

# Alaska State Legislature House of Representatives

*Interim*

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*Session*

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Representative Tammie Wilson

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## Sponsor Statement

HJR 39 disapproves an annexation that is flawed in both substance and process.

The annexation plan, presented by the City of Fairbanks to the Local Boundary Commission, seeks ~0.05 square miles of residential and commercial property. The plan is encumbered by insurmountable legal and practical challenges, and **creates an unnecessary risk to public safety** for residents during fire and life-threatening medical emergencies.

**Substantive problems** with the annexation proposal:

- The City, and LBC, failed to contend with, or consider, a number of factors relevant to the legal standards applicable in evaluating annexation proposals:
  - 3 AAC 110.090, Needs of the Territory.
    - **Lack of reasonable need;**
    - **Existing versus anticipated health, safety, and general welfare conditions;**
    - **Adequacy of existing services;**
    - **Detrimental effect to emergency services in the annexed area;**
      - **Initial Fire Service & EMS response time would increase exponentially**
      - **Per the City's own reports, police & fire service would be inadequate as the current demand cannot be met.**
  - 3 AAC 110.130, Boundaries.
    - **Consequences of creating an enclave.**
  - 3 AAC 110.135, Best Interests of the State.
    - **Attainment of self-government;**
    - **State's lack of relief of responsibility for local services.**
  - 3 AAC 110.970, Determination of Essential Services.
    - **Most effective form of municipal service.**
- General Effect on the City of Fairbanks with respect to EMS, police, and fire response:
  - Availability of Emergency Services would decrease for all Fairbanks' residents.

**Severe Flaws of Due Process** with the annexation proposal:

- The method did **not** incorporate a vote or survey of residents affected by annexation.
- All hearings of the Local Boundary Commission transpired **without representation** by a commissioner from the 4<sup>th</sup> Judicial District—the very area where annexation was proposed.

In short, the LBC's decision to approve annexation was based upon false data amidst a deficient process. Considering all problems with the proposal, the worst is that annexation poses a greater public safety risk to all residents.

I appreciate your support for HJR 39.

**HOUSE JOINT RESOLUTION NO. 39**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES TAMMIE WILSON, Harris**

**Introduced: 1/27/10**

**Referred: Community and Regional Affairs**

**A RESOLUTION**

1 **Disapproving the Local Boundary Commission recommendation regarding the**  
2 **annexation of territory to the City of Fairbanks.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS**, under art. X, sec. 12, Constitution of the State of Alaska, the legislature  
5 may, by resolution, disapprove annexation proposals submitted for review by the Local  
6 Boundary Commission; and

7 **WHEREAS** the Local Boundary Commission presented a report to the legislature,  
8 dated January 15, 2010, to annex approximately 0.05 square miles to the City of Fairbanks;  
9 and

10 **WHEREAS** the Fourth Judicial District, encompassing the territory under  
11 consideration for annexation, was not represented on the Local Boundary Commission during  
12 the entire proceedings; and

13 **WHEREAS**, the annexation would create an enclave--a critical, material fact under 3  
14 AAC 110.130, the consequences of which the Local Boundary Commission failed to  
15 consider; and

16 **WHEREAS** the proposed annexation contravenes several legal standards set out in 3

1 AAC 110.090 - 3 AAC 110.140 and 3 AAC 110.900 - 3 AAC 110.982, including

2 (1) reasonable need;

3 (2) effects on the state; and

4 (3) acknowledgment of current emergency medical dispatch and service by the  
5 Fairbanks North Star Borough; and

6 **WHEREAS** the Fairbanks North Star Borough strongly opposes the annexation; and

7 **WHEREAS** the proposed annexation would have an adverse effect on the Fairbanks  
8 North Star Borough's fire service area by eliminating approximately \$52,000 in revenue from  
9 its annual budget; and

10 **WHEREAS** the proposed annexation would cost the Fairbanks North Star Borough  
11 an additional approximately \$400,000 in lost revenue; and

12 **WHEREAS** all commercial residents in the territory proposed to be annexed oppose  
13 the annexation; and

14 **WHEREAS** emergency services response time to the territory proposed to be annexed  
15 would be significantly increased as a direct result of the annexation, thereby putting residents  
16 at greater risk during medical and fire emergencies; and

17 **WHEREAS** the current fire service area provider has a superior local rating from the  
18 Insurance Services Office, reflecting better emergency service and increasing the likelihood  
19 of lower insurance rates for those in the affected area; and

20 **WHEREAS** the City of Fairbanks police and fire departments have consistently stated  
21 that they are unable to meet the current demand for emergency services within existing city  
22 boundaries; and

23 **WHEREAS**, in lieu of a vote by the people in the territory adjoining the city, the  
24 legislature serves as the only representation of those affected by annexation; and

25 **WHEREAS** it is incumbent on the state to encourage the development of municipal  
26 infrastructure that provides public safety for all Alaskans;

27 **BE IT RESOLVED** by the Alaska State Legislature that the recommendation of the  
28 Local Boundary Commission received by the legislature in January 2010 regarding the  
29 annexation of approximately 0.05 square miles of territory to the City of Fairbanks is  
30 disapproved.

## **HJR 39 Outline**

HJR 39 disapproves the Local Boundary Commission's decision to annex two territories in the Fairbanks North Star Borough. The disapproval is based, primarily, on the fact that residents were not given a vote on the annexation (and overwhelmingly oppose it), and 2<sup>nd</sup>, the annexation would slow emergency response time to the annexed areas.

### **What is the Local Boundary Commission?**

The Local Boundary Commission is a statewide, five member commission that processes petitions on incorporation of cities, boroughs, and unified municipalities, reclassification of cities, and municipal annexations, detachments, dissolutions, mergers, and consolidations.

### **What is the Legislature's role with boundary changes?**

Under Article X, Sec. 12, the Legislature is the final reviewer of boundary change proposals.

### **What is the process of initiating an annexation?**

There are two paths for annexation:

- 1) A proposal that is ultimately forwarded to the Legislature for review, or
- 2) Local action, where residents vote on the question of the boundary change.

In either method, the LBC must approve and is involved in the process. In this case, the petition was **NOT voted on** by residents. The Legislature serves as the substitute to a vote by the people affected by annexation. AS 29.06.070(c).

### **Have LBC reports ever been disapproved?**

Yes. One example: in 1989, when the Fairbanks North Star Borough attempted to annex a territory surrounding Livengood.

### **Do the residents in the affected areas want annexation?**

No. Over 90% of the residents living in and around the enclave lots, and 100% of the businesses in the commercial subdivision, **oppose** the annexation (see attached signed petition and written testimony).

In addition, the Fairbanks City Council was, historically, split on the proposal.

The Fairbanks North Star Borough administration, and Assembly, have consistently opposed annexation (see attached resolutions and back-up material).

### **Are there other reasons to disapprove the LBC's report?**

Yes, many. As outlined in the sponsor statement, there are a number of legal standards that were misconstrued; by regulation, for instance, annexation should not take place if it causes a detriment to emergency services.

If annexed, first response for fire service will be approx. 8 times longer than the current response time.

### **What is the proper method of disapproving an LBC report?**

Under Uniform Rule 49(a)(5), a joint resolution is required “...*for disapproval of local government boundary changes recommended by the Local Boundary Commission.*”

### **The Legislature is the only official voice of the people on this matter.**

**On the grounds that public safety is harmed, the Fairbanks North Star Borough's and fire service area's budget will be negatively impacted, and the overwhelming majority of residents oppose annexation, please disapprove the LBC report by supporting HJR 39.**

By: Hank Bartos  
Introduced: 01/21/2010

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2010 – 08

A RESOLUTION TO ENCOURAGE THE SUPPORT OF OUR INTERIOR STATE  
DELEGATION AND THE ALASKA LEGISLATURE TO OPPOSE THE LOCAL  
BOUNDARY COMMISSION'S DECISION REGARDING THE FRED MEYER  
SUBDIVISION ANNEXATION

WHEREAS, the City of Fairbanks proposed an annexation of the Fred Meyer Subdivision and on December 2, 2009, the Local Boundary Commission approved the proposed annexation, and

WHEREAS, the University Fire Service Area has a fire substation with an ambulance only a few blocks from the Fred Meyer subdivision and a Main Station closer than any city fire station, thereby providing these properties with a quicker response time to any fire or ambulance call than the city can provide; and

WHEREAS, the annexation is not in the best interest of the state, the borough or the citizens utilizing the facilities on the subject property.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough strongly encourages our Interior State Delegation, and Alaska Legislature, to oppose the Local Boundary's decision.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is **underlined & bold**

Text to be *deleted* is **[BRACKETED, CAPITALIZED & BOLD]**

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PASSED AND APPROVED THIS \_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mike Musick  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Mona Lisa Drexler, MMC  
Municipal Borough Clerk

1 By: Guy Sattley  
2 Introduced: 09/11/08  
3 Adopted: 09/11/08  
4  
5

6 FAIRBANKS NORTH STAR BOROUGH  
7

8 RESOLUTION NO. 2008 - 35  
9

10 A RESOLUTION OPPOSING THE CITY OF FAIRBANKS' PROPOSED ANNEXATION  
11 OF THE FRED MEYER SUBDIVISION  
12  
13

14 WHEREAS, the City of Fairbanks has proposed an annexation of two very  
15 different and distinct areas resulting in a proposal that is confusing due to the mixing of  
16 two entirely separate and different issues into one annexation proposal; and  
17

18 WHEREAS, the businesses located within the Fred Meyer Subdivision are  
19 satisfied with the services provided by the University Fire Service Area/University Fire  
20 Department and have no desire to be annexed into the City of Fairbanks; and  
21

22 WHEREAS, the University Fire Service Area has a fire substation with an  
23 ambulance only a few blocks from the Fred Meyer subdivision and a Main Station closer  
24 than any city fire station, thereby providing these properties with prompt and adequate  
25 response to any fire or ambulance call; and  
26

27 WHEREAS, the University Fire Service Area enjoys a more desirable  
28 Insurance Services Office rating of a Class 2 while the City of Fairbanks has a lower  
29 insurance rating; and  
30

31 WHEREAS, the proposed annexation will financially impact Borough  
32 taxpayers through an annual loss of over \$378,000 in taxes including Nonareawide  
33 EMS, Nonareawide Economic Development, Solid Waste, and Alcohol Taxes, but will  
34 not reduce the services provided by the Borough.  
35

36 NOW, THEREFORE, BE IT RESOLVED that the Assembly of the  
37 Fairbanks North Star Borough opposes the City of Fairbanks' proposed annexation of  
38 the Fred Meyer Subdivision; and.  
39

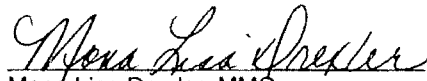
40 BE IT FURTHER RESOLVED that copies of this resolution shall be sent to  
41 the City of Fairbanks' Mayor and Council and to the Local Boundary Commission.  
42  
43



PASSED AND APPROVED THIS 11<sup>th</sup> DAY OF SEPTEMBER 2008.

  
Nadine Winters  
Presiding Officer

ATTEST:

  
Mona Lisa Drexler, MMC  
Municipal Borough Clerk

Ayes: Frank, Musick, Sattley, Stringer, Hopkins, Foote, Winters  
Noes: Brown, Beck

**Before the Local Boundary Commission  
Department of Commerce, Community and Economic Development  
State of Alaska**

In re: Proposal to Annex  
Approximately .05 Square Miles  
of territory to the City of Fairbanks  
by Legislative Review

**RESPONDENT'S REQUEST FOR RECONSIDERATION**

The Respondent in the above-entitled annexation petition, the Fairbanks North Star Borough (hereinafter, "Respondent" or "FNSB,") requests that the Local Boundary Commission order reconsideration of the above-entitled proposal for annexation of the Fred Meyer subdivision.<sup>1</sup> Pursuant to 3 AAC 110.580(e), the commission will grant a request for reconsideration if the commission determines

- (1) a substantial procedural error occurred in the original proceeding;
- (2) the original vote was based on fraud or misrepresentation;
- (3) the commission failed to address a material issue of fact or a controlling principal of law; or
- (4) new evidence not available at the time of the hearing relating to a matter of significant public policy has become known.

