

Introduced by:	Mayor
Date:	06/07/22
Hearing:	06/21/22
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-21**

**AN ORDINANCE PROVIDING FOR AN EXCEPTION TO KPB 17.10.210 AND  
AUTHORIZING THE MAYOR TO EXECUTE A NO-CHARGE AGREEMENT  
WITH THE CITY OF KENAI FOR HARD ROCK RESOURCE EXTRACTION  
FROM BOROUGH-OWNED LAND IN SUPPORT OF THE KENAI BLUFF  
STABILIZATION PROJECT**

**WHEREAS,** the City of Kenai is proceeding with the Kenai Bluff Stabilization Project; and

**WHEREAS,** the project requires a large amount of hard rock materials; and

**WHEREAS,** the Kenai Peninsula Borough (Borough) owns valuable hard rock resources adjacent to the Rocky Ridge Landfill which serves the community of Seldovia; and

**WHEREAS,** landfill expansion at the location is contingent on removal of hard rock from the site; and

**WHEREAS,** the scope of hard rock removal needed for the project fits with long-term landfill expansion needs and would provide finer material that is useful for landfill cover and processing into aggregate for local uses; and

**WHEREAS,** KPB 17.10.210 provides that the mayor is authorized to negotiate at the current market value the sale of material resources; and

**WHEREAS,** Resolution 2009-074 authorized the mayor to negotiate with the City of Kenai to produce rock from borough quarries for the project with no-borough-charge; and

**WHEREAS,** the Borough's administration has negotiated a contract that would provide the City of Kenai access to the resources without cost to provide in-kind benefits supporting the project in consideration of benefits to the Borough from the work; and

**WHEREAS,** the Assembly finds it in the best interest of the Borough to enter into a no cost contract with the City of Kenai in consideration of the benefits to KPB from the work;

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

**SECTION 1.** That, notwithstanding KPB 17.10.210 or any other code provision to the contrary, the mayor is authorized to waive all charges, fees, and royalty applicable pursuant under KPB Chapter 17.10 in negotiating an agreement with the City of Kenai to allow the City of Kenai to process, extract or remove natural resource materials from the Kenai Peninsula Borough's Rocky Ridge Quarry to be used exclusively for the Kenai Bluff Stabilization Project. This exception to charges, fees, and royalties applicable under KPB 17.10.210 shall apply to this ordinance only and based on the assembly finding that it is in the best interests of the Kenai Peninsula Borough, the City of Kenai, and residents of the Kenai Peninsula Borough to negotiate a no-charge contract in support of the Kenai Bluff Stabilization Project.

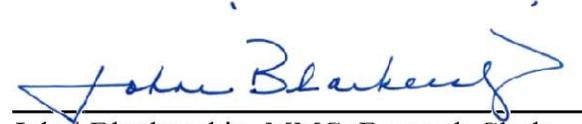
**SECTION 2.** The mayor is authorized to execute all documents necessary to effectuate this ordinance.

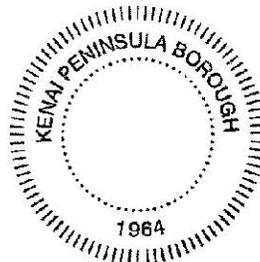
**SECTION 3.** This ordinance shall be effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF JUNE, 2022.**

  
Brent Johnson, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson  
No: None  
Absent: None