

Introduced by: Mayor  
Date: 02/04/20  
Hearing: 02/25/20  
Action: Enacted as Amended  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-19-27**

**AN ORDINANCE APPROPRIATING MATCHING FUNDS FOR THE JAPANESE  
CREEK LEVEE FLOOD RISK MITIGATION FEASIBILITY STUDY**

- WHEREAS,** the Japanese Creek levee protects a large amount of infrastructure including three Kenai Peninsula Borough (“borough”) schools, City of Seward owned facilities, and the borough solid waste facility; and
- WHEREAS,** Japanese Creek has a history of stream damming and surge-related floods that carry debris, with 11 such floods reported in the last 50 years; and
- WHEREAS,** the U.S. Army Corps of Engineers (“Corps of Engineers”) has indicated that a flood event that breaches the levee could result in a sudden surge release that could cause severe and possibly catastrophic damages along the alluvial fan; and
- WHEREAS,** the Corps of Engineers has developed a project to conduct a feasibility study to begin work on a comprehensive flood risk management project for this area at an estimated cost of \$900,000; and
- WHEREAS,** the study requires a \$450,000 local match with the Seward-Bear Creek Flood Service Area (“SBCFSA”) committing \$180,000, the borough Solid Waste Department committing \$135,000, and the City of Seward committing \$135,000; and
- WHEREAS,** the borough’s local match is contingent upon receipt of the City of Seward \$135,000 local match and a Memorandum of Agreement executed between the borough and the City of Seward describing responsibilities to be completed by each party during the Japanese Creek CAP Section 205 Feasibility Study project performance period; and
- WHEREAS,** the borough assumed site operations of the Seward Landfill in 1974 and constructed a transfer site in the early 1990s requiring the borough to obtain a conditional use permit from the City of Seward, which included a condition that required the borough to maintain Dimond Boulevard, which is now known as Dieckgraeff Road; and
- WHEREAS,** due to the solid waste facilities located in this area it is in the best interests of the borough to contribute to the local match to establish a comprehensive management program for this area; and

**WHEREAS,** the SBCFSA board, at its regularly scheduled meeting of February 10, 2020, recommended approval by unanimous consent;

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

**SECTION 1.** That \$135,000 is appropriated from the General Fund, fund balance to be transferred to solid waste account 290.32150.20SFS.49999.

**SECTION 2.** That \$130,000 is appropriated from Seward-Bear Creek Flood Service Area fund balance to account 259.21212.20SFS.49999.

**SECTION 3.** That \$50,000 is appropriated through the FY2020 budgetary process to account 259.21212.43011 is transferred to account 259.21212.20SFS.49999.

**SECTION 4.** That \$135,000 match from the City of Seward is appropriated to account 271.94910.20SFS.49999.

**SECTION 5.** That the match funds appropriated are of a project length nature and as such do not lapse at the end of any particular fiscal year.

**SECTION 6.** That this ordinance shall take effect immediately upon execution of the Memorandum of Agreement between the borough and the City of Seward to complete the U.S. Army Corps of Engineer Japanese Creek CAP Section 205 Feasibility Study.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 25TH DAY OF FEBRUARY, 2020.**

  
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Kelly Cooper, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper  
No: None  
Absent: None