

TO: All Fairbanks legislators 1/24/10

From: Carter Crawford 107 Maple Fairbanks 99709. 347-9223, ccrawford@gci.net

Re: Annexation of Fred Meyer W to City of Fairbanks

Welcome back to Juneau and the world of natural resources, economy and budget. I have an important issue which is a speck on the big picture, but has critical long term importance to Fairbanks and current borough residents.

Normally annexation would not involve you, but the Borough has requested reconsideration and been turned down again by the LBC and the matter must now be resolved by a legislative vote.

PLEASE VOTE TO DENY THE CITY ANNEXATION OF THIS PROPERTY.

Brent Williams of Commerce is the Specialist on this Case and can give you any detailed data you need. I find him excellent. But I want to give you the citizen's perspective.

Why the LBC approved the annexation is unclear. The most basic rule for annexation is unmet need, in this case for Fire and Police. Clearly this is not the case. However the fact that none of the 4 LBC Commissioners are familiar with Fairbanks may be one reason.

The Borough request for reconsideration involves an excellent discussion on regarding 3 AAC 110.130 showing the LBC did not make any persuasive argument that the territory involved was an enclave area, it is not, nor that that services would be provided if it were. Therefore the requirements of AAC 110.130 b and c were not met.

We also know:

The City apparently made a persuasive argument that they could provide better service, not meet any unmet needs except one EMT specialist. This is absolutely not the case. How can a Fire service in Fairbanks approximately 3 miles away get to Fred Meyers faster than the higher rated University Fire.

They also felt they could provide better service that the State Troopers

Testimony by Vic Fisher appeared to have an impact. I was not there but Rep Wilson was, and apparently he based to some information on a law on the books 50 years ago. I question if there was one Fire Dept then let alone paved roads and certainly no population density. There surely were many unmet needs!

The real reason for annexation by the City is simply for the money it generates. In supporting the Annexation, as one Councilman put it, "it is not fair" and "we need the

money.” Robbing Peter Borough to pay Paul City is abhorrent and no legal justification. The City never provided any reference to public safety and unmet need past Lathrop, it was all about problems downtown. And as came out in the Sales Tax debate (turned down for the 10th time by the voters), the Police Chief stated they can service the current needs with current staffing, but any additional burden will require more money for more staff. And I know now that the delays can be long for response to current crime, up to two days for burglaries and many hours to crimes against persons on weekends.

The current and former mayor have both stated this annexation is only step one of annexation out to the airport. When they do not have the staff to service additional populations and there are three Fire Dept’s closer to the airport what case do they have. Also the Airport has its own Police Security that is very aggressive and I frequently see them down airport not just on the grounds.

As for the Troopers, I see them daily patrolling the territory in question, on Peger, all the way to Cushman. I have never seen the City at Fred’s nor have I ever seen their Fire Trucks to be first on the scene, always University.

IN ADDITION TO THE LACK OF LEGAL REASON, THIS IS TAXATION WITHOUT REPRESENTATION. Certainly more residents should have come down to testify, but too few were aware of the importance. I live close to Fred Meyer, and in the borough because I do not want to live in the City again. Since annexation of other businesses and residents is next, I want a vote of all residents before making this transition. No one I spoke to wanted annexation of Fred Mayer when I explained it or the longer term consequences, and that they too can be annexed wit out their vote!

VOTE NO ON FRED MEYER ANNEXATION TO THE CITY

Michelle Sikma

From: Shay Wilson
Sent: Wednesday, February 17, 2010 1:15 PM
To: Michelle Sikma
Subject: [D7] New Pom:Boundaries

Follow Up Flag: Follow up
Flag Status: Flagged

Patricia Stark
Po Box 82525

Fairbanks 99708-2525,
pstark@mosquitonet.com

Please overturn the annexation proposed by the City of Fairbanks. It was not brought to a public vote and it is a money grab by the City.

Michelle Sikma

From: Shay Wilson
Sent: Thursday, February 11, 2010 9:14 AM
To: Michelle Sikma
Subject: New Pom:HJR 41 Const. Am: Annexations And Detachments

Frederick Henkel 412 Glacier Ave Fairbanks 99701, I am in favor of HJR 41 requiring a vote before annexation. I don't think the City of Fairbanks knows what they are doing. It's just a quick grab. Thank you.

Michelle Sikma

From: Shay Wilson
Sent: Thursday, February 11, 2010 9:12 AM
To: Michelle Sikma
Subject: New Pom:HJR 39 Disapproving Fairbanks Annexation

Frederick Henkel 412 Glacier Ave Fairbanks 99701, I am in favor of HJR 39. i live in the City of Fairbanks and don't believe we should annex based on no services. There should be a vote on annexation.