This request for reconsideration is for the following reasons:

**1. THE LOCAL BOUNDARY COMMISSION FAILED TO ADDRESS THE FOLLOWING MATERIAL ISSUE OF FACT:**

The Local Boundary Commission (LBC) failed to properly address the material issue of fact that the annexation of the Fred Meyer subdivision would create an enclave

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<sup>1</sup> The Respondent is only asking for reconsideration of the annexation to the City of Fairbanks of Fred Meyer subdivision and is not asking for reconsideration of the annexation of the "enclave lots."

lot. During discussion of the annexation petition at the decisional meeting, Chairman Crystal stated, in complete conflict with the maps and testimony presented, that “the territory is wholly or substantially surrounded by the annexing city, and I think it is.” (Transcript of Decisional Hearing, p. 21.) Later, when discussing whether the annexation would create an enclave lot, as discussed in 3 AAC 110.130(b), the Commission asked for a definition of an enclave lot. Staff gave the dictionary definition of an enclave as “a territory surrounded or nearly surrounded by the territory of another country.” Staff continued by stating that “Commerce finds that Fred Meyer is contiguous to the city but that annexing it would arguably create an enclave.” The LBC did not further discuss the enclave lot situation and moved to section (c). (Transcript of Decisional Hearing, p. 41.) At the hearing, the LBC did not discuss any testimony refuting the fact that the City only bordered the easterly boundary and only part of the southerly boundary as shown on the attached map. (Exhibit 6 from the Respondent’s Brief.) The annexation of the Fred Meyer subdivision will result in one lot nearly surrounded by the Borough thus creating an enclave.

**2. THE LOCAL BOUNDARY COMMISSION FAILED TO ADDRESS THE FOLLOWING CONTROLLING PRINCIPLE OF LAW:**

Administrative regulation 3 AAC 110.130(b) states that “[a]bsent a specific and persuasive showing to the contrary, the commission will presume that territory that is not contiguous to the annexing city, or that would create enclaves in the annexing city, does not include all land and water necessary to allow for the development of essential

municipal services on an efficient, cost-effective level.” Pursuant to the regulation, when an enclave lot is formed, there is a presumption that the regulation has not been met. Once the presumption attaches, there must be a specific and persuasive showing that there is sufficient land and water necessary to allow for the development of essential municipal services on an efficient, cost-effective level.

As shown above, the facts are such that the annexation does create an enclave. Furthermore, the LBC’s Statement of Decision states that the annexation “arguably creates an enclave.” (Statement of Decision, p. 9.) Therefore, the presumption should be applied that the annexation did not include all land necessary to allow for development of essential municipal services on an efficient, cost-effective level which can only be overcome by a specific and persuasive showing to the contrary.

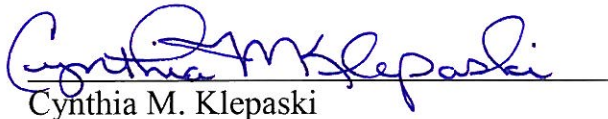
The LBC’s Statement of Decision does not include any specific and persuasive showing to the contrary. The decisional statement merely gives a summary statement that “the territory is already fully developed and receiving services” and “the expanded City of Fairbanks would contain all land and water necessary to allow for the development of essential municipal services on an efficient, cost-effective manner.” (Statement of Decision, p. 9.) There is no discussion as to how receiving services from the Borough, the service area and the State of Alaska shows that the annexation contains all land necessary to efficiently and cost-effectively develop essential City services. A summary statement should not be sufficient to establish the regulatory requirement of a “specific and persuasive” showing to the contrary.

In the decisional meeting, when discussing 3 AAC 110.130(b), the LBC did not discuss any specific and persuasive showing that this requirement could be met. The Commission merely listened to the definition of an enclave and then went on to item 3 AAC 110.130(c). (Transcript of Decisional Hearing, p.41.) Therefore, the requirement of 3 AAC 110.130(b) was not met.

For the forgoing reasons, the Respondent respectfully requests that the Local Boundary Commission reconsider the decision annexing the Fred Meyer subdivision to the City of Fairbanks.

DATED at Fairbanks, Alaska this 28<sup>th</sup> day of December, 2009.

Fairbanks North Star Borough

  
Cynthia M. Klepaski  
Assistant Borough Attorney

## “Time is Tissue”

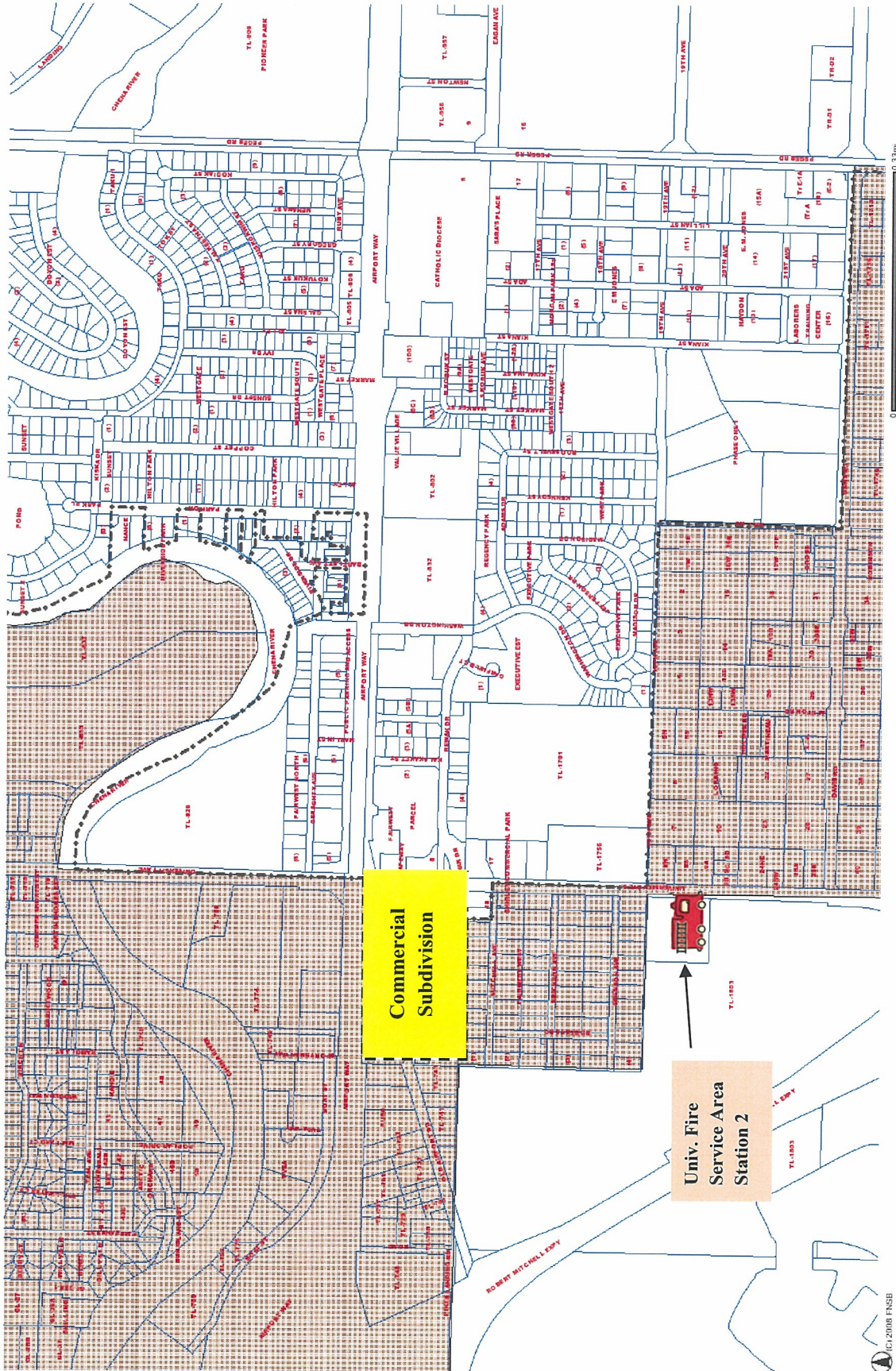
	Commercial Area	Commercial Subdivision To Hospital (FMH)	Total Miles
University Fire Station 2	0.6	3.1	3.7
University Fire Station 1	2.2	3.1	5.3
City Main Fire Station	3.1	3.1	6.2
City Aurora Fire Station	3.5	3.1	6.6

First response time is the most critical component of emergency service. In a situation where every minute counts, initial time of response means the difference between life and death or full recovery and long-term disability.

The annexation would make emergency service response time up to **8 times longer.**



The annexation will create an enclave and 450k loss of revenue to the Fairbanks North Star Borough.



University Fire Service Area if the Commercial Subdivision is Annexed

University Fire Service Area (partial)

City Boundaries

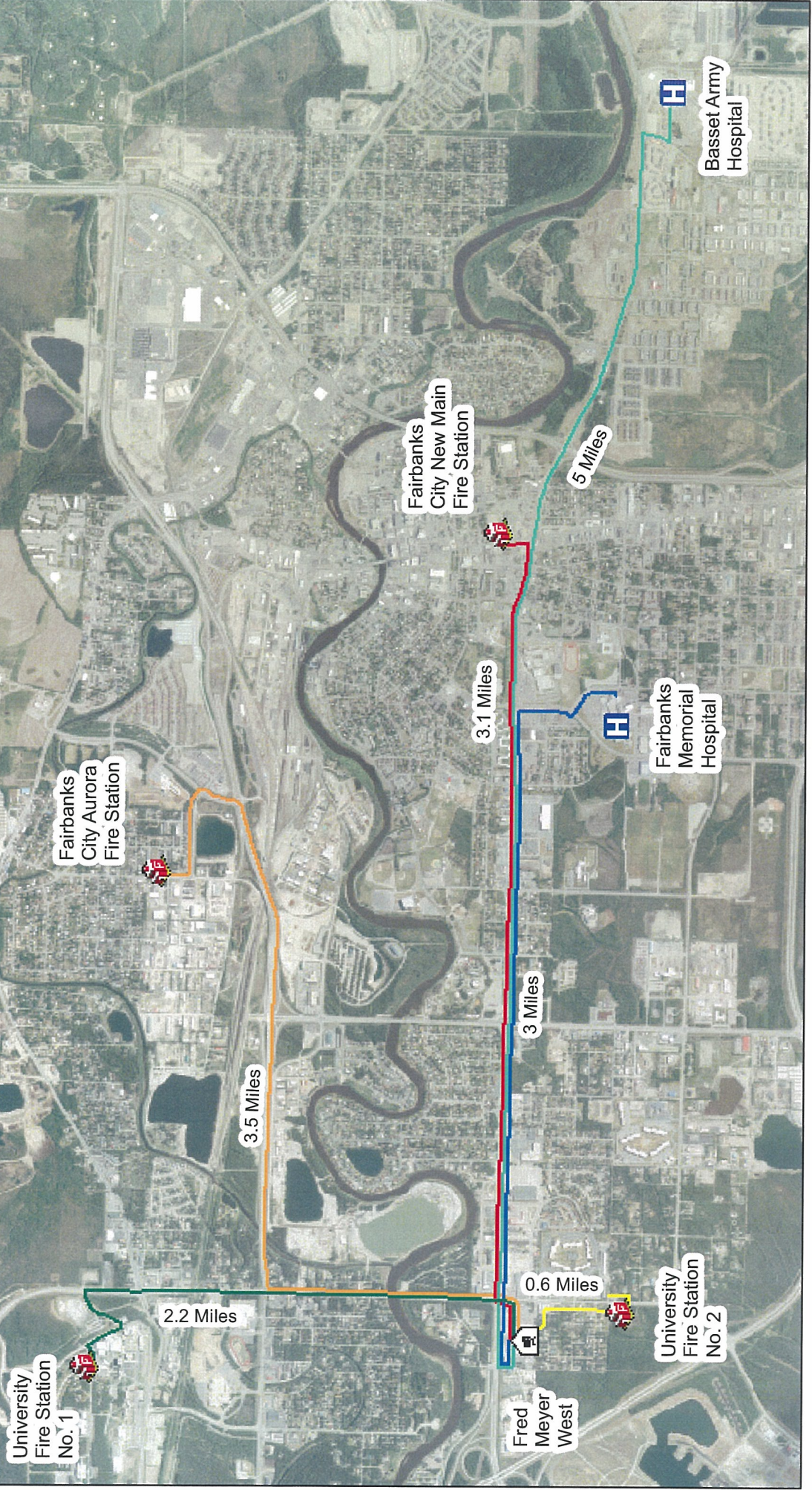


# PROPOSED CITY OF FAIRBANKS ANNEXATION



Distances from Fred Meyer West to  
existing Fires Stations and hospitals

Prepared by Fairbanks North Star Borough,  
Dept of Community Planning TD  
Feb 5, 2010





