

SKAGWAY

ANNEX.

LOCAL BOUND.

RECOMM.

Name	Address and Phone	Organization/Self	For/Against or Observing
1/ MARVIN P. TAYLOR	Phone 983-2500, 2501 BOX 436, SHAGBURY, ALABAMA	CITY OF SHAGBURY	FOR ANNEXATION
2/ PAT DLANO	225 Gordon Anch	CIRA/LBC	Observing
3/ MCKIE CAMPBELL	Dept of Comm. & Reg. Affairs LGAD Pouch B JUNTAH, AL. 99811	DCRA/LGAD	Observing
4/ Marie Pignatelli	Dept Pouch B Jun 99811	CLRA	observing
5/ Palmer McCarter	"	"	"
6/ Barbara K. Kelle	3-4-317 Shagbury 983-2376	Citizens of Shagbury	against
7/ Skip Elliott	Box 143 Shagbury (Dyea)	Dyea residents	against
8/ Jo Anderson	204 Ocean View Dr, Wrenshall	LBC	for ✓
9/ Virginia Stranally	7235 Blackberry St Ave 1AK 99502	LBC	for ✓
10/ O. H. Swartz	PO BOX 10100 FALG AL	LBC	for ✓
11/			
12/			
13/			



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99611

February 18, 1980

TO: SENATOR BOB MULCAHY
VICE-CHAIRMAN
SENATOR TIM KELLY
SENATOR PAT RODEY
SENATOR TERRY STIMSON
All interested parties

FROM: SENATOR ARLISS STURGULEWSKI ⁽¹⁰⁾
CHAIRMAN

SUBJECT: JOINT C/RA MEETING - HOUSE HESS RM. #112, Capitol Building

FRIDAY, FEBRUARY 29, 1980 - 8:00-10:00 a.m.

SKAGWAY ANNEXATION - Local Boundary Recommendations

CITY OF SKAGWAY

P. O. BOX 415
SKAGWAY, ALASKA 99840

Reply DATE

Subject

Annexation - Public Hearing

Twyla Hartsack

Senate CRA Committee

Pouch V

Juneau, Alaska 99811

Message

Following was list of names

some but no's. (otherwise just you

Skagway) then people spoke for or

against annexation at the LBC

meeting here.

Lillian Litzenberger - Skagway

✓ Edith Lee - "

✓ Chris Rohlf - "

✓ Michael Geyer - "

SIGNED

Beryl

DATE

2/12/80

SIGNED

✓ Marvin Taylor - Skagway

✓ Gene Strong - "

✓ Oscar Selmer - "

Gene Richards, P.O. Box 9324, Ketchikan

✓ Mike Caffrey - Skagway

✓ Barbara Kalen - "

John McDermott - "

White Pass & Yukon Route - Skagway

✓ Rick Burrough - "

✓ Lorna McDermott - "

✓ Beryl Hosford - "

✓ Leonard Sivertsen - "

✓ James Matthews - "

✓ Willard (Skip) Elliott - "

Send out, call some notices

✓ will post them for you.

Rediform 45467

SEND PARTS 1 AND 3 WITH CARBON INTACT. - PART 2 WILL BE RETURNED WITH REPLY.

Poly Post 150 sets 45467
Poly Post 150 sets 50 Envelopes 45467

Enclosed is a Public Hearing Notice on the Skagway Annexation Local Boundary recommendations to be held February 29, 1980 by the Joint Senate and House Community and Regional Affairs Committee.

Comments in person, by phone, or in written form will be welcomed.

A listing of committee members is also enclosed in the event you desire to contact members directly.

LEGISLATIVE STANDING COMMITTEES
ELEVENTH LEGISLATURE - SECOND SESSION
1980 - 1981

HOUSE

COMMERCE

Brown (Chairman)
Munson (Vice-Chairman)
Malone, Osterback,
Bettisworth, Halford, Randolph

COMMUNITY & REGIONAL AFFAIRS

Parker (Chairman)
Carney (Vice-Chairman)
Parr, Charoff,
Branson, Metcalfe, O'Connell

FINANCE

McEkins (Chairman)
Freeman (Vice-Chairman)
Duncan, Guy, McKinnon, Moss, Rogers
Smith, Schaeffer,
Haugen, Montgomery

HEALTH, EDUCATION & SOCIAL SERVICES

Buchholdt (Chairman)
Munson (Vice-Chairman)
Hurlbert, Miles, Barnes,
Beirne, Chatterton

JUDICIARY

Parr (Chairman)
Anderson (Vice-Chairman)
Brown, Buchholdt, Malone,
Barnes, Martin, O'Connell, Phillips

LABOR AND MANAGEMENT

Hurlbert (Chairman)
Rogers (Vice-Chairman)
McKinnon, Miller
Bettisworth, Branson, Hayes

RESOURCES

Osterback (Co-Chairman)
Miles (Co-Chairman)
Charoff (Vice-Chairman)
Carney, Cotter, Fuller,
Chatterton, Eliason, Halford

