

**SJR**

**20**

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

DATE: 2/10/93

FURTHER:

*has no further referral*

Date of 5-Day Notice: 2/11/93  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-16-93

CRA Committee considered SJR 20

Disapproving the Local Boundary Commission recommendation regarding the annexation of territory to the City of Palmer.

*and a majority of the committee recommends do pass*

and recommends:

replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )

attaches amendment(s)

same title  
 new title  
 technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

*DFM*

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
CRA	2/15/93	<i>0</i>	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

*Rich Halford*  
*Adrian L. Taylor*

OTHER RECOMMENDATIONS:

*2nd reading - no rec*

*ROD E. GARDNER 2/16/93 Do Pass*

Chair: Signature and Recommendation

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. STR 20

Revision Date: \_\_\_\_\_ Dept. Affected: Comm & Regional Affairs  
 Title: Disapproving the Local Boundary Comm BRU: Local Boundary Commission  
 Recommendation regarding the Annexation of territory Component: \_\_\_\_\_  
 Sponsor: to the City of Palmer SCRA Committee  
 Requestor: SCRA Committee COMPC# \_\_\_\_\_ BILL NO. \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact \$ NONE

**ANALYSIS:** (Attach a separate page if necessary)

This resolution disapproves the Local Boundary Commission's report approving annexation of additional territory to the City of Palmer.

Prepared by: Shirley Armstrong Phone: 465-2661  
 Division: Senate Community and Regional Affairs Committee Date: 2/15/93  
 Approved by ~~Commissioner~~: Senator Randy Phillips *Randy Phillips* 2/15/93 Date: 2/15/93  
 Agency: Chair, Senate Comm & Regional Affairs Comm

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# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

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January 15, 1993

Ms. Shirley Armstrong  
Senator Randy Phillips Office  
State Capitol Bldg.; Room 103  
Juneau, AK 99811

Dear Ms. Armstrong:

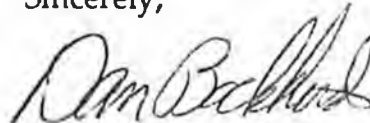
Per your request, enclosed are the following:

City of Palmer's Petition for Annexation (7.5 acres);  
the Local Boundary Commission's Statement of Decision; and  
Request for Reconsideration by Mr. Robert Ed. Bailey.

Also enclosed are DCRA's draft and final *Report and Recommendation Regarding the Petition of Palmer to Annex Approximately 7.5 Acres.*

If you should need additional information, please contact me.

Sincerely,



Dan Bockhorst  
Local Boundary Commission Staff

Enclosures: a/s

**STATE OF ALASKA  
LOCAL BOUNDARY COMMISSION**

**STATEMENT OF DECISION**

IN THE MATTER OF THE )  
FEBRUARY 21, 1992 PETITION )  
OF THE CITY OF PALMER FOR )  
THE ANNEXATION OF )  
APPROXIMATELY 7.5 ACRES )

**SECTION I  
INTRODUCTION AND DESCRIPTION OF AREA**

In February 1992, the City of Palmer petitioned the Alaska Local Boundary Commission to annex approximately 7.5 acres.<sup>1</sup> The territory petitioned for annexation included portions of the Pribyl, Grasse, and Grasse Subdivision, a portion of the Riverside Subdivision and a portion of the right-of-way of the Alaska Railroad.

The territory was described in the City of Palmer's petition as follows:

*. . . .there are four houses and one garage, of which one is inhabited by the owner; of record of the largest number of lots described above while three remaining houses are inhabited from time to time by various people. The City was informed by the resident that there is no water or sewer services to the property at this time.*

The property fronts a major arterial street as designated in the 1985 City of Palmer Traffic Study. The City of Palmer's petition estimates that the territory is inhabited by seven individuals.

**SECTION II  
PROCEEDINGS**

The City of Palmer initiated its petition on February 21, 1992. The petition was filed with the Alaska Department of Community and Regional Affairs (DCRA) on February 28, 1992.

On March 13, 1992, DCRA notified the City of Palmer that the form and content of its petition were found to be in substantial compliance with the requirements of law and that the petition had been accepted for filing. The deadline for filing briefs and written comments relating to the annexation proposal was set for May 29, 1992.

By April 6, 1992, DCRA had mailed notice of the filing of the petition to 56 interested parties, including property owners in and adjacent to the territory proposed for annexation. On April 30, 1992, notice of the filing of the petition was conspicuously posted by the Palmer City Clerk at the Palmer City Hall.

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<sup>1</sup> During the proceedings, questions were raised over the exact size of the territory. Rodney Schullig, an official with the Matanuska-Susitna Borough (the platting authority in which the territory is located) determined that the size of the territory proposed for annexation is 7.5128 acres.

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CITY OF PALMER ANNEXATION  
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Notice of the filing of the petition was published by the City of Palmer in The Frontiersman, a newspaper of general circulation in the territory, on the following dates:

- April 3, 1992;
- April 10, 1992;
- April 17, 1992.

The City of Palmer provided a copy of the petition to the Matanuska-Susitna Borough at the time the petition was filed with the Department.

No briefs were filed opposing the annexation as of the May 29, 1992 deadline. However, written comments were submitted by 36 individuals. Additional informal petitions were submitted bearing the signatures of 77 individuals. One individual objected to *The City of Palmer's forced annexation of any and all properties outside current city limits. . .* The City of Palmer responded on June 12 to the issues raised by the interested parties opposed to the annexation.

On September 18, 1992, DCRA published and distributed its draft report on the annexation proposal. A copy of the draft report was distributed to 136 individuals. Parties were invited to comment on the draft by October 21, 1992.

Timely comments were filed by more than twenty-five individuals. Certain of those submissions were quite extensive. One 149-page submission included an informal petition with nearly 10 pages of signatures of individuals (mostly living in other communities) opposed to annexation.

After considering the comments, DCRA issued its final report and recommendation to the Local Boundary Commission concerning the matter. The final report was distributed to 143 individuals on October 30, 1992.

The Local Boundary Commission scheduled a public hearing on the annexation to be held in Palmer on November 20, 1992. Notice of the hearing was published in The Frontiersman on the following dates:

- October 16, 1992;
- October 23, 1992; and
- October 30, 1992.

DCRA requested that radio station KSKA-FM broadcast public service announcements regarding the hearing from October 31 through November 21. DCRA also mailed notice of the hearing to 110 parties on October 13. Information concerning the date, time and place of the hearing was also included in DCRA's final report which, as noted earlier, was distributed to 143 parties on October 30.

Notice of the hearing was also posted at the Palmer City Hall and Matanuska-Susitna Borough Administration Building in Palmer on October 16 and at the Palmer Post Office on October 17, 1992.

On November 20, four members of the Commission traveled to Palmer. Prior to conducting the hearing, these four members toured the area proposed for annexation. The Commission held its hearing at the date and time scheduled.<sup>2</sup>

The Commission heard testimony on the issues relating to annexation for nearly five hours. Substantial written materials were submitted to the Commission at the hearing. Even though no responsive briefs had been filed in the matter, the Commission treated Mr. Bob Knight (consultant to Ed Bailey, the major property owner in the territory) as a respondent during the hearing.

<sup>2</sup> Commission members Hargraves, Dugan, Hallgren and Johnson toured the area on November 20 and were present at the hearing. Although Commissioner Cotten was not present at the hearing, he reviewed DCRA's tape recording of the hearing and also reviewed all of the written material submitted to the Commission prior to the Commission's decisional session on the petition. Additionally, Commissioner Cotten independently toured the area proposed for annexation prior to acting on the petition.

At the close of the hearing, the Commission announced that it would accept additional written comments through November 30, 1992. The Commission also announced that it would meet on December 4, 1992 to act on the petition.

Notice of the continuance and the December 4 decisional session was mailed to 13 parties. Notice was also posted at the Palmer City Hall on November 26, at the Matanuska-Susitna Borough Administration Building in Palmer on November 27 and at the Palmer Post Office on November 28, 1992.

Substantial additional written materials were filed with the Commission during the ten day period following its hearing. These materials included a sixteen page "final brief" from the City of Palmer. The brief included thirty-five pages of attachments. Forty-seven pages of materials were filed in opposition to the annexation by various parties.

On December 3, Mr. Knight wrote to the Commission objecting to the "last minute submission of new materials by the City of Palmer". When the Commission met on December 4, it deferred action on the City of Palmer's petition in response to the concerns of Mr. Knight. The Commission then allowed Mr. Knight ten days to address the City of Palmer's final brief. The Commission asked Mr. Knight to address only those issues in the City of Palmer's final brief which he believed was "new material."

On December 14, 1992, Mr. Knight filed a thirty-three page response with more than 150 pages of attachments. A copy of the material was mailed to each Commission member.

The Commission met by teleconference on December 18 to act on the petition. However, one member of the Commission had not received the December 14 material filed by Mr. Knight. Another Commission member had not finished reviewing the material. Consequently, the Commission recessed the meeting until December 21, 1992.

On December 21, the Commission reconvened the meeting and approved the petition.<sup>3</sup>

### SECTION III FINDINGS AND CONCLUSIONS

On the basis of the petition and briefs of the City of Palmer, the report and recommendation of the Department of Community and Regional Affairs, all of the written comments, and the testimony received at its hearing, the Local Boundary Commission makes the following findings and conclusions.

#### **1. REGARDING THE WILLINGNESS AND ABILITY OF THE CITY OF PALMER TO EXTEND "FULL MUNICIPAL SERVICES" (AS DEFINED BY FORMER 19 AAC 10.080) TO THE AREA PROPOSED FOR ANNEXATION.<sup>4</sup>**

<sup>3</sup> Commissioners Hargraves, Cotten and Johnson voted to approve the petition. Commissioners Dugan and Hallgren voted against the petition, expressing the belief that the annexation proposal did not meet applicable standards to the extent that annexation by the legislative review method was warranted. In particular, Commissioners Dugan and Hallgren did not believe that it had been demonstrated that the territory proposed for annexation represented a threat to the health, welfare or safety of City residents. Additionally, Commissioners Dugan and Hallgren indicated the belief that annexation was not an appropriate response to the circumstances in the territory.

<sup>4</sup> Due process considerations compel the Commission to use the standards for annexation set out in former 19 AAC 10.065 - 090 while acting on this petition (as opposed to the standards set out in the new regulations which took effect September 14, 1992). The former regulations were in place at the time the petition was prepared and filed by the City of Palmer. They were also in place during the period of public review and comment on the

Because the law permits parties other than a city government to petition for annexation, it is necessary to ensure that the City of Palmer is actually willing to extend services to the territory proposed for annexation. In this instance, however, the City of Palmer initiated the petition for annexation. This establishes the obvious presumption that the City is willing to serve the area. The Commission has found no credible indication that this presumption is invalid.

Examination of this standard also requires consideration of the financial impacts to the City of Palmer which are likely to result from annexation. In this instance, it is estimated that the City would gain approximately \$3,000 annually in property taxes, utility fees and State financial assistance as a result of annexation. The territory proposed for annexation carries with it added responsibilities for the City of Palmer. These responsibilities include utility service and public safety services (police and fire). The City's burden for planning and land use regulation in the area will also increase.

In the context of its overall operations, this annexation will have no significant impact on the financial ability of the City to extend services to the area proposed for annexation. For example, the estimated \$3,000 annual increase in City revenues represents less than six one-hundredths of one percent (0.00057) of the total revenues of the City of Palmer in 1991<sup>5</sup>.

The Commission has found no obstacles which will prevent the City of Palmer from extending full municipal services to the area proposed for annexation.

**CONCLUSION:** Because the City of Palmer initiated the annexation proposal, the Commission concludes that the City is willing to serve the area proposed for annexation. The Commission also concludes that the City has the financial capacity to extend full municipal services to the area in accordance with former 19 AAC 10.080. Thus, the standard set out in former 19 AAC 10.080 is satisfied.

## **2. REGARDING WHETHER THE CITY OF PALMER PROVIDES SERVICES TO THE TERRITORY WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS.**

The standard set out in former 19 AAC 10.070(a)(8) is met if "*residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate property tax contributions, whether city services are rendered or received inside or outside the territory*".

Evidence sustains the City's assertion that it maintains that portion of East Eagle Avenue within the territory proposed for annexation. This avenue is an arterial street leading to the Sherrod and Swanson elementary schools. Property owners and residents of the territory proposed for annexation receive benefit from this city road maintenance.

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petition. Further, those standards were used by the Department of Community and Regional Affairs to evaluate the petition and to make its recommendation to the Commission.

<sup>5</sup> According to the City of Palmer's Audit for 1991, the City had general revenues of \$3,458,375, special revenues of \$60,029, capital projects revenues of \$89,361, enterprise revenues of \$1,263,196 and internal service revenues of \$314,191; these revenues totalled \$5,185,152.

It is not suggested that residents of the area outside the City's boundaries do not contribute in some manner to support City services. Clearly, one of the most substantial avenues of support results when non-City residents purchase goods and services which are subject to the City's 2% sales tax. Sales taxes are the single largest source of locally generated revenue received by the City of Palmer. However, road maintenance is paid by the City's general fund which is supported by property taxes levied by the City of Palmer.

**CONCLUSION:** The Commission concludes that this standard is met because the City of Palmer provides road maintenance to the area proposed for annexation and the City's road maintenance is supported by property taxes levied by the City of Palmer. Thus, the Commission concludes that the standard set out in former 19 AAC 10.070(a)(8) is satisfied.

### **3. REGARDING WHETHER THE TERRITORY IS "URBAN" IN CHARACTER.**

The standard set out in former 19 AAC 10.070(a)(3) is met if the Local Boundary Commission concludes that the area proposed for annexation is "urban" in character. Factors to be considered in this regard include, without limitation, whether:

- the property is platted;
- the property is suitable for residential or commercial purposes;
- the population density approximates that of the annexing city;
- the population stems from actual growth of the city beyond its legal boundaries;
- whether the property is valuable by reason of its suitability for prospective urban purposes.

The Commission finds that all of the property in question is platted. The majority of the property is in the Riverside Subdivision. The legal boundary of the City of Palmer bisects the Riverside Subdivision. Much of the subdivision has been inside the boundaries of the City of Palmer since it was incorporated in 1951.

The Commission finds that the property is suitable for residential or commercial purposes. The property contains a number of dwellings which are inhabited.

The Commission finds that the population density of the territory proposed for annexation reasonably approximates that of the City of Palmer. The petitioner estimated that the area is inhabited by seven individuals. However, the respondent indicates that the territory is currently inhabited by "four full-time persons". Testimony at the hearing indicated that the population of the territory fluctuates.

Based on the total 7.5128 acres, the various population figures indicate a population density ranging from 0.93 to 0.53 persons per acre. The record shows that 3,006 persons reside within the estimated 2,444 acres currently within the boundaries of the City of Palmer. That figure equals 1.23 persons per acre. The relative difference in the population densities of the two areas must be viewed in the context of the small size of the territory proposed for annexation. While, the population density of the territory may be as little as 43 percent of population density of the City of Palmer, the addition of only six people (e.g., one large family) would cause the population density of the territory to exceed that of the City (using the respondent's lower population figure).

Far more important than the results of any arcane statistical analysis, the Commission finds that the territory proposed for annexation is clearly part of the compact community of Palmer. Apart from the invisible corporate boundaries of the City of Palmer, the area proposed for annexation shares many social, economic, political, scholastic, recreational and other interests with residents and property owners inside the boundaries of the City of Palmer.

**CONCLUSION:** The Commission concludes that the area proposed for annexation is similar in character to the territory within the current boundaries of the City of Palmer. For purposes of the standard in question, the area proposed for annexation is considered "urban" in character. Thus, the Commission concludes that the standard set out in former 19 AAC 10.070(a)(3) is satisfied.

#### 4. REGARDING THE HEALTH, WELFARE AND SAFETY OF CITY RESIDENTS.

The standard set out in former 19 AAC 10.070(a)(6) is met if *"the health, welfare, or safety of city residents is endangered by conditions existing or developing in the territory and annexation will enable the city to remove or relieve those conditions."*<sup>6</sup>

The annexation proposal was predicated in large part by complaints over numerous loose dogs in the neighborhood. Submissions by the petitioners describe conditions allegedly existing in the area that threaten the health, welfare or safety of individuals presently residing within the boundaries of the City of Palmer. These include "loose dogs going onto adjoining property and getting into garbage cans, dogs harassing school children waiting for the school bus at a designated pick-up site . . . ."

The petitioner's final brief included two reports from the Matanuska-Susitna Borough Animal Control office documenting dog problems stemming from Mr. Bailey's property (one was dated June 15, 1989 and the other was dated February 25, 1988). The February 1988 report stated ". . . there was approx. 25 dog running loose - puppies and adults. 8 dogs were tied to car parts and cars. Owner pulled up into drive way - when I got out to talk to owner - I was bitten by a black/white australian shepherd . . . The owner Mr. Bailey had not voice command to advert dog fights or control the dogs from leaving property . . ." (sic).

The petitioner also provided an affidavit from a property owner adjoining the territory proposed for annexation stating that "[I]n the winter of 1980 one of Ed Baileys tenants' 100 pound dog came across the street attacked and killed my 5 lb. Picapoo."

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<sup>6</sup> The phrase "health, welfare, and safety" is very broad. The City's final brief states that the phrase is used in 57 Alaska Supreme Court cases and many statutes. Definitions of the nouns were provided by DCRA at the November 20 hearing. The Commission used those same definitions provided by DCRA in its December 18, 1992 Statement of Decision concerning the annexation of 7 square miles to the City of Haines. The Definitions provided by DCRA at the November 20 hearing were:

**HEALTH.** State of being hale, sound, or whole in body, mind or soul, well being. Freedom from pain or sickness; the most perfect state of animal life. Not synonymous with "sanitation". The right to the enjoyment of health is a subdivision of the right of personal security, one of the absolute rights of persons (Black's Law Dictionary, 1968).

**PUBLIC WELFARE.** The prosperity, well being, or convenience of the public at large, or of a whole community, as distinguished from the advantage of an individual or limited class. It embraces the primary social interests of safety, order, morals, economic interests, and non-material and political interests. In the development of our civic life, the definition of "public welfare" has also developed until it has been held to bring within its purview regulations for the promotion of economic welfare and public convenience (Black's Law Dictionary, 1968).

**SAFETY.** Freedom from danger, injury or damage; security (Webster's New World Dictionary, 1982).

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CITY OF PALMER ANNEXATION  
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These incidents occurred several years ago. While Mr. Bailey has acknowledged past difficulties, he claims that the animal control problems were addressed long ago and that he is not the source of any current problems.

However, written comments and testimony at the hearing indicated that residents adjacent to the area proposed for annexation continue to experience animal control problems. For example, Richard and Elenor Vogt wrote on October 27, 1992:

*"We don't think it is his dogs, we know it. We have recorded them barking and howling at any hour of the day or night and submitted this evidence to the City Council at one of the meetings and have walked up to the edge of his property to be very sure. Have seen his dogs rip apart ours and our neighbors garbage and harass our chained dog (as recent as 1992) and return to HIS yard. Mr. Bailey is the only one in our neighborhood who has these "dingo type" dogs. We were able to give very accurate descriptions to Animal Control and they found them to be Mr. Bailey's."*

Additionally, Ronald Otte, Chief of the Palmer Police Department since 1989, signed an affidavit on November 30, 1992, indicating the "the middle of Riverside Subdivision generates far more complaints and problems than any other area on the boundary of the city. . . The City Police Dispatch has received complaints concerning dogs from the Bailey property in 1992". While Mr. Otte does not provide specific information about the number of complaints, he clearly suggests that concerns over animal control continue to exist in the area.

The Commission is persuaded by the argument put forth in the City of Palmer's final brief that these sorts of dog problems constitute a threat to the health, welfare and safety of City residents. The City cited the standard treatise on municipal law as follows:

*Dogs have been viewed as constituting nuisances, at least where they are ferocious or have the habit of jumping and biting at children or other people. Indeed, such a dog is a nuisance of the worst sort . . . . Furthermore, the keeping of dogs may be a public nuisance by reason of their howling, barking and whining, the stench they cause, unsanitary conditions in which they are kept, or their disturbing of people in the reasonable use and enjoyment of property, or where any of these factors cause annoyance, discomfort or injury to the health or welfare of persons. 7 McQuillir, Municipal Corporations, §24.284 at 195, 196 (3d ed. 1989). See also 4 Am. Jur. 2d, Animals, §63 at 312; and 66 C.J.S., Nuisances, §32 at 786.*

Mr. Bailey presently has some fifteen dogs on his property. If the area were annexed, the Palmer City Code would allow him to keep no more than three. Additionally, it is evident from documents and testimony that the City of Palmer has far greater resources than the Matanuska-Susitna Borough to provide animal control services for this urban area.

Other potential health, welfare and safety concerns relate to the existence of some fifty unlicensed vehicles and other "junk" on Mr. Bailey's property. The City's final brief characterizes this circumstance as "an accident waiting to happen for City families to live next to an unregulated junkyard full of attractive nuisances" The City's final brief also stated that "[W]hile the Borough law, which is written for rural areas, allows this unsafe and unhealthy condition, the City Code requires its abatement. Cleaning up will not be unduly expensive . . ."

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Additionally, it has been noted that all of the dwellings in the territory use pit privies. The City of Palmer's final brief noted in this respect that *"It is unhealthy and unsafe for the City residents to live downhill from lots containing a dense population using privies for a sewerage system when such lots could not lawfully be established under current health and subdivision laws. These dangers would be eliminated by annexation as the property would be connected to the City's water and sewerage systems, which are DEC and EPA approved. The City has the capacity and is willing to serve the territory; and City water and sewer services presently abut the territory."*

Mr. Bailey suggests that there is no need for utility services or other services of the City of Palmer. During the proceedings, Mr. Bailey retained the services of the Alaska Health Project (AHP), whose letterhead indicates the organization provides "information and advocacy on occupational and environmental health." In a letter dated October 16, 1992, Catherine A Hummel, an Environmental Health Specialist for AHP, wrote that she had inspected Mr. Bailey's property and had concluded that "no conditions were observed [in the territory proposed for annexation] which would endanger the health or safety of Palmer residents."

The City of Palmer was critical of the letter from Ms. Hummel. In its final brief, the City of Palmer noted:

*"[T]he Local Boundary Commission's Staff requested the DEC to inspect the Bailey property, but Mr. Bailey through Mr. Knight refused the DEC inspection. Bailey and Knight refused to allow the DEC inspection unless the LBC paid the cost of Bailey's sanitarian. Such refusal to public officers is characteristic of Mr. Bailey as he stated previously that the Borough Animal Control Officers were not allowed on his property.*

*Having prevented DEC from inspecting his property for free, Mr. Bailey hired the Alaska Health Project whose letterhead states it provides "advocacy" on environmental health.<sup>7</sup> After spending 90 minutes on the Bailey property, his advocate reported no unsanitary conditions were "observed." Given the briefness of the visit, this unsettling qualification is probably proper; the in-City neighbors need only fear what the advocate missed, i.e., the "unobserved" problems. Since Mr. Bailey refused the DEC inspection, the brief review and peculiarly qualified report by his paid advocate is suspect at best and should be granted no weight.*

Apart from her professional judgment, it appears that Ms. Hummel is personally against the annexation. The Commission received a personal letter from Cathy Hummel dated October 19, 1992. The distinctive signature of Catherine A. Hummel on the October 16 letter from the Alaska Health Project appears to be identical to the signature on the October 19 letter. The October 19 letter offers "comments to discourage this annexation" The comments questioned whether it was prudent for the City of Palmer to "expend the resources needed to 'abate the nuisance' of Mr. Bailey's property" (emphasis added).

**CONCLUSION:** It seems evident to the Commission that the large number of dogs kept by Mr. Bailey in an urban area are at least a major part of the long-continuing problems relating to animal control in and adjacent to the territory proposed for annexation. The multitude of unlicensed vehicles and other "junk" kept on Mr. Bailey's property as well as potential health problems stemming from the lack of water and sewer utilities in the territory contribute to the legitimate concerns of the City and its residents. Viewed collectively, the Commission concludes that these circumstances represent a threat to the health, welfare, and safety of city residents.

<sup>7</sup> The arrangements for DEC to inspect Mr. Bailey's property were actually attempted after Ms. Hummel inspected Mr. Bailey's property.

The Commission believes that in-City neighbors and local officials have diligently attempted to resolve the problems stemming from Mr. Bailey's property over the past many years by means other than annexation. However, those efforts have failed. The Commission concludes that annexation will enable the City of Palmer to remove or relieve those conditions. Thus, the standard set out in former 19 AAC 10.070(a)(6) is satisfied

## OTHER CONSIDERATIONS

### VOTE ON ANNEXATION

Alaska's Constitution places a duty on the Local Boundary Commission to judge an annexation proposal on its merits rather than its political appeal. After carefully examining the purpose and role of the Commission, the Alaska Supreme Court concluded that those who reside or own property in an area to be annexed by a municipality have no vested right that annexation take place only with their consent.<sup>8</sup> Specifically, the court stated:

*Article X [of the Alaska Constitution] was drafted and submitted by the Committee on Local Government, which held a series of 31 meetings between November 15 and December 19, 1955. An examination of the relevant minutes of those meetings shows clearly the concept that was in mind when the local boundary commission section was being considered: that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level. The advantage of the method proposed, in the words of the committee —*

*\* \* \* lies in placing the process at a level where areawide or statewide needs can be taken into account. By placing authority in this third-party, arguments for and against boundary change can be analyzed objectively.*

*We cannot assume that they [the delegates to the Constitutional Convention] were insensitive to the inadequacies inherent in a system where needed municipal expansion could be frustrated if the electors in a single urban area outside of municipal boundaries did not agree to annexation.*

*Those who reside or own property in the area to be annexed have no vested right to insist that annexation take place only with their consent. The subject of expansion of municipal boundaries is legitimately the concern of the state as a whole, and not just that of the local community.*

The Commission's newly implemented regulations provide guidance concerning which process is best for final approval of an annexation (i.e., election or legislative review). These regulations state:

*Territory that meets all of the annexation standards specified in 19 AAC 10.090 — 19 AAC 10.130 may be annexed to a city by the legislative review process if the commission also determines that annexation will serve the balanced best interests of the state, the territory to be annexed, and all political subdivisions affected by the annexation.*

<sup>8</sup> Fairview Public Utility District Number One v. City of Anchorage, 368 P.2d 540 (Alaska 1962).

**CONCLUSION:** The Commission must weigh the obvious appeal of allowing the voters to give final approval to any annexation, against the needs and interests of the parties involved. As is so evident in this particular instance, the interested parties are not limited strictly to the residents and property owners of the territory proposed for annexation. They also include the residents and property owners within the current boundaries of the City of Palmer, the Palmer city government, the Matanuska-Susitna Borough government and the State of Alaska. The balanced interests of the various parties involved in this matter warrant the use of the legislative review process.

#### **SECTION IV ORDER**

On the basis of the foregoing findings and conclusions, the Commission determines The Local Boundary Commission hereby orders as follows:

1. That the February 21, 1992, petition of the City of Palmer for the annexation of approximately 7.5128 acres is approved without amendment.

The territory approved for annexation is described as follows:

Within Section 28, Township 18N, Range 2E, Seward Meridian:

Pribyl, Grasse and Grasse Subdivision - Lot 22; Riverside Subdivision - Block 1, Lots 1 through 10 and Lots 20 through 27; and a portion of the right-of-way of the Alaska Railroad.

The area approved for annexation is shown on the following map.

STATEMENT OF DECISION  
CITY OF PALMER ANNEXATION  
PAGE 11

2. That a formal recommendation for the annexation of the territory in question be submitted in accordance with Article X, § 12 of the Alaska Constitution to the next regular session of the legislature. That is, the recommendation is to be submitted to the First Regular Session of the Eighteenth Alaska Legislature on or before January 20, 1993.
3. That, the annexation take effect only upon:
  - (a) The passage of forty-five days from the date of presentation of the Commission's recommendation to the legislature (or the adjournment of the session, whichever is earlier) without disapproval of the recommendation by the legislature; and
  - (b) The filing of documentation with the Department of Community and Regional Affairs showing that the City of Palmer has complied with 42 U.S.C. 1973c (Voting Rights Act of 1965) regarding this annexation.
4. That the City of Palmer be advised that the Local Boundary Commission encourages it to act in a fair and reasonable fashion with respect to the extension of its jurisdiction over the territory approved for annexation. Doing so will ensure an orderly transition which will allow the problems existing in the territory to be resolved in a manner which is least disruptive to the residents and the property owners of the territory approved for annexation.

APPROVED IN WRITING THIS 30TH DAY OF DECEMBER, 1992.

LOCAL BOUNDARY COMMISSION

\_\_\_\_\_  
By: Darroll Hargraves, Chairperson

Attest:

\_\_\_\_\_  
Dan Bockhorst, Staff

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**RECONSIDERATION BY THE COMMISSION**

Within 20 days after this written statement of decision has been mailed to the petitioner and any respondents, a person may file a request for reconsideration of the decision. The request must describe in detail, the facts and analyses that support the request for reconsideration. If the Commission takes no action on a request for reconsideration within 30 days after the date that this written decision was mailed to the petitioner and any respondents, the request for reconsideration is automatically denied. If the Commission grants a request for reconsideration, the petitioner or any respondents opposing the reconsideration is allotted 10 days from the date the request for reconsideration is granted to file a responsive brief describing in detail the facts and analyses that support or oppose the request for reconsideration.

**JUDICIAL APPEAL**

A judicial appeal of this decision may also be made under the provisions of the Alaska Rules of Appellate Procedures, Rule 601 *et seq.* An appeal to the Superior Court must be made within thirty days from the date this written decision was mailed or delivered.

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AFFIDAVIT OF SERVICE

STATE OF ALASKA            )  
                                  ) ss:  
THIRD DISTRICT            )

DAVID L. SOULAK, being first duly sworn, on oath, deposes and says:

I am the City Manager/Clerk for the City of Palmer, Alaska and affirm that a copy of the Annexation Petition, Exhibits and Attachments have been served upon the Matanuska-Susitna Borough, by certified mail, this 24<sup>th</sup> day of February, 1992.

\_\_\_\_\_  
DAVID L. SOULAK, CITY MANAGER/CLERK

SUBSCRIBED AND SWORN to before me this 24<sup>th</sup> day of February, 1992.

Catherine A. Check  
NOTARY PUBLIC FOR ALASKA

My Commission Expires: 1-16-94

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

### MUNICIPAL & REGIONAL ASSISTANCE DIVISION

949 E. 36th AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 561-8586

P.O. BOX 348  
BETHEL, ALASKA 99559-0348  
PHONE: (907) 543-3475

P.O. BOX 295  
DILLINGHAM, ALASKA 99576-0295  
PHONE: (907) 842-5135

1001 NOBLE ST, SUITE, 430  
FAIRBANKS, ALASKA 99701-4948  
PHONE: (907) 452-7126

P.O. BOX BH  
JUNEAU, ALASKA 99811-2110  
PHONE: (907) 465-4750

710 MILL BAY RD.  
KODIAK, ALASKA 99615-6340  
PHONE: (907) 486-5736

P.O. BOX 350  
KOTZEBUE, ALASKA 99752-0350  
PHONE: (907) 442-3696

P.O. BOX 41  
NOME, ALASKA 99762-0041  
PHONE: (907) 443-5457

November 17, 1991 RECEIVED

1991 - 1991  
CITY OF PALMER

David Soulak  
City Manager  
City of Palmer  
231 West Evergreen Avenue  
Palmer, AK 99603-7645

RE: FY 93 STATE REVENUE SHARING POPULATION

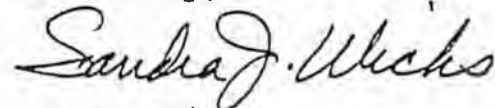
Dear Mr. Soulak:

Thank you for submitting the head count documentation to support a request for an adjustment to Palmer's Initial 1991 Population Determination.

I am pleased to inform you that your request has been approved. The population of 3,008 will be used for the City of Palmer for FY 93 State Revenue Sharing and Municipal Assistance program purposes. This figure differs from your original request of 2,947 because residents of the pretrial facility were inadvertently excluded.

Please feel free to contact Pauline Valha, State Revenue Sharing Administrator, at 465-4750 should you have further questions.

Sincerely,



Sandra Wicks  
Deputy Director

cc: Rodney Schulling, Mat-Su Borough

Bob Aiken, LGS III, Anchorage Regional Office  
Pauline Valha, State Revenue Sharing Administrator  
Laura Walters, Research Analyst, Juneau  
Municipal and Regional Assistance Division

EXHIBIT "E"

# SPECIAL POPULATION CENSUS SUMMARY SHEET

CITY OR TOWN Palmer

DATE 09/16/91

STATE OF ALASKA

\*TOTAL POPULATION 3,008  
(LINES A+B+C)

UNITS PER STRUCTURE EXCLUDE MOBILE HOMES/TRAILERS	(1) TOTAL HOUSING UNITS	(2) VACANT HOUSING UNITS	(3) OCCUPIED HOUSING UNITS	(4) POP- ULATION	(5) AV. POP. PER H.U. (4)÷(3):(3)	(6) OCCUPANCY RATE (3)÷(1):(6)	(7) VACANCY RATE (2)÷(1):(7)
1-A 1 UNIT STRUCTURES	820	36	784	2,292	2.92	95.6%	4.4%
2-A 2 UNIT STRUCTURES	28	0	28	85	3.04	100.0%	0
3-A 3 UNIT STRUCTURES	12	2	10	14	1.40	83.3%	16.7%
4-A 4 UNIT STRUCTURES	44	3	41	78	1.90	93.2%	6.8%
5-A 5 OR MORE UNITS	207	26	181	318	1.76	87.4%	12.6%
<b>A. TOTALS</b>	<b>1,111</b>	<b>67</b>	<b>1,044</b>	<b>2,787</b>	<b>2.67</b>	<b>94.0%</b>	<b>6.0%</b>

SECTION B	(1) TOTAL HOUSING UNITS	(2) VACANT HOUSING UNITS	(3) OCCUPIED HOUSING UNITS	(4) POP- ULATION	(5) AV. POP. PER H.U. (4)÷(3):(5)	(6) OCCUPANCY RATE (3)÷(1):(6)	(7) VACANCY RATE (2)÷(1):(7)
1-B MOBILE HOMES	26	0	26	57	2.19	100.0%	0
2-B TRAILERS	0	0	0	0	0	0	0
<b>B. TOTALS</b>	<b>26</b>	<b>0</b>	<b>26</b>	<b>57</b>	<b>2.19</b>	<b>100.0%</b>	<b>0</b>

GROUP QUARTERS	NUMBER OF	POPULATION
1-C TOTAL NURSING/RET. HOMES	1	79
2-C COLLEGE DORMITORIES		
3-C MENTAL & PENAL INSTITUTIONS	1	70
4-C MILITARY INSTALLATIONS		
5-C OTHER:	4	15
<b>C. TOTAL GROUP QUARTERS</b>	<b>6</b>	<b>164</b>

COMMENTS \_\_\_\_\_

OFFICE LOCATION 231 W. Evergreen Avenue  
OF CITY CLERK/ Palmer, AK 99645-6952  
Manager  
DAYS/HOURS OF OPERATION 8 to 5

SIGNED [Signature] MAYOR  
DATE 11-13-91  
ATTEST: [Signature]  
CITY (~~CLERK~~) CLERK/Manager

Revised 1/81



# CITY OF PALMER



231 W. EVERGREEN AVE.  
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

February 24, 1992

Mr. Dan Bockhorst  
Local Government Specialist  
Department of Community & Regional Affairs  
949 East 36th Avenue, Suite 400  
Anchorage, Alaska 99508-4302

RE: Annexation of an Area to the City of Palmer, Alaska by  
Legislative Review

Dear Mr. Bockhorst,

Enclosed is the City of Palmer's Petition for Annexation by  
Legislative Review of approximately 7.5 acres to the City.  
We are submitting an original and six copies with supporting  
documentation for your review.

Should you have any questions or need further information,  
please feel free to contact me.

Yours truly,

David L. Soulak  
City Manager  
City of Palmer

DLS/cac

Enclosures

SUBMITTED  
NOV 05 1992  
TO THE LOCAL BOUNDARY COMMISSION

RECEIVED  
FEB 24 1992  
DEPT. OF COMMUNITY & REGIONAL AFFAIRS  
ANCHORAGE, ALASKA

TO: Commissioner  
Department of Community and Regional Affairs  
Pouch B  
Juneau, Alaska 99801

IN THE MATTER OF THE ANNEXATION OF AN AREA TO THE CITY OF  
PALMER, ALASKA BY LEGISLATIVE REVIEW.

PETITION

Pursuant to the provisions of AS 29.06.040 and 19 AAC 10.010-840, your Petitioner, the undersigned, respectfully petitions to provide for a boundary change by the annexation of certain territory to the City of Palmer, Alaska.

DESCRIPTION OF BOUNDARIES: MAP

The proposed area to be annexed includes:

Within Section 28, Township 18N, Range 2E, S.M.:

Pribyl, Grasse and Grasse Subdivision - Lot 22  
Riverside Subdivision - Block 1, Lots 1 through 10 and  
Lots 20 through 27

A portion of the right-of-way of the Alaska Railroad

A map of said areas is attached as Exhibit "A".

AREA

The quantity of land contained within the area proposed to be annexed approximates 7.5 acres. The quantity of land in the municipality to which annexation is sought approximates 2,444 acres.

POPULATION

The estimated number of residents known to be within the area proposed to be annexed is one. The estimated population of the municipality to which annexation is sought is 3,008.

ASSESSED VALUATION

The assessed or estimated value of all real and personal property within the area sought to be annexed is \$96,000.00.

TAXATION

The regular rates at which taxes are levied within the municipality to which annexation is proposed is 4.28 mills for real and personal property tax levy, and 2 percent sales tax or use tax rate.

OUTSTANDING INDEBTEDNESS

Only areawide school bonded indebtedness is outstanding on the area proposed to be annexed, and this bonded indebtedness factor remains the same before and after annexation. It does not relate to a service that will be provided by the City, but rather pertains to the areawide school service exercised by the Matanuska-Susitna Borough. The City of Palmer outstanding debt as of 12/31/90 is \$8,601,018 and the Matanuska-Susitna Borough outstanding debt as of 6/30/91 is \$97,841,082.



BOUNDARIES OF THE CITY OF PALMER, ALASKA  
FEBRUARY, 1992

Beginning at the section corner common to Section 3, Section 4, Section 9 and Section 10, Township 17 North, Range 2 East, Seward Meridian, Alaska, and running thence in a westerly direction along the section line common to Section 4 and Section 9, N 89°58'00"W a distance of 1,637.99 feet; thence N 00°13'00"W a distance of 1,007.11 feet; thence N 89°57'00"W a distance of 500.00 feet; thence N 00°13'00"W a distance of 315.00 feet; thence N 89°57'00"W to the center one-quarter line a distance of 500.00 feet; thence N 00°13'00"W along the center one-quarter line a distance of 1,323.07 feet to the center one-quarter corner of Section 4, Township 17 North, Range 2 East, Seward Meridian, Alaska; thence N 89°57'46"W along the center one-quarter line a distance of 495.67 feet; thence S 00°12'49"E a distance of 1,322.58 feet; thence N 89°59'51"W a distance of 825.34 feet to the southwest one-sixteenth corner of said Section 4; thence S 00°14'00"E along the one-sixteenth line a distance of 1,211.50 feet, thence east a distance of 270.52 feet; thence S 00°14'00"E 110.00 feet to the section line common to Section 4 and Section 9, Township 17 North, Range 2 East; thence N 89°55'24"W along the section line a distance of 1,591.14 feet to the section corner common to Section 4, Section 5, Section 8 and Section 9, Township 17 North, Range 2 East, Seward Meridian, Alaska; thence along the section line common to Section 8 and Section 9, S 00°07'00"W a distance of 2,640.00 feet to the one-quarter corner common to Section 8 and Section 9 marking the southeast corner of the State Fair, Inc., property; thence along the south property line of State Fair, Inc., S 89°58'00"W a distance of 2,638.68 feet to the center one-quarter corner; thence S 00°08'00"E a distance of 1,322.64 feet to the center-south one-sixteenth corner of Section 8, Township 17 North, Range 2 East, Seward Meridian, Alaska; thence S 89°58'00"W along the one-sixteenth line a distance of 2,208.77 feet to a point on the west right-of-way of the Glenn Highway; thence along the west right-of-way of the Glenn Highway N 32°58'30"E a distance of 4,050.48 feet to the north-south one-quarter line of Section 8; thence along the one-quarter line of Section 8 N 00°08'00"W a distance of 562.68 feet to the north section line of Section 8; thence along the north section line of Section 8 east a distance of 348.53 feet to the west boundary of the Glenn Highway right-of-way; thence along the west boundary of the Glenn Highway right-of-way bearing N 32°58'30"E a distance of 35.75 feet to the southeast corner of Rambler Subdivision; thence west a distance of 357.66 feet; thence N 00°17'00"W a distance of 206.00 feet; thence east a distance of 492.33 feet to the west right-of-way of the Glenn Highway; thence along the west right-of-way of the Glenn Highway, N 32°58'30"E a distance of 357.62 feet; thence west a distance of 476.81 feet; thence on a line parallel to the Alaska Railroad right-of-way, N 32°58'30"E a distance of 500.00 feet; thence east a distance of 476.81 feet to a point on the west right-of-way line of the Glenn Highway; thence along the west right-of-way of the Glenn Highway, N 32°58'30"E a distance of 713.14 feet; thence S 57°01'30"E a distance of 10.00 feet; thence along the west right-of-way of the Glenn Highway N 32°58'30"E a distance of 175.81 feet; thence N 57°01'30"W a distance of 170.00 feet; thence N 32°58'30"E a distance of 70.00 feet; thence S 57°01'30"E a distance of 169.31 feet to the west right-of-way line of the Glenn Highway; thence along an arc, in a counter clockwise direction, said arc having a radius of 1,819.86 feet, an arc length of 70.00 feet; thence N 60°48'11"W a distance of 46.00 feet; thence along the west right-of-way of the Glenn Highway following a curve in a counter-clockwise direction, said curve having a radius of 1,773.86 feet, an arc length of 904.25 feet to a point of tangency; thence N 00°00'38"W a distance of 1,259.10 feet to a point on the north one-sixteenth line of Section 5; thence along said one-sixteenth line S 89°58'58"W to the northeast one-sixteenth corner a distance of 431.71 feet; thence west a distance of 1,320.07 feet to the center-north one-sixteenth corner; thence S 00°13'22"E a distance of 1,320.13 feet to the center one-quarter corner of Section 5, Township 17 North, Range 2 East, Seward Meridian, Alaska; thence N 89°59'31"W a distance of 1,319.96 feet

to the center-west one-sixteenth corner of said Section 5; thence N 00°14'08"W a distance of 1,220.73 feet; thence N 89°45'52"E a distance of 50.00 feet; thence N 00°14'08"W a distance of 99.77 feet; thence N 00°15'09"W a distance of 820.02 feet; thence west a distance of 50.00 feet; thence N 00°15'09"W a distance of 74.60 feet; thence S 38°32'27"E a distance of 125.70 feet; thence N 52°00'00"E a distance of 850.00 feet to a point on the south section line of Section 32, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence along the south line of said Section 32, east a distance of 570.94 feet to the one-quarter corner common to Section 32, Township 18 North, Range 2 East, and Section 5, Township 17 North, Range 2 East, Seward, Meridian, Alaska; thence N 00°07'00"W a distance of 990.00 feet to the center-north-south-south 1/256 corner; thence west a distance of 1,320.00 feet to the center-north-south-southwest 1/256 corner; thence N 00°07'00"W a distance of 2,970.00 feet to the northwest one-sixteenth corner; thence east a distance of 1,319.17 feet to the center-north one-sixteenth corner; thence S 00°07'00"E a distance of 1,295.45 feet to a point on the north right-of-way of Hemmer Road; thence along the north right-of-way of Hemmer road east a distance of 1,320.00 feet; thence continuing along the north right-of-way of Hemmer Road N 89°55'59"E a distance of 1,270.17 feet to a point 50.00 feet west of and 30.00 feet north of the one-quarter corner common to Section 32 and Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence on a line 50.00 feet west of and parallel to the section line common to Section 32 and Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska, N 00°08'00"W a distance of 2,608.27 feet to a point 50.00 feet west of the section corner common to Section 28, Section 29, Section 32 and Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence continuing on a line 50.00 feet west of and parallel to the section line common to Section 28 and Section 29 N 00°04'00"W a distance of 1,316.34 feet to the south one-sixteenth line of said Section 29; thence N 89°56'48"W a distance of 1,269.25 feet to the southeast one-sixteenth corner; thence N 89°56'47"W a distance of 1,319.33 feet to the center-south one-sixteenth corner; thence N 00°04'18"W a distance of 1,318.30 feet to the center one-quarter corner; thence N 00°06'13"W a distance of 1,316.41 feet to the center-north one-sixteenth corner; thence N 89°54'39"E a distance of 1,317.78 feet to the northeast one-sixteenth corner of said Section 29; thence N 89°57'54"E a distance of 1,320.21 feet to the north one-sixteenth corner common to Section 28 and Section 29, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence along said section line, S 00°06'00"E a distance of 2,460.03 feet to a point 50.00 feet west of the northwest corner of Lot 13, Block 1 of Bailey Heights Subdivision; thence east passing through the northwest corner of Lot 13, and running along and with the north line of Lot 13, a distance of 250.00 feet to the northeast corner of Lot 13, Block 1, Bailey Heights Subdivision; thence south along the east line of Lot 13, Lot 14 and Lot 15, Block 1, Bailey Heights Subdivision, a distance of 160.00 feet to the southeast corner of Lot 15, Block 1, said corner being on the north side of Albrecht Avenue; thence along the north side of Albrecht Avenue, east a distance of 95.28 feet; thence south, passing through the northeast corner of Lot 2, Block 2, Bailey Heights Subdivision in Section 28, Township 18 North, Range 2 East, Seward Meridian, Alaska, and along the west side of a 20.00 foot wide street, a distance of 284.79 feet to the southeast corner of Lot 2, Block 2; thence along the east line of Lot 3, Block 2, Bailey Heights Subdivision, S 40°51'00"E a distance of 548.58 feet to the southeast corner of Lot 3, Block 2, being on the west side of a 54.00 foot wide street; thence along the west side of Diamond Willow Estates Subdivision N 00°01'04"W a distance of 361.94 feet to a point marking a joint corner of Lot 4 and Lot 5, Block 2 of Bailey Heights Subdivision; thence continuing along the west side of Diamond Willow Subdivision N 27°35'48"E a distance of 355.70 feet; thence N 89°53'36"E a distance of 202.08 feet to the east side of a 30.00 foot wide street right-of-way; thence along the east side of said right-of-way S 00°01'24"E a distance of 840.14 feet; thence west a distance of 168.53 feet to the northwest corner of Lot 26, Pribyl, Grasse & Grasse Subdivision; thence south a distance of 200.00 feet to the southwest corner of Lot 23

of said subdivision; thence east a distance of 184.71 feet to the northeast corner of Lot 22 of said subdivision, thence along the west side of a 60.00 foot wide street, north a distance of 130.00 feet to the north side of East Zero Avenue; thence along the north side of East Zero Avenue, east a distance of 994.10 feet to a point on the west right-of-way of the Alaska Railroad; thence east crossing the Alaska Railroad right-of-way, a distance of 205.33 feet more or less to the east right-of-way of said Alaska Railroad; thence following along and with the east right-of-way line of the Alaska Railroad along a curve in a counter-clockwise direction a distance of 616.50 feet; thence along the west bank of the Matanuska River S 52°00'00"E a distance of 249.06 feet; thence S 44°08'16"E a distance of 114.77 feet; thence S 51°14'01"E a distance of 224.83 feet; thence, leaving the river, south a distance of 695.43 feet to the one-quarter corner common to Section 28 and Section 33 in the centerline of West Eagle Avenue and North Gulkana Street; thence east a distance of 30.00 feet to a point on the east side of North Gulkana Street; thence along the east side of North Gulkana Street, S 00°10'24"E a distance of 419.04 feet; thence S 89°58'56"E a distance of 661.61 feet; thence south a distance of 212.66 feet; thence east along the north line of Tract No. 3, Sherrod Park Survey Subdivision a distance of 1,337.52 feet; thence north along the west line of Tract No. 1 a distance of 190.58 feet to a meander point on the west bank of the Matanuska River; thence along the west bank of the Matanuska River as it meanders as follows: east, 82.25 feet; N 84°30'00"E, 58.08 feet; S 86°54'00"E, 201.30 feet; S 85°00'00"E, 209.22 feet; S 57°30'00"E, 176.88 feet; thence S 27°52'20"E to the one-quarter line common to Section 33 and Section 34 a distance of 102.60 feet; thence continuing along the west bank of the Matanuska River as it meanders as follows: S 53°45'00"E, 213.84 feet; S 36°45'00"E, 326.70 feet; S 24°30'00"E, 188.10 feet; S 38°15'00"E, 148.50 feet; S 35°45'00"E, 124.74 feet; S 40°30'00"E, 199.32 feet; S 42°00'00"E, 568.26 feet; S 64°51'00"E, 102.01 feet; thence leaving the river, south 510.00 feet to the quarter section line, thence N 89°59'00"W 535.92 feet along said quarter section line to a point from which the quarter corner common to Sections 33 and 34 bears N 89°59'00"W, 674.08 feet distant; thence S 00°05'00"E a distance of 1,253.45 feet; thence S 89°33'39"E a distance of 414.85 feet to a point on the west bank of the Matanuska River; thence S 28°00'00"W a distance of 380.00 feet; thence S 03°15'00"W a distance of 60.10 feet to a point on the west bank of the Matanuska River; thence leaving the river bank N 89°33'53"W a distance of 313.78 feet; thence S 16°15'30"E a distance of 348.02 feet; thence S 04°03'43"W a distance of 694.32 feet; thence S 89°58'57"E a distance of 95.92 feet; thence S 00°11'00"E a distance of 1,012.25 feet; thence S 89°59'00"E a distance of 279.95 feet to a point on the west side of the Matanuska River; thence along the west side of the Matanuska River as it meanders as follows: S 10°45'00"W, 154.10 feet; S 04°30'00"W, 270.60 feet; S 21°30'00"E, 323.40 feet; S 27°15'00"E, 239.58 feet; S 27°30'00"E, 153.78 feet; S 25°15'00"E, 116.82 feet; S 30°00'00"E, 130.68 feet; S 26°15'00"E, 275.22 feet; S 32°45'00"E, 127.38 feet; S 35°30'00"E, 318.78 feet; S 27°15'00"E, 147.18 feet; S 33°15'00"E to the south one-sixteenth line of said Section 3 a distance of 1,094.40 feet; thence leaving the river along the one-sixteenth line, N 89°59'00"W to the southwest one-sixteenth corner a distance of 1,146.49 feet; thence S 00°11'00"E to the west one-sixteenth corner common to Section 3 and Section 10, a distance of 1,320.00 feet; thence along the section line common to Section 3 and Section 10, Township 17 North, Range 2 East, N 89°59'00"W to the centerline of Deland Street, Lepak Subdivision, Plat 85-77, a distance of 348.47 feet; thence along said centerline S 00°05'00"E to the northerly one-sixteenth line of said Section 10, which is the centerline of Branch Road, a distance of 1,319.42 feet; thence along said one-sixteenth line S 89°55'25"W to the north one-sixteenth corner common to Sections 9 and 10, a distance of 971.20 feet; thence along the section line, which is the centerline of Outer Springer Loop Road, N 00°05'00"W a distance of 311.82 feet more or less; thence west a distance of 465.39 feet; thence north a distance of 512.00 feet; thence east to the section line common to Sections 9 and 10 a distance of 465.39 feet; thence along the section line N 00°05'00"W a distance of 495.00 feet to the section

corner common to Sections 3, 4, 9 and 10, Township 17 North, Range 2 East, which is the Point of Beginning.

EXCEPTING THEREFROM:

- A. All of the east half of the southwest quarter of the northeast quarter except the westerly 30.00 feet, Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska; and
- B. Commencing at the center one-quarter corner, Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence N 89°59'10"E along the center one-quarter line 689.48 feet to a point 30.00 feet easterly of the center-west-east one-sixty-fourth corner which is the Point of Beginning; thence N 89°59'10"E to the center-east one-sixteenth corner a distance of 630.00 feet; thence S 00°07'30"E along the one-sixteenth line to the southerly line of said Section 33 a distance of 2,641.78 feet; thence east along the section line common to Section 33, Township 18 North, Range 2 East and Section 4, Township 17 North, Range 2 East a distance of 60.00 feet; thence south to the easterly extension of the southerly right-of-way line of Yukon Avenue a distance of 1,070.00 feet; thence west along said extended right-of-way line to the southeast corner of the Yukon Avenue right-of-way a distance of 720.00 feet; thence north to the section line to a point 689.48 feet east of the one-quarter corner common to Section 4 and Section 33 a distance of 1,070.00 feet; thence north a distance of 1,320.70 feet to a point on the one-sixteenth line 805.00 feet east of the center-south one-sixteenth corner; thence west along the one-sixteenth line a distance of 1,454.64 feet; thence N 00°10'00"W along the easterly boundary of Snodgrass-Newcomb Subdivision No. 2 to the southwest corner of Lot 10, Block 6 a distance of 1,062.76 feet; thence east to the center one-quarter line a distance of 649.64 feet; thence N 89°59'10"E a distance of 689.48 feet; thence N 00°07'30"W a distance of 250.23 feet to the Point of Beginning; and
- C. Commencing at the one-quarter corner common to Section 33 and Section 34, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence west along the one-quarter line a distance of 615.00 feet; thence N 00°13'00"W a distance of 30.00 feet to the Point of Beginning; thence west a distance of 330.00 feet; thence N 00°13'00"W a distance of 660.00 feet; thence east a distance of 330.00 feet; thence S 00°13'00"E a distance of 660.00 feet to the Point of Beginning; and
- D. Commencing at the one-quarter corner common to Section 5, Township 17 North, Range 2 East, Seward Meridian and Section 32, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence S 89°59'00"E along the township line a distance of 240.00 feet to the Point of Beginning; thence S 00°17'00"E a distance of 240.00 feet; thence S 89°59'00"E a distance of 208.69 feet; thence N 00°17'00"W a distance of 240.00 feet to the township line; thence N 89°59'00"W a distance of 240.00 feet to the township line; thence N 89°59'00"W along the township line a distance of 208.69 feet to the Point of Beginning, excepting the highway right-of-way; and
- E. Beginning at the one-quarter corner common to Section 5, Township 17 North, Range 2 East, Seward Meridian and Section 32, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence N 89°59'00"W along the township line a distance of 245.00 feet; thence S 00°17'00"E a distance of 245.00 feet; thence S 89°59'00"E a distance of 245.00 feet to the center one-quarter line; thence N 00°17'00"W along the center one-quarter line a distance of 245.00 feet to the Point of Beginning, excepting the highway right-of-way.

TO: MEMBERS OF THE LOCAL BOUNDARY COMMISSION

SUPPORTING BRIEF

ANNEXATION OF AN AREA TO THE CITY OF PALMER BY LEGISLATIVE REVIEW - APPROXIMATELY 7.5 ACRES

This brief, to the best of our ability, satisfies existing rules and regulations of 19 AAC 10.070-10.080 and the proposed regulations under 19 AAC 10.090-10.140, whereby the City of Palmer must exhibit reasonable need for annexing certain areas within Section 28, Township 18N, R2E of the Seward Meridian more specifically described as: Lot 22, Pribyl, Grasse and Grasse Subdivision; Lots 1 through 10 and Lots 20 through 27, Block 1 of Riverside Subdivision as well as a portion of the Alaska Railroad right-of-way.

The proposed area to be annexed abuts the current City of Palmer corporate limits on three sides. Further, this property fronts a major arterial street as designated in the 1985 City of Palmer Traffic Study prepared by Datum Engineering. In addition, sanitary sewer, storm sewer and water mains are adjacent to this property with more than ample capacity.

Presently, this property is located in the Matanuska-Susitna Borough which does not provide for areawide zoning, police protection, building code enforcement or health and sanitation enforcement. Since the Matanuska-Susitna Borough does not provide areawide zoning, the proposed area to be annexed is unzoned.

In 1990, the City received a petition signed by 61 area residents urging the City to annex this area because of the continued problems of loose dogs going onto adjoining property and getting into garbage cans, dogs harassing school children waiting for the school bus at a designated pick-up site, Matanuska winds depositing debris from this area into their yards, decreased property values by the continued accumulation of inoperable cars and trucks, and accumulation of used building materials, to name a few of the legitimate concerns. At that time, the City chose not to annex this property subject to the Legislative Review process with anticipation that the property owners would police themselves to alleviate the concerns of the City residents. A copy of the 1990 petition is attached and made a part of this exhibit.

However, since the property owners chose not to mitigate the problems and concerns, in 1991 the City chose to seek a

Legislative Review annexation of the aforementioned parcels.

The large number of unleashed and unrestrained dogs which the Matanuska-Susitna Borough allowed to be on the premises has taxed the City's police department for providing animal control to the City residents in this area. However, the number of animals has not decreased except when the Matanuska-Susitna Borough revoked the owner's kennel license which has subsequently been reissued.

On the aforementioned parcels, there are four houses and one garage, of which one is inhabited by the owner of record of the largest number of lots described above while three remaining houses are inhabited from time to time by various people. The City was informed by the resident that there is no water or sewer services to the property at this time. The City has no knowledge as to how the resident and other buildings on the aforementioned parcels of land dispose of the sewage.

The City of Palmer's sewer and water system have been designed and constructed to accommodate a population equivalent of 10,000 people. Presently the City's population is 3,008. Further, with the annexation of this property, the storm sewer which abuts this property is designed to carry any additional storm water runoff created.

The annexation of this property will not increase the Palmer police department's workload but in all probability will lessen particularly the dog call responses. At the same time, no additional burden will be placed on the public works department since it presently maintains East Eagle Street due to it being a direct access route to the Swanson and Sherrod Elementary Schools. The City of Palmer will not be increasing its labor force as a result of this annexation. Further, this property is presently receiving road maintenance benefit without paying for the service.

The continued health and safety concerns of the City of Palmer's residents can be mitigated upon annexation through the enforcement of city zoning ordinances and health ordinances which will require the removal of inoperable vehicles, mandatory garbage collection for all city residents, compliance with the Uniform Building Code, and compliance with the city's animal control ordinance, which limits the number of dogs and cats allowed in a single family resident as well as prohibits the harboring of livestock within the corporate limits. Further, the City of Palmer's nuisance ordinance requires that the property owner maintain his/her property free of debris as well as prohibits the animals from becoming an annoyance to the neighbors.

It is the City of Palmer's policy not to provide services to any area outside the corporate limits unless they are annexed. There has not been an exception to this policy since 1980, when the City undertook a multi-million dollar sewer and water system expansion.

The City of Palmer as late as February 20, 1992, has attempted to conduct an informal door-to-door census of the residents residing in the buildings, however we have received no responses. During the door-to-door survey attempt, the City asked the one resident if water and sewer service was provided to all the buildings in the area. The City of Palmer did contact the State Elections Office to determine there is one registered voter in the proposed area to be annexed.

We, the undersigned, residents of . . . Palmer, implore the City of Palmer's assistance in correcting the conditions at Block 1, Riverside Subd - namely - Ed Bailey's property on East Eagle Street. We realize said property is not within the City limits but feel something MUST be done about the deplorable conditions here. The entire area is a "junkyard-dump"! The shacks he rents out would certainly not meet health requirements with no running water or sewer. He has NO LESS than 20 dogs who bark all hours of the day and night. Also people in this area cannot put their garbage out without it being torn apart in a matter of minutes by his dogs.

The first people signing this request live directly next to or across from this area and have attached their own personal notes of incidents with animals of Mr. Bailey's - plus the de-valuation of our property in this area because of this "eye-sore" across the road.