## Lost Revenues to Borough from Annexation of Fred Meyer Subdivision

Taxable Assessed Value	2008	2009
Taco Bell	\$833,833	\$887,159
Mt. McKinley Bank	\$1,475,014	\$1,473,961
Fred Meyer	\$22,652,568	\$22,604,203
Total FM Subdivision	<u>\$24,961,415</u>	<u>\$24,965,323</u>

assessed values did not significantly increase in 2009

Borough taxes that would not be charged to FMSub after annexation

	2008 mill rate	2008 Taxes	2009 mill rate	2009 Taxes
EMS (ambulance)	0.256	\$6,390	0.276	\$6,890
Solid Waste	1.103	\$27,532	1.121	\$27,986
Econ. Dev	0.144	\$3,594	0.117	\$2,921
Univ. Fire Service Area (UFSA)	2.138	<u>\$53,368</u>	2.301	<u>\$57,445</u>
Total lost property taxes		<u>\$90,885</u>		<u>\$95,243</u>
Lost Alcohol taxes -approx*	5%	\$380,000		\$380,000
(no lost tobacco tax)	8%	<u>\$0</u>		<u>\$0</u>
TOTAL approx yearly loss to Borough		<u>\$470,885</u>		<u>\$475,243</u>

\*Alcohol taxes are confidential but actual is higher

### SUMMARY:

	FY09
City Gains	\$669,832
FNSB Loses	<b>-\$475,243</b> (includes \$57,445 loss to UFSA)

## Expenses v. Revenues for City

### Expenses

Increased Costs of services supplied to FM Subdivision by City (from p. 16)

\$1,000	Gen Gov	\$1,000	
\$50,000	Police	\$37,500	footnote on page 16 250 calls x\$75/hr x 1hr av=\$37,500
\$1,000	pub works	\$1,000	City states "\$50,000 is a safe margin"
<u>\$52,000</u>		<u>\$39,500</u>	

### Revenues

#### City's 2009 increased revenues estimates (p.16)

\$149,653	property tax to City
\$151,946	Alcohol Tax
\$157,502	tobaco tax
\$10,000	licenses and Permits
<u>\$469,101</u>	Increased Revenues to City (p.16)

**\$417,101** City's increased revenue minus expenses  
(\$469,101 - \$52,000 from p. 16 of Petition)

#### Borough's calculation

\$122,330	(4.9mills x 2009 assessed value )
\$380,000	approximate (actual figures are confidential)
\$157,502	using City's figure
\$10,000	City's figure for licenses and permits
<u>\$669,832</u>	Borough's estimated increased revenues to City

**\$617,832** Revenues minus expenses  
(\$629,832 - \$52,000)

### Increase cost to Fred Meyer Sub owners

2.35 mills as per page 14 of the City's Petition

\$58,659 Increased property taxes(=2.35 mills x 2008 assessed value for FM Sub)

\$10,000	Licenses & permits as per page 16
<u>\$68,659</u>	Total* increase to be paid by FM Sub

\*Does not include increased insurance, if any, caused by a lower ISO rating in the City

Evidence reflecting the City Fire & Police Departments are unable to cope with the current demand of emergency services (from the City Department's annual documents).

As they are unable to meet current demand, the addition of a large commercial area will decrease, already stretched, resources.

**Stats from Fire Chief Edith Curry, University Fire Department:  
Mutual Aid received from, and given to, Fairbanks Fire Department  
within the prospective commercial annexed area.**

YEAR	Runs to FM, TB and MMB	MA Rec'd from FFD@ FM,TB,MMB	Total MA Rec'd from FFD (not limited to FM, TB and MMB)	Total Mutual Aid Given to FFD
2000	22	0		
2001	16	0		
2002	24	0		
2003	23	0		
2004	23	0	11	52
2005	18	0	11	54
2006	33	0	14	35
2007	36	0	14	46
2008	48	0	15	40
<b>Total</b>	<b>243</b>	<b>0</b>	<b>65</b>	<b>227</b>
FM	Fred Meyers			
TB	Taco Bell			
MMB	Mt. McKinley Bank			
<b>Conclusion:</b> Available records show the Fairbanks Fire Department (FFD) has never serviced the commercial area where annexation is proposed, and assisted the University Fire Service Area (UFSA) 65 times in 9 years. Conversely, UFSA has assisted FFD <b>227 times over 9 years</b> while handling all calls in the commercial area.				

**Comparisons and Evaluations of  
Expenditures and Efficiencies of the  
Fairbanks Police Department**

**by**

**Fairbanks Citizens Review Committee**

Lloyd Hilling, Committee chair	–	<b>Committee Report</b>	→
<i>Compiling reports of:</i>			
Robert S. Koslick, Committee member	–	Report “A”	→
Lance Roberts, Committee member	–	Report “B”	→
Butch Stein, Committee member	–	Report “C”	→
Warren Tanner, alternate member	–	Report “D”	→
Lorna Weese, Committee member	–	Report “E”	→
Other reports and references	–	“F”, “G”	→

*[arrows simply indicate that the above seven items are in the order as listed →]*

**Submitted to Mayor and Council November 16, 2007**

While of the overall 2007 Fairbanks police budget, 89.7% was labor, it doesn't appear to be practical to expect that salaries can be modified, and still keep them competitive in the state. The data does highlight that it might be productive to focus recruitment at lateral hiring from the lower-48, which also might help achieve desired diversity. [BA1]

## Staffing

Liability issues. Koslick points out that since 1971, police department personnel fell from 74 to 48, population rose from 18,600 to 31,000 (although FPD sworn officers rose from 32 in 1990 to 44 in 2007 while population remained steady), and crime rose from 878 UCR part 1 crimes (serious, or person-on-person crimes) to 2053 UCR part 1 crimes. [AA1] He further notes:

In reviewing [this and other] data compiled by this committee, it is apparent that the Fairbanks Police Department is, and has been for some time, seriously understaffed to the extent of placing the City of Fairbanks in a libelous position and it's police officer's in harm's way due to forced overtime to cover shifts, little or no back up on felony calls and operating at crisis level staffing day after day.

Warren Tanner, Provost of Fort Wainwright during the pipeline years, stresses that even with the high numbers Koslick cites above, "The Fairbanks Department was short staffed" in 1974 – 1978 and his men often directly assisted the FPD by riding two to a car (one FPD with one MP in a car) throughout the city in those heady years. [DA1] Without a doubt, the upcoming gas line will necessitate extraordinary measures to ensure a properly policed community.

Crime and staffing. Koslick [AA1] cites a report to the Public Safety Commission in 2006 comparing crime and staffing between the Fairbanks area and 15 comparably sized city-county units throughout the U.S. "Fairbanks experiences a higher number of crimes than the average city in all serious crimes-against-persons categories," while burglaries and thefts are more a problem in the lower-48 cities than in Fairbanks. The backdrop is that those similar lower-48 cities had a ratio of 1.8 sworn officers per 1000 residents versus Fairbanks' 1.38 officers per 1000. "If the City of Fairbanks were staffed at the national average [2.3 sworn officers per 1000], we would have seventy-one officers serving our community." [FA4]

Comparing Fairbanks with Juneau, Koslick points out that Fairbanks experiences an across-the-board higher level of crime in all categories – yet with a smaller police force to deal with it. [AB1]. In a city with far less crime and far less impact of a surrounding population, Juneau staffed 18 additional police and police-support positions over that of Fairbanks."

Investigative unit. Stein [CA1] reviews the Chief's requests for investigative personnel increases the past three years. "these requests have been denied. When considering the level of crime that our police respond to ... it becomes quite evident that the FPD investigative unit should be expanded significantly". He then lists Chief Hoffman's view of "minimum staffing for the investigative unit to adequately respond to current community needs and expectations": (1) unity supervisor, (3) core detectives, (2) specialized investigators, (2) follow-up investigators, (2)

internet/computer crime investigators, and (2) or more drug investigators assigned to Borough-wide ABADE interagency task-force [CA1-2].

Civilian support staff. Stein emphasizes the need for additional front desk, evidence and admin staff:

Comparing our police department with police departments of equal size throughout the country shows [that our civilian support staff is] grossly understaffed. FPD no longer has a records section or personnel assigned to report duplication, distribution, filing and handling of correspondence requests. Furthermore, the department has no planning, budget, accounting or analysis sections. These duties are performed directly by the Chief. [CA2]

2008 Budget request. Chief Hoffman's 2008 budget request is for increases in personnel from 2007 to 2008, as follows: detective from 3 to 4; investigative unit officer from 0 to 1; highway safety officer from 2 to 4 (grant funded – already approved by City Council); evidence custodian from 1 to 2 (already approved by City Council); and front desk clerk from 1 to 2. Mayor Thompson has recommended that these changes go forward as requested. Thus police personnel is proposed to be at the level of 53.5 employees in 2008, up from 47.5 in 2007. A majority of the committee approves and encourages adoption of these budgetary recommendations.

Alternataive viewpoint regarding staffing. A minority of the committee [GA1-2] differs with the majority on how the crime and population statistics apply themselves to recommended police staffing levels.

Very conservatively, at least 10,000 of Fairbanks' city population now either live on Fort Wainwright or are otherwise assigned to it, patrolled and policed almost entirely by federal employees. It is argued [GA1] that FPD shoulders only one-half of this burden resulting in a "proxy ratio" of (46 officers divided by (31,182 minus 10,000/2) equals) 1.76 officers per 1000 population, slightly above the Western U.S. average of 1.7 and slightly below the 1.8 average of comparable U.S. cities.

As to crime's burden on FPD compared nationally:

[C]urrent data shows Fairbanks to suffer about 70 more Part 1 (person-on-person) crimes yearly than in lower-48 ... while enjoying about 700 less Part 2 crimes, or a ratio of 1 to 10. Chief Hoffman states that a person-on-person crime very often takes 10 times the resources expended on the average burglary/theft, and sometimes much more than that. If the assumption is made that the average resource expenditure on Part 1 and Part 2 crime is a 10 to 1 ratio, then crime in Fairbanks would be at a level about even with comparable U. S. cities. [GA2]

In sum, this viewpoint expresses reservations about two of the additions to the 2008 budget: the detective (1) and the investigative unit officer (1). Future changes in FPD jurisdiction and upcoming demographic changes on and off post, or future revelations, will certainly bear on this issue.

In the past 35 years, the Fairbanks population has risen over 50%, crime has more than doubled, and yet police **staffing** levels have fallen by over 30% since 1971 (although FPD sworn officers rose from 32 in 1990 to 44 in 2007 while population remained steady). Issues of liability are of paramount concern, as are those of responsibility to the citizenry. Comparison with Juneau and lower-48 shows Fairbanks to be appreciably less **staffed** when comparing with both population and crime incidence.

A committee minority views **staffing**-related statistics differently, suggesting that FPD may be **staffed** comparably to lower-48 crime and population levels.

With two more **traffic** patrol officers coming on board in 2008 (totaling four, paid for by state grants), the **traffic** situation appears sufficiently in hand.

In the context of **training**, the issue of liability is once more addressed, with emphasis placed on the huge exposure to litigation nowadays. Recommendations are to rely less on voluntary drives to obtain funding for **training**.

