

Introduced by: Sprague, Knopp
Date: 05/19/09
Hearings: 06/16/09 & 07/07/09
Action: Postponed Until 07/07/09
Date: 07/07/09
Action: Amended by Substitute
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2009-32**

**AN ORDINANCE ESTABLISHING THE CENTRAL PENINSULA MULTI-USE
FACILITY SERVICE AREA**

- WHEREAS,** at this time there is no facility in the central area of the Kenai Peninsula that is large enough to accommodate youth or adult sports, wellness programs, community recreational opportunities, sports shows, exhibitions, and other special events during the winter and shoulder weather season; and
- WHEREAS,** many high school youth and community sports teams will benefit greatly, and become more competitive, if practice and competition facilities are available year-round; and
- WHEREAS,** the existing school track facilities are aging, some are in very poor condition, and a large investment will be required in the near future to meet standards; and
- WHEREAS,** through a survey, a large number of organizations and community members and school district have indicated their support and potential use of such a facility; and
- WHEREAS,** an ad-hoc committee of numerous community members has been working to develop the concept of construction and operation of a multi-use facility to be built in the central Kenai Peninsula and formed a nonprofit corporation in early 2009 called the Central Peninsula Sports Facility, Inc.; and
- WHEREAS,** the stated mission of the Central Peninsula Sports Facility, Inc. is to "seek to serve the Kenai Peninsula Borough and the State of Alaska with a premier, multi-purpose facility; offering a diverse blend of recreational wellness opportunities, academic, cultural and entertainment activities that meet the interests of these population."
- WHEREAS,** the CPSF, Inc. commissioned a feasibility study with USKH, an Alaskan Consultant Corporation, along with architects and recreational facility planners to evaluate the feasibility of this project; and

WHEREAS, the feasibility study was completed in May of 2009 that evaluated different construction building options, potential user groups, probable operational costs, potential revenues, probable expenses, project financing debt service, potential revenue shortfalls, and possible service area formation and user fees for the project; and

WHEREAS, as the facility would primarily serve the central peninsula area, CPSF, Inc. has asked that the assembly form a service area to fund the construction and operation of this facility, which would be subject to voter approval; and

WHEREAS, it is intended that the facility's construction would be funded through bonds and/or grants through the service area; and

WHEREAS, on _____, 2009, the assembly conducted a public meeting in the central peninsula area to receive public comments regarding the formation of this service area; and

WHEREAS, the proposed boundary of this service area would be the same as the current boundary for the Central Kenai Peninsula Hospital Service Area; and

WHEREAS, although this would overlap the North Peninsula Recreation Service Area, because it provides a higher or different level of service, the service area may be formed without conflicting with the existing service area provided there is no duplication of services; and

WHEREAS, due to the size and population of the proposed area, the lack of need for city government and certain character, resource, population, and boundary standards for city annexation as described in 3 AAC 110.090-.140, such services cannot be provided by an existing service area, by annexation to a city, or by incorporation as a city; and

WHEREAS, because the proposed service area includes the cities of Kenai and Soldotna, the approval of this service area must receive a separate majority approval from the voters residing in (1) the area of the borough outside of the cities and inside the service area boundaries; (2) the voters residing in the city of Soldotna; and (3) the voters residing in the City of Kenai; and

WHEREAS, construction and operation of this multi-use facility would be in the best interests of the borough as it would provide an opportunity for the public to use a year-round facility enabling them to be more competitive with other areas of Alaska and other states that already either use similar facilities or are able to use the outdoor venues year-round, would encourage public involvement in sports as well as cultural and wellness programs, and would stimulate the economy by providing a place to hold more events in the Kenai Peninsula Borough by attracting participants and associated personnel throughout the year by using hotels, restaurants, gift shops, stores, and other businesses;

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

SECTION 1. That Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new Chapter 16.80, which shall read as follows:

CHAPTER 16.80. CENTRAL PENINSULA MULTI-USE FACILITY SERVICE AREA

16.80.010. Boundaries.

There is established a service area within the borough designated as the "Central Peninsula Multi-Use Facility Service Area" in that portion of the borough described as all the following referenced to the Seward Meridian, Alaska:

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 west along the township line between T1N and T2N 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);

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.

16.80.020. Mill Levy.

No mill levy in excess of .5 mills shall be levied on behalf of the service area unless an increase is approved by the assembly during the budgetary process.