Robert Maturana 545 N. DENALI PALMER 745-2296  
 NAME ST. ADDRESS PHONE

Mr. Mrs. David Hobbs 609 N. Denali (Box 212 Sutton) 746-2846  
 NAME ST. ADDRESS PHONE

Roger K Smith 328 East Eagle Palmer 745-4506  
 NAME ST. ADDRESS PHONE

Mr. + Mrs. Lloyd Bolten 32 E. EAGLE ST PALMER 745-3647  
 NAME ST. ADDRESS PHONE

Mr. & Mrs. Richard Vogt 564 N. Denali 745-3351  
 NAME ST. ADDRESS PHONE

Mr. and Mrs. Carl + Scheibel 501 N. Denali 745-2566  
 NAME ST. ADDRESS PHONE

George Richardson 614 Denali - - -  
 NAME ST. ADDRESS PHONE

Robert J. [Signature] 393 E. EAGLE 745-1192  
 NAME ST. ADDRESS PHONE

[Signature] 567 N. DENALI 745-8892  
 NAME ST. ADDRESS PHONE

\* See enclosed letter

Christina K. Ward 310 E. Eagle Palmer 745-2774  
 NAME ST. ADDRESS PHONE

David W. Ward 310 E. Eagle Palmer 745-2774  
 NAME ST. ADDRESS PHONE

Don Mathis 320 E. Eagle Palmer 746-1221  
 NAME ST. ADDRESS PHONE

\* see enclosed letter

Patty Mathis 320 E. Eagle Palmer 746-1221  
 NAME ST. ADDRESS PHONE

Thomas L. Berhuit	341 Arctic E	745-3464
NAME	ST. ADDRESS	PHONE
Robert R. Walling	693-2 <sup>ND</sup> ST	745-3869
NAME	ST. ADDRESS	PHONE
Eric, Butch, Fondahn	Box 338 Palmer	7454837
NAME	ST. ADDRESS	PHONE
Frank Kummerow	348 N. Bailey	745-3315
NAME	ST. ADDRESS	PHONE
C.R. Nestle	417 S. Dolphin	745-1289
NAME	ST. ADDRESS	PHONE
Anthony E. Udin	216 W. Beaver Ave	745-1803
NAME	ST. ADDRESS	PHONE
Stephanie M. Dennis	#4 Auklet, Palmer	746-2117
NAME	ST. ADDRESS	PHONE
Ralph C. Moore	541 E. Arctic	745-8669
NAME	ST. ADDRESS	PHONE
Paul J. Hillman	315 E. DOLPHIN	745-1866
NAME	ST. ADDRESS	PHONE
Robert R. Macok	209 N. ALASKA ST.	745-2445
NAME	ST. ADDRESS	PHONE
Richard Bassett	450 N. AK.	745-2871
NAME	ST. ADDRESS	PHONE
Chisle Townsend McNeil	566 N. Alaskan St	745-8680
NAME	ST. ADDRESS	PHONE
Deana E Long	567 N Bailey	745-3675
NAME	ST. ADDRESS	PHONE
Robert M. Henderson	555 N. Alaska St	745-4973
NAME	ST. ADDRESS	PHONE
Sueley J. Henderson	555 No. Ak. St.	745-4973
NAME	ST. ADDRESS	PHONE

Bernice A. Yelbice 433 N Alaska St Koonce 745-4411  
NAME ST. ADDRESS PHONE

Elizabeth Deininger 544 N. Alaska St  
NAME ST. ADDRESS PHONE

James Deininger 544 N. Alaska St.  
NAME ST. ADDRESS PHONE

Pat Laulebury 766-2F10 P.O. Box 3201 Palmer  
NAME ST. ADDRESS PHONE

Phyllis Kircher 641 3rd St. 745-1459  
NAME ST. ADDRESS PHONE

Michael Kircher 641 3rd St. 745-1459  
NAME ST. ADDRESS PHONE

Camille D. Olson 668 3rd St. 746-1012  
NAME ST. ADDRESS PHONE

Dawn M. Lindblade 644 N. 3rd St 745-1059  
NAME ST. ADDRESS PHONE

Andrew D. Neale 644 N. 3rd St 745-1059  
NAME ST. ADDRESS PHONE

Thut V. Meaney 210 E Eagle Ave 745-8656  
NAME ST. ADDRESS PHONE

W. Spronk/Wright 526 N. AK St. 745-3655  
NAME ST. ADDRESS PHONE

Mike Reebie 508 East St 745-0833  
NAME ST. ADDRESS PHONE

Lo Otto 508 FALCON CT 745-2442  
NAME ST. ADDRESS PHONE

Margaret Joanne Smith 711 N GULKANA CT. 745-5839  
NAME ST. ADDRESS PHONE

Gwendolyn W. Bess 710 N. Gulkana Ct. 745-0410  
NAME ST. ADDRESS PHONE

AME	1 Luis G. <i>1124 1/2 Northern G.</i>	746-1158
AME	Marie Campbell 536 Gold Key La.	746-1596
AME	1 Todd P. <i>1124 1/2 Northern G.</i> 519 Gold Key Ln.	745-2976
AME	Carol Robinson 345 N. Chugach	745-2307
AME	B. Locke 393 Chugach	745-2061
AME	Sidney R. M. 494 Gold Key	745-7819
AME	1 Doreen E. Ingalls <i>Property Owned.</i> 303 East Outlet	745-1387
NAME	Jeffrey E. Venghe 425 East Eagle	745-8479
NAME	1 James E. Sheehy 353 N. Valley Way	745-4175
NAME	Charles L. 350 East Birch St	745-4542
NAME	1 Gertrude J. 350 East Birch	745-3347
AME	1 Dominic L. 474 N. Bonanza Palmer	745-2002
AME	1 Mildred Smith 136 E. Beaver Palmer	745-3162
AME	1 Karen Hartman 781 S. Gulkana	746-1780
AME		
AME		

To the Palmer City Council

July 19, 1989

My family and I beg and implore the Palmer City Council to take some action re: a long-term and current situation that exists in our area (N. Palmer). For the past 11 yrs. we have lived at the same location at N. Denali + Eagle St. We are kitty-corner to property owned and occupied by Mr. C. Bailey and his ever growing collection of dogs, goats, car wrecks and mountains of junk + filth.

Mr. Bailey has trained us well over the years. We sleep with ear-plugs, we do not walk, jog or travel unarmed on foot for fear of a "pack attack". Garbage and family pets are especially vulnerable as my dead goose and rabbit will testify.

Perhaps Mr. Bailey should be incorporated into our fair city and "walk in a taxpayers moccasins". Whatever the remedy, as a responsible citizen, homeowner and taxpayer of Palmer A., my family and long-suffering neighbors come and seek relief thru our City Council.

Respectfully,  
Robert Matura

TO: PALMER CITY COUNCIL

RE: EDGAR BAILEY

We, Richard & Eleanor Vogt, have lived at Lot 2, Block 2 of Riverside Subd. located at the corner of North Denali and East Eagle Sts. since 1977; being the first home owners within the City limits in this subdivision at that time.

We have constantly been harassed through the years by animals from Mr. Bailey's property. First it was horses trampling our yard. I called the Palmer Police and was told they could not impound them as they had no facilities to keep them. Next came cattle - same story. Next it was a huge hog who attacked our dog who was chained, as City ordinance requires - then it (the hog) rooted up our newly sown lawn as well as two of our neighbors lawns and garden. ALL three of us signed a complaint but nothing ever came of it! After that it was his goats and dogs, dogs and more dogs!

The situation has gone from a little junk and a few dogs to a full-fledged junk-yard and a lot of dogs. Seems everyone knows if they want to get rid of a junk car just bring it to Ed! This makes for a situation where it is impossible to sell our residence - we tried in 1987 and had several people interested. A couple of the prospective buyers told us they weren't buying because of this "slum" area.

We both have health problems - namely, heart trouble and high blood pressure and one cannot get a decent night's sleep (or day time for that matter) as the dogs bark all hours of the day & night. They also scatter the garbage, go in the flower beds and have even come into our garage and took fish we had thawing which we intended to smoke. We are often up late at night since we are both retired and see big dogs roaming the neighborhood. During the day he keeps them pretty much at home with the use of a whistle.

We have worked hard and invested a lot of money to have a nice yard and flowers; we have won several first place ribbons at the State Fair, and it is very discouraging to have to put up with his critters.

We realize everyone has right to his own lifestyle but when it starts infringing on everyone else's lifestyle something MUST be done!!

Therefore, we as citizens and taxpayers of the City of Palmer, request the Council to attempt to correct this terrible situation.

Thank you.

Sincerely,

Richard (Dick) + Ellie  
Vogt

In the six years that we have lived at 334 E. Eagle we have many problems with Mr. Bailey's animals coming in our yard. At one time we had 12 dogs, 2 cows, and 5 or 6 goats in our yard! The cows and goats come and eat our flowers and lilac bushes and the dogs are constantly into our garbage. The dogs barking keeps us awake all night.

We have called the Palmer Police on several occasions to get his animals out of our yard. They have gone and talked to him and we have also talked to him about the situation and he only says "I try to be a good neighbor", but before long we are again bothered by the animals.

In addition to the animal problem, the entire place is so full of junk and old cars that it is a detriment to the neighborhood and certainly decreases our property value.

We sincerely hope something can be done about it.

*Floyd T. Bekken*

## To the Palmer City Council

We as law abiding citizens, taxpayers, and voters of this community would like to address the council in regards to Mr. Edgar Bailey's junk yard and wild animals. Over the years we as his neighbors have been abused, due to his dogs scattering garbage in our yard as well as our neighbors yards, their (dogs) continuous barking @ all hours of the day and night and scaring our children enough to where they won't use Eagle to visit the park or friends. In the past I have dealt with his pigs and goats in my flowerbeds and trash cans.

Mr. Bailey's continuing supply of wrecked automobiles, junk and animals is an embarrassment to our neighborhood as well as our community. We have made numerous calls to P.P.D. and there is only so much they can do as Mr. Bailey's property is not in the city limits. In the past year, I have heard of some inhumane things pertaining to the health and welfare of the animals he owns. We have 3 children that play in this neighborhood and others close by and they are forced to use Dolphin Street to visit the park and friends due to his wild dogs. We have lived here @ 561 N. Denali St. 8 1/2 yrs and plan on staying a few years and will @ the mercy of the Council

to help clean up our neighborhood,  
not only for us, but for our neighbors  
as well.

Yours Truly

Mr. & Mrs. Carl T. Scheidt

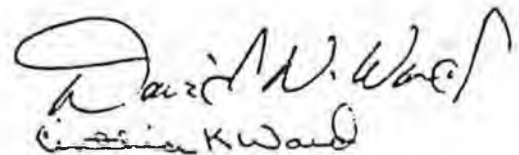
To the City Council of Palmer,

We are the Ward family and have lived on the corner of North Chugiak St. and East Eagle Ave. for the past eight years. We are writing this letter in regards to the on-going problems we have had with Mr. Bailey's dogs and his unsightly and increasing collections of junk on his property.

Since moving to this neighborhood eight years ago we have seen Mr. Bailey's collection of used junk cars, rental shacks, grocery carts and other assorted junk piles rise to such a level that it is a major eyesore to us and the whole neighborhood, and feel it has decreased the value of our property.

One of the other problems has been Mr. Bailey's animals; cows, goats, pigs and dogs. These animals have been in everybodys yards tearing up grass, flowers and leaving their droppings all over the yard. Five years ago we put up a fence around our yard to keep our children safe and keep the animals out, this has worked to some extent but we still get an occasional dog that jumps the fence. It is also unsafe to put your garbage out in the garbage bin as the dogs are in it in no time and have it strung up and down the street, even garbage cans with lids don't work as they tip these over and work the lids off. Mr. Bailey has anywhere from 20 to 30 dogs which run in packs through-out the North end of Palmer getting into garbage and scaring young and old alike. We had to have our bus stop moved closer to our home in order to be able to watch our children at the bus stop and make sure the dogs don't bother them while waiting. These dogs have even chased my wife and I when we try to get our mail or when we try to take walks in the neighborhood.

Our biggest complaint against these animals is their continual barking day and night seven days a week. Mr. Bailey's dogs wake-up me and my family several times a night for hours at a time. I work shift work and trying to sleep during the day is not any easier. I have tried earplugs and even sleeping in my motorhome, and their barking is so loud nothing works. My wife and I have called the City Police, Ak. State Troopers, and the Borough Animal Control Shelter many times but have not received much help. Nothing has convinced Mr. Bailey to do anything with his dogs or his junkyard. What is a law-abiding, tax paying family supposed to do? We would greatly appreciate any help in this situation we could get.



David W. Ward  
Cynthia K. Ward

David W. Ward  
Cynthia K. Ward

8-1-89

Dear City Council members,

We rent the house directly across the road from Mr. Ed Bailey. We have lived here for one year.

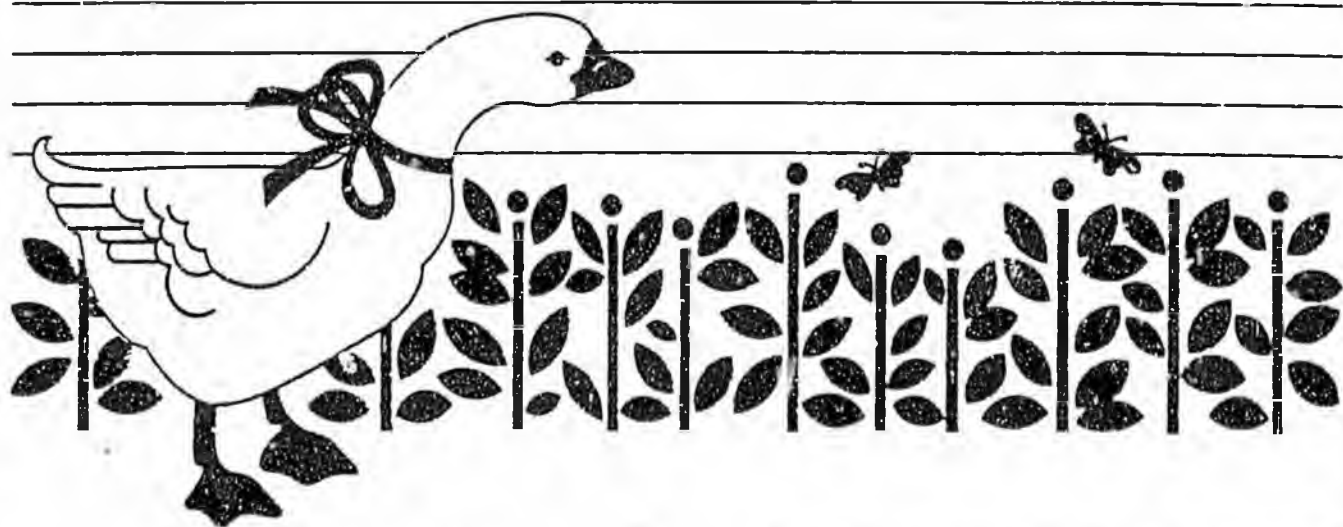
During this time, we have met Mr. Bailey on several occasions. He is a nice fellow and a big-hearted person.

Our greatest complaint about Mr. Bailey's situation is the excessive barking from his dogs. They often bark all night long. I (Patty) have MS and the only treatment is plenty of sleep. This is very difficult, and I often struggle with that disease process because of this lack of sleep. Also, we often have 6 or 8 dogs in our yard. I do have to mention that they have torn up our trash, but I have called Mr. Bailey, and he has had it cleaned up immediately.

We don't want to persecute Mr. Bailey for the way he lives. We just really wish that his dogs could be controlled.

Sincerely,

Don Mathe  
Patty Mathe



8-5-89

As a member of the Palmer Planning & Zoning Advisory Commission, I know that this problem has been a topic of discussion at many meetings. The problems existing in the Riverside Subdivision have been brought to the attention of both the City Council and the Advisory Commission on numerous occasions. I hope the City Council will realize that this formal request by so many residents is definitely an expression of the total frustration and disgust felt by the area citizens.

Thank you for your prompt attention to this plea for assistance.

Bernice Yerbic

CLERK'S CERTIFICATE

Pursuant to 19 AAC 10.490

STATE OF ALASKA            )  
                                  ) ss:  
THIRD DISTRICT            )

David L. Soulak, being first duly sworn, on oath, deposes and says:

1. I certify that I am the City Manager/Clerk of the City of Palmer and that I make the following Affidavit for the purpose of complying with the provisions of 19 AAC 10.490.
2. I certify that the City of Palmer is submitting a Petition for Annexation to the City of an area adjoining the City which has been presented to the City Council.

DATED this 21<sup>st</sup> day of February, 1992.

\_\_\_\_\_  
David L. Soulak, City Manager/Clerk

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of February, 1992.

Catherine A. Check  
NOTARY PUBLIC FOR ALASKA

My Commission Expires: 1-16-94

AFFIDAVIT

STATE OF ALASKA            )  
                                  ) ss:  
THIRD DISTRICT            )

DAVID L. SOULAK, being first duly sworn, on oath,  
deposes and says:

1. I am the City Manager/Clerk for the City of Palmer, Alaska, and make this Affidavit as Exhibit "B" to an Annexation Petition in order to indicate the source from which the information contained in the Petition was acquired and to state the circumstances of the estimate of the population and value of the area proposed to be annexed.
2. Considering Exhibit "A" as directed by the representatives of the State of Alaska, Department of Community and Regional Affairs, I have platted the parcel of land proposed to be annexed which is comprised of privately owned land which contains approximately 7.5 acres. The estimated value of the property within the area is \$96,000.00 which I have estimated based upon my personal observations and knowledge of property values in the City of Palmer. I am personally acquainted with the property and have had the same inspected. There is only one known registered voter in the area to be annexed and one known resident thereon.
3. The City of Palmer has irregular boundaries but comprises approximately 2,444 acres. I have based the population estimate of the City on our most recent population census certification by the State of Alaska, Department of Community and Regional Affairs. The outstanding indebtedness information has been verified with the Matanuska-Susitna Borough administration.
4. There are no improvements or assets of the Matanuska-Susitna Borough relating to services that will be undertaken by the City of Palmer and which are located within the area proposed to be annexed. Therefore, there are no debts or obligations involved in this annexation.
5. The Annexation Petition is available for inspection by the general public at Palmer City Hall, City Clerk's Office located at 231 West Evergreen Avenue, Palmer, Alaska 99645 from the hours of 8 A.M. to 5 P.M. Monday through Friday.

DATED: February 22, 1992

\_\_\_\_\_  
DAVID I. SOULAK, CITY  
MANAGER/CLERK

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of February,  
1992.

Catherine A. Check  
NOTARY PUBLIC FOR ALASKA

My Commission Expires: 1-16-94

EXHIBIT "B"



# CITY OF PALMER



231 W EVERGREEN AVE.  
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

## CERTIFICATION OF MINUTES & ORDINANCE

I, DAVID L. SOULAK, duly qualified City Clerk of the City of Palmer, Alaska, and keeper of the minutes, records and journal proceedings of the City Council of the City of Palmer, do hereby certify that the attached minutes of the Regular Meetings of the City Council of the City of Palmer, Alaska, dated Tuesday, July 9 and 23, 1991, and Ordinance No. 435 are true and correct copies.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Palmer, Alaska, this 21<sup>st</sup> day of February, 1992.

\_\_\_\_\_  
DAVID L. SOULAK, CITY CLERK

(SEAL)

EXHIBIT "C"

CITY OF PALMER  
REGULAR CITY COUNCIL MEETING  
TUESDAY, JULY 9, 1991  
7:30 P.M. - COUNCIL CHAMBERS

A. CALL TO ORDER: at 7:30 P.M. by Mayor Carte' in the City Council Chambers.

B. ROLL CALL. DETERMINATION OF A QUORUM.

Present were Mayor Carte' and Councilmembers Long, Guinotte, Berberich, Lawton and Melton with Councilmember Henderson excused. Also present were City Manager Soulak and Attorney Snodgrass. Others included George Castaneda, John Perry and John Christ.

C. APPROVAL OF AGENDA.

The agenda was approved as presented.

D. PLEDGE OF ALLEGIANCE: led by Councilmember Guinotte.

E. MINUTES OF PREVIOUS MEETINGS.

1. The minutes of the regular meeting of June 25, 1991 were approved as presented.

F. CONSENT AGENDA.

- 1. Ordinance No. 434 - Amending Section 2.40.120 (Sunset Clause) of Chapter 2.40 (Palmer Economic Development Authority) of the Palmer Municipal Code. (First Reading - Set Public Hearing and Second Reading for July 23, 1991 Meeting).
- 2. Ordinance No. 435 - Authorizing Annexation of Quantity of Land Approximately 7.5 Acres in Size, Subject to Review of the Department of Community and Regional Affairs - Local Boundary Commission for the State of Alaska. (First Reading - Set Public Hearing and Second Reading for July 23, 1991 Meeting).
- 3. Request for Approval for Games of Chance Permit - Alaska Outdoor Council.
- 4. Request for Approval for Operator License for Games of Chance - Gold Rush Rippies.

Mayor Carte' recommended to move Item #4-Request for Approval for Operator License for Games of Chance-Gold Rush Rippies to New Business as Item #1. The Council had no objection.

Councilmember Lawton recommended to move Item #3-Request for Approval for Games of Chance Permit-Alaska Outdoor Council to New Business as Item #2. The Council had no objection.

MOVED MELTON. SECONDED GUINOTTE to accept the Consent Agenda with these two items moved to New Business. MCU.

G. COMMUNICATIONS AND APPEARANCE REQUESTS.

None.

H. BOROUGH REPRESENTATIVE'S REPORT.

None.

City of Palmer Regular Council Meeting Minutes - July 9, 1991

I. AUDIENCE PARTICIPATION.

None.

J. HEARINGS, ORDINANCES AND RESOLUTIONS.

- 1. Ordinance No. 432 - An Ordinance Amending Chapters 6.04 (Definitions); 6.08 (Animal Reculations); 6.12 (Licensing); 6.16 (Impoundment) of Title 6 - Animals of the Palmer Municipal Code. (Public Hearing and Second Reading).

The public hearing was opened and closed upon no public testimony.

MOVED LAWTON, SECONDED CARTE' to adopt Ordinance No. 432.

In Section 6.12.030(B), Mayor Carte' recommended deleting "or while hunting" as there isn't hunting inside the City limits. Mr. Soulak agreed with this change as it is illegal to discharge firearms inside the City.

Mayor Carte' also noted Section 6.16.030 states fees will be collected and retained by the Borough. He mentioned the Borough came close to eliminating animal control from their budget this year and asked where the fees would go if this would happen. Mr. Soulak said currently animals from the City are taken to the Borough and the Borough retains the fees to help defray the costs.

Attorney Snodgrass recommended the word "borough" be replaced with "proper authority".

MOVED CARTE', SECONDED LONG to amend the motion to delete the words "or while hunting" in Section 6.12.030(B) as well as change the word "borough" to "proper authority" in Section 6.16.030. MCU.

Question on Main Motion as Amended: MCU.

- 2. Ordinance No. 433 - An Ordinance Amending Section 8.20.060 (Garbage--Depositing Restrictions) of Title 8 - Health and Safety of the Palmer Municipal Code. (Public Hearing and Second Reading).

The public hearing was opened and closed upon no public testimony.

MOVED LONG, SECONDED LAWTON to adopt Ordinance No. 433. MCU.

Councilman Lawton asked if the Council or administration requested this ordinance change. Mr. Soulak said the administration initiated this change to the ordinance because the City is getting ready for the operation of the one-man garbage truck. Some residents don't place their garbage at curbside and this ordinance requires the garbage or garbage racks be placed at curbside. Another change in the ordinance is the requirement that garbage not be placed out for pick-up until the day of service to avoid dogs getting into the garbage. It was noted the types of containers have also been changed.

K. BIDS.

None.

L. OLD BUSINESS.

None.

M. NEW BUSINESS.

1. Request for Approval for Operator License for Games of Chance - Gold Rush Rippies.

Mayor Carte' noted this is the first operator license request the Council has had and asked about sales tax on this type of business. Mr. Soulak replied it is subject to the 2% sales tax. Other establishments that have pull tabs pay the 2%. Mayor Carte' asked who will benefit from the activity as all of the signatures on the application are from Anchorage. Mr. Soulak stated the City would be giving approval for these people to obtain an operator's license for rippies as is done in Muldoon. The operators are responsible for soliciting charities. At this point they haven't designated their non-profit charity.

John Perry, a partner in Gold Rush Rippies said they would like to operate a pull tab establishment and are attempting to negotiate an agreement with one of the local charities to provide them with a permit of games of chance which is required by the State. They have spoken to the Mat-Su Miners and Senior Citizens and once they obtain the permit, they will submit their application to the State for an operator's license. The State also requires that they post a \$25,000 bond along with the City and police department approval.

Councilwoman Melton asked how bars can sell pull tabs. Mr. Perry stated they sell under a third party condition where they have to remit their entire proceeds to charity and not take a profit from the proceeds. The charity relies on the honesty of the third party vendor. To operate as Gold Rush is proposing to do, the State has requirements that need to be met. Councilwoman Melton understood the proceeds are to go to charity, however in some instances the bars say they lease space to the charity and the charity doesn't get all of the money. Mr. Perry said they are circumventing the previous attorney general's opinion.

Councilwoman Melton asked if they would have to submit the full amount to charity under an operator's license. Mr. Perry replied the amount is based on what is negotiated with the charity. By State law they have to remit up to 15% of the ideal net proceeds to the charity. Many operators aren't giving the 15% of the ideal net and saying they have hidden expenses. The charity then ends up with only between 5-10%. Councilwoman Melton asked what guarantees this organization won't do the same. Mr. Perry said in their contract they will state they will give 15% of the ideal net. The ideal net is determined by the game and he said they will guarantee they will provide 15% to charity. Mr. Perry gave an example of the ideal net. If they sell \$1,000 worth and their expense is \$100, they won't subtract the \$100 from the \$1,000 but will give the charity 15% of the full \$1,000.

Councilman Guinotte commented the Mat-Su Miners had been selling pull tabs, however ran into trouble legally and had to stop. Mr. Perry said he is the general manager for the Whaler in Anchorage and has sold pull tabs for several years. Mr. Guinotte asked if in pull tab games if the pay off is flexible or if there is a percentage of what is paid to the public. Mr. Perry replied each game is different and there is a variety of games. Councilman Guinotte asked what the public would get back. Mr. Perry stated it is between 75-80%. New gaming regulations have been proposed and are on Lt. Governor Coghill's desk which will change the relationship between the operator and charity. Councilman Guinotte asked what problem the Mat-Su Miners ran into and

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Mr. Perry said they had only a brief conversation with the Mat-Su Miners representative to see if they would be interested in this venture. Nothing in detail has yet been discussed with the Mat-Su Miners.

Councilwoman Melton asked where this store would be located. Mr. Perry said they are negotiating to rent the area located at 810 S. Colony next to the Moosehead. The thrift shop will be moving out August 1st. Mayor Carte' asked if any other sales or activities will be held at this facility. Mr. Perry indicated they would like to sell certain high quality Alaskan artwork to generate additional revenue and tourist traffic during the summer months. They don't anticipate it to be a large portion of their business.

Mayor Carte' said some pull tabs are associated with the American Cancer Society or National Diabetes Association. Mr. Perry mentioned local charities and the Mayor asked if they intend to focus on the local charities or those in Anchorage. Mr. Perry said if at all possible they would rather keep the money in Palmer. He felt they would be able to negotiate with a local charity and may open an additional establishment in another community where they would also like to have a local charity in that community.

Councilwoman Long asked if the age limit for pull tabs is 21 and Mr. Perry understood under Alaska Law it is 19. He said they don't want minors in the facility. Councilman Lawton was uneasy having this type of establishment on Main Street. He asked for names of other operations in Anchorage. Mr. Perry said Lloyd and Reese operate in the Northway Mall and the other one is on Northern Lights, operating as Casino Pull Tabs. He said there are other operators, however he doesn't associate with them for several reasons.

Mayor Carte' said Kodiak and Soldotna have addressed this type of establishment as there was concern with competition with local businesses. He asked if Mr. Perry's organization has been involved with the establishments in Soldotna or Kodiak. Mr. Perry said they haven't been involved in those areas. John Christ said he was a resident of the Butte area and plans to reside in this area and keep the money in Palmer.

Councilman Berberich said the advantage is the sales tax the city would collect from the business, however was uneasy about gambling in the downtown area. Mr. Soulak said they pay sales tax on the gross sales and Mr. Perry anticipated the City receiving a substantial amount of revenue from this business.

MOVED LAWTON. SECONDED BERBERICH to table until a special meeting on July 16, 1991 at 5:15 P.M.

[The original date in the motion was July 23, 1991, however was changed.]

Councilman Lawton said he would like to look at the other establishments mentioned as well as ask people in the community how they feel about this business now that he has a better idea of the type of operation. Councilman Berberich asked if this will present a problem for Mr. Perry. Mr. Perry said they anticipated opening the first week in August and they first need Council approval before they can send in the application. It may take 2-3 weeks to process the application. After discussion the Council had no objection to holding a special meeting on July 16, 1991 at 5:15 P.M. to discuss this item.

Question on Motion: MCU.

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2. Request for Approval for Games of Chance Permit - Alaska Outdoor Council.

MOVED BERBERICH, SECONDED LONG to send a letter of non-objection for this permit.

Mr. Soulak explained this is the basic permit for games of chance and skill and not the same as the operator license previously discussed. Councilman Lawton had some concerns with this permit. Councilwoman Melton stated this is the same form that the State Fair files each year and is not the same as what the other two gentlemen are requesting.

Mayor Carte' commented they have listed their directors, however none are from the Valley. Councilwoman Long said if they are holding a raffle in Palmer then the location should be stated under Section 11 of the permit application. Mayor Carte' said nothing on the application indicates they wish to hold a raffle in Palmer. The administration spoke with Ms. Lupton and was informed they would be selling raffle tickets at Pioneer Square.

MOVED CARTE', SECONDED LONG to amend the motion to not send a letter of non-objection as nothing in the permit indicates they propose a raffle in Palmer. MCU.

Question on Main Motion as Amended: MCU.

The application will be returned.

N. CITY MANAGER'S REPORT.

Mr. Soulak reported the Job Corps bid should be ready by the next meeting.

The refuse collection days for residential areas will need to be changed with the one-man garbage truck now being utilized. It is proposed to have residential collection on Tuesdays and Thursdays with commercial collection scheduled for Monday, Wednesday and Friday. Notices will be sent to the residents once the routes are finalized.

The State capital budget was on the table this evening indicating the projects the Governor has eliminated from the Palmer area.

Councilman Lawton asked about the signs being requested to be removed in town. Mr. Soulak thought he had notified everyone that was not in compliance. The Matanuska Assembly of God has removed their sign. He has also notified Lee Hartley about the sign on their property and Mr. Hartley felt it wasn't right to eliminate all of the signs. The sign ordinance will be discussed by the Planning and Zoning Advisory Commission at their July 18th meeting. Once some language is established, there may be a public hearing in August. Councilwoman Melton asked about the City's industrial park sign. Mr. Soulak said it is in the railroad right-of-way and not yet inside the city limits. Mr. Soulak said the Moose Club hasn't removed their sign, however there is approximately 37.5% compliance at this time.

O. AUDIENCE PARTICIPATION.

None.

P. COUNCIL COMMENTS.

Councilwoman Melton asked when street patching will be done, especially on South Bailey Street going to the Credit Union.

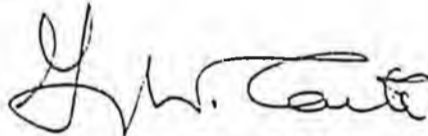
## City of Palmer Regular Council Meeting Minutes - July 9, 1991

Mr. Soulak said he will notify public works as there are other areas that need patching or patches replaced.

Mayor Carte' asked when the Palmer Pride celebration is scheduled for this year. Mr. Soulak replied it is July 26th. Mayor Carte' then mentioned Wasilla had a "sister city" recognition at their Chamber meeting on July 2nd and asked for an update. Councilmember Guinotte said he and Mr. Soulak were in attendance and Don Young spoke. Mr. Soulak thought to reciprocate, Wasilla might be invited to the Palmer Pride event. Mayor Carte' mentioned something could also be done like Wasilla did and have something at the 24th or 31st Chamber meeting. After discussion, the Council recommended the "sister city" recognition be held on July 26th in conjunction with Palmer Pride. A letter will be sent to the Wasilla City Council.

Councilwoman Melton asked about the date for the Wasilla/Palmer golf tournament. The game will be held at Settler's Bay per Wasilla's request. The Council recommended to contact Wasilla to see if July 27th or 28th would be acceptable for the game.

Q. ADJOURNMENT: at 8:35 P.M.



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GEORGE W. CARTE', MAYOR

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DAVID L. SOULAK, CITY CLERK

CITY OF PALMER  
 REGULAR CITY COUNCIL MEETING  
 TUESDAY, JULY 23, 1991  
 7:30 P.M. - COUNCIL CHAMBERS

A. CALL TO ORDER: at 7:30 P.M. by Mayor Carte' in the City Council Chambers.

B. ROLL CALL. DETERMINATION OF A QUORUM.

Present were Mayor Carte' and Councilmembers Long, Guinotte, Berberich, Lawton, Melton and Henderson. Also present were City Manager Soulak and Attorney Snodgrass. Others included Hal and Marilyn Sellick, Dee Prickett, Britt Lively, Dick and Ellie Vogt, Jim Colberg, Melinda Dewey, Andy Corbin, Kathy Scheibl, Mike Gallagher, Jana Thrift, Robert Bailey, Brenda Anacleto, Dan Dryden, Ted Dodge, George Castaneda and others.

Mayor Carte' stated he has to leave on an early flight tomorrow and will be leaving the meeting at 9 P.M. Mayor Protem Melton will then chair the meeting.

C. APPROVAL OF AGENDA.

The agenda was approved with one addition under the Consent Agenda as: Ordinance No. 436 - Amending Section 9.22.010 (Gambling) of Palmer Municipal Code. (First Reading - Set Public Hearing and Second Reading for August 13, 1991 Meeting).

D. PLEDGE OF ALLEGIANCE: led by Councilmember Long.

E. MINUTES OF PREVIOUS MEETINGS.

1. The minutes of the Regular meeting of July 9, 1991 were approved as presented.
2. The minutes of the Special meeting of July 16, 1991 were approved with a correction by Councilmember Lawton. The word "defer" in the motion should be "refer".

F. CONSENT AGENDA.

1. Authorize Bids for Job Corps Access Road and Water and Sewer Service to Open August 12, 1991 at 1:30 P.M.
2. Ordinance No. 436 - Amending Section 9.22.010 (Gambling) of Palmer Municipal Code. (First Reading - Set Public Hearing and Second Reading for August 13, 1991 Meeting).

MOVED HENDERSON. SECONDED LONG to accept the Consent Agenda. MCU.

G. COMMUNICATIONS AND APPEARANCE REQUESTS.

1. Hal Sellick Re: Downtown Complaints and Solutions.

Mr. Sellick said there is a problem of a decaying city and hoped to offer solutions. The population is the same as it was 30 years ago. The stores and offices downtown are closed and there is a zero growth philosophy with this and previous councils. The City paid \$50,000 to an out of state firm and all they recommended was to paint the water tower and art deco the downtown. Mr. Sellick said the downtown merchants are concerned. Over a year and a half ago Mr. Sellick wrote

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to the "Frontiersman" with several suggestions and just recently two were implemented - the highway signs to the City and the motto was changed from "Alaska's Best Kept Secret" to a more positive motto of "Alaska at its Best". Other problems still exist and Mr. Sellick asked why the angle parking was eliminated downtown, why the sidewalks were widened and the sign ordinance enforced as well as off street parking required. Palmer is a small town which it will be for some time to come and it must look the part. The repainting of the store fronts won't help. He recommended making S. Colony Way from Bailey to Dogwood a one-way street as it would allow for angle parking. S. Bailey and Valley Way are capable of accommodating the traffic in the opposite direction. The City owns the sidewalks, however the property owners must clear the snow and cannot have projecting signs. The off-street parking regulations need to be changed as there is no need for it. Air stream caravans used to come into town and were banned from the City. They now must park 5 miles from town. The City provided them with water and electricity in Bugge Field and they brought business into Palmer.

Mr. Sellick commented the Chamber of Commerce sells stuffed animals from Kansas and items from foreign countries. This creates unfair competition. The taxpayers constructed that building and the Chamber receives free rent. He asked why this operation isn't out for bid at fair rental prices. Their operation can be limited to the museum and providing information to tourists. Government has no business competing with the private sector. He also asked why the depot hasn't been used for a farmer's market until a permanent location can be found. Mr. Sellick mentioned there could be a skating rink in the depot parking lot and a band shell erected for bands. With some of these change made, people would feel welcome to downtown. Mayor Carte' said there will be public hearings on the comprehensive plan, once the Borough selects the firm to do the City's Plan. He recommended Mr. Sellick address his concerns at those hearings which probably won't be held until September or October. The downtown business people are encouraged to take an active part in the design and review of the comprehensive plan.

## 2. Report by RC&D.

Ted Dodge reviewed what the RC&D has done so far. The City is a sponsor of their group and they met with the Council last February to discuss their program. In working with the original eleven sponsors they did a survey asking about development problems and developed a statement to work on the problems. He said their organization was developed to promote economic development. There are 17 of the 21 seats on the Board of Directors filled at this point. The organization has been incorporated and officials were elected at the last meeting. Mr. Dodge said Darcy Salmon was elected president, Janet Kincaid of PEDDA was elected vice president, Sig Restad was elected treasurer and Stuart Craig was elected Secretary. Mr. Dodge then mentioned areas and projects they are working on. Mayor Carte' said on the agenda this evening is the appointment of an alternate delegate to the RC&D because of the busy schedule of the City's current representative.

## H. BOROUGH REPRESENTATIVE'S REPORT.

None.

## I. AUDIENCE PARTICIPATION.

None.

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J. HEARINGS, ORDINANCES AND RESOLUTIONS.

1. Ordinance No. 434 - Amending Section 2.40.120 (Sunset Clause) of Chapter 2.40 (Palmer Economic Development Authority) of the Palmer Municipal Code. (Public Hearing and Second Reading).

The public hearing was opened and closed upon no public testimony.

MOVED LONG, SECONDED MELTON to adopt Ordinance No. 434. MCU.

2. Ordinance No. 435 - Authorizing Annexation of Quantity of Land Approximately 7.5 Acres in Size, Subject to Review of the Department of Community and Regional Affairs - Local Boundary Commission for the State of Alaska. (Public Hearing and Second Reading).

Mayor Carte' opened the public hearing.

Jim Colberg stated he was not a resident, however owns a duplex adjacent to this area proposed for annexation. The view from his property looks into the junk yard and he thought it would be an asset to the City to have this property annexed and cleaned up.

Melinda Dewey said she and her husband own lots 1, 2 and 3 of Block 1, Riverside and are not in favor of the annexation of these three lots. Their property is hayed as well as the 25 acres they own. She said they purchased this property in 1975 which was a paper plat that was not subdivided. This land has only been used for agriculture, it is clean and they have no animals. These lots are behind the duplex. Mrs. Dewey recommended to either not pass this annexation or to exclude these three lots from the annexation. She said when they decide to subdivide the property, they want to do it with these three lots according to the layout of the land. Councilwoman Melton asked if the Deweys continue to farm this land on an annual basis. Mrs. Dewey responded they have hayed it every year since it was purchased.

Andy Corbin stated he is attempting to close on a house located at 334 E. Eagle. The realtor informed him this house hasn't sold because of the view across the street. He owns the two lots west of the old MTA warehouse. He said he was born and raised in Palmer and felt the city would expand across the street and clean it up. He said he will eventually like to have a business on his property and would like the area to be a nice area to do business in.

Kathy Scheibl of 561 N. Denali indicated she would like to see the land in question cleaned up as she is a taxpayer in the City. This area should also pay taxes as they receive the same privileges, such as having E. Eagle watered and plowed. She was tired of seeing a mess and dump and thought it should have to be cleaned up. She understood this person has a lifestyle, however she has one as well. This area is a health hazard and there are too many animals. It doesn't help her property value to go up. She said she as well as others are tired of this. It should be required that he haul off the garbage, trucks and cars, finish off the cabins and control the animals.

Mike Gallagher of 546 N. Chugach testified as a resident and taxpayer he felt cheated. He lives in the vicinity of this property and his taxes have gone up. The dogs are barking

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all the time. If this property was in the City, it would be in violation of at least five city ordinances. Mr. Gallagher cited the ordinances requiring clean premises, accumulation of refuse, junk vehicles, animals and obscene language. Mr. Bailey isn't subject to these ordinances at this time, however with annexation, Mr. Gallagher hoped he would be allowed to live as he is entitled to as a property owner. Mr. Gallagher said all of these property owners are the victims and not Mr. Bailey. Mr. Bailey should be responsive to his neighbors and hasn't been. Only the Council can solve this and Mr. Gallagher hoped they would see fit by doing so and proceed with the annexation.

Ellie Vogt of 564 N. Denali agreed with what has been said. She said she has been before the City many times on this issue and the problem has done nothing but grow. This is an eye sore that needs to have something done. She said their taxes increase and they don't have much of a chance of selling their house with the conditions as they are now. Mrs. Vogt said she was in favor of annexation.

Jana Thrift asked how far the City is as to the process of changing the land boundaries. Mr. Soulak replied if the Council's action is positive then the City will prepare the paperwork and submit it to the Local Boundary Commission. Ms. Thrift asked what new circumstances brought this back before the Council. Mayor Carte' said, as was mentioned by previous testimony, the City continues to get complaints. The City has been trying to work with the Borough on the animal control problem, however the Borough doesn't work with the City. The Borough just gave in and issued a new kennel license to Mr. Bailey, even though the residents have this continued problem. The City doesn't like to do forced annexations, however those testifying have indicated the situation has gotten worse.

Jana Thrift stated she lives at mile 12 of the Old Glenn Highway and didn't know about the situation getting worse. The front five lots are cleaned up and there is no junk or debris on them. When Mr. Bailey bought the property he had many farm animals. He doesn't have any left, just a few dogs. She didn't see how this was getting worse when there aren't farm animals and he is working hard to get his property rearranged for his neighbors. She said the circumstances are the same as the last time this came before the Council and she saw things being done. If this is a nuisance and people's rights have been violated, then it belongs in a courtroom and not before the Council. Mr. Bailey has been living there for 26 years and had a janitorial service. He cleaned up after a lot of people in the community and it is a violation to him to have to protect himself from persecution. This annexation is against his will and that should be considered as a land owner in the U.S. should be allowed to live on his property as long as he isn't hurting anyone. She thought it takes a good reason to step over the line to annex someone as he has the right to use his property and vehicles as he wishes as long as he isn't hurting anyone. She felt it was wrong to annex the property.

Brenda Anacleto of Buffalo Mine Road commented the people across the street are failing to recognize the work that Mr. Bailey is doing. He used to have a farm with many types of animals and 70 dogs. He now only has 10 dogs which he keeps behind the fenced area that was built. Mr. Bailey has cleaned up the front lots and hauled off 12 cars. He hires people that need work to help him clean up his property. This has been done on a daily basis and Ms. Anacleto stated they have planted flowers and trees, hauled off junk and cleaned up the property. The neighbors don't seem to realize

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the amount of accumulation there is in over 26 years. It can't all be removed overnight just because the people across the street want it done that quickly. There were items on Mr. Bailey's property even before he moved there and he has been trying to clean it up. To annex him will mean he will have to move and he is old. It is not a junk yard and there isn't rotting garbage on his property. There is lumber, appliances, windows and doors, however this can't be fixed overnight as it will take time. She said these people across the street have their homes up for sale and don't even plan to stay, but want to take Mr. Bailey's property away from him. He has sacrificed a lot by just getting rid of the 60 dogs. She said she leases a shop on his property and his dogs don't run in the street and he doesn't neglect his animals and allow them to run around. She has heard other animals barking for hours, however they aren't Mr. Bailey's. People are starting to buy homes and eventually these people will sell their homes just as they bought them. Ms. Anacleto stated she has been here since 1977.

Mayor Carte' mentioned if the Council votes to proceed with this annexation, it won't become effective until 1993. If Mr. Bailey continues to work on cleaning up his property like he has, in two years he probably won't be violating any codes.

Ms. Anacleto noted the people stated they don't like the view, however no one has planted trees to break the view. These people should be helping themselves on their own property and not be taking away someone else's property. Last year Mr. Bailey had someone dig and plant trees, however they died as the person didn't know how to dig trees. She said they are still planting trees on his property. Also, on an average they try to take out one truck load a day.

Dick Vogt of 564 N. Denali said they live across the street from this property. There were very few cars on this property back in 1970. East Eagle was a trail and the Vogts bought the first house built in the area. He has planted flowers and trees and keeps his lawn mowed. He doesn't have a junk yard. Mr. Vogt said he also doesn't see trucks leaving or cars being towed from one place to another. He appreciated what the people are saying, however he is at home 24 hours a day and the dogs do bark. Mr. Vogt said he has had goats, horses and dogs in his yard and he was tired of it. He said he isn't going to move. At one time they had their house up for sale and five buyers told him the same thing about the view. Councilwoman Melton asked if Mr. Vogt's house is currently for sale and Mr. Vogt replied it wasn't. Councilwoman Long asked if the dog problem has been decreasing as far as them getting into garbage and Mr. Vogt said there are still dogs running. Before Mr. Bailey was re-issued his license, Mr. Vogt said he filed a complaint with the Mat-Su Borough on this situation, however after meeting with Representative Lacher, the license was still granted. Mr. Vogt said his dog barks, however he takes it in at night. These other dogs bark in the middle of the night for two hours at a time.

Dan Dryden of Mile 56 of the Glenn Highway owns two houses one block away from the Bailey property. He thought it was a personal rights issue and a zoning issue. The zoning issue has nothing to do with forcing one person's way of life on another and hoped the officials can keep these two issues clear. He appreciated the tremendous changes and the two parties have grown too close together. Mr. Bailey is too close to town which is unfortunate for his neighbors. Mr. Bailey represents a rural atmosphere land.

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Robert Bailey stated there aren't as many cars on his property as in the past. He mentioned an incident where Mr. Vogt was in the street waving a gun at one point, however no police report was done. It looks like there is special treatment. Mr. Bailey said he was already on his property when these people bought their houses. He said due to a bad back he hasn't left his property for over 20 minutes at a time in the last three years. If his dogs are barking, then the humane people or city police would be there and this isn't substantiated. Mr. Bailey made several personal comments to some members in the audience and Mayor Carte' informed the audience to eliminate these types of comments or the public hearing will need to be closed.

Jim Colberg said he didn't know Mr. Bailey but had the utmost respect for his rights. Mr. Colberg's duplex is on the market now and has been for a year. He said he has planted trees and installed a fence to keep the dogs out. He apologized if the neighbors are infringing on Mr. Bailey's rights, however the dogs have been both on his property as well as in his duplex in the past.

Ellie Vogt noted those people testifying in favor of Mr. Bailey don't live in the area. She has gone through the channels in the court and Mr. Bailey had his license taken away, however the Borough then reissued it to him even though this is a recurring problem.

Kathy Scheibl said her house has never been up for sale even though it will be eventually placed on the market when her daughter graduates from school. She has lived in the house since 1980.

Andy Corbin asked Councilman Henderson if by annexing this land if crime will run rampant. Councilman Henderson said he has confidence in the police department.

Mr. Gallagher said he moved into his house less than two years ago and plans to stay. Trees can be planted, however it won't stop the barking dogs. He said he doesn't care about Mr. Bailey's lifestyle, but if the way he lives affects Mr. Gallagher's lifestyle, then he has a problem.

Jana Thrift again stated the nuisance problem belongs in court. It will take time to clean up this property and remove the cars as well as pick up his disorganized things, but the dogs are Mr. Bailey's family. His life can't be uprooted and the neighbors have been rude to him. Mr. Bailey isn't able to accommodate to the standards of the City as he is old and can't start over again. Alaska is about people being able to live free without hurting other people. Mr. Bailey is an Alaskan and this would be trying to change his form of life.

Mrs. Dewey asked that her three lots be excluded from the annexation.

Mayor Carte' then closed the public hearing.

Mayor Carte' explained once again if the Council approves this annexation, it will go before the Local Boundary Commission who will also hold a public hearing and vote to accept or deny the City's recommendation. The Commission members are people from all around the State. It was asked if the public hearing will be held in Palmer and Mayor Carte' said it possibly may be held here as it is a local zoning issue. They have been held in Palmer in the past when it affects this area. Kathy Scheibl asked if the Commission will drive to the site and the Mayor said they may.

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Ellie Vogt asked if there were letters submitted. The Mayor said the Alaska Railroad sent in a letter not in favor of the annexation of their right-of-way. A letter from David and Cynthia Ward who live at 310 E. Eagle favored the annexation.

MOVED HENDERSON. SECONDED LAWTON to adopt Ordinance No. 435.

Councilman Henderson said he has listened to this several times now and felt bad for Mr. Bailey, however this is more than just a dog problem. East Eagle has to be annexed some day as it is a main corridor. He said he will vote in favor of annexation at this time.

Councilman Lawton was aware of the State's concern for the City to expand its boundaries and apparently Mr. Bailey was not as aware of his neighbors desire for him to be a good neighbor. He said he would also vote in favor of annexation.

ROLL CALL VOTE: MCU.

3. Resolution No. 908 - Accepting State Grants.

There were no audience comments received on this Resolution.

MOVED MELTON. SECONDED GUINOTTE to adopt Resolution No. 908.

Mayor Carte' asked the City Manager to explain the change in the pass through grants. Mr. Soulak stated initially, the City only receives 20% of each grant amount. For the remaining grant monies for each grant, the City has up-fronted the funds to the organization and has lost interest. He is recommending the Council consider some cost be charged for the indirect costs the City has incurred. In the past the City has only requested the grantees to pay a portion of the State required Single Audit cost. To receive these funds from the State, the City makes a monthly reimbursement request submission to the State. The State then sends the City a check. Mayor Carte' didn't feel the City should be loaning money and losing interest each time a grant is passed through. He thought the money should be passed through only after the City receives it from the State. Mr. Soulak said the City has up-fronted the money in the past, however there could be an administrative cost set up. As an example, the Mat-Su Miners or State Fair will have to spend their own funds and wait a month to receive the State's reimbursement. They may not have those kinds of funds. The Mayor agreed, however the City shouldn't be giving out interest-free loans.

Councilwoman Melton appreciated what Mr. Soulak said and noted when the State Fair applied for their money, they had already expended the funds. It never occurred to her that the City was losing money on the interest and she didn't object to the City recouping what the cost is to the City, however thought the grant recipients should be given notice what will be done. She mentioned the Division of Ag was planning to charge the Fair between 15-20% and the Borough charges 20% to administer the pass through grants. She was appreciative of the way the City has handled these grants, and understood why the City may not want to give the recipient the money until the City receives it. Mr. Soulak thought something should be done for future grants. Last year the City received only one grant only for \$50,000 for roads, however administered several other grants for organizations.

Councilwoman Long asked if these organizations are asking the City to administer their grants because nothing is charged. She agreed to not pay out anything until the City receives

Regular City Council Meeting Minutes - July 23, 1991

the funds from the State. Councilman Berberich thought the recipients may be informed of the actual costs the City has in administering the grants and ask these people for input. Councilwoman Melton agreed to notify the recipients, however something has to be done if the City is losing money. Councilman Lawton didn't have an objection to a percentage charge as there are some organizations that don't have the funds available to use for their project. Councilman Guinotte asked if the funds can be obtained without spending the money. Mr. Soulak responded the State doesn't allow advance draws and the costs have to be incurred before reimbursement is granted. Mayor Carte' commented this resolution can be adopted as it doesn't affect the discussion and in the meantime the grant recipients can be notified.

Question on Motion: MCU.

- 4. Resolution No. 910 - Establishing Fees for Palmer Municipal Golf Course.

There were no audience comments received on this Resolution.

MOVED HENDERSON, SECONDED LONG to adopt Resolution No. 910.

Councilman Henderson said by reducing the cost for weekday play, it will encourage people to play during the week. Monday is the only day that has been good because of the \$10 tag day. He personally didn't feel the rate was high enough, however something needs to be done to encourage people to play during the week. It was mentioned that the weekend rates and golf cart rentals will not be changed, only the fees from Monday through Thursday.

After discussion, Councilman Lawton didn't realize the City hasn't had the number of players it anticipated. He asked where the city was on its projections. Mr. Soulak said through yesterday without the debt service, interest or depreciation, the City took in \$281,000 and expended \$259,000. He felt the City was half-way in meeting its projections at this time and presented figures to the Council.

Councilman Berberich was concerned with the twilight rate. Those that purchased season passes will not benefit at all. People can play for only \$12 after 4 P.M. with the twilight rate as proposed. Mayor Carte' had the same concern with the punch cards and season passes. Those people paid the full cost when they purchased these cards and passes and now it will be cheaper. Councilman Henderson said 80% of the golfers are from Anchorage. He thought the current \$20 charge was low, however to get people to play during the week, he would agree to the \$15 charge. He said he was concerned about the twilight rate. Councilman Berberich said he would support the \$15 rate, however recommended to eliminate the twilight rate. After discussion, Mr. Soulak felt the Monday tag day should remain and reported the number of players on each of the three tag days so far.

MOVED HENDERSON, SECONDED BERBERICH to amend the motion to eliminate the twilight rate. MCU.

Question on Main Motion as Amended: MCU.

- K. BIDS.

None.

## Regular City Council Meeting Minutes - July 23, 1991

L. OLD BUSINESS.

None.

M. NEW BUSINESS.1. Review of State Capital Grants.

Mayor Carte' said he asked that this be placed on the agenda. He has been informed by two legislators that what happens with the grants next year will depend on what is done with them this year. Governor Hickel favors the matching funds for state grants. The City needs to get the grant projects underway yet this year if possible, even though it is late in the season.

At this point, Mayor Carte' called for a recess and excused himself from the meeting. The meeting was reconvened by Mayor Protem Melton and the discussion on state capital grants continued. Mr. Soulak said the grant projects will be put out to bid as soon as possible. The bid for the Job Corps road, water and sewer system was approved this evening. Mr. Soulak will meet with Mr. Gretzinger and the engineer on the sewer enlargement grant project. It is proposed to replace the line in the alley behind Valley Hotel due to the many problems involved in the past. There will also be a new sewer line installed under the Glenn Highway in conjunction with the highway upgrade. In reference to the senior housing project, the preliminary design has been done and Mr. Soulak said he will contact Chuck Logsdon on that project. He is also working with the engineers on the industrial park expansion to get it designed as well as utilities installed. He thought by the end of the year everything should be encumbered. Councilwoman Long asked to be contacted if the senior housing committee is revitalized.

2. Appoint Alternate RC&D Delegate.

Mayor Melton noted Councilmember Long is the delegate on this committee, however cannot attend all of the meetings and another volunteer is needed. Councilwoman Long said with her workload, she has a problem attending the meetings. This group doesn't send written notice or any other notification of the meetings in advance. Mayor Melton suggested the City write a letter prompting this organization to notify its members in advance. Mr. Soulak said he will make that request and this item may be placed back on the agenda if information is received.

N. CITY MANAGER'S REPORT.

Mr. Soulak reported he attended the Borough meeting this evening regarding the award of proposal for the comprehensive plan. Two proposals were received from B & B and Hyett/Palma. B & B was selected to do Wasilla's comp plan and Palmer sent a letter requesting to negotiate with Hyett/Palma to come within the \$50,000 budgeted amount to do Palmer's plan. Mr. Soulak was led to believe Hyett/Palma may receive the award. He mentioned Ron Garzini and the VEI team are involved with Hyett/Palma and it is a good group.

It was mentioned in the local newspaper that the Mat River campground may be closed next year. Mr. Soulak discussed the possibility of the City keeping it open with both Mr. Moore and Mr. Mayo. The Borough was asked to get the operating costs to Mr. Soulak to see what the City's involvement might be next year.

Mr. Soulak discussed the annexation of the Springer Road with the Local Boundary Commission. He proposed annexation from

## Regular City Council Meeting Minutes - July 23, 1991

Cope Industrial Way to include the 35 acres the City purchased from Hamilton Farms. He said other "holes" in the City were also discussed. An annexation policy is to be part of the comprehensive plan update. Mr. Soulak said he may have this on the next agenda. It was mentioned a gas line is being installed on the Springer at this time.

O. AUDIENCE PARTICIPATION.

Dee Prickett invited everyone to the kick-off paint scraping ceremony of the Mat Maid property on August 3, 1991 at 10:30 A.M. Dorothy Jones and hopefully Senator Kerttula will man the paint scrapers which officially begins the restoration project. She also mentioned it is very vital to keep the Mat River Park open because of the increased highway traffic anticipated with the Alaska Highway anniversary celebration and Glenn Highway upgrade.

Councilwoman Long asked if caravans are parking five miles out of town as was reported earlier. Ms. Prickett replied the caravans park at the State Fairgrounds. Mr. Soulak said the city didn't ban the air stream caravans from town. They used to park on the Bomhoff property, however ownership of that land has changed and they are no longer allowed to park there. The City even has to now pay rent to dump snow on that property, which was never requested before. Ms. Prickett said the five miles out of town comment was the Homestead RV Park. They have a very active program and give tours of the City, take people out to dinner, etc. However, the large caravans still park at the fairgrounds.

P. COUNCIL COMMENTS.

Both Councilmembers Guinotte and Berberich asked to be excused from August 13th Council meeting as they will be out of town.

Mayor Melton asked about the Palmer-Wasilla golf tournament on August 17th. After discussion, it was mentioned Wasilla just recently requested to hold the tournament in Palmer. Palmer already has two tournaments beginning at 8 A.M. on August 17th. The Palmer-Wasilla game will begin at 1 P.M.

Q. JOURNMENT: at 9:50 P.M.

  
 \_\_\_\_\_  
 GEORGE W. CARTE, MAYOR

  
 \_\_\_\_\_  
 MARSHA M. MELTON, MAYOR PROTEM

\_\_\_\_\_  
 DAVID L. SOULAK, CITY CLERK



CITY OF PALMER, ALASKA

ORDINANCE NO. 435

AN ORDINANCE AUTHORIZING THE ANNEXATION OF A QUANTITY OF LAND, APPROXIMATELY 7.5 ACRES IN SIZE, SUBJECT TO THE REVIEW OF THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS - LOCAL BOUNDARY COMMISSION FOR THE STATE OF ALASKA.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. The property within the proposed annexation area as hereinafter described has been reviewed and approved for annexation by the City Council, subject to the review of the Department of Community and Regional Affairs - Local Boundary Commission of the State of Alaska.

Section 2. The area proposed to be annexed is:

Within Section 28, Township 18N, Range 2E, S.M.:

Pribyl, Grasse and Grasse Subdivision - Lot 22

Riverside Subdivision - Block 1, Lots 1 through 10 and  
Lots 20 through 27.

A portion of the right-of-way of the Alaska Railroad.

Section 3. The City Clerk has certified to the City Council that this property is owned by various property owners and is directed to so certify to the Department of Community and Regional Affairs - Local Boundary Commission. The City Clerk/Manager is hereby authorized to submit the annexation petition to the State of Alaska.

Section 4. The City Council finds:

- (a) The property sought to be annexed is situated adjacent to the City boundaries contiguous herewith.
- (b) The following are the property owners in the area:
  - John Grasse
  - Dean & Melinda Dewey
  - Robert Bailey
  - Michael Dresnek
  - Alaska Railroad
- (c) The regular rates at which taxes are levied within the municipality to which annexation is proposed is 4.28 mills for real and personal property tax levy, and 2 percent sales tax or use tax.
- (d) The quantity of land contained within the area proposed to be annexed approximates 7.5 acres. The quantity of land in the municipality to which annexation is sought approximates 2,444 acres.

Section 5. A copy of this ordinance shall be provided to the Department of Community and Regional Affairs - Local Boundary Commission, and shall constitute authorization for the City to file the petition for annexation of the property described herein.