Michelle Sikma

From: Shay Wilson
Sent: Tuesday, February 09, 2010 10:14 PM
To: Michelle Sikma
Subject: New Pom:Boundaries

Paul Renschen 3193 Edby Rd Fairbanks 99709, paulneva@acsalaska.net 457 6640 I am opposed to the Fred Meyer annexation. It is a money grab by the City at the expense of the Borough and the University Fire Department. There is no other reason for it. It should be overruled.

Michelle Sikma

From: housemajority_email@housemajority.org
Sent: Tuesday, February 09, 2010 1:34 PM
To: Rep. Tammie Wilson
Subject: HJR 39 Disapproving Fairbanks Annexation

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DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'. Then change the TO: address to mprax@acsalaska.net If suspected Spam please forward to: support@housemajority.org

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From: mprax@acsalaska.net

Dear Representative Wilson,

Please pass this information regarding HJR 39, (the resolution that you introduced to disapprove the Fairbanks annexation) on to other legislators:

Society recognizes that when a person proposes to force another person to pay for and accept a service without their prior voluntary consent, then they're committing the crime of extortion. The extortion would still exist even if the victim doesn't actively resist or if many other people who are aware of the crime don't initiate positive actions to restrain the perpetrator. The state has a duty to protect property owners from extortion, especially if the extortion is being committed by a political subdivision of the state.

The essential consideration of HJR 39 is whether the owners of the affected properties have expressed a desire to be annexed into the City of Fairbanks.

Prior consent to the services offered by the Fairbanks North Star Borough, The University Fire Service District, and the State of Alaska could be inferred in the case of the properties that are proposed to be annexed, because the borough government, the fire service area, and the state government were established in the area prior to when the property was purchased, or at least prior to when they were improved. But the properties were improved to their present condition without the benefit of any services offered by the city and it appears that the property owners haven't been consulted to see whether they want the additional service.

The Local Boundary Commission's recommendation appears to be based on the City of Fairbanks' assertion that they would be able to provide a higher level of service. If the property owners had made these assertions, they would be accepted without question. However, absent a confirmation from the property owners, they are nothing more than a self serving justification for committing what would otherwise be obvious extortion.

There are less than a dozen properties involved in this whole annexation. It would have been a simple task for the city or even the LBC to contact the property owners and ask them whether they would at least consent to this annexation. I wasn't able to find any indication that the property owners were consulted by the city, the borough, the fire district, or the LBC. Therefore, the legislature should chastise the City and the LBC for their 'lack of diligence' at the very least.

The legislature could resolve this dispute by contacting the property owners to confirm whether they want the additional services provided by the city. If the process doesn't allow

the legislature to contact the property owners, then they should disapprove the annexation request.

The implications of this case extend far beyond the subject properties. All citizens of the state are exposed to aggressive local governments annexing territory. Indeed, the Fairbanks North Star Borough forcibly annexed much more territory into fire service areas even as it opposed this annexation.

The legislature should also review the State Statutes that govern the annexation process to ensure that the desire of the property owner is the primary consideration. Protection of property rights is the primary purpose of a civil government that operates under the rule of law. Provision of services is, at the most, a secondary purpose and must not be allowed to override protecting property rights.

Thank you,

Glenn M. Prax

~ Glenn Michael Prax
Zip Code: 99705

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DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to mprax@acsalaska.net If suspected Spam please forward to: support@housemajority.org
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Michelle Sikma

From: Shay Wilson
Sent: Tuesday, February 09, 2010 10:05 AM
To: Michelle Sikma
Subject: New Pom:HJR 39 Disapproving Fairbanks Annexation

Glenn Prax 1015 Meadow Rue Ave North Pole 99705-5139, mprax@acsalaska.net (907)378-5667 (907) 488-2400 Please support HJR 39, to express the legislature's disapproval of the Local Boundary Commission's decision to approve the annexation of approximately 0.05 square miles of territory to the City of Fairbanks, unless your receive a positive request for that annexation from the owners of the subject properties.

Michelle Sikma

From: Shay Wilson
Sent: Monday, February 08, 2010 1:10 PM
To: Michelle Sikma
Subject: New Pom:HJR 39 Disapproving Fairbanks Annexation

Linda Nordmann Po Box 445 Ester 99725-0445, My husband and I are very much against the City of Fairbanks annexing Fred Meyers. If we are at Fred Meyers and need medical assistance it would take too long for help to arrive. People are upset about the annexation. You are making a big mistake if you allow this.