A minority feeling is that the **2008 FPD budget** request should be lowered from 53.5 persons to 51.5 – pending further argument and consideration.

In consonance with the above facts and viewpoints as expressed in this entire report, a majority of the committee urges adoption of Chief Dan Hoffman's **2008 budget request for increases in personnel staffing** from 47.5 police department employees in 2007, to 53.5 employees in 2008.



REPORT OF THE CITIZEN'S REVIEW  
COMMISSION ON  
STAFFING & RECRUITMENT  
FAIRBANKS POLICE DEPARTMENT

### Staffing

In reviewing data compiled by this committee it is apparent that the Fairbanks Police Department is, and has been for some time, seriously understaffed to the extent of placing the city of Fairbanks in a libelous position and it's police officer's in harms way due to forced overtime to cover shifts, little or no back up on felony calls and operating at crises level staffing day after day.

In 1971, pre-pipeline, the City staffed 49 officers and 25 civilian support personnel to service its population of 18,600 residents that generated a total of 878 UCR part 1 crimes. By contrast, in 2005 the City staffed 41 officers and 16.5 civilian support personnel to service a City population of 31,182 that generated a total of 2053 UCR part 1 crimes.

Researching police staffing levels for cities of like size, we found that Juneau has more sworn officers (55) then Fairbanks (44) with approximately 50% less UCR activity then Fairbanks. Juneau has 6 police clerks compared to Fairbanks 0, and an approved 2008 budget that is 4 million more then FPD. Further, Juneau is not on a road system and does not have the surrounding population of 50,000 people that impacts the city of Fairbanks,

The FBI's Crime report for 2004, the most recent year completed found that the nationwide average for police staffing is 2.3 sworn officers per 1000 residents. Western cities of the same size range of Fairbanks had an average of 1.8 sworn officers per 1000 residents. Fairbanks ratio is 1.3. If staffed at the national average, Fairbanks would have 71 officers in the community. If staffed at the 1.8 ratio Fairbanks would have a compliment of 56 sworn officers. Again, FPD is currently at 44 sworn officers.

Chief Hoffman has asked for an incremental increase of two (2) Property Crime Investigators, two (2) Traffic Patrol Units, (1) one Administrative Assistant, (1) one Front Desk Clerk and (1) one additional Evidence Custodian.

We feel that the current staffing level is inadequate to police a community the size of Fairbanks, and strongly support the increases proposed in the cities 2008 budget.

### Recruitment

It is becoming difficult to recruit qualified applicants due to several factors. While the state enjoys a relative low unemployment rate, law enforcement agencies in Alaska and across the country are having to compete with each other and private sector employers to

attract the most capable candidates. Some agencies across the country with severe recruitment and retention problems are lowering their recruitment standards to expand their applicant pools. Private sector wages and benefits have created strong competition. The key to improving and maintaining recruitment is to insure that salaries and benefits remain competitive with the predominant competing agencies in the state, (i.e. Alaska State Troopers and Anchorage P.D, both of whom are currently working to fill 50 plus respective vacancies). Additionally, appropriate staffing levels would go a long way to enhance working conditions and reduce officer burn out. In talking to a number of the FPD officers, they expressed not having enough time to adequately cover the call volume and that the forced overtime was taking a toll on their personal lives and time spent with family.

There is a clear message here. Aside from wage and benefits, qualified applicants are looking for adequate back up on felony and domestic violence calls, reasonable down time to regenerate, time with family and perhaps most of all, to see themselves as part of a worthwhile enterprise that instills in them a sense of pride and belief that what they do is more than just a job.

Due to recent challenges in recruitment, and the extremely low ratio of successful qualifying applicants from the general labor population, FPD has placed a heavy emphasis on the recruitment of lateral hires from other municipal agencies. Of the last 7 officers hired in 2006 and 2007, six (6) were lateral hires from other departments around the state. This has greatly increased the timelines and efficiency of the recruitment and hiring process, as most applicants have already been extensively "pre-screened" as well as demonstrating their effectiveness in being able to successfully perform police work. However, as the potential pool of lateral applicants begins to dry up, FPD will need to investigate and pursue other avenues of recruitment outside of established law enforcement circles.

Robert S. Koslick  
Citizen Review Commission

[illegible]

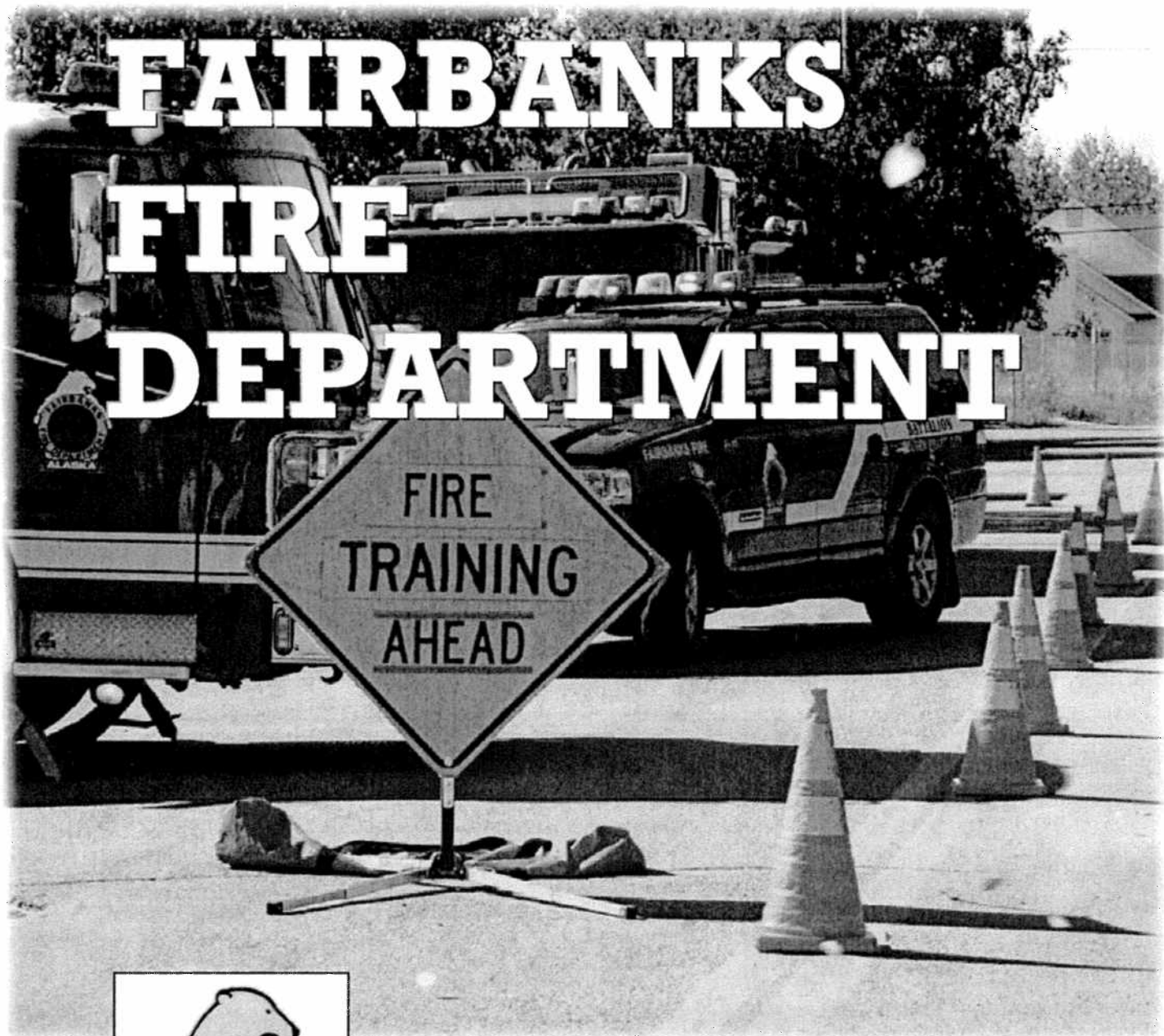
INTOXICATED PEDEST		1			1		1		1		4
KIDNAP MINOR		1									1
KIDNP ADULT SEX ASLT		1									1
LARCENY FROM AUTO	2	4		4	2	1		2	1	3	19
LARCENY FROM BLDG	6	7	8	9	14	4	2	5	5		60
LARCENY FROM YARDS			1	1		1	1		1	1	6
LARCENY/VEH PARTS					1						1
LEAVE SCENE OF ACCID	3	2	8	10	11	8	7	1	7	6	63
LOC-NOTIFY AGENCY					1						1
LOST PROPERTY	3	6	10	13	13	8	3	2	5	2	65
LOST/ILL RETAIN PROP		1		1	1	3	5		1	1	13
MAKING A FALSE REPT								1			1
MAL MISCH PRIV PROP		1	2		4	1	1			2	11
MAL MISCH-PRIV PROP	2					1		1		2	6
MARIJUANA-POSSESS					1	1		1			3
MEDICAL ASSIST			2		3			1	4	2	12
MINOR CONSUMING 9/95		1						1			2
MINOR NEED OF SUPRV				1	4		1	2	2	3	13
MISREP-PROPELLED VEH	1										1
MISSING PERSON-JUVEN				1							1
MOTORIST ASSIST						1	1			1	3
MVA-INJURY								1	1		2
MVA-PROP DAMAGE	3	3	4	6	4	5	3	8	10	7	53
MVA-PROP NON TRAFF	1										1
NARCOTIC EQUIP-POSS									1		1
OVERDUE MOTORIST						1					1
PAROLE VIOLATION						1					1
PASS COUNTERFEIT MSC					1						1
PATROL REQUEST	1	4		1	1	1	1	5	1	1	16
PICKPOCKET			1		1						2
POSSESS COUNTRFT MSC		1									1
POSSESSION OF WEAPON								1			1
PROBATION VIOLATION				1				2			3
PROTECTIVE CUST	2	1	1	2	3	5		2	2	3	21
PROVIDE TRANSPORT			1				1				2
PUBLIC ASSIST		4	3	6	9	3	3	1	2	3	34
PURSE SNATCH NO FORC								1			1
PURSE SNATCH NO FRCE		1			1	1	1	1			5
RECVR STLN PROP/NONV								1			1
REPORT OF HARM			1								1
ROB/FORCE/PURSE SNAT						1					1
SECURITY CHECK		1		2	1	17	3			1	25
SEXUAL ASSAULT										1	1
SHOPLIFTING	19	23	45	74	85	61	18	31	32	44	432
SNOWMACHINE COMPL			1								1
SODOMY MAN STRONGARM		1									1
STLN/VEH/RECOVRD/LCL							1				1

SUBJECT REMOVAL	1	2	2	1	2	5	4	5	5	11	38
SUBP/SUMMONS SERVED								1			1
SUSPICIOUS CIRCUM	4	4	8	3	7	7	3	5	4	5	50
THEFT BY DECEPTION	2					1	1				4
THREAT TO BOMB										1	1
TRAFFIC OFFENSE	3		2	2	1	1		1	1	2	13
TRANSPORT MENTAL				1							1
TROOPER RECRUITMENT							1				1
VEHICLE THEFT	5	1		2	1	1	3				13
VEHICLE THEFT-FELONY	1										1
VIOLATE TERMS RO	1	2	3	4	1	1	1		1	1	15
VOIDED DISPATCH				1							1
WELFARE CHECK-PERSON	1	2	3	4	6	2	3	2	3	5	31
Grand Total	87	105	132	199	228	181	97	131	130	140	1430

**Question: With city department reports already claiming to be stretched, how can FPD handle an average of 143 NEW calls? Per the Fairbanks Citizens Review, they would be unable to meet the demand.**

**The following annual reports by the Fire Department show the consistent challenge the department has to meet current demand. Emergency services, per their own reports, will be stretched; the annexed area, as well as the City, will experience a slower response time.**

# **FAIRBANKS FIRE DEPARTMENT**



**2008**

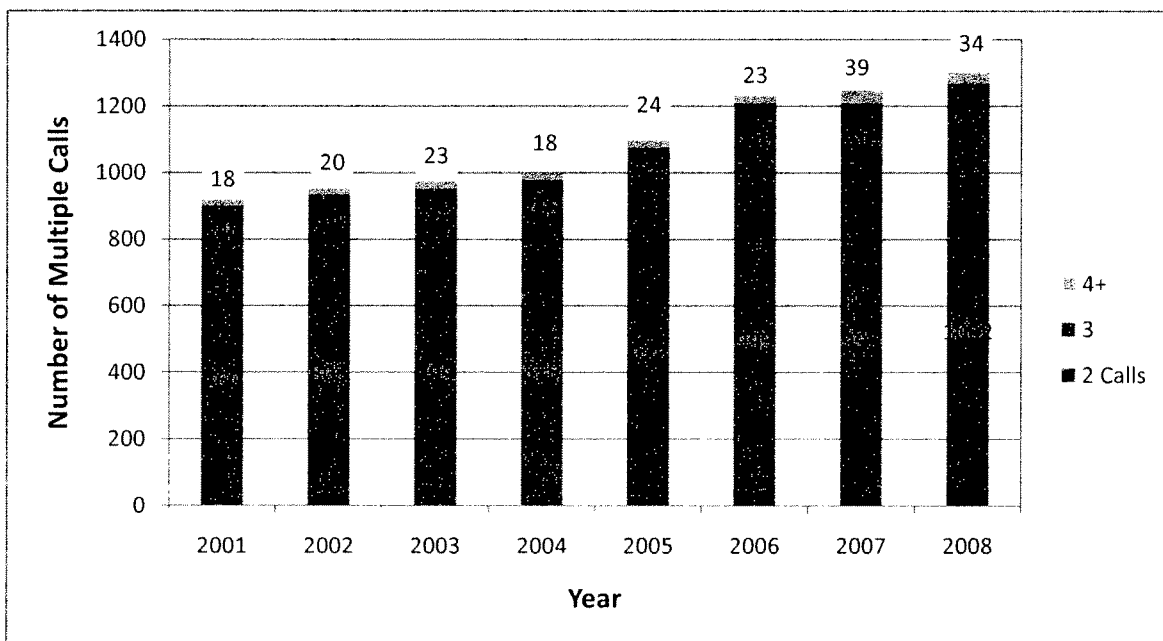
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## **ANNUAL REPORT**

## PROBLEM AREAS FOR 2008

1. A continuing increase in multiple emergency calls. In 2008 there were 1303 simultaneous calls with 251 instances of three or more simultaneous calls.
2. The continued lack of reoccurring fire safety inspections due to the shortage of personnel in the Fire Marshal's office. This has resulted in serious fire and life safety problems continuing without corrective action.
3. We are continuing to see a large local fire loss; it has been over 1,000,000 dollars for the past six years.

### The Growing Problem – Simultaneous Emergency Calls





# Fairbanks Fire Department Prevention Division

## Fire Prevention Division GOALS for 2009

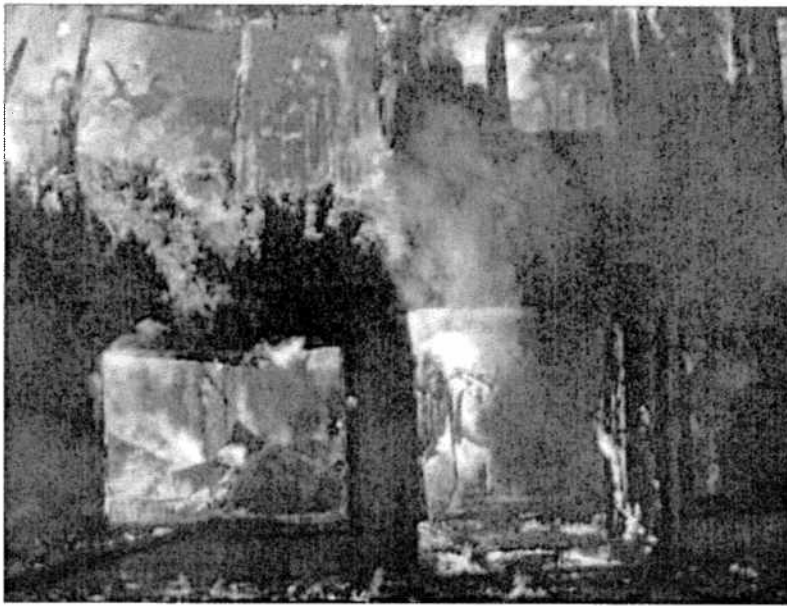
- Increase inspections in target hazard occupancies (restaurants, assembly, schools, and apartments)
- Establish a local Fire Prevention Coalition to help coordinate fire prevention efforts in Interior Alaska (City and FNSB)
- Develop and implement an "Engine Company Inspection Program"
- Continue to seek incentives for people who install approved fire sprinkler systems
- Investigate the feasibility of requiring fire sprinklers in Assembly occupancies to include retroactive provisions
- Work to require residential fire sprinklers in new one and two family dwellings

## 2008 Highlights of the Prevention Division

- **HIRED A DEPUTY FIRE MARSHAL** to meet the increased work load. This position will concentrate on reoccurring inspections of our high risk occupancies such as assembly, educational, institutional, and residential occupancies.
- **OPERATION NIGHT LIGHT INSPECTIONS:** These after hour night inspections have proven extremely helpful in identifying problems in assembly occupancies open in the evening. It has also been a great educational tool for local business owners.
- **PARTNERSHIPS:** Continued to partner with businesses and local groups to get public safety education and information out and into the community.
- **MEDIA RELATIONS:** Improved the relationship with local and statewide media outlets. Used the improved relations to increase the amount of safety information delivered to the public.
- **RECEIVED GRANT FUNDING** from Department of Homeland Security to support our smoke alarm installation program. Purchased dual sensing smoke alarms for our high risk occupancies (seniors and low income areas)

## Areas of Concern

**INCREASED USE of ALTERNATIVE HEAT SOURCES** ... With the rise in cost of heat fuel, people are using alternative sources of heating some of which is not used properly.



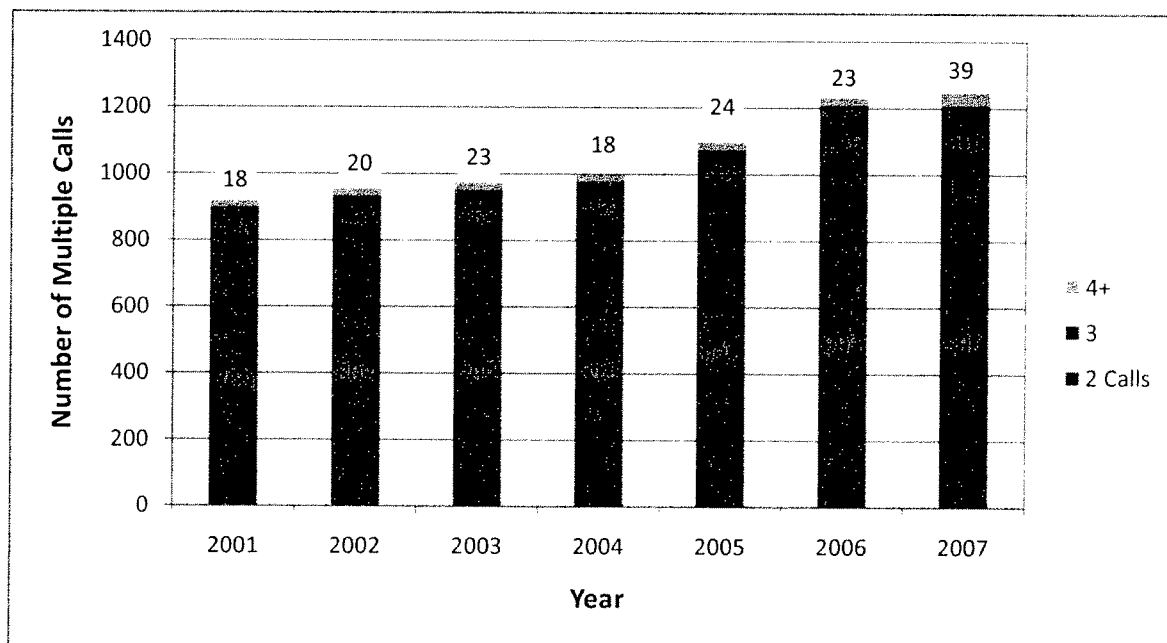
# 2007 FAIRBANKS FIRE DEPARTMENT ANNUAL REPORT



## PROBLEM AREAS FOR 2007

1. A continuing increase in multiple emergency calls. In 2007 there were 1248 multiple calls, with 253 occurrences of 3 or more simultaneous calls. We saw a dramatic increase of 4 simultaneous calls from 23 occurrences in 2006 to 35 occurrences in 2007. (See graph below.) In 2007, there were 333 occurrences of two or more ambulance responses, an increase from 294 in 2006.
2. The continued lack of reoccurring fire safety inspections due to the shortage of personnel in the Fire Marshal's office. This has resulted in serious fire and life safety problems continuing without corrective action.
3. We are continuing to see an increase in our local fire loss; it has gone over 1,000,000 each year for the last five years.

### The Growing Problem – Simultaneous Emergency Calls



# Fairbanks Fire Department Prevention Division

## Fire Prevention Division GOALS for 2008

- Increase staffing of the Division to meet the increased work load. Will continue to work with the administration to hire a recruit Deputy Fire Marshal
- Increase inspections in target hazard occupancies (restaurants, assembly, and apartments)
- Establish a local Fire Prevention Coalition to help coordinate fire prevention efforts in Interior Alaska (City and FNSB)
- Develop and implement an "Engine Company Inspection Program"
- Continue to seek incentives for people who install approved fire sprinkler systems.
- Investigate the feasibility of requiring fire sprinklers in Assembly occupancies to include retroactive provisions.

## 2007 Highlights of the Prevention Division

- **IMPROVEMENT OF RISK WATCH:** Secured funding to support the expansion of RISK WATCH Natural Disasters curriculum for the schools.
- **OPERATION NIGHT LIGHT INSPECTIONS:** These after hour / night inspections have proven extremely helpful in identifying problems in assembly occupancies open in the evening. It has also been a great educational tool for local business owners.
- **PARTNERSHIPS:** Continued to partner with businesses and local groups to get public safety education and information out and into the community.
- **MEDIA RELATIONS:** Improved the relationship with local and statewide media outlets. Used the improved relations to increase the amount of safety information delivered to the public.
- **INCREASED INVOLVEMENT OF OPERATIONAL PERSONNEL:** We've seen an increased involvement of the operational (suppression staff) in public safety education.

## Areas of Concern in 2007

### LACK OF PERSONNEL

The continued lack of adequate staffing in the Fire Prevention Division continues to impact the daily operation of the Division. We have had significant construction in 2007. A large number of projects required review and ongoing inspections. These reviews and inspections limited the ability of the Fire Prevention Division to:

- ✓ Continue periodic Fire Safety Inspection of facilities around the community.
- ✓ Follow up to on fire & life safety complaints in a timely fashion.
- ✓ Conduct follow-up on fire investigations.
- ✓ Continue fire safety education efforts in our schools and around the community.

## **Testimony Opposing Annexation**

**Including residents living in, and businesses operating in,  
the proposed annexed areas who were *never* granted  
an opportunity to vote.**

LIST B

We, the undersigned, oppose the City of Fairbanks 2008 annexation proposal referencing the Fred Meyer and Riverside areas of 0.05 square miles.