CITY OF PALMER  
REGULAR CITY COUNCIL MEETING  
TUESDAY, JULY 9, 1991  
7:30 P.M. - CITY COUNCIL CHAMBERS

A G E N D A

- A. CALL TO ORDER.
- B. ROLL CALL, DETERMINATION OF A QUORUM.
- C. APPROVAL OF AGENDA.
- D. PLEDGE OF ALLEGIANCE.
- E. MINUTES OF PREVIOUS MEETINGS.
1. Minutes of Regular Meeting on June 25, 1991.
- F. CONSENT AGENDA.
1. Ordinance No. 434 - Amending Section 2.40.120 (Sunset Clause) of Chapter 2.40 (Palmer Economic Development Authority) of the Palmer Municipal Code. (First Reading - Set Public Hearing and Second Reading for July 23, 1991 Meeting).
  2. Ordinance No. 435 - Authorizing Annexation of Quantity of Land Approximately 7.5 Acres in Size, Subject to Review of the Department of Community and Regional Affairs - Local Boundary Commission for the State of Alaska. (First Reading - Set Public Hearing and Second Reading for July 23, 1991 Meeting).
  3. Request for Approval for Games of Chance Permit - Alaska Outdoor Council.
  4. Request for Approval for Operator License for Games of Chance - Gold Rush Rippies.
- G. COMMUNICATIONS AND APPEARANCE REQUESTS.
- None.
- H. BOROUGH REPRESENTATIVE'S REPORT.
- I. AUDIENCE PARTICIPATION.
- J. HEARINGS, ORDINANCES AND RESOLUTIONS.
1. Ordinance No. 432 - An Ordinance Amending Chapters 6.04 (Definitions); 6.08 (Animal Regulations); 6.12 (Licensing); 6.16 (Impoundment) of Title 6 - Animals of the Palmer Municipal Code. (Public Hearing and Second Reading).
  2. Ordinance No. 433 - An Ordinance Amending Section 8.20.060 (Garbage--Depositing Restrictions) of Title 8 - Health and Safety of the Palmer Municipal Code. (Public Hearing and Second Reading).

K. BIDS.

None.

L. OLD BUSINESS.

None.

M. NEW BUSINESS.

None.

N. CITY MANAGER'S REPORT.

O. AUDIENCE PARTICIPATION.

P. COUNCIL COMMENTS.

Q. ADJOURNMENT.

CITY OF PALMER  
REGULAR CITY COUNCIL MEETING  
TUESDAY, JULY 23, 1991  
7:30 P.M. - CITY COUNCIL CHAMBERS

A G E N D A

- A. CALL TO ORDER.
- B. ROLL CALL. DETERMINATION OF A QUORUM.
- C. APPROVAL OF AGENDA.
- D. PLEDGE OF ALLEGIANCE.
- E. MINUTES OF PREVIOUS MEETINGS.
1. Minutes of Regular Meeting on July 9, 1991.
  2. Minutes of Special Meeting on July 16, 1991.
- F. CONSENT AGENDA.
1. Authorize Bids for Job Corps Access Road and Water and Sewer Service to Open August 12, 1991 at 1:30 P.M.
  2. *added* Ordinance No. 436 - Amending Section 9.22.010 (Gambling) of Palmer Municipal Code. (First Reading - Set Public Hearing and Second Reading for August 13, 1991 Meeting.)
- G. COMMUNICATIONS AND APPEARANCE REQUESTS.
1. Hal Sellick Re: Downtown Complaints and Solutions.
  2. Report by RC&D.
- H. BOROUGH REPRESENTATIVE'S REPORT.
- I. AUDIENCE PARTICIPATION.
- J. HEARINGS, ORDINANCES AND RESOLUTIONS.
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  3. Resolution No. 908 - Accepting State Grants.
  4. Resolution No. 910 - Establishing Fees for Palmer Municipal Golf Course

K. BIDS.

None.

L. OLD BUSINESS.

None.

M. NEW BUSINESS.

1. Review of State Capital Grants.
2. Appoint Alternate RC&D Delegate.

N. CITY MANAGER'S REPORT.

O. AUDIENCE PARTICIPATION.

P. COUNCIL COMMENTS.

Q. ADJOURNMENT.

# Frontiersman/Va

1261 Seward Meridian Road

## AFFIDAVIT-OF-PUBLI

UNITED STATES OF AMERICA

STATE OF ALASKA

THIRD DIVISION.

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC THIS DAY PERSONALLY APPEARED DUNCAN FRAZIER WHO,

BEING FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE/SHE IS THE PUBLISHER OF THE FRONTIERSMAN

PUBLISHED AT WASILLA IN SAID DIVISION THREE AND STATE OF ALASKA AND THAT THE ADVERTISEMENT, OF WHICH THE

ANNEXED IS A TRUE COPY, WAS PUBLISHED IN SAID PUBLICATION ON THE 19th DAY OF

JULY 1991, AND THEREAFTER FOR -0-

CONSECUTIVE ISSUES, THE LAST PUBLICATION APPEARING ON THE        DAY OF        19      , AND THAT THE

RATE CHARGED THEREON IS NOT IN EXCESS OF THE RATE CHARGED PRIVATE INDIVIDUALS.

Duncan Frazier  
SUBSCRIBED AND SWORN TO BEFORE ME

THIS 22nd DAY OF July 1991.

Charlotte Schaefer

NOTARY PUBLIC FOR STATE OF ALASKA

MY COMMISSION EXPIRES 11-19-94

7) 376-5225



CITY OF  
PALMER



## REGULAR CITY COUNCIL MEETING TUESDAY, JULY 23, 1991 7:30 P.M. - CITY COUNCIL CHAMBERS AGENDA

- A. CALL TO ORDER.
- B. ROLL CALL, DETERMINATION OF A QUORUM.
- C. APPROVAL OF AGENDA.
- D. PLEDGE OF ALLEGIANCE.
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  - 3. Resolution No. 908 - Accepting State Grants.
- K. BIDS.
  - None
- L. OLD BUSINESS.
- M. NEW BUSINESS.
  - 1. Review of State Capital Grants.
- N. CITY MANAGER'S REPORT.
- O. AUDIENCE PARTICIPATION.
- P. COUNCIL COMMENTS.
- Q. ADJOURNMENT.

This agenda may be incomplete as matters may arise or be added after the publication cut-off date.

Publish: July 19, 1991



231 W. EVERGREEN AVE.  
PALMER, ALASKA 99645

# CITY OF PALMER



A HOME RULE CITY



Phone (907) 745-3271

Council  
7-23-91

July 12, 1991

Dear Property Owner,

The Palmer City Council will be holding a public hearing to consider annexation of certain properties to the City of Palmer.

The public hearing will be held on Tuesday, July 23, 1991 at 7:30 P.M. in the Palmer City Council Chambers, located at 231 W. Evergreen Avenue.

The areas proposed for annexation are:

Lots 1-10, Block 1 - Riverside Subdivision  
Lots 20-27, Block 1 - Riverside Subdivision  
Lot 22 - Pribyl, Grasse & Grasse Subdivision  
A portion of the right-of-way of the Alaska Railroad

You are invited to attend and be heard or you may submit your comments in writing by July 23, 1991.

Should you have any questions, please feel free to contact me.

Yours truly,

---

David L. Soulak  
City Manager/Clerk  
City of Palmer

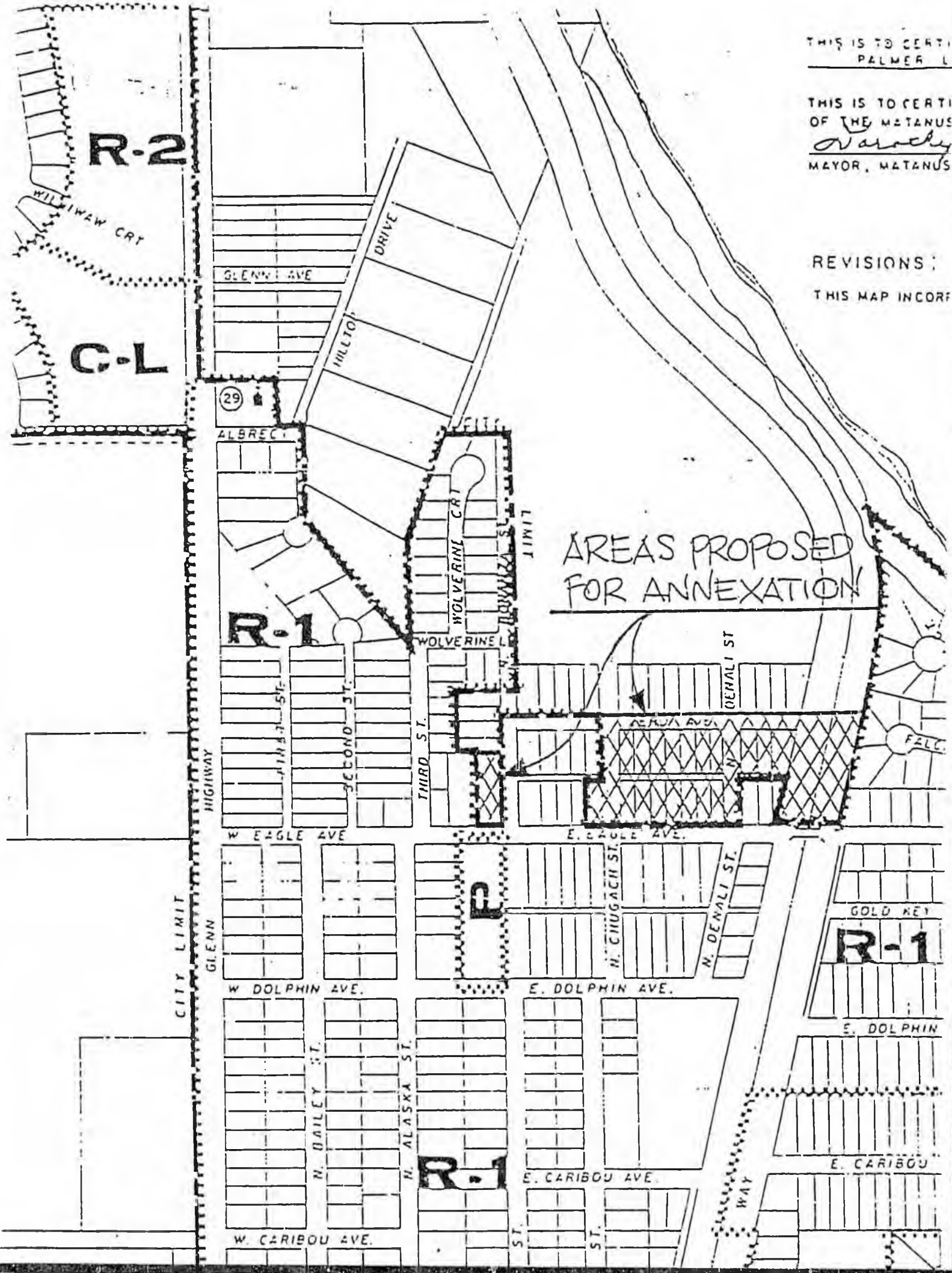
DLS/cac

Attachment: Map of Area Proposed for Annexation

THIS IS TO CERTIFY  
PALMER L

THIS IS TO CERTIFY  
OF THE MATANUS  
*Varady*  
MAYOR, MATANUS

REVISIONS:  
THIS MAP INCORP



R-2

C-L

29

R-1

AREAS PROPOSED  
FOR ANNEXATION

F

R-1

R-1

WILLIAMS CRT

GLENN AVE

DRIVE

HILLTOP

ALBRECHT

FITZ

WOLVERINE CRT

LIMIT

WOLVERINE L

DENALI ST

FALL

CITY LIMIT  
GLENN  
HIGHWAY

FIRST ST

SECOND ST

THIRD ST

W EAGLE AVE

E EAGLE AVE

W DOLPHIN AVE

E DOLPHIN AVE

N CHUGACH ST

N DENALI ST

GOLD KEY

E DOLPHIN

W CARIBOU AVE

E CARIBOU AVE

E CARIBOU

WAY

POSSIBLE ANNEXATION

RIVERSIDE/PRIBYL, GRASSE & GRASSE

50 Letters Sent on July 15, 1991 (Cox)

Riverside Subd.

Block 1, Lot 1 Dean & Melinda Dewey, 2407 McKenzie Dr., ANC 99517  
 Lot 2 "  
 Lot 3 "  
 Lot 4 Robert Bailey, Box 221, Palmer  
 Lot 5 "  
 Lot 6 "  
 Lot 7 "  
 Lot 8 "  
 Lot 9 "  
 Lot 10 "  
 Lot 20 Michael Dresnek, HCR79 Box 4390, Chugiak 99567  
 Lot 21 Robert Bailey  
 Lot 22 "  
 Lot 23 "  
 Lot 24 "  
 Lot 25 "  
 Lot 26 "  
 Lot 27 "

Pribyl, Grasse & Grasse Subd.

Block 1, Lot 22 John Grasse, 11920 N. River Rd., Mequon, WI 53092

\*\*\*\*\*

Riverside Subd.

Block 1, Lot 11 Redi Electric PST, 6151 A St., ANC 99518  
 Lot 12 "  
 Lot 13 "  
 Lot 14 "  
 Lot 15 "  
 Lot 16 MTA, 1740 S. Chugach St., Palmer  
 Lot 17 "  
 Lot 18 Edyth Ekstedt, Box 872014, Wasilla  
 Lot 19 "  
 Lot 28 James & Dzintra Colberg, Box 336, Palmer  
 Lot 29-1 "  
 Block 1A, Lot 18 Dan & Reta Shaul, 3225 Academy Dr. SE, Auburn, WA 98002  
 Lot 19 "  
 Lot 20 "  
 Lot 21 "  
 Lot 22 "  
 Lot 23 Randall Luffberry, 263 S. Alaska St., Palmer  
 Lot 24 "  
 Lot 25 "  
 Lot 26 Randall Luffberry  
 Lot 27 "  
 Lot 28 "  
 Lot 29 "

POSSIBLE ANNEXATION  
PAGE 2

Riverside Subd. Continued

Block 1A, Lot 30 Dean & Melinda Dewey  
Lot 31 "  
Lot 32 "  
Lot 33 "  
Block 2, Lot 1A Robert & Leslie Matura, 545 N. Denali St., Palmer  
Lot 2A Carl & Kathy Scheibl, 561 N. Denali St., Palmer  
Lot 3A Burt Wetzel, 567 N. Denali St., Palmer  
Lot 2 Richard & Eleanor Vogt, 564 N. Denali St., Palmer  
Lot 3 Alaska Hsg. Finance Corp., Bank of America NTSA  
Tre., Box 101020, ANC 99510  
Lot 4 Roger & Pernie Smith, 328 E. Eagle Ave., Palmer  
Lot 5 Michael & C.F. Blackford, 91-270 Fort Weaver Road,  
Ewa Beach, HI 96706  
Lot 6 David & Cinthia Ward, 310 E. Eagle Ave., Palmer  
Lot 8 Michael & K.A. Gallagher, Box 2991, Palmer  
Lot 9 "  
Lot 10 Shirley James, Box 928, Carson, WA 98610  
Lot 11 Victorino & J.S. Peregrino, Box 141586, ANC 99514  
Lot 12 Janet Meaney, Box 1564, Palmer  
Lot 13 "

Bailey Heights Subd.

Block 3, Lot 28 Wm. & Sharon Gartrell, Box 1053, Palmer  
Lot 29 "  
Lot 30 James & Kersti Buchanan, 2750 Harrijon Ave.,  
Eureka, CA 95501  
Lot 31 Dawn Lindblade, 644 Third St., Palmer  
Lot 32 Renee Carriere, 636 Third St., Palmer  
Lot 33 Tootsie Alford, Box 1438, Valdez 99686  
Lot 34 Alaska Hs. Finance Corp.  
Lot 35A Richard & N.J. Barnhart, 20714 Lucas Ave., Eagle  
River 99577  
Lot 36A James & Judith Pearson, Box 1296, Palmer

Alaska Railroad Right-of-Way

Alaska Railroad Corp., Box 107500, ANC 99510

Pribyl, Grasse & Grasse Subd.

Block 1, Lot 21 Eldon & V.J. Gretzinger, 121 E. Eagle Ave., Palmer  
Lot 23 Edward Holmberg, Box 206, Palmer  
Lot 24 "  
Lot 25 "  
Lot 26 "

T18N, R2E, S28

C-5 Dean & Melinda Dewey

T.A. Smith Subd.

Block 14, Lot 1 Hazel Miller, Box 5, Palmer  
Lot 2 Robert & Everly Henderson, Box 1325, Palmer

PROPOSED ANNEXATION  
PAGE 2

T.A. Smith Subd. Continued

Block 14, Lot 3 Robert & Everly Henderson  
Lot 4 Wyvon Wright, 5006 N. Camino Del Lazo, Tuscon,  
AZ 85715  
Block 15, Lot 1 James McGill, 566 N. Alaska St., Palmer

Gold Key Estates Subd.

Block 1, Lot 1 FDIC #5915-353-007, Box 196639, ANC 99519

Gold Key Estates, Addn. #1 Subd.

Block 1, Lot 1 Robert & Susan Bowlin, 425 E. Eagle Ave., Palmer  
Lot 2 Ruth Davenport, 441 E. Eagle Ave., Palmer  
Lot 13 Jos. & Michelle Ortner, 508 Falcon Ct., Palmer  
Lot 14 Mary Combs, Box 1108, Palmer  
Lot 15 Alaska Mutual Bank, c/o FDIC #4009-351-042, Box  
196639, ANC 99519  
Lot 16 Robert & Jan Janski, 435 Falcon Ct., Palmer  
Lot 22 Alaska Mutual Bank, c/o FDIC #4009-351-042

Diamond Willow Subd.

Block 1, Lot 1A Bernard & Pamela Brown, 115 E. Eagle Ave., Palmer  
Lot 2A Albert Saulsberry, Box 916, Palmer  
Lot 3A Michael & P.E. Kircher, 641 Third St., Palmer  
Lot 4A Debra Cabo, Box 1812, Palmer  
Lot 5A Frank & Vera Offiler, 665 Third St., Palmer  
Lot 6A Gloria Helland, Box 3428, Palmer  
Lot 7A Frederick & J.L. Haynes, 683 Third St. #5, Palmer

Re: Proposed for annexation of Lots One (1), Two (2) and Three (3) of Block One (1) Riverside Subdivision and the public hearing which is scheduled for Tuesday, July 23, 1991 beginning at 7:30 P.M.

As the owner of the above three named lots, I am not in favor of the proposed annexation because this is the fourth time in about the same number of years that the city has attempted to annex this property. My objections are the same as stated at previous hearings. This land is used for agricultural purposes as it has always been since we acquired it in 1975 and at this time I wish it to remain the same. It is presently in hay fields as is the remainder of the approximately 25 acres. I can see no benefit to have it annexed at this time, It would only create another tax burden on me which the land can not support. I own approximately 25 acres of which these three ~~acres~~ <sup>lots</sup> are a part of. The Riverside Subdivision was created as a paper subdivision and never surveyed. Most of it was vacated and if I decide to subdivide it at a future date I would want to vacate these lots and subdivide the whole 25 acres to properly fit the lay of this land. As I have stated, this property is used as hay meadows, there are no animals, it is kept clean and neat. There are no buildings or trash on this property.

If the City of Palmer does approve this action to include these three lots in their proposed annexation I will appeal it.

Respectfully

Dean A. Dewey  
I believe I believe

# CITY OF PALMER



231 W. EVERGREEN AVE.  
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

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Yours truly,

\_\_\_\_\_  
David L. Soulak  
City Manager/Clerk  
City of Palmer

DLS/cac

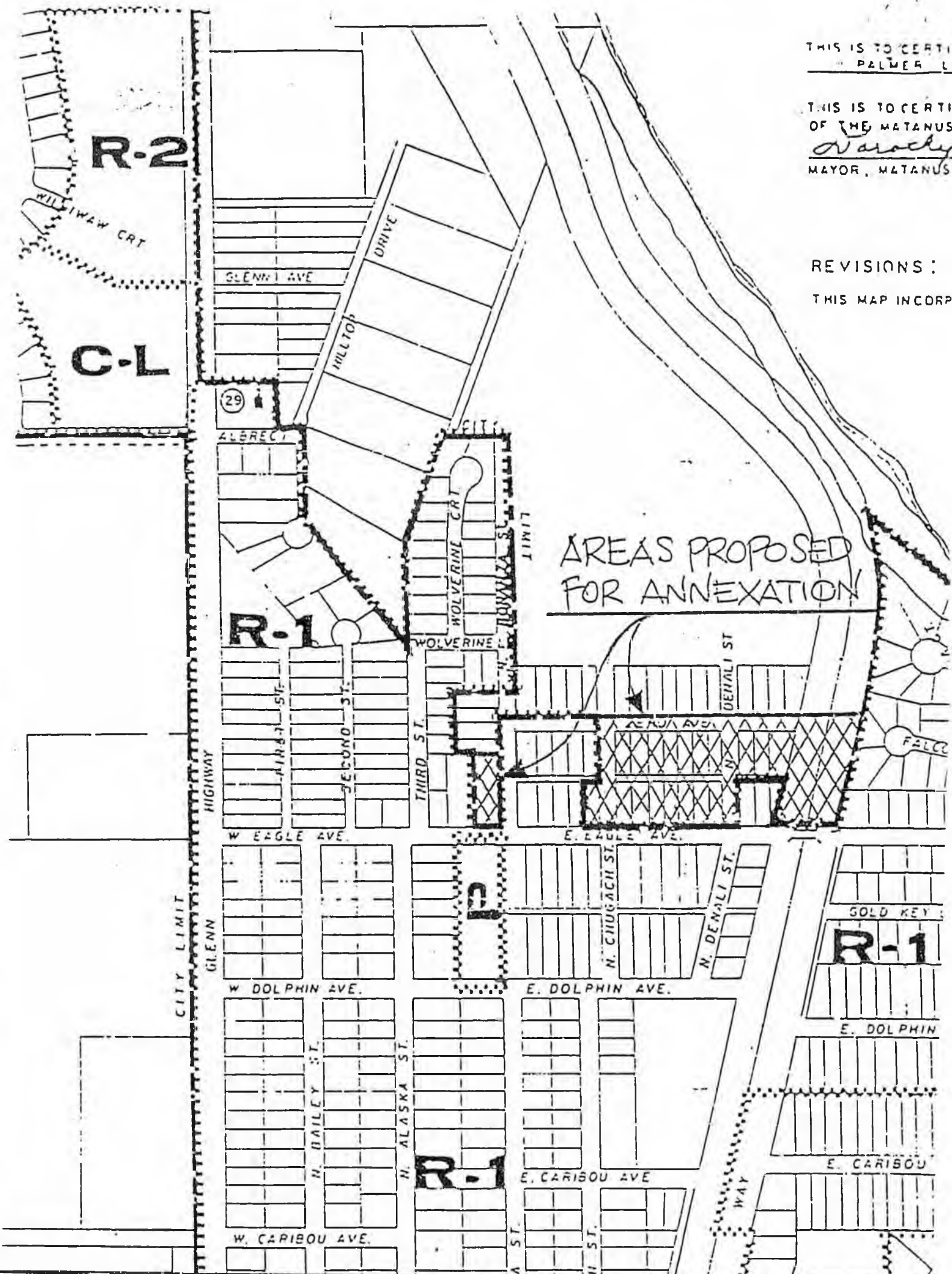
Attachment: Map of Area Proposed for Annexation

*DEWEY OWENS*  
*Lot 1 Block*  
*2*  
*3*

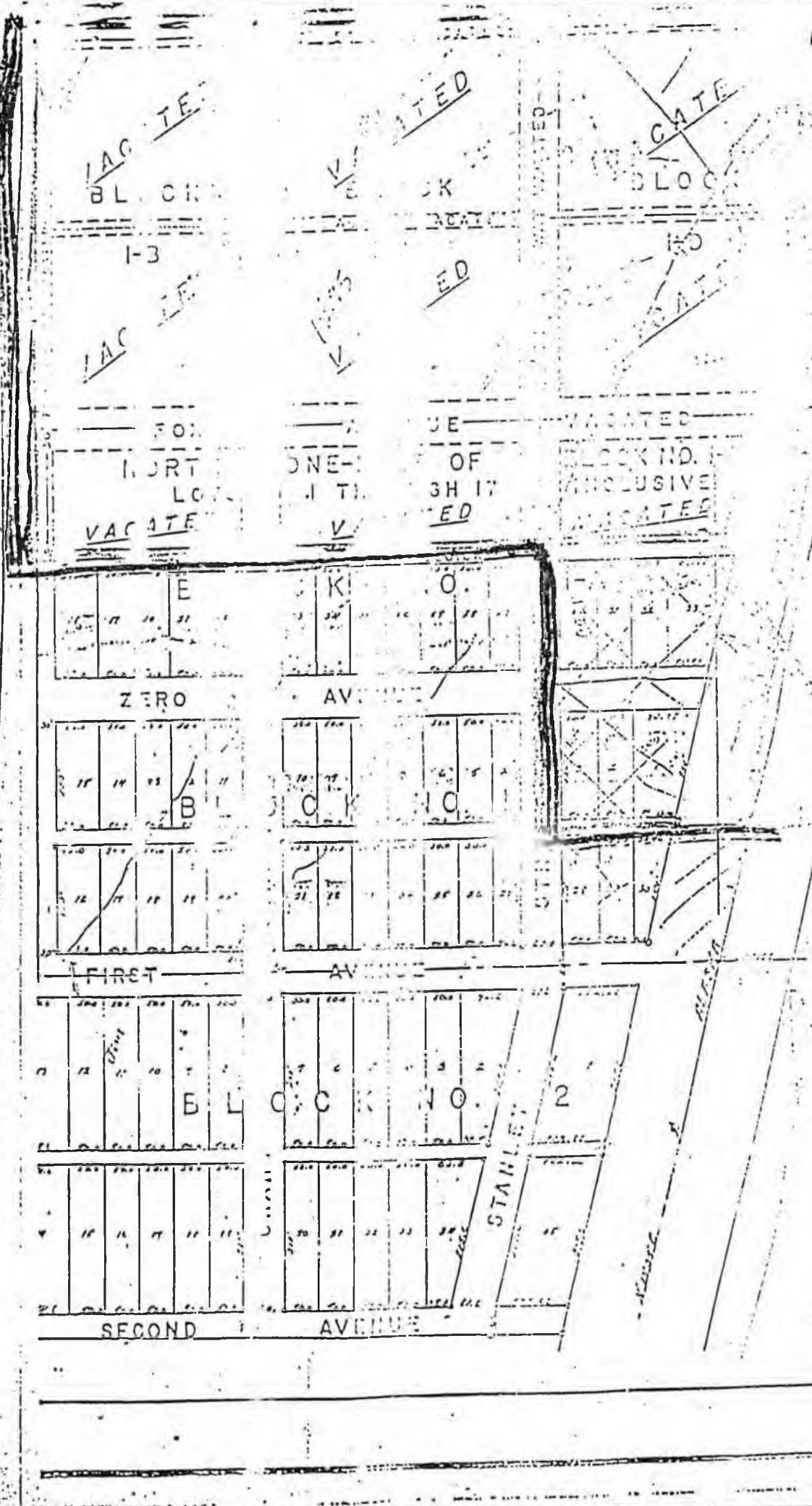
THIS IS TO CERTIFY  
PALMER, L.A.

THIS IS TO CERTIFY  
OF THE MATANUS  
*Varady*  
MAYOR, MATANUS

REVISIONS:  
THIS MAP INCORP



Property (Owner) by Stanley W. Green



Within Green  
25 Acre +/-  
owned by  
Dewey

15 HILLS SCALE

PALMER  
Serial No. 66-3917

RECORDED - FILED  
DATE 12-20-11  
FILED IN 1166  
PALMER RECORDING DEPARTMENT

580 480  
THE PLAT SHOWN HERE, OTHER AREA, HAS BEEN INCLUDED ONLY AND REFERENCE. NO CORRECTIVE OTHER CHANGES HAVE BEEN MADE BLOCKS IN THE AREA NOT VACATED AND RETAIN THE SAME NUMBER.  
ANY REAL ESTATE TRANSACTION FOR FIELD WORK MUST REFER TO VISED RIVERSIDE SUBDIVISION PAGE 247, PALMER RECORDING DEPARTMENT

Council  
7-23-91

July 1, 1991

PALMER CITY COUNCIL

Regarding: Proposed Annexation of Riverside Subd.

We are property owner's in Riverside Subd. at 310 E. Eagle Ave, which is located directly across from the proposed annexation property. Both my wife and I and IN FAVOR of Annexations. We have lived directly across from Mr. Ed. Bailey's property for the last ten years. In this period of time we have put up with alot of inconviences that a person that lives within city limits shouldn't have to put with. Such as Cattle, Goats, Pigs, and dogs that run in packs and bark for hours all hours of the day and night. It is hard to sleep or watch telivision in our house, or have a peaceful time in our yard. All of the above animals have been on our property at one time or another leaving their dropping behind, urinating all over ~~the~~<sup>our</sup> personal property, getting into our garbage as well as scaring our family at times. When our children were old enough to play outside we had a fence installed for their saftey and this hasn't keep Mr. Baliey's animals out. We have counted as many as 50 <sup>dogs</sup> in his yard at times which makes it difficult to take walks or ride bikes on Eagle Ave, many people have been chased and been scared by his animals. Over the years we have talked to Mr. Bailey, Animal Control and the Court System about the dog problem with no relief or satisfaction.

Also, in the last ten years Mr. Bailey has accumulated more & more junk, garbage, wrecked cars and rental shacks that have become an eyesore, health hazard and devalued our property. We have to pick up his garbage that blows over onto our such as plywood, garbage, cans and other various items. In fact we have been trying to sell our home and because of the property across the street no one is interested. They can't believe there is a junk yard so close to city limits.

Being born and raised in Palmer, we understand that Mr. Bailey wants his own lifestyle, but with progress things change and sometimes you have to change

change with them. Especially if you are an inconvenience to other people.

My wife and I feel that annexation is the only answer to the above problems as we can find no other solution. We would appreciate your support in this matter.

David W. Ward  
Cynthia K. Ward

David W. & Cynthia K. Ward

310 E. Eagle Ave.

Palmer, Ak. 99645

# ALASKA RAILROAD CORPORATION

*City Council 7-23-91*



P.O. Box 107500 • Anchorage, Alaska 99510-7500

July 17, 1991

RECEIVED  
JUL 18 1991  
CITY OF PALMER

Palmer City Council  
City of Palmer  
231 W. Evergreen Avenue  
Palmer, Alaska 99645

Re: Areas proposed for Annexation - ARRC right-of-way

To Whom it May Concern:

The Alaska Railroad Corporation is not in favor of having a portion of the track right-of-way annexed into the City of Palmer.

Sincerely,

*Bonnie G. Bailey*

Bonnie G. Bailey  
Acting Manager, Real Estate

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

MUNICIPAL AND REGIONAL ASSISTANCE DIVISION  
333 West 4th Avenue, Suite 220  
Anchorage, Alaska 99501-2341  
Phone (907) 269-4500

October 30, 1992

Dear Reader:

On September 16, 1992, we issued the draft analysis and recommendation of the Department of Community & Regional Affairs concerning the petition of the City of Palmer to annex approximately 7.5 acres within Section 28, Township 18N, Range 2E, S.M. The draft report recommended that the Local Boundary Commission (LBC) approve the annexation.

Comments on the draft report and related materials were received from more than twenty-five separate parties. Certain of these submissions were quite extensive. One 149-page submission included an informal petition with nearly 10 pages of signatures of individuals (mostly living in other communities) opposed to annexation. Letters from the nearly twenty others, including the Alaska Railroad Corporation, expressed opposition to the annexation petition. Matanuska-Susitna Borough Resolution 92-49 AM conveys the Borough Assembly's non-objection to the boundary change. It also clarifies the Borough's role in animal control in the area proposed for annexation; clarifies the Borough's role in planning, platting and land use regulation in the area and suggests corrections to specific references to borough tax levies in the area. The Matanuska Susitna Borough subsequently sent a letter noting that portions of Resolution 92-49 AM were incorrect. Comments received from the City of Palmer included additional information relating to the revenues and expenditures of the City. Other letters urge annexation and describe conditions existing in the territory proposed for annexation which may present health or safety problems.

We have forwarded these comments to the Local Boundary Commission for review.

Palmer Annexation  
October 30, 1992  
Page 2

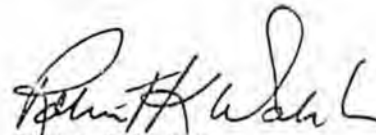
As required by law, we have reviewed the information and developed our final conclusions and recommendations for the Local Boundary Commission. These are attached to this letter. I encourage you to review this material and testify to the Local Boundary Commission regarding this petition at 7:00 p.m., November 20, 1992 at the Matanuska-Susitna Borough Assembly Chambers, 300 East Dahlia, Palmer.

For additional information contact:

**Local Boundary Commission Staff  
Department of Community & Regional Affairs  
333 West Fourth Avenue, Suite 220  
Anchorage, Alaska 99501-2341  
Fax: 269-4520**

We welcome your continued interest in this matter.

Cordially,

  
Robert Walsh  
Director

attachment: Department Final Conclusions & Recommendations

# **Final Conclusions & Recommendations of the Department of Community & Regional Affairs**

## **Regarding the proposed annexation of 7.5 acres to the City of Palmer**

If this relatively modest proposed boundary change were not so strenuously disputed by the resident property owner, it could be described as routine. However it is decidedly not routine. On the basis of information reviewed to date, the Department has concluded that the proposed annexation meets at least 3 of the standards for annexation. It may meet a fourth standard, relating to health and safety.

### **Willingness and Ability of the City to Serve the Area**

The City is willing and able to extend full municipal services (as defined in 19 AAC 10.840) to the territory proposed for annexation. This conclusion is unchanged from the draft report.

### **Urban Character**

This standard is met if the Local Boundary Commission concludes that the area proposed for annexation is "urban" in character as evidenced by land use, subdivision platting, salability of land for residential, commercial or industrial purposes and other characteristics. The territory proposed for annexation is platted and salable for residential or commercial use. The territory abuts a developed community. It borders a major arterial street. It is inhabited. It is, therefore, urban in character. However it is not suggested that a finding that the territory is urban in character would, by itself, seem to warrant annexation by the legislative review method. Other property adjacent to the area within the municipal boundaries of the City of Palmer is also urban but is not being proposed for annexation.

### **Provision of Uncompensated Services**

The City of Palmer provides street maintenance to this area even though it is outside the corporate limits since it is adjacent to the main north Palmer arterial street leading to the Sherrod and Swanson elementary schools. As such, this standard is at least minimally met. Again, however, the extent to which this standard is met might not warrant annexation by the legislative review method.

### Health, Welfare and Safety

This standard is met if conditions existing or developing in the area proposed for annexation endanger residents of the city.

This annexation petition was predicated in large part by complaints over numerous loose dogs in the neighborhood. Submissions by the petitioners describe conditions allegedly existing in the area that threaten the health, welfare or safety of individuals presently residing within the boundaries of the City of Palmer. These include "loose dogs going onto adjoining property and getting into garbage cans, dogs harassing school children waiting for the school bus at a designated pick-up site . . .".

The resident property owner denies any responsibility and asserts that no threat exists. A resolution received from the Matanuska-Susitna Borough indicates that the canine problem has been addressed. However a subsequent letter from Borough staff qualifies these assertions and suggests that the resolution may be amended on November 2.

Other potential health and safety concerns relate to the existence of pit privies in an area that could be readily served by the City of Palmer's water and sewer utilities. The area would be connected to the City of Palmer's sewer and water system if it were annexed. The resident property owner within the territory proposed for annexation suggests that there is no need for utility services or other services of the City of Palmer. The resident property owner retained the services of an environmental health specialist who asserts that "no conditions were observed [in the territory proposed for annexation] which would endanger the health or safety of Palmer residents." The resident property owner also claims that the animal control problems were addressed long ago.

Statements from property owners adjacent to the area proposed for annexation are in direct conflict with statements made on behalf of the resident property owner in the area proposed for annexation. For example, one property owner wrote:

*"We don't think it is his dogs, we know it. We have recorded them barking and howling at any hour of the day or night and submitted this evidence to the City Council at one of the meetings and have walked up to the edge of his property to be very sure. Have seen his dogs rip apart ours and our neighbors garbage and harass our chained dog (as recent as 1992) and return to HIS yard. Mr. Bailey is the only one in our neighborhood who has these "dingo type" dogs. We were able to give very accurate descriptions to Animal Control and they found them to be Mr. Bailey's."*

The same letter states *"Mr. Gallagher's letter of May 9, 1992 in regard to bathroom and playground facilities being the same place plus dogs bathroom has merit"*.

The Department lacks the tools to resolve these directly conflicting statements. The Commission, however, has the power to secure sworn testimony at its hearing (19 AAC 10.560). Such a mechanism will hopefully enable the Commission to arrive at the truth concerning the health and safety issues.

If no health threat exists, then annexation of this one relatively small area might not warrant use of the legislative review process.

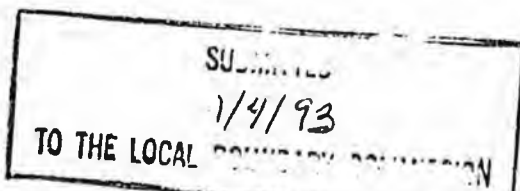
## Recommendation

The extent to which this proposed boundary change may meet the health, welfare and safety standard is much disputed. This proposed boundary change is variously described as an unwarranted intrusion of local government into the lifestyle of a persecuted individual or the well intentioned effort of a local government to address a health and safety problem through a slight extension of municipal jurisdiction. The Department of Community & Regional Affairs cannot appropriately challenge the sincerity of the statements of the various competing interests. However the Local Boundary Commission has the legal authority to examine the various competing positions advanced in this controversy under the light of sworn testimony. To fairly reach the heart of this dispute and render a decision on the merits of the competing parties requires the submission of sworn testimony.

The department recommends that the petition be approved by the Local Boundary Commission utilizing the legislative review method if, after receipt of sworn testimony, the Commission concludes:

that the health, safety or general welfare of city residents is or will be endangered by conditions existing or potentially developing in the territory, and that annexation will enable the city to regulate or control the detrimental effects of those conditions.

If the Local Boundary Commission concludes that the health, safety or general welfare of city residents is not endangered, the Commission should not approve the petition under the legislative review annexation method.



January 4, 1993

TO: LOCAL BOUNDARY COMMISSION

FROM: ROBERT ED. BAILEY *Robert Ed. Bailey*

THROUGH: Robert H. Knight, Jr., Consultant to Mr. Bailey *by RHK*

SUBJECT: REQUEST FOR RECONSIDERATION OF  
LBC DECISION TO APPROVE ANNEXATION

Mr. Bailey hereby requests the Local Boundary Commission to reconsider its December 30, 1992, decision to approve the City of Palmer's petition to annex Mr. Bailey's and four other property owners' land into the City of Palmer.

The essential elements requiring reconsideration involve due process issues as well as a significant difference with respect to views expressed about Mr. Bailey's fate if annexation goes through.

The other essential element derives from the decision document itself. That document was handed to Mr. Bailey's consultant after it was voted on by the Commission and not before Mr. Bailey's consultant had a chance to address the Commission; i.e., nothing was said at that time.

The contents of the decision document do not reflect the comments of the Commissioners when they first voted 3-2 in favor of the annexation on December 21, 1992. The comments of the dissenters are summarized in footnote 3 on page 3 of the decision. The views of the majority are not those set out in the decision, at least as expressed on December 21st.

For instance, Commissioner Johnson expressed concern about "the children." A video tape which only Commissioner Cotten viewed contained footage about children in proximity to Mr. Bailey's property. Commissioner Cotten did not mention that or the other contents of the tape in his lengthy dissertation on the law and other matters as set out by the petitioner.

The Decision reflects none of this. The Decision appears to reflect the staff report efforts. Citing vague assertions from Police Chief Otte on page 7 with regard to complaints and dogs when nothing of substance was reported should not be the basis for a Commission decision. No expert testimony was provided or evidence produced with respect to pit privies as cited on page 8 of the Decision. The mere speculation about City residents living downhill does not speak to such technical matters as the depth of the water table, the direction of flow of that water any more than it cites a single problem ever produced by the use of these pit privies. The Commission should demand hard evidence when making a judgment on a hostile annexation. There is no hard evidence of any relevance. A dog incident more than 12 years old is cited in support of the decision. That dog did not belong to Mr. Bailey. The dog belonged to a tenant that Mr. Bailey had inherited that year when he bought that particular lot. The Staff has clearly reached as far as it could to try to justify the Commission's vote. The evidence cited is not relevant evidence. It is stale evidence. In a fair trial, a 12 year old misdemeanor would not be permitted in as evidence. The use of a 1988 incident is highly questionable in view of all the changes that have occurred since then.

Then Conclusion set out on page 8 of the Decision states that "viewed collectively" all of the problems thrown out by the petitioner constitute a threat to health and safety and welfare of city residents. The only thing that the City proved in its testimony is that there were some unhappy people who petitioned in 1989.

The due process element requires even in administrative proceedings something akin to the fair trial philosophy anyone receives under the Alaska and U.S. Constitutions. This fair trial element is clearly missing from these proceedings from the beginning to the end.

For instance, it has only recently come to Mr. Bailey's attention that Mr. Matera, a witness at the public hearing was one of the original petitioners and, after signing the petition, sat as a member of the Palmer Planning Commission reviewing the petition and voting it forward to the Palmer City Council. The very origins of the petition are invalid! Mr. Matera should have recused himself from the consideration of the petition because he was a petitioner. The LBC should reject the petition because it was fatally flawed at the outset.

The Commissioners should not overlook such flaws when the matter is a hostile annexation. Mr. Bailey respectfully suggests that he is entitled to fair play at every step in this matter and that he did not receive it when Mr. Matera voted as a member of the Planning Commission on the petition in the first place.

The Commission should have ignored Chief Otte's vague affidavit when it was shown from minutes of the Palmer City Council that a Council Member was agreeable to flooding the police with dog complaints.

The unlicensed vehicles on Mr. Bailey's property were never shown to be a hazard to anyone. In fact testimony was presented by several mothers of small children asserting that their children had played on Mr. Bailey's property without ever being harmed in any way.

The misreading of Ms. Hummel's October 19th letter by the Staff appears to be stretching. Ms. Hummel was never asked about that letter despite making personal efforts to be available as an expert witness to the Commission. Ms. Hummel intended that letter to point out the kinds of problems the City of Palmer might be creating for itself through the annexing of Mr. Bailey's property. This information was provided because Ms. Hummel had seen similar efforts in other parts of the United States. Misreading the letter without bothering to ask her about it and using it in support of the Commission's vote is stretching too far.

The lack of water and sewer facilities were addressed by only one certified sanitarian: Ms. Hummel. No expertise was ever summoned to refute her findings and conclusions. Only the idle speculation of unqualified persons was given to the Commission with respect to the petitioner's views on the matter of privies, etc. The LBC and the people of the State of Alaska deserve better than that.

Ms. Hummel's use of the word "nuisance" in her letter is not explained by the Staff. It is simply thrown out as though it were somehow significant. Mr. Bailey has asserted all along that if the

neighbors wanted to do something, their appropriate action was a nuisance suit in court. What is being made of the use of "nuisance" in Ms. Hummel's letter is not clear although it seems to be cited in support of this decision. Such vagueness should not be a part of the Commission's decision.

Footnote 7 on page 8 states only that efforts were made to arrange for a DEC person to go to Mr. Bailey's property. The full story is laid out in the materials submitted by Mr. Bailey. The footnote ignores the facts. Commission decisions should be on firmer ground. The Commissioners should revisit the decision and review point by point the materials submitted.

Commissioner Cotten spoke at some length about how Palmer bears Mr. Bailey no ill will in his comments prior to voting on December 21st. An affidavit is attached to this submission which indicates clearly that Commissioner Cotten's view is not shared by the Palmer police. That affidavit shows that a Palmer policeman asserted that he could not wait to arrest Mr. Bailey. Additionally, Mr. Bailey's son was stopped by the police and given an unsigned summons for something he asserts he did not do. Two other friends of Mr. Bailey's were stopped or arrested after the public hearing. An affidavit is attached showing that two persons saw Palmer police writing down the license numbers of the cars in the parking lot at the Hearing Chamber on the night of the Commission's public hearing (11/20/92). Clearly, Mr. Bailey's future in the City of Palmer is not a happy one. In view of the clear intention of the City of Palmer to arrest Mr. Bailey at the first opportunity, the Commission should reconsider this vote and deny the petition.

City Manager Soulak's personal observations on Mr. Bailey were reported in the Anchorage Daily News prior to the Commission's vote. The City Manager has had ample opportunity to make known his personal views ever since the matter started. He has never done so. Expressing those views to the media may have been inadvertent, but the fact remains Mr. Soulak is an authority figure in the petitioner's organization and his views carry weight. Such views should not be permitted in the public just prior to the Commission's casting its votes on this matter. In particular, where the vote is close as it was in this matter, every element should be important.

Neither Mr. Soulak with his comments in the paper, nor any of the witnesses presenting testimony was ever subjected to questioning or cross-examination by Mr. Bailey or his representative. Specificity was lacking as to specifics at every turn, yet the testimony was allowed in as sworn testimony. (Not Mr. Soulak's newspaper quotes, but the others').

The Commission should take the time to reflect on the kangaroo court efforts to pillory Mr. Bailey and the lack of real or hard evidence to support such efforts.

Indeed, the final statement in the Decision's conclusion shows that the annexation is being put forward simply to solve a neighborhood problem that should have gone to court as a nuisance suit in the first place. The legislative review annexation process is clearly being used to support a City effort to force Mr. Bailey to forsake what is a legal lifestyle and live as the City of Palmer would have him live. It is an invasion of privacy, a violation of his civil rights to annex him so that a policeman can arrest him, a lack of due process and a lack of equal protection. These arguments are spelled out in detail in the October 21, 1992,

Review and Comments submitted by Mr. Bailey and as other violations occurred in subsequent submissions.

Commissioner Cotten missed the November 20, 1992, public hearing. He subsequently reentered the matter. He traveled out to Palmer to view Mr. Bailey's property without calling on Mr. Bailey. About the time he was supposedly visiting, Mr. Bailey saw two men come on to his property. He had never seen Commissioner Cotten and so would not have been able to identify him. Commissioner Cotten needs to state whether he was accompanied by anyone when he visited Mr. Bailey's property and whether he had any conversations with anyone besides Staff or other Commissioners regarding the matter.

Finally, Commissioner Cotten should have recused himself from participating or voting on the matter. In 1991, Mr. Bailey's consultant, Mr. Knight, was the Division Director of the Municipal and Regional Assistance Division in the Department of Community and Regional Affairs. A Deputy Division Director job came open under Mr. Knight. Mr. Cotten expressed strong interest in the job and was interviewed for it by Mr. Knight. Mr. Cotten was subsequently not selected for the job. Mr. Bailey thought that Commissioner Cotten's absence from the public hearing meant that Mr. Cotten did not intend to participate. It was not clear up until the time during the vote on December 21st when Mr. Cotten said how he would vote that Mr. Cotten intended to vote. Mr. Cotten did not reveal to his fellow commissioners that he had had the above described negative contact with Mr.

Bailey's consultant. The parties, though present at the vote meeting, were prohibited from speaking out at the vote meeting. No objection was taken then, but was entered at the next available opportunity to speak. Neither Mr. Bailey nor Mr. Knight wishes to raise a personal matter like this, but where the matter is a forced annexation and the vote is 3-2 and one of the majority has had a prior contact which should have caused him to recuse himself or absent himself from the vote, Mr. Bailey respectfully suggests that the Commission should revisit the decision, reconsider the vote, and vote again. Whether or not Mr. Cotten's views were or were not swayed by that prior contact is not as important as the integrity of the decision process itself.

A 2-2 tie vote would have meant a denial of the petition. Mr. Cotten's lengthy speech on behalf of Palmer was picked up and endorsed by Chairman Hargraves. Whether his vote was swayed in fact by Mr. Cotten's speech is not as important as the fact that Commissioner Hargraves endorsed what Mr. Cotten said. Had not Mr. Cotten said those things or had he revealed that he had had negative contact with Mr. Bailey's consultant and recused himself, the vote might well have been changed.

The Commission should reconsider its vote and disallow Commissioner Cotten's participation in the vote leaving the first vote at 2-2, rewrite its decision based upon the hard points made, and deny the petition.

The due process and basic fairness problems with this annexation effort started at the very beginning when unhappy neighbors attempted to use political might to force a neighbor to change his living patterns. The courts were and are available for such matters. The executive branch and the administrative process should not be available for such misuse as has occurred

here. The stretching of the Staff in drafting the Commission's decision shows that there is nothing of substance to support it. Commissioner Cotten's participation at this end of the process completely fouls the integrity of the process. The other elements are already set out in the materials sent to the Commission. They are incorporated here by reference. From Mr. Matera's participation as a petitioner and a planning commissioner to Commissioner Cotten's unrevealed negative contact with Mr. Bailey's consultant, the handling of this petition is flawed. The Commission must reconsider its decision.

Mr. Bailey wishes to express his personal appreciation for the personal courtesies he has been shown in his contacts with the Commission. He also wishes to express his appreciation for the professional handling of the matter by the Commission's Staff.

LOCAL BOUNDARY COMMISSION

PROPOSED ANNEXATION OF 7.5 )  
ACRES TO THE CITY OF PALMER )

AFFIDAVIT OF CAROLYN K. SIELER

SUBMITTED  
1/4/93  
TO THE LOCAL BOUNDARY COMMISSION

STATE OF ALASKA )  
 ) ss:  
THIRD JUDICIAL DISTRICT )

I, Carolyn K. Sieler, being first duly sworn on oath,  
deposes and states:

1. I am a resident of the State of Alaska.
2. On or about 7:10 p.m. on November 20, 1992, I drove to, and did attend the Local Boundary Commission Public Hearing held at the Matanuska-Susitna Borough Building.
3. Upon entering the Parking lot I did notice a Palmer Police Canine Patrol Officer stopped on the right side of the parking lot isle.
4. I pulled around the Police vehicle and continued into the Parking lot, and parked my vehicle.
5. As we parked, I noticed the Officer pull forward approximately two or three cars, and stop.
6. As I walked into the building, passing the Officer's car, I noticed the Officer leaned over in his seat writing on a pad of paper. I assumed he was noting license plate numbers, as he kept looking at the cars as he was writing.
7. I stood in the building and watched the Officer for a few minutes, as he proceeded down the parked vehicles, with several other people that were smoking in the entry.
8. I watched the Officer continued pulling forward. stopping,

and writing, down the parking isle until he was out of my view.

9. By the time I left the Hearing, on or about 9:30 p.m., the Police Officer had left the Parking lot.

8. Affiant sayeth further naught.

Date: December 30, 1992      Cathy K. Siler

Subscribed and sworn to before me this 30<sup>th</sup> day of December, 1992.

Lina Allingalew  
Notary Public in and For Alaska

My Commission expires: 12/19/96

LOCAL BOUNDARY COMMISSION

PROPOSED ANNEXATION OF 7.5 )  
ACRES TO THE CITY OF PALMER )

SUBMITTED  
1/4/93  
TO THE LOCAL BOUNDARY COMMISSION

AFFIDAVIT OF SUSAN M. HAGEN

STATE OF ALASKA )  
 ) ss:  
THIRD JUDICIAL DISTRICT )

I, Susan M. Hagen, being first duly sworn on oath,  
deposes and states:

1. I am a resident of the State of Alaska.
2. On or about 7:10 p.m. on November 20, 1992, I did attend the Local Boundary Commission Public Hearing held at the Matanuska-Susitna Borough Building.
3. Upon entering the Parking lot I did notice a Palmer Police Cannine Patrol Officer, who is known to me as Charlie, stoppec on the right side of the parking lot isle.
4. Carolyn <sup>K. Siler</sup> was driving, and as she pulled around the Police vehicle, I did notice the Officer writing on a pad.
5. As we parked, I notice the aforementioned Officer pull forward approximately two or three cars, stop, and began writing again.
6. As we walked into the building and stood in the entry, I noticed the Officer repeating this procedure several times, until he was out of my view.
7. By his actions and mannerisms, I assumed the Officer was writing license plate numbers on his pad of paper.
8. I asked several other persons in the entry if they had observed the Police in the parking lot. The attendees in the entry

had not noticed the Police upon their arrival.

9. By on or about 7:40 p.m., the Police Officer had left the Parking lot.

8. Affaintant sayeth further naught.

Date: 12-30-92 Susan M. Hagen

Subscribed and sworn to before me this 30<sup>th</sup> day of December, 1992.

Andrew E. Hill  
Notary Public in and For Alaska

My Commission expires: 11-20-96

THE  
FOLLOWING  
DOCUMENTS  
ARE  
POOR  
ORIGINAL  
COPIES

**SUBMITTED**  
*1/4/93*  
**TO THE LOCAL BOUNDARY COMMISSION**

AFFIDAVIT OF STATEMENT

We, Linda L. Macey and Veronica T. Lasko, do swear under oath, testify, depose, and declare that the following statements are true to the best of our abilities and beliefs:

1. That We are residents of the State of Alaska.
2. That we currently serve as the Treasurer and Secretary, respectively, of the Alaska Citizens Awareness Committee, Incorporated, a non-profit organization dedicated to educating, informing, and assisting individuals that are working through government administrative procedure.
3. That this organization is currently involved in assisting Mr. Robert E. Bailey work through his current opposition to the City of Palmer attempt to annex 7.8 acres in the Riverside Subdivision, Palmer, Alaska.
4. That on or about 7:30 p.m. of November 17, 1992, while conducting a door to door survey and collecting petition signatures in North Palmer, we did approach and converse with the occupant of the residence at Dolphin Street.
5. That, though the person we spoke with did not directly identify himself as a Palmer City Police Officer, along with the Police Car parked in front of the house, the ensuing conversation established that he was in fact an Officer of the Law.
6. That, said Police Officer informed us that it was a "pretty nice neighborhood" and accepted one of our informational fliers.
7. That we indicated that the property being considered for

8. That said officer exclaimed "No, the Taylor's office. Well let me tell you. I can't wait to arrest Mr. Bailey. We don't know what I know about Mr. Bailey" and though he could not state any specific details, his inference, and by fact if his position as a Police Officer, were directly intended to damage Mr. Bailey's character.

9. That he offered to listen to any concerns he might be accused and he told us that he was not allowed to talk about it.

10. That he offered the times and meeting places for two Public Hearings that were being held concerning the annexation, where any issues or concerns could be discussed.

11. Affiants sayeth further naught.

This was 4th day of December, 1992.

Alaska Citizens Awareness Committee, Inc.,

Florida L. Morry  
Florida L. Morry, Treasurer

Veronica J. Anacleto  
Veronica Anacleto, Secretary

SWORN and SUBSCRIBED to before me this 4th day of  
December, 1995.

Linda J. Brown  
Notary Public for Alaska  
By Commission Expires:  
10-17-95

State of Alaska  
NOTARY PUBLIC  
Linda J. Brown  
My Commission Expires 10-17-95



# Alaska State Legislature

## SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Senator Randy Phillips, Chair  
Senator Robin Taylor, Vice Chair  
Senator Rick Halford  
Senator Al Adams  
Senator Fred Zharoff

SESSION:  
State Capitol  
Juneau, Ak 99801-1182  
(907) 465-4989

INTERIM:  
P O Box 142  
Eagle River Ak 99577  
(907) 694-4949

### FACT SHEET

1. 5 property owners and 7.5 acres of land is involved.
2. 4 of the property owners oppose annexation.
3. 347 Mat Su area residents signed a petition opposing the annexation.
4. Annexation appears to be directed at a zoning problem of abandoned vehicles and nuisance dogs on the land owned by Mr. Robert Baily.
5. Currently land is zoned unrestricted and meets current borough ordinances for health and safety.
6. Subdivision neighbors moved into area long after Mr. Baily purchased property in 1967.
7. Local Boundary Commission accepted the City of Palmer's rationale for annexing the 7.5 acres.



FRONTISMAN/ESLR SCHWADERER

## Books are the game

Above, members of the fifth-grade team from Willow Elementary School prepare to answer their first Battle of the Books question Saturday. At right, Casoy Shultz (left), Michele Maestas and Wendy Winfield of Coltonwood Creek Elementary School confer during a break in the competition. For results of the battle, see Page 10



*Frontisman 2/10/93*

# Bailey is taking annexation battle to court

By **KERRY DOWNING**  
and **SANDRA MEDEARIS**  
*Frontisman reporters*

Ed Bailey has decided to fight city hall and the state. This time, he plans to see them in court.

Bailey, who signs his name Robert Ed Bailey when he's up to serious business, told the city of Palmer, the Local Boundary Commission, and the State of

Alaska this week that they have no business drawing lines to annex his property into Palmer when he wants to stay out.

Bailey's filed an appeal in Palmer Superior Court Monday to set aside the Local Boundary Commission's approval of an annexation petition from Palmer affecting five properties that total 2.5 acres.

The city had petitioned the

state to allow it to annex the properties, including that of Bailey, who has been criticized over his animals and over the trash and treasures on his property.

Bailey, 58, lives off Eagle Street, just outside the city limits. The Local Boundary Commission voted a second time on Jan. 30 to allow the city to annex his property. The vote was

3-2.

Normally the matter would be passed on to the Legislature, which has 45 days to overturn the decision. But Bailey is asking the court to suspend the 45-day period and either try the case or take the matter up as an appeal.

The appeal, filed without a lawyer but with help from Robert Knight of Anchorage,

raises several points. Knight has practiced law but is not a member of the Alaska Bar.

Bailey's suit says the city should not have used the legislative process to annex Bailey's land because the petition was based on causes for a nuisance suit. The city has said one of the reasons it was attempting to annex the property was because Bailey's dogs were caus-

ing a disturbance.

The suit states that "the petition was fatally flawed when one of the persons, Mr. Matera, who instigated the petition ... voted as a member of the Palmer City Planning Commission that voted by one vote to send the petition on to the Palmer City Council."

See ANNEX, Back Page

# Wasilla council votes to delay Peck St. project

By **SANDRA MEDEARIS**  
*Frontisman reporter*

The Wasilla City Council is trying to erase plans for a Peck Street upgrade that would turn

two weeks ago to reschedule the issue for public hearing Monday night.

"I wasn't aware when we bought the house that we'd

Four parcels would have to be acquired by the city for the project, which would punch Peck Street from Bogard Rd. all the way through to Wasilla-

remainder of the project would be delayed until the city receives funds from the federal Intermodal Surface Transportation Efficiency Act.

Street at a 90-degree intersection at Wasilla-Fishhook.

An overwhelming number of people do not want the street to become a thoroughfare, said council member Ken Erickson,

he had from state Department of Transportation plans for Main Street alterations.

"The DOT project will divert traffic away with one-way streets north and south," said

when negotiations began. "First of all, we are just in our negotiations.... I don't want to give that information out right now."

An overview statement written by Dave Brangan, president of Arctic Fibre, says the company would employ 66 people in the first year while producing 15,000 tons of fiberglass insulation. The plant would run 330 days a year, 24 hours a day, and would be Alaska's sole fiberglass plant, said Brangan, who could not be reached this week.

In December, after a presentation by the company's vice president, Stan Higgins, the borough's Overall Economic Development Commission formed a task force to assist Arctic Fibre on finding land, access to transportation, and utilities.

Fiberglass manufactured by Arctic Fibre would be shipped south to the Pacific Northwest, Brangan said.

David Germer, chairman of the three-member OECD task force, said Arctic Fibre was sent a letter in January offering a helping hand, but there was no reply. The task force never began working with Arctic Fibre officials or identified potential Mat-Su sites.

"I think the three of us on the

See PLANT, Back Page

other states have considered banning the manufacturing of fiberglass, and that medical studies show exposure to fiberglass emissions and dust could cause lung cancer.

Braugan said the plant he wants to build would pose no

the lung tissue and stimulate metaplasia and fibrosis.

"I have no problem with a plant coming into the neighborhood if they are a reputable firm," said Briggs. "But I do have concern because the fiberglass plants in the Lower 48 are

ucts carry a warning label that states fiberglass can be a "possible cancer hazard by inhalation."

## Annex: Bailey sues

**Continued from Front Page**

The suit says a member of the Local Boundary Commission also had a conflict of interest. It says a commissioner who voted to approve the annexation had applied for, and was denied, a job with Knight, Bailey's consultant. The suit says if that commissioner had disqualified himself, the vote would have been 2-2, and the city's petition would have been denied.

The suit says witnesses who testified at a hearing Nov. 20 were not allowed to be cross-examined, and the evidence given to the Local Boundary Commission should not have been accepted. It argues that as a result, Bailey was not given a fair hearing.