Michelle Sikma

From: Shay Wilson
Sent: Monday, February 08, 2010 11:48 AM
To: Michelle Sikma
Subject: New Pom:Boundaries

Frank Omstead Po Box 74222 Fairbanks 99707-4222, I am against the annexation where the people in charge go behind our backs without our permission to deal with our property. The safety issue is involved. If I had a heart attack I don't want to wait for the City of Fairbanks to respond.

Michelle Sikma

From: Shay Wilson
Sent: Monday, February 08, 2010 12:51 PM
To: Michelle Sikma
Subject: New Pom:HJR 39 Disapproving Fairbanks Annexation

Jeanne Daniel 272 Bentley Dr Fairbanks 99701-3463, I am opposed to the annexation by the city of the fairbanks involving the west fred meyer area because the city of fairbanks cannot provide police and fire protection; shouldn't be expanding because ppl already have coverage and have made clear they don't want to be annexed. Residents opposed.

Michelle Sikma

From: Shay Wilson
Sent: Monday, February 08, 2010 11:45 AM
To: Michelle Sikma
Subject: New Pom:Boundaries

Catherine Omstead Po Box 74222 Fairbanks 99707-4222, I am against the annexation where the people in charge go behind our backs without our permission to deal with our property. The safety issue is involved. If I had a heart attack I don't want to wait for the City of Fairbanks to respond.

Michelle Sikma

From: Shay Wilson
Sent: Monday, February 08, 2010 11:44 AM
To: Michelle Sikma
Subject: New Pom:HJR 39 Disapproving Fairbanks Annexation

Mark Blong Po Box 353 Ester 99725-0353, I think the safety factor is very important to make it simple the risk of the city being sued.

Michelle Sikma

From: Shay Wilson
Sent: Monday, February 08, 2010 11:31 AM
To: Michelle Sikma
Subject: New Pom:Boundaries

James Weidner 5479 Chena Hot Springs Rd Fairbanks 99712, 488-6366 I am absolutely opposed to the City of Fairbanks annexing Fred Meyers. They are not going to provide any services, it's a land grab for taxes.

Michelle Sikma

From: Shay Wilson
Sent: Friday, February 05, 2010 3:22 PM
To: Michelle Sikma
Subject: New Pom:HJR 41 Const. Am: Annexations And Detachments

Jerry Cleworth 551 2nd Ave., Sutie B Fairbanks 99701, Not all of us on the Fairbanks City Council support the annexation of Fred Meyer subdivision which will actually reduce public safety for this area. The City can only offer less service for a higher tax burden. This is unfair to the businesses involved and for their customers.

Michelle Sikma

From: Natalie and Tim [wynfromere@alaska.net]
Sent: Thursday, February 04, 2010 11:33 AM
To: Natalie and Tim <wynfromere@alaska.net>
Subject: LBC Annexation Proposal
Attachments: FNSB_2008-35.pdf; FNSB_2010_08.pdf

Dear Representative,

The Fairbanks North Star Borough Assembly voted, on two separate occasions, to oppose the annexation proposal that is now before you in the Local Boundary Commission Report. Attached are the FNSB Assembly's resolutions.

Please consider introducing a resolution to disapprove the LBC report at your earliest convenience.

Sincerely,

Natalie Howard
720 Bennett Road
Fairbanks, AK 99712
907 457-7902

Bill Zorb

FYI, copy of letter I sent to the LBC during the comment period:

Dear Local Boundary Commission,

I am writing to voice my extreme opposition to the city of Fairbanks petition to annex the Fred Meyers West subdivision. This is nothing more than a money and power grab by the city.

Currently fire and EMT service is provided by the University Fire Department, located only 2 blocks away from Fred Meyers West. The city's closest station is 3.08 miles from Fred Meyers West. The University Fire Department is 0.47 miles away.

If the city wants to expand it's service area, perhaps it should consider annexing areas in South Fairbanks where Fire Service is not being provided currently. The city has contracted to provide fire protection to several properties that wanted it in these areas, a practice that I believe is at least dishonest and maybe illegal.

The real problem here is that the area being annexed should want to be annexed and it should have something to be gained from annexation. But this is not the case, these people already have fire service, EMT service, and police protection. The city has nothing to offer but higher taxes.

This city annexation plan seeks money, but no better service. This plan is flawed and should not pass.

Sincerely
Bill Zorb, Fairbanks