

Kenai Peninsula Borough

Purchasing & Contracting Department

MEMORANDUM

TO: Brent Hibbert, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor CP

FROM: John Hedges, Purchasing & Contracting Director JH
Dil Uhlin, Purchasing & Contracting Director DU

DATE: February 18, 2021

RE: Ordinance 2021-10, Providing an Exemption from KPB Chapter 14.06 Road Standards to Allow Acceptance of a Non-Conforming Road into the Borough Road Maintenance Program (Mayor)

In 2016, the Kenai Peninsula Borough (Borough) accepted a grant agreement from the US Department of Transportation, Western federal Lands Division (DOT-WFL) for the construction of 7.5 miles of road located along the Kenai Spur Hwy right-of-way.

The grant was contingent upon a scope of work that would mitigate impacts to wetlands and sensitive habitat currently being impacted by off-road vehicle traffic that utilize the right-of-way for recreational and private property access purposes.

As part of the grant agreement, under Section C, Jurisdictional and Maintenance Commitment, the Borough has jurisdictional authority to operate and maintain the existing facility and will operate and maintain the completed project at its expense.

It is in the best interest of the Borough to provide winter maintenance on a regular basis to allow for public use of the access and monitoring of the road conditions. Summer maintenance should be applied on an as needed basis when deemed necessary to preserve the integrity of the road embankment and infrastructure.

Chapter 14.06 of the Kenai Peninsula Borough Code of Ordinances requires that all roads accepted into maintenance meet Borough standards. Per the grant agreement this road was not built to meet all necessary Road Service Area standards.

Pursuant to the DOT-WFL grant agreement the Borough is obligated to provide road maintenance at its expense.

It is in the best interest of the Borough to include the Kenai Spur Extension into the road maintenance program provided by the Road Service Area in conjunction with its standard maintenance program.

Your consideration of this ordinance is appreciated.