It says Bailey was not notified when the city passed an ordinance in 1991 that authorized the petition to the commission, and argues that the neighbors

complaints, which initiated the ordinance, were outdated.

Palmer's city attorney, Jack Stodgrass, owns a large enclave inside the city and his property should have been annexed as well if Bailey's was to be taken to even out city boundaries, the suit says.

The suit says that Palmer police revoked the license plates of everyone who attended the November hearing, and arrested one of Bailey's tenants, one of his supporters and his son.

It says a police officer said "he could not wait to arrest Mr. Bailey" and calls the alleged police action "a scheme to intimidate Mr. Bailey and deprive him of his civil rights."

The suit seeks an injunction against the city of Palmer to prevent city employees from "harassing (Bailey) or (Bailey's) supporters."

## Wasilla: Peck debated

**Continued from Front Page**

we will need a light at Peck and Bogard, which will back up traffic more.

"It's not going to solve any problem. It will create a big one," said Carson.

"I think it is a good project," said Steve Stoll. "Unfortunately these folks will have a real busy road by them. It is a logical way to take traffic to churches and schools (on Bogard Road) and take traffic away from main Wasilla intersections."

Council member Nick Carney wants to see the upgrade done according to the Wasilla Comprehensive Plan, but he wants residences shielded from noise and traffic.

"I thought there would be a wall as a sound barrier on the west side to protect the subdivision from noise," Carney told engineer Paul Campbell. "I want to find out how much it will cost. That should be an integral part of the project, looking for a way to protect the

subdivision from traffic and noise."

Several citizens suggested straightening Bogard where it meets Peck, so that drivers entering from Peck do not have to contend with a curve on Bogard that obstructs the view of traffic from the left.

In other business, the council approved:

- An appropriation of \$90,000 to upgrade the water supply to Wasilla Senior Center, Williwaw Manor, and a new senior housing project nearby. Most of the money, \$75,000, will come from water utility earnings combined with \$15,000 from Wasilla Associates, a private firm building the new senior units.

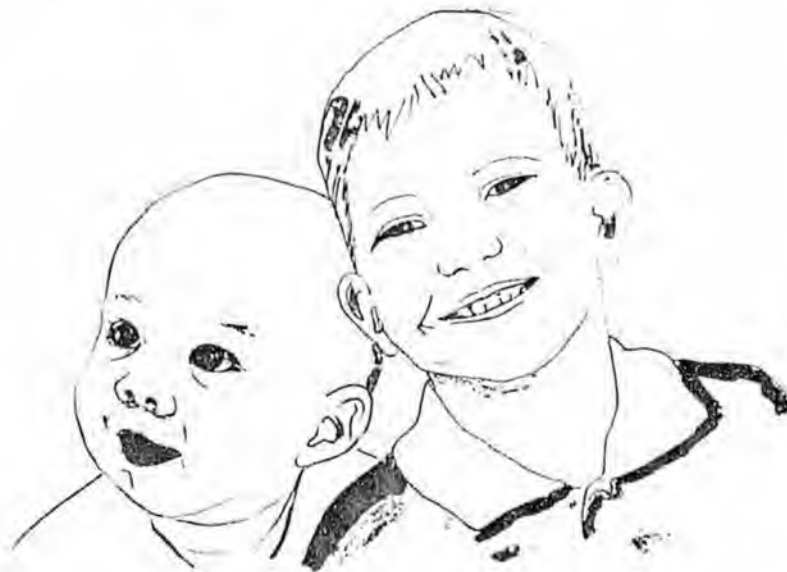
- An appropriation of \$321,247 for a paving project in Shadowood Subdivision.

- Dropped the bare-land lease fee at the new Wasilla Airport from 10 cents a square foot per year to six cents.

# peace of mind

"Our advertisements in the Valley Sun and Frontiersman have brought many parents and their children to us. Our care givers can accommodate children from 6 weeks old to 11 years old. We truly enjoy what we do."

Mary Sue Foster  
Little Red School House  
one House Off Treadwell Park Hwy., Wasilla



*Bringing advertisers and customers together.*

## Frontiersman Valley Sun

Seward Meridian & Parks Highway, Wasilla 376-5225

See SJR 20

FROM: Mrs. Verna Euwer  
291 E Paulson

Wasilla AK 99687 376-5020

NON-CONSTITUENT

BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I STRONGLY SUPPORT THE PASSAGE OF SJR20 CONCERNING THE  
ANNEXATION OF THE BAILEY PROPERTY TO THE CITY OF PALMER.

FROM: Mr. Archie Euwer  
291 E Paulson

Wasilla AK 99687 376-5020

NON-CONSTITUENT

BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I WANT TO GIVE MY SUPPORT TO SJR20 CONCERNING THE  
BAILEY PROPERTY ANNEXATION.

FROM: Mr. Errol Euwer  
291 E Paulson

Wasilla AK 99687 376-5020

NON-CONSTITUENT

BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I WANT TO GIVE MY SUPPORT TO THE BILL THAT OPPOSES THE  
ANNEXATION OF THE BAILEY PROPERTY.

FROM: Ms. Sheryl Williams  
Box 2822

Palmer AK 99645 745-2723  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: SUPPORT SJR 20. PROTECT THE INNOCENT.

FROM: Ms. Nancy Engel  
Box 197

Palmer AK 99645 745-4132  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: SUPPORT SJR 20.

FROM: Ms. Gloria Ferguson  
HC 02 Box 7036

Palmer AK 99645 745-4383  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: SUPPORT SJR 20.

FROM: Mr. Eugene Bjore  
Box 2822

Palmer AK 99645 745-2723  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: SUPPORT SJR 20. LEAVE THE LITTLE GUY ALONE.

FROM: Mr. Daniel Hill  
HCR 01 Box 6224-24-20-3

Palmer AK 99645 745-1040  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: SUPPORT SJR 20, OPPOSE PALMER ANNEXATION.

FROM: Ms. Brenda Anacleto  
HC 03 8108N

Palmer AK 99645 745-5573  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: I SUPPORT THIS BILL.

FROM: Ms. Shelly Ingalls  
Box 1975

Palmer AK 99645 745-1889  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES  
MESSAGE: I DO SUPPORT THE ANNEXATION.

FROM: Mr. Joe Lawton  
549 E Caribou

Palmer AK 99645 745-4917  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES  
MESSAGE: PLEASE DON'T DENY A GROUP OF PALMER NEIGHBORS THE RIGHT  
TO PEACEABLY AND LEGALLY ENFORCE REASONABLE HEALTH AND SAFETY  
STANDARDS FOR THEIR NEIGHBORHOOD.

FROM: Mr. John Alcantra  
Box 2084

Palmer AK 99645 745-1413  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: I STRONGLY OPPOSE THE CITY OF PALMER'S FORCEFUL  
ANNEXATION OF MR. ED BAILEY'S PROPERTY NORTH OF TOWN. SJR20  
WILL DISAPPROVE OF THE BOUNDARY COMMISSION'S NARROW AND  
INAPPROPRIATE DECISION (3-2) TO VIOLATE THIS  
GENTLEMAN'S PROPERTY RIGHTS. PLEASE VOTE TO PASS SJR20.

FROM: Ms. Marsha Melton  
Box 891

Palmer AK 99645 745-2403  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

OPPOSES

MESSAGE: I STRONGLY FAVOR THE PALMER ANNEXATION AND OPPOSE SJR  
20.

FROM: Mr. David Blum  
Box 732

Palmer AK 99645 745-4445  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: PLEASE VOTE IN FAVOR OF SJR 20. THE ANNEXATION IS NOT  
A STATE PROBLEM.

FROM: Ms. Alma Blum  
Box 732

Palmer AK 99645 745-4445  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: PLEASE VOTE IN SUPPORT OF SJR 20 AND AGAINST PALMER  
ANNEXATION.

FROM: Mr. Greg Berberich  
Box 903

Palmer AK 99645 745-5100  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES

MESSAGE: PLEASE SUPPORT THE PALMER ANNEXATION AND OPPOSE SJR 20.

FROM: Mr. Tom Ray  
Box 2991

Palmer AK 99645 745-0527  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES

MESSAGE: I AM IN FAVOR OF THE PALMER ANNEXATION AND OPPOSE SJR  
20. THE PROPERTY CONDITION IS A HEALTH &  
SAFETY THREAT TO AREA RESIDENTS AS  
DOCUMENTED FOR THE LOCAL BOUNDARY COMMISSION.

FROM: Mr. Mike Gallagher  
546 N Chugach

Palmer AK 99645 746-0527  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES

MESSAGE: I AM IN FAVOR OF THE PALMER ANNEXATION AND OPPOSE SJR  
20. THE PROPERTY CONDITION IS A HEALTH &  
SAFETY THREAT TO AREA RESIDENTS AS  
DOCUMENTED FOR THE LOCAL BOUNDARY COMMISSION.  
I AM AN AREA RESIDENT.

FROM: Ms. Cynthia Ward  
310 eagle

Palmer AK 99645 745-2774  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES

MESSAGE: I AM IN FAVOR OF THE PALMER ANNEXATION AND OPPOSE SJR  
20. THE PROPERTY CONDITION IS A HEALTH &  
SAFETY THREAT TO AREA RESIDENTS AS  
DOCUMENTED FOR THE LOCAL BOUNDARY COMMISSION.  
I LIVE DIRECTLY ACROSS THE STREET. LEGISLATORS NEED TO LOOK  
AT THE FACTS, PLEASE INFORM YOURSELVES.

FROM: Mr. Hank Moore  
Box 877124

Wasilla AK 99687 376-0467  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES

MESSAGE: I AM IN FAVOR OF THE PALMER ANNEXATION AND OPPOSE SJR  
20. THIS PROPERTY IS A HEALTH, SAFETY, &  
WELFARE THREAT TO AREA RESIDENTS AS  
DOCUMENTED FOR THE LOCAL BOUNDARY COMMISSION.

FROM: Mr. Omar Anacleto  
HC03 8108N

Palmer AK 99645 745-5573  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I OPPOSE THE ANNEXATION AND I SUPPORT SJR20.

FROM: Mr. Kemp Absher  
S347S E. End Road

Homer AK 99603 235-7129  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES

MESSAGE: I AM IN FAVOR OF THE ANNEXATION AND OPPOSE THE  
RESOLUTION.

FROM: Mr. Ed Bailey  
Box 221

Palmer AK 99645 745-3020  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I SUPPORT THE RESOLUTION AND I AM OPPOSED TO THE  
ANNEXATION.

FROM: Ms. Karen LaFave  
Hc04 Box 9282

Palmer AK 99645 746-3859  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: AS A FOURTH GENERATION ALASKAN, I FEEL THAT FORCED  
ANNEXATION IS WRONG. MY GREAT GRANDFATHER CAME TO ALASKA  
FOR OPPORTUNITY AND FREEDOM. ANYTHING THAT FORCES A PERSON  
IN TO SOMETHING THEY DON'T WANT IS WRONG. THAT'S NOT WHY WE CAME  
HERE. THANK YOU.

FROM: Mr. Kelly Dent  
Box 1445  
Kenai  
Kenai AK 99611 776-3492

NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES

MESSAGE: I AM IN FAVOR OF THE CITY OF PALMER ANNEXATION BECAUSE  
OF THE THREAT TO THE HEALTH AND SAFETY OF EVERY RESIDENT AS  
DETERMINED BY THE LOCAL BOUNDRY COMMISSION.

FROM: Mayor George Carte  
367 N Valley Way

Palmer AK 99645 745-3589  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES

MESSAGE: THIS PROPERTY HAS ADJOINED CITY LIMITS SINCE 1951. THE  
CITY WAS THERE FIRST. ANYONE LOCATING A HOMESTEAD  
ON A GROWING CITY'S BOUNDARY SHOULD EXPECT  
URBAN PRESSURE. DANGEROUS JUNKYARDS ARE NOT GOOD  
NEIGHBORS TO ANYONE. WHAT HAS HAPPENED WAS INEVITABLE!

FROM: Ms. Linda Cross  
Box 878847

Wasilla AK 99687 373-7394  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: FAVOR THE BILL, OPPOSE THE ANNEXATION.

FROM: Ms. Karen LaFave  
HC 04 Box 9282

Palmer AK 99645 746-3859  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: FAVOR THE BILL, OPPOSE THE ANNEXATION.

FROM: Mr. Eric Swan  
HC 03 Box 8108-k

Palmer AK 99645 746-0917  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: FAVOR THE BILL, OPPOSE THE ANNEXATION.

FROM: Ms. Jana Thrift  
Box 2574

Palmer AK 99645 746-1763  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: I AM AGAINST THE ANNEXATION AND I HOPE YOU WILL BRING  
IT TO THE FLOOR FOR A VOTE. I SEE IT AS FORCIBLE TAKING OF LAND  
AND BREACH OF LANDOWNERS RIGHTS.

FROM: Mr. Curtis Kragero  
Box 878602

Wasilla AK 99687 373-1969  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: FAVOR THE BILL, OPPOSE THE ANNEXATION.

FROM: Ms. Maranda Hancock  
HC 01 Box 6468

Palmer AK 99645 NONE  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: FAVOR THE BILL, OPPOSE THE ANNEXATION.

FROM: Ms. Katherine Wade  
Box 362

Sutton AK 99674 745-4387  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: VOTE YES FOR SJR20. I OPPOSE THE PALMER ANNEXATIONS OF  
THE POOR OLD MAN.

FROM: Ms. Carol McNamara  
Box 247

Sutton AK 99674 746-1400  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: PLEASE VOTE YES FOR SJR 20 OPPOSING THE ANNEXATION.

FROM: Mrs Tiny DePriest  
Hc04Box 9735

Palmer AK 99645 745-3927  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: PLEASE VOTE YES ON SJR20 AGAINST NOT ONLY ANNEXING MR.  
BAILEY BUT THE OTHER THREE PARCELS WHICH ARE PROPOSED. THE  
ALASKA RAILROAD IS ONE OWNER AND THE OTHER TWO ARE PRIVATE  
INDIVIDUALS WHO, AS MR. BAILEY, DO NOT WISH TO BE ANNEXED.  
THANK YOU.

FROM: Mr. Gerald McNamara  
Box 247

Sutton AK 99674 746-1400  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: PLEASE VOTE YES FOR SJR 20 OPPOSING THE ANNEXATION.

FROM: Mr. Ed Bailey  
Box 221

Palmer AK 99645 745-3020  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: OPPOSE PALMER ANNEXATION. THE LBC DID NOT HAVE JUST  
CAUSE TO RECOMMEND AND MY NEIGHBORS ALLEGATIONS HAVE NOT  
BEEN PROVED. PALMER HAS NO RIGHT TO TAKE MY LAND. PLEASE  
VOTE YES ON SJR20.

FROM: Ms. Cheri Day  
Box 257

Sutton AK 99674 746-5981  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: OPPOSE THE PALMER ANNEXATION.

FROM: Mr. Micheal Aubrey  
P.O. BOX 345

Sutton AK 99674 746-1862  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: PLEASE VOTE YES FOR SJR 20 OPPOSING THE ANNEXATION.

FROM: Ms. Nicole Cronin  
HC03 8192M

Sutton AK 99674 746-5981  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: VOTE YES FOR SJR20.

FROM: Mr. Burt Shaginoff  
Box 265

Sutton AK 99674 745-2096  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: I AM OPPOSING THE ANNEXATION.

FROM: Mr. James McCormick  
BOX 1003

Palmer AK 99645 746-0746  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS  
MESSAGE: PLEASE VOTE YES ON THIS BILL.

FROM: Ms. Karen Gallagher  
546 N. Chugiak

Palmer AK 99645 746-0527  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

OPPOSES

MESSAGE: I AM IN FAVOR OF THE ANNEXATION AND THE POLITICS SHOULD  
STAY OF IT.

FROM: Ms. Stella Larsen  
BOX 5

Sutton AK 99674 746-1741  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: PLEASE VOTE YES ON SJR 20 OPPOSING THE ANNEXATION.

FROM: Mr. Al Larsen, SR.  
BOX 5

Sutton AK 99674 746-1741  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: PLEASE VOTE YES ON THIS BILL OPPOSING THE ANNEXATION.

FROM: Mr. Allen D. Larsen  
BOX 5

Sutton AK 99674 746-1741  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: PLEASE VOTE YES ON THIS BILL OPPOSING THE ANNEXATION.

FROM: Mr. Gary Pearson  
HC01 BOX 6754-L

Palmer AK 99645 745-5963  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: PLEASE SHOW YOUR SUPPORT FOR PRIVATE PROPERTY RIGHTS  
AND DUE PROCESS BY VOTING IN FAVOR OF SJR 20. THE MAT-SU  
BOROUGH GOVERNMENT IS MORE THAN CAPABLE OF DEALING WITH ANY  
PROBLEMS RELATING TO MR. BAILEYS PROPERTY. DO NOT LET THE  
BOUNDARY COMMISSION SET THE DANGEROUS AND CONTROVERSIAL  
PRECEDENT THAT IT HAS DECIDED IS IN OUR BEST INTEREST.

FROM: Mr. Don Hart  
Box 3771

Palmer AK 99645 745-5454  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I AM IN FAVOR OF SJR20 BECAUSE IT CALLS IN TO QUESTION  
THE LEGISLATIVE INTENT FOR ANNEXATION OF PROPERTY.  
CITY OF PALMER, ALL OF THE MINUTES, PEOPLE TESTIFYING AND  
THE CITY COUNCIL MEMBERS STATED THE PURPOSE WAS TO IMPROVE THE  
BALANCE OF THE PROPERTY SURROUNDING THE PROPERTY TO BE ANNEXED.  
MY CONCERN IS WHY THE DESIGNATED PROPERTY IS ENTITLED IN ONE  
ARTICLE AS SNODGRASS SUBDIVISION, SNODGRASS BEING THE  
CITY OF PALMER'S ATTORNEY.

FROM: Mr. Michael Grant  
General Delivery

Palmer AK 99645 NONE  
NON-CONSTITUENT

BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I SUPPORT SJR20. WE DON'T WANT THE ANNEXATION OF  
BAILEY'S PROPERTY IN TO PALMER.

FROM: Ms. Annette Spears  
Box 870881

Wasilla AK 99687 373-2567  
NON-CONSTITUENT

BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: THIS IS SO POMPOUS. THEY BOUGHT THE LAND KNOWING HE  
WAS THERE. THEN AFTER THEY BOUGHT THEY CONSPIRED TO GET HIM  
MOVED. PLEASE VOTE IN FAVOR OF SJR20.

FROM: Mr. Tom DePriest  
HC01 Box 6473G

Palmer AK 99645 746-2053  
NON-CONSTITUENT

BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: VOTE YES ON SJR20.

FROM: Ms. Diane Kostek  
666 Daron Dr

Palmer AK 99645 746-3369  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: I FAVOR THE BILL AND OPPOSE THE ANNEXATION.

FROM: Mr. Dan Dryden  
HC 3 Bx 8118

Palmer AK 99645 745-6745  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: I FAVOR THE BILL AND OPPOSE THE ANNEXATION. LET A  
COURT OF LAW SETTLE THIS DISPUTE.

FROM: Mr. Chris Converse  
HC 30 Bx 5355-AJ

Wasilla AK 99654 373-7810  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: I FAVOR THE BILL AND OPPOSE THE ANNEXATION.

FROM: Ms. Cynthia Helms  
Box 875443

Wasilla AK 99687 376-4957  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS  
MESSAGE: I FAVOR THE BILL AND OPPOSE THE ANNEXATION. LET THE  
COURT SETTLE THE MATTER.

FROM: Mr. Charlie Akers  
Box 1

Palmer AK 99645 746-5981  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS  
MESSAGE: I FAVOR THE BILL AND OPPOSE THE ANNEXATION. LET THE  
COURT SETTLE THE MATTER.

FROM: Mr. Johnny Day  
Box 257

Sutton AK 99674 746-5981  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS  
MESSAGE: I FAVOR THE BILL AND OPPOSE THE ANNEXATION.

FROM: Mr. David Harrison  
HC 04 Bx 9880

Palmer AK 99645 745-0505  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: I FAVOR THE BILL AND OPPOSE THE ANNEXATION.

FROM: Ms. Nancy Dryden  
HC 03 Bx 8118

Palmer AK 99645 745-6745  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: I FAVOR THE BILL AND OPPOSE THE ANNEXATION. THIS IS A  
LAND ISSUE BETWEEN NEIGHBORS THAT SHOULDN'T BE SETTLED BY  
LEGISLATIVE BODY.

FROM: Mr. David Blum  
Box 732

Palmer AK 99645 745-4445  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES

SUPPORTS

MESSAGE: PLEASE VOTE YES - OPPOSE PALMER'S USING ANNEXATION TO  
SETTLE A NEIGHBORHOOD DISPUTE OUTDIE THEIR BOUNDARIES.

FROM: Ms. Alma Blum  
Box 732

Palmer AK 99645 745-4445  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: PLEASE VOTE YES - OPPOSE PALMER'S USING ANNEXATION TO  
SETTLE A NEIGHBORHOOD DISPUTE OUTDIE THEIR BOUNDARIES.

FROM: Ms. Kathy Scheibl  
561 N Denali

Palmer AK 99645 746-4546  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
OPPOSES

MESSAGE: I AM FOR THE ANNEXATION. WE'VE LIVED ACROSS THE STREET  
FROM MR BAILEY 13 YEARS. IT'S A HEALTH HAZARD. CONSTANT  
BARKING DISTURBS THE NEIGHBORHOOD. ALL OF THE LOTS ARE  
EYESORES. WE AREN'T ASKING HIM TO MOVE, JUST TO CLEAN UP HIS  
PLACE. HE IS ON THE HILL ABOVE US. WE ARE WORRIED ABOUT  
HAZARDOUS WASTE FROM ALL OF THE JUNK CARS & OUTHOUSES DRAINING  
DOWN ON US.

FROM: Mr. Allen Colven  
BOX 221

Palmer AK 99645 746-3020  
NON-CONSTITUENT  
BILL#: SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: BECAUSE TIME IS CRITICAL PLEASE SUPPORT FOREPLAY AND  
SJR 20 BY DOING WHAT EVER IT TAKES TODAY TO MOVE SJR 20 HOUSE  
COMMITTEES AND REGIONAL AFFAIRS COMMITTEE FOR IT'S SCHEDULED  
HEARING ON TUESDAY.

DISTRIBUTION 60

FROM: Ms. Ann Stroman  
Box 3212

Palmer AK 99645 746-3036  
NON-CONSTITUENT  
BILL#: SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: PLEASE SUPPORT FAIR PLAY, DO WHAT IT TAKES TO MOVE SJR  
20 AND OPPOSE THE ANNEXATION.

DISTRIBUTION 20

FROM: Mr. Don Hart  
BOX 3771

Palmer AK 99645 745-5454  
NON-CONSTITUENT  
BILL#: SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I WISH TO THANKYOU FOR PROTECTING THE INTEGRITY OF THE  
SENATE BY VOTING IN FAVOR OF SJR 20.

DISTRIBUTION 20

FROM: Ms. Cori Hannam  
P.O. Box 2786  
Palmer  
Palmer AK 99645 376-5419  
NON-CONSTITUENT

SUBJECT: BOUNDARIES  
MESSAGE: I SUPPORT THE ANNEXATION PLANS OF THE CITY OF CORDOVA,  
IT WOULD BOOST CITY REVENUES AND BENEFIT THE CITIZENS OF CORDOVA.

DISTRIBUTION 60

FROM: Mr. Fred Elvsaas  
Drawer L  
Homer AK 99603 234-7625  
NON-CONSTITUENT

SUBJECT: BOUNDARIES  
MESSAGE: PLEASE VOTE NO ON THE CORDOVA ANNEXATION PROPOSAL.  
THIS IS A TAKING OF NATIVE LANDS THAT WILL STRANGLE ECONOMIC  
DEVELOPMENT. THIS ISSUE SHOULD BE REMANDED FOR THE CITIZENS'  
VOTE. THE AFFECTED PEOPLE SHOULD HAVE THE RIGHT TO DETERMINE  
THEIR DESTINY. THERE IS A MOVEMENT TO CONTROL NATIVE LANDS  
THROUGH THE ANNEXATION PROCESS.

DISTRIBUTION 60

FROM: Mr. Skip Jensen  
Box 365  
Cordova AK 99574 424-7168  
NON-CONSTITUENT

SUBJECT: BOUNDARIES  
MESSAGE: THERE IS OVERWHELMING OPPOSITION TO CORDOVA'S  
ANNEXATION PLANS FROM BOTH INSIDE AND OUTSIDE THE CITY LIMITS.  
THE COMMUNITY AS A WHOLE FEELS LIKE IT IS BEING RAILROADED BY  
LOCAL BOUNDARY COMMISSION. I STRONGLY SUPPORT ANY MEASURE  
TO STOP ANNEXATION AT THIS TIME.

DISTRIBUTION 60

FROM: Ms. Ruth Steele  
Box 392

Cordova AK 99574 424-3409  
NON-CONSTITUENT

SUBJECT: BOUNDARIES  
MESSAGE: I AM AGAINST HJR 31 BEING PASSED.

DISTRIBUTION 60

FROM: Mr Mark Chryson  
2140 Wolverine Circle

Wasilla AK 99687 376-8285  
NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: NO FORCED ANNEXATION. STOP PALMER'S INSATIABLE APPETITE  
FOR GOVERNMENT GROWTH.

FROM: Mr. John Thompson  
Box 2216

Cordova AK 99574 424-5515  
NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I AM AGAINST ANNEXATIONS. I THINK MOPE TIME IS NEEDED  
TO WORK A FEW THINGS OUT BEFORE A DECISION IS MADE.

FROM: Ms. Pamela Doerr  
Box 1646

Cordova AK 99574 424-5685  
NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I SUPPORT CORDOVA IN ADVANCEMENT TOWARD DEVELOPMENT.  
PLEASE SUPPORT THE CITY OF CORDOVA FOR ANNEXATION.

FROM: Mr. Fred Newirth  
Box 1102

Cordova AK 99574 NONE

NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I AM STILL OPPOSED TO THE CORDOVA ANNEXATION PETITION.  
I URGE THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
TO SUPPORT CYNTHIA TOOHEY'S RESOLUTION IN REJECTING THE  
CORDOVA ANNEXATION PETITION. PLEASE SEND PETITION TO  
LEGISLATURE TO VOTE DOWN.

FROM: Mrs. Mary Newirth  
Box 1102

Cordova AK 99574 424-7670

NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I AM STILL OPPOSED TO THE CORDOVA ANNEXATION PETITION.  
I URGE THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
TO SUPPORT CYNTHIA TOOHEY IN REJECTING THE CORDOVA  
ANNEXATION PETITION. I SEND PETITION TO  
LEGISLATURE TO VOTE DOWN.

FROM: Mr. Mark Steen  
Box 1310

Cordova AK 99574 424-5455

NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: AS A PROPERTY OWNER AND TAXPAYER OF THE CITY OF CORDOVA  
I SUPPORT THE ANNEXATION PLAN.

FROM: Ms. Jacqueline Rose  
Box 1536

Cordova AK 99574 424-4306

NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: IT IS UNREASONABLE THAT A SMALL GROUP OF CITY CITIZENS ARE REQUIRED TO SUPPORT A MUNICIPALITY WHICH MOST OF THE SERVICES IT PROVIDES ARE AVAILABLE TO ALL PEOPLE LIVING IN THE GENERAL AREA. ALL RESIDENTS SHOULD SUPPORT AND PAY THEIR FAIR SHARE TO ENJOY THE COMMUNITY IN WHICH THEY LIVE.

FROM: Mr. Gregory Porter  
Box 1606

Cordova AK 99574 424-7389

NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: STRONGLY REQUEST YOU ALLOW THE CORDOVA ANNEXATION TO HAPPEN! TO LONG THIS COMMUNITY HAS BEEN DIVIDED. ALL THE PEOPLE IN CORDOVA USE ALL THE SERVICES. POOL, SKI HILL, LANDFILL, CITY HALL AND ALL HAVE ACCESS TO COUNCIL! LET EVERYONE SHARE THE COST AND RESPONSIBILITY TO MAKE CORDOVA THE COMMUNITY WORK!

FROM: Mr. Brian Gilbert  
Box 96

Cordova AK 99574 424-8000

NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I SUPPORT THE CORDOVA ANNEXATION BECAUSE OUR TOWN NEEDS TO GROW TO REMAIN VIABLE. THOSE INDIVIDUALS WHO OPPOSE ANNEXATION WOULD NOT LIVE HERE IF THE TOWN WAS NOT PRESENT. THE GAS STATION, HARDWARE STORE, SUPERMARKETS, HARBOR AND ETC. WOULDN'T EXIST WITHOUT A TOWN. WITHOUT INCREASED REVENUES NO TOWN WILL EXIST.

FROM: Ms. Aleen Brown  
Box 896

Cordova AK 99574 424-3668

NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I OPPOSE THE ANNEXATION. CORDOVA CAN'T AFFORD IT. THE  
FEASIBILITY STUDIES HAVE NOT BEEN DONE. I STRONGLY OPPOSE THIS  
MEASURE.

FROM: Ms. Charlette Carroll  
Box 319

Cordova AK 99574 424-3437

NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I STRONGLY OPPOSE THE CITY OF CORDOVA'S ANNEXATION PLAN  
AND HAVE BEEN AGAINST IT FROM THE BEGINING. PLEASE SEE THAT IT IS  
BROUGHT UP FOR A VOTE. PLEASE OPPOSE THIS MEASURE.

FROM: Mr. Virgil Carroll  
Box 319

Cordova AK 99574 424-3427

NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I STRONGLY OPPOSE THE CITY OF CORDOVAS ANNEXATION PLAN  
AND HAVE BEEN AGAINST IT FROM THE BEGINING. PLEASE SEE THAT IT IS  
BROUGHT UP FOR A VOTE. PLEASE OPPOSE THIS MEASURE.

FROM: Ms. Tori Dodes  
Box 1711

Cordova AK 99574 424-7474  
NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I WANT TO GO ON RECORD THAT I'M OPPOSED TO THE ANNEXATION  
AND WOULD LIKE IT VOTED ON IN THE LEGISLATURE AND TURNED DOWN.

FROM: Mr. Mike Weber  
Box 1711

Cordova AK 99574 424-7474  
NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I WANT TO GO ON RECORD THAT I'M OPPOSED TO THE ANNEXATION  
AND WOULD LIKE IT VOTED ON IN THE LEGISLATURE AND TURNED DOWN.

FROM: Ms. Nancy Bird  
Box 1185

Cordova AK 99574 424-7466  
NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I STRONGLY SUPPORT THE LOCAL BOUNDARY COMMISSION'S  
RECOMMENDATION IN SUPPORT OF ANNEXATION IN CORDOVA. WE ARE ONE  
COMMUNITY USING MANY OF THE SAME SERVICES. A DELAY OF THIS  
ANNEXATION WILL ONLY EXACARBATE BOTH EMOTIONS IN THE COMMUNITY AND  
THE BUDGET CRUNCH.

FROM: Ms. Joan Jackson  
Box 374

Cordova AK 99574 424-7591  
NON-CONSTITUENT  
BILL#  
BOUNDARIES NOT LEGIS

MESSAGE: I ADAMANTLY OPPOSE CORDOVA'S ANNEXATION PLAN. CORDOVA'S ANNEXATION ISSUES ARE LOCAL PROBLEMS WHICH NEED TO BE WORKED OUT LOCALLY AND DECIDED BY LOCAL OPTION VOTE. VOTE TO DENY CORDOVA'S ANNEXATION AT THIS TIME. DON'T SUPPORT GOVERNMENT IMPOSING BIGGER GOVERNMENT ON PEOPLE WHO'VE BEEN DENIED VOTE ON THEIR GOVERNING BODY.

FROM: Mr. John Jackson  
Box 374

Cordova AK 99574 424-7591  
NON-CONSTITUENT  
BILL#  
BOUNDARIES NOT LEGIS

MESSAGE: I URGE YOU TO OPPOSE THE ANNEXATION IN CORDOVA FOR AT LEAST ONE YEAR. THE CITY IS NOT READY FOR THE ANNEXATION OR TO PROVIDE ANY NECESSARY SERVICES. THEY ONLY WANT TO LEVY TAXES. IF ANNEXATION HAPPENS THEY WILL BE IN JUNEAU NEXT YEAR ASKING FOR ADDITIONAL FUNDING.

FROM: Ms. Marla Adkins  
Box 461

Cordova AK 99574 424-7311  
NON-CONSTITUENT  
BILL#  
BOUNDARIES NOT LEGIS

MESSAGE: I STRONGLY OPPOSE CORDOVAS ANNEXATION AT THIS TIME. PLEASE TAKE ALL MEASURES NECESSARY TO DELAY ANNEXATION FOR ONE YEAR UNTIL THE CITY AND RESIDENTS CAN WORK OUT DIFFERENCES. THE CITY AND THE LBC HAVE IGNORED CONSIDERABLE INPUT OF FACTS AND FIGURES AND MANY RESIDENTS WITHIN THE CITY ARE NOT INFORMED.

FROM: Ms. Penny Oswalt  
Box 1303

Cordova AK 99574 424-7590  
NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: PLEASE SUPPORT THE BOUNDARY COMMISSION'S RECOMMENDATIONS REGARDING CORDOVA ANNEXATION. NON-RESIDENTS REALIZE POLICE, FIRE, SCHOOLS, LIBRARY, RECREATION AND USE CITY ROADS THE SAME AS RESIDENTS. THE STATE SCHOOL SUBSIDY FOR NON-RESIDENTS HAS BEEN DISCONTINUED. WHO WILL PAY THEIR SHARE? WE'RE ONE COMMUNITY, NON-RESIDENTS WORK, PLAY AND LIVE WITHIN CITY DAILY.

FROM: Mr. Bill Webber  
Box 1230

Cordova AK 99574 424-5176  
NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I AM OPPOSED TO THE CORDOVA ANNEXATION. I'D LIKE IT BROUGHT TO THE LEGISLATURE AND VOTED DOWN. I'D LIKE A DELAY FOR ONE YEAR SO IT COULD BE DEALT WITH LOCALLY UNDER THE NEW ANNEXATION RULES. THE PEOPLE BEING ANNEXED SHOULD BE ABLE TO VOTE ON IT.

FROM: Ms. Theresa Webber  
Box 1230

Cordova AK 99574 424-3531  
NON-CONSTITUENT

BILL#

BOUNDARIES NOT LEGIS

MESSAGE: I AM OPPOSED TO THE CORDOVA ANNEXATION. I'D LIKE IT BROUGHT TO THE LEGISLATURE AND VOTED DOWN. I'D LIKE A DELAY FOR ONE YEAR SO IT COULD BE DEALT WITH LOCALLY UNDER THE NEW ANNEXATION RULES. THE PEOPLE BEING ANNEXED SHOULD BE ABLE TO VOTE ON IT.

FROM: Mr. John Hewitt  
Box 1144

Cordova AK 99574 424-7381  
NON-CONSTITUENT

BILL#

BOUNDARIES

NOT LEGIS

MESSAGE: I URGE YOU TO SUPPORT HJR 31. I AM AGAINST THE CORDOVA  
ANNEXATION PETITION. I WOULD LIKE TO SEE A ONE YEAR  
DELAY IN DECISION AND A POPULAR VOTE OF CITY  
RESIDENTS FOR PROPOSED ANNEXATION AREA. I AM A CITY  
RESIDENT.

FROM: Mrs. Rosemary Hewitt  
Box 1144

Cordova AK 99574 424-7381  
NON-CONSTITUENT

BILL#

BOUNDARIES

NOT LEGIS

MESSAGE: I URGE YOU TO SUPPORT HJR 31. I AM AGAINST THE CORDOVA  
ANNEXATION PETITION. I WOULD LIKE TO SEE A ONE YEAR  
DELAY IN DECISION AND A POPULAR VOTE OF CITY  
RESIDENTS FOR PROPOSED ANNEXATION AREA. I AM A CITY  
RESIDENT.

FROM: Ms. April Beedle  
Box 1242

Cordova AK 99574 424-7207  
NON-CONSTITUENT

BILL#

BOUNDARIES

NOT LEGIS

MESSAGE: I WOULD LIKE TO EXPRESS MY OPPOSITION TO THE PRESENT  
CORDOVA ANNEXATION. IT WAS VERY POORLY PLANNED  
AND RUSHED THROUGH. FACTS AND NUMBERS DO NOT ADD UP.  
EXPANSION IS INEVITABLE BUT SHOULD BE DONE IN A MANNER  
TO BENEFIT THE COMMUNITY NOT ITS DEMISE.  
THANK YOU.

DATED: 2/11/93 THRU 2/15/93 A.M.  
SUBJECT: SJR 20

FROM: Mr. Mike Haase  
P.O. Box 79

Palmer AK 99645 745-5596  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I AM FOR THIS BILL BECAUSE I BELIEVE MR. SOULAK HAS MADE  
ANOTHER ATTEMPT TO ANNEX MORE PROPERTY AROUND PALMER THAT IS  
NOT FROM THE PEOPLE AND I WOULD LIKE TO SEE THE PEOPLE OF PALMER  
VOTE ON THIS.

FROM: Mr Mark Chryson  
2140 Wolverine Circle

Wasilla AK 99687 376-8285  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I SUPPORT SJR 20 AS WRITTEN.

FROM: Ms. Doris Campbell  
536 Gold Key Lane

Palmer AK 99645 746-1596  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I THINK YOU SHOULD LET MR. BAILEY ALONE. I WANT TO VOTE  
"YES" ON SJR 20.

FROM: Ms M.C. Britton  
1531 northview # 8

Anchorage AK 99504 333-8189  
NON-CONSTITUENT

BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I STRONGLY SUPPORT MR BAILEY & I STRONGLY DISAGREE WITH  
PALMNER ANNEXING HIS PROPERTY. HE WAS THERE FIRST. HIS  
NEIGHBORS SAY HE HAS NOT CHANGED HIS WAYS IN THE WHOLE TIME  
HE HAD BEEN THERE. NOW THEY WANT TO FORCE THEIR CONDUCT ON HIM.  
I HAVE NEIGHBORS WHO OFFEND ME BUT I DON'T TRY TO GET THE CITY  
TO TAKE THEIR PROPERTY. IF HE'S IN VIOLATION THEY NEED TO SETTLE  
IT THROUGH ANIMAL CONTROL

FROM: Ms. Bobbi Ish  
HC02 Box 7309-B

Palmer AK 99645 746-5304  
NON-CONSTITUENT

BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I AM HIGHLY FOR BILL SJR 20. I STRONGLY DISAPPROVE OF  
THE ANNEXATION BOUNDARY CHANGES.

FROM: Ms Vera Abalama  
POB 874766

Wasilla AK 99687 NONE  
NON-CONSTITUENT

BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: AM AGAINST PALMER ANNEXATION OF BAILEY PROPERTY. AM IN  
FAVOR OF RESOLUTION IN OPPOSITION.

FROM: Mr David Psenak  
POB 1365

Palmer AK 99645 745-0504  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: SUPPORT SJR 20. THIS IS A DISPUTE THAT NEVER SHOULD HAVE  
COME BEFORE THE BOUNDARY COMMISSION. PALMER HAS LAWS AND  
ORDINANCES TO TAKE CARE OF PROBLEMS WITHOUT CHANGING  
BOUNDARIES.

FROM: Ms. Carolyn Sieler  
P.O. Box 2627

Palmer AK 99645 746-2197  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I FULLY SUPPORT SJR 20. I THINK IT IS WRONG FOR SOMEONE  
TO BE ANNEXED ANYWHERE.

FROM: Mr Lennie Gray  
1470 Wasilla Fishhook#2

Wasilla AK 99687 373-5687  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I OPPOSE PALMER'S ANNEXATION OF A PERSON'S HOME JUST  
BECAUSE THEY

FROM: Ms Cynthia Erbey  
POB 1654

Palmer AK 99645 373-7598  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I SUPPORT THE RESOLUTION AND OPPOSE PALMER ANNEXATION.

FROM: Mr Freddie Pride  
POB 65

Tok AK 99780 883-5590  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I FAVOR PASSING SJR 20 AND OPPOSE THE PALMER ANNEXATION  
OF THE MAN'S PROPERTY.

FROM: Mr Leo Dresnek  
POB 872792

Wasilla AK 99687 376-2046  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I'D LIKE TO SEE SJR 20 GO THROUGH.

FROM: Mr. Roger Mader  
POB 1538

Palmer AK 99645 745-2226  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: LEAVE ED BAILEY ALONE. HE'S NO THREAT TO ANYONE & HAS  
RIGHT TO HIS LIFESTYLE. HE'S BEEN THERE YEARS BEFORE HIS  
NEIGHBORS BUILT ALONG SIDE AND BEGAN FORCING HIM TO COMPLY WITH  
THEIR LIFESTYLES. LET THEM ANNEX THEIR PROPERTY NOT HIS.

FROM: Mr. Robert Bailey III  
P O Box 626

Palmer AK 99645 746-6158  
NON-CONSTITUENT  
BILL# SJR 20 DISAPPROVE PALMER BOUNDARY CHANGES  
SUPPORTS

MESSAGE: I STRONGLY DISAPPROVE OF PALMER TRYING TO ANNEX IN THE  
PROPERTY. I HOPE THIS BILL GOES THROUGH AND APPRECIATE YOUR VOTE  
IN FAVOR.

Number of pages (including this page): \_\_\_\_\_  
To: \_\_\_\_\_  
Company: \_\_\_\_\_  
Fax to: \_\_\_\_\_  
Tel: \_\_\_\_\_

234 N Kensington, Palmer, AK 99645  
907-745-7122 (phone) 907-745-6061 (fax)

AIBC TRAVEL TIME

Date: 2/22/93  
To: Randy Phillips, Attn: DCA  
Company: Palmer Association  
Fax to: COMMITTEE MEMBERS  
Tel: Palmer Association  
Number of pages (including this page): 9

234 N Kensington, Palmer, AK 99645  
907-745-7122 (phone) 907-745-6061 (fax)

AIBC TRAVEL TIME

In fact, Mr. Bailey was not there first. The City boundary was established in 1951, 25 years before he got his first deed which was in 1976.<sup>20</sup> Mr. Bailey is not some homesteader settling the wilds, nor a farmer farming large acreage, nor even the owner of a five acre parcel. From the day he bought his small lots in Riverside Subdivision, his property has been in the middle of a large residential subdivision of small city-sized lots, platted for dense population use.

As Chart 1 shows, Mr. Bailey acquired most of his lots in 1979 and 1984<sup>21</sup>, several years after many of his current neighbors, who

Chart 1

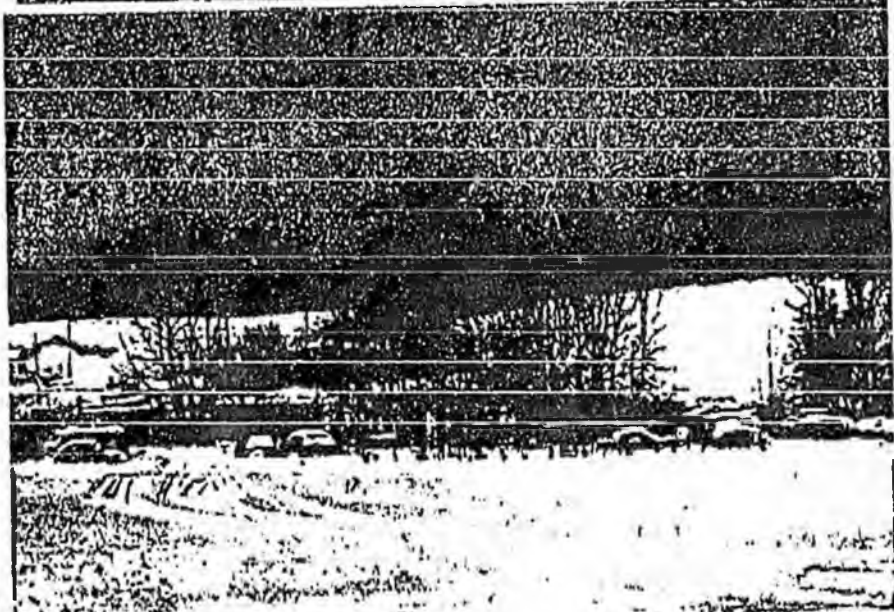
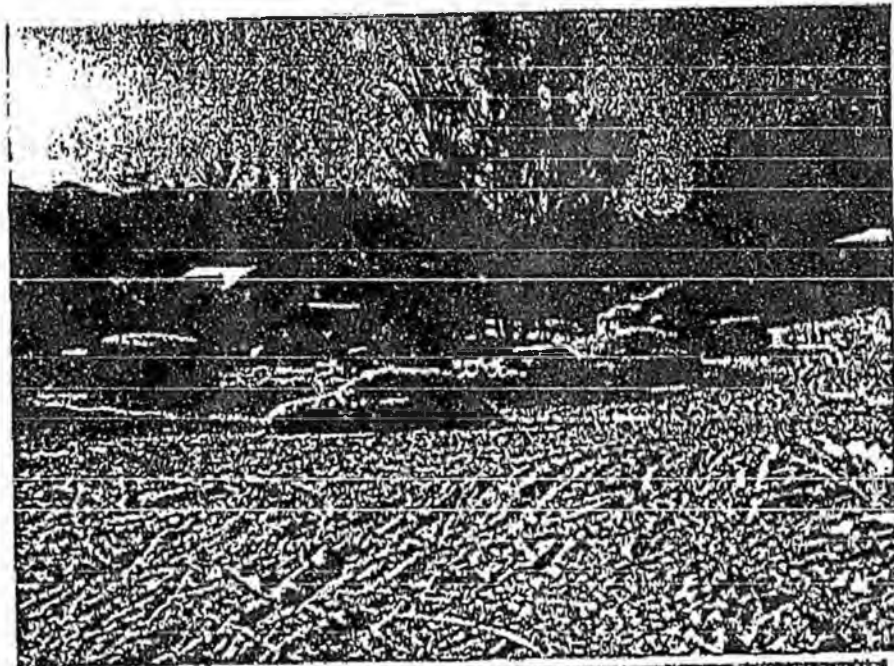
Date	Name of Owner	Property Description
30-Apr-51	City of Palmer*	Boundary Established on Eagle (First) Avenue
12-Aug-76	Edgar Bailey	Lots 8, 9 and 10, Block 1, Riverside Subdivision
23-Nov-77	Richard/Eleanor Vogt*	Lot 2, Block 3, Riverside Subdivision
31-May-78	James/Dzintra Colberg*	Lots 28, 29 and 30, Block 1, Riverside Subdivision
31-Aug-78	Roger Smith*	Lot 4, Block 2, Riverside Subdivision
11-Sep-78	Michael/Charlous Blackford	Lot 5, Block 2, Riverside Subdivision
09-Jan-79	Robert/Leslie Matura*	Lot 1A, Block 2, Riverside Subdivision
09-Jan-79	Burton/Lynda Wetzel	Lot 3A, Block 2, Riverside Subdivision
18-Apr-79	Robert Edgar Bailey	Lots 4, 5, 6, 7, 21, 22; and 23, Block 1, Riverside Subdivision
24-Dec-80	Carl/Kathy Schuibl*	Lot 2A, Block 2, Riverside Subdivision
29-Apr-81	David/Cynthia Ward*	Lot 6, Block 2, Riverside Subdivision
18-Jul-84	Robert Edgar Bailey	Lots 24, 25 and 26, Block 1, Riverside Subdivision
12-Dec-89	Michael/Karen Gallagher*	Lots 8 and 9, Riverside Subdivision
25-Jun-90	Carrol Sue McKechnie	Lot 20, Block 2, Riverside Subdivision
22-Aug-91	Tina Frank	Lots 3, Block 2, Riverside Subdivision

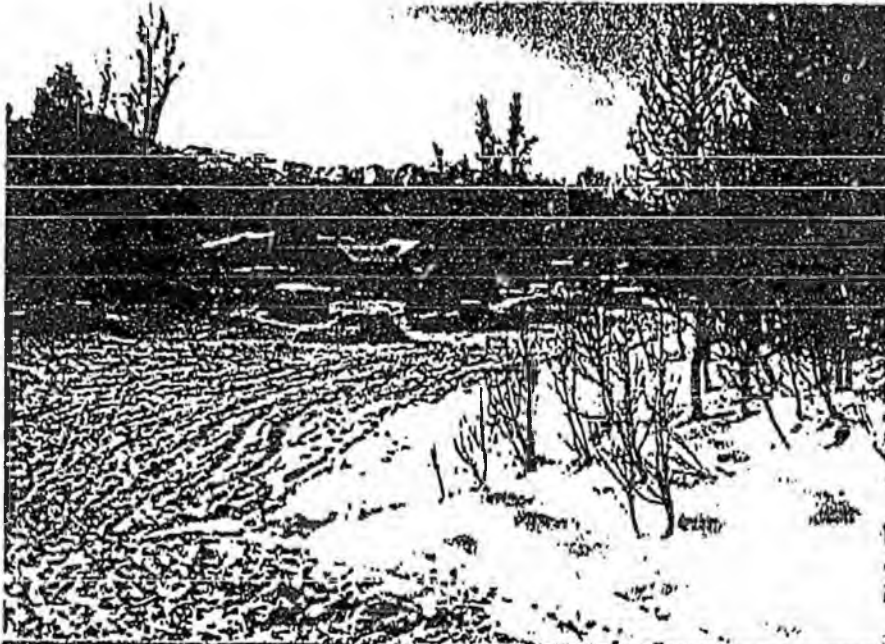
(Witnesses testifying for annexation are marked with \* and in yellow.)

<sup>20</sup>Id., ¶21.

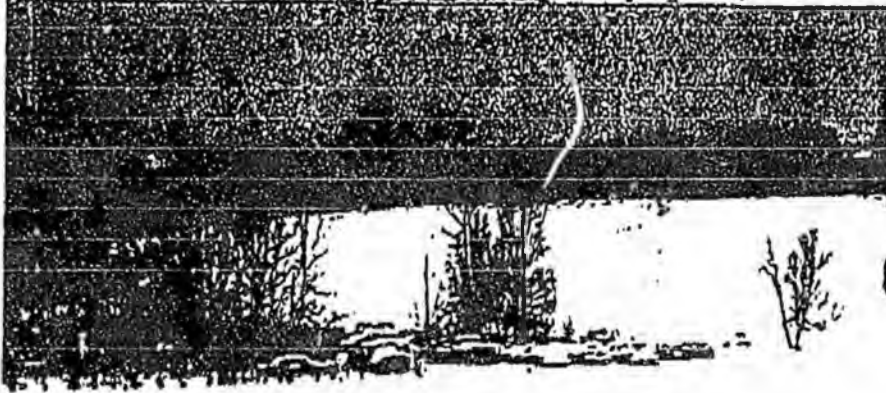
<sup>21</sup>Id., ¶22.

BIMBY PROPERTY  
PICTURES TAKEN  
FALL 1992





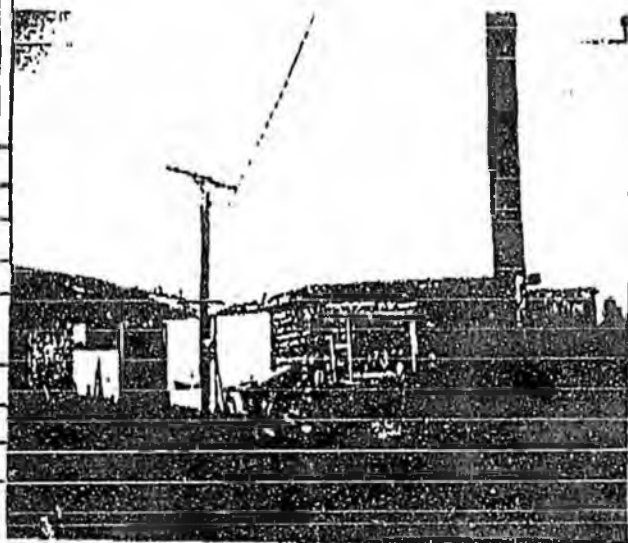
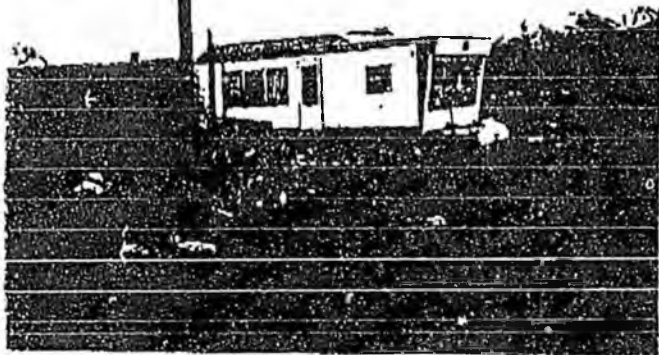
Bailey Property  
TAKEN FALL 1992





More of BAILEYS PROPERTY -  
NO JUNK ACCUMULATION AS OF  
THIS DATE

No TRAILER IN 1974  
REX



5-8-68

- 4 Hot Water
- 5 Hot Water, Radiant
- 9 Ventilation
- 10 Wall Furnace

OCT 30 1978  
OCT 08 1974

REMARKS: Re-Approval 10-30-92 spoke w/powder. w/c. 1B

NOTICE NO JUNK CARS PRESENT.

MR. BAILEY STATED IN SWORN TESTIMONY TO  
THE L.B.C. THAT THE CARS WERE THERE  
WHEN HE BOUGHT.

PERCENTAGE OF COMPLETION SCHEDULE

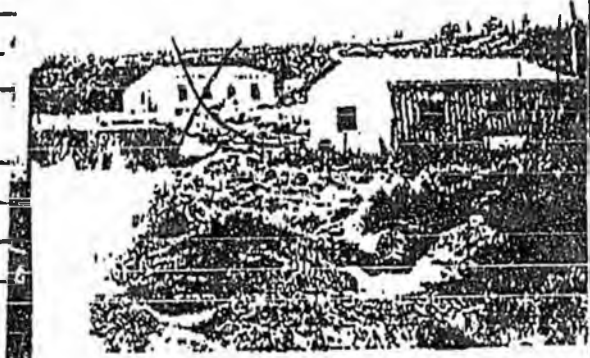
IM:	% OF TOTAL	CUMULATIVE % OF TOTAL

6-30-92

**BUSINESS NAME**

- 1) Occupancy # \_\_\_\_\_
- 2) Class A \_\_\_\_\_ B \_\_\_\_\_ C \_\_\_\_\_ D \_\_\_\_\_
- 3) Zip Code \_\_\_\_\_
- 4) Qual Rank 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_
- 5) Total Sq. Ft. \_\_\_\_\_
- 6) Perimeter \_\_\_\_\_ Shape \_\_\_\_\_
- 7) # of stories \_\_\_\_\_
- 8) Height per story \_\_\_\_\_
- 9) Age \_\_\_\_\_
- 10) Heat/Cool \_\_\_\_\_

- 1 Electric
- 2 Electric Wall
- 3 Forced Air Unit
- 4 Hot Water
- 5 Hot Water, Radiant
- 6 Space Heater
- 7 Steam
- 8 Stove, without Boiler
- 9 Ventilation
- 10 Wall Furnace



OCT 30 1978

REMARKS: Re-Appraisal 10-30-92 - add for Enc'd Porch. (B)

NOTE THE ABSENCE OF JUNK CARS ON ED  
 PAILEY'S PROPERTIES (X) ON THIS DATE  
 COPIED FROM BIRNIGH ASSESSORS RECORDS

**PERCENTAGE OF COMPLETION SCHEDULE**

ITEM:	% OF TOTAL	CUMULATIVE % OF TOTAL
J. Girders, floor joists, sub floor	7	7





1ST PHOTO OF MY PROPERTY TAKEN  
 BY MAT-SU BOWEN'S ASSESSOR'S OFFICE  
 THIS LOT IS ON THE SAME BORDERLINE AS  
 MR. BAILEY'S / DUESNIE'S PROPERTY.

M. J. GALLAGHER

P.S. THE FIRST PHOTO OF BAILEY'S PROPERTY  
 WAS ALSO DATED 1968 - FACT IS  
 THERE WERE HOUSES IN THIS AREA WHEN  
 HE BOUGHT, CONTRARY TO WHAT MR. BAILEY,  
 DAILY NEWS, CHANNEL 2 NEWS ETC. STATED.

Box 1203  
Sitka, AK 99835  
POSITION STATEMENT: Offered information on annexation

**ACTION NARRATIVE**

TAPE 93-5, SIDE A

Number 001

The Senate Community & Regional Affairs Committee was called to order by Chairman Randy Phillips at 9:10 a.m. He announced the first order of business would be taking testimony over the teleconference network on the Palmer annexation.

Number 025

DEAN DEWEY, testifying from Anchorage, stated he and his wife Melinda Dewey are the owners of three lots located in the area to be annexed and they are opposed to the annexation. The land is used for agricultural purposes as it has always been since they acquired it in 1975. He said he can see no benefit to having it annexed at this time, and it would only be another tax burden on him which the land cannot support. He noted that the land contains no animals, no buildings or trash on the property. He also noted that he has a quit claim deed to the adjacent railroad property in case that is ever abandoned.

Number 085

ROBERT BALEY testifying from Palmer said he is the main reason this annexation is being done and they are trying to force him to leave. He said he bought the property in 1967 and he was there 10 to 15 years before any other houses were built around him. When he bought the property, it was unrestricted land, and the things he has on it are the things that he has bought and collected over the years. He said what they are trying to do to him is un-American and he has opposed this annexation since its inception.

Number 125

MICHAEL DRESNEK testified from Anchorage in opposition to the Palmer annexation, stating he was the owner of a lot in the area to be annexed. He said it was an unrestricted lot when he bought it and that was the reason he bought it. He added that he sees no monetary gain by the City of Palmer by annexing it.

Randy,

There are 347 people  
who signed the petitions  
opposing the annexation.

Shirley

Randy,

There are 347 people  
who signed the petitions  
opposing the annexation.

Shirley

I AM A NORTH PALMER RESIDENT AND I DO NOT CURRENTLY EXPERIENCE ANYTHING THAT LEADS ME TO BELIEVE THAT MY HEALTH, SAFETY, OR WELFARE IS BEING ENDANGERED BY CONDITIONS EXISTING OR POTENTIALLY DEVELOPING IN THE AREA PROPOSED FOR ANNEXATION ON EAGLE STREET, PALMER.

NOV 20 1992  
TO THE LOCAL BOUNDARY COMMISSION

Date	Printed Name	Signature	Address	Phn.#
1/12/92	KAREN HASTON	Karen Haston	121 E. EAGLE	746-1136
1/12/92	Eldon Grodzinski	Eldon Grodzinski	121 E. Eagle, Palmer	746-1136
1-12-92	Robert Dellos	Robert Dellos	619 N. Denali	746-3184
1-12-92	Renee Carriere	Renee Carriere	636 Third ST	746-0543
-12-92	Ricky Lib...	Ricky Lib...	7665 North 3rd St	746-1664
-12-92	GREG MARSHALL	G. Marshall	653 3rd ST	745-7448
1-12-92	Stephanie Brown	Stephanie Brown	693 3RD ST	745-7540
1-12-92	Uma Mueck	Uma Mueck	209 N. Alaska St	745-2445
1-12-92	John Ely	John Ely	8434 W Church	746-1560
-12-92	Patricia Williams	Patricia Williams	N. Bonanzas Street Box 0664 Palmer	746-2528
12/92	TOM SOMMER	Tom Sommer	10150 X 3766 PALMER, AK	None
11-12-92	David Hardage	David Hardage	418 N. Alaska St Palmer, AK 99645	746-2730
11-13-92	Branda Elmgren	Branda Elmgren	130 E. Beaver	745-2417
11-13-92	Vanessa Daniels	Vanessa Daniels	P.O. Box 3419 Palmer	746-2734
11-13-92	ELAND COMNEY	Eland Comney	135 N ALASKA PALMER AK 99645	746-5644
	Robert Macel	Robert Macel	209 N. ALASKA PALMER AK	745-2885
-13-92	James Bowles	James Bowles	111 W Auklet PALMER	745-6530
-13-92	Nicky Auld	Nicky Auld	36 N. Alaska St.	746-377
11-13-92	Diane Reekie	Diane Reekie	359 N. Alaska	745-083
1/13/92	Frances R. O'Shea	Frances R. O'Shea	367 N. Alaska St.	745-1231
1-13-92	RUTH DAVENPORT	Ruth Davenport	441 E Eagle	745-87
1-13-92	Alan Mason	Alan Mason	438 E Eagle	746-
1/14/92	Robert C. Drake	Robert C. Drake	519 E. Eagle Ave	746-
1/14/92	RICHARD GIGO	Richard Gigo	536 E. Eagle St PO Box 3630 99645	741
1/14/92	Margaret J. Smith	Margaret J. Smith	74 N. GULFWAY Palmer	741

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20

Date	Printed Name	Signature	Address	Phn.#
14/92	Diane L. Bent	Diane L. Bent	720 N. GUANACATI	746-2282
14/92	Ray G. Kien	Ray G. Kien	455 E. Fulcut ct	746-2653
14/92	Ther. SA Butcher	Ther. SA Butcher	508 GALCON CT	NONE
14/92	Adeline Toothaker	Adeline Toothaker	547 Gold Key Ln	745-8207
14/92	TODD H. FAARV	TODD H. FAARV	519 Gold Key Ln	N/A
14/92	Duncan Shadelford	Duncan Shadelford	524 N. <del>Gold Key Ln</del>	746-5658
14/92	Mary Omer	Mary Omer	512 Gold Key Ln	745-4902
14/92	Elsie A. <del>Wick</del>	Elsie A. <del>Wick</del>	55 Gold Key Ln	746-4426
14/92	FRAN SMALL	FRAN SMALL	500 GOLD KEY	746-4438
14/92	Debbie Lasler	Debbie Lasler	448 Gold Key	745-5593
14/92	Mari-beth Petersen	Mari-beth Petersen	436 Gold Key Ln	746-4336
14/92	Chris Petersen	Chris Petersen	436 Gold Key Lane	746-4336
14/92	Donna Piper	Donna Piper	421 Gold Key Ln.	745-8886
15/92	Linda Siler	Linda Siler	517 N. Chugach	746-2741
15/92	MIKE CONNER	MIKE CONNER	484 N. CHUGACH	746-2547
15/92	Kevin Boggs	Kevin Boggs	474 N. Chugach	746-6707
15/92	Cheryl Hammond	Cheryl Hammond	464 N. Chugach	745-4945
15/92	Benjamin Hammond	Benjamin L. Hammond	464 N. Chugach	745-4945
15/92	LAURA McLEOD	LAURA McLEOD	444 N Chugach	746-4727
15/92	Percy Malbn	Percy Malbn	444 N Chugach	746-4727
15/92	John B Gullay	John B Gullay	326 E Eagle st	746-5647
20-92	Hazel Burke	Hazel Burke	244 E. BEAVER	-
20-92	MIKE C. HOLLAM	MIKE C. HOLLAM	244 E. BEAVER	-
20 92	Mavis Rhodie	MAVIS RHODIE	305 Bonanza St	746-1487
20-92	Deborah L. Hay	DEBORAH L. HAY	309 N. Bonanza St	746-4967
20 92	Margaret R. <del>Ball</del>	MARGARET R. <del>Ball</del>	311 N. BONANZA	745-6921

I AM A NORTH PALMER RESIDENT AND I DO NOT CURRENTLY EXPERIENCE ANYTHING THAT LEADS ME TO BELIEVE THAT MY HEALTH, SAFETY, OR WELFARE IS OR WILL BE ENDANGERED BY CONDITIONS EXISTING OR POTENTIALLY DEVELOPING IN THE AREA PROPOSED FOR ANNEXATION ON EAGLE STREET, PALMER.

Printed Name	Signature	Address	Phn.#
5-92 Carol Herman	Carol Herman	433 N Valley View	745-1991
5-92 Joseph R Alcantara	Joseph R Alcantara	515 E Dolphin St	745-5307
192 Gail M. Alcantara	Gail M. Alcantara	515 E. Dolphin St.	745 5307
192 Lisa Makar	Lisa Makar	404 Gold Key Lane	745-7819
192 Jim McGill	Jim McGill	566 N. Alaska St	745-8680
192 Michael Burdett	Michael P. Burdett	115 W. Eagle St	746-1292
192 Preston Pyrah	Preston Pyrah	107 W Eagle	746-1762
192 Judy Brost	Judy Brost	660 N 2nd	746-1952
6/92 Joseph W. Beos	Joseph W. Beos	660 N 2nd	746-1952
5/92 Jackie Vanek	Jackie E Vanek	217 W Eagle Ave	745-3977
1-92 John S. Ford	John S. Ford	145 1st St	745-6589
1-92 Susan Brodigan	Susan Brodigan	652 2nd St	745-2263
1-92 Gene Wehink	Gene Wehink	667 1st St	746-5990
7-92 Sharon Williamson	Sharon Williamson	521 N. Denali	745-5515
9-92 Betty Lowe	Betty Lowe	507 N. Denali	745-1044
7-92 Ron Huston	Ron Huston	315 E DOLPHIN	745-1868
7-92 LORITA DUFFY	Lorita Duffy	390 N. BONANZA ST	746-2155
11-92 Sylvia H Reader	Sylvia H Reader	317 N. Bonanza	745-4138
20/92 Darlene Masca	Darlene Masca	358-N Bonanza St	746-6525
0/92 Jr Benedix	Jr Benedix	358-N. BONANZA	746-6525
1/92 Eldon Titch	Eldon Titch	321 N BONANZA	745-8574
01/92 Kathy Kimpel	Kathy Kimpel	325 N BONANZA	746-3172
02/92 David H Schindler	David H Schindler	394 N BONANZA	746-3002
0-92 Cindy H Schindler	Cindy H Schindler	"	"
20 92 JAMES A FELER	James A Feler	429 N Bonanza	746-3790
Suzie Feler	Suzie Feler	426 N Bonanza	746-3790
20-92	HAUNTED NO PROBLEMS	424 N Bonanza St	746-5111



We, the undersigned, do hereby state, that, as residents of the State of Alaska, we are unequivocally opposed to the forced annexation of any personally owned property in the State of Alaska, without the explicit permission of the owner, and particularly to the current annexation attempt by the City of Palmer concerning 7.5 acres in Riverside Subdivision, Section 28, Township 18 N, Range 2E, S.M.

Date	Name	Mailing Address
11/3/92	Lloyd Russell	Jail circle Hcol <del>99687</del>
11/3/92	W. R. R. [unclear]	PO Box 877386 WASILLA AK 99687
11/3/92	Roy Buchanan	PO Box 377141 Wasilla, AK 99687
11-4-92	Nebi R. Langlois	PO Box 877512 WASILLA, AK 99687
11/4/92	Ed A. Jangles	PO BOX 877512 wasilla
11-5-92	Susan L. Fange	P.O. Box 520246 Big Lake Ak.
11-5-92	Carolyn Mahoney	HC 34 Box 2677B PO BOX WASILLA AK 99687
11-5-92	Jacklyn H. Stuehler	Box 878225 Wasilla, AK 99687
11-5-92	John F. Kotzian	P.O. BOX 872114 WASILLA, AK 99687
11/8/92	Frank Gleason	837 405 Wasilla AK
11-8-92	Dona M. Mahum	P.O. BOX 520493 BIG LAKE, AK. 99652
11-13-92	William J. Hecht	P.O. BOX 877220 WASILLA AK 99687
11-16-92	TYRA Knight	HCO3 BX 8107 Palmer AK 99645
		<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p>SUBMITTED NOV 20 1992 TO THE LOCAL BOUNDARY COMMISSION</p> </div>

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Date	Name	Mailing Address
10/3/92	REED A. Rychlink Reed A. Rychlink	P.O. Box 872721 WASILLA, AK 99687
10/5-92	RODGER J. MADER Rodger J. Mader	
11-5-92	CHRIS G FOWLER Chris G Fowler	14202-Buy 7304 Palmer
11-5-92	Mark Chryson Mark Chryson	2140 Wolverine Cir WASILLA, AK 99654
11-5-92	RANDALL McGUIRE <del>Randall McGuire</del>	250 QUINCY CIR WASILLA AK
11-5-92	Glenice McGuire Glenice McGuire	250 Quincy Cir. Wasilla, AK 99654
11	TERRI HARLEY Terri Harley	P.O. Box 877525 KNIK AK 99687
11-5-92	CLIFF SILVUS Cliff Silvas	P.O. Box 870084 WASILLA, AK 99687
11-5-92	Jack E Crawford Jack E Crawford	945 Helen Ln Wasilla, AK 99654
11-5-92	MARGARET MCCAULEY Margaret McCauley	945 Helen Ln. Wasilla AK. 99654
11-5-92	FRANK MASTERS Frank Masters	3800 Wickcrest Highway Wasilla 99687
11-5-92	Edward S. BARNO Edward S. Barno	2055 Gordon Circle Wasilla, AK. 99654
11/5/92	Theresa Barno Theresa Barno	2055 Gordon Cir. Wasilla, AK. 99654
11/5/92	John Jesse Brown John Jesse Brown	2741 Brennans way Wasilla AK 99756
11/5/92	Eric Skidmore Eric Skidmore	P.O. Box 56 Chugiak, AK 99567
11/5/92	MICHAEL F. PHILLIPS Michael F. Phillips	PO BOX 520587 BIG LAKE AK 99652
11/5/92	ROBERT L COURTNEY Robert L Courtney	PO BOX 878791 Wasilla, AK 99691

We, the undersigned, do hereby state, that, as residents of the State of Alaska, we are unequivocally opposed to the forced annexation of any personal property in the State of Alaska, without the explicit permission of the owner, and particularly to the current annexation attempt by the City of Palmer concerning 7.5 acres in Riverside Subdivision, Section 28, Township 18 N, Range 2E, S.M.

Date	Name	Mailing Address
10-5-92	Mark R. Loomis Mark R. Loomis	HC04 Box 9757 Palmer, AK
10-5-92	GARY W. FRASER	HC02 Box 7347 e Palmer, AK
10-20-92	Mike Brooks	7480 Sewell Lake Rd #22 Juneau AK 99502
10-20-92	CAROL J. DRAVELING	PO BOX 13052 TRAPPER CREEK, ALASKA 99683
10/22/92	RICHARD A. FINEBERG Richard A. Fineberg	PO Box 278 TALKEETNA, AK 99676
10-22-92	Jack Doygett	13920 Specking Ave Anch, Ak
10-24-92	Alberta S. Sakis	HC03 BOX 8091 PALMER, AK
10-24-92	Paul Bratten	Box 343 Talkeetna, AK 99676
10-24-92	Douglas L. Smith	Box 371 Talkeetna, AK 99676
10/24/92	David J. Sargent	Box 93 Talkeetna, AK 99676
10/24/92	Jan D. Dean	Box 85 TALKEETNA, AK 99676
10/24/92	Kim Shinn	PO BOX 429 TALKEETNA 99676
10/24/92	Ellen M. Wolf	Box 321 Talkeetna 99676
10/24/92	Marti Burkert	P.O. Box 8709 of Wasik
10/24/92	Margaret Foster	Box 124 Talkeetna
10/24/92	Jeffrey Robinson	P.O. Box 477 Talkeetna AK 99676
10/24/92	Scott Hokom	P.O. Box 90 TAKEETNA AK
10/24/92	Lori Holcomb	P.O. Box 90 Talkeetna, AK

We, the undersigned, do hereby state, that, as residents of the State of Alaska, we are unequivocally opposed to the forced annexation of public property in the State of Alaska, without the explicit consent of the owner, and particularly to the current annexation attempt by the City of Palmer concerning 7.5 acres in Riverside Subdivision, Section 17, Township 17 N, Range 2E, S.M.

Date	Name	Mailing Address
10-2-92	GARY HARRISON Nancy Harrison	99645 #803 Box 8342 Palmer
10/2/92	JESS LAMMAN JESS LAMMAN	99645 4003 Box 8342 Palmer
10-20/92	Tina Reedy Tina Reedy	PO. BOX 363 COPPER CENTER AK 99573
10/20/92	ERIK Y. TURNER Erik Turner	PO BOX 363 COPPER CENTER AK 99573
10/20/92	MARION MARIN Marion Marin	HCO3 BOX 8342 Palmer, AK 99645
10/21/92	ANDY LAMON Andy Lamon	PO BOX 505 Palmer
10/21/92	Kelly W Tung	PO Box 3766 Palmer AK 99645
10/21/92	Blum Coim	SUTTON General Delivery
10/21/92	Dennis Colen	" "
10/21/92	LAVERNE H. "SHADLEY" NELSON Laverne Nelson	P.O. Box 87-8017 WASILLA, AK 99687
10/21/92	Shirley Ann SANDERS Shirley Ann Sanders	P.O. Box 87-8017 WASILLA AK 99687
10/21/92	FERNANDO BROOKS Fernando Brooks	99504 8001 E 2nd #1 Anchorage AK
10/21/92	Keith D Clark	PO. Box 878017 Wasilla AK 99687
10-30-92	Dy Steing	<del>PO Box 8342 Palmer, AK 99645</del> HCO3 Box 8342 Palmer, AK 99645
10-30-92	Tom Anderson	HCO3 Box 8342 Palmer 99645
10-30-92	Robert Sanderson	HCO3 Box 8342 Palmer 99645
10-31-92	Sharon Martin	99645 213 E Au. Clat #2 Palmer AK
10-31-92	David Harrison	(907) 745-0505 HCO4 BOX 9880 PALMER, AK. 99645

DAVID HARRISON

We, the undersigned, do hereby state, that, as residents of the State of Alaska, we are unequivocally opposed to the forced annexation of any personal property in the State of Alaska, without the explicit permission of the owner, and particularly to the current annexation attempt by the City of Palmer concerning 7.5 acres in Riverside Subdivision, Section 28, Township 18 N, Range 2E, S.M.

Date	Name	Mailing Address
10-25-92	Angelina Murray	5175 Logans ct Wasilla
10-25-92	Carol A. Peterson	352 E. Blueberry Ave. #16 Palmer
10-25-92	Ray L. Field	352 E. Blueberry Ave. #16 Palmer
10-25-92	Steve [unclear]	Box 818953 Wasilla AK
10-25-92	James [unclear]	PO Box 67189 Chugiak AK 99507
10-26-92	P. [unclear]	PO Box 872962 Wasilla, AK 99687
10-26-92	[unclear]	460 S. Regal Dr. WASILLA, AK 99654
10-26-92	John J. [unclear]	HC 34 Box 2554 Wasilla AK 99687
10-26-92	J. P. Cooley	P.O. Box 878534 Wasilla, AK 99687
10-26-92	Amanda GALT	P.O. Box 872962 Wasilla AK. 99687
10-26-92	Jerrin Haase	P.O. Box 79 Palmer AK 99645
10-26-92	James Summers	334 Quicksilver em. 99645 WASILLA
10-26-92	SEAN M. BUSSELL	1801 PARKS HIGHWAY AK 99687
10-26-92	Kristin M. Jarner	P.O. Box 520548 Big Lake, AK 99652
10-26-92	JOSEPH B. ERICKENBERGER	2050 Village Dr. Wasilla
10-26-92	Matt Summers	PO Box 3307
10/26/92	Suzanne [unclear]	1140 ELSISANDER AK WASILLA
11/26/92	[unclear]	1745 Red Circle #3 - Wasilla AK





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Date	Name	Mailing Address
10/11/92	ARKIVE PATUC	2104 Roosevelt DR #7 Anchorage AK 99517
10-11-92	Jennifer Nelson	5100 Spruce Cir Anch 99516
10-11-92	Frank Palermo	Box 231875 Anch AK 99523
10-11-92	CECILIA CONNOLLY	8340 Stratton Circle Anch AK 99507
10-10-92	JEFF DAVIS	7450 Hurtzen Anch AK 99518
10-11-92	Mary Stunk	P.O. Box 100914 Anchorage AK 99510-0914
10-11-92	Maryna Butler	PO Box 242092 Anchorage AK 99524
10-11-92	Jeanne M. Lutz	1033 E. 10th #6 Anch, AK 99501
10-11-92	Ronald R. Dale	P.O. Box 140463 Anchorage AK
10-11-92	Paul M. Juday	5621 E. 104th Ave Anchorage AK 99516
10-11-92	Angela R. Salinas	P.O. Box 103669 Anch AK 99510
10/11/92	Judy Davis	P.O. Box 100457 Anch, AK 99510
10-11-92	Anna Farmer	2088 Shepherdia Dr Anch. AK 99508
10/11/92	Phyllis Rasmussen	7914 Parkway Dr. Anch. AK 99508
10/11/92	Judy Jacobs	10416 Nabors Lane Eagle River
10-11-92	Patricia Murphy	400 Turpin #8 Anchorage AK 99504
10-11-92	PHYLLIS GOODWIN	19837 EAGLE RIVER RD EAGLE RIVER AK 99577
10/11/92	W. Egus	P.O. Box 141004 Anchorage AK 99514-1004

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Date	Name	Mailing Address
3 Oct 92	Cynthia Erbey	PO Box 1654 Palmer
10-6-92	TAE Ann HARTMAN	P.O. Box 276 Houston 99694
10-12-92	Margaret B. Kersh	P.O. Box 1782 Palmer
10-12-92	Nicki Baker	P.O. Box 1782 Palmer
10-12-92	Barbara Kersh	4125 Denzin Ct. Wasilla AK
10-11-92	Barbara B. Kersh	P.O. Box 1782 Palmer
10-12-92	Tom & Cracker	<del>PO Box 1782 Palmer</del>
10-12-92	Veronica Ledinger	P.O. Box 52173 Big Lake
10-11-92	Shayne Halvey	P.O. Box 1938 Palmer
10-11-92	William Strauss	P.O. Box 1938 Palmer
10-12-92	Beverly Huber	P.O. Box 1444 Palmer
10-12-92	Rocky Rode	PO Box 876765 <sup>Wasilla</sup> <del>Wasilla</del>
10-13-92	William Rode	P.O. Box 876765 <sup>Wasilla</sup>
10-16-92	Gregory R. Ryden	810 E. 42 <sup>nd</sup> #18-B <sup>Anchorage,</sup> Alaska
10-19-92	Ronell EG	P.O. Box 1654 Palmer
10-19-92	Kerrie Edley	PO Box 2892 PALMER

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Date	Name	Mailing Address
10/13/92	Barbara Dyer	9421 Highland Rd Eagle River AK 99577
10/13/92	Sheila Toya	18321 Baranoff E. River AK 99577
10/13/92	Andrew O. Reese	10234 MENDOW RD ANCHORAGE, AK 99516
10/13/92	Doug de Groot	9499 BRAYTON DR #14 ANCH A.K. 99507
10/13/92	William E. Seward	7645 SNOW VIEW. DR. ANCHORAGE, AK 99507
10/13/92	Martha Adams	2721 E 51 <sup>st</sup> Anch. Ak.
10/13/92	<del>Eric</del> Eric Brown	801 Edward St. #3 Anch. AK 99504
10/14/92	Elmo J. Hill	7341 E 4TH. AVA. ANCH. AK 99504
10-14-92	Howard E. Stepien	6450 NINK RD. ANCH. AK. 99574
10-14-92	J. Adams	Box 670393 WASILLA AK 99607
10-14-92	Anthony K. Robert	PO Box 772534 EAGLE RIVER AK 99577
10/14/92	Chris - m. Sloan	PO Box 671775 Chugiak, AK 99567-1775
10-14-92	Frederic K. Limeria	Box 670302 688-3217 Chugiak, AK. 99567
10-11-92	Philip A. Park	480 BERRY RD WASILLA AK 99654
10-16-92	Lorena P. Allworth	Box 870381 WASILLA AK 99687

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Date	Name	Mailing Address
10-2-92	Pauline Grube	PAULINE GRUBE HCO4 9023 PALMER, AK 99645
10/10/92	Thomas E. Welch	Thomas E Welch 234 E 15th Ave #204 Anchorage AK 99501
10/10/92	Charles Chambers	Charles Chambers 321 Edward Anchorage AK 99504
10-10-92	Harry Williams Jr	HARRY WILLIAMS JR, 3424 Thompson Ave #217 Anch. Ak 99508
10-10-92	Lynette Azum	8801 Dewberry #2 Anchorage, AK 99502
10-10-92	Dorinda Budy	PO Box 210052 9130 Teri Circle Anchorage Ak 99521
10-10-92	Jamie Lake	18230 Clear Lake Circle Cagle River, Alaska 99544
10-10-92	Glenda Barnes	POB102087 Anchorage AK 99510
10-10-92	Lucy R. Coen	3221 Bristol St Anchorage, Alaska 99508
Oct 10, 92	Laura L. Rice	HCO4 BOX 9590C Palmer AK 99645
10-10-92	Philip E. Otto	6230 gross Dr Anchorage AK 99507
10-10-92	Pam Komptoff	7754 Delridge Cir Anch. AK. 99507
OCT 10, 92	<del>Robert White</del>	CORRETTA FITCHHEAD 1810 KUDIAK ST. ANCH. AK. 99501
10-10-92	<del>Robert White</del>	4901 Northwind Dr 11B Anch. AK. 99504 (W.E. Bettendorf)
10/10/92	Thomas S. Nybom	205 Otis St Anch ak 99504
10/10/92	Scott W Carl	P.O.B. 111787 ANCHORAGE, AK 99511
10/10/92	Mike Crotty (Mike Crotty)	1300 N 7th #310 Anch. AK. 99501
10/10/92	Charles Chambers	2400 Northern Circle Anch. AK 99508

We, the undersigned, do hereby state, that, as residents of the State of Alaska, we are unequivocally opposed to the forced annexation of any personal property in the State of Alaska, without the explicit permission of the owner, and particularly to the current annexation attempt by the City of Palmer concerning 7.5 acres in Riverside Subdivision, Section 28, Township 18 N, Range 2E, S.M.

Date	Name	Mailing Address
10-11-92	Eleanor Juhin	3240 Briarcliff Dr Anchorage AK 99508
10-11-92	Donna John	3820 Indiana St. ANCHORAGE, AK 99503
10-11-92	Jean Thorp	3206 Wiley Post Lp Anchorage AK 99517
10-11-92	Angeline Spetter	7726 Duben Anchorage 99504
10/11/92	F. Stahn	1833 Gwyllce Lane Anchorage 99507
10-11-92	Memo Cathey	2718 Lord Bannet Anch. AK 99517
10-11-92	J. Cant	1273 3133 Palmer AK 99645
10-11-92	<del>Handwritten Name</del>	529 Oceanview Dr ANCHORAGE AK 99515
10-11-92	N. Trout	PO BOX 3742 PALMER, AK. 99645
10-11-92	J. Alvarado	P.O. Box 202853 Anch. AK. 99520
10-12-92	L. Demit	3444 E. 19th Ave. Anch. AK. 99509
10/12/92	K. Cloud	2921 Brookridge Cir. Anch. AK. 99504
10/12/92	J. Mison	18634 S. Kowee Loop Eagle River AK. 99577
10/12/92	Alvin Crowley	1250 Balfour Dr #1 Anchorage AK 99515
10.12.92	Judy Dow	243 South Bunn Anchorage AK 99508
10-12-92	Virginia Mongreig	627 E 79#1 Anchorage AK 99518
10.12.92	Virginia Hedmi	P.O. Box 200914 Anchorage AK 99520
10-12-92	Ruth DeClereq	PO Box 1595 Palmer AK. 99645



We, the undersigned, do hereby state, that, as residents of the State of Alaska, we are unequivocally opposed to the forced annexation of any personal property in the State of Alaska, without the explicit permission of the owner, and particularly to the current annexation attempt by the City of Palmer concerning 7.5 acres in Riverside Subdivision, Section 28, Township 18 N, Range 2E, S.M.

Date	Name	Mailing Address
10/12/92	Pete Hill	4050 Katala Ave Anch 99516
10/12/92	Roy WADE	P.O. Box 427 TALKEETNA AK 99653
12 OCT 92	GAINES MATTHEW A. JR.	2640 HAPP/LN #15 ANCHORAGE, AK 99507
10/12/92	Charlene Houck	20207 LUNA Eagle River, AK 99577
10/12/92	Richard Palmer	701 LUNA Street Wasilla
10/12/92	James Kinval	4201 PARSONS #4
10-12-92	Yvonne PATEL	351 W 54th Circle
10-12-92	John R Morrow	128 E Third Ave Anchorage AK 99501
10-12-92	Sonja A Faraci	701 LUNA St. Wasilla AK 99654
10-12-92	Ann Barber	1001 BONIFACE PKWY SP. 10 99504
10-12-92	Leath B. Hill	1554 Myrtle Eagle River, AK 99577
10-12-92	Bruce E. Marz	P.O. Box 11142 Anchorage, AK 99511-114
10-12-92	Arlene & Jim Brun	10465 Chataqua Dr Eagle River AK 99577
10-13-92	Kesh S. Hill	7760 JAGUAR Cir Anch AK 99517
10-13-92	Donna Hill	19837 Eagle River Rd. Eagle River AK 99577
10-13-92	Marsha E Warren	18509 Second St ER AK 99577
10-13-92	Mary Hill	3216 Tongue Circle, Anchorage, AK 99504-3757
10-13-92	Ray D Jennings	321 Villa Cr. Anch, AK 99504

We the undersigned would like to see the annexation of 7.5 acres be denied or be put to a vote. Simply because there are not many voters in the area, is no reason to not allow the the public to be involved.

DATE	NAME	PHONE
10-16-92	Shawn Murphy	376-6430
<del>10-16-92</del>	<del>Palmer</del>	<del>376-6430</del>
10-16-92	Nona Kersh	P.O. BOX 1782 Palmer
10-17-92	Dennis Corvese	746-6352
10-17-92	RONNIE WELLS	746-6352
10-17-92	Tony Shelp	373-6602
10-17-92	Daniel Miller	373-4675
10-17-92	Jay [unclear]	NO PHONE
10-17-92	John Shelp	373-4675
10-17-92	Bell [unclear]	373 [unclear]
10-17-92	[unclear]	373-1376
10-17-92	[unclear]	373-4708
10-18-92	[unclear]	373-6056
10-18-92	Cheryl Cupps	373-6056
10-18-92	Ellen Kyskaldt	376-5450
10-18-92	Shawna Reed	373-4998
10/18/92	Vernice Ledington	373-4998
10/10/92	Chelsi Jackson	NO phone





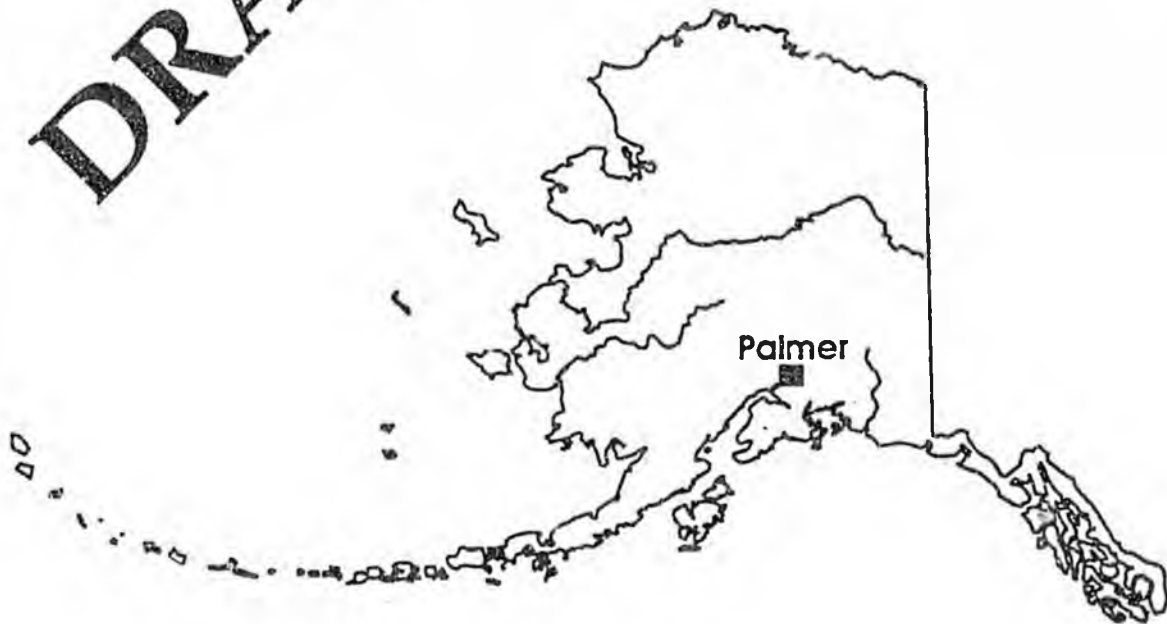
PETITION AGAINST THE CITY OF PALMERS FORCED ANNEXATION OF ANY AND ALL PROPERTIES OUTSIDE CURRENT CITY LIMITS WE THE UNDERSIGNED FEEL THE CITY IS OVERSTEPPING ITSELF AND ATTEMPTING ITS OWN EMPIRE BUILDING

Date	Name	Phone No.
9-24-92	Craig Wilson Voter ID# 06016230 835 Josh Drive Palmer AK.	745-1531
9-28-92	Veronika Anacleto ID# 0601624 835 Josh Drive Palmer	745-1531
9/29/92	PHILLIP WILLSON VOTER-ID# 06000577 ZERO AVE DENALI PALMER AK	WORK 745-3412
9-24-92	Arnold R. Hartman Box 2574 Palmer 99645	746-1763
9-24-92	Carolyn Hensley P.O. Box 1945 Palmer AK 99645	746-3866
9-24-92	Anna E. Stroman P.O. Box 3212 Palmer AK 99645	746-3036
9-24-92	Cadyn Nihil P.O. Box 2627 Palmer AK 99645	
9-24-92	[Signature] (Voter ID) P.O. Box 5661 Palmer AK 99645	
9-27-92	M.J. Leahu HC83 2413 Eagle River Rd. E.R. AK 99527	
9-28-92	JAMES MILLER REGISTERED VOTER 1120 E. SWAN HILL #1 WASHAK AK 99544	
9-29-92	[Signature] P.O. Box 1664 REGISTERED VOTER	
9-29-92	[Signature] Box 1664 Palmer AK	745-6585
9-29-92	[Signature] 131 HARVARD AVE AK	277-8257
9-29-92	[Signature] 789 Whittier AK	
9/29/92	Dexter Bacon Box 1127 Palmer	745-3970
9/29/92	Priscilla Bacon Box 1127 Palmer	745-3970
9/30/92	James Dohr P.O. Box 115 PALMER	746-1257
9/30/92	[Signature] A. Sharma P.O. Box 3070 Palmer	" "
9/30/92	[Signature] Pamela P.O. Box 876504 Wasilla	745-1724
9-30-92	SCOTT & FRANK [Signature] POB 87627 WASHAK AK 99687	376-0561

**REPORT AND RECOMMENDATION  
REGARDING THE PETITION OF  
THE CITY OF PALMER  
TO ANNEX APPROXIMATELY  
7.5 ACRES**

**September, 1992**

**DRAFT**



**WALTER J. HICKEL  
GOVERNOR**



**EDGAR BLATCHFORD  
COMMISSIONER**

# DRAFT

## REPORT AND RECOMMENDATION REGARDING THE PROPOSED ANNEXATION OF TERRITORY TO THE CITY OF PALMER

Presenting the Analysis of the  
Alaska Department of Community and Regional Affairs  
and its Recommendation to the Alaska Local Boundary Commission

### ALASKA LOCAL BOUNDARY COMMISSION

Darroll Hargraves, Chairperson  
Shelley Dugan, Vice-Chairperson, 4th Judicial District  
Frances Hallgren, Commissioner, 1st Judicial District  
Myrtle Johnson, Commissioner, 2nd Judicial District  
Lamar Cotten, Commissioner, 3rd Judicial District

### DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

Edgar Blatchford, Commissioner

Robert Walsh, Director  
Municipal and Regional Assistance Division

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS MUNICIPAL AND REGIONAL ASSISTANCE DIVISION

- |  |  |   |   |
|--|--|---|---|
| <input type="checkbox"/> 333 WEST 4TH AVE., SUITE 220<br>ANCHORAGE, AK 99501<br>PHONE: (907)269-4500 | <input type="checkbox"/> P.O. BOX 348<br>BETHEL, AK 99559<br>PHONE: (907)543-3475      | <input type="checkbox"/> P.O. BOX 290<br>DILLINGHAM, AK 99576<br>PHONE: (907)842-5135 | <input type="checkbox"/> 1001 NOBLE ST., SUITE 430<br>FAIRBANKS, AK 99701<br>PHONE: (907)452-7126 |
| <input type="checkbox"/> 150 3RD STREET<br>JUNEAU, AK 99811<br>PHONE: (907)465-4750                  | <input type="checkbox"/> 710 MILL BAY ROAD<br>KODIAK, AK 99615<br>PHONE: (907)486-9379 | <input type="checkbox"/> P.O. BOX 350<br>KOTZEBUTE, AK 99752<br>PHONE: (907)442-3696  | <input type="checkbox"/> P.O. BOX 41<br>NOME, AK 99762<br>PHONE: (907)443-5457                    |

September 16, 1992

Dear Reader:

This presents the draft analysis and recommendation of the Department of Community & Regional Affairs concerning the petition of the City of Palmer to annex approximately 7.5 acres.

I encourage you to carefully review this draft report and offer any comments you may wish to make. Comments must be received no later than 4:30 p.m. on October 21, 1992, at the following address:

Local Boundary Commission Staff  
Department of Community & Regional Affairs  
333 West Fourth Avenue, Suite 220  
Anchorage, Alaska 99501-2341  
Fax: 269-1520

Thank you for your interest in this matter.

Cordially,



Robert Walsh  
Director

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# CHAPTER 1

## INTRODUCTION AND BACKGROUND

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The City of Palmer has petitioned the State of Alaska to annex approximately 7.5 acres. While the annexation might be relatively small, it has attracted widespread interest. Some have characterized the proposed boundary change as an example of aggressive urban encroachment upon a rural area. Others view the annexation proposal as a responsible attempt by the City of Palmer to begin to address a lingering health and safety problem next to its boundaries.

The current effort to annex this area began last year. In May of 1991, the City sent a questionnaire on the issue of annexation to property owners next to the City's northern boundaries. City of Palmer Ordinance 435 was introduced at a regular meeting of the Palmer City Council on July 9, 1991. On July 23, 1991, the Council of the City of Palmer held a public hearing on Ordinance 435. The following individuals

provided public comments at that time. <sup>1</sup>

Brenda Anacleto  
Robert Bailey  
Jim Colberg  
Melinda Dewey  
Dan Dryden  
Mike Gallagher  
Kathy Scheibl  
Jana Thrift  
Dick Vogt  
Ellie Vogt

Minutes<sup>2</sup> of the meeting reflect a range of public comment upon the proposed annexation, which was supported by several residents of the area and opposed by others. After the public hearing, the City Council adopted Ordinance No. 435 authorizing the filing of a petition currently pending before the Local Boundary Commission (LBC). The petition was submitted to the Department of Community and Regional Affairs on March 3, 1992.

This report provides the Alaska Local Boundary Commission with a recommendation for action concerning the annexation

proposal. This recommendation is made by the Alaska Department of Community & Regional Affairs (DCRA) based upon its examination of the annexation proposal in terms of criteria set out in law.

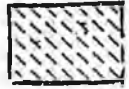
For the benefit of interested parties, this report also provides background information concerning municipal boundary changes in general, and evaluates the pending petition of the City of Palmer.

### BACKGROUND

The Constitution and statutes of the State of Alaska provide that decisions regarding the establishment and alteration of municipal boundaries are to be made at the State level.<sup>3</sup> This was done in order to ensure that arguments for and against municipal boundary proposals would be analyzed objectively, taking areawide and statewide needs into account.<sup>4</sup> The Local Boundary Commis-

# PROPOSED PALMER ANNEXATION

## AREA PROPOSED FOR ANNEXATION



SCALE  
APPROX. 200 FEET

sion was created under Alaska's Constitution to carry out those responsibilities.

### Alaska Local Boundary Commission

The Commission consists of five members appointed by the Governor for five-year overlapping terms. Commission members are appointed "on the basis of interest in public affairs, good judgment, knowledge and ability in the field . . . and with a view to providing diversity of interest and points of view in the membership" (AS 39.05.060). One member is appointed from each of the State's four judicial districts, the fifth member is appointed from the state at-large. Commission members serve without compensation. Current members of the Commission are:

*Darroll Hargraves, Chair.* Commissioner Hargraves is a resident of Ketchikan. He joined the Commission on March 21, 1991 and was appointed as Chair on May 27, 1992. Commissioner Hargraves has been a school superintendent in Ketchikan and Nome and has taught school in Barrow, Kivalina and Gambell. He has also

been an administrator at the University of Alaska at Fairbanks. Mr. Hargraves currently works as a communications and management consultant.

*Shelley Dugan, Vice-Chairperson.* Commissioner Dugan is a resident of Fairbanks. She was appointed to the Commission on September 4, 1987. Commissioner Dugan is employed as the Clerk/Treasurer of the City of North Pole.

*Frances Hallgren.* Commissioner Hallgren is a resident of Sitka. She was appointed to the Commission on May 27, 1992. She currently works as a legal secretary. She has experience as a teacher, accountant, and small business owner.

*Lamar Cotten.* Commissioner Cotten currently lives and works in Anchorage. He was appointed to the Commission on August 17, 1988. Commissioner Cotten has extensive experience as a city manager and borough manager.

*Myrtle Johnson.* Commissioner Johnson is a resident of Nome. She began her present term on the Commission on March 5,

1991, although she served on the Commission in 1969-1970. Commissioner Johnson works at the Nome Senior Citizens Center.

### Communications with the Commission

The Commission is a quasi-judicial body. To ensure that interested parties' rights of due process are maintained, the Commission has strict rules limiting contact on all pending municipal boundary proposals. These rules prohibit Commission members from discussing or receiving information concerning a municipal boundary proposal from any party, other than its staff, except during a public meeting called for that purpose. This limitation goes into effect upon the filing of a petition for a municipal boundary change with the Department of Community & Regional Affairs. The limitation on contact remains in effect throughout the proceedings and ends only with the expiration of the opportunity for the Commission to order reconsideration of its decision regarding that particular matter.

The Commission's rules

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provide further that all written communications with the Commission must be submitted through the Commission's staff. Briefs, written comments, inquiries and other written communications concerning this matter should be sent to:

Local Boundary Commission  
Staff  
Department of Community &  
Regional Affairs  
333 West 4th., Suite 220  
Anchorage, Alaska 99501-2341  
Telephone: 269-4500  
Fax: 269-4520

### Commission Staff

The Department of Community & Regional Affairs provides technical and administrative support to the Commission. This includes analyzing and making recommendations concerning municipal boundary proposals.

It should be stressed, however, that the Commission and the Department are independent of one another in matters of policy. While the Depart-

ment and the Commission often agree on municipal boundary proposals, there are times when the two view matters differently. The Commission is under no obligation to accept the recommendations of the Department.

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# CHAPTER 2

## PROCEDURES & STANDARDS

### GOVERNING BOUNDARY

### CHANGES

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There can be as many as fourteen steps involved in any municipal boundary change.<sup>5</sup> These are identified below. This chapter discusses each step generally and provides information concerning the petition of the City of Palmer in particular.

#### 1. Filing of the Petition

State law permits a variety of parties to file an annexation petition. These include cities, boroughs, voters, the legislature and the Commissioner of the Department of Community and Regional Affairs. In this case, the petition was initiated by the City of Palmer.

#### 2. Technical Review

As staff to the Local Boundary Commission, DCRA has the responsibility to review the form and content of all annexation petitions. Petitions which

are deficient are returned to the petitioner for correction. On March 13, 1992, DCRA notified the City of Palmer that the form and content of its petition were in substantial compliance with the requirements of law and that the petition had been accepted for filing.

#### 3. Public Notice

The law requires that notice of the filing of a

petition be published at least once in a newspaper of general circulation in the area proposed for annexation. In an effort to promote greater public awareness of the filing of such petitions, DCRA and the petitioner typically make a joint effort to provide notice beyond that required by law.

In the case at hand, DCRA mailed notice of the filing of the petition to 56 inter-

#### STEPS IN MUNICIPAL BOUNDARY CHANGES

1. Filing of the petition.
2. Technical review by DCRA.
3. Public notice of filing of petition.
4. Answering briefs and written comments.
5. Petitioner's reply.
6. Public review of DCRA draft report.
7. DCRA final report.
8. Local Boundary Commission hearing.
9. LBC action on the petition.
10. Adoption of a written statement of decision.
11. Reconsideration by the LBC.
12. Court appeal.
13. Final action.
14. Federal Voting Rights Act preclearance.

ested parties, including the following, on April 3 and 6, 1992:

- property owners;
- area legislators;
- Alaska Administrative Journal;
- Members of the Local Boundary Commission.

On April 30, 1992, the notice of the filing of the petition was conspicuously posted by the Palmer City Clerk at the Palmer City Hall.

Notice of the filing of the petition was published by the City of Palmer in the *Palmer Frontiersman*, a newspaper of general circulation in the territory, on the following dates:

April 3, 1992;  
April 10, 1992;  
April 17, 1992.

The City of Palmer provided a copy of the petition to the Matanuska-Susitna Borough at the time the petition was filed with the Department.

#### 4. Answering Briefs and Written Comments

The law allows a minimum of seven weeks for any individual to file a brief or to submit less formal written comments

### Parties Submitting Written Comment

Michael J. Gallagher  
Dila A Brounard  
Christine Graharn  
Dean and Melinda Dewey  
Theresa D. Fuller  
Marguente Elncore  
Clarence E. Furbush  
Michael Ford  
Edward Benson  
Judith C. Thrift  
Trina Lords  
L.O. [not readable]  
Jana C. Thrift  
Marisse E. Knox  
Patricia [not readable]  
Dennis [not readable]  
Jim and Suzy Feuer  
Dee Dee Brady  
Dale Anderson  
Robert [not readable]  
Anna E. Stroman  
Joe Williamson  
Ina R. Su Su

Karen L. Lafave  
Cheryl L. Calvert  
Matthew Godfrey  
Judith Eaken  
Jerry L. McKenzie  
Michael E. Krebs  
Gay-Lyn Gayner  
Albert [not readable]  
Thomas Summerville  
Linda L. Bouwens-Crosse  
Dewey and Laura Godwin  
Keith Smith  
\*Petition from 77 persons  
Robert E. Bailey

\*The informal petition bearing 77 signatures opposes "the City of Palmer's forced annexation of any and all properties outside current city limits . . .".

supporting or opposing a petition for annexation. The seven week minimum review period begins with the first posting or publication of the notice of the filing of the petition. Those who file briefs are designated as respondents and gain certain procedural rights.<sup>6</sup>

The deadline for filing briefs and written comments relating to this current petition was set for May 29, 1992. The deadline was 54 days from the date of mailing

of individual notice by DCRA and 57 days from the date of initial posting and publication of notice by the City of Palmer. During the comment period, no briefs were filed, however written comments were submitted by the parties<sup>7</sup> shown on the above chart.

#### 5. Petitioner's Reply

The law provides that the petitioner be given the opportunity to reply to briefs and written comments concerning its

annexation proposal. In this case, the City of Palmer responded on June 12 to the issues raised by the interested parties opposed to the annexation.<sup>8</sup>

### 6. Draft Report

The law requires that the Department provide interested parties with the opportunity to review and comment on its analysis of an annexation proposal before its recommendation becomes final. At least four weeks must be allowed for the submission of comments. The four weeks is measured from the date that copies of the report were mailed by DCRA to interested parties.

In this instance, comments must be received no later than 4:30 p.m., October 21, at the following address:

Local Boundary Commission  
Staff  
Department of Community &  
Regional Affairs  
333 West Fourth Avenue,  
Suite 220  
Anchorage, Alaska 99501-2341  
Fax: 269-4520

### 7. Final Report

The Department takes its responsibility to analyze

municipal boundary proposals very seriously. Recommendations are developed in an objective and careful fashion. However, there are practical limitations to the resources available to review any one municipal boundary proposal. Comments on draft reports sometimes point out flaws in the Department's understanding or analysis of a particular proposal. Draft recommendations are not modified casually; however, there are occasions where comments on a draft report may cause the Department to change some aspect of the recommendation presented in its final report.<sup>9</sup>

In cases where there has been little or no change in a draft report, the Department may produce an abbreviated final report for distribution to the public in an effort to minimize costs. The final report will be mailed at least three weeks prior to the date scheduled for the hearing of the Local Boundary Commission on this matter.

### 8. Local Boundary Commission Hearing

The Local Boundary Commission will conduct at

least one hearing on the proposed annexation. The law requires that at least two members of the Commission participate at the hearing.

Commission members have a strong preference to be present at the hearing site; however, circumstances occasionally leave some or all members with no alternative but to participate at the hearing or to conduct the hearing by teleconference. Typically, these circumstances arise if poor weather prevents the Commission from reaching a community on the date of the hearing, or if the Commission's travel budget will not bear the cost of travel to the community.

The Commission has scheduled the public hearing on this annexation proposal to be held in the City Council Chambers at the Palmer City Hall on November 20, 1992, beginning at 7:00 p.m.

### 9. Action on the Petition

The law requires the Local Boundary Commission to reach a decision on the annexation proposal within 90 days of the hearing. Typically, how-

ever, the Commission acts on petitions well before the expiration of the 90 day period.

A meeting of the Commission to act on a petition is open to the public. However, the Commission does not take testimony during a decisional meeting, although the Commission may seek a point of clarification from its staff or an interested party. Due to budget constraints and other practical limitations, decisional meetings of the Commission are often held in the course of conducting other business before the Commission. For that reason, decisional meetings are usually held in a community other than the one in which the hearing was held.

Decisions of the Commission require agreement by at least three of the five members of the Commission. The Commission may take any one of the following actions on the petition:

1. *Approve the petition without amendments or conditions.*
2. *Approve the petition with amendments or conditions. These may include*

*altering the boundaries of the territory proposed for annexation or requiring voter approval of the proposed annexation.* <sup>10</sup>

### 3. *Deny the petition.*

### 10. **Adoption of a Written Statement of Decision**

The law requires that the Commission adopt a written statement of decision within thirty days from the date that it reached its oral decision. The statement of decision sets forth the reasoning of the Commission with respect to the action it took on the petition.

The law requires that a copy of the statement of decision be provided to the petitioner's representative and to any parties who have filed formal briefs (respondents). Again, in this case, no briefs were filed in response to the petition. Anyone else wishing to obtain a copy of the statement may make a request to the Local Boundary Commission Staff.

### 11. **Reconsideration**

Once the Commission acts on a petition, there are

two procedures under which it may reconsider the action taken. The first is a relatively quick and informal process using Robert's Rules of Order, the parliamentary rules adopted by the Commission. These rules enable a majority of the Commission members to quickly bring back for further consideration, a motion which has already been voted upon. Under these rules a motion to reconsider must typically be made and seconded on the same day as the original vote.

According to Robert's Rules of Order, the purpose of the parliamentary reconsideration process is to "permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote". However, given the formal and deliberate nature of municipal boundary proceedings, this process is not often used by the Commission.

The second process is one established under the Commission's regulations. This process allows the Commission to order

reconsideration on its own motion within 20 days after the statement of decision is mailed to the petitioner and respondents.

Additionally, any interested person may file a request for reconsideration within this same 20 day period. A request for reconsideration must describe in detail the facts and analyses that support the request for reconsideration. Requests for reconsideration are filed with:

Local Boundary Commission  
Staff  
Department of Community &  
Regional Affairs  
333 West Fourth Avenue, Suite  
220  
Anchorage, Alaska 99501-2341  
Fax: 269-4520

If the Commission takes no action on a request for reconsideration within 30 days after the statement of decision was mailed to the petitioner and respondents, the request for reconsideration is automatically denied. If the Commission grants a request for reconsideration within this 30 day period, a petitioner or respondent is allotted 10 days from the date the request for reconsideration is granted to file a responsive brief.

If the Commission agrees to reconsider an action under this second process, it typically requests further analysis from staff and may conduct an additional hearing.

Parties seeking reconsideration of a decision of the Commission are encouraged to contact LBC Staff for details of the complete procedures.

## 12. Court Appeal

Any party who has a sufficient interest in a matter acted upon by the Commission may appeal the Commission's decision to Superior Court. An appeal must be made within thirty days from the date the Commission's written statement of decision was mailed or delivered to the petitioner, respondents and others who requested the document.

It is not necessary that parties seek reconsideration (step 11) in order to appeal a decision of the Commission to Superior Court. If, however, a party does seek reconsideration, the thirty day deadline for filing an appeal with the court is suspended for the time

taken up by the reconsideration proceedings.

Typically, many months (sometimes years) are involved in processing an appeal at the Superior Court level. Of course, a Superior Court decision may also be appealed to the State Supreme Court, involving substantial additional time. The filing of an appeal in Superior Court will not delay implementation of an annexation proposal, unless the court specifically orders that the proceedings be halted.

Although actions of the Commission are often appealed to court, they are very seldom successful. The Alaska Supreme Court has consistently taken the position that courts should not substitute their judgment for that of the Commission. Thus, as long as there is a reasonable basis for the Commission's decision and proper procedures have been followed, an appeal is not likely to succeed.<sup>11</sup>

## 13. Final Action

If the Commission approves (or amends and approves) a petition seeking a boundary change

using the legislative review process, the Commission must submit a formal recommendation for the boundary change to the next regular session of the legislature for final approval.

In accordance with Article X, Section 12 of the Constitution of the State of Alaska, the recommendation must be submitted during the first ten days of the next regular session of the legislature. Members of the legislature then have 45 days from the date of submission to consider the recommendation. If the legislature does not adopt a joint resolution rejecting the recommendation, it becomes final at the end of the 45 day review period.

If the legislature adopts a joint resolution, the annexation is denied. According to Legislative Rule No. 49, a joint resolution is "adopted by both houses and then signed by the governor as a ministerial formality. The joint resolution is treated in all respects as a bill but it is not subject to veto."

As an alternative to the legislative review process, the Commission may amend the petition to

Standards for annexation relate to whether . . .

1. The city is willing and able to serve the territory.
2. The city currently serves the territory.
3. There is a need for services which the city can provide most efficiently.
4. The territory is similar in character to the area within the existing boundaries of the city.
5. The territory is likely to grow and develop.
6. The health, welfare and safety of city residents is endangered by conditions within the territory.
7. Annexation is necessary to extend services within the current city boundaries.
8. Property within the territory is owned by the city.
9. The territory is an enclave within the boundaries of the city.
10. The territory should be annexed for another valid public purpose.

provide that the matter be decided by the voters residing in the territory approved for annexation.

#### 14. Federal Voting Rights Act Review

All municipal boundary changes in Alaska are subject to review under the federal Voting Rights Act. This federal requirement is intended to ensure that changes in voting rights, practices and procedures (including those brought about by annexations) will not result in "a denial or abridgment of the right of any citizen of the United States to vote on account of race or color" or because a citizen is a "member of a language minority group".

It is the responsibility of

the city whose boundaries are changed to seek review of the annexation under the Voting Rights Act. Staff of the Commission are available to assist cities in meeting their obligation under the Voting Rights Act. It is stressed that an annexation may not be implemented until the annexation has been given favorable review under the Act.

#### STANDARDS FOR ANNEXATION

The criteria or standards which are used to evaluate the merits of a proposal for annexation of contiguous territory to a city are set forth in law.<sup>12</sup> These relate to the above.

These standards for annexation of territory to a city are briefly summarized as follows:

**1. Willingness and Ability to Serve the Area (19 AAC 10.080)**

It must be shown to the satisfaction of the Local Boundary Commission that the city is both willing and able to extend "full municipal services" to the area proposed for annexation. These services are defined as "all of the services that a municipality is providing to its residents with revenues raised from the municipality's general mill levy or sales or use taxes" (19 AAC 10.840(9)). It does not include services funded by user fees (e.g. utilities). Nor does it require the city to build roads, sidewalks, water and sewer utility extensions, or other capital projects to the area proposed for annexation.

If the area will not receive "full municipal services", the Commission may still approve the annexation if the city is willing to establish differential tax zones to compensate for the lower level of services.

In addition to standard

number 1, a proposal to annex territory contiguous to the existing boundaries of a city must meet at least one of nine other standards. These nine standards are summarized below.

**A. Provision of Uncompensated Services 19 AAC 10.070(a)(8)** This standard is met if residents or property owners in the area proposed for annexation receive or may be expected to receive city services without paying property taxes to the city. This standard may be satisfied even if the services are provided inside the current boundaries of the city.

**B. Need for Services & Ability to Serve 19 AAC 10.070(a)(4)** If the area proposed for annexation needs municipal services and the city can provide those services more efficiently than another municipality, this criteria is satisfied.

**C. Urban Character 19 AAC 10.070(a)(3) and 19 AAC 10.070(d)** This standard is met if the area proposed for annexation is similar in character to the area already within the city limits. In evaluating this standard, the Com-

mission may consider whether:

- the property in the area proposed for annexation is platted;
- the property is used for residential or commercial purposes;
- the property is suitable for urban purposes;
- the population density of the area proposed for annexation is similar to the area within the existing city limits;
- the population of the area proposed for annexation stems from growth beyond the boundaries of the city.

**D. Growth and Development 19 AAC 10.070(a)(5)**

If the area proposed for annexation is likely to grow and develop, this standard may be met. However, the Commission must also conclude that the city will plan for and control that development.

**E. Health, Welfare and Safety (19 AAC**

**10.070(a)(6)** This standard may be met if the residents of the city are endangered by conditions existing or developing in the area proposed for annexation. To satisfy this standard, the Commission must also determine that annexation will enable the

city to relieve those conditions.

**F. Need for Service Extension (19 AAC 10.070(a)(7))**

If the city needs to include any of the territory proposed for annexation in order to extend services to an area currently within its boundaries, this standard is satisfied. Examples of such instances might include the need to develop a new site for a sanitary landfill, water source or sewage disposal facility, or the need to regulate the community's watershed.

**G. City-owned Property (19 AAC 10.070(a)(2))**

If the city owns property within the territory proposed for annexation, this standard is met.

**H. Enclave within City Limits (19 AAC 10.070(a)(1))**

If the territory proposed for annexation is surrounded by property already within the corporate limits of the city, this standard is satisfied.

**I. Other Valid Public Purposes (19 AAC 10.070(a)(9))**

This standard is satisfied if the Commission determines that the annexation proposal serves some legitimate public purpose other than those covered by the eight previously noted standards. An example might be the inclusion of adjacent industrial or commercial developments which are a natural part of the community in order to enhance the revenues of

the city. Another example might be extending voting rights to residents who are served by a municipal government, but have no right to vote in municipal elections.

**3. Interlying Property (19 AAC 10.070(c))**

The law provides that territory which does not meet any of the nine general standards discussed in the preceding section, may still be annexed if it lies between the current city boundaries and other territory which does meet one or more of those standards. This reflects a strong preference for avoiding "holes" in the jurisdiction of a municipal government.

# CHAPTER 3 - PROFILES

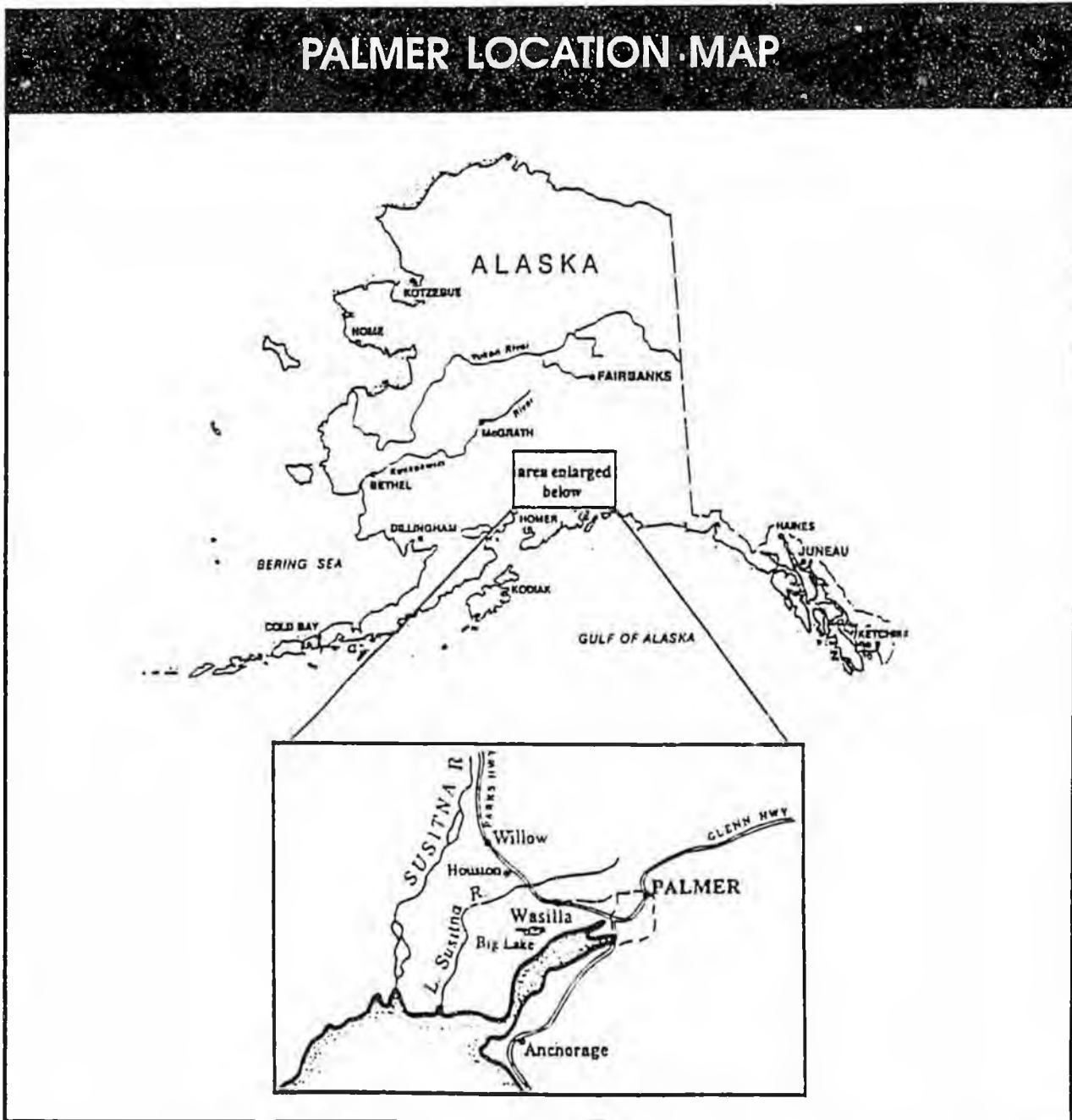
## CITY OF PALMER

**LOCATION:** Palmer is located in Southcentral Alaska in the Matanuska-Susitna Borough. The community lies approxi-

mately 43 miles north of Anchorage near the confluence of the Matanuska and Knik rivers.

**HISTORY:** The history of Palmer dates back to the Willow Creek Gold Rush of 1897. During that year, George Palmer established a small cabin and store just up stream from what

### PALMER LOCATION MAP



is today the Old Glenn Highway bridge that crosses the Matanuska River. In 1915 construction of the Alaska Railroad brought an influx of workers and homesteaders who settled in the area near Matanuska Junction and Palmer. In 1916, a siding was constructed on the present site of Palmer. The White brothers began operating a new post office under the name "Palmer" on July 6, 1917. The U.S. Department of Agriculture built an experiment station near Matanuska in 1917 to encourage agriculture. In 1935, more than 200 families were relocated from the midwest to the valley. Palmer became the governmental center for the valley. The Anchorage-Palmer highway opened in September 1936 to provide better markets for valley agriculture. During the 1960's and 1970's, Palmer's role as the center for regional, state and federal government offices serving the Matanuska-Susitna Borough area continued to evolve.<sup>13</sup> Today, many residents of the area commute to Anchorage for employment.

**CITY INCORPORATION AND PRIOR BOUNDARY CHANGES:** The City of Palmer was incorporated on April 30, 1951. Since its incorporation, the City of Palmer has effected 42 separate annexations, 40 of which have occurred since 1970. There have been as many as seven annexations in a single year (1984). The practice of incremental annexations apparently stems from a desire on the part of local officials largely to limit annexations to cases where the property owners initiate the request for annexation. As a result of the growth of Palmer's municipal boundaries by slight increments, a number of jurisdictional enclaves have been created.

The Local Boundary Commission rejected a petition for annexation of about 35 acres of city owned property to the City of Palmer in July, 1992. This rejection was based upon the Commission's concern that the annexation would have created yet another enclave in the municipal boundaries of the City of Palmer. Concerned that several such enclaves are present within the existing boundaries, the Local Boundary Commission has

for several years been urging the City of Palmer to address the problem of jurisdictional enclaves in a comprehensive, rather than on a piecemeal basis. When confronted with a boundary change which would have created yet another enclave, the Commission rejected the petition.

The 35 acre annexation proposal rejected by the Commission in July was substantially different than the current proposal. DCRA concludes that the current proposal shares virtually none of the characteristics of the July proposal.

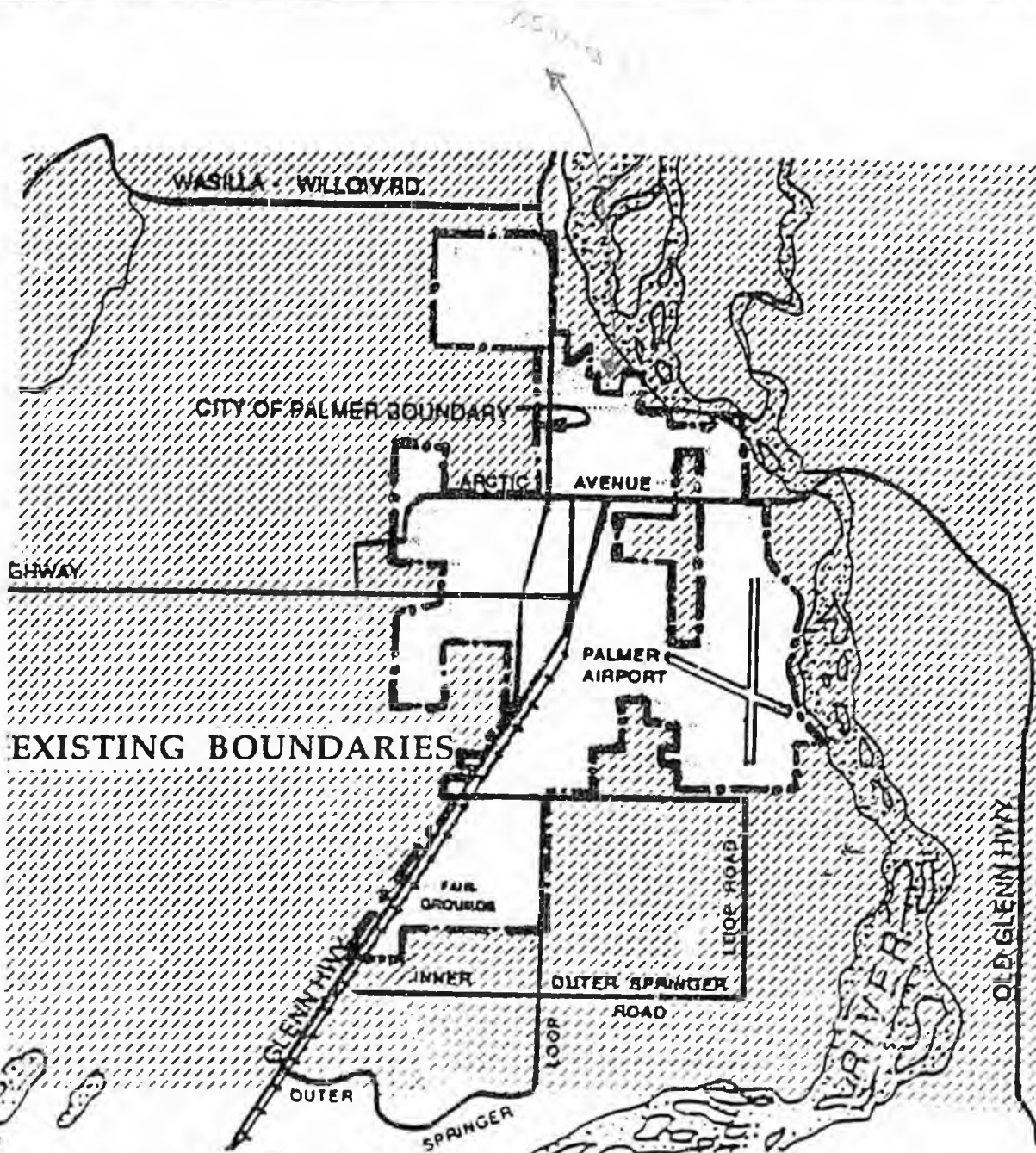
The annexation proposed by the current petition is a notable exception to this pattern.

**AREA WITHIN CURRENT BOUNDARIES:** The existing boundaries of the City of Palmer which encompass the community include about 2,444 acres (3.8 square miles). Assessed property values within the City of Palmer are as follows:<sup>14</sup>

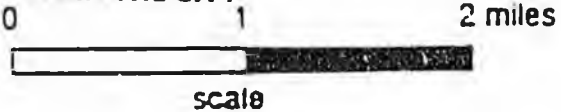
<b>REAL PROPERTY:</b>	\$89,564,700
<b>PERSONAL PROPERTY:</b>	\$14,542,593
<b>TOTAL*:</b>	\$104,107,293

\* Includes Exempt Property

# EXISTING CITY OF PALMER BOUNDARIES



NOTE: DUE TO SCALE, THIS MAP DOES NOT SHOW ALL JURISDICTIONAL ENCLAVES WITHIN THE CITY PALMER



**CURRENT CLASSIFICATION:** The City of Palmer is presently classified as a Home Rule city. It lies within a second class organized borough.

**POPULATION WITHIN CURRENT BOUNDARIES:** According to the 1990 federal census, 2,866 people reside within the boundaries of the city. The 1980 Census recorded 2,141 residents within the city's boundaries.

**TAXES:** The City of Palmer currently levies a 4.28 mill property tax. In addition, the Matanuska-Susitna Borough levies a 13 mill areawide property tax. Thus, property within the boundaries of the City of Palmer is taxed at 17.28 mills.

The City of Palmer also levies a 2% sales tax with a \$10 cap on single item purchases over \$500. The Matanuska-Susitna Borough does not levy a general sales tax but does levy a 5% bed tax areawide. Thus, most sales within the boundaries of the City of Palmer are taxed at 2%. Other locally generated

**EXPENDITURES:** The following is a summary of operating expenses, capital improvement costs and debt service of the City of Palmer during the 12 months ending December 31, 1991.

Fire Department	\$183,175
Police Department	1,184,011
Library	305,924
Water Utility Service	242,040
Sewer Utility Service	157,141
Refuse Collection	147,991
Road Maintenance	201,409
Airport	74,729
Golf Course	359,606
Planning & Zoning	3,500
General Gov't Administration	676,881
Building Inspection	60,712
Ambulance Contract with Borough	106,363
Parks and Recreation	13,084
Public Health	141,677
Debt Service	28,900
<u>Public Works</u>	<u>466,613</u>
<b>TOTAL</b>	<b>\$4,353,756</b>

revenues of the City of Palmer are generated by water, sewer, refuse, airport and golf course fees.

**OTHER INDEBTEDNESS**  
Other current and long term debt of the City of Palmer totaled \$7,007,213, as of December 31, 1991.

**BONDED INDEBTEDNESS:** The City of Palmer's \$1,193,000 General Obligation debt is recorded as follows:

DEBT SERVICE FUNDS	RATE	BALANCE
1964 General Obligation Sewer Bonds	3.75%	\$ 83,000
1979 General Obligation Water & Sewer	7.00%	910,760
1979 Internal Service - Special Assessments	7.00%	199,220
<b>TOTAL</b>		<b>\$ 1,192,980</b>

**OPERATING REVENUES:** The following is a summary of revenues of the City of Palmer during the 12 months ending December 31, 1991.

**LOCALLY GENERATED REVENUES**

Sales Taxes	\$1,029,393
Property taxes	400,487
Water Utility Fees	386,985
Sewer Utility Fees	219,551
Refuse Collection Fees	206,731
Airport Fees	50,262
Golf Course Fees	443,568
License/Permits	22,336
Fines	8,758
Charges for Services	829,958
<u>Miscellaneous</u>	<u>240,721</u>
<b>TOTAL</b>	<b>\$3,838,750</b>

The area proposed for annexation would be taxed at 17.28 mills subsequent to annexation to the City of Palmer. This would represent increased taxes of 0.92 mills, or \$9.20 per \$100,000 of assessed valuation. The following services will continue to be provided by the Borough to the area proposed for annexation even if it is annexed to the City of Palmer:

- education
- assessment and collection of taxes
- platting
- parks & recreation
- ports, harbors and wharves
- ambulance service
- transportation systems
- water pollution control
- air pollution control
- licensing and regulation of day care facilities
- historic preservation

**PROFILE OF THE TERRITORY PROPOSED FOR ANNEXATION**

**OVERVIEW:** The area proposed for annexation encompasses approximately 7.5 acres, consisting of portions of the Pribyl, Grasse, and Grasse Subdivision, a portion of the Riverside Subdivision and a portion of the right-of-way of the Alaska Railroad.

**POPULATION:** According to the petitioner, the area has four households and seven residents.

**LAND OWNERSHIP:** Property owners within the area have been identi-

fied as follows by the petitioner:

- John Grasse
- Robert Bailey
- Michael Dresnek
- Dean and Melinda Dewey
- Alaska Railroad

**TAXES/BOROUGH SERVICES:** Property owners in the area proposed for annexation currently pay 16.36 mills property tax to the Borough.

Areawide Property Tax	13.00 mills
Non-areawide powers <sup>16</sup>	1.46 mills
Road Service Area	1.00 mills
Fire Service Area	0.90 mills
<b>Total</b>	<b>6.36 mills</b>

The following services and powers are currently exercised by the Borough in the area proposed for annexation, but would no longer be if the territory is annexed to the City of Palmer.

**(Areawide Powers/  
Services)**

- Planning and zoning

**(Non-areawide Powers/  
Services)**

- fireworks regulation
- solid waste disposal
- regulation of motor vehicles & operators
- regulation of snow vehicles
- libraries
- regulation of obscene nude dancing
- limited health and social services
- natural gas and electric local improvement districts and septic tank disposal
- economic development

**Services and Facilities  
Funded Through Taxes  
Levied By the City of  
Palmer**

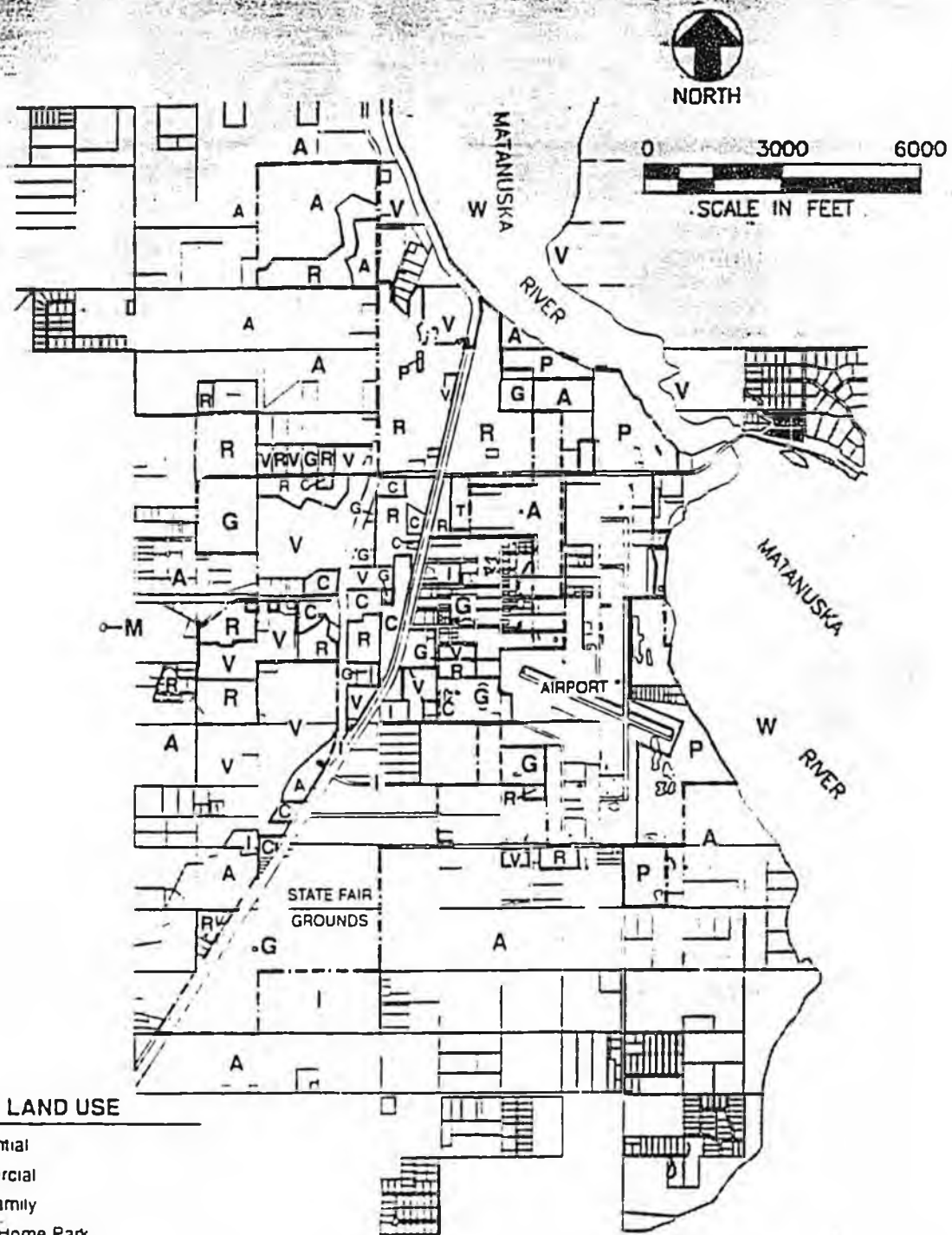
- fire protection
- police protection
- library
- refuse collection
- road maintenance
- airport
- planning and zoning
- building inspection
- public works
- street lights
- general government-administration

**ANTICIPATED INCREASE IN REVENUE AS A  
RESULT OF ANNEXATION\*:**

4.28 mill property tax	\$446.00
Water Utilities	756.00
Sewer Utilities	432.00
Refuse Collection	552.00
Municipal Assistance	409.00
Revenue Sharing	504.00
Electric/telephone Coop Tax	<u>24.00</u>
<b>TOTAL</b>	<b>\$3,088.00</b>

\*Utility fee estimates are based on four households with minimum charge

# CITY OF PALMER EXISTING LAND USE



## EXISTING LAND USE

- R Residential
- C Commercial
- M Multi-Family
- T Mobile Home Park
- I Industrial
- P Parks, Recreation, Golf Course
- G Public Institutions
- V Vacant
- A Agriculture
- W Water

City of Palmer, Alaska  
**COMPREHENSIVE DEVELOPMENT PLAN**  
 LCMF LIMITED 1992

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# CHAPTER 4 - APPLICATION OF STANDARDS AND OTHER CONSIDERATIONS

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This chapter presents the analysis and conclusions of the Department of Community & Regional Affairs concerning the extent to which the proposed annexation meets the standards identified in Chapter Two. It also addresses other relevant considerations relating to the annexation proposal.

## STANDARDS FOR ANNEXATION

### 1. Willingness and Ability of the City to Serve the Area

Because the law permits parties other than a city government to petition for annexation, it is necessary to ensure that the city itself is willing to extend services to the territory proposed for annexation. In this instance, however, the City of Palmer initiated the petition for annexation. This establishes the obvious presumption that the City is willing to serve the area. The De-

partment has found no indication to suggest that this presumption is invalid.

Examination of this standard also requires consideration of the financial impacts to the City of Palmer which are likely to result from annexation. As noted previously the petitioner estimates that annexation of the territory in question will result in an increase in City revenues amounting to about \$3,088.00 annually.

The territory proposed for annexation carries with it added responsibilities for the City of Palmer. These responsibilities include primary public safety services (police and fire) for residents of the area. The City's burden for planning, platting and land use regulation in the area will also increase. It appears, however, that the additional revenues which will be available to the City will allow it to provide the needed services

to the area in a responsible fashion. Financial impacts on the Borough resulting from the annexation are projected to be insignificant.<sup>16</sup>

### **CONCLUSION:**

Because the City of Palmer initiated the annexation petition, the Department concludes that the City is willing to serve the area proposed for annexation.

The Department concludes further that the City is capable of providing "full municipal services" to the area.

Thus, the Department finds that this annexation standard is satisfied.

### 2. Provision of Uncompensated Services

This standard is met if *"residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate property tax*

*contributions, whether city services are rendered or received inside or outside the territory".*

The petitioner asserts that " . . . the City continues to provide street maintenance to this area even though it is outside the corporate limits since it is adjacent to the main north Palmer arterial street leading to the Sherrod and Swanson elementary schools."

No doubt, residents of the area outside the City's boundaries contribute in various ways to support City services. Clearly, one of the most substantial avenues of support results when non-City residents purchase goods and services which are subject to the City's 2% sales tax. Sales taxes are the single largest source of locally generated revenue received by the City of Palmer.

**CONCLUSION:**

The Department concludes that this standard is met because the City of Palmer currently provides road maintenance to the area proposed for annexation.

**3. Need for Services & Efficiency**

In the Department's view, two municipal services are particularly needed in the area proposed for annexation but are not being provided at an appropriate level, according to the petitioner's brief. . The first is "planning" (planning, platting and land use regulation). The second is enhanced public safety services.

With respect to the need for planning, the petitioner's brief states:

*The continued health and safety concerns of the City of Palmer's residents can be mitigated upon annexation through the enforcement of city zoning ordinances which will require the removal of inoperable vehicles, mandatory garbage collection for all city residents, compliance with the Uniform Building Code and compliance with the city's animal control ordinance, which limits the number of dogs and cats allowed in a single family resident [sic] as well as prohibits the harboring of livestock within the corporate limits.*

In addition to planning, platting and zoning, it appears that annexation would provide more efficient delivery of police protection to general area.. According to the petitioner's brief:

*The large number of unleashed and unrestrained dogs which the Matanuska-Susitna Borough allowed to be on the premises has taxed the City's police department for providing animal control to the City residents in this area. . . . The annexation of this property will not increase the Palmer police department's workload but in all probability will lessen: particularly the dog call responses.*

In addition to the need for services, this standard also requires consideration of whether the city is able to provide the services to the area more efficiently than another municipality.

**CONCLUSION**

The Department concludes that municipal planning is needed in the area proposed for annexation and that animal control services are needed in the area proposed for annex-

ation. The Department further concludes that the planning services could be best provided by the City of Palmer. This is based on the petitioner's assertions that "the continued health and safety concerns of the city of Palmer's residents can be mitigated upon annexation through the enforcement of city zoning ordinances and health ordinances which will require the removal of inoperable vehicles, mandatory garbage collection for all city residents, compliance with the Uniform Building Code and compliance with the city's animal control ordinance . . ." Thus, the Department concludes that this standard is satisfied.

#### 4. Urban Character

This standard is met if the Local Boundary Commission concludes that the area proposed for annexation is "urban" in character. Factors to be considered in this regard include whether the property is suitable for residential and commercial purposes.

The area is described as follows:

. . . . there are four houses and one garage,

*of which one is inhabited by the owner of record of the largest number of lots described above while three remaining houses are inhabited from time to time by various people. The City was informed by the resident that there is no water or sewer services to the property at this time.*

The property has been subdivided and fronts a major arterial street as designated in the 1985 City of Palmer Traffic Study<sup>17</sup>. The seven residents of the area constitute a population density of 597 residents per square mile. The population density compares favorably with the population within the existing boundaries of the City, currently about 750 residents per square mile.

#### **CONCLUSION:**

The Department concludes that the territory proposed for annexation is urban in character as defined by the regulations of the Local Boundary Commission. Thus, this standard is satisfied.

#### 5. Growth and Development

The department is not aware of special growth expected in the area proposed for annexation during the immediate future.

#### **CONCLUSION:**

The Department concludes that there is no "reasonable likelihood" that notable future growth and development will occur within the area proposed for annexation. The area is already fairly developed, with a population density of about 550 persons per square mile. Consequently, the Department concludes that this standard is not met.

#### 6. Health, Welfare and Safety

This standard is met if the residents of the city are endangered by existing or developing conditions in the area proposed for annexation.

The petitioner's brief notes the receipt of a petition in 1990 from 61 area residents urging the City of Palmer to annex the area.

Conditions allegedly existing in the area which

threaten the health, welfare or safety of individuals presently residing within the boundaries of the City of Palmer include "loose dogs going onto adjoining property and getting into garbage cans, dogs harassing school children waiting for the school bus at a designated pick-up site . . . "

**CONCLUSION:**  
It is concluded that this standard is met.

#### 7. Need for Service Extension

According to the petitioner, annexation is necessary to enable the City of Palmer to extend services to the territory currently within its boundaries. The petitioner has described packs of loose dogs in the area proposed for annexation and the relation to the neighboring city's animal control efforts.

**CONCLUSION:**  
The Department concludes that this standard is met with respect to animal control.

#### 8. City-owned Property

The City of Palmer does

not own any of the property proposed for annexation.

**CONCLUSION:**  
Because none of the property in the territory proposed for annexation is owned by the City, this standard is not met.

#### 9. Enclave within City Limits

Although the existing boundaries of the City surround the territory proposed for annexation on three sides, the territory proposed for annexation is not an enclave.

**CONCLUSION:**  
The Department concludes that this standard is not met.

#### 10. Other Valid Public Purposes

The department is unaware of any other public purpose which would be met by the annexation.

**CONCLUSION:**  
Accordingly, the Department concludes that "another valid public purpose" would not be served by this annexation.

## OTHER CONSIDERATIONS

### A. Vote on Annexation

Alaska's Constitution places a duty upon the Local Boundary Commission to judge an annexation proposal on its merits rather than its political appeal. The Alaska Supreme Court has carefully examined the duty and role of the Commission and has concluded that those who reside or own property in an area to be annexed by a municipality have no vested right that annexation take place only with their consent.<sup>18</sup> Specifically, the court stated:

Nothing in the Commission's existing regulations govern when annexation proposals must be presented to the voters and when they may be submitted to the legislature for final approval.

However, the Commission's new regulations do contain such provisions. The decision regarding which process may be used for final approval (i.e. election or legislative review) is within the discretion of the Commission. Because

no regulations currently apply to this question, the Department believes that the pending new regulations may be used to guide the Commission in this matter. The new regulations state:

Territory that meets all of the annexation standards specified in 19 AAC 10.090 — 19 AAC 10.130 may be annexed to a city by the legislative review process if the commission also determines that annexation will serve the balanced best interests of the state, the territory to be annexed, and all political subdivisions affected by the annexation. In this regard, the commission will, in its discretion, consider relevant factors, including whether;

(1) the territory is an enclave surrounded by the annexing city;

(2) health, safety, or general welfare of city residents is or will be endangered by conditions existing or potentially developing in the territory, and annexation will enable the city to regulate or

control the detrimental effects of those conditions;

(3) extension of city services or facilities into the territory is necessary to enable the city to provide adequate services to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the boundaries of the city;

(4) residents or property owners within the territory receive, or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate tax contributions, whether these city benefits are rendered or received inside or outside the territory, and no practical or alternative method is available to offset the cost of providing these benefits;

(5) annexation of the territory will enable the city to plan and control reasonably anticipated growth or development in the territory that otherwise

may adversely impact the city; and

(6) territory is so sparsely inhabited, or so extensively inhabited by persons who are not landowners, that a local election would not adequately represent the interests of the majority of the landowners.

The first five of these factors are largely equivalent to standards for annexation which have been previously examined in this chapter. The remaining factor, subsection (6), requires consideration of the characteristics of the prospective voters. In this instance, the territory is populated by only 7 individuals. According to the petitioners, only one of these individuals is a registered voter.

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### *CONCLUSION*

The Commission must weigh the obvious appeal of allowing the voters to give final approval to any annexation, against the needs and interests of the parties involved. However, it is critical to keep in mind that the interested parties are not limited strictly to the residents and property owners of the territory proposed for annexation. They also include the residents and property owners within the current boundaries of the City of Palmer, the Palmer city government, the Matanuska-Susitna Borough government and the State of Alaska.

The area is so sparsely inhabited, with only one registered voter, that an election would be rendered impractical. However even in the absence of this circumstance the balanced interests of the various parties involved in this matter warrant the use of the legislative review process.

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# CHAPTER 5 - SUMMARY AND RECOMMENDATION

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## SUMMARY

The proposal for annexation of 7.5 acres to the City of Palmer is justifiable. Based upon its analysis, the Department has concluded that:

- The City of Palmer is willing and able to serve the territory proposed for annexation.
- Road maintenance services are currently provided by the City of Palmer. There is a need for municipal planning services within and extending beyond the territory proposed for annexation. There is also a need for enhanced public safety, specifically animal control, in the territory proposed for annexation. The City of Palmer can provide the needed services most efficiently.
- The area proposed for annexation is urban in character as defined in the Local Boundary Commission's regulations.
- The City of Palmer has the willingness and ability to extend "full municipal services" to the area proposed for annexation.
- Annexation of the subject area would facilitate improvements to the area and would likely lead to an increase in property values for neighboring areas within the existing Palmer municipal boundaries.

Voter approval of the boundary change proposal is impractical in this instance, due to the absence of sufficient registered voters in the area proposed for annexation, the Department has concluded that the balanced interests

of the parties involved in this annexation support the use of the legislative review process. This conclusion was reached on the basis of guidelines recently adopted by the Commission.

## RECOMMENDATION

On the basis of the analysis presented in this report, the Department recommends that the Commission approve the annexation of the 7.5 acres requested by the City of Palmer.

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## ENDNOTES

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- 1 Of these, Robert Bailey and Melinda Dewey are property owners in the area proposed for annexation.
- 2 A copy of the letter and the draft meeting minutes of the hearing were submitted with the petition for annexation.
- 3 Article X, Section 12 of Alaska's Constitution; AS 44.47.567; AS 29.05; AS 29.06.
- 4 Fairview Public Utility District No. 1 v. City of Anchorage, 368 P.2d 540 (Alaska 1962).
- 5 On June 29, 1991, the Local Boundary Commission adopted regulations revising the procedures relating to municipal boundary changes. However, these new regulations are not yet in effect. The Attorney General's office completed its requisite review of the regulations on June 19, 1992. The regulations were then filed by the Lieutenant Governor on July 1, 1992. The regulations take effect thirty days following such filing (July 31, 1992) and upon preclearance by the U.S. Department of Justice under the terms of the federal Voting Rights Act. Department of Justice approval is expected in mid-September of 1992. The discussion of procedures in this chapter reflects the existing regulations for those steps which have been or will be completed by mid-September (steps 1 - 7). Steps to be completed after mid-September are described in terms of the new regulations (steps 8 - 14).
- 6 These include the right to individual notice of all proceedings and the Commission's written statement of decision, the right to call sworn witnesses to testify at a hearing of the Commission and the right to file a responsive brief in the event reconsideration is granted.
- 7 These comments are included in Appendix A.
- 8 The city's response is also included in Appendix A.
- 9 There have been times in the past when a party has argued that due process requires the Department to circulate a revised draft report if there has been a change in the Department's recommendation. Given the Department's role in municipal boundary proceedings (i.e. an agency which makes a recommendation to an independent decision making authority) and the fact that a public hearing always follows the Department's report, DCRA does not consider it to be a violation of due process to publish a final report which presents a different recommendation than the one stated in the draft report.

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- 10 If the Commission were to enlarge the boundaries, the Commission must ensure that rights to due process under the Alaska and U.S. Constitutions are protected.
- 11 These statements are not made in an effort to discourage court appeals, but rather in the interests of providing a better understanding of the nature of Commission proceedings.
- 12 The regulations adopted by the Commission on June 29, 1991 (see discussion in endnote # 3) also revised the standards or criteria for annexation. Because so many important procedural steps (steps 1 - 7) have been completed in this particular proceeding under the "old regulations", due process clearly dictates that the Commission judge the annexation on the basis of those regulations rather than the "new" regulations.
- 13 Source: City of Palmer Draft Comprehensive Plan, June, 1992
- 14 Provided by Cathy Cook, Matanuska-Susitna Borough, 9-10-92
- 15 Non arewide services for which funds are currently budgeted include libraries, animal control, septage treatment and landfill.
- 16 **REVENUE SHARING:** The loss of Revenue Sharing Funds to the Borough resulting from annexation will be insignificant. Under the Revenue Sharing formula, the Borough's population includes the population within the City of Palmer. Thus, the inclusion of the 7 residents in the City's boundaries will not significantly decrease the Borough Revenue Sharing entitlement.
- MUNICIPAL ASSISTANCE:** Unlike Revenue Sharing, that aspect of the Municipal Assistance program formula under which the Borough's entitlement is calculated does not count residents within the City of Palmer. Thus, the Borough is expected to lose an estimated \$409 annually as a result of annexation.
- 17 According to the petitioner's brief, this was prepared by Datum Engineering.
- 18 Fairview Public Utility District Number One v. City of Anchorage, 368 P.2d 540 (Alaska 1962)

# APPENDIX A

## CORRESPONDENCE



# CITY OF PALMER



231 W. EVERGREEN AVE.  
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

## RECEIVED

June 12, 1992

JUN 16 1992

Mr. Dan Bockhorst  
Local Boundary Commission  
333 W. 4th Avenue, Suite 220  
Anchorage, Alaska 99501-2341

Dept. of Comm. & Affairs  
Div. of Municipal & Reg. Asst.

RE: City of Palmer Annexation  
Section 28, Township 18N, Range 2E, S.M.

Dear Mr. Bockhorst,

The City of Palmer has reviewed the written comments provided by numerous individuals as well as the petitions signed by 77 individuals.

The City of Palmer filed their petition with the Local Boundary Commission regarding the proposed annexation for legislative review which contained specific requirements and sworn statements regarding the facts and findings as required.

The area residents who originally signed the petition for the City of Palmer to annex this property have not waived in their strong position or sentiments. The subject parcel is bounded on three sides by the city and this will help to even our border.

To this day, June 12, 1992, the City continues to provide street maintenance services to this area even though it is outside the corporate limits since it is adjacent to the main north Palmer arterial street leading to the Sherrod and Swanson elementary schools.

Since this area is outside the corporate limits of the City and the Alaska State Trooper manpower is being reduced, the complaints by the city residents for the most part go unheeded since the problems are often nuisance complaints rather than life threatening. This places the adjoining city residents in a helpless situation.

Mr. Dan Bockhorst - July 12, 1992


Page 2

The Matanuska-Susitna Borough, in which this property is located, does not regulate the number of vehicles one can have on their property whether operative or inoperative, nor provide zoning for any area within their corporate limits. Because of reduced and continued tight borough budgets, animal control and nuisance ordinances are poorly enforced.

The City of Palmer stands on the merits of the brief as to why this area should be annexed.

Should you have any questions, please feel free to contact me.

Yours truly,

  
David L. Soulak  
City Manager  
City of Palmer

DLS/cac

Enclosure: Petition

cc: Mayor Carte' and Councilmembers

We, the undersigned, residents of Palmer, implore the City of Palmer's assistance in correcting the conditions at Block 1, Riverside Subd - namely - Ed Bailey's property on East Eagle Street. We realize said property is not within the City limits but feel something MUST be done about the deplorable conditions here. The entire area is a "junkyard-dump"! The shacks he rents out would certainly not meet health requirements with no running water or sewer. He has NO LESS than 20 dogs who bark all hours of the day and night. Also people in this area cannot put their garbage out without it being torn apart in a matter of minutes by his dogs.

The first people signing this request live directly next to or across from this area and have attached their own personal notes of incidents with animals of Mr. Bailey's - plus the de-valuation of our property in this area because of this "eye-sore" across the road.

Robert Maturana 545 N. DENALI PALMER 745-2296  
 NAME ST. ADDRESS PHONE

Mrs. Mrs. David Harold 609 N. Denali (Box 212 Sutton) 746-2846  
 NAME ST. ADDRESS PHONE

Roger K Smith 328 East Eagle Palmer 745-4506  
 NAME ST. ADDRESS PHONE

Mr. & Mrs. Paul Bolten 331 E. EAGLE ST PALMER 745-3647  
 NAME ST. ADDRESS PHONE

Mr. & Mrs. Richard Vogt 564 N. Denali 745-3351  
 NAME ST. ADDRESS PHONE

Mr. and Mrs. Carl + Deborah 521 N. Denali 745-2566  
 NAME ST. ADDRESS PHONE

George Richardson 614 Denali -  
 NAME ST. ADDRESS PHONE

Robert J. [Signature] 393 E. EAGLE 745-1112  
 NAME ST. ADDRESS PHONE

[Signature] 1567 N. DENALI 745-8892  
 NAME ST. ADDRESS PHONE

\* See enclosed letter  
Christina K. [Signature] 310 E. Eagle Palmer 745-2774  
 NAME ST. ADDRESS PHONE

David W. Ward 310 E. Eagle Palmer 745-2774  
 NAME ST. ADDRESS PHONE

Don [Signature] 3211 E. Eagle Palmer 746-1221  
 NAME ST. ADDRESS PHONE  
 \* see enclosed letter

Patty [Signature] 320 E. Eagle Palmer 746-1221  
 NAME ST. ADDRESS PHONE

Thomas W. Berheut	341 Arctic-E	745-3464
NAME	ST. ADDRESS	PHONE
Robert R. Walling	693-2 <sup>ND</sup> ST	745-3869
NAME	ST. ADDRESS	PHONE
Emilio Butch Jondahn	Box 338 Palmer	745-4831
NAME	ST. ADDRESS	PHONE
Frank Kummerow	348 N. Bailey	745-3315
NAME	ST. ADDRESS	PHONE
C.R. Nestle	417 S. Dolphin	745-2289
NAME	ST. ADDRESS	PHONE
Anthony E. Udlin	216 W. Beaver Ave	745-1803
NAME	ST. ADDRESS	PHONE
Stephanie M. Dennis	#4 Auklet, Palmer	746-2117
NAME	ST. ADDRESS	PHONE
Ralph C. Moore	541 E. Arctic	745-8669
NAME	ST. ADDRESS	PHONE
Paul J. Gilchrist	315 E. Dolphin	745-1866
NAME	ST. ADDRESS	PHONE
Robert R. Macok	309 N. Alaska St.	745-2445
NAME	ST. ADDRESS	PHONE
Richard Bassett	450 N. AK.	745-2871
NAME	ST. ADDRESS	PHONE
Charles Townsend McNeil	566 N. Alaska St	745-8680
NAME	ST. ADDRESS	PHONE
Diana E. Long	567 N. Bailey	745-3675
NAME	ST. ADDRESS	PHONE
Robert M. Henderson	555 N. Alaska St	745-497
NAME	ST. ADDRESS	PHONE
Lurely J. Henderson	555 No. Ak. St.	745-4973
NAME	ST. ADDRESS	PHONE

Bernice A. Zerbis	433 N ALASKA ST PALMER	745-4411
NAME	ST. ADDRESS	PHONE
Elizabeth Deininger	544 N. Alaska St	
NAME	ST. ADDRESS	PHONE
James Deininger	544 N. Alaska St.	
NAME	ST. ADDRESS	PHONE
Pat Loubury	766-2810 P.O. Box 3201 Palmer	
NAME	ST. ADDRESS	PHONE
Phyllis Kircher	641 3rd St.	745-1459
NAME	ST. ADDRESS	PHONE
Michael Kircher	641 3rd ST.	745-1459
NAME	ST. ADDRESS	PHONE
Camille D. Olson	668 3 <sup>rd</sup> St.	746-1012
NAME	ST. ADDRESS	PHONE
Dawn M. Lundhede	644 N 3rd ST	745-1059
NAME	ST. ADDRESS	PHONE
Andrea M. Noale	644 N. 3rd ST	745-1059
NAME	ST. ADDRESS	PHONE
Thut V. Meaney	210 E Eagle Ave	745-8656
NAME	ST. ADDRESS	PHONE
Wynne Wainwright	526 N. AK St.	745-3655
NAME	ST. ADDRESS	PHONE
Mike Reebis	508 East St	745-0833
NAME	ST. ADDRESS	PHONE
Lo Ota	508 FALCON CT	745-2442
NAME	ST. ADDRESS	PHONE
Margaret Jane Smith	711 N GUIKANA CT.	745-5839
NAME	ST. ADDRESS	PHONE
Gwenly W. W. Bos	710 N. GUIKANA CT.	745-0410
NAME	ST. ADDRESS	PHONE

1 Luis C. G. <sup>2</sup>	1111 G. <sup>2</sup>	746-1152
NAME	ST. ADDRESS	PHONE
Josie Campbell	536 Gold Key Ln.	746-1596
NAME	ST. ADDRESS	PHONE
Frank W. Williams	519 Gold Key Ln.	745-2976
NAME	ST. ADDRESS	PHONE
Carol Richardson	345 N. Church	745-2307
NAME	ST. ADDRESS	PHONE
B. Locke	393 Church	745-2061
NAME	ST. ADDRESS	PHONE
Sidney A. Mear	494 Gold Key	745-7819
NAME	ST. ADDRESS	PHONE
Doreen E. Ingalls	Property Owned. 303 East Outlet	745-1387
NAME	ST. ADDRESS	PHONE
Jeffrey E. Venghe	425 East Eagle	745-8479
NAME	ST. ADDRESS	PHONE
James E. Sheehy	353 N. Valley Way	745-4175
NAME	ST. ADDRESS	PHONE
Charles L. Linn	350 East Birch St	745-4542
NAME	ST. ADDRESS	PHONE
Gertrude J. Delzient	350 East Birch	745-3347
NAME	ST. ADDRESS	PHONE
Dominic R. Deacon	474 N. Beranga Palmer	745-2002
NAME	ST. ADDRESS	PHONE
Maude S. Smith	136 E. Beranga Palmer	745-3162
NAME	ST. ADDRESS	PHONE
Kanem Hartman	781 S. Galeana	746-1780
NAME	ST. ADDRESS	PHONE
NAME	ST. ADDRESS	PHONE

To the Palmer City Council

July 19, 1989

My family and I beg and implore the Palmer City Council to take some action re: a long-term and current situation that exists in our area (N. Palmer). For the past 11 yrs. we have lived at the same location at N. Denali + Eagle St. We are kitty-corner to property owned and occupied by Mr. E. Bailey and his ever growing collection of dogs, goats, car wrecks and mountains of junk + filth.

Mr. Bailey has trained us well over the years. We sleep with ear-plugs, we do not walk, jog or travel unarmed on foot for fear of a "pack attack". Garbage and family pets are especially vulnerable as my dead goose and rabbit will testify.

Perhaps Mr. Bailey should be incorporated into our fair city and walk in a taxpayer's moccasins. Whatever the remedy, as a responsible citizen, homeowner and taxpayer of Palmer A., my family and long-suffering neighbors come and seek relief thru our City Council.

Respectfully,  
Robert Matura

TO: PALMER CITY COUNCIL

RE: EDGAR BAILEY

We, Richard & Eleanor Vogt, have lived at Lot 2, Block 2 of Riverside Subd. located at the corner of North Denali and East Eagle Sts. since 1977; being the first home owners within the City limits in this subdivision at that time.

We have constantly been harassed through the years by animals from Mr. Bailey's property. First it was horses trampling our yard. I called the Palmer Police and was told they could not impound them as they had no facilities to keep them. Next came cattle - same story. Next it was a huge hog who attacked our dog who was chained, as City ordinance requires - then it (the hog) rooted up our newly sown lawn as well as two of our neighbors lawns and garden. ALTHOUGH one of us signed a complaint but nothing ever came of it! After that it was his goats and dogs, dogs and more dogs!

The situation has gone from a little junk and a few dogs to a full-fledged junk-yard and a lot of dogs. Seems everyone knows if they want to get rid of a junk car just bring it to Ed! This makes for a situation where it is impossible to sell our residence - we tried in 1987 and had several people interested. A couple of the prospective buyers told us they weren't buying because of this "slum" area.

We both have health problems - namely, heart trouble and high blood pressure and one cannot get a decent night's sleep (or day time for that matter) as the dogs bark all hours of the day & night. They also scatter the garbage, go in the flower beds and have even come into our garage and took fish we had thawing which we intended to smoke. We are often up late at night since we are both retired and see big dogs roaming the neighborhood. During the day he keeps them pretty much at home with the use of a whistle.

We have worked hard and invested a lot of money to have a nice yard and flowers; we have won several first place ribbons at the State Fair, and it is very discouraging to have to put up with his critters.

We realize everyone has right to his own lifestyle but when it starts infringing on everyone else's lifestyle something MUST be done!!

Therefore, we as citizens and taxpayers of the City of Palmer, request the Council to attempt to correct this terrible situation.

Thank you.

Sincerely,

Richard (Dick) + Ellie  
Vogt

In the six years that we have lived at 334 E. Eagle we have many problems with Mr. Bailey's animals coming in our yard. At one time we had 12 dogs, 2 cows, and 5 or 6 goats in our yard! The cows and goats come and eat our flowers and lilac bushes and the dogs are constantly into our garbage. The dogs barking keeps us awake all night.

We have called the Palmer Police on several occasions to get his animals out of our yard. They have gone and talked to him and we have also talked to him about the situation and he only says "I try to be a good neighbor", but before long we are again bothered by the animals.

In addition to the animal problem, the entire place is so full of junk and old cars that it is a detriment to the neighborhood and certainly decreases our property value.

We sincerely hope something can be done about it.

Floyd T. Bekken

## To the Palmer City Council

We as law abiding citizens, taxpayers, and Voters of this community would like to address the council in regards to Mr. Edgar Bailey's junk yard and wild animals. Over the years we as his neighbors have been abused, due to his dogs scattering garbage in our yard as well as our neighbors yards, their (dogs) continuous barking @ all hours of the day and night and scaring our children enough to where they won't use Eagle to visit the park or friends. In the past I have dealt with his pigs and goats in my flowerbeds and trash cans. Mr. Bailey's continuing supply of wrecked automobiles, junk and animals is an embarrassment to our neighborhood as well as our community. We have made numerous call to P.P.D. and there is only so much they can do as Mr. Bailey's property is not in the city limits. In the past year, I have heard of some inhuman things pertaining to the health and welfare of the animals he owns. We have 3 children that play in this neighborhood and others close by and they are forced to use Dolphin street to visit the park and friends due to his wild dogs. We have live here @ 561 N. Denali St. 8 1/2 yrs and plan on other few years and we'll @ the mercy of the Council

to help clean up our neighborhood  
not only for us, but for our neighbors  
as well.

Yours Truly

Mr. & Mrs. Carl T. Scheidt

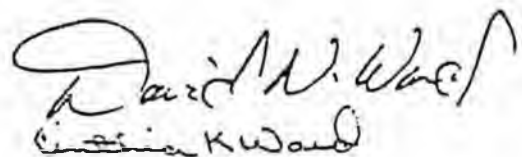
To the City Council of Palmer,

We are the Ward family and have lived on the corner of North Chugiak St. and East Eagle Ave. for the past eight years. We are writing this letter in regards to the on-going problems we have had with Mr. Bailey's dogs and his unsightly and increasing collections of junk on his property.

Since moving to this neighborhood eight years ago we have seen Mr. Bailey's collection of used junk cars, rental shacks, grocery carts and other assorted junk piles rise to such a level that it is a major eyesore to us and the whole neighborhood, and feel it has decreased the value of our property.

One of the other problems has been Mr. Bailey's animals; cows, goats, pigs and dogs. These animals have been in everybody's yards tearing up grass, flowers and leaving their droppings all over the yard. Five years ago we put up a fence around our yard to keep our children safe and keep the animals out, this has worked to some extent but we still get an occasional dog that jumps the fence. It is also unsafe to put your garbage out in the garbage bin as the dogs are in it in no time and have it strung up and down the street, even garbage cans with lids don't work as they tip these over and work the lids off. Mr. Bailey has anywhere from 20 to 30 dogs which run in packs through-out the North end of Palmer getting into garbage and scaring young and old alike. We had to have our bus stop moved closer to our home in order to be able to watch our children at the bus stop and make sure the dogs don't bother them while waiting. These dogs have even chased my wife and I when we try to get our mail or when we try to take walks in the neighborhood.

Our biggest complaint against these animals is their continual barking day and night seven days a week. Mr. Bailey's dogs wake-up me and my family several times a night for hours at a time. I work shift work and trying to sleep during the day is not any easier. I have tried earplugs and even sleeping in my motorhome, and their barking is so loud nothing works. My wife and I have called the City Police, Ak. State Troopers, and the Borough Animal Control Shelter many times but have not received much help. Nothing has convinced Mr. Bailey to do anything with his dogs or his junkyard. What is a law-abiding, tax paying family supposed to do? We would greatly appreciate any help in this situation we could get.



David W. Ward  
Cynthia K. Ward

David W. Ward  
Cynthia K. Ward

Dear City Council members,

We rent the house directly across the road from Mr. Ed Bailey. We have lived here for one year.

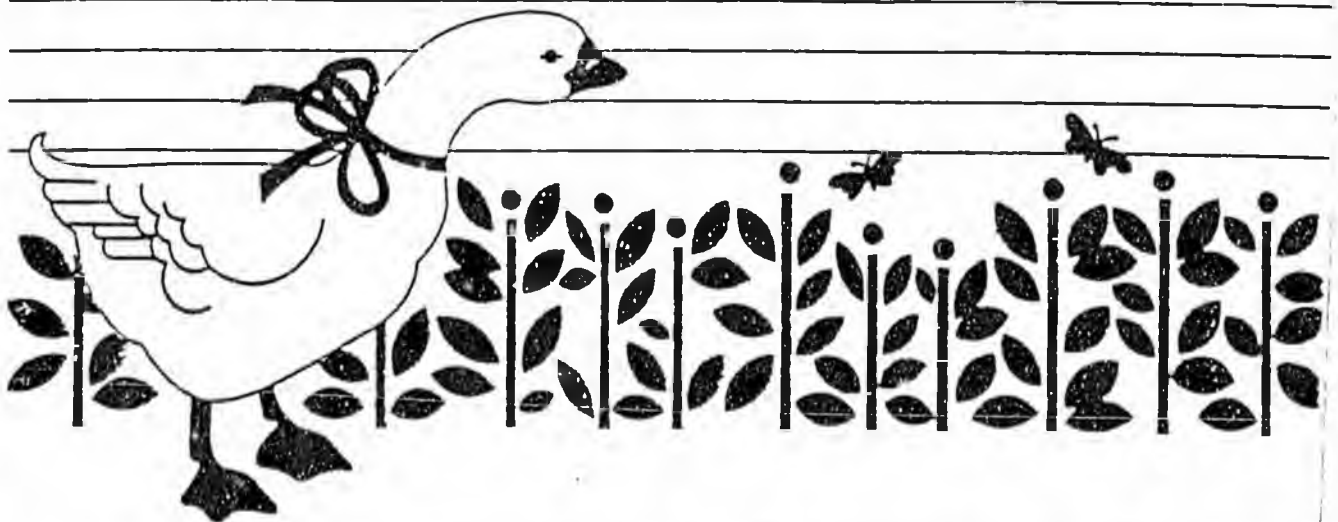
During this time, we have met Mr. Bailey on several occasions. He is a nice fellow and a big-hearted person.

Our greatest complaint about Mr. Bailey's situation is the excessive barking from his dogs. They often bark all night long. I (Patty) have MS and the only treatment is plenty of sleep. This is very difficult and I often struggle with that disease process because of this lack of sleep. Also, we often have 6 or 8 dogs in our yard. I do have to mention that they have torn up our trash, but I have called Mr. Bailey, and he has had it cleaned up immediately.

We don't want to persecute Mr. Bailey for the way he lives. We just really wish that his dogs could be controlled.

Sincerely,

Don Mathis  
Patty Mathis



8-5-89.

As a member of the Palmer Planning & Zoning Advisory Commission, I knew that this problem has been a topic of discussion at many meetings. The problems existing in the Riverside Subdivision have been brought to the attention of both the City Council and the Advisory Commission on numerous occasions. I hope the City Council will realize that this formal request by so many residents is definitely an expression of the total frustration and disgust felt by the area citizens.

Thank you for your prompt attention to this plea for assistance.

Bernice Yerbic

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

**MUNICIPAL AND REGIONAL ASSISTANCE DIVISION**

333 WEST 4TH AVE., SUITE 220  
ANCHORAGE, ALASKA 99501-2341  
PHONE: (907) 269-4500

P.O. BOX 348  
BETHEL, ALASKA 99559-0348  
PHONE: (907) 543-3475

P.O. BOX 290  
DILLINGHAM, ALASKA 99576-0295  
PHONE: (907) 842-5135

1001 NOBLE STREET, SUITE  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-7126

150 3RD STREET  
JUNEAU, ALASKA 99811-1291  
PHONE: (907) 465-4750

710 MILL BAY ROAD  
KODIAK, ALASKA 99615  
PHONE: (907) 486-9379

P.O. BOX 350  
KOTZEBUE, ALASKA 99752-0280  
PHONE: (907) 442-3696

P.O. BOX 41  
NOME, ALASKA 99762-0041  
PHONE: (907) 443-5457

May 29, 1992

Mr. David L. Soulak, City Manager  
City of Palmer  
231 W. Evergreen Avenue  
Palmer, Alaska 99645

Dear Mr. Soulak:

The period for filing answering briefs and initial written comments concerning the City of Palmer's annexation proposal has expired. During the comment period, no briefs were filed, however written comments were submitted by the following parties:

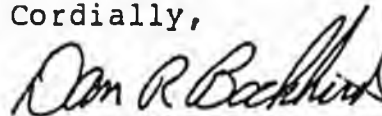
Michael J. Gallagher  
Dean and Melinda Dewey  
Clarence E. Furbush  
Judith C. Thrift  
Jana Thrift  
Dennis [not readable]  
Dale Anderson  
Joe Williamson  
Cheryl L. Calvert  
Jerry L. McKenzie  
Albert [not readable]  
Dewey and Laura Godwin  
Robert E. Bailey

Dila A. Brounard  
Theresa D. Fuller  
Michael Ford  
Trina Lords  
Marisse E. Knox  
Jim and Suzie Feuer  
Robert [not readable]  
Ina R. Su Su  
Matthew Godfrey  
Michael E. Krebs  
Thomas Summerville  
Keith Smith

Christine Graham  
Marguente Elncore  
Edward Benson  
L.O. [not readable]  
Patricia [not readable]  
Dee Dee Brady  
Anna E. Stroman  
Karen L. Lafave  
Judith Eaken  
Gay-Lyn Gayner  
Linda L. Bouwens-Cross  
Petition signed by  
77 Individuals

A copy of each of these comments is enclosed. I would appreciate any response you wish to offer with respect to these comments. In accordance with 19 AAC 10.850, any response on behalf of the City should be submitted to this office within two weeks of the receipt of this letter.

Cordially,



Dan R. Bockhorst  
LBC Staff

May 28, 1992

In whom it may concern;  
Mr. El Bailey was the first  
person I met when I came

to Palmer 10 years ago

He was then and they

DEPT. OF COMM. & REG. AFFAIRS  
MUNICIPAL & REG. AFFAIRS

continued to be, the single,

most community minded,

worker and helpful person the

met in the entire state of

Alaska.

El Bailey is a citizen Palmer

should be proud of.

As the urban sprawl of

Palmer spreads to the rural

areas, our old-time property

owners should be protected

by "Grandfather Rights" to use

their property as they always

have.

They should not be forced to

leave part of the city.

When people bought property

might be the they know what

the place was like, they should

not expect him to change for them.

if the property is not safe from being taken away and land developers who want to build more, then the very premises the nation intends for are in danger. and

if you don't protect the rights, your own home & dream of retirement are in danger also.

Don't make El Boily and

example of how unbaring and stupid a community can be.

Protect the rights and show that Palmer remembers the

people that built their

community and that Alaska

stands for. The good frontier

258-0073

Sincerely,  
Judith C. Kraft  
524 E. 12th Ave., AK

Linda Douwend - 1552  
Box 878847  
Wasilla AK 99687

LBC Staff

333 W 4th Avenue  
Anchorage AK 99501-2341

RECEIVED

MAY 23 1992

DEPT. OF CC

Dear LBC Staff,

I wish to approach this matter of Annexation of Palmer City boundaries.

It seems we approached this matter 3 years or so ago and the matter brought great concern and opposition from the residents of Palmer. To what avail is this annexation being brought up again? The immediate residents of the area are opposed to it; those of us who are descendants of the early settlers and those who live on all of the outlying boundaries are opposed and concerned about whether they will be next. There seems to be an unreasonable basis for this movement which angers many of us, that being the ability to overcome and control one specific resident with whom the city carries a personal vendetta because he is outside their jurisdiction and their ~~beare~~ bureaucratic control.

Mr. Ed Bailey has been where he is for more years than many city council members have resided in Palmer and does no harm to anyone. In fact, he has been a savior to many, in hard times, and is a good and kind gentleman who has faced ultimate various harassments from the city and borough just because a few neighbors who purchased homes across from him are unhappy with his lifestyle.

Since when do a few of the powerful and well-to-do have the right to dictate another humans way of life. He has helped many - those so-called "ugly shacks" on his property have provided shelter for many in a time of desperation and despair. He helps to heal their hearts and souls and restores their faith in mankind; something cities and boroughs have not been able to provide or find a solution to.

This valley was founded on good old-fashioned brotherhood, all men, women, and children pulling together to help one another through hard work and hard times. Mr. Bailey is one of the few who exist to carry on that spirit of a dying city. They take and take from him - he does his best to comply within his means. Can we not let the man live in peace?!

Show us a good, substantial reason for extending these boundaries; guarantee us you won't take away all our farmlands, homesteads, which we as Alaskans have struggled to hold onto through strife, struggle, and taxation & maybe we will listen - until that time, there are many more desperate issues which you can spend your time and money on and let an old man live in peace.

You call his home an eyesore, I call that ugly purple building in the center of town an eyesore. Your fancy low cost house all over town with sale signs on them are an eyesore - what is not an eyesore? The rolling green hayfields, the tired worn barns,

With clipped paint creaking in the wind, old as the bones of the settlers telling their wondrous and sad stories of a time of struggle and hope and pain bringing forth crops from the fertile fields and dairy farms which made this city prosper and gave it life - take away the old abandoned machinery, the "shacks", the freedom to own and enjoy the satisfaction of owning part of that and cover it over - plow it down - build cul de sacs and parking lots and what is left of Palmer? Four bars, a handful of shops and stores, a few restaurants, and a dying town with a dying breed - killed, not by progress - for there is none - but by politics and stupidity and negative attitudes.

I have roots in this town and every inch you tear away and plow under takes a piece of my soul and the soul and efforts of its settlers and makes them worthless - forgotten - abandoned.

Please search your conscience and research the reasoning behind this annexation and if you can find a healthy, beneficial reason for it then make the public aware of it - for we have seen only the abuse and harassment of a good man whose home and lifestyle has been invaded, his rights as a human and a citizen of the United States disregarded and his spirit battered. Who will be next? Maybe the dairy farmers because their silos are offensive when the wind blows? Maybe the horse ranchers because their waste is using up our dump space? Maybe the few growers because outside sources are

threatened by their commerce and can supply cheaper or steadier supplies and the space is needed for new homes and subdivisions or because they all get old and can't work the land anymore? Take caution all of you. I ask you to become involved and become active in this issue for you are threatened by this too - if they annex one boundary - they can annex another

Sincerely Concerned,  
LINDA L. Bouwens-Crosse,  
Linda Bouwens-Crosse

May 26, 1992

LBC Staff  
Department of Community and Regional Affairs  
333 W. 4th Avenue, Suite 220  
Anchorage, AK 99501-2341

RECEIVED

MAY 28 1992

DEPT. OF COMM. & REG. AFFAIRS  
OF MUNICIPAL & REG. AFF.

Dear LBC Staff,

I am writing in response to the petition for legislative review annexation to AS29.06.040 (B) of approximately 7.5 acres within Section 28, Township 18 N, Range 2 E, S.M. I am very much against this action.

I do not believe annexation should be allowed against the owners' will. Such an act must not be taken lightly. It is against the most fundamental right of a landowner. The entire purpose for conveying property rights with or without certain easements, restrictions, or covenants is so a buyer may purchase a peice of property specifically for his or her own purpose. Title is held in accordance to the restrictions imposed at the time of purchase, common belief being that absent some extenuating circumstance only the owner is entitled to change those rights. Without the right to have and keep title as it is written in the purchase agreement, what is the reason for having one at all?

I beg you to deny this petition. It is not essential for Palmer to have these properties within its city limits. Without such a need, support for annexation despite the owners' objections, cannot justifiably be given. Rejecting this proposal will preserve the rights of the landowner as well as let it be known to all that Alaska is proud of its standing as the Great Land of the Last Frontier and the defender of freedom, for which this country so proudly represents.

*Dale A Anderson*  
*P.O. Box 742*  
*Palmer, Ak 99674*  
*ph 745-6996*

**Note: Identical Letters were received from 29 individuals.**

May 26, 1992

LEC Staff  
Department of Community and Regional Affairs  
333 W. 4th Avenue, Suite 220  
Anchorage, AK 99501-2341

MAY 23 1992

DEPT. OF COMM. & LEG. AFFAIRS  
MUNICIPAL & REG. AFFAIRS

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I am writing in response to the petition for legislative review annexation to AS29.06.040 (B) of approximately 7.5 acres within Section 28, Township 18 N, Range 2 E, S.M. I am very much against this action.

I do not believe annexation should be allowed against the owners' will. Such an act must not be taken lightly. It is against the most fundamental right of a landowner. The entire purpose for conveying property rights with or without certain easements, restrictions, or covenants is so a buyer may purchase a peice of property specifically for his or her own purpose. Title is held in accordance to the restrictions imposed at the time of purchase, common belief being that absent some extenuating circumstance only the owner is entitled to change those rights. Without the right to have and keep title as it is written in the purchase agreement, what is the reason for having one at all?!!

I beg you to deny this petition. It is not essential for Palmer to have these properties within its city limits. Without such a need, support for annexation despite the owners' objections, cannot justifiably be given. Rejecting this proposal will preserve the rights of the landowner as well as let it be known to all that Alaska is proud of its standing as the Great Land of the Last Frontier and the defender of freedom, for which this country so proudly represents.

Gay-Lyn Gayner  
P.O. Box 1531  
Palmer, AK  
99645



3 years ago I moved my children to Alaska from the city life, not to have them brought back to the city, but to let them be raised in the open country. I have lived on Mr. Baileys property for the 3 years.

May 25, 1992

Jana Thrift  
P.O. Box 2574  
Palmer, AK 99645

LBC Staff  
Department of Community and Regional Affairs  
333 W. 4th Avenue, Suite 220  
Anchorage, AK 99501-2341

RECEIVED

MAY 28 1992

DEPT. OF COMM. & REG. AFFAIRS  
MUNICIPAL & REG.

Dear LBC Staff,

I would like to express my deep concern regarding intentions to forcibly annex certain properties surrounding Palmer. I am strongly against such an action.

The petition for legislative review annexation according to AS29.06.040(B) of approximately 7.5 acres within Section 28, Township 18 N, Range 2 E, S.M. once again includes property in the Riverside Subdivision, Lots 4-10 and 21-27. Many times the owner of this land has objected to annexation of his property. Having bought his property unrestricted more than 20 yrs. ago, he has been a long-time resident and businessman in this community.

Mr. Bailey uses his land, in various ways, to support himself in his elderly years. It is his right to live there, in his old cabin, with his animals, of whatever kind he chooses. But he stopped raising farm animals because of complaining neighbors. You see, after moving there they decided that they didn't want the eyesore of his place across the street anymore. With only his family of dogs Mr. Bailey tried to accomodate his incoming neighbors. However, blaming him for every barking dog in the city, they continue to complain and say that even with a Kennells license he shouldn't be allowed to keep them there. Over and over it has been taken to the city council to consider annexation so that the rules that govern his property can be changed to suit his neighbors liking. It is not right, and over and over again himself and others have fought against it.