RULES

Cotten (Chairman)
Brown (Vice-Chairman)
Anderson, Miller, Parr,
Hayes, Phillips

STATE AFFAIRS

Fuller (Chairman)
Fuller (Vice-Chairman)
Gardiner, Parker,
Eliason, Martin, Metcalfe

SENATE

COMMERCE

W. Bradley (Chairman)
Sturgulewski (Vice-Chairman)
Kelly, Ferguson, Stimson

COMMUNITY & REGIONAL AFFAIRS

Sturgulewski (Chairman)
Mulcahy (Vice-Chairman)
Kelly, Rodey, Stimson

FINANCE

Sackett (Chairman)
Bennett, Dankworth, Hackney,
Sumner, Hohman, Ray

HEALTH, EDUCATION & SOCIAL SERVICES

Hackney, (Chairman)
Ferguson (Vice-Chairman)
Colletta, Sturgulewski,
Fahrenkamp

JUDICIARY

Ziegler (Chairman)
Dankworth (Vice-Chairman)
Bennett, Meland, Ray

LABOR AND MANAGEMENT

Ferguson (Chairman)
Ray (Vice-Chairman)
Bradley, Colletta, Kerttula

RESOURCES

Sumner (Chairman)
Dankworth (Vice-Chairman)
Bennett, Mulcahy,
Fahrenkamp, Kerttula,
Meland

RULES

Colletta (Chairman)
Ziegler (Vice-Chairman)
Sumner, Tillion, Hohman

STATE AFFAIRS

Mulcahy (Chairman)
Kelly (Vice-Chairman)
Bradley, Rodey, Ziegler

February 29, 1980

FOR THE RECORD

At 8 A.M. this date, a Jt. C/RA Hearing was held on the Skagway Annexation Local Boundary Commission Recommendation. Testimony was heard both for and against. At 10 a.m. the meeting adjourned.

Since the Jt. C/RA Committee did not take any definite action, the Local Boundary Commission's recommendations will go into effect (as stated in the cover memorandum letter to the Legislature from the Department of Community and Regional Affairs, dated January 18, 1980). Although the Committee realized the 45 day deadline, and this being the 43rd day, it was recognized that there was still time to submit negative resolutions and pass them within the deadline time period; however both co-chairmen (Senator Arliss Sturgulewski and Representative Bill Parker) decided to let the case stand as is; thereby letting the recommendations go into effect.



Official Business

Alaska State Legislature

Senate
Office of the Secretary

January 21, 1980

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM TO: Community and Regional Affairs Committee

From: Secretary of the Senate *RM*
Subject: Recommendation of the Local Boundary Commission
concerning annexation of territory to the
City of Skagway

The President referred the Local Boundary Commission report to the Community and Regional Affairs Committee for review.

Encl: Recommendations of the Local Boundary Commission submitted to the Eleventh State Legislature Second Session Assembled, January 18, 1980

C&RA

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811

January 18, 1980

The Honorable Clem V. Tillion
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Sen. *Clem* Tillion:

In accordance with the provision of Article X, Section 12 of the Alaska Constitution and Alaska Statutes 44.19.260, presented herewith is a recommendation of the Local Boundary Commission concerning annexation of territory to the City of Skagway.

The recommendation will become effective forty-five days after this presentation or at the end of the legislative session, which ever is earlier, unless disapproved by resolution concurred in by a majority of the members of each house.

Sincerely,



Lee McAnerney
Commissioner

Enclosure

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION
JUNEAU, ALASKA

RECOMMENDATIONS OF THE LOCAL
BOUNDARY COMMISSION
SUBMITTED TO THE ELEVENTH STATE LEGISLATURE
SECOND SESSION ASSEMBLED

SUBMITTED JANUARY 18, 1980

Recommendation for Annexation of Territory

to the

City of Skagway

WHEREAS, petitioner, the City of Skagway has requested that certain territory be annexed to the City of Skagway; to wit: the entire area contiguous to the City between the Haines Borough and the Canadian border containing residential and recreational lands; and

WHEREAS, subsequent to giving proper notice, the Local Boundary Commission conducted a public hearing in Skagway on November 17, 1979, to consider whether the territory for which the City of Skagway petitioned should be annexed to the City; and

WHEREAS, following the public hearing the Local Boundary Commission convened a decisional meeting at which it reviewed the City of Skagway's petition, supporting brief and all testimony received prior to and during the November 17, 1979, public hearing; and

WHEREAS, the Local Boundary Commission has determined that the proposed area met the standards for annexation in that the area is likely to see development that will require municipal services; and

WHEREAS, the City of Skagway is the only local government located proximate to the territory which has the capability of providing the needed services;

NOW THEREFORE, the Local Boundary Commission recommends that pursuant to Article X, Section 12 of the Alaska Constitution and Alaska Statutes 44.19.260 that the petition for annexation of territory to the City of Skagway be approved and that the boundaries of the City of Skagway be changed to read as follows:

City of Skagway. Beginning at Mt. Bagot at Lat. $59^{\circ} 21' N$ and Long. $135^{\circ} 2' W$. Thence due West on a straight line to a point in the center of Lynn Canal on Taiya Inlet at approximately Lat. $59^{\circ} 21' N$ and Long. $135^{\circ} 22'.5'' W$. Thence northwesterly to Monument No. 124 on the Alaska-Canada Boundary at Lat. $59^{\circ} 44' N$ and Long. $135^{\circ} 43' W$. Thence northeasterly along the Alaska-Canada Boundary to Mt. Foster. Thence southeasterly along the Alaska-Canada Boundary to the point of beginning.