Name/Printed	Name/signed	Address
Patricia A. Carroll	Patricia A. Carroll	1118 Park Ave # 99709
Jill Cole	Jill Cole	2502 Lakeview Fols AK 99709
JOHN DUE	John D. Due	2502 Lakeview Fols AK 99709
ANNA BARKER	Anna Barker	1190 NENAWA ST FOLKS
John Gindler	J. P. Gindler	P.O. Box 60655 Fair. AK 99704
Linda Charlie	Linda Charlie	938 Dennis Rd. N.P.
Gerald EVANS	Gerald Evans	5 Eleanor Ave Fairbanks AK 99701
Melvin Charlie	Melvin Charlie	938 Dennis Rd. N.P. AK 99705
Rebecca Carson	Rebecca Carson	P.O. Box 71073 Fairbanks, AK 99707
Anthony Mattelli	Anthony Mattelli	P.O. Box 71073 Fairbanks, AK 99707
Patrick Williams	Patrick Williams	2514 Riverview Fairbanks AK 99709
CHARLES HUNTINGTON	Charles Huntington	P.O. Box 73648 FOLKS AK 99707
BONNIE J. HUNTINGTON	Bonnie Huntington	3206 Airport Road, Fols, AK 99709
Casey Davis	Casey Davis	P.O. Box 10846 FOLKS AK 99710
Bob Wilson	Bob Wilson	Box 72279 Fols AK 99709
LOIS JAMES	Lois James	1956 DOWNTOWN DE FOLKS AK 99709
Carl Johansen	Carl Johansen	108 Oak Dr Fols. AK 99709
John T. Zavis	John T. Zavis	1107 Denana St. Fols AK 99709
Christopher L. Quist	Christopher L. Quist	5381 DESTINATION FOLKS AK 99709
Stephanie G. Ketzler	Stephanie G. Ketzler	708 10th Ave FOLKS AK 99701
DALE ACBERTZ	Dale Acbertz	1028 Cottonwood St Fols AK 99709
DONALD E. CROCKER	Donald E. Crocker	300 S. KANAK 99709
JAMES E. FLYNN	James E. Flynn	P.O. Box 81546 FOLKS AK 99708
Catherine Rodriguez	Catherine Rodriguez	1412 KUKLES LAKE
Feder H. Moberg	Feder H. Moberg	330 RIVERSIDE DR. APT 4 FOLS 99709
		540 University Ave Fols, AK

over



**Analysis of petition report issued by the City of Fairbanks  
supporting the annexation of Fred Meyer West property**

Prepared by William Shechter

4910 Palo Verde Ave.

Fairbanks, AK 99709

>Former Fire Chief, University of Alaska Fairbanks

>Former Fire Chief, City of Fairbanks

>Former Fairbanks North Star Borough Emergency Manager

>Current secretary, University Fire Service Area Commission

Date: March 15, 2009

Abbreviations used in this analysis:

UFD = University Fire Department

UFSA = University Fire Service Area

FFD = Fairbanks Fire Department

FPD = Fairbanks Police Department

PW = Public Works

AST = Alaska State Troopers

ADOT = Alaska Department of Transportation

LBC = Local Boundary Commission

EMS = Emergency Medical Services

FNSB = Fairbanks North Star Borough

Introduction

Review by the staff of the LBC of the proposed annexation by the City of Fairbanks of the Fred Meyer West property is based on a report issued by the City of Fairbanks that includes inaccurate, incomplete, and nonfactual information. The poor quality of this report was brought to the attention of the city council at their November 24, 2008 hearing; however, the city council chose to disregard these warnings because of the financial issues associated with the annexation effort. One of the most grievous mistakes by the city was to start comparing FFD with UFD. Much of this analysis was included in testimony on November 24th and is presented here to clarify many statements made by the city and to assist the LBC and its staff in their review of the annexation proposal.

Over the years the LBC has denied annexation petitions where the sole purpose is financial gains rather than an improvement in levels of service. This analysis clearly demonstrates, as has been testified to the city council members on November 24, 2008, the primary reason for the proposed annexation of the Fred Meyer property is **financial gain**.

In much of the their petition, the City of Fairbanks failed to clarify issues and did nothing to avoid gross confusion when discussing the Fred Meyer West property and the "enclave" properties - both covered in the same petition.



As noted in this analysis, the FNSB Assembly and Mayor Jim Whitaker have both indicated their opposition this annexation petition.

This analysis is based on the September 8, 2008 petition report.

**Page 5 (3rd parag.):** The city's petition starts out with the most obvious incorrect statement because customers and business owners in the Fred Meyer West property do NOT currently enjoy any city services. This is clearly a false statement.

**Page 5 (last parag.):** As a practical matter, as noted later in the analysis, EMT-III personnel have proven to be more than sufficient for the EMS needs of emergencies at the Fred Meyer property.

**Page 6 (Emerg. Dispatch Services):** The city's petition is inaccurate and incomplete when discussing this issue. The city's dispatch center answers Enhanced 911 calls (land line) originating from inside the city and for all cell phone calls originating anywhere in the Borough (even outside the Borough in some cases). Land line 911 calls originating in the Borough (outside the city) are answered by the AST dispatcher. Of importance, but not discussed in the city's petition, is knowing that, no matter who calls into the Enhanced 911 System, all calls can be electronically transferred between the Public Safety Answering Points (PSAP). This means that calls initially handled by the city dispatch center, when needed, are instantaneously transferred to the UFD dispatch center or to AST dispatch center, along with all caller information (phone number and location).

In summary - this means that dispatchers at FFD/FPD, UFD, AST, and the Airport can all receive the same electronic information.

**Page 7:** Both the City of Fairbanks fire and police chiefs for years have requested additional personnel to handle the ever growing number of calls for service associated with growth of businesses and population. However, their requests have continually been denied by the city council. Only as a result of a federal grant, has the city council, early in 2009, authorized one additional firefighter per shift. Even this authorization vote was far from unanimous because of concern for long term employment after the grant expires in a few years. This decision to hire 3 additional firefighters did not increase the minimum number of on-duty personnel per shift.

Staffing and response problems within the FFD are identified not only in Exhibit M of their annexation petition but also in the January 25, 2009 Fairbanks Daily News Miner article.

It is totally inaccurate to assert that the Fred Meyer property currently enjoys or benefits from any city service - this is simply not true. This assertion is noted throughout the city's petition.

**Page 8 (last parag.):** The ability of the FFD to adequately service the Fred Meyer property is seriously in question when considering the number of multiple EMS responses handled by the FFD resulting in a high number of times agencies outside the city are requested to respond into the city. The high number of multiple EMS calls (some requiring fire apparatus response) within the city also results in a reduction of available FFD personnel to man the fire apparatus and be ready to respond accordingly. A few years ago a loss of life at a motel fire in the heart of the city was attributed (by FFD personnel) in part to the lack of on-duty personnel while handling multiple EMS calls.

**Page 10 (1st parag.):** The city does not allocate any highway construction funds directly impacting the Fred Meyer property in as much as all roads servicing these businesses are under the jurisdiction of ADOT (e.g. Airport Rd. and University Ave.).

**Page 10 (last parag.):** This clearly demonstrates, as was identified on numerous occasions during the November 24th hearing, that the City of Fairbanks is only interested in the financial gains associated with the proposed annexation.

**Page 13 (chart):** The identified 2008 estimated alcohol and tobacco tax revenues (\$325,864) is part of the financial gain so evident in the city's petition. It also becomes a significant loss to the FNSB which is one of the reasons the FNSB Assembly voted to formally oppose the annexation petition.

**Page 20 (last parag.):** According to the approved city's budget the FFD will not be adding 3 more paramedic/firefighters in 2009.

**Page 23 (chart):** The city failed to identify the level of EMT services that EMS personnel at the UFD provide. The State of Alaska is the only state in the nation that utilizes EMT-I, -II and -III levels. All other states have only EMT-Basic and Advance levels. The EMT-III level (operated by the UFD) incorporates approx. 80% of the training required to be a nationally recognized paramedic. EMT-III trained personnel focus their expertise on cardiac emergencies. In addition, records will show that in 15 years of responding to Fred Meyer West for EMS calls, there has never been an incident requiring a paramedic.

**Page 24 (Sect. 18, A.):** As stated by the Fred Meyer West store director, David Atlee, there really is NO NEED for his store to have any city services. He is more than satisfied with responses provided by UFD and AST. The city has truly fabricated this assertion.

**Page 25 (parag. B.):** As stated elsewhere, there are no city services needed by Fred Meyer West so efficiency and effectiveness are non-issues. The

effectiveness of a much closer fire and EMS response from the UFD have never been questioned. The store director's primary concern is the loss of effectiveness by having the FFD responding from such a distance.

**(parag. E.):** There is no permanent population within the Fred Meyer West property. Transient population (shoppers, delivery people, and employees) is, obviously, not the issue here.

**Exhibit E, pg. 1, C:** Contrary to the city's assessment, there is no transition plan associated with the proposed annexation of the Fred Meyer property in as much as the Borough Assembly has voted to oppose the entire transfer of assets and liabilities to the City of Fairbanks.

**Exhibit E, pg. 4:** One of the major concerns of the UFSA Commission in objecting to the annexation deals with the city not honoring past commitments - as a precedent to any agreement regarding the proposed annexation. The city's initial agreement to reimburse the UFSA Commission for the loss of revenue was withdrawn. The city council, after signing its own labor contracts, has, in previous years, refused to fund components of the labor agreement they originally agreed upon. Prior action by the city council leaves a lot to be desired when "trusting" them to do what they say vs. what they really do even within the parameters of a contract.

**Exhibit E, pg. 5-6-7:** This is the section of the city's petition that received considerable testimony at the Nov. 24th hearing.

The FFD experiences the highest volume of multiple emergency responses of any fire/EMS agency in the Interior of Alaska. These multiple EMS calls require fire apparatus personnel to respond either with their fire vehicles (for serious life-threatening medical emergencies) or to cross-staff the ambulances leaving the fire apparatus with only a driver and, hopefully, an officer. During these times, fire suppression capabilities within the city are drastically reduced, at least until mutual aid can be called or off-duty FFD personnel can respond to the station.

Taking on additional responsibility would only make the situation worse, especially since the city council has refused to hire more personnel.

For this reason the UFD or other area civilian or military fire departments are often requested to respond inside the city.

It is important to understand that as the City of Fairbanks has grown and demands on the FFD have grown, total uniformed personnel has not kept up to the increases when compared to employees working there in the early 1990's.

On the other hand, however, the UFSA Commission has funded additional UFD personnel to handle their increased workload.

The city's petition addresses the UFD Station #2 being empty. The petition implies that the FFD main station is, likewise, not empty. Multiple responses dictates otherwise. The petition also implies that FFD personnel must never be out of their station for training purposes, which is really unreasonable.

The UFD has developed a training complex directly behind the UFSA Station #2 - all in an effort towards keeping emergency personnel available in their assigned response area.

The city's petition boasts about FFD's 2 aerial platforms. Throughout the U.S. fire service there has been much discussion regarding the effectiveness of aerial platforms vs. aerial ladders. This community is blessed by having both - 2 platforms in the city and 2 aerial ladders in the UFD. Aerial ladders require less room to operate and can reach just as high. High-level rescue in the Fred Meyer property is not an issue regarding the use of aerial devices. The most important attribute is the ability to deliver large quantities of water - a feature of both types of aerial devices equally. Of interest - the UFSA has recently ordered a new aerial ladder truck for the UFD.

The city's petition touts the use of grant funding for personnel. This may prove to be a problem when the grants expire and the city council, as previously mentioned, involves a federal grant of limited duration for increasing one additional firefighter per shift. An opposite philosophy is used by the UFSA Commission. The commission funds additional UFD employees through **sustainable** residential property tax revenues, a process that allows for appropriate long range master planning.

The city's petition erroneously states that UFD EMT training is only a "fraction" of what is required to become a paramedic. This is simply not true. As mentioned previously in this analysis, EMT-III's receive medical training nearly to the extent of a nationally recognized paramedic. This statement is supported by the hiring of previous UFD firefighters in the Lower 48 and their paramedic training.

The benefits expounded in this section about the FFD is, somewhat, contrary to the city's own statistics on response times, as elaborated in Section M, page 16 of their annexation petition.