16.80.030. Authorized functions of the Central Peninsula Multi-use Facility Service Area.

Subject to assembly approval and appropriation of funds and the provisions of KPB 16.04.001, the service area shall provide for the construction, operation, and maintenance of a multi-use facility to be located in the central peninsula area that is large enough to provide a venue to practice and compete in youth or adult sports that normally require a large area. Specific examples of such sports include soccer, football, lacross, softball, baseball, track and field events, golf and other similar recreational sports activities. This facility may also be used for sports shows, exhibitions, academic and cultural events and services, wellness programs and other special events.

16.80.040. Personnel system rules and regulations.

Unless specifically provided otherwise, the borough personnel system and Title 3 of the Kenai Peninsula Borough Code of Ordinances applies to the personnel employed by this service area.

16.80.050. Employee conduct requirements.

Employees of the service area are employees of the borough, and as such employees are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed.

16.80.050. Budget and fiscal control.

The formulation of a budget and fiscal control of expenditures of public moneys of this service area are under the supervision and direction of the mayor and the assembly.

16.80.060. Administrative officer.

The administrative officer shall be held accountable to the mayor and shall make written and verbal reports to the mayor as required by the mayor. The administrative officer shall provide quarterly reports to the mayor indicating the condition of the multi-use facility, equipment, service usage, and other matters as required by the mayor. Copies of such reports shall be provided to the assembly.

16.80.070. Purchasing agent.

The purchasing agent for the service area is the borough purchasing officer. All purchases of supplies, materials, equipment, and contractual services shall be made in accordance with the rules and regulations adopted by the borough assembly and administratively by the mayor. All contracts for capital improvements and maintenance performed in connection with the service area shall be bid and administered by the borough public works department in accordance with the department's normal procedure for letting of contracts.

16.80.080. Budget and capital program.

The service area administrator shall prepare a budget and capital program which shall be submitted to the mayor for approval. The budget and capital expenditure proposal shall be subject to the procedures for adopting the borough budget and capital expenditures program subject to approval by the borough assembly.

16.80.090. Accounts—Vouchers—Accounting.

All accounting functions of the service area shall be under the supervision of the director of finance of the borough who shall provide rules and regulations and procedures governing the issuance of vouchers, the payment of vouchers, the issuance of checks, and the payment of checks, the use of the central treasury of the borough, and the manner in which all bonds, contracts, leases or other obligations requiring the payment of funds from the appropriations in the service area budget are to be processed and administered.

SECTION 2. That the following proposition shall be placed before the voters of the Central Peninsula Multi-Use Facility Service Area at the regular election to be held on October 6, 2009:

PROPOSITION:

Shall the Kenai Peninsula Borough be authorized to exercise powers to construct, maintain, and operate a multi-use facility to accommodate sport activities and events, recreational wellness opportunities, academic, cultural, and entertainment activities and services in the Central Peninsula Multi-Use Facility Service Area within the service area boundaries defined by Ordinance 2009-_____.

YES _____

NO _____

SECTION 3. That Section 2 of this ordinance shall take effect immediately upon its adoption, and Section 1 of this ordinance shall take effect upon approval of the proposition in Section 2 above by a majority of the qualified voters voting on the issue in the manner described in Section 4 of this ordinance and when either the borough receives Department of Justice preclearance under the Voting Rights Act of 1965 or 60 days after the Department of Justice has received the borough's request for preclearance, whichever is earlier. If the borough's request for Department of Justice preclearance has been resolved prior to the certification of the election results, the date of certification shall be the effective date of the ordinance.

SECTION 4. That this ordinance shall also only take effect after the cities of Soldotna and Kenai either agree to be included in the service area by ordinance, or approval is granted by a majority of the voters in each city and residing inside the boundaries of the proposed service area but outside of the city as required by AS 29.35.450(a). If either the City of Soldotna or the City of Kenai decline to approve inclusion in the service area by ordinance, then a single ballot proposition as described in Section 2 must be approved separately by a majority of the voters of the City of Soldotna, the City of Kenai, and the area of the borough outside of the cities in order to pass. If both cities agree by ordinance to be included in the service area, then the proposition shall pass if it is approved by a majority of the voters in the entire service area.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2009.**

Milli Martin, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent: