



Office of the Mayor

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Charlie Pierce
Borough Mayor

June 4, 2020

Jedediah Smith
Local Government Specialist IV
State of Alaska
Local Boundary Commission
550 W. 7th Ave., Ste. 1650
Anchorage AK 99501

Re: City of Soldotna Petition to Annex 2.63 Square Miles of Territory

Dear Mr. Smith:

Thank you for reaching out to the Borough and providing an opportunity to restate its position regarding the City of Soldotna's Petition to Annex 2.63 Square Miles of Territory.

First, it is important to point out that there are some factual errors in your recommendation. For example, on page 2 of your report, you state that the City of Soldotna will assume responsibility for some services currently being provided by the State of Alaska (presumably law enforcement conducted by the Alaska State Troopers) however, this would be incorrect. The areas to be annexed are currently rarely, if ever, serviced by AST, but are instead serviced by a combination of the Kenai and Soldotna Police and have been for some time. I'm confident that once you contact the local AST office or local 911 dispatch center, you will verify this information.

Second, your statement on page 5 that the Kalifornski CDP has experienced remarkable growth in the last 30 years is also incorrect. In fact, Kalifornski's growth has wavered significantly between 2010 and 2020 at times dropping significantly, at times growing and again dropping: 7,850 in 2010; 8,682 in 2016 (highest) and down to 8,595 in 2019 with fluctuations in between.

Area 9, Funny River West, has a ZERO population. Over ½ of the land is owned by the State of Alaska, Department of Natural Resources. Of the remaining 14 lots, 13 of them are vacant residential lots and the one remaining residential lot holds a single home. It is doubtful that 82-116 residents live in that home as your report would suggest and given the number of years that the other residential lots have been vacant, coupled with the fact that several land owners have multiple lots, it is doubtful that 82-116 residents will be moving into that area in the foreseeable future. It is just as doubtful the State of Alaska; Department of Natural Resources will be placing residential housing on the largest lot in the area. Given this information, the likelihood of the City of Soldotna bringing services to this area is highly speculative at best.

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Date: June 4, 2020

To: Local Boundary Commission

RE: City of Soldotna Petition to Annex Territory

Area 2, Skyview, does not meet any of the legal criteria for annexation. As your report clearly indicates, it is “uninhabited” and is owned predominantly by either the Borough or the Salmatof Native Association. Aside from containing a school and trails, which are operated and overseen by the Borough, there are no services for the City of Soldotna to provide to this area and nothing to gain for the City of Soldotna by annexing this area. The City of Soldotna has not been denied access to or been placed in any difficulty in accessing its water reservoir and annexing the area containing its reservoir does nothing to assist the City of Soldotna with providing services.

Area 7, the Kenai Spur, is very interesting. It is indistinguishable from Area 5, K-Beach North, in that it is a mix of residential, commercial and industrial. Like K-Beach North, it is not highly developed, has a lot of private ownership and is not predicted to have a significant residential population growth given the significant highway traffic and current commercial nature. How then can costs of service be higher than the amount collected in property tax for Area 5 than for Area 7? The City of Soldotna provides no explanation for this. If Area 7 is annexed, then Area 5 should be annexed for all of the same reasons. Either the area will benefit or it will not: otherwise there is no rational and legally justifiable reason why two very similar areas are given completely different treatment under one annexation plan. The Borough does not oppose annexation of Area 7 if Area 5 is annexed as well.

The Borough takes great offense to the statement on page 12 of your report indicating the Borough’s riparian restriction threatens both the health and aesthetic of the vibrant salmon stream. For decades the Borough has worked hand in hand with a number of experts and takes protection of salmon and all habitat very seriously. Unlike the City of Soldotna, the Kenai Peninsula Borough has partnered in the multi-agency permitting process along with Alaska State Parks, the Alaska Department of Fish & Game Division of Habitat, and the Kenai Watershed Forum. While it is true that trees may be removed along the river bank, before such removal can occur, a permit must be obtained and need must be proven. Such need is very narrowly defined and if met, requires not just the removal, but replacement of the removed tree with two seedlings native to the region. This is because the Borough, and its partnership agencies, are cognizant of the fact that trees do die from natural causes and they do create dangerous situations despite the best of intentions. When disease or other natural factors make keeping a tree more dangerous than beneficial, mitigation has to be performed in order to preserve the habitat.

Finally, on pages 14-15 of your report you state that the Kenai Peninsula Borough did not file a response brief or any opposition to the annexation. This is simply not true. The Kenai Peninsula Borough timely filed its objection by way of Resolution 2018-036 on September 4, 2018 opposing the expansion. A second copy of that Resolution is attached to this letter.

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Date: June 4, 2020

To: Local Boundary Commission

RE: City of Soldotna Petition to Annex Territory

As mayor of the Kenai Peninsula, my office has received numerous requests from affected residents asking the borough to oppose the annexation if the voters will not be allowed to vote on the matter. The City of Soldotna has significant experience in annexing territory and each time the citizens who reside within the City are clear on making one simple request, "let us vote on the proposal." As your recent report demonstrates, this request has been ignored time and time again. The citizens are not asking for anything that would be a huge cost to the City of Soldotna or to the State of Alaska. They are not asking for cost prohibitive services from the City of Soldotna or the State, nor are they asking for unreasonable or difficult concessions. The City of Soldotna already holds elections annually. Adding annexation to the ballot will add nothing to their costs, it is just one more question on the already planned election. Thus, the request is simple and preserves what many of the men and women in this area fought for in numerous wars: the freedom to vote.

