

Introduced by:	Johnson, Bagley
Date:	06/07/16
Hearing:	07/26/16
Action:	Failed as Amended
Vote:	4 Yes, 4 No, 1 Absent
Date:	07/26/16
Action:	Notice of Reconsideration Given by Bagley
Date:	08/09/16
Action:	Motion to Reconsider Failed
Vote:	4 Yes, 4 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-22**

**AN ORDINANCE AMENDING KPB 16.08.010 AND 16.24.010 TO MOVE THE
COMMON BOUNDARY BETWEEN THE CENTRAL KENAI PENINSULA HOSPITAL
SERVICE AREA AND THE SOUTH KENAI PENINSULA HOSPITAL SERVICE AREA
SOUTH, SUBJECT TO APPROVAL BY VOTERS RESIDING IN THE CENTRAL
KENAI PENINSULA HOSPITAL SERVICE AREA AND THE PROPOSED NEW AREA**

WHEREAS, since hospital service area boundaries should reflect the usage of the communities they serve, it makes sense to examine them periodically to allow for changes; and

WHEREAS, results of a special election held on April 8, 1969 created South Kenai Peninsula Hospital Service Area (SKPHSA) and Central Kenai Peninsula Hospital Service Area (CKPHSA); and

WHEREAS, a hospital was built at Homer in 1955 and was leased to the borough in 1969 and became the focus of the SKPHSA; and

WHEREAS, a 49-bed borough-owned hospital opened at Soldotna in 1971, and before that date patients from Clam Gulch, Soldotna and Kenai often used a clinic in Soldotna, or hospitals either at Seward or Anchorage; and

WHEREAS, the common boundary between the two hospital service areas has, since their inception, crossed the Sterling Hwy at the Clam Gulch Tower, which is about 14.5 miles closer to Central Peninsula Hospital (CPH) than the roadway midpoint; and

WHEREAS, the roadway midpoint between the two hospitals is Sterling Hwy mile 133.75 (near Barbara Drive, about 1.25 miles north of Ninilchik River); and

WHEREAS, Ninilchik Emergency Services provides ambulance service between the Clam Gulch Tower (mile 119.25) and Happy Valley Bar (mile 145), and from January 2013 through May 2016, about 78 percent of their local hospital runs were to Central Peninsula Hospital; and

WHEREAS, for several years the Ninilchik Traditional Council Community Clinic has been helped by SKPHSA because the hospital shares a doctor with the clinic; and

WHEREAS, the closer residents live to Soldotna, the more likely they are to choose CPH for their hospital needs; and

WHEREAS, the SKPHSA mill rate is 2.3 mills and the CKPHSA mill rate is 0.01 mills; and

WHEREAS, the financial needs of the hospitals should be considered when adjusting service area boundaries; and

WHEREAS, care should be exercised when making new boundaries to avoid bisecting existing land parcels; and

WHEREAS, as voter approval is required to expand the boundaries of a service area, approval by the voters of CKPHSA and the voters in the proposed new area in the CKPHSA is required; and

WHEREAS, the SKPHSA Board recommended the assembly vote in opposition to the ordinance;

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

SECTION 1. That KPB 16.08.010 is hereby amended as follows:

16.08.010. Established Boundaries.

There is established a service area within the borough, designated the "Central Kenai Peninsula Hospital Service Area," including that portion of the borough described as follows:

As a point of beginning, begin at the N.W. corner of T15N, R23W (projected), Seward Meridian, State of Alaska;

Thence east to the N.E. corner of T15N, R12W, (projected);

Thence south to the N.W. corner of T13N, R11W, (projected);

Thence east to the N.E. corner of T13N, R10W, (projected);

Thence south to the S.E. corner of T13N, R10W, (projected); said corner being in Cook Inlet at longitude 150°58'18" W, latitude 61°10'00" N;

Thence southeasterly to the S.E. corner of T12N, R9W, (projected), said corner being in Cook Inlet at longitude 150°46'37" W, latitude 61°04'49" N;

Thence northeasterly to the N.E. corner of T12N, R7W, (projected), said corner being in Cook Inlet at longitude 150°26'01" W, latitude 61°01'01" N;

Thence southeasterly to the N.E. corner of T11N, R6W, (projected), said corner being in Turnagain Arm at longitude 150°14'40" W, latitude 61°04'49" N;

Thence east to the N.E. corner of T11N, R5W, (projected), said corner being in Turnagain Arm at longitude 150°04'01" W, latitude 61°04'49"N;

[THENCE SOUTHEASTERLY TO THE COMMON BOUNDARY OF THE KENAI NATIONAL MOOSE RANGE AND THE CHUGACH NATIONAL FOREST AND CHICKALOON BAY;