In accordance with Article X, Section 12 of the Alaska Constitution, this recommendation shall become effective forty-five days after presentation to the legislature or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

Report to the Local Boundary
Commission on the proposal to
Annex territory to the City of Skagway

November 14, 1979

Department of Community and
Regional Affairs

On July 27, 1979, the Department of Community and Regional Affairs received a petition proposing annexation of some 431.35 square miles of territory to the City of Skagway. Review of the petition indicated that it was in the proper form and did contain all the necessary information. A letter stating acceptance of the petition was sent to L.B. Jacobson, petitioners representative, on July 30.

Notice of the Commission's forthcoming hearing was mailed to petitioners' representative on October 23 and was posted in three public places and televised over the Skagway Network Television during the period of October 29 through November 16.

II. PETITION

The petition, for all intents and purposes, is the same petition the Commission considered in November of 1976. Admittedly, it is a larger geographic area, but the vast majority of additional territory is mountainous, not suitable for development and, according to petitioners representative, is included so that the entirety of the region could be within the confines of one local government. Because the issues are the same as in 1976 and because the Commission's Statement of Decision entered in that proceeding (copy attached) does not indicate a basis for the deletion of

territory from the annexation proposal, the Department's recommendation is, literally, the same as it was in the prior proceeding.

III. RECOMMENDATIONS

Normally, our reports attempt to analyze an annexation proposal, note the positive and negative aspects of the proposal and make recommendations pursuant thereto. However, we have chosen to take a different approach this time; petitioners' arguments are clear and the information provided is detailed and accurate. We feel no need to expand or comment on petitioners' arguments - the decision is the Commission's.

However, we feel a broader question has been ignored; that question is "what size should a city be?" In our opinion all of petitioners' arguments are, to lessor or greater degrees valid, but at what point does a city become an innappropriate service mechanism. We are not suggesting that we have the answer, only that the question needs to be asked. Specifically, we recommend that petitioners be questioned as to how the city will provide services to such an enormous area.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION
JUNEAU, ALASKA

1/25/80 Check w/ mayor
as to type of hearing.

Check w/ Palmer for
background

Hearing date not set

Skagway Mayor
Robert Messenger
483-2297
983-2298.

Dyea -
Skip Elliott

RECOMMENDATIONS OF THE LOCAL
BOUNDARY COMMISSION
SUBMITTED TO THE ELEVENTH STATE LEGISLATURE
SECOND SESSION ASSEMBLED

SUBMITTED JANUARY 18, 1980

Recommendation for Annexation of Territory

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Official Business

Alaska State Legislature

Senate

Office of the Secretary

January 21, 1980

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM TO: Community and Regional Affairs Committee

From: Secretary of the Senate *RAM*

Subject: Recommendation of the Local Boundary Commission
concerning annexation of territory to the
City of Skagway

The President referred the Local Boundary Commission
report to the Community and Regional Affairs Committee
for review.

Encl: Recommendations of the Local Boundary Commission
submitted to the Eleventh State Legislature
Second Session Assembled, January 18, 1980

1/23/80

sent 2/5

① Set Return - change opinion & recommendation re. B. h. & location

*② Final for action - If approved, what action to be taken
later. If not approved, what action to be taken*

STATE OF ALASKA

C&RA
JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811

January 18, 1980

The Honorable Clem V. Tillion
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator ~~Tillion~~ Tillion:

In accordance with the provision of Article X, Section 12 of the Alaska Constitution and Alaska Statutes 44.19.260, presented herewith is a recommendation of the Local Boundary Commission concerning annexation of territory to the City of Skagway.

The recommendation will become effective forty-five days after this presentation or at the end of the legislative session, whichever is earlier, unless disapproved by resolution concurred in by a majority of the members of each house.

Sincerely,



Lee McAnerney
Commissioner

Enclosure

Handwritten: I have copy A/P file.

CITY OF SKAGWAY

GATEWAY TO THE GOLD RUSH OF '98"
P. O. BOX 415 SKAGWAY, ALASKA 99840

February 19, 1980

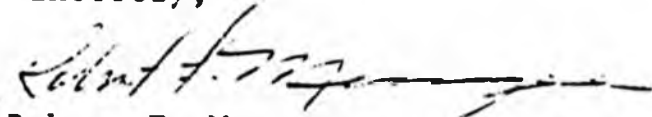
Honorable Arliss Sturgulewski, Chairman
Senate Community & Regional Affairs Committee
Pouch B
Juneau, Alaska 99811

Dear Senator Sturgulewski:

Thank you for your letter of February 4, 1980 concerning the joint Committee hearing of 29 February on the City of Skagway annexation petition.