Again he is forced to give reasoning for wishing to keep his property unrestricted, as it was when purchased. As a landowner I am appalled that he must even have to face this dilemma. It threatens the entire real estate system and every landowner in this state. Palmer wants to expand, whether the landowners like it or not, according to city officials. But what does it mean when a man can buy his property and hold title the same way for 20 years, until one day his newly acquired neighbors decide that they don't like it and his entire lifestyle is threatened.

We're country people (in this Valley) and the reason we don't live in New York is because we chose to move to this Great Land of the Last Frontier, where we could buy a spot on this earth to live on as we please, without hurting anyone, and without the fear of being the target of just such a case as this. I beg you not to allow this to go on. By denying this petition you will be upholding the essential right of all men (and women) to buy and own land in this country, in freedom, and in the manner established by law.

Jana Thrift

To: LBC Staff

Page 1 of 6

Department of Community and Regional Affairs  
333 W 4<sup>th</sup> Avenue, Suite 220

Anchorage, Alaska 99501-2341

From: Clarence E. Furbush

Date: 5-23-1992

HCO1 Box 6001

RECEIVED

Palmer, Alaska 99645

MAY 27 1992

DEPT. OF COMM. & REG. AFFAIRS

FORM 100-1

Reference: The City of Palmer's submission of a petition for legislative review annexation pursuant to AS 29.06.040(b) of approximately 7.5 acres within section 28, Township 18N, Range 2E, S.14., including Pirby, Grasse and Grasse Subdivision - Lot 22, Riverside Subdivision - Block 1, Lots 1 through 10 and Lots 20 through 27, Portions of Zero Avenue, N. Donati Street and Chugach Street a portion of the right-of-way of the Alaska Railroad.

I Clarence E. Furbush of Palmer Alaska due hereby submit, in the very strongest possible <sup>terms</sup> ~~oppositions~~, <sup>of R.</sup> my opposition to this forced annexation by the City of Palmer Alaska.

This forced annexation, if approved, will set a precedence for annexation of property owner's land into the city boundaries for personal reasons that will benefit the people inside the city limits while forcing city taxes and regulations on unwilling people.

Not one of the land owners mentioned herein have requested annexation ~~to~~ <sup>REF:</sup>  
(Railroad land once abandoned is supposed to be returned to the land owners according to deeds).

It has always been my belief that forced annexation, AS 29.06.040(b), was to be used under very special conditions rather than frivolous reasons. The city residents have complained about their property values, salability of their land, business opportunities, lifestyle, barking dogs, eye sores,

Their view, and other heart-felt reasons and amenities. None of these reasons alone or combined ~~and~~ <sup>CEF</sup> justify the taking of another person's rights to their land.

This annexation is mostly directed at Robert Bailey as indicated by testimony at public hearings.

I have personally visited the area from 3rd <sup>Ave</sup> ~~Street~~, N. Denali Street; Chugach Street, mentioned in the annexation, at various times of day and have never <sup>had</sup> dogs to bother me, not even hardly any barking, I was on foot during each visit. This spring it was easy to see that a number of people living in the adjoining area have mess yards and have dogs for pets.

I have personally visit  
Robert Bailey on his property.  
Mr. Bailey has stated the  
following:

① That his property deed  
is unrestricted.

② That he can not afford  
city water and sewer and doesn't  
want anything from the city  
except to be left alone.

③ That no city official has  
visited him on his land to talk  
to him.

④ That he has had 30 loads  
of stuff removed from his property  
since spring and hauled to the  
dump.

⑤ That the city plows the snow  
on the windward side of the  
street, piles it high on his land  
and may have been a factor in  
killing his rows of trees.

⑥ That he respects other  
people's property, but city people  
(continued)

(continued)

ride their vehicles across the neighbor's hayfield and also damage their apple trees, some of the very oldest apple trees in the state.

I believe Mr Bailey to be a gentle and kind man who wishes no harm to anyone and has lived a humble and simple life style with his family of dogs and people who live on his land because they have less than he does, out of kindness.

My recommendation to the Local Boundary Commission and staff is not to condemn the property to annexation, as mentioned in this petition.

I suggest that the commission and staff ~~to~~<sup>visit</sup> visit the land involved and talk with the owners for first hand information.

(petition for annexation) page 6 of 6

The city administration  
has been very aggressive  
and determined to annex  
this area for years, to  
a point that it could be  
considered as harassment.

Sincerely Submitted,  
Lawrence Furbush

May 9, 1992

To: Members of the local Boundary Commission

From: City of Palmer residents M.J. Gallagher and family

Subject: Annexation of Lot 22, Pribyl, Grasse, and Grasse  
Subdivision; Lots 1 through 10 and Lots 20 through  
27, Block 1 of Riverside Subdivision as well as a  
portion of the Alaska Railroad right-of-way.

MAY 2 1992  
CITY OF PALMER, ALASKA

Dear Members,

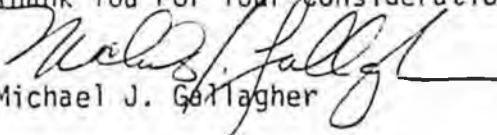
We are writing this letter to voice our support of this annexation and to urge you to recommend to the legislature that this action is needed for the good of all the residents of this area including those directly affected by it.

Firstly, this area is surrounded on three sides by landowners presently in the city limits who are required to pay Palmer City taxes. However, with the City powerless to enforce city ordinances in this area the adjacent property owners have to accept such things as lack of sleep due to barking dogs, (as of the last City Council Meeting on this matter the owner admitted to having 15) the eyesore of approximately 40 junk vehicles, assorted debris including but not limited to shopping carts, appliances, old building materials and loose trash that blows onto our property, and the fact that our tax dollars pay for the maintenance of the road that this property abuts.

Aside from the personal inconveniences that have been mentioned previously, there is a real threat to the personal safety of the tenants on Mr. Bailey's property. This property has no septic system nor is it tied into the city sewer system. We have witnessed these tenants, including small children going to the bathroom (figuratively speaking) outside on this land as well as using it as a playground. We question the cleanliness of the property what with the large amounts of dogs also. None of the structures of which there are several appear to conform to building codes and this also presents a danger to the residents therein. I personally alerted one of Mr. Bailey's tenants of a chimney fire on the wooden structure that he lives in with two small children.

It's almost certain that Mr. Bailey will show that since the Palmer City Council unanimously voted to annex his Property that he has made an attempt to clean up his area. He has painted all of his buildings and has had trash and debris hauled from there. Please do not be misled by this. Over the years, every time he has been faced with this annexation issue he has done the same thing only to revert to his old ways as soon as the heat was off. In 1990 he did this prior to a City Council vote to annex and convinced them of his intent to mitigate these problems. Based on this the City Council did not approve the annexation attempt. Shortly thereafter the large amounts of dogs were back, more junk cars were brought in and things were right back to where they were before. After numerous complaints by area residents the Palmer City Council chose to consider annexation by legislative review. Prior to that vote (1991) he once again started removing trash, kept his dogs somewhat quiet and had several people (not area residents) testify in his behalf at a City Council meeting. This time the vote was not to his liking. Once again things got worse and now that the time is approaching for the Boundary Commission to act on this, he once again is sprucing up and will attempt to convince you of his intent to keep things tidy and quiet. Please don't be taken in by this and if you do believe he is sincere try not to forget the safety factor here for the well being of his tenants. We have agonized over the potential hardship this may cause Mr. Bailey but after trying to get these problems solved in a neighborly manner, we seem to have no other choice but to support this forced annexation.

Thank You For Your Consideration,

  
Michael J. Gallagher

2407 McKenzie Drive  
Anchorage, Alaska  
99517

May 4, 1992

LEC Staff  
Department of Community and Regional Affairs  
333 West 4th Avenue, Suite 220  
Anchorage, Alaska 99501-2341

Re: State of Alaska, Local Boundary Commission Public notice for filing of petition for annexation of 7.5 acres to the City of Palmer.

TO WHOM IT MAY CONCERN:

Ref: The proposed annexation of Lots One (1), Two (2) and Three (3) of Riverside Subdivision and the notice of the Local Boundary Commission's public hearings on the petition, times and locations to be later established.

Be it known that we wish to file opposition to the proposed annexation. As the owners of the above named three lots, we are not in favor of the annexation because as previously stated four times in the same number of years when the City of Palmer attempted to annex the property. My objections are the same as stated at the previous hearings. This land is used for agricultural purposes as it has always been since we acquired it in 1975 and at this time I wish it to remain the same. It is presently in hay fields as is the remainder of the approximately 25 +/- acres. I can see no benefit to have it annexed at this time. It would only create another tax burden on me which the land can not support. I own approximately 25 acres of which these three lots are a part of. The Riverside Subdivision was created as a paper subdivision many years ago and was never surveyed. Most of it was vacated and if I decide to subdivide it at a future date I would want to vacate these lots and subdivide the entire 25 acres to properly fit the lay of the land. As I have previously stated, this property is used as hay meadows, there are no animals, it is kept clean and neat. There are no buildings or trash on this property.

Again, as the owners of Lots 1,2 & 3 of Riverside Subdivision, we want to go on record as being opposed to the annexation of these three lots into the City of Palmer.

Respectfully,

Dean R. Dewey

*Dean R. Dewey*

Melinda M. Dewey

*Melinda M. Dewey*

MAY 1 1992

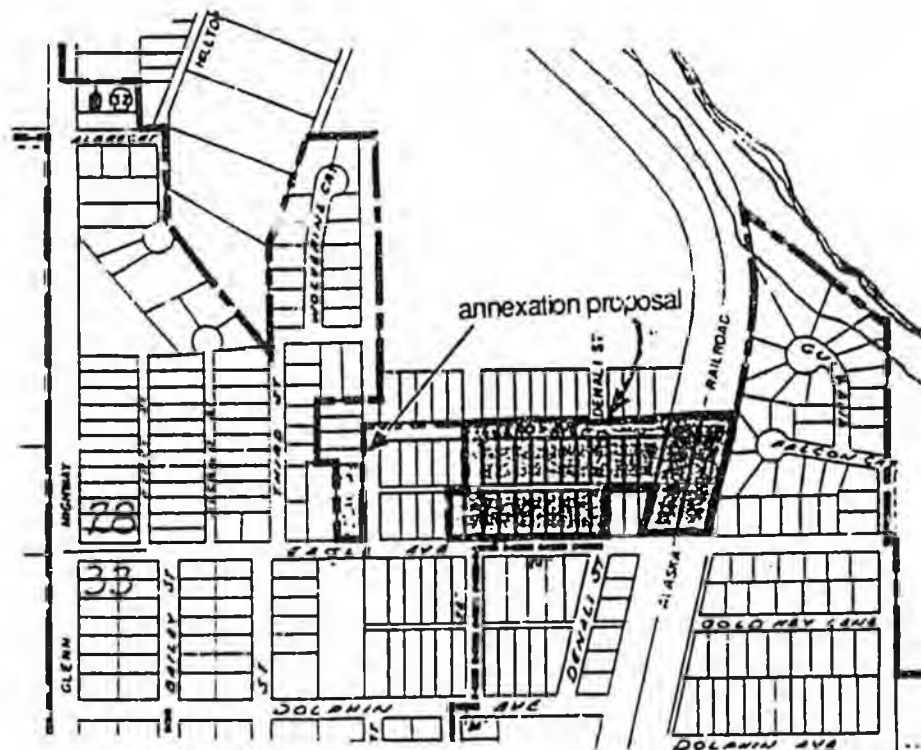
DEPT. OF COMM. & REGIONAL AFFAIRS  
MUNICIPAL REG.

STATE OF ALASKA  
LOCAL BOUNDARY COMMISSION  
PUBLIC NOTICE OF FILING OF PETITION FOR ANNEXATION  
OF 7.5 ACRES TO THE CITY OF PALMER

The City of Palmer has submitted a petition for legislative review annexation pursuant to AS 29.06.040(b) of approximately 7.5 acres within Section 28, Township 18 N, Range 2 E, S. M., including:

Pribyl, Grasse and Grasse Subdivision - Lot 22  
Riverside Subdivision - Block 1, Lots 1 through 10 and  
Lots 20 through 27  
Portions of Zero Avenue, N. Denali Street, and Chugach Street

A portion of the right-of-way of the Alaska Railroad.



A copy of the petition can be viewed 8:00 a.m. - 5:00 pm, Monday through Friday at

Palmer City Hall  
City Clerk's Office  
231 West Evergreen Avenue  
Palmer, AK 99645  
Phone: (907) 745-3271

Notice of the Local Boundary Commission's public hearing(s) on the petition will be published when times and locations have been established. Any person may file an answering brief (see 19 A.A.C 10.550) or initial written comments supporting or opposing this annexation proposal. Briefs and initial written comments must be received by May 29, 1992. The Local Boundary Commission's rules prohibit contacting Commission members directly and require that any written comments on this petition be directed to:

LBC Staff  
Department of Community and Regional Affairs  
333 W. 4th Avenue, Suite 220  
Anchorage, AK 99501-2341  
Telephone: (907) 269-4500

Monday, April 28

To: LBC staff

Dept. of Community & Regional Affairs

Re: Annexation of 7.5 acres to the City of Palmer

Dear LBC staff,

I recieved notice of a petition of legislative review annexation to A529.06.040 (B) of approximately 7.5 acres within Section 28, Township 18N, Range 2 E, S. M.

Reading this petition I've noted that once again included in it are all the lots shown in the Riverside subdivision, Lots 4-10 and 21-27.

I strongly oppose this attempt of annexation. The City of Palmer didn't want this area because it's own engineers said it was too unstable with nearly 20 feet of river silt. This was 30 years ago and the situation hasn't changed. Myself + all the neighbors around who are included in this latest annexation attempt do not want to be part of the City of Palmer.

RECEIVED

APR 30 1992

Dept. of Comm. & Reg. Affairs  
Div. of Municipal & Reg. Asst.

Sincerely,

Robert E. Bradley

PO Box 22.1

PALMER ALASKA 94530





PETITION AGAINST THE CITY OF PALMER FORBID ANNEKATION OF ANY AND ALL PROPERTIES OUTSIDE CURRENT CITY LIMITS WE THE UNDERSIGNED FEEL THE CITY IS OVERSTEPPING ITSELF AND ATTEMPTING ITS OWN EMPIRE BUILDING

Date	Name	Phone No.
8-10-91	Kyida F. Cassie <del>Palmer</del> <sup>Central</sup> <del>Palmer</del>	745-1481
8-10-91	John J. Smith	
8-10-91	Donald R. Harrison Palmer	Message 745-3020
8-10-91	Archie Springs	NO II
8-10-91	Walter D. Fairbank	745-1226
8-10-91	John Andrew P.	RECEIVED
8-10-91	John V. Miller	MAY 28 1992
8-10-91	Wayne Abel <sup>Chickadee</sup>	DEPT. OF COMM. & REG. AFFAIRS MUNICIPAL DEPT
8-10-91	Murray P. Anderson Palmer	
8-10-91	Jennifer J. Wilcox PALMER	
8-10-91	Ed J. Smith III <sup>LOT 15 HUNTER TOWN</sup>	745-7997
8-10-91	Craig Colwell <sup>BUFFALO MT. MT 53</sup>	745-5913
8-11-91	William E. Cress <sup>Mi 76.5 Glenn Hwy</sup>	745-2184
8-11-91	Art. Atkins <sup>HCO2 Box 9550 A-2 Palmer AK 99645</sup>	AK 679-8819
8-12-91	Richard A. Hartman <sup>POB. 2574 PALMER AK 99645</sup>	
8-13-91	Marina Linnan <sup>Bia Lake</sup>	
8-13-91	Conina Pastana <sup>P.O. Box 80-8602 Wasilla, AK, 99687</sup>	
8-17-91	Albert Roy Leonard	
8-17-91	Matthew S. B. [unclear]	745-4822
8-17-91	Marganda [unclear] <sup>503 E. Highway 4 Palmer AK 99645</sup>	
8-17-91	Mark [unclear]	745-2730

AUGUST 1991

PETITION AGAINST THE CITY OF PALMERS FORCED ANNEXATION OF ANY AND ALL PROPERTIES OUTSIDE CURRENT CITY LIMITS WE THE UNDERSIGNED FEEL THE CITY IS OVERSTEPPING ITSELF AND ATTEMPTING ITS OWN EMPIRE BUILDING

Date	Name	Phone No.
8-9-91	Carol H Hensley	746-3866
8-9-91	Michael Reed	745-4727
-9-91	Annie E. Stroman	746-4985
-11-91	Melvin Jackson	376 7169
-12-91	Jimmy Fayel	mess 746-5315
-12-91	Amel Blum	746-0311
-12-91	Carl Tucker	746-1083
-12-91	Margaret B. Vento	745-4723
-12-91	Brian A. Fuller	746-3866
-12-91	David J. Fuller	746-3866
-12-91	Chris Johnston	
1-12-91	Karen D. Sillards	746-1030
-12-91	James B. Waltham	746-3866
-12-91	Dale J. [unclear]	746-1394
12-91	Michael D. [unclear]	NOTE
-12-91	William A. Starun	745-2759
-12-91	Margaret Brown	

RECEIVED  
MAY 28 1992  
DEPT. OF GEN. & T20 AFFAIRS  
MUNICIPAL & REG. AFF.

AUGUST 1991

PETITION AGAINST THE CITY OF PALMERS FORCED ANNEXATION OF ANY AND ALL PROPERTIES OUTSIDE CURRENT CITY LIMITS WE THE UNDERSIGNED FEEL THE CITY IS OVERSTEPPING ITSELF AND ATTEMPTING ITS OWN EMPIRE BUILDING

Date	Name	Phone No.
8/13/91	Danny Bell	248-2361
8/13/91	Art Bell	564-9655
8/13/91	Tommy Smith	696-5053
8/15/91	William Brown	741-5113

AUGUST 1991

PETITION AGAINST THE CITY OF PALMERS FORCED ANNEXATION OF ANY AND ALL PROPERTIES OUTSIDE CURRENT CITY LIMITS WE THE UNDERSIGNED FEEL THE CITY IS OVERSTEPPING ITSELF AND ATTEMPTING ITS OWN EMPIRE BUILDING

Date	Name	RECEIVED	Phone No.
8-17-91	Matthew A. Smith	MAY 28 1992	745-1199
5/25/92	Joseph W. Wilson	DEPT. OF COMM. & REG. AFFAIRS OF MUNICIPAL & REG.	376-7281
5/25/92	Anthony M. Magee		373-4060
5/25/92	Marilyn M. M... ..		745-6398
5/25/92	Michael P. Carter		373-3782

# **APPENDIX B**

## **STANDARDS FOR ANNEXATION**

## LOCAL BOUNDARY COMMISSION REGULATIONS

### Article 3. Standards for Annexation to Cities

Section  
65. Applicability  
70. Annexable territory

Section  
80. Application of standards  
90. Annexation of incorporated territory

**19 AAC 10.065. APPLICABILITY.** The provisions of 19 AAC 10.070 — 19 AAC 10.090 apply to a proposal for annexation by local action (19 AAC 10.630 — 19 AAC 10.730), by legislative review (19 AAC 10.450 — 19 AAC 10.620) or by the step process (19 AAC 10.735 — 19 AAC 10.790). (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.070. ANNEXABLE TERRITORY.** (a) Territory which is contiguous to a city may be annexed to that city if one or more of the following standards are met:

(1) the contiguous territory is totally surrounded by the city's boundaries;

(2) the land in the territory is wholly owned by the city;

(3) the territory is urban in character;

(4) the territory is in need of municipal services which the city can provide more efficiently than another municipality;

(5) there is a reasonable likelihood that future growth and development will occur within the territory and that annexation of the territory will enable the city to plan for and control that development;

(6) the health, welfare, or safety of city residents is endangered by conditions existing or developing in the territory and annexation will enable the city to remove or relieve those conditions;

(7) the extension into the territory of city services or facilities is necessary to enable the city to provide adequate service to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the city's boundaries;

(8) residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate property tax contributions, whether city services are rendered or received inside or outside the territory;

(9) the annexation is otherwise necessary to accomplish a valid public purpose.

(b) Territory which is not contiguous to a city may be annexed to the city if

(1) the land in the territory is wholly owned or leased by the city or used primarily for the performance of city functions; and

(2) annexation is necessary to enable the city to achieve adequate control, protection, or management of the property.

**LOCAL BOUNDARY COMMISSION REGULATIONS**  
(continued)

(c) Territory which does not meet the standards of (a) of this section may be annexed to a city if the territory lies between the city boundary and other noncontiguous territory which meets the requirements of (a) of this section.

(d) In determining whether territory is urban in character for the purposes of (a)(3) of this section, the commission will, in its discretion and without limitation, consider whether the property is platted or held for sale for residential or commercial purposes, whether the population density of the territory approximates that of the annexing city, whether the population of the territory stems primarily from actual growth of the city beyond its legal boundaries, and whether the property is valuable primarily by reason of its suitability for prospective urban purposes.

(e) In determining whether the standard established in (a)(8) of this section is met, the commission will consider alternative methods available to the city for offsetting the cost of providing services to individuals or property beyond its property taxation powers. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. -- 19 AAC 10.070 is based on a former version of 19 AAC 05.010.

**19 AAC 10.080. APPLICATION OF STANDARDS.** (a) The commission will not approve an annexation unless the annexing city demonstrates to the satisfaction of the commission that it is capable of extending, and is willing to extend, services to the annexed area as follows:

(1) full municipal services shall be extended to the annexed area immediately unless

(A) the annexation is pursuant to 19 AAC 10.735 — 19 AAC 10.790; or

(B) the immediate extension of full municipal services to the annexed area is impossible because of a lack of necessary facilities, in which case the annexing city shall satisfy the commission that it will provide the services within a reasonable time;

(2) if the annexation is under 19 AAC 10.735 — 19 AAC 10.790, the commission must be satisfied that the city's plan for gradual extension of services reasonably compares with a plan for gradual extension of taxation and provides for extension of full municipal services to the annexed area within the time period established under 19 AAC 10.740.

(b) The commission will, in its discretion, conduct public hearings or investigations after a detachment to determine if the service requirements of residents are being met. If the commission determines that the service requirements of the residents of the territory are not being met, it will, in its discretion, begin annexation proceedings under this chapter.

**LOCAL BOUNDARY COMMISSION REGULATIONS**  
(continued)

(c) Notwithstanding the provisions of (a) of this section, the commission will, in its discretion, approve an annexation by a city which has authority to establish and operate differential taxation zones if the commission is satisfied that the city is willing and able to use that authority to

(1) provide the territory with such services as may be desired by residents of the territory; and

(2) insure that the annexed area is not subjected to unfair taxation for services not available in the annexed area. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.080 is based on a former version of 19 AAC 05.020.

**19 AAC 10.090. ANNEXATION OF INCORPORATED TERRITORY.** (a) For the annexation by a city of territory of another municipality, the commission will determine the method by which assets and liabilities are to be distributed between the city and the municipality formerly providing services. In determining the distribution of liabilities and assets, the commission will, in its discretion, approve an equitable agreement between the municipalities affected but will independently review the proposed agreement.

(b) Territory which is part of a city may not be annexed to another city unless the commission determines the annexation to be in the best interests of the annexing city, the city from which the annexed territory is taken, and the annexed area.

(c) Separate or additional proceedings are not required for detachment from a city or borough of territory which becomes annexed to another city; the detachment is effected by and at the same time as the annexation. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.090 is based on former versions of 19 AAC 05.030 and 19 AAC 15.040.

**Local Boundary Commission Staff  
Department of Community and Regional Affairs  
333 West Fourth Avenue; Suite 220  
Anchorage, AK 99501-2431**

**First Class Mail**



# Alaska State Legislature

## SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Senator Randy Phillips, Chair  
Senator Robin Taylor, Vice Chair  
Senator Rick Halford  
Senator Al Adams  
Senator Fred Zharoff

SESSION:  
State Capitol  
Juneau, Ak 99801-1182  
(907) 465-4989

INTERIM:  
P O Box 142  
Eagle River Ak 99577  
(907) 694-4949

### MEMORANDUM

TO: All Senators

FROM: Senator Randy Phillips, Chair *R.P.P.*  
Community and Regional Affairs Committee

DATE: January 21, 1993

SUBJECT: SJR 20 - Disapproval of the Local Boundary Commission's  
Recommendation to annex new territory to the  
City of Palmer

Attached is background information on the property the City of Palmer is seeking to annex.

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

### MEMORANDUM

TO: Representative Al Vezey, Chair

FROM: Representative Fran Ulmer

SUBJ.: SJR 20

DATE: March 5, 1993

-----

As I indicated to you during the committee hearing on Thursday, the extremely bright flood light, which was being used by the television camera person was both distracting and uncomfortable. After an hour of bright lights, I left the committee room with a headache in search of some aspirin. When I returned to the room, you were all gone.

I understand a vote was taken on SJR 20 and it failed to move. I want you to know that if you would like to reconsider the vote on the resolution on Saturday, I would be happy to vote to pass the resolution from committee.

I've not personally decided whether to vote for or against the resolution, but I have no objections to the resolution continuing on in the process so that other people can have the opportunity to review the record and make a decision on the annexation.

FU/bvh



# STATE OF ALASKA

## LOCAL BOUNDARY COMMISSION

WALTER J. HICKEL, GOVERNOR

333 W. 4TH AVE., SUITE 220  
ANCHORAGE, ALASKA 99501-2341  
(907) 269-4500

February 5, 1993

The Honorable Randy Phillips  
Chairman  
Senate Committee on Community  
and Regional Affairs (C&RA)  
State Capitol  
Juneau, Alaska 99801-1182

RE: Annexation to the City of Cordova

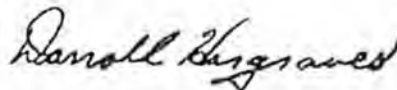
Dear Senator Phillips:

On January 20, 1993, I wrote to you transmitting five recommendations of the Local Boundary Commission (LBC) for annexation of territory to cities. I noted in my letter that individuals had until January 28, 1993, to request that the LBC reconsider its decision with respect to the Cordova annexation.

Two timely requests for reconsideration of that matter were filed subsequent to my letter. The LBC addressed both requests at a meeting held February 2. After careful consideration, the Commission denied both requests.

If you have any further questions concerning this matter, please contact me or Dan Bockhorst.

Cordially,



Darroll Hargraves  
Chairman

SENATE AND HOUSE JOINT JOURNAL SUPPLEMENT

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January 22, 1993

Friday

No. 3

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RECOMMENDATIONS BY THE  
ALASKA LOCAL BOUNDARY COMMISSION

\*\*\*\*\*

Received  
January 20, 1993  
2:45 p.m.

The following recommendations by the Alaska Local Boundary Commission are incorporated in the 1992 Annual Report. Copies may be obtained from the Department of Community and Regional Affairs.

## VII. RECOMMENDATIONS FOR ANNEXATION UNDER ARTICLE X, § 12, ALASKA CONSTITUTION

The Local Government Article of the Alaska Constitution provides that the Local Boundary Commission may present proposed boundary changes to the legislature during the first ten days of any regular legislative session. The change becomes effective 45 days after being presented to the legislature or at the end of the session, whichever comes first, unless a majority of the members of each house concurs in a resolution disapproving the change (Art. X, Sec. 12). The LBC presents the following five proposed changes for consideration by the legislature in 1993.

### HOONAH

The City of Hoonah submitted a petition to annex about 18.5 square miles under the legislative review method.

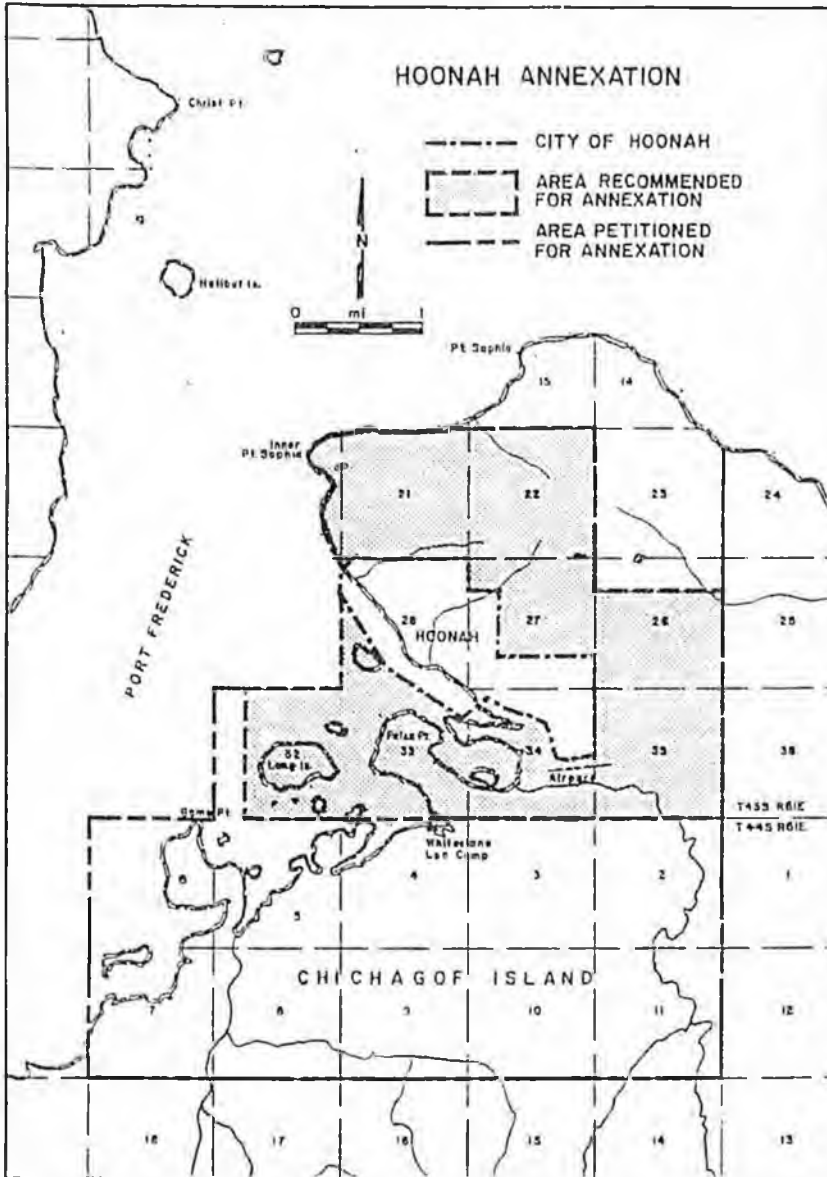
The Commission conducted a public hearing in Hoonah on October 10, 1992. On November 21, the Local Boundary Commission amended and approved the annexation petition of the City of Hoonah. The amendment reduced the territory to be annexed to approximately 7.25 square miles.

Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning the City of Hoonah's annexation petition are discussed in detail in the Commission's December 18, 1992, Statement of Decision. That document, comprising 18 legal-size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at: Local Boundary Commission Staff, Department of Community and Regional Affairs, 333 W. Fourth Avenue, Suite 220, Anchorage, AK 99501-2341, telephone: 269-4500, fax: 269-4520.

Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following area to the City of Hoonah:

Beginning at the protracted northeast corner of Section 22, T43S, R61E, Copper River Meridian (CRM);  
 thence, south to the protracted southeast corner of the northeast one-quarter of the northeast one-quarter of Section 27, T43S, R61E, CRM;  
 thence, east to the protracted northeast corner of the southeast or e-quarter of the northeast one-quarter of Section 26, T43S, R61E, CRM;  
 thence, south to the protracted southeast corner of Section 35, T43S, R61E, CRM;  
 thence, west to a point within Port Frederick where the protracted southwest corner of the southeast one-quarter of the southwest one-quarter of Section 32, T43S, R61E, CRM; would be;  
 thence, north to a point within Port Frederick where the protracted northwest corner of the northeast one-quarter of the northwest one-quarter of Section 32, T43S, R61E, CRM; would be;  
 thence, east to a point within Port Frederick where the protracted northeast corner of Section 32, T43S, R61E, CRM would be;  
 thence, north to the intersection with the boundary of Alaska Tidelands Survey No. 29, approved by the Director of the Alaska Division of Lands on June 25, 1964 (hereinafter ATS No. 29);  
 thence, N 34° 17' W to Corner No. 4 of ATS No. 29;  
 thence, N 51° E to the line of mean-low water;  
 thence, meandering along the line of mean-low water generally in a northerly and easterly direction to the intersection with extension of the protracted northern boundary of Section 21, T43S, R61E, CRM;  
 thence, east to the protracted northeast corner of Section 22, T43S, R61E, CRM; the point of beginning;  
 excluding therefrom, the territory currently within the boundaries of the City of Hoonah; containing 7.25 square miles, more or less, all in the Sitka Recording District, First Judicial District, State of Alaska.

A map of the area recommended for annexation is presented on the following page.



## HAINES #1

On March 4, 1992, the City of Haines submitted a petition to annex about 4.75 square miles of land under the legislative review method. Following its October 9, 1992, public hearing on the matter, the LBC approved the petition.

Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning the City of Haines' 4.75 square mile annexation petition are included in the Commission's November 5, 1992, Statement of Decision. That document, comprising 17-legal size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at:

Local Boundary Commission Staff  
Department of Community and Regional Affairs  
333 W. Fourth Avenue, Suite 220  
Anchorage, AK 99501-2341  
Telephone: 269-1500, Fax: 269-4520

Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following area to the City of Haines:

All of Sections 16, 21 and 22, and the on-shore portions of Sections 9, 23, 14, 10 and 15, Township 30 South, Range 59 East, Copper River Meridian, Alaska, which are not already within the existing boundaries of the City of Haines.

A map of the area recommended for annexation is presented on the following page.



## HAINES #2

In addition to supporting the City's petition for the annexation of 4.75 square miles addressed on pages 42 and 43 of this report, DCRA recommended the annexation of an additional 7 square miles of adjacent tidelands. The Commission held a hearing on the matter on October 9. Following the hearing, the Commission provided an additional comment period, setting a November 27, 1992 deadline. On December 18, the Commission approved the annexation of the additional 7 square miles.

Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning this annexation proposal are included in the Commission's December 18, 1992, Statement of Decision. That document, comprising 10 legal-size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at: Local Boundary Commission Staff, Department of Community and Regional Affairs, 333 W. Fourth Avenue, Suite 220, Anchorage, AK 99501-2341, telephone: 269-4500, fax: 269-4520.

Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following territory to the City of Haines:

Beginning at the point where the western boundary of Section 9, T30S, R59E, Copper River Meridian (CRM) intersects with the line of mean high tide of Lutak Inlet;  
thence, N 86° E (approximately), 11,000 feet more or less, across Lutak Inlet to U.S.G.S. triangulation station "Sanka";

thence, S 71° E (approximately), 8,000 feet more or less, to U.S.G.S. triangulation station "Tajya Pt";

thence, S 4° E (approximately) 5,250 feet more or less to the "Indian Rock Light";

thence, South (approximately) 18,750 feet, more or less, to the line of mean high tide of Chilkoot Inlet at the point of intersection of the southern boundary of Section 36, T30S, R59E, CRM, and the line of mean high tide;

thence, meandering northwesterly along the line of mean high tide of Chilkoot Inlet and Portage Cove to the intersection with the eastern boundary of the City of Haines (said point also being Haines Townsite Boundary Corner No. 6);

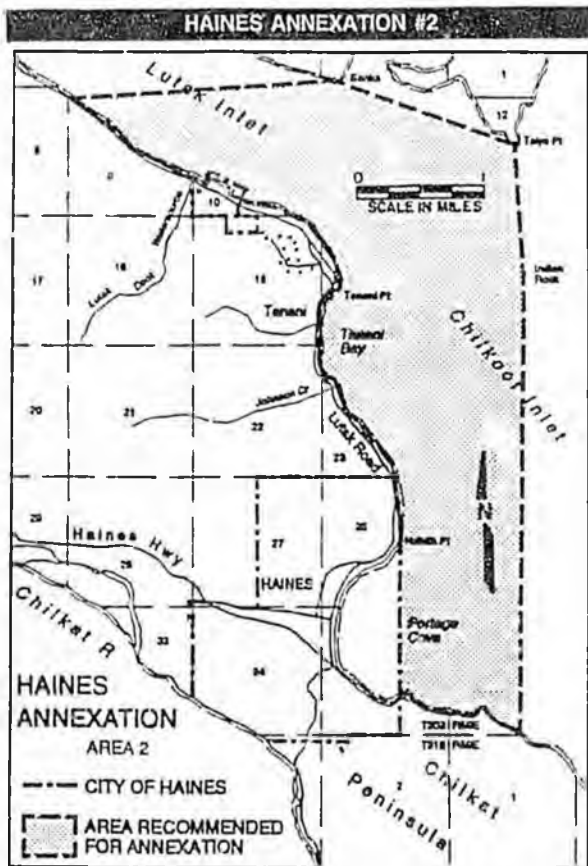
thence, north along the eastern boundary of the City of Haines to the northern boundary of the City of Haines, a point where the northern boundary of Section 26, T30S, R59E, CRM intersects with the line of mean high tide of Chilkoot Inlet (said point also being Haines Townsite Boundary Corner No. 4);

thence, meandering northwesterly along the line of mean high tide of Chilkoot Inlet and Lutak Inlet to the point of intersection with the eastern edge of the non-contiguous boundary of the City of Haines (encompassing the Lutak port facilities);

thence, northeasterly, northwesterly, and southwesterly along the non-contiguous boundaries of the City of Haines to the point where the western edge of the non-contiguous boundaries of the City of Haines intersects with the line of mean high tide of Lutak Inlet;

thence, meandering northwesterly along the line of mean high tide of Lutak Inlet to the point of intersection with the western boundary of Section 9, T30S, R59E, CRM, the point of beginning; containing 7 square miles, more or less, all in the Haines Recording District, First Judicial District, State of Alaska.

A map of the area recommended for annexation is presented on the following page.



## CORDOVA

The City of Cordova filed a petition for annexation of about 180 square miles inhabited by an estimated 469 residents. On November 21, 1992, the Commission conducted a public hearing in Cordova. On January 4, 1993, the Commission amended the petition to reduce the size of the area proposed for annexation to 68.23 square miles and approved the amended petition.<sup>11</sup>

Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning the City of Cordova's annexation petition are discussed in more detail in the Commission's January 8, 1993, Statement of Decision. That document, comprising 22 legal-size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at: Local Boundary Commission's Staff, Department of Community and Regional Affairs, 333 W. Fourth Avenue, Suite 220, Anchorage, AK 99501-2341, telephone: 269-4500, fax: 269-4520.

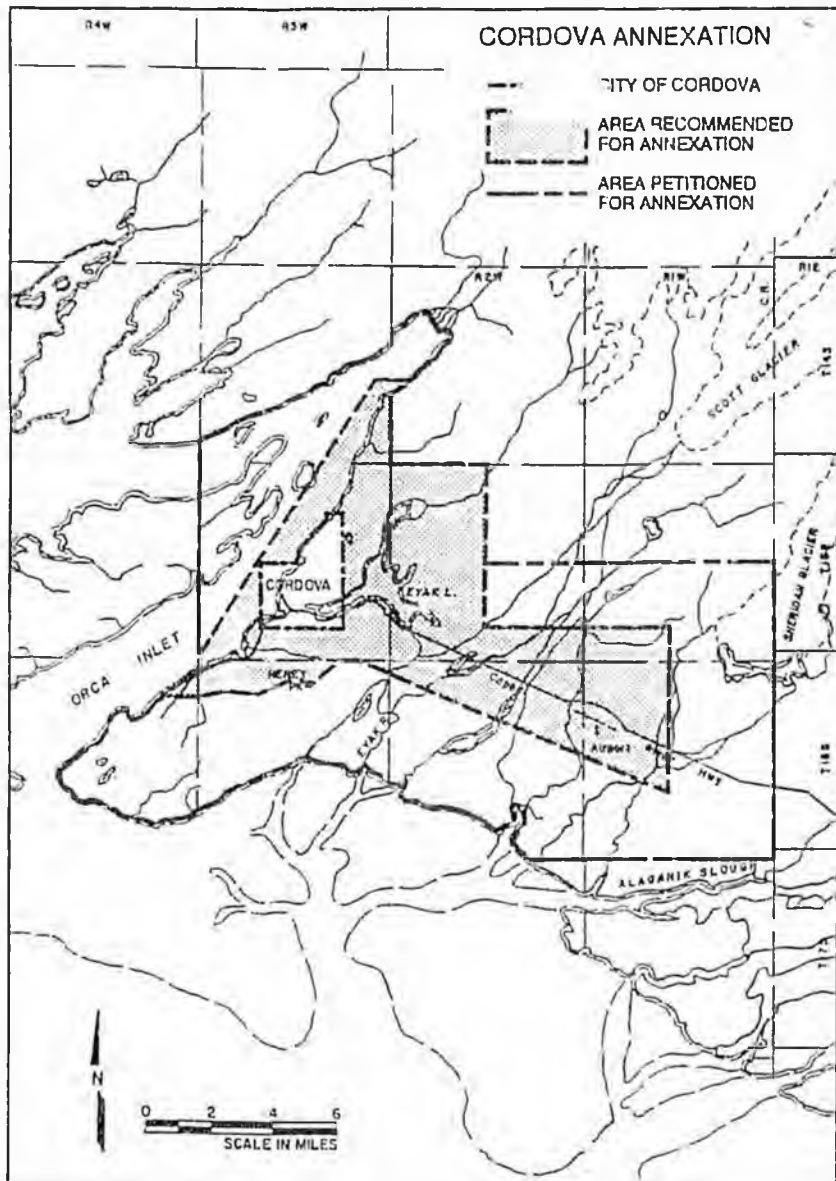
Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following area to the City of Cordova:

Beginning at the northeast corner of protracted Section 4, T15S, R2W, Copper River Meridian (CRM);  
 thence, south to the southeast corner of protracted Section 28, T15S, R2W, CRM;  
 thence, east to the northeast corner of the northwest 1/4 of the northeast 1/4 of protracted Section 33, T15S, R1W, CRM;  
 thence, south to the southeast corner of the southwest 1/4 of the southeast 1/4 of protracted Section 21, T16S, R1W, CRM;  
 thence, northwesterly, in a straight line, to the northwest corner of protracted Section 1, T16S, R3W, CRM;  
 thence, west, along the north boundary of protracted Section 2, T16S, R3W, to a point on the divide along the Heney Range separating the drainage into Orca Inlet from the drainage into the Copper River Delta and the Gulf of Alaska;  
 thence, southwesterly along said divide to Heney Peak;  
 thence, westerly in a straight line to the beginning of Hartney Creek;  
 thence, westerly along the thread of Hartney Creek to the point where it enters Hartney Bay;  
 thence, northerly and westerly along the line of mean high tide of the north shore of Hartney Bay to Bluff Point;  
 thence, meandering along the line of mean high tide to the intersection with the east boundary of protracted Section 1, T16S, R4W, CRM;  
 thence, north to a point in Orca Inlet at the northwest corner of the southwest 1/4 of the southwest 1/4 of protracted Section 21, T15S, R3W, CRM;  
 thence, northeasterly, in a straight line, to a point in Orca Inlet at the northwest corner of the southeast 1/4 of protracted Section 24, T14S, R3W, CRM;  
 thence, east to the line of mean high tide on Nelson Bay;  
 thence, meandering southwesterly along the line of mean high tide of Nelson Bay to the intersection with the west boundary of protracted Section 19, T14S, R2W, CRM;  
 thence, south, to the southeast corner of protracted Section 36, T14S, R3W, CRM;  
 thence, east to the northeast corner of protracted Section 4, T15S, R2W, the point of beginning; containing 7458 square miles, more or less, all in the Cordova Recording District, Third Judicial District, State of Alaska.

Excluding therefrom, the territory currently within the boundaries of the City of Cordova, comprising 635 square miles, more or less. The net territory approved for annexation comprises 68.23 square miles, more or less.

A map of the area recommended for annexation is presented on the following page.

<sup>11</sup> The decision of the Commission concerning this annexation became final under 19 AAC 10.570(g) on January 8, 1993. Under 19 AAC 10.580, interested parties have until January 28, 1993 to file a request for reconsideration of the decision.



## PALMER

On February 28, 1992, the City of Palmer filed a petition for annexation of approximately 7.5 acres using the legislative review method.

The Commission conducted a public hearing on November 20, 1992, in Palmer. On December 18, the Commission approved the petition. Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning the City of Palmer's annexation petition are discussed in detail in the Commission's December 30, 1992, Statement of Decision. That document, comprising 11 legal-size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at:

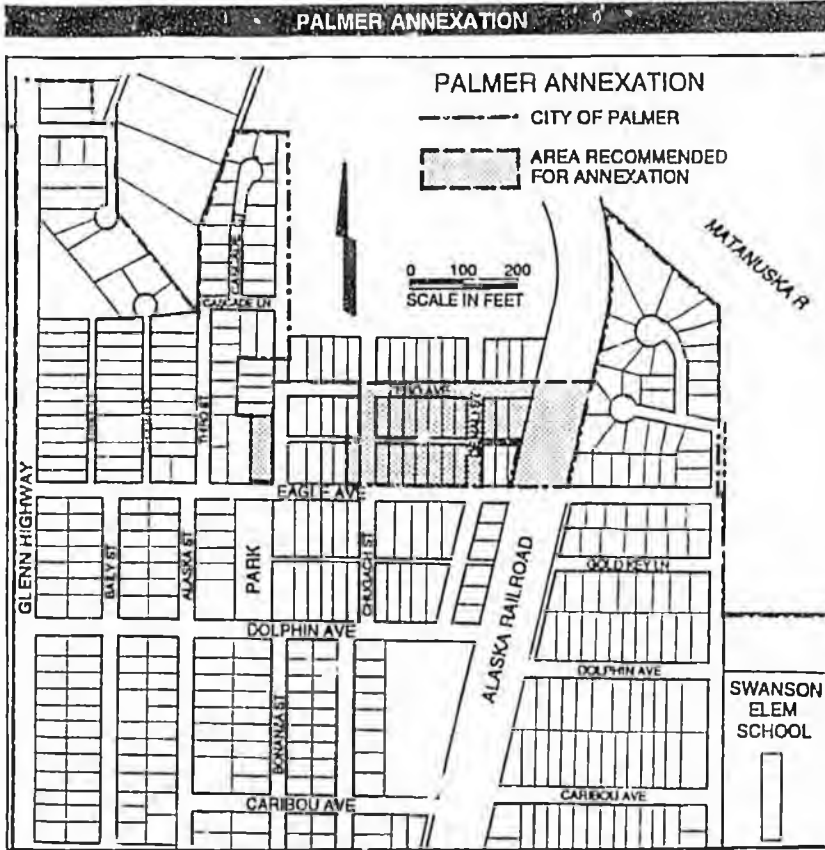
Local Boundary Commission Staff  
Department of Community and Regional Affairs  
333 W. Fourth Avenue, Suite 270  
Anchorage, AK 99501-2341  
Telephone: 269-4500      Fax: 269-4520

Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following territory to the City of Palmer:

Within Section 28, Township 18N, Range 2E, Seward Meridian:

Pribyl, Grasse and Grasse Subdivision - Lot 22; Riverside Subdivision - Block 1, Lots 1 through 10 and Lots 20 through 27; and a portion of the right-of-way of the Alaska Railroad as shown on the City of Palmer's petition for annexation.

A map of the area recommended for annexation is presented on the following page.



1/28/93

Dear Senator Phillips;

I am writing in response to the petition for legislative review annexation to as29.06.040 (B) of approximately 7.5 acres within section 28, Township 18 N, Range 2 E, s.m. As a property owner of lot 20, Block 1, of the revised plat of the Riverside Subdivision, I would like to express my deep concern regarding intentions to forcibly annex this property. I am strongly against such an action. I bought this property because it's unrestricted and I want to keep it that way. I Beg you to deny this petition.

Respectfully,

Michael T. Dresnek

*Michael T. Dresnek*

Marilyn A. Dresnek

*Marilyn A. Dresnek*

21131 Eastside Dr.

Chugiak Alaska 99567

# Commission OKs Palmer annexation

By KERRY DOWNING

Frontier-Tribune reporter

Ed Bailey's property is going to part of Palmer whether he likes it or not, says the state's Local Boundary Commission. The commission voted 3-2 Monday to allow Palmer to annex his property, which lies on Eagle Street just outside the city limits.

Palmer has been trying for several years to annex Bailey's property and the land around it, City Manager David Soulak has said. The city pushed for annexation to square off its boundaries and to resolve problems neighbors say they have had with Bailey's dogs and old cars, Soulak said.

The commission's hearing on the issue Nov. 20 drew a crowd of almost 80 people. The major-



Bailey

ity of the speakers at that hearing opposed the annexation and said it infringed on Bailey's rights. He agrees.

"Everybody that loves freedom will be behind me," said Bailey, who plans to appeal the decision. "Where's the rights of property? If you don't own your land, who owns it?"

"They're using me. Now they are going to be able to take in anybody they want, once they set a precedent on me, and I don't want to be used that way."

Once Bailey appeals the deci-

sion, the commission will decide whether to reconsider the issue. If it approves the annexation again, the matter will be passed on to the Legislature, which then has 45 days to make a decision.

If the Legislature approves the annexation, Bailey says, he may move.

"They are trying to make me fit into the city code, but I'm not interested in that," he said. "I'm never going to fit into what they want. They want to make this Los Angeles. Who in the hell wants to live in Los Angeles?"

"I don't think I can live in this prison yard — that's all Palmer has become since they put in this prison over there. I

See ANNEX, Page 6

## Annex: Bailey plans to appeal decision by state boundary commission

Continued from Front Page  
can't be one of those people."

Shelley Dorman, vice chairman of the boundary commission, sided with Bailey.

"I didn't feel it met the standards that need to be met (for property to be annexed), especially the one being discussed most frequently — the health, safety and welfare issue," she said. "I did not feel there was even any evidence submitted

that ... there was a danger to the health, safety and welfare of the residents there. And the problems they were trying to address — annexation was not the appropriate method in solving these problems."

The city wanted to annex the property simply to deal with the problems neighbors were having, she said, and not to square off its boundaries.

"It doesn't square it off at

**"It's not about the taking of property. It's about the people who are his neighbors trying to address a tough problem."**

—Commissioner Lamar Colton

all," she said. "If you look at a map of the area that they're annexing, it's not taking in a solid area that will clearly define the boundary there. In fact, it creates another little donut hole, which was another one of my problems."

Boundary Commissioner Lamar Colton voted for the annexation.

"I felt the city of Palmer and the residents made a good at-

tempt through other channels, and approached the city as a last resort."

"It's not about the taking of property. It's about the people who are his neighbors trying to address a tough problem. A lot of people felt that it was big versus small, or old versus new, but the residents of Palmer also have their rights."

Dorman says his neighbors should not have moved into the neighborhood if they didn't like his lifestyle.

"I have been here for nearly 30 years," he said. "I was here before there were houses. They bought with me here. It wasn't like I was hiding or anything. If they didn't want me here, they shouldn't have come here."

He says he will continue his fight.

"It's been a long time," he said, referring to the years he has been fighting the annexation. "But I'm a long man — I'm a few 7 — and I'll just keep holding on."

Frontier-Tribune 12/23/92

To: Shirley Armstrong, Senate C&RA **FAX 465-4979**

From: Dan Bockhorst

Date: February 8, 1993

Per your request, the following is a list of names and telephone numbers of owners of the property proposed for annexation to the City of Palmer:

Annex

<i>NO</i>	Dean & Melinda Dewey	(Anchorage)	<del>248-2450</del> <i>243-7937</i>
<i>NO</i>	Robert Bailey	(Palmer)	745-3020
<i>NO</i>	Michael Dresnek	(Chugiak)	688-5649
	John Grasse	(Mequon, Wis.)	
<i>NO</i>	Alaska Railroad Corp	(Anchorage)	265-2300 <i>Bonnie Bailey</i>

The Alaska Railroad's interest is limited to a right-of-way.

1/28/93

Dear Senator Phillips;

I am writing in response to the petition for legislative review annexation to as29.06.040 (B) of approximately 7.5 acres within section 28, Township 18 N, Range 2 E, s.m. As a property owner of lot 20, Block 1, of the revised plat of the Riverside Subdivision, I would like to express my deep concern regarding intentions to forcibly annex this property. I am strongly against such an action. I bought this property because it's unrestricted and I want to keep it that way. I Beg you to deny this petition.

Respectfully,

Michael T. Dresnek  
*Michael T. Dresnek*

Marilyn A. Dresnek  
*Marilyn A Dresnek*

21131 Eastside Dr.

Chugiak Alaska 99567

# ALASKA RAILROAD CORPORATION

P.O. Box 107500 • Anchorage, Alaska 99510-7500



*City Council*  
7-22

July 11, 1991

RECEIVED  
JUL 1 1991  
CITY OF PALMER

Planning and Zoning Advisory Commission  
City of Palmer  
231 W. Evergreen Avenue  
Palmer, Alaska 99645

Re: Riverside Subdivision, Lots 1 through 10 and Lots 20 through 27, Block 1

The Alaska Railroad Corporation is not in favor of the City of Palmer annexing the Alaska Railroad's right-of-way to the City of Palmer.

Sincerely,

*Bonnie G. Bailey*  
Bonnie G. Bailey  
Leasing Specialist

February 9, 1993

Senate Community & Regional Affairs Committee

Gentlemen:

Not being very comfortable with Public Speaking, yet needing to defend my character and my liberty against this annexation, I have decided to this letter faxed to you.

My animals have, again and again, been brought up as a reason to annex this property. I have found that it is very difficult to answer to outright lies that have been spread by a very few individuals, and the City of Palmer. Three small pages of lies takes volumes and volumes to respond to. The charges that were mentioned by Councilmember Melton this morning are stale and unsubstantiated. My dogs do not bark "day and night". If they were allowed to this alleged continuous barking, it would certainly be a bother to me; I share my cabin with them. The only two instances where my dogs have bitten anyone, which occurred years ago, resulted in the people involved apologizing to me for their inappropriate behavior around my dogs which directly led to the bite occurring. I have never even been cited for any dog bites.

The claim that a dog from this property killed Mr. Smith's peek-a-poo raised during this annexation is the first I can ever remember hearing of this incident. The was not my dog, but belonged to a tenant that was on the property when I purchased those lots.

In all the years that I have suffered this attack from these people, through all the Animal Control complaints lodged against me, and the complaints mentioned by the City today, the Matanuska Susitna Borough never was able to substantiate these accusations and the great bulk of these complaints were made over 3 years ago by mostly the same six people. In fact during the summer of 1989 when this attack intensified and a large volume of complaints were made, a crew that had worked in this area reported none of my dogs were seen or heard. Once the crew left, a large number of complaints, that were never substantiated by Animal Control, came flooding in.

I do not allow my dogs to run loose. They sleep with me inside my cabin at night. My dogs have occasionally escaped, over the years, but I am always prompt to catch them. I have picked up trash in this neighborhood, whether spread by my dogs, or one of the one hundred in this area. My dogs are continually being blames for behavior that is impossible for them to be doing.

There have never been any problems with my dogs and children. Children are over here every day without incidents. I am a grandfather, with 7 on the ground and three "in the pocket".

People may scorn me for my hobby of finding uses for what other's discard, but what those City people call junk is often useful and necessary items to people without. Some Valley mothers bring their children to my house to pick up clothing or other necessary items, for the entire family.

My dogs love children, and in light of the fact that I do not let them run loose, I deny that they have ever "harassed" children at a school bus. The City has not shown me any documents from the Borough that verify that anyone has ever had any problems with the School Bus Stop.

There is no trash or litter from spread my property. Stacks of pallets and antique cars are not litter. There is no "loose debris" on my property that could possibly be blowing into the neighbors yard. If the items in my yard could blow around, they would have long since ended up in the neighbor's yard. Eagle Street is a school route, and I am made to pick up blowing garbage as much as any resident of this Valley.

These people actually accuse me of devaluating their property, and continue to argue that they haven't been able to sell houses in this area because of me. A realtor stood up at the Local Boundary Commission hearing and stated that she had sold this person's home, but the buyers were unable to get financing.

Mr. Gallagher, with his usual respect for the truth, stated this morning that he has been on his property since 1982. I don't believe he became a neighbor to me until after 1989.

These people, including the City, have ever discussed what I would need to do to appease them. They have never spoken to me in a civil manner, or addressed me to "alleviate" their concerns.

They have instead threatened me repeatedly with annexation, and ridiculed any attempts that I have made to conform to their standards, or alleviate any concerns of theirs to my lifestyle, so far.

Mr. Snodgrass spoke this morning, saying that he was there first and the City grew around him, even condemning part of his property. Now they are doing this to me. Why is this not O.K. for him, but O.K. for me? Does he have City sewer and water on his property?

I am now and, to my knowledge, always have been within Borough Code. I have now fenced the entire property and double fenced my yard in an attempt to appease these neighbors.

They keep saying something about a refrigerator on my property that is dangerous to children. One tenant has a fish smoker that he made from a refrigerator, that is similar to one owned by my complaining neighbor, Mr. Vogt. This smoker couldn't suffocate anyone with the large holes that have been cut it. The City and the neighbors are just digging, with no substantial proof, for evidence of wrong doing on my part.

I am sorry that this annexation has affected 4 other property owners, innocent of anything to do with this. My neighbors outside of the City have always been good neighbors to me, and I am sorry that this has the potential to set a precedent against them as well. I have tried to appease my City neighbors, but nothing will appease them. I will not build a bunch of houses here as the City wants. I will continue to fight for my rights, especially my right to use my property for my own needs. My property Deed states "to have and to hold the same, with the tenements, hereditaments, and appurtenances there unto belonging or in anywise appertaining unto the said grantee(s), and to all its success's and assigned, forever." This means that my property is mine, and my children's forever. I strongly oppose this annexation and hope that you will also. Thank you!

Mr. Robert E. Bailey

*Robert E. Bailey*

File To: 465 4979 3 of total

P.O. Box 244491  
Anchorage, AK 99524-4491

February 10, 1993

Senator Randy Phillips, Chair  
Community & Regional Affairs Committee  
Alaska State Senate  
Capitol Building  
Juneau, Alaska

Dear Senator Phillips:

Thank you for holding the hearing on Palmer's hostile annexation of 7.5 acres. I was more than a little concerned that the "accused" in this matter, Mr. Bailey, had to go first. Justice requires that the accuser make the case before the accused has to respond. I recognize that a Committee hearing is not a court of law and the rules of the Committee are not the rules of a court. Nevertheless, this element of the hearing gives me pause for concern for the People of the State of Alaska.

That concern grows out of the history of this proceeding. The proceeding has been tainted from beginning to end. It started with a Planning Commission member's participation as both a petitioner to the Planning Commission and as a voting member of that Commission when it took up the matter back at the beginning. The procedural unfairness has continued through this hearing. The record at the Local Boundary Commission Staff's office in Anchorage (269-4559) has the complete file.

Those offering testimony in support of Palmer's petition have consistently attempted to downplay the facts and emphasize the emotional aspects of this matter. For instance, the story of the five pound dog's being killed by a dog from Mr. Bailey's property occurred over twelve years ago. The dog belonged not to Mr. Bailey, but to a tenant Mr. Bailey inherited when he bought the lot the preceding year. A person living under Palmer's law would not have been protected by Palmer's law in that case. A dog owner is allowed to have up to three dogs in Palmer. The tenant owned but one. How would annexation in any way solve that problem? It would not. It is a matter either for animal control or for the courts. It is not an appropriate matter for resolution by legislative annexation.

When one goes carefully through the accusations and proceedings, each element used to support the Palmer case comes unraveled under close scrutiny. The matter is an emotional one: not an appropriate subject for legislative annexation.

Normally, as I understand the policies involved, the legislature would be loathe to vote down the findings of the Local Boundary Commission unless some element of law or policy had been overlooked. This is a sound policy. Here, it is clear that the LBC has overlooked the procedural requirements of fairness in a hostile proceeding.

The LBC is a body of lay persons charged with a difficult job. It has recognized the difficulties by its adoption of more rigorous procedural rules. Those rules, however, do not permit the cross examination of hostile witnesses. Thus, the Commissioners have to rely on their untrained sensibilities to sort out truth from fiction from lies. That the Commissioners did not question closely the witnesses supporting the annexation petition was a clear oversight in the process and unfair to Mr. Bailey.

The rules do not permit a party to subpoena documents. Thus, Mr. Bailey was unable to bring into the record documentation that would have discredited witnesses or provided a different perspective on the history of this matter from the one offered by Palmer's witnesses.

