtop and fail;
- WHEREAS,** the Borough is responsible for maintaining Dieckgraeff Road; and
- WHEREAS,** in the lower reaches of the Japanese Creek levee, the USACE provided alternatives for erosion and flood control to mitigate damages to Dieckgraeff Road and overtopping of the lower reaches of the levee into the Forest Acres neighborhood, alternatives include road modifications, a sediment trap, and downstream channelization; and
- WHEREAS,** Dieckgraeff Road is the only ingress/egress to the Seward Solid Waste Transfer facility located in this area; and

**WHEREAS,** therefore, it is in the best interests of the Borough to contribute to the match to complete design and engineering for the recommended alternatives; and

**WHEREAS,** at its meeting held on March 29, the City of Seward Council recommended approval by the passage of Seward Resolution 2022-040; and

**WHEREAS,** at its meeting held on April 4, 2022, the Seward-Bear Creek Flood Service Area Board recommended approval by unanimous consent;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That \$90,695.28 of Seward-Bear Creek Flood Service Area funds are de-obligated from the Seward-Bear Creek Flood Service Area account 259.21212.20SFS.49999. The funds shall be re-directed to account 259.21212.22FHZ.49999 to continue mitigation in the lower reaches including flood hazard analyses and updated mapping, lower reach alternative analyses, and construction ready design plans for Dieckgraeff Road and drainage improvements in the low-lying areas of the alluvial fan.

**SECTION 2.** That \$75,576.87 of City of Seward match funds are de-obligated from account 271.94910.20SFS.49999. The funds shall re-directed to account 271.94910.22FHZ.49999 for the purpose described in Section 1 of this ordinance.

**SECTION 3.** That \$75,576.87 of Borough Solid Waste Department funds are de-obligated from account 290.32150.20SFS.49999. The funds shall be re-directed to account 290.32150.22FHZ.49999 for the purpose described in Section 1 of this ordinance.

**SECTION 4.** That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

**SECTION 5.** That this ordinance shall be effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF APRIL, 2022.**

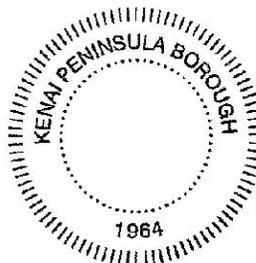
*Brent Johnson*

Brent Johnson, Assembly President

ATTEST:

*John Blankenship*

John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Hibbert, Tupper, Johnson

No: None

Absent: Elam