THENCE SOUTH ALONG THE COMMON BOUNDARY OF THE KENAI NATIONAL MOOSE RANGE AND THE CHUGACH NATIONAL FOREST TO THE INTERSECTION WITH THE BOUNDARY BETWEEN ELECTION DISTRICT NUMBERS 9 AND 10;

THENCE SOUTHERLY ALONG THE BOUNDARY LINE BETWEEN ELECTION DISTRICT NUMBERS 9 AND 10 TO AN INTERSECTION WITH THE TOWNSHIP LINE BETWEEN T1N AND T2N (PROJECTED);]

Thence southeasterly to the intersection of the 150th Meridian and the mean high water line of Chickaloon Bay;

Thence south along the 150th Meridian to a line drawn along the Kenai Mountains from USC&GS Triangulation Station Gore Point on the Gulf of Alaska to USC&GS Triangulation Station Gull Rock on Turnagain Arm;

Thence southwesterly along the previously described line to an intersection with T1S and T2S (projected);

Thence west along the township line between [T1N and T2N] T1S and T2S to [A POINT 3 MILES OFFSHORE IN COOK INLET;

THENCE SOUTHWESTERLY TO AN INTERSECTION WITH SEWARD BASELINE AT A POINT 3 MILES OFFSHORE IN COOK INLET FROM THE WESTERN SHORE OF COOK INLET;

THENCE WEST TO THE S. W. CORNER OF T1N, R24W, (PROJECTED);] the S.E. corner of T1S, R14W;

Thence west along the township line to the ¼ corner of Section 34, T1S R14W;

Thence north to the center ¼ of Section 34, T1S, R14W;

Thence west to the ¼ corner common to Section 33, and 34, T1S, R14W;

Thence north to the northwest corner of Section 27, T1S, R14W;

Thence west to the southwest corner of Section 19, T1S, R14W;

Thence north to the N.W. corner of T1S, R14W, said corner being in Cook Inlet

Thence west along the Seward baseline to the N.W. corner of T1S, R18W, said corner being in Cook Inlet;

Thence south to the S.W. corner of T1S, R18W, said corner being in Cook Inlet;

Thence west to the S.W. corner of T1S, R25W, (projected);

Thence north to the N.W. corner of T1S, R25W, (projected);

Thence east to the S.W. corner of T1N, R24W (projected);

Thence north to the N.W. corner of T4N, R24W, (projected);

Thence east to the S.W. corner of T5N, R23W, (projected);

Thence north to the N.W. corner of T8N, R23W, (projected);

Thence west to the S.E. corner of T9N, R24W, (projected);

Thence north to the N.E. corner of T12N, R24W, (projected);

Thence west to the S.E. corner of T13N, R24W, (projected);

Thence north to the N.E. corner of T15N, R24W, (projected), the point of beginning.

SECTION 2. That KPB 16.24.010 is hereby amended as follows:

16.24.010. ~~Established~~—Boundaries.

There is established a service area within the borough designated the “South Kenai Peninsula Hospital Service Area,” including that portion of the borough described as follows:

As a point of beginning, begin at the [N.W. CORNER OF T1S; R25W] S.W. corner of T1S, R25W (projected), Seward Meridian, State of Alaska;

Thence east to the S.W. corner of T1S, R18W, said corner being in Cook Inlet;

Thence north to the N.W. corner of T1S, R18W, said corner being in Cook Inlet;

Thence east along the Seward baseline to the N.W. corner of T1S, R14W, said corner being in Cook Inlet;

Thence south to the SW corner of Section 19, T1S, R14W, said corner being in Cook Inlet;

Thence east to the northwest corner of Section 27, T1S, R14W;

Thence south to the ¼ corner common to Section 33, and 34, T1S, R14W;

Thence east to the center ¼ corner of Section 34, T1S, R14W;

Thence south to the ¼ corner of Section 34, T1S, R14W;

Thence east to the intersection of a line drawn along the Kenai Mountains from USC&GS Triangulation Station Gore Point on the Gulf of Alaska To USC&GS Triangulation Station Gull Rock on Turnagain Arm;

[THENCE EAST ALONG SEWARD BASELINE TO A POINT IN COOK INLET AND 3 MILES OFFSHORE ON THE WEST SIDE OF COOK INLET;

THENCE NORTHEASTERLY TO A POINT OF INTERSECTION WITH TOWNSHIP LINE BETWEEN T1N, T2N AND 3 MILES OFFSHORE IN COOK INLET ON THE EAST SIDE OF COOK INLET;

THENCE EAST ALONG TOWNSHIP LINE BETWEEN T1N AND T2N TO THE E 1/16 CORNER OF SECTION 34, T2N, R6W;]

Thence southwesterly along previously described line to USC&GS Triangulation Station Gore Point;

