

Introduced by:	Martin
Substitute Introduced:	08/05/08
O2008-17 (Martin)	See Original & Superman, Mayor Substitute for Prior History
Hearing:	08/05/08
Action:	Failed to Amend O2008-17 (Superman, Mayor) Substitute
Vote:	2 Yes, 7 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2008-17  
(MARTIN SUBSTITUTE)**

**AN ORDINANCE AUTHORIZING AN EXCEPTION TO THE VOTER APPROVAL  
REQUIREMENT CONTAINED IN KPB 5.04.110 TO AUTHORIZE THE ACQUISITION  
AND CONSTRUCTION OF A NEW NIKISKI FIRE STATION NO. 2**

**WHEREAS,** the current Nikiski Fire Station No. 2 is in poor condition and has been partially condemned; and

**WHEREAS,** the existing station is 37 years old, cannot properly handle emergency response equipment and personnel, and is costly to heat and maintain due to its poor condition; and

**WHEREAS,** the costs of construction are increasing rapidly and postponing the construction of this new facility by another year by requiring that it first be approved by the voters would significantly increase the costs to the borough residents; and

**WHEREAS,** KPB 5.04.110 was amended by an initiative election in 2005 to reduce the amount of capital improvement projects requiring voter approval from \$1.5 million to \$1 million in "borough funds"; and

**WHEREAS,** as a part of both initiatives, grant funds are now included as "borough funds" in determining how much a project costs for purposes of requiring voter approval; and

**WHEREAS,** one reason for including grant funded projects in those requiring voter approval is that grant funded projects may be used to build or acquire new facilities, and the borough incurs increased expenses in maintaining such facilities; and

**WHEREAS,** more than two years have passed since both initiatives were approved, and the assembly may therefore legally exempt a project from that code section by ordinance; and

**WHEREAS,** in Senate Bill 221 the legislature appropriated \$3,375,000 to fund a new Nikiski Fire Station No. 2; and

**WHEREAS,** exempting this project from the voter approval requirement in KPB 5.04.110 would allow the project to proceed promptly and should not result in increased maintenance expenses for the service area as the funds would be used to replace an existing facility;

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

**SECTION 1.** That the assembly finds good cause exists for authorizing the acquisition of land and construction of a new Nikiski Fire Station No. 2 using state grant funds and other borough funds as may be necessary without advance approval of the voters as a new station is sorely needed, construction costs are increasing rapidly, and delaying the project will cause an increase in total costs to the residents rather than saving funds; accordingly, the assembly hereby approves an exception to the voter approval requirement in KPB 5.04.110.

**SECTION 2.** That the mayor is authorized to execute any and all documents necessary to proceed with the acquisition of land, and the design and construction of a new fire station subject to the appropriation and availability of funds and subject to assembly approval of the acquisition of land as provided in KPB Chapter 17.10.

**SECTION 3.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2008.**

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Grace Merkes, Assembly President

ATTEST:

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

Yes: Fischer, Martin

No: Gilman, Knopp, Long, Smith, Sprague, Superman, Merkes

Absent: None