

SELDOVIA
CITY COUNCIL

WEDNESDAY

September 14, 2016
7:30PM



REGULAR MEETING
MULTI-PURPOSE ROOM

AGENDA FOR A REGULAR MEETING
OF SELDOVIA CITY COUNCIL
COUNCIL CHAMBERS
Wednesday
September 14, 2016
7:30pm

SWEATT COLBERG PATRICK MORRISON ROJAS CORWIN

- A. Call to Order & Roll Call:
- B. Pledge of Allegiance:
- C. Excused Absences:
- D. Agenda Approval:
- E. Approval of Minutes: Minutes of the Regular Meeting, August 24, 2016
- F. Treasurer's Report: None
- G. Utility Report: None
- H. Ordinance Introduction: None
- I. Proclamations: None
- J. Public Presentation Prior Notice: (each presenter has up to 10 min)
- K. Public Presentation for Items not on Agenda: (public has 3 min each)
- L. Committee and Advisory Board Reports: (each member has 5 min)
- M. Unfinished Business:

- N. New Business:
 - 1. ORDINANCE 17-04 A Non-Code Ordinance Of The City Council Of The City Of Seldovia, Alaska, Amending The FY17 Budget To Reflect The Major Maintenance And Repair-General Fund Expenditures Of \$66,826.50 For The City Office And Maintenance Shop Roof Repair Project And \$30,456.50 For The Mission Street Stairs Project
 - a. Presentation by Staff or Council
 - b. Public Presentation (public has 3 min each)
 - c. Council Discussion
 - d. Action/Disposition
 - 2. ORDINANCE 17-08 An Ordinance of the City of Seldovia Amending Title 11, Chapter 11.13 Camping Regulations, to Provide Clarification on Allowable Sites For Camping; For Council Review
 - a. Presentation by Staff or Council
 - b. Public Presentation (public has 3 min each)
 - c. Council Discussion
 - d. Action/Disposition
 - 3. P&Z Recommendation for the Opportunity to Comment on Kenai Peninsula Borough Ordinance 2016-25 (Mayor Substitute) Reducing Planning Commission Members
 - a. Presentation by Staff or Council
 - b. Public Presentation (public has 3 min each)
 - c. Council Discussion
 - d. Action/Disposition
 - 4. Perley Morrison Request to Extend his Exemption Allowing the Keeping of His Horses on His Industrial Lot at 346 Iliamna St.
 - a. Presentation by Staff or Council
 - b. Public Presentation (public has 3 min each)
 - c. Council Discussion
 - d. Action/Disposition

- O. Informational Items Not Requiring Action:
- P. City Manager's Report: See Laydown
- Q. Council and Mayor Comments Concerning Items Not on the Agenda:
- R. Next Meeting: Regular Meeting on September 28, 2016 at 7:30 pm
- S. Adjournment:

* IF YOU REQUIRE SPECIAL ASSISTANCE TO ATTEND THE MEETING, PLEASE NOTIFY THE CITY OFFICE 24 HOURS
IN ADVANCE AND ARRANGEMENTS WILL BE MADE *

Seldovia City Council Regular Meeting September 14, 2016

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Pick to Pan
Enjoy some hedgehogs



NOTES:

MINUTES FROM THE REGULAR MEETING
OF SELDOVIA CITY COUNCIL
COUNCIL CHAMBERS
Wednesday
August 24, 2016
7:30pm

COLBERG PATRICK MORRISON ROJAS CORWIN SWEATT

- A. Call to Order & Roll Call: MEETING CALLED TO ORDER BY MAYOR LENT AT 7:30 PM
IN ATTENDANCE: COLBERG, PATRICK, MORRISON, ROJAS, CORWIN, SWEATT
- B. Pledge of Allegiance: Held
- C. Excused Absences: None
- D. Agenda Approval: MAYOR LENT CALLED FOR APPROVAL OF THE AGENDA
PATRICK/COLBERG MOVED TO APPROVE THE AGENDA
VOICE VOTE/ UNANIMOUS/ MOTION PASSED
- E. Approval of Minutes: Minutes of the Regular Meeting, August 10, 2016
ROJAS/SWEATT MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 10,
2016
VOICE VOTE/ UNANIMOUS/ MOTION PASSED
- F. Treasurer's Report: None
- G. Utility Report: None
- H. Ordinance Introduction:
1. ORDINANCE 17-04 A NON-CODE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA,
ALASKA, AMENDING THE FY17 BUDGET TO REFLECT THE MAJOR MAINTENANCE AND REPAIR-
GENERAL FUND EXPENDITURES OF \$66,826.50 FOR THE CITY OFFICE AND MAINTENANCE SHOP
ROOF REPAIR PROJECT AND \$30,456.50 FOR THE MISSION STREET STAIRS PROJECT
- ROJAS/ COLBERG MOVED TO INTRODUCE ORDINANCE 17-04 A NON-CODE ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING THE FY17 BUDGET TO REFLECT THE
MAJOR MAINTENANCE AND REPAIR- GENERAL FUND EXPENDITURES OF \$66,826.50 FOR THE CITY
OFFICE AND MAINTENANCE SHOP ROOF REPAIR PROJECT AND \$30,456.50 FOR THE MISSION STREET
STAIRS PROJECT
VOICE VOTE/ UNANIMOUS/ MOTION PASSED
- I. Proclamations: Vivian Rojas
- J. Public Presentation Prior Notice: (each presenter has up to 10 min) None
- K. Public Presentation for Items not on Agenda: (public has 3 min each) None
- L. Committee and Advisory Board Reports: (each member has 5 min)
PAULIE CARLUCCIO- P&Z - Discussed the KPB ordinance pending to downsize the Borough Planning
Commission. New ordinance will essentially eliminate Seldovia's representative. Council has already submitted a
resolution opposing; will get with City Manager about possible new suggestions to bring to the September 20th
Assembly meeting.
- M. Unfinished Business: None
- N. New Business:
1. Resolution 17-02 - Notice of Election, October 4, 2016. City of Seldovia
a. Presentation by Staff or Council
DEPUTY CLERK/SWICK- Formalities for the election. Three seats are open: Rojas, Corwin, and one year
remainder of Patrick. Filing ends September 2nd.

b. Public Presentation (public has 3 min each)

c. Council Discussion

ROJAS/ COLBERG MOVE TO APPROVE RESOLUTION 17-02 NOTICE OF ELECTION, OCTOBER 4, 2016, CITY OF SELDOVIA

d. Action/Disposition

VOICE VOTE/ UNANIMOUS/ MOTION PASSED

2. Resolution 17-03 A Resolution of the City Council of the City of Seldovia Appointing Election Judges for the Regular Municipal Election to be Held on October 4, 2016

a. Presentation by Staff or Council

DEPUTY CLERK/ SWICK- More formalities. Same judges as last year.

b. Public Presentation (public has 3 min each)

c. Council Discussion

ROJAS/ SWEAT MOVE TO APPROVE RESOLUTION 17-03 APPOINTING ELECTION JUDGES FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON OCTOBER 4, 2016

d. Action/Disposition

VOICE VOTE/ UNANIMOUS/ MOTION PASSED

3. Ordinance 17-01 An Ordinance of the City of Seldovia Amending Title 2 to Provide For the Updating of Information Within The Title

a. Presentation by Staff or Council

DEPUTY CLERK/ SWICK- Most of the changes have already been made at the council level, just updating the code book to reflect those changes. Ballot changes are new to allow for feasible timelines.

b. Public Presentation (public has 3 min each)

c. Council Discussion

ROJAS/SWEATT MOVE TO AMEND ORDINANCE 17-01 SECTION 2.04.010 TO READ ITEM Q INSTEAD OF ITEM C

VOICE VOTE/ UNANIMOUS/ MOTION PASSED

ROJAS/ COLBERG MOVE TO APPROVE ORDINANCE 17-01 AN ORDINANCE OF THE CITY OF SELDOVIA AMENDING TITLE 2 TO PROVIDE FOR THE UPDATING OF INFORMATION WITHIN THE TITLE AS AMENDED

d. Action/Disposition

VOICE VOTE/ UNANIMOUS/ MOTION PASSED

4. Ordinance 17-02 A Non-Code Ordinance Of The City Council Of The City Of Seldovia, Alaska, Appropriating \$66,826.50 For The City Office And Maintenance Shop Roof Repair Project

a. Presentation by Staff or Council

CM/ LARSON- This has already been approved, this is to make sure the paperwork follows properly.

b. Public Presentation (public has 3 min each)

c. Council Discussion

SWEATT/ COLBERG MOVE TO APPROVE ORDINANCE 17-02 A NON-CODE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, APPROPRIATING \$66,826.50 FOR THE CITY OFFICE AND MAINTENANCE SHOP ROOF REPAIR PROJECT

CORWIN ABSTAINS

d. Action/Disposition

VOICE VOTE/ UNANIMOUS/ MOTION PASSED

5. Ordinance 17-03 A Non-Code Ordinance Of The City Council Of The City Of Seldovia, Alaska, Appropriating \$30,456.50 For The Mission Street Stairs Project

a. Presentation by Staff or Council

CM/ LARSON- Same issue. Working hard to make sure we are going through the appropriate steps. After you approve something like this we will present a budget amendment so it doesn't just show up as an expenditure.

b. Public Presentation (public has 3 min each)

c. Council Discussion

ROJAS/COLBERG MOVE TO APPROVE ORDINANCE 17-03 A NON-CODE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, APPROPRIATING \$30,456.50 FOR THE MISSION STREET STAIRS PROJECT

CORWIN ABSTAINS

d. Action/Disposition

VOICE VOTE/ UNANIMOUS/ MOTION PASSED

O. Informational Items Not Requiring Action: None

P. City Manager's Report: As written. The article published about lead in the water was also addressed. The water is safe to drink, elevated levels from testing are from people's plumbing not from the water itself. People can go on State website for info on at home testing. New system will have an additive to coat pipes.

Presentation was given about last 6 years of audits to help identify the deficit spending that was brought up by Rhonda Robertson. Revenues are going down which is the reason for the increase in the mil rate. Bottom line, not sustainable to spend more while making less. Major unbudgeted expenditures were explained, mainly regarding personnel issues which hopefully will not be reoccurring. Questions were asked about the Permanent Fund reporting and the interest on the account as well as why some areas were so under budgeted in the past. Moving forward we will need to look at things like overtime hours and operation of the new water treatment plant. New monthly financial and annual audit reporting will be put into place to help keep track of budget and spending.

Q. Council and Mayor Comments Concerning Items Not on the Agenda:

COLBERG- Thanks, this was very educational.

PATRICK- Interesting. Asked CM if he's been able to read fuel company contract.

MORRISON- Very informative, helpful.

ROJAS- Thanks for all the time put in to explain, deficits are always scary. Wish more people were here to listen to this, pass the word. Will be gone September 6- November 8, would like to ask for excused absence for that time.

SWEATT- Thanks everyone. Like the idea of looking at stuff monthly.

LENT- Good to find out about the financial status.

R. Next Meeting: Regular Meeting on September 14, 2016 at 7:30 pm

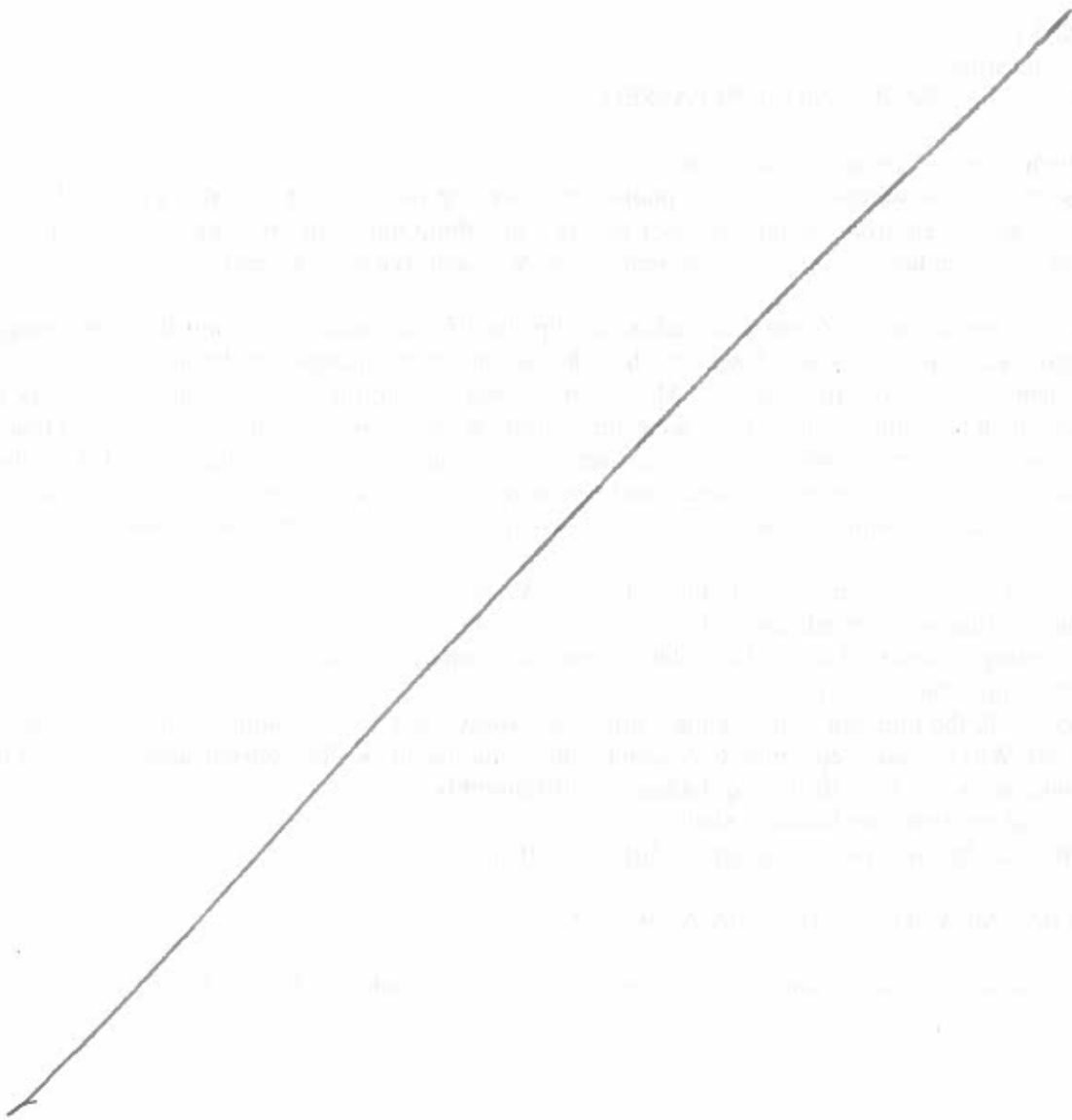
S. Adjournment:

SWEAT/ ROJAS MOVED TO ADJOURN AT 9:22 PM

I certify the above represents accurate minutes of City of Seldovia Council meeting of August 24, 2016

Jennifer Swick, Deputy Clerk

Approved by Council _____



**City of Seldovia
ORDINANCE 17-04**

Introduced: 8/24/2016
Posted: 8/19/2016
Public Hearing: 9/14/2016
Adoption:

**A NON-CODE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA,
ALASKA, AMENDING THE FY17 BUDGET TO REFLECT THE MMRF- GENERAL
FUND EXPENDITURES OF \$66,826.50 FOR THE CITY OFFICE AND
MAINTENANCE SHOP ROOF REPAIR PROJECT AND \$30,456.50 FOR THE
MISSION STREET STAIRS PROJECT**

WHEREAS, the Council of the City of Seldovia at their meeting of August 24, 2016 unanimously passed motions to appropriate \$66,826.50 for the City office/maintenance shop roof repair and \$30,456.50 for the Mission St Stairs; and

WHEREAS, pursuant to best budget practices for the transparent tracking of governmental funding it is in the best interest of the City to amend the FY17 budget to properly reflect the projected budget with actual spending.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SELDOVIA:

SECTION 1. The amount, not to exceed \$97,283.00 will be added to the FY17 Major Maintenance and Repair Fund (MMRF)- General Fund.

SECTION 2. EFFECTIVE DATE. This ordinance becomes effective upon its adoption by the City Council.

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this day of September, 2016.

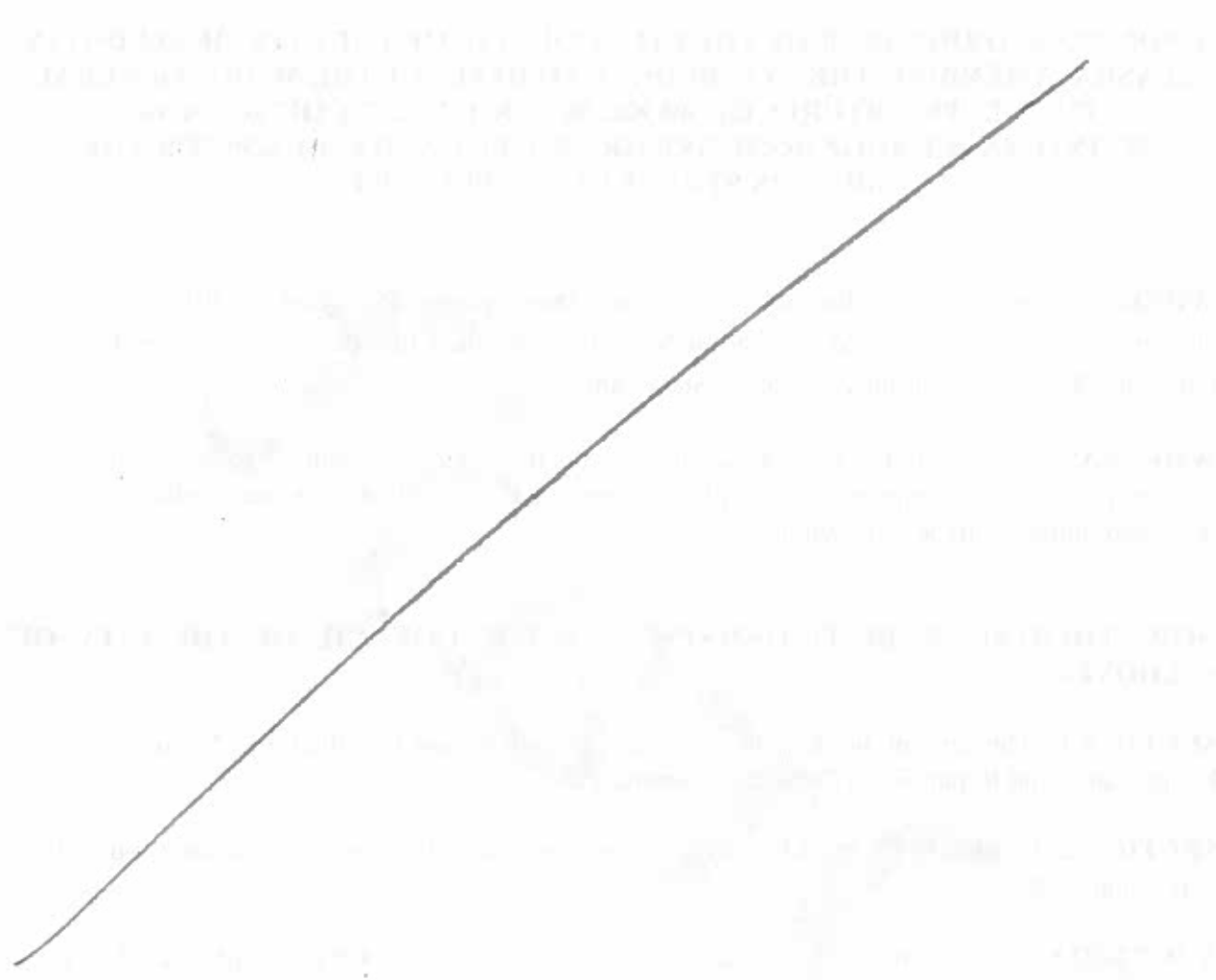
ATTEST:

APPROVED:

Lisa Stanish, City Clerk

Dean Lent, Mayor

Vote:



CITY OF SELDOVIA
ORDINANCE 17-08

Introduced:
Posted:
Public Hearing:
Adopted:

AN ORDINANCE OF THE CITY OF SELDOVIA AMENDING TITLE 11 CHAPTER 11.13 CAMPING REGULATIONS TO PROVIDE CLARIFICATION ON DESIGNATED ALLOWABLE SITES FOR CAMPING

WHEREAS, with community input the Council of the City of Seldovia has determined a need to designate allowable camping areas on City owned or controlled land; and

WHEREAS, the community of Seldovia desires to maintain a safe and cohesive camping experience for all who utilize City owned or controlled camp sites.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SELDOVIA:

SECTION 1. CLASSIFICATION. This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

SECTION 2.- AMENDING TITLE 11 REMOVING LANGUAGE IN STRIKEOUT AND ADDING LANGUAGE IN HIGHLIGHT TO READ AS FOLLOWS:

Adding:

11.13.020 Certain acts prohibited. It is unlawful for any person to:

LINE B. Make or cause to be made any unnecessary or unusual noise or action which annoys, injures or endangers the comfort, repose, health or safety of the public, or any individual member of the public on City-owned or -controlled land;

11.13.020 Certain acts prohibited.

J. Camping, as defined in SMC 11.13.060, is prohibited in areas other than those so designated by the City.

11.13.060 Definitions.

Line C. 1. "Designated camping site" means any area of land owned or controlled by the City, which has been marked by official signs as open to camping or campers.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon adoption by the Council.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon adoption by the Council.

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia this _____ day of _____ 2016.

ATTEST:

APPROVED:

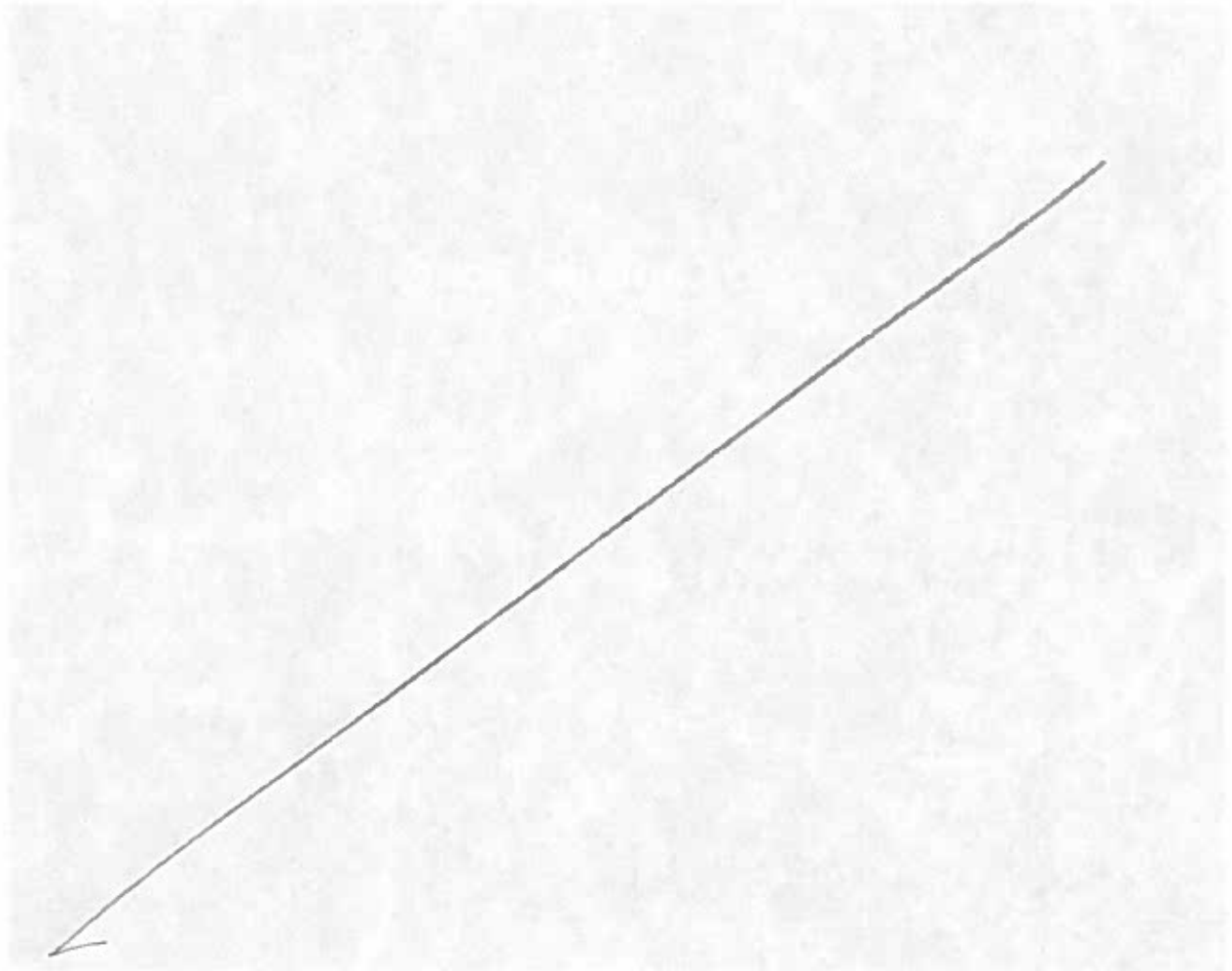
Lisa Stanish, City Clerk

Dean Lott, Mayor

For Council Review



Campers, please be aware that your camp is in the allowable camping area. In the yellow, no camping zone, you will find public restrooms and the covered pavilion for your convenience. For your safety and the safety of other campers, place all garbage in the receptacles provided. It is prohibited to leave personal items unattended in the no camping zone.



The first step in the process of creating a line graph is to determine the variables to be plotted. The independent variable is typically plotted on the x-axis, and the dependent variable is plotted on the y-axis. Once the variables are identified, the next step is to collect data points. These points are then plotted on the graph, and a line of best fit is drawn through them. The line of best fit represents the general trend of the data and can be used to make predictions about future values.

Chapter 11.13
Camping Regulations

Sections:

- 11.13.010 Maximum duration of camping.
- 11.13.020 Certain acts prohibited.
- 11.13.030 Storage of garbage, refuse and other wastes.
- 11.13.040 Unattended camps.
- 11.13.050 Unauthorized structures.
- 11.13.060 Definitions.

11.13.010 Maximum duration of camping. A. No person shall camp on City-owned or controlled property in excess of fourteen calendar days, regardless of any changes in campsite or campgrounds. Persons who have utilized their fourteen day camping period may not return to camp in any City-owned or -controlled camping area for fourteen additional days, following the last day of their fourteen-day camping period. The fourteen days of authorized camping need not be consecutive.

B. An exception may be granted to the fourteen-day limitation if there are sufficient vacant campsites, as determined by an authorized city official. All persons shall move their campsite at the end of each fourteen-day period. (Ord. 81-10 Sec. 1(part), 1981)

11.13.020 Certain acts prohibited. It is unlawful for any person to:

A. Dispose of or deposit human body wastes or any other waste on City-owned or -controlled land other than in authorized or designated receptacles;

B. Make or cause to be made any unnecessary or unusual noise OR ACTION which annoys, injures or endangers the comfort, repose, health or safety of the public, or any individual member of the public on City-owned or -controlled land;

\$ 250 Fine

C. Erect, occupy or otherwise utilize any temporary or permanent structure or shelter on City-owned or -controlled lands, except that:

1. Unless otherwise prohibited, tents of standard commercial manufacture or constructed in whole or in part from canvas, nylon or other tenting material may be erected and occupied in designated camping areas. Structures so exempted may not be modified, extended or sheltered by the addition of any material not a commercially manufactured component of said tent or other than a recognized tenting material,

2. Unless otherwise prohibited, self-contained camper units may be parked and occupied in designated camping areas so long as they remain immediately mobile;

D. Park, leave, maintain or utilize any vehicle, camper unit or camp in violation of any provision of any section of this regulation. All vehicles, camper units or other camps in violation shall be subject to impoundment by any peace officer. All costs of impoundment and storage of any property so

impounded shall be paid before said property shall be released. Property so impounded shall additionally be subject to a twenty dollar impound fee, which shall be paid before said property is released. All permanent structures shall be impounded;

E. Deface, destroy, alter, remove or otherwise disfigure any live trees, equipment, sign, utility services, or other facility owned or provided by the city at any City-owned campground or campsite, or parking area adjacent thereto;

F. Allow any dog owned, harbored or controlled by himself to be at large in any City-owned or -controlled campground. All fecal wastes of any dog discharged or deposited on any lands within a City-owned or -controlled campground shall be immediately removed by the person owning, harboring, or controlling said animal and shall be deposited in trash receptacles or otherwise stored in containers;

G. Leave any campsite in a disorderly or unsightly condition upon termination of use;

H. Construct any foundation or footing including piling, log, rock, concrete or other;

I. Discharge any firearm or air rifle, either for hunting, target shooting or any other purpose. (Ord. 81-10 Sec. 1(part), 1981)