The city's petition also discusses police response to the Fred Meyer property. This is done as a mutual aid response to assist AST. As discussed previously, the police chief has requested additional personnel to maintain an acceptable ratio of population and calls for service with officers on patrol. This has not been approved by the city council. The Fred Meyer store director is pleased with the response of AST to problems in his store. The streets around Fred Meyer are already patrolled by AST, FPD, as well as the Airport Police Department. For serious law enforcement emergencies, as with fire agencies, multiple police agencies have responded to the Fred Meyer property. This includes bank alarms, robberies, release of toxic materials inside Fred Meyers, etc. The incident

involving the release of a toxic substance was coordinated by the UFD and involved multiple fire, EMS, and police agencies.

**Exhibit E, pg. 7:** Here the city's petition again demonstrates its total lack of understanding of real-life conditions regarding emergency communications.

Contrary to the petition, the UFD does, in fact, have full capabilities to utilize ALMR - the newest digital trunking radio system. All radios (portable, mobile, and base) have this new technology. However, since it has been shown that ALMR radios do not work well inside large buildings, UFD officers only use ALMR when responding with other Borough fire agencies or during large disasters when communications with state officials are required. The report never mentions that FFD also does not use ALMR when fighting fires inside large buildings in the city.

The petition also fails to mention that the FNSB has identified the University Dispatch Center as the back-up Emergency Operations Center (EOC) to the entire Borough. The primary EOC is the City of Fairbanks Dispatch Center; however, as backup, the University Dispatch Center has all of the capabilities necessary.

This is another example of the city using distorted facts to promote its agenda of ignoring service levels and concentrate on financial gains associated with the proposed Fred Meyer annexation.

**Exhibit H, pg. 1:** Contrary to the real situation, there is no additional economic development possible within the Fred Meyer West property. In fact both Fred Meyer's store director, the board of directors for Mt. McKinley Bank, and the owner of Taco Bell have all expressed their desire not to be annexed and that they see no need to extend city services to their businesses. Recent public testimony by Craig Ingram and Jerry Cleworth, representing bank directors, opposed the city proposed annexation.

**Exhibit H, pg. 3 (2nd parag.):** Contrary to statements by the city, the current service area does provide all necessary and wanted services - namely fire suppression and EMS. As with all private property owners, there is no need for Public Works and there is total satisfaction with the attention provided by AST. The efficiency and effectiveness of the UFD is equal or better to that provided by FFD mainly because of the significant difference in response distance/time. Tactically, both fire departments hold joint training exercises, work together on many mutual aid responses inside the city, and both have the latest designed equipment and apparatus.

**Exhibit H, pg. 4 (parag. (3) in lower ½ of page):** This emphasizes the real and only purpose that the city of Fairbanks is proposing to annex the Fred Meyer property- *"to generate and collect local revenue and income from the territory."*

**Exhibit H, pg. 6 (3rd major discussion point):** Contrary to statements by the city, there has never been any confusion regarding whether the Fred Meyer West property is in or out of the City of Fairbanks. This has been very clear and well understood by everyone since Fred Meyer West was built nearly 18 years ago.

**Exhibit H, pg. 7 & 8 (1):** There has never been a determination by the LBC for the need to annex Fred Meyer property to the city. This is a very misleading and inaccurate statement.

**(2):** There is no danger to city residents by keeping the Fred Meyer property out of the city. As a matter of fact there is considerably more hazard to city residents because of spreading the fire and police departments even thinner that they already are. The areas South of Van Horn Road have commercial and industrial businesses and some are without fire protection coverage. The city refuses to give attention to these unprotected areas in order to protect its residents from hazardous materials influences.

**(3):** Regarding the Fred Meyer property, there is absolutely no need nor is there any request to extend city services.

**(4):** Currently the city does NOT provide any services to the Fred Meyer West property - another example of twisting the facts.

**(5):** There is no possibility for any additional economic growth within the Fred Meyer West property - contrary to what is stated in the petition.

**(7):** With no residents in the Fred Meyer property, there is no concern for "local self-government."

**Exhibit I, pg. 1 (Resolution 4312):** This resolution approved by the city council in early 2008 should be considered voided since the sixth "Whereas" has never been completed - namely how to deal with the loss of funding by the UFSA Commission. This was brought to the attention of the city council on Nov. 24th but did not receive any acknowledgement.

**Exhibit I, pg. 5 (Resolution 4335):** Likewise this resolution should have been voided by the city council because it refers to Resolution 4312 that (as noted above) has not been fully accommodated.

**Exhibit J, pg. 1 (Affidavit):** As noted above, any reference to Resolution 4312, needs to be made null and void since Resolution 4312 has never been completed. This is a serious issue which has been ignored by the city council and the city administration.

**Exhibit K, pg. 3 (2nd parag.):** Statement regarding essential city services is not an issue in this proposed annexation. As private property, there is no street maintenance and no trash pick up at the Fred Meyer property businesses. Fire

service and EMS is provided more than adequately and effectively by the UFD, and the property owner's store director is more than pleased with the level of service provided by AST.

**Exhibit K, pg. 4 (1st parag.):** There are some serious errors that appear on this page.

Item #1: At the end of the 2nd paragraph, contrary to what is printed here, Borough Mayor Jim Whitaker and the FNSB Assembly are opposed to the proposed annexation of the Fred Meyer property. Mayor Whitaker clarified his position during the Nov. 24th hearing but it made no difference to the city council members and no effort was made to correct the petition before submitting the document.

Item #2: After 3 meetings between Fairbanks Chief of Staff Pat Cole, UFSA Commission Chair Steve Adams, Borough officials, FFD Chief Warren Cummings, and UFD Chief Edie Curry the city broke off all future discussions refusing to meet further to try and find a solution to the concerns of the UFSA Commission.

Item #3: The city does not seem to care that the loss of revenue by the UFSA Commission would have to be made up by all service area taxpayers - a process that would require an election within the entire UFSA to confirm raising property taxes.

**Exhibit M, pg. 9 (parag. 1 & 2):** Both these narratives, based on the FFD 2007 annual report, identify problems within the FFD which will only be made worse if the proposed annexation is allowed to occur. The number of simultaneous multiple emergency EMS calls places a real drain on the ability of FFD to respond to fire emergencies. Likewise the work load placed on one city fire prevention/inspection/ fire cause & origin officer will also get worse by annexing the Fred Meyer property. Internal staffing problems continued in 2008 as addressed in the January 25, 2009 Fairbanks Daily News Miner article that identified serious response deficiencies.

The level of service realized by the 3 businesses located in the proposed annexation area would be drastically reduced.

**Exhibit M, pg. 12 (last section of "concern"):** As noted earlier in this report, total FFD personnel were reduced in the late 1980's and have never been brought back to levels commensurate to the growth of emergency responses, increase in population, and large increase in new businesses within the city.

**Exhibit M, pg. 14:** The deficiencies in "turnout time" and "response time" when compared to the national standard mentioned in this petition, will be made worse with the additional response burden once the proposed annexation is finalized.

Why should all of the city's residents be adversely impacted because the city council has failed to provide the needed growth of the FFD?

Conclusion:

It is vitally important to the safety of thousands of shoppers that do business on a daily basis in Fred Meyer West, Taco Bell, and Mt. McKinley Bank that the staff of the Local Boundary Commission and members of the Commission fully understand the inaccurate, incomplete, and misleading nature of the City of Fairbanks' petition when reviewing all aspects of the proposed petition - prior to making their final recommendation.

Craig Ingram and Jerry Cleworth, representing the board of directors of Mt. McKinley Bank, have provided public testimony strongly opposing the proposed annexation. Likewise, Dale Martens, President of Denali Foods, Inc, operator of Taco Bell, has also strongly opposed the proposed annexation.

The city's petition is seriously flawed. This analysis is an attempt to clarify these issues and provide a factual document for LBC review.

When considering all relevant issues, the one that stands out and is most vital involves the response time differences between the UFD (located less than ½ mile away) and the FFD (located in excess of 3 miles away) and the impact this will have on the safety afforded store customers and employees alike.

I hope the Local Boundary Commission agrees that ability to render quick emergency care (i.e. fire suppression and/or emergency medical treatment) is paramount and will therefore deny the city's annexation petition for the Fred Meyer West property.

William Shechter  
4910 Palo Verde Avenue  
Fairbanks, AK 99709

tel: 907-479-2001  
email: wshechter@gci.net



Fairbanks North Star Borough, University Fire Service Area Commission  
Endorsement:

This analysis was prepared by William Shechter, University Fire Service Area  
Commission Secretary, and is endorsed, in full, by all five members of the  
Commission.

\_\_\_\_\_  
Steve Adams, Chairman

\_\_\_\_\_  
date

\_\_\_\_\_  
John Patterson

\_\_\_\_\_  
date

\_\_\_\_\_  
Bruce Foote

\_\_\_\_\_  
date

\_\_\_\_\_  
Rolin Dow

\_\_\_\_\_  
date

\_\_\_\_\_  
William Shechter, Secretary

\_\_\_\_\_  
date



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, FEBRUARY 11, 2008  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council reconvened at 7:00 P.M., after a Work Session on Community Water Fluoridation, on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Terry Strle presiding and with the following Council Members in attendance:

Council Members Present: Vivian Stiver, Seat A  
Chad Roberts, Seat B  
Steve Thompson, Seat C - telephonic  
John Eberhart, Seat D  
Lloyd Hilling, Seat E  
Tonya L. Brown, Seat F

Absent: None

Also Present: Patrick B. Cole, Chief of Staff  
Janey Hovenden, City Clerk  
Brad Johnson, Deputy Chief  
Herb Kuss, City Attorney  
Michael J. Schmetzer, City Engineer  
Tony C. Shumate, Director Personnel/Purchasing/RM  
Ron Woolf, Chief Financial Officer

**INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

**FLAG SALUTATION**

Mayor Strle led the Flag Salutation.

**PRESENTATION**

Mayor Strle presented, and read, a Proclamation to Dean Johnson, William Perry, Tim Childs, and Roy Moore for their exemplary conduct.

**CITIZEN'S COMMENTS**

Pete Higgins, DDS, Fairbanks, AK. Dr. Higgins stated that he is the President of the Alaska Dental Society (ADS) and presented his view of the fluoridation of the City's water. He further stated that the ADS supports fluoridation and gave a brief history on the inception of the Ordinance which allowed for the fluoridation. He concluded by stating that fluoride is safe.

Bill McAfee, 753 Gaffney, Fairbanks, AK. Dr. McAfee spoke against fluoridation of the water. He indicated that a former Nobel prize winner spoke out against fluoridation as being a fraud. He indicated that water should not be a vehicle to introduce a corrosive poison that could produce serious effects on a long range basis. Dr. McAfee stated that fluoride consumption should be a personal choice and that benefits are negligible.

Ron Warner, 1452 Lacey Street, Fairbanks, AK. Mr. Warner spoke out against the fluoridation of the water. Mr. Warner provided examples of other communities that removed fluoride from their waters and listed problems associated with fluoride consumption. Mr. Warner asked the Council to remove fluoride from the water supply.

Ed Davis, 3110 Bunchberry, Fairbanks, AK. Mr. Davis spoke out against fluoridation of the water. He provided examples of health issues exhibited by those who consumed fluoridation via water sources. Mr. Davis stated that the consumption of fluoride should be a personal choice.

Suzanne Rich, 1451 Flat Mountain Rd, Fairbanks, AK. Ms. Rich stated that everyone recognizes that too much fluoride is a poison. She stated that fluoride is available other ways.

Susan Yanish, 508 Monroe St. Fairbanks, AK. Ms. Yanish asked the Council to remove fluoride from the water source. She indicated that she buys bottled water for her children to avoid fluoride consumption.

Lee Despain, 1006 4th Ave. Fairbanks, AK. Mr. Despain commented on Mr. Gavora's presentation and the facts as provided. Mr. Despain explained how water runs through pipes in a house, picks up contaminants as it travels, and is then consumed by the user.

D.A. McGilvary, 206 Kellum, Fairbanks, AK. Ms. McGilvary stated that she will not consume City water because of the fluoride content. She stated that she hauls water in for her consumption.

Gloria Desrochers, 113 Cowles St. Fairbanks, AK. Ms. Desrochers supported the removal of fluoride from the City water supply. She stated that she should not be forced to ingest a poison that is not good for her.

