

Introduced by:	Mayor
Date:	11/21/24
Hearing:	01/07/25
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2024-31**

**AN ORDINANCE AMENDING KPB CHAPTER 16.41 AUTHORIZING THE KPB
ROAD SERVICE AREA BOARD TO APPROVE MINIMAL MAINTENANCE WORK
AND ONE-TIME MINIMAL MAINTENANCE WORK ON ROADS NOT CURRENTLY
MAINTAINED BY THE KPB ROAD SERVICE AREA**

WHEREAS, conditions on public lands and roads not maintained by the Kenai Peninsula Borough (KPB) Road Service Area (RSA) Department sometimes impact KPB-maintained roads; and

WHEREAS, presently there is not a code mechanism to allow the RSA Department to undertake minimal maintenance work to address issues impacting KPB-maintained roads from public lands and unmaintained roads within the KPB RSA; and

WHEREAS, it is in the interest of KPB to allow greater flexibility to address issues affecting the roads maintained by the KPB RSA Department; and

WHEREAS, at its regularly scheduled meeting held on November 19, 2024, the Kenai Peninsula Borough Road Service Area Board recommended approval by unanimous consent;

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

SECTION 1. That KPB 16.41.190 is hereby amended read as follows:

16.41.190. - Road construction projects—Assembly approval.

- A. Annually the Road Service Area Board [SHALL] will make a report and recommendation to the Assembly regarding whether any road construction projects should be undertaken. The report may be[, BUT NEED NOT BE,] included in the annual report required by KPB 16.41.110. In making the board's recommendation, the following criteria supports consideration of a construction project:
1. Whether there is available road service area funding;
 2. Whether the road accesses public lands or facilities;

3. Whether the road is a collector road;
 4. Whether there are funding sources in addition to road service area funds available for the project; and
 5. Whether the construction will provide an improved alternate route to a road currently certified for maintenance.
- B. Funding for a road construction project recommended by the Road Service Area Board is subject to Assembly approval. [SPECIFIC ROAD CONSTRUCTION PROJECTS [SHALL] WILL BE APPROVED BY THE ASSEMBLY UPON CONSIDERATION OF THE ROAD SERVICE AREA BOARD'S RECOMMENDATION.
- C. THE ROAD SERVICE AREA BOARD [SHALL] WILL RECOMMEND TO THE ASSEMBLY, FOR APPROVAL, PROCEDURES FOR IMPLEMENTING THE CRITERIA IN KPB 16.41.190(A).]

SECTION 3. That KPB Chapter 16.41 is hereby amended to add a new section, KPB 16.41.195, as follows:

16.41.195. – Minimal maintenance work—Board approval.

- A. Notwithstanding KPB 16.41.190, the road service area board may, by resolution, approve minimal maintenance work for roads not currently maintained by the road service area to correct issues directly impacting borough-maintained roads from unmaintained rights-of-way or public lands. Minimal maintenance work is subject to the availability of road service area operating funds and must not generate the need for a supplemental appropriation. Nothing in this section may be construed as requiring the road service area board to approve any requests for minimal maintenance work. For the purposes of this section, “road” has the definition given in KPB 14.40.390.
- B. A resolution approving minimal maintenance work is limited to two (2) years in duration from the date the resolution is passed and may not exceed more than \$5,000.00 in annual cost. The cost will be as adjusted annually by the Anchorage CPI.
- C. The road service area board may not approve more than five resolutions for the same portion of road as provided for in this section unless a RIAD is formed that will bring the road to the standards required by KPB Chapter 14.06.

SECTION 4. That KPB Chapter 16.41 is hereby amended to add a new section, KPB 16.41.197, as follows:

16.41.197. – One-time minimal maintenance work—Director approval.

Notwithstanding KPB 16.41.190 and KPB 16.41.195, the road service area director may approve one-time minimal maintenance work for roads not currently maintained by the road service area to correct issues directly impacting borough-maintained roads from unmaintained rights-of-way or public lands. One-time minimal maintenance work is subject to the availability of road service area operating funds and must not generate the need for a supplemental appropriation. Nothing in this section may be construed as requiring the road service area director to approve any requests for one-time minimal maintenance work. For the purposes of this section, “road” has the definition given in KPB 14.40.390.

SECTION 5. That KPB 16.41.200 is hereby amended read as follows:

16.41.200. – Definitions.

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Minimal maintenance: For purposes of this chapter, “minimal maintenance” means maintenance necessary to maintain the integrity of the existing roadway.

Maintenance: “Maintenance” means: snow removal; grading; replacing lost gravel (up to a depth of six inches); reshaping shoulders, slopes, and ditches; unplugging culverts and clearing ditches; filling potholes; dust control; and other activities consistent with sound road maintenance practice.

SECTION 6. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JANUARY, 2025.

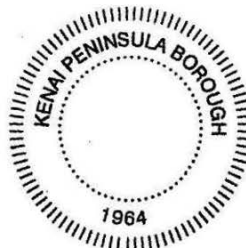


Peter Ribbens, Assembly President

ATTEST:



Michele Turner, CMC, Borough Clerk



Yes: Baisden, Cox, Cooper, Dunne, Ecklund, Elam, Johnson, Tunseth, Ribbens
No: None
Absent: None