The City will be represented by Mr. Marvin P. Taylor, City Councilman and Vice Mayor.

Sincerely,



Robert F. Messegee
Mayor

*We asked the papers to advertise
meeting & have spread the news
locally*

*Thanks
R.F.*

CITY OF SKAGWAY

GATEWAY TO THE GOLD RUSH OF "98"

P. O. BOX 415 SKAGWAY, ALASKA 99840

November 19, 1979

Senator Arliss Sturgulewski
Chairman, Senate Community & Regional Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

Following a public hearing on 17 November the Local Boundary commission reached a decision to approve the City of Skagway's annexation petition. The petition along with the L.B.C. recommendation for approval will be introduced within the first ten days of the next legislative session and, unless disapproved or modified by the Legislature within forty five days, the territory comprising the unorganized Borough boundary contiguous to the present municipal boundaries will be annexed to the City of Skagway.

Copies of the City's petition with the supporting ordinance and ballot proposition are enclosed. I join with the City Council in requesting that the City's petition may receive favorable consideration by your committee.

Sincerely,



Robert F. Messegee
Mayor

Enclosures

cp

CITY OF SKAGWAY
RESOLUTION NO. 79-11R

A RESOLUTION TO PLACE ON THE BALLOT AT THE GENERAL ELECTION OF OCTOBER 2, 1979 A PROPOSITION CONCERNED WITH EXTENSION OF THE MUNICIPAL BOUNDARIES OF THE CITY OF SKAGWAY BY ANNEXATION.

WHEREAS: Under the State of Alaska municipal land selection program the City of Skagway is entitled to select five hundred acres of vacant, unappropriated and unreserved State land lying within the municipal boundaries of the City and,

WHEREAS: There are not five hundred acres of State land suitable for selection within the present municipal boundaries and,

WHEREAS: Accordingly, with the concurrence of the State Division of Lands the City has nominated certain lands external to the boundaries which will become available for selection when encompassed by the City's boundaries and,

WHEREAS: There is very little remaining developable land within the present boundaries and, therefore, it is foreseen that there will be considerable residential and industrial development as well as growth in population in areas outlying the present City limits and,

WHEREAS: The availability of these lands for development will be enhanced through their inclusion within the City's boundaries and,

WHEREAS: The residents of these areas, both present and future, will enjoy the City's municipal services and will expect these services to be extended as becomes practicable and,

WHEREAS: Developments within these areas, if they are within the City, will increase the City's capacity to expand and increase the level of public services and,

WHEREAS: Under the provisions of State Statutes taxation of properties within newly annexed territory must be equitable and based on the levels of municipal services provided - a policy which the City Council endorses and pledges to follow and,

WHEREAS: It is in the common interest that all citizens residing in the Community of Skagway and who receive the benefits of public services share in the responsibilities of governance as well the opportunities to participate fully in the decision making processes which determine the levels of service provided and,

WHEREAS: The Legislature has set the deadline for municipal land selection as October 1, 1980 and,

WHEREAS: In order that the City may select its full entitlement of five hundred acres, the lands nominated for selection must be annexed prior to that date and,

WHEREAS: To this end, the City Council by ordinance approved the submission of an annexation petition and,

WHEREAS: To facilitate and effect economics in the annexation process by the use of surveyed boundaries, the City has petitioned to annex all of the areas contiguous to the City encompassed on the South and West by the Haines Borough boundary and on the North and East by the United States-Canadian boundary and,

WHEREAS: The City Council also is well aware that this matter is of great concern to the citizens of Skagway and that the effects of its outcome upon the entire community will be longstanding and,

WHEREAS: An expression by the citizens of Skagway of appreciation and of support or opposition to the proposed annexation would be of value to the Local Boundary Commission and the State Legislature in reaching a decision on the City's petition.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SKAGWAY:

That the following proposition shall be presented to the qualified voters of the City of Skagway at the General Election of October 2, 1979:

DO YOU FAVOR APPROVAL OF THE CITY'S PETITION TO ANNEX ALL OF THE CONTIGUOUS LANDS OF THE UNINCORPORATED BOROUGH ENCOMPASSED BY THE HAINES BOROUGH BOUNDARY ON THE SOUTH AND WEST AND BY THE UNITED STATES-CANADIAN BOUNDARY ON THE NORTH AND EAST?

YES _____

NO _____

ADOPTED THIS 6TH DAY OF SEPTEMBER 1979:

Robert H. [Signature]
Mayor

ATTEST: _____

[Signature]

SAMPLE BALLOT
GENERAL ELECTION
CITY OF SKAGWAY
OCTOBER 2, 1979

You may vote for one Mayor for a two year term, one Councilmember for a two year term, two Councilmembers for a three year term, one School Board member for a one year term, and two School Board members for a three year term. Mark an "X" in the square next to the name you wish to vote for.