I am very much aware that the City of Soldotna has chosen to utilize the legislative review method rather than utilize voter approval and that this method is allowable under the law. However, Alaska Statute 29.06.040(a) allows the Local Boundary Commission to impose conditions on the proposed annexation. I am requesting that this Commission do so by imposing the condition of voter approval. This is a divisive issue with long term effects for the citizens of Soldotna and the surrounding areas as well as long lasting repercussions. A vote, even if just an advisory vote, will allow the city council for the City of Soldotna to listen to its constituents and to review their decision in light of that information.

Until then, please consider this letter and please review the report in light of the errors pointed out. It is my request to be allowed to address the Commission during the formal meeting wherein the annexation is considered. I would appreciate an opportunity to speak on behalf of the Borough and those citizens who have not been given a full voice in the matter.

Sincerely,



Charlie Pierce
Borough Mayor

Introduced by: Mayor, Blakeley
Date: 09/04/18
Action: Adopted
Vote: 5 Yes, 4 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2018-036**

**A RESOLUTION OPPOSING THE CITY OF SOLDOTNA PLAN TO ANNEX
ADJACENT PROPERTY WITHOUT SEEKING VOTER APPROVAL**

- WHEREAS,** the City of Soldotna ("City") began meeting with interested stakeholders and collecting information about potentially changing its boundaries by annexing adjacent property in 2014; and
- WHEREAS,** the City had a fiscal impact analysis prepared evaluating the cost of delivering city services to areas near the existing City limits and estimating the overall fiscal effect on the City of annexing certain additional areas into the City; and
- WHEREAS,** the City hired The Athena Group, a consulting agency, to design and facilitate a process for public communication about the proposed annexation; and
- WHEREAS,** the City and The Athena Group held numerous meetings providing opportunities for the public to obtain information about, and provide input on, the issues surrounding annexation and delivery of city services inside and outside the City's current boundaries in 2017; and
- WHEREAS,** in its final report to the City Council, The Athena Group indicated that community engagement in the annexation process was low, the vocal and passionate opposition to annexation appeared to be a powerful influence on the community at large, that if the City decides to pursue annexation distrust may grow further, and proposed options to limit negative impacts including only annexing areas that garner the most support, creating a process before the formal annexation petition to allow all affected residents, property owners, and businesses to "vote", or retain annexation as a possible future strategy for managing growth; and
- WHEREAS,** state law provides that a municipality may legally annex property through either the legislative review process or with voter approval; and
- WHEREAS,** the City Council recently approved Substitute Resolution 2018-013 which directs the City Administration to prepare a draft petition for annexation of seven areas according to the policies and procedures of the Local Boundary Commission for Annexation by Legislative Review, which would not allow the residents to vote on this issue; and

WHEREAS, the question of whether adjacent property should be included in a municipal boundary is an important issue directly affecting current City residents and residents proposed to be included in the city; and

WHEREAS, many residents have intentionally chosen to reside outside of the City for their own reasons, some of whom have invested substantial funds and hard work in their property, and deserve the opportunity to vote on this important issue; and

WHEREAS, the affected residents of the city and the areas proposed to be annexed are all also borough residents, a number of whom have testified before the assembly in opposition to the annexation process of bypassing voter approval, asking the borough to weigh in on the proposed annexation and on the importance of allowing voters to approve the annexation;

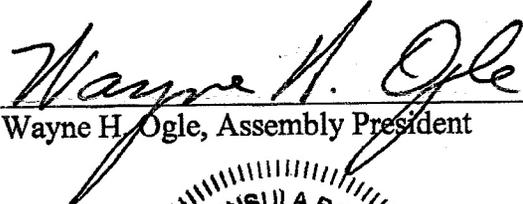
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the assembly of the Kenai Peninsula Borough opposes the City of Soldotna's proposed annexation for the reason that it has chosen to follow the process that excludes voter approval and respectfully encourages the City Council to seek voter approval on this issue.

SECTION 2. That copies of this resolution shall be sent to Mayor Nels Anderson, Soldotna City Council members Paul Whitney, Tyson Cox, Vice Mayor Linda Murphy, Tim Cashman and Lisa Parker.

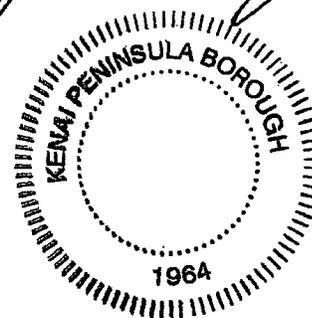
SECTION 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF SEPTEMBER, 2018.


Wayne H. Ogle, Assembly President

ATTEST:


Johni Blankenship, MMC, Borough Clerk



Yes: Blakeley, Carpenter, Cooper, Fischer, Ogle
No: Bagley, Dunne, Hibbert, Smalley
Absent: None