11.13.030 Storage of garbage, refuse and other wastes. All garbage, refuse and other waste created or compiled in the course of activities while camping, shall be stored in opaque containers which shall be tightly closed to contain odors and to exclude insects, rodents and vermin. Plastic garbage sacks are acceptable containers for compliance with this section. (Ord. 81-10 Sec. 1(part), 1981)

11.13.040 Unattended camps. A campsite shall be occupied on the first night after equipment, vehicles or tents have been set up. Equipment left unattended for a period of seventy-two hours at any campsite on City-owned or -controlled property may be impounded unless prior permission for a longer storage period has been obtained from an authorized city representative. An impound fee of twenty dollars and all costs of impoundment and storage shall be paid before said property may be released. (Ord. 81-10 Sec. 1(part), 1981)

11.13.050 Unauthorized structures. Any structure erected, maintained, occupied or utilized on City-owned or -controlled land without written permission from the City Manager or otherwise permitted under this ordinance shall be unlawful and shall be subject to impoundment or disposal by any peace officer. If said structure is impounded pursuant to this section, all costs of impoundment and storage shall be paid in addition to the impound fee of twenty dollars before said structure may be released. All costs of recovery shall be borne by the person claiming said structure. (Ord. 81-10 Sec. 1(part), 1980)

11.13.060 Definitions. A. "Campground" means an area owned, controlled, developed and/or maintained by the City, which contains one or more campsites or contains adequate area for one or more campsite.

B. "Camping" means:

1. The erection of, or occupancy of any tent, regardless of whether said tent is of commercial manufacture or has been constructed in whole or part by any person;
2. The placing or leaving of any items normally found at a campsite such as cookstoves, lanterns, etc., if sleeping bags and/or other forms of bedding are also left at the location;
3. The parking of any camper unit in any area owned or controlled by the City of Seldovia, which has been designated a camping area by official signs, in excess of twenty, four hours, shall constitute camping, regardless of any physical change in campsite within camping area;
4. The presence of any person sleeping in any motor vehicles or camper units between the hours of midnight and six a.m., which shall constitute prima facie evidence of camping;
5. Sleeping on the ground, with or without any shelter, sleeping pad, etc., between the hours of midnight and six a.m. on any land owned or controlled by the City, which shall constitute camping;
6. The preparation or consumption of meals in, or in affiliation with and in proximity to, any camper unit at any time following midnight of the day said camper unit was parked in any campground, shall constitute prima facie evidence of camping.

C. "Campsite" means all improved and unimproved campsites located on lands owned or controlled by the City.

D. "Immediately mobile" means that the camper unit may be moved from its campsite by either (1) starting its propulsion engine and driving said unity away, or (2) by attaching a towing vehicle to the trailer hitch of said camper unit and pulling it away; provided, that in both (1) and (2) the removal must be feasible without any preliminary actions to prepare the vehicle for removal, such as, but not limited to, installation of wheels or removal of support structure of platforms, etc.

E. "Other wastes" means garbage, refuse, offal, oil, grease, tar, dyestuffs, acids, chemicals, industrial or seafood processing wastes; and any other substance which may cause, or tend to cause, pollution of the lands or waters within the city.

F. "Parking" means the placing or leaving of any motor vehicle or trailer on any land within the city if the propulsion engine of said vehicle is off.

G. "Permanent structure or shelter" means any collection, assemblage, construction, or assortment of materials or devices; whether of natural or synthetic nature, which has served or is reasonable capable of serving as protection from any of the elements; or as an item constructed to enhance the habitability of a campsite, such as, but not limited to structures functioning as, or which are reasonably capable of functioning as furniture items. Any camper unit rendered less than immediately mobile by the removal of wheels or placement on supports or platforms shall also be a permanent structure. Commercially-manufactured tents and the flysheet supplied for the tent by the manufacturer or constructed in whole or in part from canvas, nylon or other tenting material, shall not be classified as permanent structures or

shelters unless they have been placed on a platform or material other than the soil at the site of erection.

H. "Self-contained camper unit" means all vehicles and trailers that contain sleeping facilities for one or more persons. Sleeping facilities shall also include any structure or area of any vehicle or trailer that circumstances indicate are actually being used for sleeping and need not consist of actual beds or bunks. Self-contained camper units are also referred to as "camper units" in this article. Self-contained camper units may be referred to as "campers" on signs for designated camping areas.