You may vote for any qualified elector of the City instead of a person nominated for any position by writing the name of the elector in the space provided below the names of the nominees for such office. Mark an "X" next to the name you write in.

VOTE FOR ONE SCHOOL BOARD MEMBER ONE YEAR TERM

MILDRED MERONEY

BOYD WORLEY

VOTE FOR TWO SCHOOL BOARD MEMBERS THREE YEAR TERM

CARL ELLIOTT

LESLIE FAIRBANKS

PROPOSITION #1

DO YOU FAVOR APPROVAL OF THE CITY'S PETITION TO ANNEX ALL OF THE CONTIGUOUS LANDS OF THE UNINCORPORATED BOROUGH ENCOMPASSED BY THE HAINES BOROUGH BOUNDARY ON THE SOUTH AND WEST AND BY THE UNITED STATES-CANADIAN BOUNDARY ON THE NORTH AND EAST?

YES 169

NO 96

I certify the above to be correct

Lorene S. Gordon

Lorene S. Gordon, City Clerk

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

In the Matter of Annexation)
by the City of Skagway, Alaska)

) PETITIONER'S BRIEF

I. In General. The City of Skagway, Alaska is a first class city organized and existing under the laws of the State of Alaska. It is Alaska's oldest city originally incorporated under territorial law as a municipality in 1900. The City of Skagway's original municipal boundaries, established in a 1900 election to incorporate, encompassed 931.49 acres more or less, excluding tide and submerged lands. The municipal boundaries were expanded through annexation in 1978 to encompass 11 square miles. According to the official 1970 census, the population of the City of Skagway was 675; its population for 1 July 1978 revenue sharing purposes as compiled for and approved by the Alaska Department of Community and Regional Affairs was 874.

II. Municipal Services Provided Within the City. The City of Skagway currently provides water, sewer (primary treatment), garbage and solid waste disposal services to its residents. Electrical power is provided by an independent, city-franchised utility regulated by the APUC. The City provides maintenance and repair services for city streets and rights-of-way.

Law enforcement within its jurisdiction is undertaken by a police force consisting of a chief of police and two officers, all on a full-time basis.

Fire protection, rescue and emergency medical services within the city and surrounding environs are undertaken by the Skagway Volunteer Fire Department operated out of the

City-owned fire hall, a modern facility constructed in 1969. Major equipment employed includes: one 1970 American LaFrance pumper, one 1973 American LaFrance pumper, one 1963 White 1000-gallon tank truck, one 1953 Howe Jeep pumper, one 1974 Dodge ambulance, 1 Kaiser Emergency Medical Rescue vehicle and one 1958 Ford hearse. The City retains and pays a part-time fire chief, two captains and two lieutenants. The Volunteer Fire Department has seventeen regular members in addition to officers, paid a drill allowance of \$2,500 plus a special training allowance for fire training school attendance and fees. There are four fire cadets and eight emergency medical personnel. Additionally there are a number of former members of the fire department and civic minded citizens who invariably respond and assist in combating fires.

The City owns and operates a cemetery and charges a flat fee of \$325.00 for opening and closing a grave plus the plot.

The City of Skagway by ordinance established a Port Authority which serves in a planning and advisory capacity to the Council respecting port development and regulation of maritime and small craft activities within Skagway Harbor, including the Small Boat Harbor.

The City of Skagway has adopted a complete zoning plan and map to govern the organized growth and development within the municipality, and further, has promulgated standards for subdivision development. These will be expanded to include the annexed territory. A unique aspect of its zoning plan is establishment of a Historic District and restrictive development regulations therein. To prevent

construction of substandard buildings and dwellings, the City Council has adopted the National Electrical Code, Uniform Building Code, and National Plumbing Code by reference in ordinance form. Also adopted is the fire prevention code promulgated by the American Insurance Association.

The City owns and operates a medical clinic in a rather new building, leasing same to a Haines-based physician commuting to Skagway two days per week to provide health and medical service to residents and the outlying population.

The municipal library is managed as a non-profit activity by a library board appointed by the Mayor. Library operations are financially subsidized by the City. A new public library building is presently under construction with an estimated completion date of early August 1979.

The Skagway Museum is an entirely city-operated entity both in terms of physical plant and personnel. Like the library, the museum is used by the population on an area-wide basis, not limited to residents. Further, the tourists which the museum and Historic District attract inure at least indirectly to the benefit of non-residents living on the periphery of Skagway's boundaries.

Additionally, the City owns the physical plant and facilities of the local school system operated by the Skagway School District through its School Board. The current enrollment for both primary and secondary grades is 200 students, 10 of which reside outside the present municipal boundaries.

III. Extra-territorial Services. The City currently provides extra-territorial fire protection to non-residents

on a limited and gratuitous basis. The decision of whether to respond to an out-of-town request for fire service lies with the independent discretion of the fire chief who will consider all known and relevant factors giving preference to vigilance and protection within the City. Outside calls are responded to only with the tank truck, jeep pumper and emergency rescue vehicle.