Palmer has made clear from the outset that it regards Mr. Bailey as a "nuisance." It has never made an effort to take Mr. Bailey to court on a charge of nuisance -- either criminal or civil. The courts are the traditional and appropriate forum for nuisance complaints. It is a misuse of the legislative annexation process to substitute it for court action.

The record contains a myriad of detailed problems with the process. This letter is simply to ask that the Committee look into the record in a detailed way. Sending the matter off to be buried in another Committee will have the de facto effect of approving Palmer's actions. If not rejected within 45 days (by, I believe, March 6, 1993) this action will pass into law. The people of Alaska will be the loser.

The misuse of governmental power to accomplish an inappropriate emotional goal disserves all the people. There are appropriate mechanisms in the courts with which to test one's feelings on a matter such as this. By voting down the petition, the legislature does not approve Mr. Bailey's lifestyle choices or disapprove his neighbors' unhappiness. What a vote against the petition will do will be to insure the integrity of the process.

Notions of Fundamental Fairness and notions of Fair Trial have been violated throughout these proceedings. A vote to restore the integrity of the process does not prohibit Palmer from taking appropriate action.

Palmer does not come with clean hands to this proceeding. The LBC has requested that they stop the piecemeal annexation approach and get their own house in order. The City Attorney's remarks about his 35 acre enclave within the City are more applicable to Mr. Bailey than they were to his own situation.

In the final analysis, this comes down to a question of whether Alaskans live under a rule of law or a rule of men. As a matter of policy, the Committee and the Legislature must be committed to a rule of laws. Politics are politics. There is no question that give and take and the human element enter into them. When, as here, all of our rights to fair process are at stake, then policy, not politics, should prevail.

In the strongest possible terms, I urge you and the members of the Committee and all the members of the legislature to reject the Palmer petition.

A correction for the record: I said I believed that Mr. Bailey was 68 years of age in response to another person's assertion that he was 58. I was under the impression that that was his age. I subsequently asked Mr. Bailey for confirmation. He told me that he was indeed 58. I therefore request that the record reflect the change.

Also for the record, I state that I was the consultant that worked with Mr. Bailey through the LBC proceedings and that I am no longer working with him as a consultant. My statement is my own based on my concern for the integrity of the process and my belief that the role of government is to protect the basic fairness and integrity of the system more than it is to serve any particular interest.

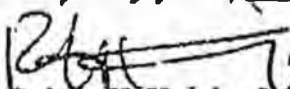
This case is about forcing an individual to change his lifestyle and using the force of law to make him do so even though he is in compliance with the laws of the jurisdiction in which he lives.

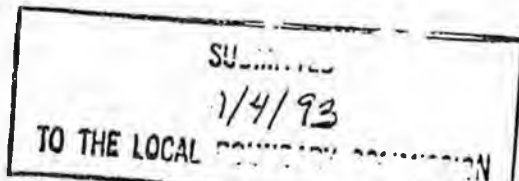
The matter has been appealed to the Superior Court under the rules of the legislative annexation process. A request for a stay has been filed with it to suspend the running of the clock in the legislature while the matter is considered in Superior Court and whatever other courts to which the controversy is elevated. In the event that the legislature does not wish to deny the petition, it might wish to consider a self-imposed suspension of the running of the clock to show that it is not only aware of the matter but sensitive to the issues raised.

Finally, I want to thank the Committee for the opportunity to testify at the hearing. I apologize for the delay in joining the proceeding. The number given me to call to hook in did not work. It took a six phone calls to find out what the problem was and how to connect. The LIC operator told me that they had had trouble making the connection with downtown Anchorage phones in the past. I seem to found out what the problem was and how to avoid it in the future in the process of getting hooked up. While I hope that that will save some trouble in the future, it made my tardiness unavoidable.

My work phone is (907)562-0774 and my fax is (907)561-5859 should you or anyone connected with this matter wish to contact me.

Very truly yours,

  
Robert H. Knight, Jr.



January 4, 1993

TO: LOCAL BOUNDARY COMMISSION

FROM: ROBERT ED. BAILEY *Robert Ed. Bailey*

THROUGH: Robert H. Knight, Jr., Consultant to Mr. Bailey *RHK*

SUBJECT: REQUEST FOR RECONSIDERATION OF  
LBC DECISION TO APPROVE ANNEXATION

Mr. Bailey hereby requests the Local Boundary Commission to reconsider its December 30, 1992, decision to approve the City of Palmer's petition to annex Mr. Bailey's and four other property owners' land into the City of Palmer.

The essential elements requiring reconsideration involve due process issues as well as a significant difference with respect to views expressed about Mr. Bailey's fate if annexation goes through.

The other essential element derives from the decision document itself. That document was handed to Mr. Bailey's consultant after it was voted on by the Commission and not before Mr. Bailey's consultant had a chance to address the Commission; i.e., nothing was said at that time.

The contents of the decision document do not reflect the comments of the Commissioners when they first voted 3-2 in favor of the annexation on December 21, 1992. The comments of the dissenters are summarized in footnote 3 on page 3 of the decision. The views of the majority are not those set out in the decision, at least as expressed on December 21st.

For instance, Commissioner Johnson expressed concern about "the children." A video tape which only Commissioner Cotten viewed contained footage about children in proximity to Mr. Bailey's property. Commissioner Cotten did not mention that or the other contents of the tape in his lengthy dissertation on the law and other matters as set out by the petitioner.

The Decision reflects none of this. The Decision appears to reflect the staff report efforts. Citing vague assertions from Police Chief Otte on page 7 with regard to complaints and dogs when nothing of substance was reported should not be the basis for a Commission decision. No expert testimony was provided or evidence produced with respect to pit privies as cited on page 8 of the Decision. The mere speculation about City residents living downhill does not speak to such technical matters as the depth of the water table, the direction of flow of that water any more than it cites a single problem ever produced by the use of these pit privies. The Commission should demand hard evidence when making a judgment on a hostile annexation. There is no hard evidence of any relevance. A dog incident more than 12 years old is cited in support of the decision. That dog did not belong to Mr. Bailey. The dog belonged to a tenant that Mr. Bailey had inherited that year when he bought that particular lot. The Staff has clearly reached as far as it could to try to justify the Commission's vote. The evidence cited is not relevant evidence. It is stale evidence. In a fair trial, a 12 year old misdemeanor would not be permitted in as evidence. The use of a 1988 incident is highly questionable in view of all the changes that have occurred since then.

Then Conclusion set out on page 8 of the Decision states that "viewed collectively" all of the problems thrown out by the petitioner constitute a threat to health and safety and welfare of city residents. The only thing that the City proved in its testimony is that there were some unhappy people who petitioned in 1989.

The due process element requires even in administrative proceedings something akin to the fair trial philosophy anyone receives under the Alaska and U.S. Constitutions. This fair trial element is clearly missing from these proceedings from the beginning to the end.

For instance, it has only recently come to Mr. Bailey's attention that Mr. Matera, a witness at the public hearing was one of the original petitioners and, after signing the petition, sat as a member of the Palmer Planning Commission reviewing the petition and voting it forward to the Palmer City Council. The very origins of the petition are invalid! Mr. Matera should have recused himself from the consideration of the petition because he was a petitioner. The LBC should reject the petition because it was fatally flawed at the outset.

The Commissioners should not overlook such flaws when the matter is a hostile annexation. Mr. Bailey respectfully suggests that he is entitled to fair play at every step in this matter and that he did not receive it when Mr. Matera voted as a member of the Planning Commission on the petition in the first place.

The Commission should have ignored Chief Otte's vague affidavit when it was shown from minutes of the Palmer City Council that a Council Member was agreeable to flooding the police with dog complaints.

The unlicensed vehicles on Mr. Bailey's property were never shown to be a hazard to anyone. In fact testimony was presented by several mothers of small children asserting that their children had played on Mr. Bailey's property without ever being harmed in any way.

The misreading of Ms. Hummel's October 19th letter by the Staff appears to be stretching. Ms. Hummel was never asked about that letter despite making personal efforts to be available as an expert witness to the Commission. Ms. Hummel intended that letter to point out the kinds of problems the City of Palmer might be creating for itself through the annexing of Mr. Bailey's property. This information was provided because Ms. Hummel had seen similar efforts in other parts of the United States. Misreading the letter without bothering to ask her about it and using it in support of the Commission's vote is stretching too far.

The lack of water and sewer facilities were addressed by only one certified sanitarian: Ms. Hummel. No expertise was ever summoned to refute her findings and conclusions. Only the idle speculation of unqualified persons was given to the Commission with respect to the petitioner's views on the matter of privies, etc. The LBC and the people of the State of Alaska deserve better than that.

Ms. Hummel's use of the word "nuisance" in her letter is not explained by the Staff. It is simply thrown out as though it were somehow significant. Mr. Bailey has asserted all along that if the

neighbors wanted to do something, their appropriate action was a nuisance suit in court. What is being made of the use of "nuisance" in Ms. Hummel's letter is not clear although it seems to be cited in support of this decision. Such vagueness should not be a part of the Commission's decision.

Footnote 7 on page 8 states only that efforts were made to arranged for a DEC person to go to Mr. Bailey's property. The full story is laid out in the materials submitted by Mr. Bailey. The footnote ignores the facts. Commission decisions should be on firmer ground. The Commissioners should revisit the decision and review point by point the materials submitted.

Commissioner Cotten spoke at some length about how Palmer bears Mr. Bailey no ill will in his comments prior to voting on December 21st. An affidavit is attached to this submission which indicates clearly that Commissioner Cotten's view is not shared by the Palmer police. That affidavit shows that a Palmer policeman asserted that he could not wait to arrest Mr. Bailey. Additionally, Mr. Bailey's son was stopped by the police and given an unsigned summons for something he asserts he did not do. Two other friends of Mr. Bailey's were stopped or arrested after the public hearing. An affidavit is attached showing that two persons saw Palmer police writing down the license numbers of the cars in the parking lot at the Hearing Chamber on the night of the Commission's public hearing (11/20/92). Clearly, Mr. Bailey's future in the City of Palmer is not a happy one. In view of the clear intention of the City of Palmer to arrest Mr. Bailey at the first opportunity, the Commission should reconsider this vote and deny the petition.

City Manager Soulak's personal observations on Mr. Bailey were reported in the Anchorage Daily News prior to the Commission's vote. The City Manager has ample opportunity to make known his personal view ever since the matter started. He has never done so. Expressing those views to the media may have been inadvertent, but the fact remains Mr. Soulak is an authority figure in the petitioner's organization and his views carry weight. Such views should not be permitted in the public just prior to the Commission's casting its votes on this matter. In particular, where the vote is close as it was in this matter, every element should be important.

Neither Mr. Soulak with his comments in the paper, nor any of the witnesses presenting testimony was ever subjected to questioning or cross-examination by Mr. Bailey or his representative. Specificity was lacking as to specifics at every turn, yet the testimony was allowed in as sworn testimony. (Not Mr. Soulak's newspaper quotes, but the others').

The Commission should take the time to reflect on the kangaroo court efforts to pillory Mr. Bailey and the lack of real or hard evidence to support such efforts.

Indeed, the final statement in the Decision's conclusion shows that the annexation is being put forward simply to solve a neighborhood problem that should have gone to court as a nuisance suit in the first place. The legislative review annexation process is clearly being used to support a City effort to force Mr. Bailey to forsake what is a legal lifestyle and live as the City of Palmer would have him live. It is an invasion of privacy, a violation of his civil rights to annex him so that a policeman can arrest him, a lack of due process and a lack of equal protection. These arguments are spelled out in detail in the October 21, 1992,

Review and Comments submitted by Mr. Bailey and as other violations occurred in subsequent submissions.

Commissioner Cotten missed the November 20, 1992, public hearing. He subsequently reentered the matter. He traveled out to Palmer to view Mr. Bailey's property without calling on Mr. Bailey. About the time he was supposedly visiting, Mr. Bailey saw two men come on to his property. He had never seen Commissioner Cotten and so would not have been able to identify him. Commissioner Cotten needs to state whether he was accompanied by anyone when he visited Mr. Bailey's property and whether he had any conversations with anyone besides Staff or other Commissioners regarding the matter.

Finally, Commissioner Cotten should have recused himself from participating or voting on the matter. In 1991, Mr. Bailey's consultant, Mr. Knight, was the Division Director of the Municipal and Regional Assistance Division in the Department of Community and Regional Affairs. A Deputy Division Director job came open under Mr. Knight. Mr. Cotten expressed strong interest in the job and was interviewed for it by Mr. Knight. Mr. Cotten was subsequently not selected for the job. Mr. Bailey thought that Commissioner Cotten's absence from the public hearing meant that Mr. Cotten did not intend to participate. It was not clear up until the time during the vote on December 21st when Mr. Cotten said how he would vote that Mr. Cotten intended to vote. Mr. Cotten did not reveal to his fellow commissioners that he had had the above described negative contact with Mr.

Bailey's consultant. The parties, though present at the vote meeting, were prohibited from speaking out at the vote meeting. No objection was taken then, but was entered at the next available opportunity to speak. Neither Mr. Bailey nor Mr. Knight wishes to raise a personal matter like this, but where the matter is a forced annexation and the vote is 3-2 and one of the majority has had a prior contact which should have caused him to recuse himself or absent himself from the vote, Mr. Bailey respectfully suggests that the Commission should revisit the decision, reconsider the vote, and vote again. Whether or not Mr. Cotten's views were or were not swayed by that prior contact is not as important as the integrity of the decision process itself.

A 2-2 tie vote would have meant a denial of the petition. Mr. Cotten's lengthy speech on behalf of Palmer was picked up and endorsed by Chairman Hargraves. Whether his vote was swayed in fact by Mr. Cotten's speech is not as important as the fact that Commissioner Hargraves endorsed what Mr. Cotten said. Had not Mr. Cotten said those things or had he revealed that he had had negative contact with Mr. Bailey's consultant and recused himself, the vote might well have been changed.

The Commission should reconsider its vote and disallow Commissioner Cotten's participation in the vote leaving the first vote at 2-2, rewrite its decision based upon the hard points made, and deny the petition.

The due process and basic fairness problems with this annexation effort started at the very beginning when unhappy neighbors attempted to use political might to force a neighbor to change his living patterns. The courts were and are available for such matters. The executive branch and the administrative process should not be available for such misuse as has occurred

here. The stretching of the Staff in drafting the Commission's decision shows that there is nothing of substance to support it. Commissioner Cotten's participation at this end of the process completely fouls the integrity of the process. The other elements are already set out in the materials sent to the Commission. They are incorporated here by reference. From Mr. Matora's participation as a petitioner and a planning commissioner to Commissioner Cotten's unrevealed negative contact with Mr. Bailey's consultant, the handling of this petition is flawed. The Commission must reconsider its decision.

Mr. Bailey wishes to express his personal appreciation for the personal courtesies he has been shown in his contacts with the Commission. He also wishes to express his appreciation for the professional handling of the matter by the Commission's Staff.



# Alaska State Legislature

Please enter into the record my testimony to the SCR  
committee name

committee on ANNEXATION of Territory dated 2-9-93  
bill/subject

I do not know Mr. Bailey personally, however it seems to me that if the man's neighbors are allowed to use the law as the boundary commission recommends, all property rights in rural MATSU are conditional to meeting the approval of one's neighbors in the lawful conduct of one's affairs. If this annexation is allowed to go forward, please give me and other Alaskans substantial assurance that this won't happen to us as well. Without such assurance, I am against this annexation.  
Respectfully,

Signed: Mary Pearson  
Testifier

Representing (Optional)

141 BOX 6754-L, PALMER (out of city limits)  
Address 9964

745-5963

Phone No.

Please Copy And Distribute To The House & Senate

February 9, 1993

Dear Legislator,

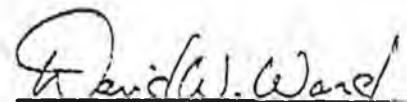
We urge you to inform yourselves of all the facts regarding the proposed City of Palmer's Annexation.

The Local Boundary Commissions Report and Recommendation was in favor of the annexation. We have read their facts and findings and feel they support our views regarding this issue.


The above agency as well as others have voted in favor of annexation based on facts.

Our family was born and raised in Palmer with roots dating back to the Colonist of 1955, and have lived across from said property <sup>12 years</sup>. We believe in the Alaska lifestyle and all Citizens of the United States of America have the right to live their own lifestyle as long as you don't infringe on other peoples rights.

We are in favor of the proposed annexation and urge you to vote in favor of annexation. Please base this decision on facts, not newspaper articles or personal opinion. Thanks for your support.



David W. Ward



Cinthia K. Ward



TELECOPY COVER SHEET



**Matanuska Telephone Association, Inc.**

1740 S. CHUGACH, PALMER, ALASKA 99645 PHONE (907) 745-3211  
Eagle River (907) 894-2101 Wasilla (907) 378-3211

Thomas R. Minnich  
President/C.E.O.

TELECOPIER (FAX) NUMBER: (907) 746 4848

DATE: 2-9-93 NUMBER OF PAGES (Excluding cover sheet) 3

TO: Mr. Kertula

FROM: Mr & Mrs RICHARD Vogt.

MESSAGE: Please distribute to all House and Senate.

TELECOPIER TYPE: MURATA

CONTACT NUMBER: (907) 745.3351

February 9, 1993

Dear Alaska State Legislator(s):

We are writing to urge you to support the proposed annexation of the 7.5 acres in Riverside Revd. Sub. in Palmer, Alaska.

We live across the street from this property and Robert Edgar Bailey and have lived here since 1977. We have had to contend with a constant growing "junkyard" of old cars, old shopping carts, old lumber, etc; he and his tenants numerous animals consisting of horses, cows, goats and pigs coming in our yard doing damage and his ever-growing horde of dogs (over 50 by his own admission in court) that have barked day and night, tore apart our garbage, attacked our chained dog (per Palmer ordinance) on more than one occasion and even coming into our garage and eating salmon we were thawing to can. We have filed repeated complaints with Animal Control and appeared in Court three different times to testify. Please see the attached letter which we and our neighbors submitted to the Mat-Su Borough regarding this situation. Although we were unable to attend the teleconference today, we understand Mr. Knight stated Mr. Bailey was in court once and that he won. This is totally untrue and the Court records can verify this! Should you wish to obtain these records you may request :

MSB 1637 thru 1641  
1646  
1649  
1797  
1799  
2056

from the Courts in Palmer.

I, Mr. Vogt, have had by-pass surgery twice - in 1982 and again in 1992 - and could not even recuperate decently in my own home due to these animals constantly barking. I, Mrs. Vogt, had a heart attack in 1987 and the same applied in my case.

We have tried every possible means to find an end to this - keeping a written log of times and events as instructed by Animal Control, going to Court to testify, personally gathering signatures on a petition, presenting this and attending numerous City Council meetings and meeting with the Local Boundary Commission.

We urge you to please consider us who have to live with this situation day in and day out, as well as numerous other Palmer residents who want to see this "mess resolved and ask that you stand behind the City of Palmer and the Local Boundary Commission in their recommendations.

Thank you.

Sincerely,

Richard E. & Eleanor L. Vogt  
564 N. Denali  
Palmer, Ak. 99645

TO: MATANUSKA-SUSITNA BOROUGH MAYOR AND ASSEMBLY MEMBERS

We, the undersigned, feel we must bring to your attention an issue where we feel we have been grossly unfairly dealt with by one of your Department Heads; namely Mr. Jerry Pineau as Animal Control Officer.

We all reside in North Palmer, on N. Denali and E. Eagle Streets, in the City of Palmer. Our specific problem is one Robert Edgar (Ed) Bailey who lives on E. Eagle, but not in the City limits. Mr. Bailey owns Lots 4-10 & 21-17 in Block 1 of Riverside Revd.Subd. On these 4 lots he has an accumulation of approximately 35 non-running vehicles; shabby run-down shacks (which he, at times, rents out or at least allows people to reside there); old grocery carts; bicycle parts; stacks of old lumber; etc. etc -and DOGS!!!

For years we have been forced to put up with, by Mr. Bailey's own admission in Court, over 50 dogs who bark all hours of the day and night; who roam freely and strew garbage everywhere; who frighten children waiting for school buses and adults walking or jogging. We finally had all we could take of this abuse and in the summer of 1989 we contacted Animal Control as to just what could be done about the situation. We were instructed we would need to keep specific logs of times, dates and descriptions of the offending animals. We did this for over six weeks, which was a full-time job in itself. After turning this over to Animal Control we were then summoned to Court to testify and were present in Court on 10-5-89 when Magistrate O'Connell revoked Mr. Bailey's kennel license and restricted him to no more than 3 dogs. Officers of Animal Control were present also. Please see enclosed letter from Animal Control to Mr. Bailey dated 10-10-89. We again appeared in Court on 11-28-89 because Mr. Bailey still had more than the allotted number of dogs and was not controlling them. By the summer of 1990 Mr. Bailey's dog population was steadily increasing in spite of the Court Order.

In February of 1991 the situation was again out of control. We phoned Mr. Pineau's Office and asked that he return our call. He did not return the call but instructed Animal Control to call us. We told them of our problems and they came and said we would need to fill out complaints again. We questioned why this was necessary since there was an existing Court Order prohibiting him having more than 3 dogs. They stated that Mr. Pineau said it was necessary and required. Animal Control officers went directly from our home (Vogts) to Mr. Bailey's on 2-20-91 and served complaints. They counted 14 dogs. Mr. Bailey was again to appear in Court on March 12, 1991.

In between the time he was served and his Court appearance he again applied for another Kennel License. When he went to Court under Magistrate Swink, he told the Magistrate he had applied for a Kennel License and his case was suspended on the grounds that he was complying.

When we learned of this we (Vogts) <sup>WENT</sup> ~~were~~ to see Mr. Pineau who stated he had had no recent complaints and that he intended to issue him the Kennel License!!

We then went to Animal Control who informed us that Mr. Pineau most certainly was aware of the complaint and that he had, in fact, instructed the officers to go canvass the neighborhood the next day - which they did and received more complaints. They were also instructed by Mr. Pineau to make an inspection of Mr. Bailey's facilities on 3-14-91. We, (Vogts and Mr. Matura) went and spoke with Barbara Lacher regarding this problem.

IN spite of all of this, Mr. Bailey received his Kennel License on March 24,1991

It is obvious to us that Mr. Pineau's actions are certainly not in the best interest of the majority of the people concerned here - only Mr. Bailey's. Perhaps he has too many duties and cannot expend the necessary time needed to perform as Animal Control Officer. Perhaps this position should be delegated to the Supervisor of Animal Control as he and his staff are the ones who respond and view the problems in the field. They MOST certainly do their jobs and the Borough expends a considerable amount of revenue here. They (Animal Control) have a thick file on Mr. Bailey. Again we stress all of the below signed complaints (which are on file with Animal Control) BEFORE Mr. Bailey had his license re-issued.

We also understand the City of Palmer has recently contacted you (The Assembly) in regard to this on-going problem.

We, the undersigned, ask for some CONSIDERATION of this problem and strongly recommend that Mr. Pineau be relieved of this particular duty.

If you need any of us to attend an Assembly Meeting for further discussion or clarification of the matter, PLEASE feel free to contact us!!

Encl (..)

Signed:

<i>Mr. + Mrs. Richard E. Vogt</i>	<i>PH: 745-3351</i>
<i>Mr. + Mrs. Carl T. Scheidt</i>	<i>PH: 746-4546</i>
<i>Mr. + Mrs. David W. Ward</i>	<i>PH: 745-2774</i>
<i>Mr. + Mrs. Robert Matura</i>	<i>PH: 745-2296</i>
<i>Roger K. Smith</i>	<i>PH 745-21506</i>


February 9, 1993

Members of House and Senate  
Juneau, Alaska 99801

RE: Issue of ANNEXATION OF PROPERTIES BY THE CITY OF PALMER,  
namely those lots owned by ROBERT BAILEY.

As a supporter of this proposal for annexation, I urge the  
members of the Senate and House to please comply with the  
decision of the local Boundary Commission and follow thru with  
this annexation.

Sincerely,

A handwritten signature in cursive script that reads "Robert M. Henderson". The signature is written in dark ink and is positioned above the typed name.

Robert M. Henderson  
555 N. Alaska St.  
Palmer, Alaska 99645

PLEASE DISTRIBUTE COPIES TO ALL  
MEMBERS OF HOUSE & SENATE.

2/9/93

THANK YOU,  
*[Signature]*

Dear Alaska State Legislator,

I am writing this letter in support of the proposed annexation of 7.5 acres in No. Palmer, Ak. I will spare you all the details of the issue and why I am in favor because there is just too much material to cover. However, I would like to point out that I have been involved in this issue as an interested party. I live directly across the street from this property and have first hand knowledge of the situation that exists.

Since 1990, I have had to attend numerous Palmer City Council meetings and have given sworn testimony at the Local Boundary Commission public hearing. All parties involved have been afforded due process with time extensions on deadlines, appeals, etc. After this long drawn out process, the Local Boundary Commission voted to approve the annexation and subsequently voted to deny a reconsideration of the issue.

As a Legislator, you may be inundated with letters and/or phone calls from people acting on behalf of Mr. Ed Bailey, the only one of several land owners in the affected area to be so opposed to the issue. Several of his acquaintances have gone so far as to form the "Alaska Citizens Awareness Committee", initially founded for the sole purpose of opposing this annexation. Due to the fact that Mr. Bailey has persuaded his friends, relatives, and acquaintances to support him in his opposition, you may well receive more letters against the annexation than in favor. This has been the pattern in the past, but obviously the City Council Members, L.B.C. staff and the L.B.C. Commissioners were able to see this for what it was.

In closing, I urge you to support the L.B.C. decision and support this annexation for the good of the residents of North Palmer.

Sincerely Yours,

*[Signature]*  
Michael J. Gallagher Family  
546 No. Chugach St./P.O.B. 2991  
Palmer, Ak. 99645  
746-0527

February 9, 1993

Members of House and Senate  
Juneau, Alaska 99801

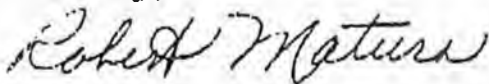
RE: Proposed Annexation of Properties Outlined by the City of  
Palmer, Specifically Those of Robert E. Bailey

Dear Members of House and Senate:

Please be advised that I, Robert Matura, a long time resident of the City of Palmer and neighbor in close proximity to Mr. Bailey, do fully and without reservation support said annexation.

It is my contention that after many public hearings and exhaustive research by the Planning and Zoning Advisory Commission, the Palmer City Council and the Local Boundary Commission, their voted on decision to annex should be honored and supported by this community and our elected representatives.

Sincerely,



Robert Matura  
545 N. Denali  
Palmer, Alaska 99645

02/15/93  
09:22:52

PUBLIC OPINION MESSAGE SYSTEM  
MEMBER OFFICE PHI Phillips

POMS100  
LSNCSLA

From: Mr. TerryN. Clark  
P.O. BOX 871441

Palmer

AK 99645

Tel: 376-2326

Bill# Title:  
Subject BOUNDARIES

NOT RELATED TO SPECIFIC LEGISLATION

Message: MR. BAILEY HAS BEEN AROUND FOR A LONG TIME. HIS PROPERTY DOESN'T  
LOOK ANY WORSE THAN A LOT OF PLACES AROUND THE STATE. THIS IS ALASKA AND I  
THINK THAT THEY OUGHT TO LEAVE THE GUY ALONE. THE CITY OF PALMER OUGHT TO  
REVAMP THEIR THINKING, ALTOGETHER, PALMER WAS ORIGINALLY A PIONEER TOWN.

Entered By: LIOCDAL on 2/ 9/93 PomID 1835 Distribution 5  
MSG: 4 TOTAL POMS SELECTED FOR VIEWING  
Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous PO' PF10 BigWaste

4BÜ

ë-ë27 LINE 1 COL 1

02/15/93  
09:23:53

PUBLIC OPINION MESSAGE SYSTEM  
MEMBER OFFICE PHI Phillips

POMS100  
LSNCSLA

From: Mr. John  
Box 2129

Brown

Kodiak

AK 99615

Tel: 487-4928

Bill#

Title:  
Subject BOUNDARIES

NOT RELATED TO SPECIFIC LEGISLATION

Message: I SUPPORT FD BAILEY. I URGE YOU TO STOP THE PALMER ANNEXATION.

Entered By: LIOCTIN on 2/ 9/93

PomID 1906

Distribution 17

MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

4BÜ

ẽ-ẽ27 LINE 1 COL 1

02/15/93  
09:24:33

PUBLIC OPINION MESSAGE SYSTEM  
MEMBER OFFICE PHI Phillips

POMS100  
LSNCSLA

From: Ms Catherine Ladow  
231 w cedar st

Palmer

AK 99645

Tel: 745-2574

Bill# Title:  
Subject BOUNDARIES

NOT RELATED TO SPECIFIC LEGISLATION

Message: PLEASE VOTE IN SUPPORT OF SJR 20. YOU DON'T NEED THE BOUNDARY COMMISSION TO SETTLE NUISANCE PROBLEMS. RECOMENDATION WILL NOT STRAIGHTEN LINES OR RESOLVE SANITARY OR SAFETY PROBLEMS. MR BAILEY'S NEIGHBORS BOUGHT THEIR HOMES KNOWING HE WAS THERE.

Entered By: LIOCCCC on 2/11/93 PomID 2080 Distribution 60  
MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

4BÜ

ë-ë27 LINE 1 COL 1

02/15/93  
09:25:13

PUBLIC OPINION MESSAGE SYSTEM  
MEMBER OFFICE PHI Phillips

POMS100  
LSNCSLA

From: Mr Mark Chryson  
2140 Wolverine Circle

Wasilla

AK 99687

Tel: 376-8285

Bill# Title:  
Subject BOUNDARIES

NOT RELATED TO SPECIFIC LEGISLATION

Message: NO FORCED ANNEXATION. STOP PALMER'S INSATIABLE APPETITE  
FOR GOVERNMENT GROWTH.

Entered By: LIOCCCC on 2/11/93

PomID 2093

Distribution 59

MSG:

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To: <i>Sen. Reginald AF</i>	From: <i>Debbie</i>
Co. <i>JUNEAU</i>	Co. <i>L10-14750</i>
Dept.	Phone # <i>376-3704</i>
Fax # <i>465-4979</i>	Fax #

Esteemed Senators:

I thank you for the opportunity to speak before you today concerning the City of Palmer's attempt to annex 7.5 acres. My name is Ronda Marcy, and I am a resident of the State of Alaska since 1963. I have several concerns which I would like to address:

Firstly, this annexation is no more than an attempt by the City of Palmer to bring one person into its jurisdiction for the sole purpose of significantly modifying his lifestyle. The City has attempted to buffer its malicious attitude toward this one individual by adding four other property owners under the guise of squaring its boundaries (which this annexation is still not quite doing). This action, launched with the full force and resources of the City of Palmer, including the City Attorney, Mr. Jack Snodgrass, whose own property is an agricultural enclave surrounded by the City of Palmer and whom the City has protected from its zoning ordinances, offered little protection in this annexation to property owners, affected property tenants, and most visably Mr. Robert Bailey, in whose defense I am compelled to speak before you today.

Mr. Bailey is a citizen of the United States of America, and is a resident of the State of Alaska since 1967, and as such, surely has protections through the Constitution of the United States of America which are made mandatory to the State of Alaska through Article VI - The Supremacy Article, of the United States Constitution. The City of Palmer has no jurisdiction to initiate the Legislative Review process simply to modify Mr. Bailey's lifestyle. The City of Palmer is not a party to the legally binding contract of purchase, entered between Morris R. Mooney on behalf of Mr. Bailey, and Mrs. Kay Sandlin, or any additional parcels contracted between Mr. Bailey and any other individual at any future time. Mr. Bailey, or parties on Mr. Bailey's behalf, entered into this legally binding contract on or about July 1967 within the jurisdiction of the State of Alaska with no intent expressed or implied by Mr. Bailey to comply with any additional covenants, restrictions, or requirements imposed other than those written. Mr. Bailey was enticed to develop his property in a manner suitable to his character and within the laws in effect at this time, and improvements thereto, over a period of time under this contractual agreement. If the State of Alaska allows the City of Palmer to violate this contractual agreement, Mr. Bailey has the right to insist on the enforcement of this contract or to expect damages from the State of Alaska and the City of Palmer. By the Local Boundary Commission allowing the City of Palmer to use the Legislative Review process in this manner, the State of Alaska has put itself in a "conflict of interest" situation that makes it responsible for representing the interests of both parties. Therefore, I believe this Legislative Review annexation is in direct violation of the Constitution of the State of Alaska Article I Section 15 - Prohibited State Action which specifically states "No law impairing the obligation of contracts...shall be passed."

This annexation appears contrary to Article I Section 1 - Inherent Rights, that guarantees Mr. Bailey to "have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry;" The City of Palmer only initiated this action to deny Mr. Bailey his natural right to liberty, the pursuit of happiness and the enjoyment of the rewards of his own industry, by annexing his property to the City of Palmer for the sole purpose of, under color of law, restricting his lifestyle, his lawful enjoyment of his current kennel license issued by the Matanuska-Susitna Borough, and by denying him the rewards of enjoying property that he has gathered through his lifetime of industry. Mr. Bailey has reached the years of his life when he should be able to enjoy the fruits of his lawful labors. The City of Palmer, if allowed jurisdiction, will have the authority to contract services to bring this property up to current City of Palmer ordinances, and add the cost of this service to Mr. Bailey's utility bill. This would result in undue financial burden on Mr. Bailey, directly and ultimately resulting in Mr. Bailey losing this property. The City of Palmer has barely masked it's malicious attitude towards Mr. Bailey. This was made evident to me, when while collecting signatures in the Eagle Street area, a Palmer City Police Officer stated to me personally that He "couldn't wait to arrest Mr. Bailey." in a blatant attempt to impugn Mr. Bailey's character.

Mr. Bailey is also unable to afford any increases in his property taxes and would ultimately lose the property for failure to pay City of Palmer property taxes. The other affected property owners, depending on their financial situation, could be adversely effected in this same manner. This would result in the City of Palmer taking Mr. Bailey's property, or other effected owner's property, without any just compensation, and the violation of Article I Section 18 - Eminent Domain which clearly states "Private property shall not be taken or damaged [Emphasis added] for public use without just compensation". Mr. Bailey's property is clearly damaged when he will no longer be able to live in the legal manner which he contracted to live when he purchased the property. Clearly, The Dewey's are similarly damaged when they are no longer able to continue the agricultural use of their property. The City of Palmer has also asserted that it intends to make Mr. Bailey reduce the number of dogs he is allowed to have, from the 15 on his current kennel license, to three (3), without any compensation for his loss, therefore further violating Article I Section 18.

That this Petition originated out of Palmer City Council as evidenced in city meeting minutes, not due to "concerned citizens" as the city has purported, and early City of Palmer meetings concerning this annexation violated Article I Section 1 that states "all persons are equal and entitled to equal right, opportunities and protection under the law."

③

The City of Palmer did violate due process by not properly redressing concerns, or counting public opinion, that authorized the City of Palmer, under color of law, to continue with this annexation. City Manager, David Soulak, acting as a interested party, and accounting for official tally for responses from his June 11, 1992 correspondence to area residents, did not do so properly, and in acting in both of these manners, again violated the property owner's guarantee of equal protection under the law. City of Palmer did violate due process by filing a "Final Appeal" that raised new charges concerning Mr. Bailey and that the Local Boundary Commission violated due process by accepting City of Palmers Final Brief, violated due process by not allowing Mr. Bailey adequate time or forum, such as cross examination under oath, for Mr. Bailey to respond to City of Palmer's accusations. City of Palmer again violated due process and equal protection clauses by raising two more issues in the Anchorage Daily News on December 18, 1992 which may of affected the decisions of Local Boundary Commissioners, most notable Anchorage Commissioner Mr. Lamar Cotton.

City of Palmer did trespass unlawfully on Mr. Bailey's property in attempting "to take an informal survey of his tenants", and used this illegally gained information to form documentation used as argument for taking his property into City of Palmer's jurisdiction. This violates Article I Section 1 and Section 7 of the Constitution of the State of Alaska. City of Palmer Police did again trespass unlawfully, under color of law, when it followed a tennant on to Mr. Bailey's property because he at the time was alleged to have failed to stop at a stop sign some blocks away, and proceeded to arrest this tennat though the tennant was not in the jurisdiction of the City of Palmer Police Department at the time of this arrest. City of Palmer Police have taken an active and as mentioned earlier, vocal part in this annexation, though when questioned about the Palmer Police's involvement, the Mayor of Palmer denied that he had requested their involvement. I am concerned by what I perceived as continued harrasment of Mr. Bailey by the City of Palmer, and officials thereof.

I am concerned by the Mat-Su Boroughs actions in this annexation as well. I have asked my assembly representative Mr. Robert Wells, to look into why Mr. Bailey was not personally notified when his name personally appeared in a Borough Ordinance. I would think this personal notivity should afford Mr. Bailey a bit more notice than the standard obscure newspaper announcement.

Also, by allowing City of Palmer ex post facto jurisdiction, ie., making Mr. Bailey conform to city laws developed prior to the effective date of this annexation, City of Palmer will violete, and has stated its intention to do so, Article I Section 15 - Prohibited State Action which states "...no ex post facto

④

law shall be passed." This would also abridged Mr. Bailey "privileges and immunities" granted by the Matanuska-Susitna Borough and protected under United States Constitution Article I Section 14. Though I don't know whether I have phrased this concern adequately, I am addressing Mr. Bailey's Grandfather Rights.

Article VIII Section 18 - Protection of Rights establishes the Constitutional guarantee that "No person shall be involuntarily divested of his rights to ... his interests in lands, or improvements...except for a superior beneficial use or public purpose and then only with just compensation and by operation of law. This petition initiated without merit by the City of Palmer and passed by the Local Boundary Commission to the State Legislature is directly contrary to Mr. Bailey's rights as articulated in Article VIII Section 10.

The Local Boundary Commission does not have expertise or authority to deem Mr. Bailey's property "a health, safety or welfare threat", and to any extent that there is any merit to this claim, the property is being annexed for Public Welfare, and would then be deemed being annexed for a public use, and Mr. Bailey should be justly compensated as defined by Article I Section 18. The only knowledgeable and factual documentation concerning his property was reported by Ms. Cathy Hummel, a Sanitation expert from Alaska Health Project, who stated to the Local Boundary Commission that no health threat existed on the property. Ms. Hummel is in attendance today and prepared to answer any questions that you may have for her.

Due to the lack of the Local Boundary Commission's knowledge in the health, safety, and welfare standards, and in light of no valid ordinances passed that legally deemed this area a threat to public health, safety or welfare, that by denial of Mr. Bailey or his Consultant to cross-examine witnesses, and by allowing false or erroneous information to be entered as sworn testimony and lack of substantial evidence, this procedure did not establish adequate safeguards for Mr. Bailey who is affected by this administrative action and therefore violated Article I Section 7 of the Constitution of the State of Alaska.

In the absence of any substantial evidence that would support a valid "threat to health, safety or welfare", and in light of a State Certified Sanitarian's report supporting Mr. Bailey's position, this action is arbitrary and discriminatory, hence an unnecessary and unwarranted interference with Mr. Bailey's liberty. Assessments from improvements that are not warranted or requested, place a substantial undue burden on Mr. Bailey, which could ultimately and in all likelihood lead to Mr. Bailey having his property taken without just compensation. This action violates Mr. Bailey's Constitutional Rights under Article I Section 1, Section 7 and Section 18.

subjected to violations of his Constitutional Rights at City level meetings without equal protection as evidenced by earlier annexation attempts from City Planning and Zoning that labeled "this parcel a health hazard". "Health Hazard" as defined by AS is "a substance capable of causing a threat to the health..." yet no evidence was presented that substantiated any evidence of such substance. Further Violation of this Section is evidenced by the fact that Mr. Robert Maturea, whom it appears authored the 1989 petition against Mr. Bailey, and who's signature appears first on said petition, was the Acting Chairman of the City of Palmer Planning and Zoning Commission. A petition that Councilmember Henderson requested at a previous City Council meeting. It should be further stated here that portions of this annexation proceeding may have been in direct violation of Federal criminal statutes 18 USC 241 - Conspiracy to Violate Civil Rights, and 18 USC 242 - Violation of Civil Rights under color of law. Mr. Bailey is in the process of securing council to determine if he has cause for action under these sections, and if in the course of a judicial appeal of this annexation, further evidence is presented that these violations have occurred. City of Palmer again violated Article I Section 1 when it began annexation procedures merely because the Court had ordered the Borough to return Mr. Bailey's Kennel License. City of Palmer did, knowingly and intentionally mislead the Local Boundary Commission in its February 26, 1992 Supporting Brief which states:

In 1990, the City received a petition signed by 61 area residents (Which, I noted, by the way, is less than 2% of the population of Palmer.) urging the City to annex this area because of the continued problems of loose dogs going onto adjoining property and getting into garbage cans, dogs harassing school children waiting for the school bus at a designated pick-up site, Matanuska winds depositing debris from this area into their yards, decreased property values by the continued accumulation of inoperable cars and trucks, and accumulation of used building materials, to name a few of the legitimate concerns. [Emphasis Added]

This petition was presented to, after being requested by, the City of Palmer in August of 1989, as shown by City Council meeting minutes. The City of Palmer has also added a few more of what they deem "legitimate concerns" in the above paragraph than what actually appear in the original petition. Though this petition, stated as received in 1990, was itself not dated, and the attached letters are dated July and August of 1989. It should be noted that City of Palmer had used this petition at an earlier annexation attempt that was voted down in City Council. City of Palmer again used this petition to start this annexation attempt, without evidence in City Council minutes of further involvement by any "concerned citizens".

It is stated in the City of Palmer's supporting brief that:  
 At that time (January 23, 1990) the City chose not to annex this property subject to the Legislative Review

(6)

would police themselves to alleviate the concerns of the City residents. (Emphasis Added)

Meeting minutes from this period do not support this statement one iota. Mr. Bailey has clearly been coerced, under color of law, by the City of Palmer to conform to laws to which have no jurisdiction over him. Evidence of this type of coercion appears at the July 23, 1991 Public Hearing:

Mayor Carte' mentioned if the Council voted to proceed with this annexation, it won't become effective until 1993. If Mr. Bailey continues to work on cleaning up his property like he has (Emphasis added), in two years he probably won't be violating any codes.

It was insinuated by the Mayor that Mr. Bailey was in violation of code, and if he "continues to work on cleaning up his property", as though the City of Palmer was already coercing him to alter his lifestyle to fit City of Palmer jurisdiction. On top on this, they state in the brief that he did "nothing to alleviate his neighbor's concerns."

City of Palmer cites Fairview Utility v. City of Anchorage as proof that they do not need any property owners permission to annex privately owned property. I find it doubtful that Fairview Utility v. City of Anchorage meant to establish the Legislative Review process to subject property owners to "policing themselves" to laws under which they had no jurisdiction merely to "alleviate the concerns of City residents." City of Palmer certainly did nothing to alleviate the concerns of its residents. They clearly engendered untrue accusations and further violations of Mr. Baileys rights.

The City's Supporting Brief continues:

The large number of unleashed and unrestrained dogs which the Matanuska-Susitna Borough allowed to be on the premises has taxed the City's Police department.

Yet further in the proceedings the City states that they can do a better job than the Borough in offering Animal Control. Contrary to the City's supporting brief are the April 14, 1993 City Council meeting minutes which tell an entirely different story. Less than two months after the city filed its supporting brief, Mayor Carte' addressing the City Counsel states that he spoke with the Chief of Police and they do not receive that many dog complaints. City Councilmember Long, whose signature also appears on the 1989 Petition arbitrarily states "she can flood the Police Department with calls if that's what is needed." (This statement was not made in direct reference to Mr. Bailey, though it illustrates the complaint tactics employed by the residents.) This discussion also focuses on the problems a Canine Officer faces trying to handle animal control complaints. Clearly, Senators, Mr. Bailey has been repeatedly denied, through the use of this process his Inherent Rights enumerated in Article I

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Though I have centered this discussion on Mr. Bailey, my concerns are far greater for the precedent that this annexation sets, especially formed under a malicious pretext such as this. In Seward Chapel, Inc., v. City of Seward, 655 P.2d. 1293 the court explained

[s]ubstantive due process is denied when a legislative enactment has no reasonable relationship to a legitimate government purpose. It is not a court's role to decide whether a particular statute or ordinance is a wise one; the choice between competing notions of public policy is to be made by elected representatives of the people. The constitutional guarantee of substantive due process amounts only that a legislative body's decision is not an arbitrary one but instead based upon some rational policy.

To allow the City to continue with this annexation, based upon the information I have presented would certainly be arbitrary on the part of this committee.

I submit with this quote from the late Senator Robert A. Taft who authored this lasting definition of liberty.

When I say liberty, I mean liberty of the individual to think his own thoughts and live his own life as he desires to think and live.

In "Profiles in Courage" by John F. Kennedy, he says of Senator Taft.

This was the creed by which Senator Taft lived and he sought in his own fashion and in his own way to provide an atmosphere in America in which others could do likewise.

I ask now that you protect this "atmosphere", protect and uphold, as you are sworn to do, the rights of Mr. Bailey, and the other affected property owners. Protect me, and my family, from the precedent this annexation sets, and from the loss of any of Mr. Dewey's agricultural land that would directly affect the amount of local grown hay available for my livestock. This I ask of you, my elected representatives. Please stop this abuse of the annexation process and this assault to basic liberty! Thank you!!!

Ronda L. Marey  
HC, 33 Box 3169  
370-2232

STATEMENT TO THE SENATE C&RA COMMITTEE  
BY DARROLL HARGRAVES, CHAIRPERSON, LOCAL BOUNDARY COMMISSION  
REGARDING THE ANNEXATION OF 7.5 ACRES TO THE CITY OF PALMER

February 8, 1993

Thank you Mr. Chairman.

The Local Boundary Commission was created under Alaska's Constitution to ensure that proposals involving local government boundaries would be analyzed objectively, with consideration given to the interests of all of parties. In the case of the Palmer annexation, these include:

- the residents & property owners within the area proposed for annexation;
- the residents & property owners surrounding the area proposed for annexation;
- the City of Palmer; and
- the Matanuska-Susitna Borough.

Before the Commission acted on the Palmer annexation proposal, it considered hundreds of pages of written comments and other material. It also listened carefully to many hours of testimony. Our decision was a difficult one, but one that I strongly believe represents the balanced best interests of all involved.

Using the criteria set out in law, the Commission approved the City of Palmer's annexation petition based upon the following findings and conclusions:

1. The territory proposed for annexation is clearly part of the compact community of Palmer. Nothing separates that property from the adjoining property except the invisible corporate boundary of the City of Palmer.

As part of the community, the property in question should rightfully be governed by the same law and rules which apply to other property in the community. These laws and rules have been enacted by the duly elected representatives of the community.

2. Conditions existing in the area proposed for annexation represent a threat to the health, welfare or safety of adjacent residents.<sup>1</sup> Among these threats is a large number of dogs which are a major source of animal control

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<sup>1</sup> The phrase "health, welfare, and safety" is interpreted by the Commission in a broad manner. The term includes the prosperity, well being, or convenience of the public at large, as distinguished from the advantage of an individual. It embraces the primary social interests of safety, order, morals, economic interests, and non-material and political interests.

STATEMENT BY DARROLL HARGRAVES  
PAGE TWO

problems. Unfortunately, the dogs do not respect the invisible corporate boundaries of the City. The Commission heard many reports of historical and contemporary incidents of animal control problems stemming from the area in question.

The Commission was persuaded by the City's argument that the dog problems constitute a threat to the health, welfare and safety of City residents. The City cited the standard treatise on municipal law which noted that :

*Dogs have been viewed as constituting nuisances, at least where they are ferocious or have the habit of jumping and biting at children or other people. Indeed, such a dog is a nuisance of the worst sort . . . . Furthermore, the keeping of dogs may be a public nuisance by reason of their howling, barking and whining, the stench they cause, unsanitary conditions in which they are kept, or their disturbing of people in the reasonable use and enjoyment of property, or where any of these factors cause annoyance, discomfort or injury to the health or welfare of persons.* 7 McQuillin, Municipal Corporations, §24.284 at 195, 196 (3d ed. 1989). See also 4 Am. Jur. 2d, Animals, §63 at 312; and 66 C.J.S., Nuisances, §22 at 786.

Other potential health, welfare and safety concerns relate to the existence of some fifty abandoned vehicles and untold quantities of other material on the property in question. The City characterized this circumstance as "an accident waiting to happen for City families to live next to an unregulated junkyard full of attractive nuisances" The City also stated that "[W]hile the Borough law, which is written for rural areas, allows this unsafe and unhealthy condition, the City Code requires its abatement. Cleaning up will not be unduly expensive . . . ."

Again, unfortunately, children who might be lured into danger by the alleged attractive nuisances do not acknowledge the invisible corporate boundary of the City of Palmer.

Additionally, it has been noted that all of the dwellings in the territory proposed for annexation use pit privies. The City of Palmer noted that "It is unhealthy and unsafe for the City residents to live downhill from lots containing a dense population using privies for a sewerage system when such lots could not lawfully be established under current health and subdivision laws. These dangers would be eliminated by annexation as the

STATEMENT BY DARROLL HARGRAVES  
PAGE THREE

*property would be connected to the City's water and sewerage systems, which are DEC and EPA approved. The City has the capacity and is willing to serve the territory; and City water and sewer services presently abut the territory."*

Here again, sewage and wastewater do not recognize the invisible corporate boundaries of the City of Palmer.

Collectively, the Commission viewed the circumstances in the area in question as a threat to the health, welfare, or safety of city residents.

Further, the Commission found evidence that neighbors and adjacent property owners, as well as local officials, have diligently attempted to resolve the problems stemming from the area in question over the past many years. However, those efforts have failed. Annexation will enable the City of Palmer to address the threats to health, welfare or safety.

In addition to the preceding findings and conclusions, the Commission determined that:

3. The City of Palmer is willing and able to serve the area proposed for annexation.
4. The City of Palmer provides road maintenance to the area proposed for annexation and receives no property tax payment for same.

These last two conclusions are far less significant than the first two, however, they warrant a brief mention.

In conclusion, I respectfully urge the Committee to support the legitimate need for the extension of the jurisdictional boundaries of the City of Palmer.

If you have any questions, I will attempt to answer them.



# Border feud entangles courts, state

By BRIAN O'DONOGHUE  
Daily News reporter

**PALMER** — Lawmakers and the courts are getting drawn into Ed Bailey's feud with neighbors angry about his noisy dogs, abandoned cars and other rusting treasures scattered across his property.

A state Senate committee is scheduled today to review Palmer's bid to expand city limits to include Bailey's property. The annexation, if approved, would give the city authority it now lacks to force the old pioneer to get rid of most of the mutts and clean up

his land.

Under city ordinances, Bailey and his six tenants would also have to quit using outhouses and hook up the shacks on the property to Palmer's municipal sewer and water service.

The city's request to redraw its borders was approved last December by the state's Local Boundary Commission. Lawmakers have until the end of the month to block the annexation, or the commission's decision becomes law.

The Senate Community and Regional Affairs Committee will

discuss Bailey's case and other boundary commission issues during a hearing starting at 9 a.m. according to the office of committee chairman Sen. Randy Phillips, R-Anchorage. The hearing will be teleconferenced to the Mat-Su Legislative Information Office.

Bailey, 58, wants nothing to do with the city or his suburban neighbors, who moved into the area long after he did. This fall, he and his friends took scrap materials and threw up a ram-

Please see Page B-2, BAILEY

Continued from Page B-1

shackle fence, partially screening "God's Garden," as Bailey calls his noncommercial junkyard, from the critics. The fence failed to appease city officials.

Last week, Bailey took his plea to be left alone to court.

In a seven-page appeal, filed without an attorney, Bailey complained that Palmer shouldn't be allowed to use the annexation process to cure a local dispute.

Decisions by several gov-

ernmental boards involved were also influenced by conflicts of interest, he said.

For example, according to Bailey, the member of the Palmer Planning Commission who cast the deciding vote against him should have been disqualified, since the man had already signed a petition requesting the city's help against him.

Bailey's lawsuit was assigned to Judge Beverly Cutler of the Alaska Superior Court in Palmer. No date has been set for the first hearing.

# Boundary dispute reaches Capitol

ADN 2/11/93

By BRIAN O'DONOGHUE  
Daily News reporter

**PALMER** — Ed Bailey's feud with his neighbors now has lawmakers choosing sides in the state Capitol.

On Wednesday, a resolution was introduced in the state Senate to block Palmer's attempt to force Bailey and his friends to clean up his property and get rid of the dogs that have the neighbors so upset.

The city wants to expand its borders to include Bailey's 2.5 acre tract and four other landowners' lots on the edge of town. If the annexation takes place, it would allow Palmer to enforce city ordinances that ban unregistered vehicles and limit a person to three dogs.

*Though Bailey's lifestyle is clearly at odds with his more urban neighbors, his argument — that he was there first — is attracting support in Juneau.*

Palmer city officials contend they need such powers to deal with the "public nuisance" posed by Bailey and his seven friends, who live in a cluster of unplumbed shacks, surrounded by 50 rusting cars and trucks, and sometimes as many noisy dogs.

The state's Local Boundary Commission approved Palmer's annexation plan in a close vote in December. Unless the House and Senate

say otherwise before March 7, the annexation will take effect.

Though Bailey's lifestyle is clearly at odds with his more-urban neighbors, his argument — that he was there first — is attracting support in Juneau.

"People knew he was already there when they moved in. They chose to be there," said Sen. Randy Phillips, R-Eagle River and chairman of the Senate Com-

munity and Regional Affairs Committee.

Following a hearing Tuesday before Phillips' committee, Senate President Rick Halford, R-Chugiak, called for a resolution opposing the city's plan. The committee is scheduled to vote on the resolution next week. If it's approved, it could move quickly to the Senate floor for a vote, Phillips said.

Angry neighbors and city officials say it's unreasonable for Bailey to think he can fence out the subdivision that's grown up around him since he bought land on the edge of town in 1967.

"If Mr. Bailey wanted to taste old Alaska, I suggest he should have moved far-

Please see Page B-3, BORDER

## **BORDER:** Lawmakers start choosing sides

Continued from Page B-1

ther away than across the street," Palmer Councilwoman Marsha Melton told lawmakers from a teleconference site in Wasilla.

Senate Majority leader Robin Taylor, R-Wrangell and a member of the committee, expressed amazement that the legislature had been drawn into the local squabble.

"I've never seen this before in the eight years I've been here," Taylor said, chuckling.

Taylor said he was struck by the testimony from city attorney Jack Snodgrass, who acknowledged his family's farm has become an enclave, surrounded by, yet not part of, Palmer.

"The community doesn't wish to annex land it completely surrounds, but wants to annex this man's property for essentially a nuisance problem?" Taylor asked. "I really don't think that's the place the boundary commission should be involved."

The legislature's involvement spells trouble for Rep.

Ron Larson, D-Palmer, who's lived a few blocks away from Bailey for more than 20 years.

"He doesn't bother me one way or the other," Larson said in a phone interview from Juneau.

Larson said he's not eager to take a stand on the city's annexation plan. Passions on both sides are running high back home.

"I couldn't tell you how I'd vote at this time," Larson said. "Some of my friends like it and some of my friends don't. Right now,

I agree with my friends."

Sen. Jay Kerttula, Palmer's voice in the legislature for 30 years, rose in opposition Wednesday as Phillips requested permission from the Senate to act on the resolution without delay. Because of Kerttula's protest, the bill will sit in committee an extra five days, a move that allows time for further hearings but brings the deadline for halting the annexation ever closer.

Kerttula did not return calls Wednesday.

February 9, 1993

Senate Community & Regional Affairs Committee

Gentlemen:

Not being very comfortable with Public Speaking, yet needing to defend my character and my liberty against this annexation, I have decided to this letter faxed to you.

My animals have, again and again, been brought up as a reason to annex this property. I have found that it is very difficult to answer to outright lies that have been spread by a very few individuals, and the City of Palmer. Three small pages of lies takes volumes and volumes to respond to. The charges that were mentioned by Councilmember Melton this morning are stale and unsubstantiated. My dogs do not bark "day and night". If they were allowed to this alleged continuous barking, it would certainly be a bother to me; I share my cabin with them. The only two instances where my dogs have bitten anyone, which occurred years ago, resulted in the people involved apologizing to me for their inappropriate behavior around my dogs which directly led to the bite occurring. I have never even been cited for any dog bites.

The claim that a dog from this property killed Mr. Smith's peek-a-poo raised during this annexation is the first I can ever remember hearing of this incident. The was not my dog, but belonged to a tenant that was on the property when I purchased those lots.

In all the years that I have suffered this attack from these people, through all the Animal Control complaints lodged against me, and the complaints mentioned by the City today, the Matanuska Susitna Borough never was able to substantiate these accusations and the great bulk of these complaints were made over 3 years ago by mostly the same six people. In fact during the summer of 1989 when this attack intensified and a large volume of complaints were made, a crew that had worked in this area reported none of my dogs were seen or heard. Once the crew left, a large number of complaints, that were never substantiated by Animal Control, came flooding in.

I do not allow my dogs to run loose. They sleep with me inside my cabin at night. My dogs have occasionally escaped, over the years, but I am always prompt to catch them. I have picked up trash in this neighborhood, whether spread by my dogs, or one of the one hundred in this area. My dogs are continually being blames for behavior that is impossible for them to be doing.

There have never been any problems with my dogs and children. Children are over here every day without incidents. I am a grandfather, with 7 on the ground and three "in the pocket".

People may scorn me for my hobby of finding uses for what other's discard, but what those City people call junk is often useful and necessary items to people without. Some Valley mothers bring their children to my house to pick up clothing or other necessary items, for the entire family.

My dogs love children, and in light of the fact that I do not let them run loose, I deny that they have ever "harassed" children at a school bus. The City has not shown me any documents from the Borough that verify that anyone has ever had any problems with the School Bus Stop.

There is no trash or litter from spread my property. Stacks of pallets and antique cars are not litter. There is no "loose debris" on my property that could possibly be blowing into the neighbors yard. If the items in my yard could blow around, they would have long since ended up in the neighbor's yard. Eagle Street is a school route, and I am made to pick up blowing garbage as much as any resident of this Valley.

These people actually accuse me of devaluating their property, and continue to argue that they haven't been able to sell houses in this area because of me. A realtor stood up at the Local Boundary Commission hearing and stated that she had sold this person's home, but the buyers were unable to get financing.

Mr. Gallagher, with his usual respect for the truth, stated this morning that he has been on his property since 1982. I don't believe he became a neighbor to me until after 1989.

These people, including the City, have ever discussed what I would need to do to appease them. They have never spoken to me in a civil manner, or addressed me to "alleviate" their concerns.

They have instead threatened me repeatedly with annexation, and ridiculed any attempts that I have made to conform to their standards, or alleviate any concerns of theirs to my lifestyle, so far.

Mr. Snodgrass spoke this morning, saying that he was there first and the City grew around him, even condemning part of his property. Now they are doing this to me. Why is this not O.K. for him, but O.K. for me? Does he have City sewer and water on his property?

I am now and, to my knowledge, always have been within Borough Code. I have now fenced the entire property and double fenced my yard in an attempt to appease these neighbors.

They keep saying something about a refrigerator on my property that is dangerous to children. One tenant has a fish smoker that he made from a refrigerator, that is similar to one owned by my complaining neighbor, Mr. Vogt. This smoker couldn't suffocate anyone with the large holes that have been cut it. The City and the neighbors are just digging, with no substantial proof, for evidence of wrong doing on my part.

I am sorry that this annexation has affected 4 other property owners, innocent of anything to do with this. My neighbors outside of the City have always been good neighbors to me, and I am sorry that this has the potential to set a precedent against them as well. I have tried to appease my City neighbors, but nothing will appease them. I will not build a bunch of houses here as the City wants. I will continue to fight for my rights, especially my right to use my property for my own needs. My property Deed states " to have and to hold the same, with the tenements, hereditaments, and appurtenances there unto belonging or in anywise appertaining unto the said grantee(s), and to all its success's and assigned, forever." This means that my property is mine, and my children's forever. I strongly oppose this annexation and hope that you will also. Thank you!

Mr. Robert E. Bailey

*Robert E. Bailey*