Sean Ryan, 2045 Jack St. Fairbanks, AK. Mr. Ryan stated that the tap water in town is nasty tasting and is not limited to the presence of fluoride alone. Mr. Ryan shared facts regarding the annexation as proposed. He stated that previous attempts to annex have been unsuccessful.

Craig Ingham, 530 4<sup>th</sup> Ave. Fairbanks, AK. Mr. Ingham stated that the Mt. McKinley Bank board of trustees voted unanimously to oppose the annexation of Fred Meyer. Mr. Ingham stated that the Resolution presented contains mistruths and contradictions and cited specific examples.

What's on your list today? You'll find it at  
**Fred Meyer**

Fred Meyer Stores • P.O. Box 42121 • Portland, OR 97242-0121 • 3800 SE 22nd Ave. • Portland, OR 97202-2998 • 503 232-8844 • [www.fredmeyer.com](http://www.fredmeyer.com)

February 11, 2008

Mayor Terry M. Strle and Fairbanks City Council Members  
City of Fairbanks  
800 Cushman Street  
Fairbanks, AK 99701

Via facsimile: (907) 459-6787 and e-mail

Dear Mayor Strle and Fairbanks City Council Members:

Thank you for forwarding us the information regarding the "Fred Meyer Subdivision."

Fred Meyer Stores has enjoyed a good relationship with the City of Fairbanks since our original Fairbanks store opened in 1978. In 2005 we opened our current east Fairbanks store, where we employ more than 300 people, providing family wages, health and welfare benefits, pension benefits and vacation and sick time. In 2007, we paid more than \$51,000 in property taxes to the City of Fairbanks.

It is with the greatest respect for the efforts of the City Council that we, unfortunately, will be unlikely to support the current annexation proposal. Our initial review, including discussions with our operations and logistics people, raise concerns for us about the level of services we might receive in exchange for what is likely to be a large sum of additional money.

However, we feel that we have not received enough information to have a full understanding of the benefits, costs and impacts of the proposed annexation. We hope to have further discussions about all of these items.

We have the greatest respect and appreciation for the assistance our east Fairbanks store receives from the City, particularly the police and fire response. However, it is simply a function of proximity that results in even more rapid police and fire response to our west Fairbanks store. This is one of our top concerns with the current annexation proposal.

We look forward to learning more about the benefits and costs to Fred Meyer of the annexation proposal.

Best regards,

Melinda Merrill  
Director, Public Affairs

"Always strive to offer Customers the service, selection, quality and price that satisfies them best." Fred G. Meyer, Founder, 1898-1978

## Borough Comments



### Fairbanks North Star Borough

Department of Law

809 Pioneer Road • PO Box 71267 • Fairbanks, AK 99707 • (907) 459-1318 FAX 459-1155

**RECEIVED**  
SEP 17 2009

September 16, 2009

sent via e-mail  
LBC@alaska.gov  
Original to follow via US mail

Department of Commerce  
Community and Economic Development  
Division of Community & Regional Affairs  
Local Boundary Commission  
550 W. 7<sup>th</sup> Avenue, Suite 1770  
Anchorage, AK 99501

Dear Commerce Staff:

Pursuant to the Preliminary Report filed August 2009 and the informational meeting held in Fairbanks, Alaska on September 11, 2009, the Fairbanks North Star Borough (Borough) is forwarding the following questions, comments and objections regarding the report.

First are some questions relating to the process. Some of these were asked during the informational meeting:

1. On page 21 of your report, it indicates that no other written materials may be filed at the hearing. Does that include photos and other demonstrative evidence?
2. Does the exception for good cause apply to allow the Borough to respond to new issues or evidence presented for the first time in the reply brief filed by the City of Fairbanks (City)?
3. Can the petitioner and respondent use power point presentations during opening and closing statements? The Borough realizes this may depend on the venue which has not been selected; however, we believe that all three tentative sites allow for power point presentations.
4. Your preliminary report indicates that the law makes no provision for cross-examination but cross-examination is essential to a due process hearing under Alaska law. The Borough has an interest in this property that the annexation to the City deprives it of (i.e. lost revenues); therefore, due process should attach. The Borough objects to the determination that the petitioner and the respondent do not get an opportunity to cross-examine witnesses.

Department of Commerce  
September 16, 2009  
Page 2

The remaining comments and objections relate to some of the findings presented in the report.

5. On page 31, relating to reasonable need for city government, the report states that "the borough and the [University Fire Service Area] UFSA cannot provide emergency services on a more efficient or more effective level" and concludes, therefore, that "Fred Meyer exhibits a reasonable need for city government." The Borough objects to this finding. Why must the status quo be at a more efficient or more effective level? The factor specifically states that the territory must exhibit a need. Just because Commerce finds that the current services are not MORE efficient, that does not show a need. The burden is on the City to show that Fred Meyer exhibits a reasonable need for city government. The requirement is not that the Borough must show it can provide a more efficient and more effective level of services than the City.

6. On page 44, the report states that "Commerce finds that the majority of conditions in Fred Meyer are adequate." The report downplays this factor. Furthermore, does Commerce realize that the City did not mention in its briefing that when the City responds to any location, either within the City or in the Borough through its mutual aid agreements, it charges non-City residents significantly more than it charges City residents. While the Borough ambulance services also differentiate between City and Borough residents, the difference is much less. The people who currently use Fred Meyer and the other businesses in the subdivision are not only City residents but also Borough residents and residents outside the Borough (e.g. Nenana, Healy and other towns and villages in Alaska.) Commerce did not address the fact that those people will be adversely affected by the annexation to their detriment if they are in need of ambulance services at the Fred Meyer Subdivision. The staff report does not address the impact on Borough residents who utilize the Fred Meyer Subdivision businesses.

7. On page 47, the report states that the City asserted that the Fairbanks Police Department is the primary responder for any bank robberies at the Fred Meyer Subdivision. The report goes on to state that the assertion was "uncontested by the Borough." The Borough objects to both of those statements. First, the reason that the assertion was uncontested by the Borough was because it was first brought forth by the City in its reply brief. A search of the opening brief shows that bank robberies were not mentioned in the City's opening brief but rather first mentioned in the reply brief. Therefore, because the Borough had no opportunity to respond to the reply brief, it should not be held against the Borough. For the same reasons, the Borough objects to the staff using information to support the annexation which was only addressed in the City's reply brief.

8. On page 53, the report states that the regulations state that a territory may not be annexed to a City if essential municipal services can be provided more efficiently and more effectively by ... an organized borough." The regulation means that if the Borough is more efficient and effective then the annexation MAY NOT happen. However, the regulation does not mean that if the Borough is not more efficient and effective then the annexation must occur. The report

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concludes that the Borough provides a more effective and efficient fire and EMS service but that it does not provide a more effective or efficient police, dispatch, building code inspection and fire code enforcement. If Commerce's finding is that neither the Borough nor the UFSA can provide essential municipal services more effectively or efficiently then doesn't that only mean that there is not an absolute ban on the annexation? It should be noted in the report that the regulation does not require that the Borough be more efficient or more effective in order to defeat the annexation.

9. On page 53, the report concludes that fire code inspections are not currently provided more effectively; however, currently those services are provided by the State. The Borough questions whether or not staff spoke to Dave Tyler, State Fire Marshall, regarding the current State ability and intent to provide fire code inspections outside the City as opposed to the past performance. What is represented in the report has more to do with past State staffing and budget issues as opposed to what would be done under the current inspection program.

10. The Borough objects to the fact that Commerce did not address the fact that Fred Meyer Subdivision owners will be paying \$150,000 more in property taxes yet will not be receiving \$150,000 more in services.

11. The Borough objects to the finding that the effect on the Borough and the University Fire Service area is de minimus which can be made up easily by raising taxes. Why should the Borough residents' taxes increase just so the City residents' taxes can be decreased? Merely shifting a tax burden is not in the best interest of the State.

The last comments and objections relate to the Legislative Review standards. Pursuant to the statutes and regulations, at least one of the nine circumstances must exist. The report clearly states that seven of the circumstances do not exist. The Borough objects to the two findings that circumstance 7 and 8 exist within the Fred Meyer Subdivision. Specifically:

12. On page 117, Commerce found that annexation of the Fred Meyer Subdivision would promote a maximum local self-government and minimum local government units because the Subdivision would belong to both the City and the Borough. If just belonging to both a city and a borough means that there is maximum self-government and minimum local government, the necessity to meet one of the circumstances would always be met when a city annexes property within an existing borough. There must be something more required otherwise the regulation would be pointless. The Borough objects that circumstance 7 exists in the Fred Meyer Subdivision.

13. On page 120, Commerce declares that annexation of Fred Meyer would enhance the existing City to meet incorporation standards and be in the best interest of the state merely because the City has averred that Fred Myer has an advantage over other businesses in the City

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limits. The Borough is unaware of any businesses that have stepped forward to make that argument. Furthermore, how can Commerce find that the annexation meets this circumstance merely because annexation would bring in additional area and revenue to the City? Again, wouldn't the necessity to meet one of the circumstances always be met by this criteria because EVERY proposed annexation would bring in additional area and revenue (property taxes)? Finally, the City is already incorporated. It would seem that this circumstance is aimed at cities that are in the process of incorporation. The annexation would not help the City meet the standards for incorporation because it is already incorporated. The Borough objects that circumstance 8 exists in the Fred Meyer Subdivision.

The Borough appreciates Commerce staff taking time to review these questions, comments and objections.

Sincerely,



Cynthia M. Klepaski  
Assistant Borough Attorney

cc: Mayor Jim Whitaker, Fairbanks North Star Borough  
Mayor Terry Strle, City of Fairbanks  
University Fire Service Area Commission



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**Public Comments**

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September 15, 2009

**RECEIVED**  
SEP 18 2009

State of Alaska  
Dept. of Commerce &  
Economic Dev.  
Div. Community & Regional Aff.  
550 W. 7<sup>th</sup> Ave., Suite 1770  
Anchorage, AK 997501

Attn: Brian Bitzer  
Local Boundary Commission

RE: Fairbanks Annexation of enclave lots

Dear Mr. Bitzer:

Of all the people in the enclave lots, this proposed annexation probably affects me the most. In 1971 my husband and I acquired the Boatel and he ran it until his death in January 2003. Since that time, I have operated it with the help of my two daughters as ANJO, INC. and ABIE NEUBAUER, INC. Being in the liquor industry has its ups and downs. Many people like us, and many people do not, but that is the nature of the business.

Most of us realize this is just a money thing. The city, and it does not matter which people are in charge, seems to always need more. Property taxes are very important to the city, but who pays property taxes; the private person or the privately owned business. I'm sure they will be losing many tax dollars when the new bridge (better to by pass downtown Fairbanks) is installed. Don't forget all that property by the Big I was privately owned and those people paid property taxes. A new bridge or a road or a government building does not pay property taxes even though they might provide employment during construction.

The other property downtown that the city has not collected taxes on for several years is the Polaris building. It would be nice if the City would not be able to annex my property until they took care of "old business". They need to get efficient and get the Polaris building back paying taxes then come after the rest of us.

As far as the city providing utilities to us, they can't. Several years ago the people gave the City of Fairbanks a "no" vote and they had to sell, for better or worse, all the utilities, except garbage. I am presently hooked up to GVEA, and Golden Heart Utilities and I pay to have my garbage hauled. I live in the city and I pay for them to pick up my garbage whether or not I have any so that will be another bill each month for those people who own property next to the Boatel.

The city wishes to give me "protection", when they really mean they want to provide me with more regulations. I'm at a loss as to how I have survived 38 years without a fire inspection of my cement block building. However, just so you know...two years ago I spent quite a bit of money to have all the electrical updated. As a private business person, I try to keep the building and property in order so my customers will keep coming back and my employees will keep getting paid.

I assume, in the not too distant future, the city will be asking the voters for more money for more fire people, police people, and safety people because of this annexation. Hopefully, they will not be doing this just for the Boatel.

Thanks for your time and consideration.



Annie Neubauer, Pres.  
ANJO, INC. & ABIE NEUBAUER, INC.  
P.O. Box 80626  
Fairbanks, AK 99708