As to law enforcement outside the City, Skagway has no Alaska State Trooper based at the City, but instead relies upon a trooper being sent over from time to time from Haines on an as-needed basis. In essence, the City of Skagway does provide extra-territorial police protection currently; its offices are commissioned by the State to enforce state law and they do respond to calls for assistance outside the Skagway City limits. Approximately 35% of the traffic accidents investigated by the police department during the past 3 1/2 years occurred outside the City limits.

The City provides no water or sewer service on an extra-territorial basis. The City operates and maintains the only garbage dump in the vicinity. There is no charge made to persons residing outside the city limits who use the dump facility.

The residents within the territory proposed for annexation naturally use the city-owned and maintained schools, medical clinic, library, museum and all other municipal facilities, including city streets and roadways. The non-residents benefit from the access to and actual utilization of the foregoing municipal facilities but other than through payment of the 3% sales tax do not financially

ROBERTSON, MCNAGLE, EASTAUGH & BRADLEY
A PROFESSIONAL CORPORATION
200 N. S. A. BLDG. PHONE 505-3340
P.O. BOX 1211, JUNEAU, ALASKA 99802

contribute to their establishment, maintenance or perpetuation in any manner corresponding with the contributions from local residents.

IV. Imminent Development. The prospective developments advised in Skagway's 1976-7 annexation brief have largely materialized. The Klondike Goldrush Historical Park and Skagway-Carcross Road are fact and the third project, port development, is well along. The city-State joint use barge and ferry terminal off-loading facility is scheduled for completion this October, 1979 at a cost of \$3.5 million. The White Pass rail freight dock and dredging project is in the permit process. Accordingly, it can be seen in retrospect that the City's 1976-7 annexation petition forecast the major projects with commendable accuracy.

Additionally, it appears that additional major projects will be imminently undertaken. These prospective developments in and about the City will assuredly affect its growth, level of commercial activity, and invoke desirability for further municipal control respecting external affairs.

1. Additional Port Developments. The City is in receipt of State and EDA grant funding for the concurrent construction of a heavy duty transfer bridge and cargo staging facility. The White Pass & Yukon Route has applications pending approval by the Corps of Engineers for construction of improvements to its water front facilities - e.g. dredging and rehabilitation of the cargo dock, dredging and major alteration of the Ore Terminal wharf. Dredging work in the City's Small Boat Harbor has been completed and the new float system is scheduled for installation in the summer of

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1980.

2. Industrial Developments. It is foreseen that the Natural Gas Pipeline will be constructed along the ALCAN right-of-way within the next several years. President Carter's speeches on July 15 and 16 addressing the nation's energy shortage indicate accelerated construction of the gas pipeline. The Skagway seaport will serve as the through-put point for materials and equipment for construction of a segment of the pipeline approximately 500 miles in length. During the estimated construction period of two to three years, this will entail major improvements to port facilities as well as major increases in longshoring and cargo handling activities in Skagway. Additionally, Skagway is being given serious consideration as the northern terminus for construction of an oil pipeline to Keg River. Northwest Energy - Foothills Ltd. has made application for construction of this project; the environmental impact statements are in process of development and a Presidential decision is expected by January 1980. The engineering and cost estimates contained in the application call for construction over a two-year period by a peak work force of 600 and the expenditure of some 211 million for the U.S. portion in Skagway and for the 14-mile pipeline to the Canadian Border, e.g., additional dredging and construction of a dock to handle a 120,000 dwt tanker every other day, construction of a 4 million barrel capacity tank farm, pump station and pipeline to the Canadian Border.

3. Klondike Gold Rush International Highway. The Skagway-Carcross road was opened for several weeks in September-October 1978 and was thoroughly enjoyed. The road reopened

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in May 1979 and has been heavily traveled subsequently, e.g. for the period 7 May, 1979 to 30 June, 1979, the U.S. Customs Service reports some 12, 198 persons, 6,243 U.S. citizens and 5,955 Canadian and other nationalities, have traveled southbound over the highway. Canadian customs reports some 17,000 persons traveling northbound during the same period. This road is certain to become a major transportation corridor for commerce to interior Alaska and the Yukon Territory. Its importance was originally understated. It will serve as a scenic alternative to the Haines Highway for ferry borne vehicles entering and departing Alaska and will, as well, attract traffic traveling the Alcan Highway. The last session of the State Legislature appropriated some \$564,000.00 for the procurement of maintenance equipment and employment of additional highway maintenance personnel in order to keep the road open year-around. It is anticipated that the Canadian Government will follow suit. For example, the Federal Government of Canada has appropriated \$3 million for further construction and improvements and it is expected a portion of this funding will be applied to winter maintenance.

