

Kenai Peninsula Borough  
Planning Department

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**MEMORANDUM**

**TO:** Kelly Cooper, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Charlie Pierce, Borough Mayor 

**FROM:** Max J. Best, Planning Director 

**DATE:** December 18, 2019

**RE:** Ordinance 2019-37; An Ordinance Authorizing Amending KPB 17.10.120, Terms of a Land Sale, to Address Kenai Peninsula Borough Employee and Contractor Participation in Certain Land Disposal Methods

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled December 16, 2019 meeting.

A motion passed by unanimous consent to recommend approval of Ordinance 2019-37.

The Planning Commission made an amendment motion to include the next of kin, direct kin, or some language to that effect to address people within the household of borough employees or contractors. The amendment motion passed by unanimous consent.

In the Ordinance, please make the following amendment to the last WHEREAS statement:

*WHEREAS, the Kenai Peninsula Borough Planning Commission at its meeting held on December 16, 2019, recommended approval by unanimous consent.*

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARING

2. Ordinance 2019-37, Amending KPB 17.10.120, Terms of a Land Sale, to Address Kenai Peninsula Borough Employee and Contractor Participation in Land Disposal Methods.

Staff Report given by Marcus Mueller

PC MEETING: December 16, 2019

This is policy regarding participation in borough land sales. It will add a provision that an employee of the Kenai Peninsula Borough is not eligible to acquire land by negotiated sale or lease. An employee or contractor of the Kenai Peninsula Borough that is in a position to obtain information not available to the public under the disposal process may not submit an application for sealed bid sale under borough code within the final 15 days of the offering period. This language models language that is used by the State of Alaska Department of Natural Resources and Mental Health Trust. It provides clarity that borough employees can participate in land sales and provides restrictions so there are no advantage to employees.

END OF STAFF REPORT

Chairman Martin asked if anyone from the public wished to comment on this item. Seeing and hearing no one wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission.

**MOTION:** Commissioner Foster moved, seconded by Commissioner Carluccio, to forward to the Assembly a recommendation to approve Ordinance 2019-37, amending KPB 17.10.120, terms of a land sale, to address Kenai Peninsula Borough employee and contractor participation in land disposal methods.

Mr. Mueller added that the Cooper Landing Advisory Planning Commission did review and recommended approval. The Anchor Point Advisory Planning Commission also heard this item. A copy of their minutes were in the desk packet. They recommended that partners and spouses of borough employees must follow the same requirements as an employee.

Commissioner Venuti wanted to know the existing standard. Mr. Mueller said that this is not replacing anything but putting something into place that the code did not address.

Commissioner Ruffner asked if there had been an issue or if staff was being proactive. Mr. Mueller said that fortunately the borough is between land sales at this time. There is not an issue and staff is taking advantage of the timing. A new staff member, Bryan Taylor, has experience working with the state and he brought this forward as a good practice to follow.

Commissioner Ruffner felt that the Advisory Planning Commission came up with a good idea to apply to first of kin. He wanted to know if the Planning Commission should address it or if staff would be presenting it to the Assembly. Mr. Mueller felt that having the Planning Commission reinforce that recommendation would be best and would allow the Legal Department to prepare wording to present to the Assembly.

**AMENDMENT MOTION:** Commissioner Ruffner moved, seconded by Commissioner Morgan, to include the next of kin, direct kin, or some language to that effect to address the people within the household of the borough employees or contractors.

**MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous consent.