[THENCE IN A SOUTHERLY DIRECTION TO THE S.E. CORNER OF THE N.E. ¼ OF SECTION 28, T11S, R10W, (PROJECTED), SAID CORNER BEING AT OR APPROXIMATELY AT GORE POINT;]

Thence southwesterly to the S.E. corner of the N.E. ¼ of Sec. 27, T12S, R13W (projected), said corner being on or approximately on the southerly point of East Chugach Island;

Thence southwesterly to the S.E. corner of Sec. 31, T12S, R14W, (projected), said corner being at or approximately at Perl Rock;

Thence southwesterly to longitude 153°00'00" W, latitude 59°02'00" N, in Cook Inlet;

Thence southwesterly to the N.E. corner of Sec. 27, T15S, R24W, (projected), at Cape Douglas on the west side of Cook Inlet;

Thence west to the N.E. corner of Sec. 29, T15S, R26W, (projected);

Thence south to the S.E. corner of Sec. 32, T16S, R26W, (projected);

Thence west to the N.E. corner of T17S, R28W, (projected);

Thence south to the S.E. corner of T17S, R28W, (projected);

Thence west to the S.W. corner of T17S, R32W, (projected);
Thence north to the N.W. corner of T17S, R32W, (projected);
Thence west to the S.W. corner of T16S, R32W, (projected);
Thence north to the N.W. corner of T13S, R32W, (projected);
Thence west to the S.W. corner of T12S, R32W, (projected);
Thence north to the N.W. corner of T11S, R32W, (projected);
Thence east to the S.W. corner of T10S, R30W, (projected);
Thence north to the N.W. corner of T9S, R30W, (projected);
Thence east to the S.E. corner of T8S, R29W, (projected);
Thence north to the N.E. corner of T8S, R29W, (projected);
Thence east to the N.E. corner of T8S, R28W, (projected);
Thence north to the N.W. corner of T6S, R27W, (projected);
Thence east to the S.W. corner of T5S, R26W, (projected);
Thence north to the N.W. corner of T5S, R26W, (projected);
Thence east to the S.W. corner of T4S, R25W, (projected);
Thence north to the N.W. corner of T1S, R25W, (projected);

Thence east to the point of beginning, EXCEPTING therefrom all lands above the Mean High Water Line including islands southwest of a line [FROM THE S.E. CORNER OF N.E. ¼ OF SECTION 28, T11S, R10W, (PROJECTED) SAID CORNER BEING AT OR APPROXIMATELY AT GORE POINT] commencing at the USC&GS Triangulation Station Gore Point;

Thence Northeasterly along a line drawn from the USC&GS Triangulation Station Gore Point to USC&GS Triangulation Station to the intersection of the east-west ¼ line of section 17, T9S, R9W;

[THENCE NORTH TO THE N.W. CORNER OF SECTION 3, T9S, R10W;]

Thence Northwest to the ¼ corner common to Sections 20 and 29, T7S, R12W;

Thence North 45 degrees West to the Mean High Water line of Neptune Bay within Kachemak Bay.

SECTION 3. That a proposition shall be presented to all voters residing in both the existing and the proposed new area of the Central Kenai Peninsula Hospital Service Area as follows:

PROPOSITION No. _____

Shall the common boundary line between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area be moved south by about 14.5 miles as described in KPB Ordinance 2016-22 and the borough be authorized to exercise the Central Kenai Peninsula Hospital Service Area powers in that additional area?

YES _____

A "Yes" vote means you approve moving the common boundary line between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area south by about 12 miles, except the line would follow Kingsley Road north about 1/2 mile, cross the Sterling Highway and go west into Cook Inlet, and the borough exercising Central Kenai Peninsula Hospital Service Area powers in that additional area.

NO _____

A "No" vote means that you oppose moving the common boundary line between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area.

SECTION 4. That notwithstanding KPB 16.04.040 the public hearing held within the proposed service area boundaries may be held after this ordinance was introduced and the requirement that an assembly committee meeting be held in both the proposed and existing area of the service area is waived, provided that one such meeting shall be held in either area.

SECTION 5. That sections 1 and 2 of this ordinance shall take effect only upon approval of the proposition in section 3 by a majority of the voters voting on the question during the regular KPB election scheduled for October 4, 2016. Sections 3, 4 and 5 of this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2016.

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

07/26/16 Vote on motion to enact as amended:

Yes: Bagley, Holmdahl, Johnson, Knopp

No: Cooper, Dunne, Gilman, Ogle

Absent: Welles

08/09/16 Vote on motion to reconsider:

Yes: Bagley, Holmdahl, Johnson, Knopp

No: Cooper, Dunne, Gilman, Ogle

Absent: Welles