The establishment of the National Park and the opening of the highway already have resulted in increased tourism as well as changes in the nature of visitors, specifically, more younger families with children; more backpackers and hikers and more recreational and camping vehicles as opposed to retired couples traveling by cruise ships. The impacts of the Park and Highway are already being felt in Skagway. There is a lack of campgrounds and accommodations for recreational vehicles, resulting in traffic congestion and tight parking

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in and close by the Historic District. Additional campgrounds and tourist support facilities are required, and, due to the limited developable land within the City limits, these will have to be located in the area proposed for annexation to the north of the City and along the Dyea road and in the Dyea valley. To prevent haphazard development with attendant adverse impact on the natural environment, creation of dangers to public health and safety, it is essential that the City exercise zoning and platting authority.

Impacts of change deserve comment. As noted above, the distinct impacts of the Park and Highway are already present. If either of the pipeline projects materialize, singly or in combination, the City will be severely impacted. The City will be faced with almost overwhelming demands for housing accommodations and for municipal services, most obviously, public safety, education and utility.

In order to meet and to reduce or ameliorate the adverse aspects of these foreseen changes the City must plan and prepare. The time is now. The City is doing this. The City's OEDP Committee has spent a great deal of time recently in updating the City's Overall Economic Development Plan. This report emphasizes the need for annexation.

Additionally, the City has received a planning grant under the Coastal Energy Impact Program. This planning effort will include the development of a District Coastal Management Plan, an Energy Impact Plan and also a comprehensive plan, a capital improvement plan and a financial management plan. Work on this plan will be initiated this summer with a completion date of May 1980.

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V. Why the Boundaries Proposed? The municipal boundaries of Skagway remained unchanged for 75 years. Until the last several years, growth in and around the City has not warranted extension of the municipal boundaries on the basis of need for provision of municipal services when viewed in the light of costs and services benefit to residents both within and outside the municipal boundaries. In 1976 it became apparent to the City Council that the City, by reason of its serving as a major port in a transportation corridor and as the commercial and industrial center of the area, has conferred substantial benefits upon residents and owners of properties outside the City without corresponding tax contributions on their part for these services and benefits. Due to opposition on the part of some of these non-residents and primarily because of a lack of consensus within the Council, the City petitioned for only a limited extension of its boundaries. The Local Boundary Commission considerably reduced the extent of the territory applied for and the annexation was approved by the Legislature in March of 1978. Subsequently, in its administration of government, the City has established differential tax districts for the annexed areas based on the City's capability to provide municipal services and the level of services provided.

The lines of communications in the Skagway area are limited and there is a dearth of developable land which is readily accessible - e.g. the area is largely river flood plain, mountain and glaciers. There are however, pockets of land suitable for residential or industrial development and to which provision of access will be practicable through

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road improvements and construction, e.g., along the Dyea road, in the Dyea valley and along the AB Mountain ridge line. And, most importantly, there is the transportation corridor through the White Pass. These are the areas which must be made available and developed in order that the City may accommodate ongoing and foreseen increased population and industrial growth. Under the State municipal land selection program the City's entitlement is 500 acres. There are, however, not 500 acres of State land within the City boundaries which are suitable for selection. Therefore, with the concurrence and assistance of the State Division of Lands, the City has nominated lands for selection which lie outside the present municipal boundaries. In making these nominations, it was understood that the City would have until 1986 to extend its boundaries through annexation and thereby select its full allocation. The recent legislature, however, set a deadline of 1 October 1980 for municipal land selection. Therefore, completion of the annexation process has become a matter of urgency.

To facilitate annexation, it is considered to be entirely appropriate as well as both more practical and more economical that the area to be annexed be encompassed by established survey monuments. Accordingly, the City Council reached a decision to petition for annexation of all of the area within the unorganized borough encompassed by the Haines Borough boundary and the U.S.-Canada Boundary.

Given the confines established by the Haines Borough boundary and the U.S. - Canada boundary, it is self-evident that any further enlargement of the City of Skaqway's

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boundaries will be impossible. The question becomes which form of government is most appropriate. The Skagway Council rejected establishment of a borough as being an overlapping, expensive, and largely unnecessary layer of government; better that the City should expand into the "gap". Further, there was no legal method under the State statutes for the City to transform into a unified city-borough in a single step. Lastly, the Council acknowledges a legislative trend toward classification of all lands in the State and toward elimination of the unclassified borough. Enlargement of the City of Skagway's boundaries to 431 square miles might be considered large for a city, but it is a mere paucity by present borough standards prevailing in the state. Specifically, it would be approximately one-third as large as the present smallest borough, about one-tenth as big as the "average" borough, and little useful purpose could be seen in organizing yet another separate local government unit in the form of a borough. A borough would furnish no greater services, and the City of Skagway has adopted a scheme of differential tax zones to implement a policy of real property taxation to correspond with the level of services provided.

VI. City Owned Properties Outside the Existing Boundaries.

A segment of the west side of the City's recreational park at Yakutania Point lies outside the present boundary. The City has nominated several hundred acres of land for municipal selection which lies outside the city limits. Subject to approval of this petition, some of these lands will be selected prior to 1 October 1980.

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VII. Population and Activities Within the Area

Proposed for Selection. A total of 51 persons reside outside the City limits and within the area proposed for annexation. There are approximately 175 acres of privately-owned land in the area, primarily along the Dyea Road and in Dyea Valley. In addition to permanent residences there are a number of recreational cabins located on private and State land which are occupied weekends.

The largest industrial activity in the area, the White Pass and Yukon Route has extensive improvements in the area, specifically the railway and pipeline through the White Pass. The area proposed for annexation consists largely of Federal and State lands including the National Park and a portion of the Tongass National Forest.

VIII. Taxes, Services and Benefits in Transition.

Upon receiving annexation authority, the City of Skagway would propose to undertake planning and zoning control immediately and to increase the level of police and fire protection as practicable throughout the enlarged jurisdiction. That is not to say that the services will be equal. For example, the Council will have to consider obtaining some separate and lesser firefighting equipment for placement at Dyea.

The City of Skagway's fiscal year runs from July 1 through June 30 of the next calendar year. Since the effective date of the annexation would fall in the middle of calendar year 1980 and most probably at a time other than the commencement of Skagway's 1980-81 fiscal year, it is contemplated that the City's services would be phased in on a schedule roughly

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commensurate with additional revenue which is generated for capital improvements. The City will not impose taxation, either on real or personal property, in the territory proposed for annexation until tax year 1981.

Extension of governmental services and of water and sewer utilities will be undertaken on a basis compatible with the City's financial ability with a view toward a favorable cost-benefit ratio. This is not in the immediate future and Skagway would establish differential tax zones which would be amended from time-to-time in parallel with the level of services provided. Skagway's present differential tax zone applies 100% of the levy to the land on the flats on the southeast side of the river; 79 1/2% to the flat lands on the other side of the river, and a 50% levy on the sloping lands and those within the City towards Dyea. It is contemplated that additional tax zones with appropriately lesser rates would be established for the areas proposed for annexation by this petition, e.g., for the Dyea and White Pass Corridor areas.

The City Council recognizes the need for fire, rescue and ambulance services; a plan will be formulated to ascertain how to best respond to additional requirements.

The construction of new residential and commercial structures and additions thereto in the new territory will be subject to the Planning and Zoning Permit process thus insuring greater value through compliance with recognized standards. In this regard, it is the intent of the City Council that these standards will be applied in a reasonable and equitable manner with due consideration given to the

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situs and nature of the building and to the individual life style preference of the inhabitants. The City's comprehensive zoning plan will have to be revised and expanded commensurate with its enlarged jurisdiction, and this will be done. In undertaking this task, the City plans to recognize non-conforming uses through "grandfather rights" and to confer with residents and owners of property in Dyea to ascertain whether full applicability of the aforementioned codes is appropriate in that sector.

Members of the population currently residing outside of the city and using municipally-provided services are unable to play a role in the formulation of policy pertaining to those services. The annexation would, in addition to the obvious benefit of the privilege of voting, allow those who are currently non-residents of the City to participate in policy formulation through candidacy for elective office such as council and school board, and serve on numerous committees and commissions.

There are no inter-municipal agreements regarding transitional provisions of services and distribution of assets and liability because this proposed annexation does not affect any other city or borough.

It is contemplated that benefits from annexation would accrue to the city, present as well as those enfranchised by annexation. The tax base will be broadened by the extensive capital investment programs proposed for support of the oil and natural gas pipelines. For example, of the estimated \$211 million cost of the oil pipeline, some \$163 million will be expended for capital improvements within the proposed

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municipal boundaries. The City will also arguably benefit from receipt of a percentage of the Tongass National Forest stumpage fees. These benefits will enable the upgrading of city services for the benefit of all residents, tourists and casual users of the area, commercial and industrial users who would patronize the area as a transportation corridor and staging location, and in particular will provide for the extension of a higher level of services to the more removed areas such as Dyea Valley.

IX. Conclusion. The purpose of this annexation petition is to anticipate growth and provide for advance planning. The increase in activity attendant to the construction and operation of the pipelines will both benefit the City's economy and generate increased demands and costs for governmental services. The City will require that the pipeline construction companies assume a major share of these costs until they can be supported by the increased tax base. In the absence of annexation, the City would be lacking adequate jurisdiction and controls necessary to implement timely extensions of municipal services.

Annexation is imperative if the City of Skagway is to fully realize its land selection entitlements.

It is the conclusion of the City Council that there is a need for basic governmental services such as the promotion and control of land usage and development through the exercise of planning and zoning authority paralleled by the extension of police and fire protection service to the inhabitable areas outside the city which are now or soon will be partially urban in character. Extension of the City

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boundaries rather than formation of an overlapping borough jurisdiction is deemed a more prudent alternative. The volume and nature of tourism and recreational visitation is both changed and increased, and most importantly, the prospects for major industrial development are imminent. The City wishes to respond to the foreseen impact by enlarging its jurisdiction "to provide for maximum local self-government" consistent with Alaska's Constitutional mandate.

DATED this 24 day of July, 1979.

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