I. "Temporary structure or shelter" means all tents of standard commercial manufacture with the flysheet provided by the manufacturer or constructed in whole or in part from canvas, nylon or other tenting material, and all commercially manufactured self-contained camper units, so long as said camper units are maintained in such a condition that they are immediately mobile. Any camper unit not maintained in an immediately mobile condition shall be deemed a permanent structure. (Ord. 81-10 Sec. 1(part), 1981)

Introduced by:	Mayor
Substitute Introduced:	08/23/16
O2016-25 (Johnson):	See Original for Prior History
Hearing:	08/23/16
Action:	Postponed until 09/20/16
Hearing:	09/20/16
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-25
(MAYOR SUBSTITUTE)**

**AN ORDINANCE AMENDING KPB 2.40.010 TO REDUCE PLANNING
COMMISSION MEMBERSHIP**

- WHEREAS,** AS 29.40.020(a) requires that planning commission membership be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough; and
- WHEREAS,** all members are subject to appointment by the mayor and confirmation by the assembly, provided that members from home rule or first class cities must be selected by the mayor from a list of recommendations submitted by the city council; and
- WHEREAS,** KPB 2.40.010 currently provides that the planning commission shall include one member from each first class or home rule city of the borough, which is not required by statute, and that the number of remaining members from areas in the borough outside such cities must comply with the statutorily required apportionment; and
- WHEREAS,** based upon the 2010 US Census figures, the commission would have to be increased by either one or two members to satisfy the statutorily required apportionment figures if the planning commission continues to include one member from each first class or home rule city of the borough; and
- WHEREAS,** it is not in the best interest of the borough to further increase the number of members appointed to the planning commission; and
- WHEREAS,** both the Kenai Peninsula Borough Assembly and School Board are composed of nine members; and
- WHEREAS,** limiting the total planning commission membership to eleven members, adopting the statutory apportionment requirement, and removing the requirement that every city have one representative but limiting each city to no

more than one member would resolve the problem of an ever-expanding planning commission; and

WHEREAS, beginning the transition on August 1, 2020 would coincide with the expiration of some members' terms and the commencement of the next decennial census, improving the accuracy of information that would become available upon its completion to properly apportion city membership on the planning commission; and

WHEREAS, at its meeting of August 22, 2016 the planning commission recommended ____;

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

SECTION 1. That KPB 2.40.010 is hereby amended as follows:

2.40.010. Membership—Apportionment.

In accordance with AS 29.40.020(a) through 11:59 p.m. July 31, 2020:

A. The planning commission shall consist of a maximum of thirteen members including one member from each first class or home rule city of the borough and the remainder apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. The first class or home rule cities of the borough are:

1. Kenai
2. Soldotna
3. Seward
4. Homer
5. Seldovia

B. Planning commissioners from outside of first class and home rule cities shall be appointed by the mayor and confirmed by the assembly from each of the following geographic areas as generally described below and depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance 2001-29. The sections described in the map and below provide guidelines from which deviations are permitted consistent with the intent that commissioners reside in areas throughout the borough:

- 1[6]. East Peninsula;
- 2[7]. Southwest Borough;
- 3[8]. Anchor Point/Ninilchik;
- 4[9]. Kasilof/Clam Gulch;
- 5[10]. Kalifornsky Beach
- 6[11]. Ridgeway;
- 7[12]. Sterling;
- 8[13]. Northwest Borough.

SECTION 2. That KPB 2.40.010 is repealed effective August 1, 2020.

SECTION 3. That KPB 2.40.015 is hereby enacted to read as follows:

2.40.015. Membership—Apportionment.

In accordance with AS 29.40.020(a):

- A. The planning commission shall consist of a maximum of eleven members. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. No more than one member of the commission may be from any single home rule or first class city in the borough unless more are required to satisfy the statutory apportionment requirement. A city member shall be selected by the mayor from a list of recommendations submitted by the council of any cities from which no member will be on the commission when the vacancy is effective, unless apportionment requires more than one member from a city. In that event all eligible city councils may submit a list of recommendations for the additional seat provided that no city may have greater than one member more than any other home rule or first class city. Appointments shall be subject to confirmation by the assembly.
- B. Planning commissioners from outside of first class and home rule cities shall be appointed at-large by the mayor and confirmed by the assembly and may be as representative of the following geographic areas as practical:
 - 1. East Peninsula;
 - 2. Southwest Borough;
 - 3. Anchor Point/Ninilchik/Clam Gulch/Kasilof;
 - 4. Kalifornsky Beach

5. Ridgeway;
6. Sterling;
7. Northwest Borough.

The geographic areas referenced in this section are depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance 2001-29.

- C. All planning commission members shall be appointed for their expertise and knowledge of the community and shall represent the entire borough.

SECTION 4. Transition. Existing seats of planning commission members from each area within the new Anchor Point/Ninilchik/Clam Gulch/Kasilof area whose term expires first on or after July 31, 2020 shall not be filled unless necessary to comply with apportionment requirements and provided the total number of commissioners does not exceed eleven. Nothing in this ordinance prohibits a planning commissioner from an at-large geographic area from applying for any open at-large planning commission seat.

Existing seats of city members whose terms expire first on or after July 31, 2020 shall only be filled if, by doing so the number of city members would meet the statutory apportionment requirements and the total number of commissioners would not exceed eleven.

SECTION 5. That Sections 1 and 4 of this ordinance take effect immediately upon its enactment, and Sections 2 and 3 of this ordinance shall take effect August 1, 2020.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2016.

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No: