

HJR

39

Alaska State Legislature House of Representatives

Interim

3340 Badger Road
North Pole, AK 99705
(907) 488.0847 - Phone
(907) 488.4271 - Fax
Rep.Tammie.Wilson@legis.state.ak.us



Session

State Capitol
Juneau, AK 99801
Phone - (907) 465.4797
Fax - (907) 465.3884

Representative Tammie Wilson

Sponsor Statement

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

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

Substantive problems with the annexation proposal:

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

Severe Flaws of Due Process with the annexation proposal:

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

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

I appreciate your support for HJR 39.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HJR39
() Publish Date: _____

Identifier (file name): HJR39-LEG-COU-2-19-10 Dept. Affected: Legislature
Title: "Disapproving the Local Boundary Commission recommendation regarding the annexation of territory..." RDU: Legislative Council
Sponsor: House Community and Regional Affairs Committee Component: Council and Subcommittees
Requester: House Community and Regional Affairs Committee Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This Legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
Division: Legislative Affairs Agency
Approved by: Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
Date/Time 2/19/10 3:27 PM
Date 2/19/2010

Provided by Representative T. Wilson

HJR 39 Outline

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

What is the Local Boundary Commission?

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

What is the Legislature's role with boundary changes?

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

What is the process of initiating an annexation?

There are two paths for annexation:

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

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

Have LBC reports ever been disapproved?

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

Do the residents in the affected areas want annexation?

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

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

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

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

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

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

What is the proper method of disapproving an LBC report?

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

By: Hank Bartos
Introduced: 01/21/2010

FAIRBANKS NORTH STAR BOROUGH
RESOLUTION NO. 2010 – 08

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

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

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

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

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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined & bold
Text to be deleted is [BRACKETED, CAPITALIZED & BOLD]
Fairbanks North Star Borough, Alaska RESOLUTION NO. 2010- 08
Page 1 of 2

35

36

PASSED AND APPROVED THIS __ DAY OF _____, 2010.

37

38

39

40

41

Mike Musick
Presiding Officer

42

43

44 ATTEST:

45

46

47

Mona Lisa Drexler, MMC
Municipal Borough Clerk

48

49

50

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be added is underlined & bold

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

By: Guy Sattley
Introduced: 09/11/08
Adopted: 09/11/08

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2008 - 35

A RESOLUTION OPPOSING THE CITY OF FAIRBANKS' PROPOSED ANNEXATION OF THE FRED MEYER SUBDIVISION

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

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

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

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

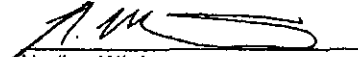
WHEREAS, the proposed annexation will financially impact Borough taxpayers through an annual loss of over \$378,000 in taxes including Nonareawide EMS, Nonareawide Economic Development, Solid Waste, and Alcohol Taxes, but will not reduce the services provided by the Borough.

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

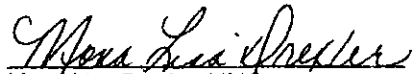
BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the City of Fairbanks' Mayor and Council and to the Local Boundary Commission.

44
45

PASSED AND APPROVED THIS 11th DAY OF SEPTEMBER 2008.

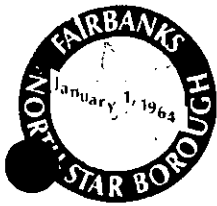

Nadine Winters
Presiding Officer

ATTEST:


Mona Lisa Drexler, MMC
Municipal Borough Clerk

46
47
48
49
50

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



Fairbanks North Star Borough

Office of the Mayor

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1300

Fax 907/459-1102

Email mayor@co.fairbanks.ak.us

February 18, 2010

House Community & Regional Affairs Committee
Alaska State Capitol
Juneau, Alaska

RE: Support for HJR 39 Opposing LBC Annexation Approval

Dear House Community & Regional Affairs Committee:

The Fairbanks North Star Borough respectfully requests that the Legislature deny the annexation of the Fred Meyer Subdivision to the City of Fairbanks. The City chose to do this annexation through the Legislative Review Process of AS 29.06.040 and, it is the Legislature's responsibility, as set forth in law, to review this annexation. This is especially important because there was no vote of the people concerning this annexation which would have been required had the City chosen the annexation under the local action process. Furthermore, the City chose to consolidate the annexation of the enclave lots with the annexation of the Fred Meyer Subdivision. The Fred Meyer Subdivision should not be annexed just because the enclave lot annexation makes sense. The two issues were divided by the LBC and should have been divided in two separate petitions by the City. They are not contiguous or related.

There are several reasons why this annexation should be denied:

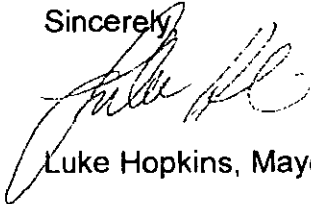
1. First and foremost is the safety issue. The Fred Meyer Subdivision is currently in the University Fire Service Area and the UFSA Station 2 is approximately .6 miles away from Fred Meyer's door. The nearest City station is 3.1 miles away and an ambulance or fire truck must go through 10 signaled intersections down Airport Way, one of Fairbanks' most heavily trafficked streets, to get to Fred Meyer. If a person has a heart attack at Fred Meyer, there is no argument that the UFSA can and will respond significantly faster than the City. As they say in the emergency industry, "Time is tissue." There has been no showing of **need** for this annexation.
2. There must be a cost benefit analysis—particularly when there was no public vote. The City has chosen to annex only one small, but lucrative subdivision which will not require significant costs to the City. In its petition, the City indicated that the increased costs to the City would be only \$39,000 to \$52,000 per year. The increased cost to the Fred Meyer Subdivision owners would be approximately \$68,000 in increased taxes and fees. Yet the subdivision is not getting any significant increased services – if anything, the services are slower and, therefore, decreased.

3. It is bad public policy to allow one municipality to financially cannibalize another. Annexation of the Fred Meyer Subdivision would remove the 2nd largest taxpayer from service area. Between property tax loss to the service area and loss in alcohol taxes and non-areawide taxes, the Borough would lose over \$475,000 each year. The LBC concluded that the loss was "de minimus" but not to Borough taxpayers. Taxes will have to be raised in the service area and Borough-wide to cover this loss. The City residents will have a reduction in their taxes after the annexation because the City is gaining over \$600,000 in new revenues while the Borough residents' taxes will be increased. If this area truly needs to be annexed, the City should have requested annexation of the residential subdivision to the south and the rest of the commercial area to the west, rather than picking only the most lucrative piece of property that will bring in the most revenues with the least cost to the City.

4. Finally, the Borough did not get a fair hearing. For example, the LBC did not allow cross-examination of witnesses, which prohibits real factual inquiry during the process. At the same time, the LBC used a hyper-sensitive conflict analysis which deprived the 4th Judicial District of any vote on the LBC. The representative from the 4th Judicial District was forced to recuse himself even though he had no financial interest in the issue. A review by the Legislature is necessary to provide the residents of the interior representation in this annexation decision.

The Legislature has denied an annexation in the past (Livengood in 1990). The Borough asks that the Legislature pass the resolution denying the annexation of the Fred Meyer Subdivision.

Sincerely,



Luke Hopkins, Mayor

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

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

RESPONDENT'S REQUEST FOR RECONSIDERATION

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

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

This request for reconsideration is for the following reasons:

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

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

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

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

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

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

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

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

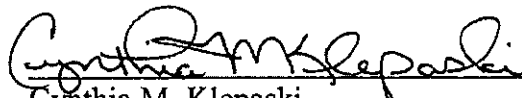
The LBC’s Statement of Decision does not include any specific and persuasive showing to the contrary. The decisional statement merely gives a summary statement that “the territory is already fully developed and receiving services” and “the expanded City of Fairbanks would contain all land and water necessary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

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

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

DATED at Fairbanks, Alaska this 28th day of December, 2009.

Fairbanks North Star Borough


Cynthia M. Klepaski
Assistant Borough Attorney

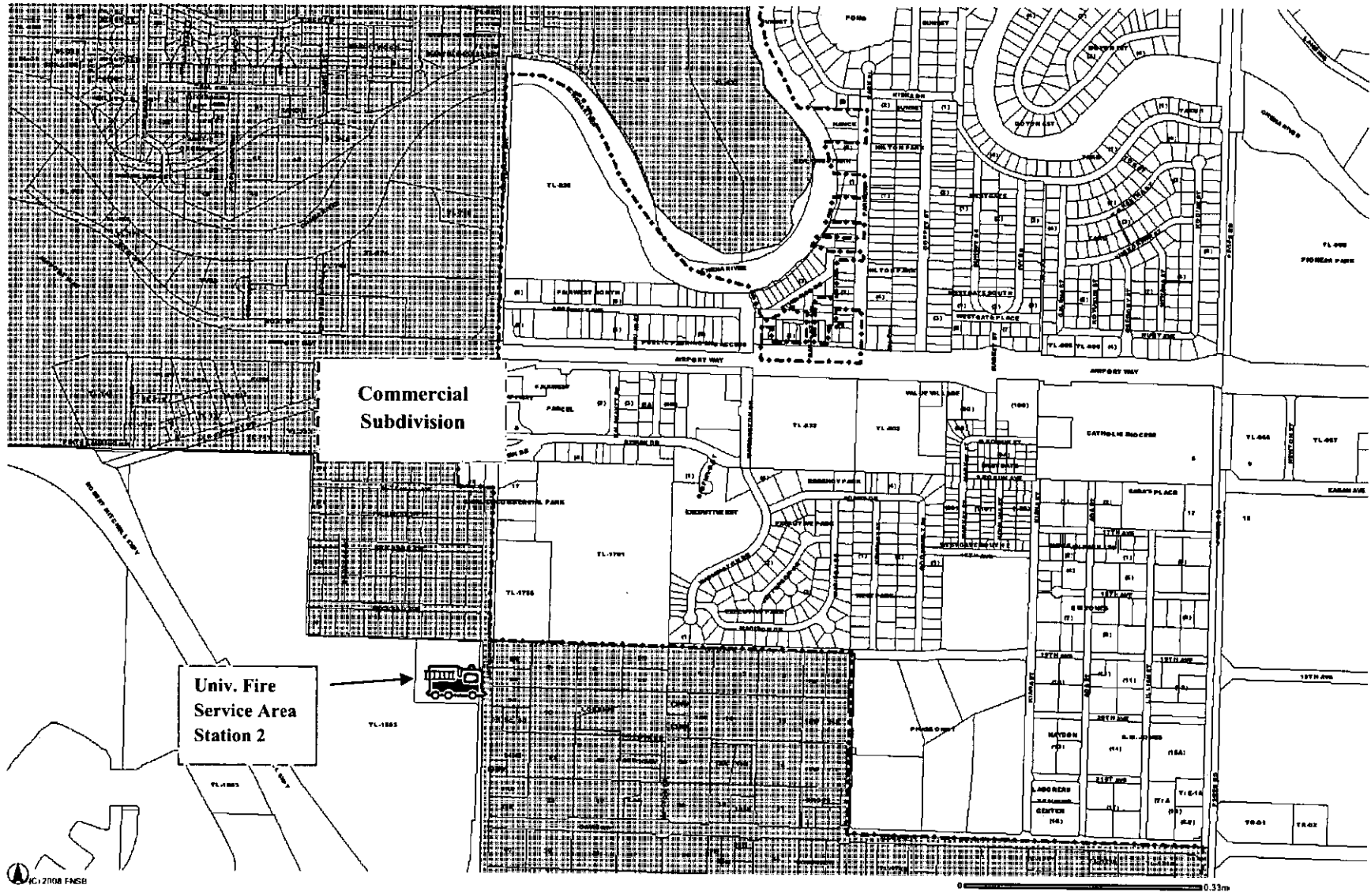
"Time is Tissue"

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


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

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

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



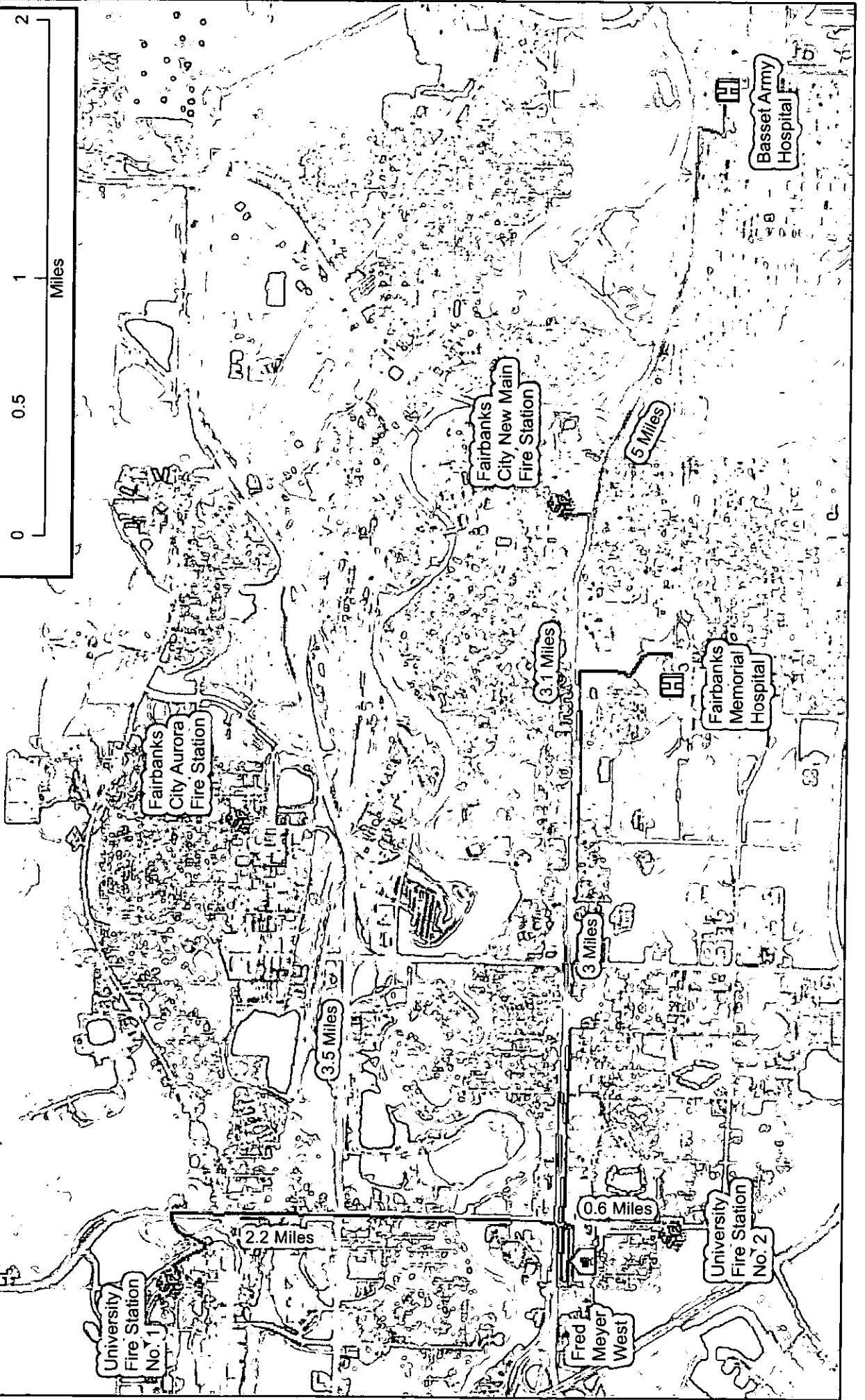
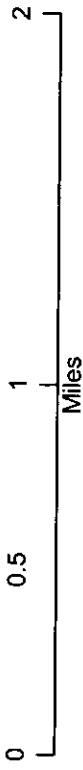
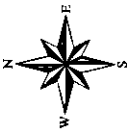
University Fire Service Area if the Commercial Subdivision is Annexed

- University Fire Service Area (partial) 
- City Boundaries - - - - -

PROPOSED CITY OF FAIRBANKS ANNEXATION

Distances from Fred Meyer West to existing Fires Stations and hospitals

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



Lost Revenues to Borough from Annexation of Fred Meyer Subdivision

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

assessed values did not significantly increase in 2009

Borough taxes that would not be charged to FMSub after annexation

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

*Alcohol taxes are confidential but actual is higher

SUMMARY:

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

Expenses v. Revenues for City

Expenses

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

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

Revenues

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

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

Borough's calculation

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

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

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

Increase cost to Fred Meyer Sub owners

2.35 mills as per page 14 of the City's Petition
 \$58,659 Increased property taxes(=2.35 mills x 2008 assessed value for FM Sub)

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

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

Provided by Representative T. Wilson

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

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

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

YEAR	Runs to FM,TB and MMB	MA Rec'd from FFD@ FM,TB,MMB	Total MA Rec'd from FFD (not limited to FM, TB and MMB)	Total Mutual Aid Given to FFD
2000	22	0		
2001	16	0	no data for these years is available with the new program used by the UFSA to keep statistics	
2002	24	0		
2003	23	0		
2004	23	0	11	52
2005	18	0	11	54
2006	33	0	14	35
2007	36	0	14	46
2008	48	0	15	40
Total	243	0	65	227
FM	Fred Meyers			
TB	Taco Bell			
MMB	Mt. McKinley Bank			
<p>Conclusion: Available records show the Fairbanks Fire Department (FFD) has never serviced the commercial area where annexation is proposed, and assisted the University Fire Service Area (UFSA) 65 times in 9 years. Conversely, UFSA has assisted FFD 227 times over 9 years while handling all calls in the commercial area.</p>				

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

by

Fairbanks Citizens Review Committee

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

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

Submitted to Mayor and Council November 16, 2007

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

Staffing

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

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

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

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

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

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

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

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

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

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

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

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

As to crime's burden on FPD compared nationally:

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

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

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

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

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

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

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

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

AAI

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

Staffing

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

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

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

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

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

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

Recruitment

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

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

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

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

Robert S. Koslick
Citizen Review Commission

NumberOfCases	CY											
viol_code_desc	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Grand Total	
AA L FLS STM/SP APPL			2							1		3
ADMIN INVESTIGATION							1		1			2
AGGRAV/ASLT O/WEAP						1						1
ALCOHOL INFORMATION		1										1
ANIMAL REL OFF/COMPL	1											1
ARREST WARRANT SERV	4	3	1	3	4	4	2	9	1	3		34
ASLT/NON AGGRAVATED	2		2	2	2	3	1		4	1		17
ASLT/NONFAM/STRNGARM											1	1
ASSIST INSIDE AK	1	3	2	2	4	2	2	2		6		24
BICYCLES			2	1	2		2		3	1		11
BIKE, ATV COMPL							1					1
BURG NONRES FORCED				1								1
CITIZEN REPORT DWI	1	1		2	4		1	2	1			12
CITIZEN REPORT FORM							1	1	1	1		4
CIVIL PROBLEM	3	2	3	2	1	2	3	3	4	2		25
COCAINE-SELL					1						1	2
COMMUNITY POLICING				1								1
CONCEALMNT OF MERCH	1		5	8	1	2			1			18
CONDITIONAL REL VIOL							1	1			1	3
CONTRIB DELINQ MINOR							1					1
COUNTERFEITING MISC				1			1					2
CRIMINAL TRESPASS	3	3	1	2	7	6	1	7	3	2		35
DEATH NOTIFICATION				1								1
DISORDERLY CONDUCT		2	1		2						1	6
DISTURBANCE-OTHER	1	6	4	5	12	5	5	9	3	4		54
DNA REG/SAMPLE TAKE				1								1
DOMESTIC VIOL SERVE		2	1	3		1		2	1			10
DRIV WHILE LIC SUSP	1				1			1				3
DRUGS INFORMATION		1		2	1		2		3	1		10
DWI - ALCOHOL	2	1				2		1		1		7
EMBEZ/BUSIN PROP							1					1
ENDNGR WLFRE OF MINR	1											1
FAIL REGISTER SOR			1					1		1		3
FALSE ALARM				1		1						2
FAMILY OFF-NON CRIM	2			1	2			1				6
FIRING WEAPON				1								1
FORGERY OF CHECKS	2			1		1		1	1			6
FOUND PROPERTY			1	3			1	2	1			8
FURNISH LIQ TO MIN				1								1
HANGUP RESPONSE 911								1	1			2
HARASSING COMMUNICAT	1	2	2	2	3	5	1	2	5	2		25
ILLEGAL USE-CR CARD		1		2	1	1		1	4	1		11
INDECENT EXPOSURE											1	1
INSPECTION							1		1			2
INSUFF FUNDS-CHECK											1	1

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

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

Provided by Representative T. Wilson

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

FAIRBANKS FIRE DEPARTMENT



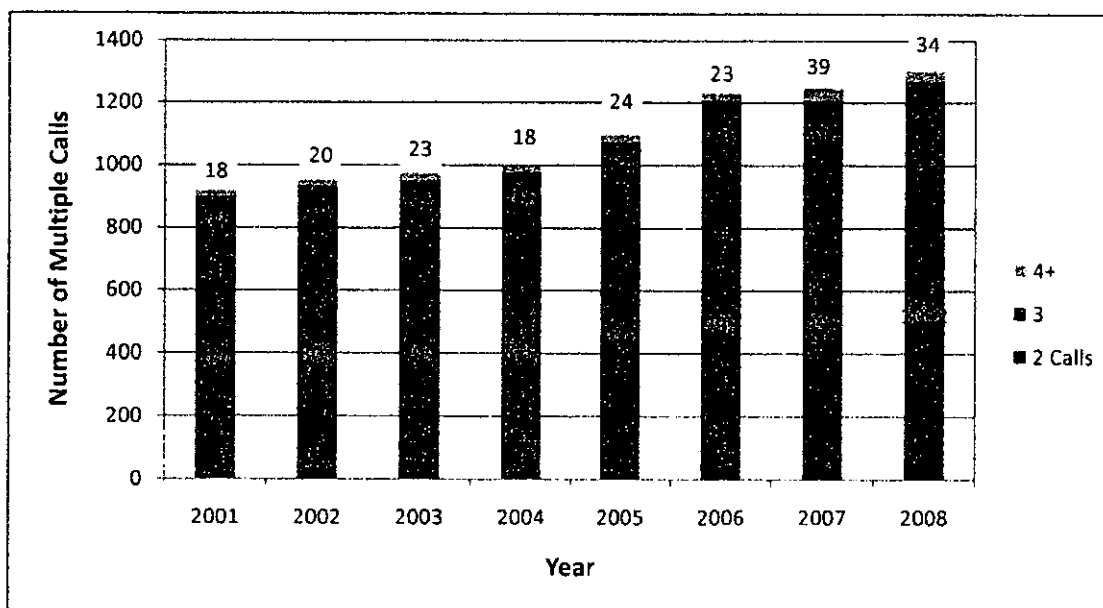
2008

ANNUAL REPORT

PROBLEM AREAS FOR 2008

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

The Growing Problem – Simultaneous Emergency Calls



Fairbanks Fire Department Prevention Division

Fire Prevention Division GOALS for 2009

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

2008 Highlights of the Prevention Division

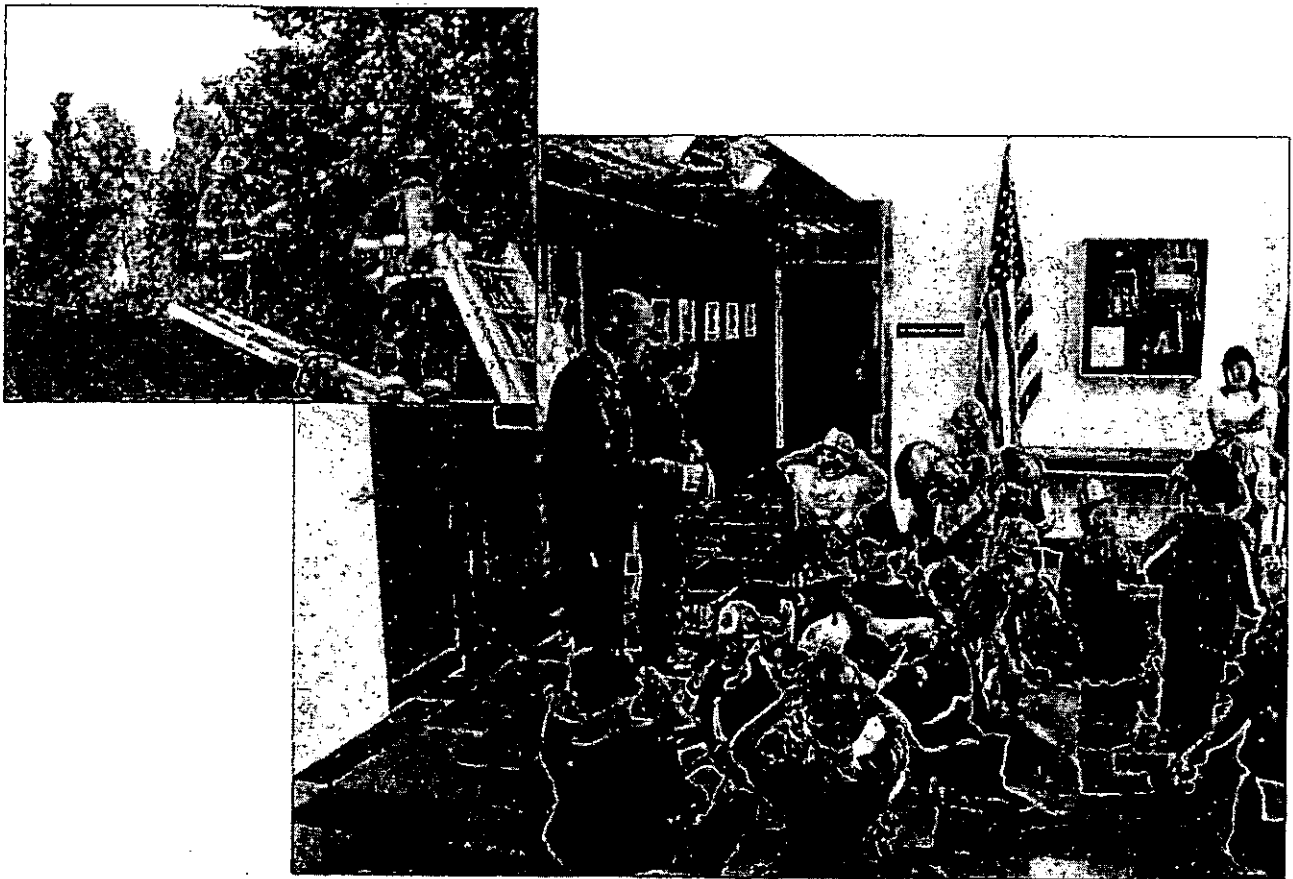
- **HIRED A DEPUTY FIRE MARSHAL** to meet the increased work load. This position will concentrate on reoccurring inspections of our high risk occupancies such as assembly, educational, institutional, and residential occupancies.
- **OPERATION NIGHT LIGHT INSPECTIONS:** These after hour night inspections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

Areas of Concern

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



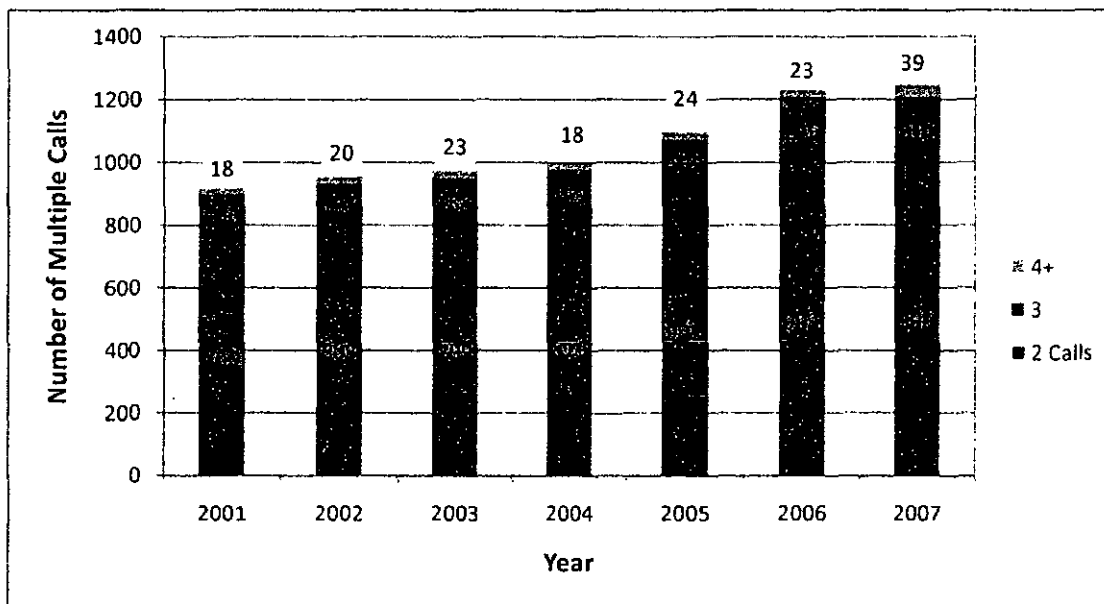
2007
FAIRBANKS
FIRE DEPARTMENT
ANNUAL REPORT



PROBLEM AREAS FOR 2007

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

The Growing Problem – Simultaneous Emergency Calls



Fairbanks Fire Department Prevention Division

Fire Prevention Division GOALS for 2008

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

2007 Highlights of the Prevention Division

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

Areas of Concern in 2007

LACK OF PERSONNEL

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

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



LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

(907) 465-3991 phone
(907) 465-3908 fax
research@legis.state.ak.us

February 17, 2010

Memorandum

TO: Representative Scott Kawasaki
FROM: Patricia Young, Manager *[Signature]*
RE: Boundary Change Recommendations before the Alaska Legislature, 1960 to Present
LRS Report 10.144

You asked for a history of Local Boundary Commission recommendations for boundary changes presented to the legislature from statehood forward.¹ "Boundary changes," as they pertain here, refer to changes in established boundaries such as through annexation and detachment; they do not refer to the creation of new cities or boroughs through incorporation.

Alaska statutes specific to the Local Boundary Commission (LBC) include AS§ 44.33.810 - .828. Pursuant to those statutes, all LBC meetings and hearings must be public. Adequate public notice must precede every hearing, and minutes must be kept and be must be included in the public record. In particular, AS § 44.33.826 specifies that the LBC may not propose a boundary change to the legislature unless a hearing on the change has been held in or in the near vicinity of the area affected by the change.

The following table lists LBC recommended boundary changes presented to the legislature from statehood forward. As you will see, LBC records show 127 proposed changes from 1960 to date. Among those, we identified nine instances in which the legislature disapproved the proposed changes. For each recommended change, public notice would have been given and public hearings would have been held.² Staff members with the LBC have requested that the Department of Law identify any legal challenges, and we will forward that information to you upon its arrival.

We hope this information is useful. If you have questions or need additional information, please let us know.

¹ This report updates House Research Agency report 85.173, "Ten-Year History of Legislative Annexation in Alaska," which provided information on LBC boundary change recommendations from 1975 through 1984.

² The LBC annual reports to the legislature document the schedule of notices and hearings, as well as the public input, that accompanied each proposed change.

Boundary Change Proposals before the Alaska Legislature, 1960 to Present

Year	Number	Proposed Change	Legislative Disapproval
1960	1	Recommendation for annexation of a portion of Government Hill and a portion of the Railroad Reserve to the City of Anchorage	
	2	Recommendation for annexation of the Fairview Public Utility District to the City of Anchorage	
	3	Annexation of the Kodiak Watershed Reserve, Near Island, Uski Island, Gull Island, Holiday Island, Crooked Island, and Popof Island to the City of Kodiak	
1962	4	Exclusion of certain territory on the south side of the Kenai River from the City of Kenai	
	5	Redefinition of the corporate boundaries of the City of Fairbanks and annexation of two areas adjacent to the City of Fairbanks	
1963	6	Annexation of territory to the City of Ketchikan	
	7	Annexation of the Island Homes area and a portion of the Graehl area to the City of Fairbanks	
	8	Annexation of the sanitary landfill area to the City of Fairbanks	
	9	Annexation of Birch Hill Cemetery to the City of Fairbanks	
	10	Redefinition of the corporate boundaries of the City of Fairbanks and annexation of two areas adjacent to the City of Fairbanks	
	11	Annexation of territory to and detachment of territory from the North Star Borough	
1964	12	Redefinition of the corporate boundaries of the City of Pelican	
	13	Annexation of "South Juneau" to the City of Juneau	
	14	Exclusion of Section 33, T6S, R8W Fairbanks Base from the City of Anderson	
1965	15	Detachment of Goat Creek from the Greater Anchorage Area Borough and annexation of the same territory to the Matanuska-Susitna Borough	
	16	Dissolution of the City of Wood River	
1966	17	Exclusion of territory from and annexation of territory to the City of Seward	
	18	Redefinition of the corporate boundaries of the Matanuska-Susitna Borough, Greater Anchorage Area Borough, and the Kenai Peninsula Borough	
1967	19	Annexation of territory to the City of Douglas	
	20	Annexation of territory to the City of Bethel	
	21	Annexation of territory to the City of Unalaska	
1968	22	Detachment of Cantwell from the Matanuska-Susitna Borough	
	23	Annexation to the City of Nome	
1969	24	Annexation of territory to the City of Nenana	

Boundary Change Proposals before the Alaska Legislature, 1960 to Present

Year	Number	Proposed Change	Legislative Disapproval
1970	25	Redefinition of the corporate boundaries of the Greater Anchorage Area Borough and the Kenai Peninsula Borough	
	26	Redefinition of the corporate boundaries of the City of Girdwood	
	27	Annexation to the City of Fairbanks	
	28	Annexation of Port Chilkoot and adjacent territory to the City of Haines	
	29	Annexation of Port Valdez and adjoining territory to the City of Valdez	
	30	Redefinition of the corporate boundaries of the City of Stebbins	
	31	Redefinition of the corporate boundaries of the City of Lower Kalskag	
1971	32	Redefinition of the corporate boundaries of the City of Fairbanks	
	33	Redefinition of the corporate boundaries of the City of Togiak	
	34	Redefinition of the corporate boundaries of the Matanuska-Susitna Borough	
	35	Annexation to the City of Barrow	
	36	Annexation to the City of Cordova	HJR 21
1972	37	Annexation to the City of Nome	HJR 93
	38	Annexation to the City of Kotzebue	
	39	Annexation to the City of Cordova	
	40	Annexation to the City of Kodiak	HJR 96
	41	Dissolution of the Town of Chena	
	42	Annexation to the City of Barrow	
	43	Redefinition of the corporate boundaries of the City of Ambler	
1973	44	Annexation to the City of Craig	
	45	Annexation to the City of Whittier	
	46	Annexation to the City of Anchorage	
1974	47	Dissolution of the City of Basher	
	48	Dissolution of the City of Donnelly	
	49	Reclassification of the City of Pelican	
	50	Dissolution of the City of Bay City	
1975	51	Annexation of territory to the City of Wrangell	
	52	Annexation of territory to the Haines Borough	
	53	Dissolution of the City of Long Island	
	54	Annexation to the City of North Pole	
1976	55	Redefinition of the corporate boundaries of the City of Chuathbaluk	
	56	Redefinition of the corporate boundaries of the City of Nuiqsut	
	57	Redefinition of the corporate boundaries of the City of Selawik	
	58	Redefinition of the corporate boundaries of the City of Shungnak	
	59	Annexation to the City of Yakutat	
1977	60	Annexation to the City of Palmer	
	61	Annexation to the City of Seward	
1978	62	Annexation to the City of Skagway	
	63	Annexation to the Haines Borough	
	64	Annexation to the City of Petersburg	

Boundary Change Proposals before the Alaska Legislature, 1960 to Present

Year	Number	Proposed Change	Legislative Disapproval
1979	65	Annexation to the City of Kodiak	LR No. 3
	66	Redefinition of the corporate boundaries of the Kenai Peninsula Borough	
1980	67	Annexation to the City of Skagway	
1981	68	Annexation to the City of St. Mary's	LR No. 2
	69	Annexation to the City of King Cove	
	70	Annexation to the City of Nome	
1982	71	Annexation to the City of Nome	
	72	Annexation to the Kodiak Island Borough	
	73	Annexation to the City of Kodiak	
1983	74	Annexation to the Fairbanks North Star Borough	
	75	Annexation to the City of Port Lions	
	76	Annexation to the City of Haines	
1984	77	Annexation of 8.11 square miles to the City of Haines	LR No. 35
	78	Annexation 0.3 square miles to the City of Ketchikan	
	79	Annexation of 3.03 square miles to the City of Point Hope	LR No. 37
	80	Annexation of 9.68 square miles to the City of Hoonah	
	81	Annexation of 10.92 acres to the City of Kodiak	
1985	82	Annexation of 117 acres to the City of Fairbanks	
	83	Annexation of 183 square miles to the City of Togiak	
1986	84	Annexation of 30.14 square miles to the City of Angoon	
	85	Annexation of 515.62 acres to the City of Ketchikan	
	86	Annexation of 58.609 acres to the City of Ketchikan	
	87	Annexation of 48.30 acres to the City of Ketchikan	
	88	Annexation of 121.31 acres to the City of Ketchikan	
	89	Annexation of 1.14 square miles to the City of North Pole	
	90	Annexation of 194 square miles to the City of St. Paul	
	91	Annexation of 214 square miles to the City of Unalaska	
	92	Detachment of 3,298 square miles from the North Slope Borough	
	1987	93	
94		Annexation of 164 acres to the City of Fairbanks	
95		Annexation of 21 acres to the City of Fairbanks	
96		Annexation of 8.58 acres to the City of Kodiak	
97		Annexation of 268 acres to the City of Pelican	
1988	98	Annexation of 12.25 square miles to the City of Dillingham	
	99	Annexation of 12.85 square miles to the City of Kake	
1989	100	Annexation of 12,343 sq. miles to the Kodiak Island Borough	LR No. 6
	101	Annexation of 216 sq. miles to the Fairbanks North Star Borough	
1990	102	Annexation of 1.3 miles to the City of North Pole	
1992	103	Annexation of 140 square miles to the City and Borough of Juneau	

Boundary Change Proposals before the Alaska Legislature, 1960 to Present

Year	Number	Proposed Change	Legislative Disapproval
1993	104	Annexation of 7.25 square miles to the City of Hoonah	
	105	Annexation of 4.75 square miles to the City of Haines	
	106	Annexation of 7 square miles to the City of Haines	
	107	Annexation of 68.23 square miles to the City of Cordova	
	108	Annexation of 7.5 acres to the City of Palmer	
1994	109	Annexation of 21 square miles to the City of King Cove	
	110	Annexation of 42.8 acres to the City of Seldovia	
	111	Annexation of 1.8 acres to the City of Seldovia	
1995	112	Dissolution of the City of Atmautluak	
	113	Dissolution of the City of Kasigluk	
	114	114. Dissolution of the City of Newtok	
	115	Dissolution of the City of Tuluksak	
	116	Dissolution of the City of Tununak	
1996	117	Detachment of 252 sq. miles from the Matanuska-Susitna Borough	
	118	Annexation of 83.71 acres to the City of Wasilla	
1997	119	Detachment of 13 acres from the City of Fairbanks	
	120	Annexation of territory to the City and Borough of Yakutat	
1999	121	Annexation of 6.5 square miles to the City of Haines	
2000	122	Annexation of 24.29 Square Miles to the City of Aleknagik	
	123	Annexation of 1.2 Square Miles to the City of Ketchikan	
2002	124	Annexation of 4.58 square miles to the City of Homer	
2003	125	Annexation of 921.34 acres to the City of Palmer	
2008	126	Annexation of 4,510 square miles to the Ketchikan Gateway Borough	
2010	127	Annexation of .05 square miles to the City of Fairbanks	

NOTES: "Boundary Changes" here refers to changes in established boundaries, not to the creation of new cities or boroughs through incorporation. Both the state constitution (Article X, § 12) and state statutes (AS § 44.33.828 and AS § 29.06.040[b]) provide that boundary changes proposed to the legislature during the first ten days of any regular legislative session become effective at the earlier of 45 days after presentation or the end of the session unless the change is disapproved by a resolution concurred in by a majority of members of each house.

SOURCES: Local Boundary Commission and *Final Status of Bills and Resolutions*, various years.

Info provided by the City of Fairbanks

Including testimony opposed to HJR 39-In Favor of Annexation

CITY
OF
FBNKS



CITY OF FAIRBANKS

Terry Strle, Mayor

800 CUSHMAN STREET

FAIRBANKS, ALASKA 99701-4615

OFFICE: 907-459-6793

FAX: 907-459-6787

tmstrle@ci.fairbanks.ak.us

February 17, 2010

Representative Bob Herron & Representative Cathy Munoz, Co-Chairs
Representative Cissna, Representative Gardner, Representative Harris,
Representative Keller, and Representative Millett -
Members of House Community & Regional Affairs Committee

RE: HJR 39; City of Fairbanks Annexation

Dear Representatives:

I plan to testify at the February 23rd hearing on this matter. Attached is additional information. The Local Boundary Commission's decision was well-reasoned and supported by an extensive record and exhaustive review. The City Council authorized this very small annexation of the so-called "enclave lots" on Park & Riverside Drives (basically surrounded by the City), and the Fred Meyer Subdivision which is contiguous to the City.

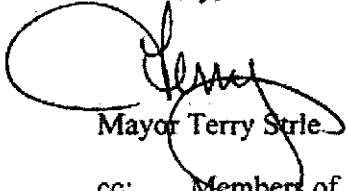
The City followed the procedures authorized by the State's voters, found at Article X, Section 12 of the Alaska Constitution, as well as state statute and regulation. This method was used recently by the Ketchikan Gateway Borough and City of Homer without legislative veto. The Fairbanks North Star Borough recently properly applied state statute to annex territory to various fire service areas without an election in order to provide better fire protection.

As the Local Boundary Commission noted:

"A majority of commission members felt it necessary to consider essential municipal services in a broad sense. The FNSB cannot provide police services, or building and fire code inspection and enforcement. The City of Fairbanks provides these services within its limits and has the capability to extend essential municipal service into the territories proposed for annexation. When considering the basket of essential municipal services, the commission finds that no other city, borough, or borough service area can provide essential municipal services on a more efficient and more effective basis."

Thank you for your service to our state.

Sincerely,



Mayor Terry Strle

cc: ~~Members~~ of Interior Delegation

Attachments:

1. Annexation Fact Sheet.
2. Affidavit of Marc Dumas, MD (uncontested evidence that City can provide high quality emergency medical service to Fred Meyer Subdivision).
3. Comments from City Fire Chief Warren Cummings. (City ability to provide quality fire and EMS to area).
4. Letter of Support from Alaska State Troopers.
5. Letter of Support from Cathy Schulz, Manager of Sophie Station Hotel/Apartments (located farther south on University Avenue).
6. City's Witness List from Local Boundary Commission Hearing

FACT SHEET

CITY OF FAIRBANKS ANNEXATION



PURPOSES OF ANNEXATION:

1. To extend full City services to two areas which are already *de facto* parts of the City and receive benefit of city services. The two areas are referred to as the Fred Meyer Subdivision ("FMS") and the "Enclave Lots." Maps of both areas are attached. The FMS, pictured above, includes three businesses: the Fred Meyer West store, Taco Bell and a branch of Mt. McKinley Bank. The Safeway store and several ancillary retail facilities, in the foreground of the picture, are **within** the City limits.
2. To strengthen the ability of the existing City to provide essential municipal services to the vast majority of Interior residents who live, work, shop, attend schools, or engage in recreation in the City.

ANNEXATION WILL PROVIDE IMPROVED PUBLIC SAFETY:

1. Marc Dumas MD, an emergency medical specialist, testified that City paramedics provide a higher level of service than UFSA EMT students (from sub-station that is not always staffed). No other doctor testified to the contrary.
2. The FMS is within national response standards for EMS and fire service. The Manager of the Sophie Station Hotel/Apartments – located further south on South University Avenue. – wrote a letter of support, noting the good service they receive.
3. City is the only provider of bank robbery deterrent system to serve banks at FMS.

For additional information please contact Mayor Terry Strle
tmstrle@ci.fairbanks.ak.us 459-6793

4. Any major incident in our community requires mutual aide, which remains in place.
5. **The City Police Department offers a far higher level of police service than provided by the Alaska State Troopers—nearly three times the number of officers per capita.** The Troopers have approximately 52 budgeted Trooper positions for the entire “D Detachment” which includes over 100,000 people in 205,000 square miles with 30 Alaska Native villages and 20 highway communities. The Troopers also submitted a letter of support.

EXTENSIVE OPPORTUNITY FOR PUBLIC COMMENT

- **None of the affected property owners at the Fred Meyer Subdivision filed any written or oral objection to the Local Boundary Commission regarding the annexation.** (*Fred Meyer and Mt. McKinley Bank made comments prior to the petition being filed but took no further formal action during the public process*).
- **On more than 17 occasions,** opportunity was extended to the public to make comments through advertising and/or public meetings. The process has met and exceeded requirements for public involvement and transparency.
- There were **over forty articles** in the *Fairbanks Daily News-Miner* regarding the annexation and several stories on our two local television news stations.
- At the City Council meeting to consider the resolution to annex, only eight people commented, and a mere 13 comments were made during the FNSB’s meeting to consider a resolution in opposition. A total of **30 people commented at the LBC Public Hearing.** Compare that number to the throngs of people who have crammed City and Borough chambers recently regarding air quality, dumpster-diving, cell phone towers, junkyard ordinances or the use of fluoride in the water system.
- The Local Boundary Commission and the City had **direct written communication** with affected property owners on **four separate occasions.**

MINIMAL IMPACT ON EXISTING BOROUGH

- The annexation will have a minimal impact on the University Fire Service Area 2010 budget: a 2.38% reduction of **\$52,000** from their \$2,188,040 budget. The University Fire Service area has the **largest budget of the five fire service areas** formed by the Fairbanks North Star Borough.
- The loss of revenue to the Fairbanks North Star Borough is less than **one-quarter of one percent** of their annual 132 million dollar budget.

ANNEXATION MEETS CURRENT LEGAL STANDARDS SET BY STATUTE & REGULATION

- This modest annexation followed the same standards recently used – for much larger areas -- by the City of Homer and Ketchikan Gateway Borough. Neither was vetoed by

For additional information please contact Mayor Terry Strle
tmstrle@ci.fairbanks.ak.us 459-6793

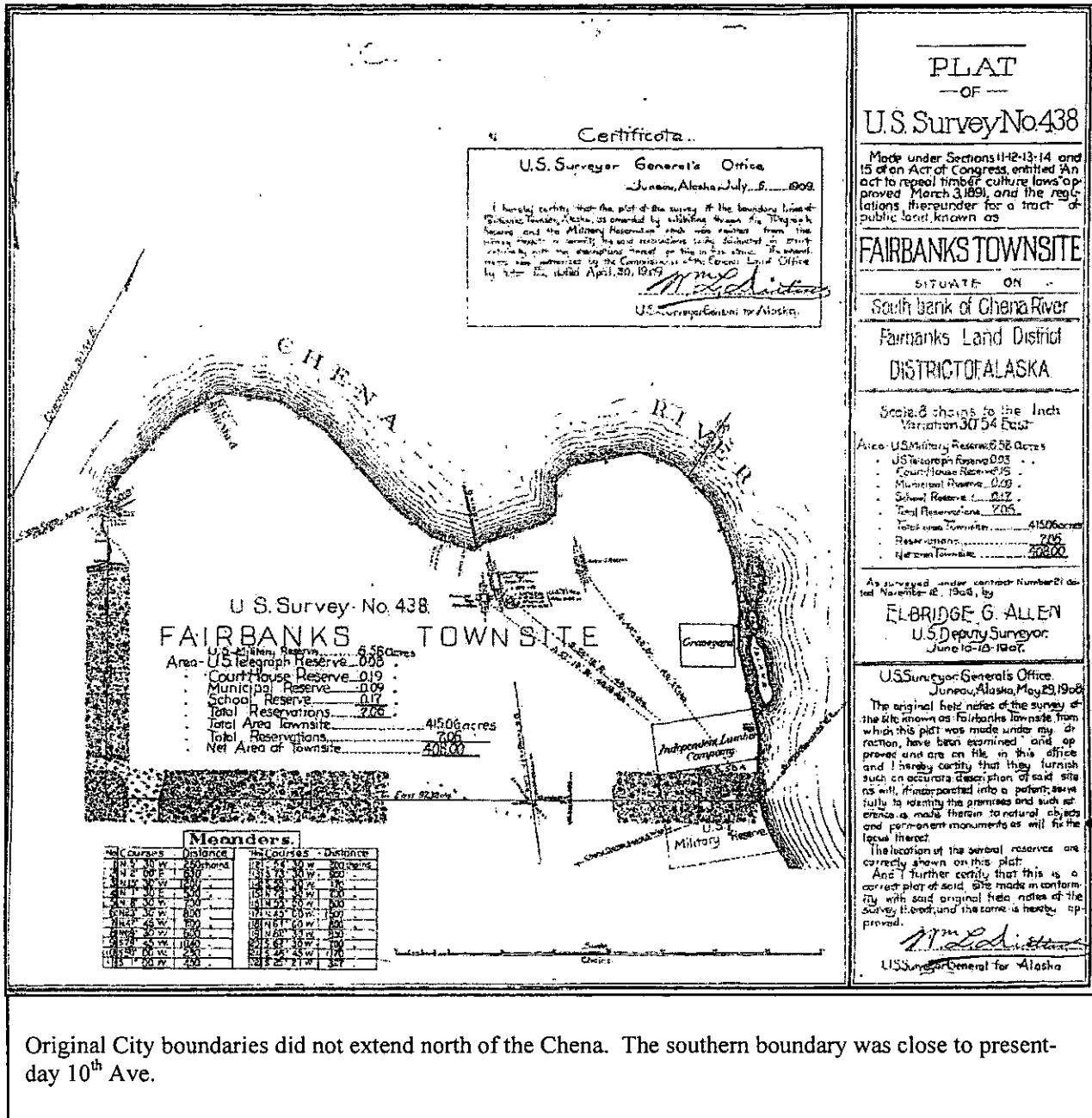
the legislature. Even if legislature wishes to a make prospective change, it should not treat this annexation differently that others made under current law.

- Historically, other areas opposed annexation, areas that are now integral parts of the City. The drafters of Alaska's Constitution recognized that requiring voter/owner/borough approval of every effort by a city to annex would lead to weakened cities unable to provide adequate public safety for the community.
- The Fairbanks North Star Borough recently used an analogous statute to expand fire service area boundaries without an election.

Attachments:

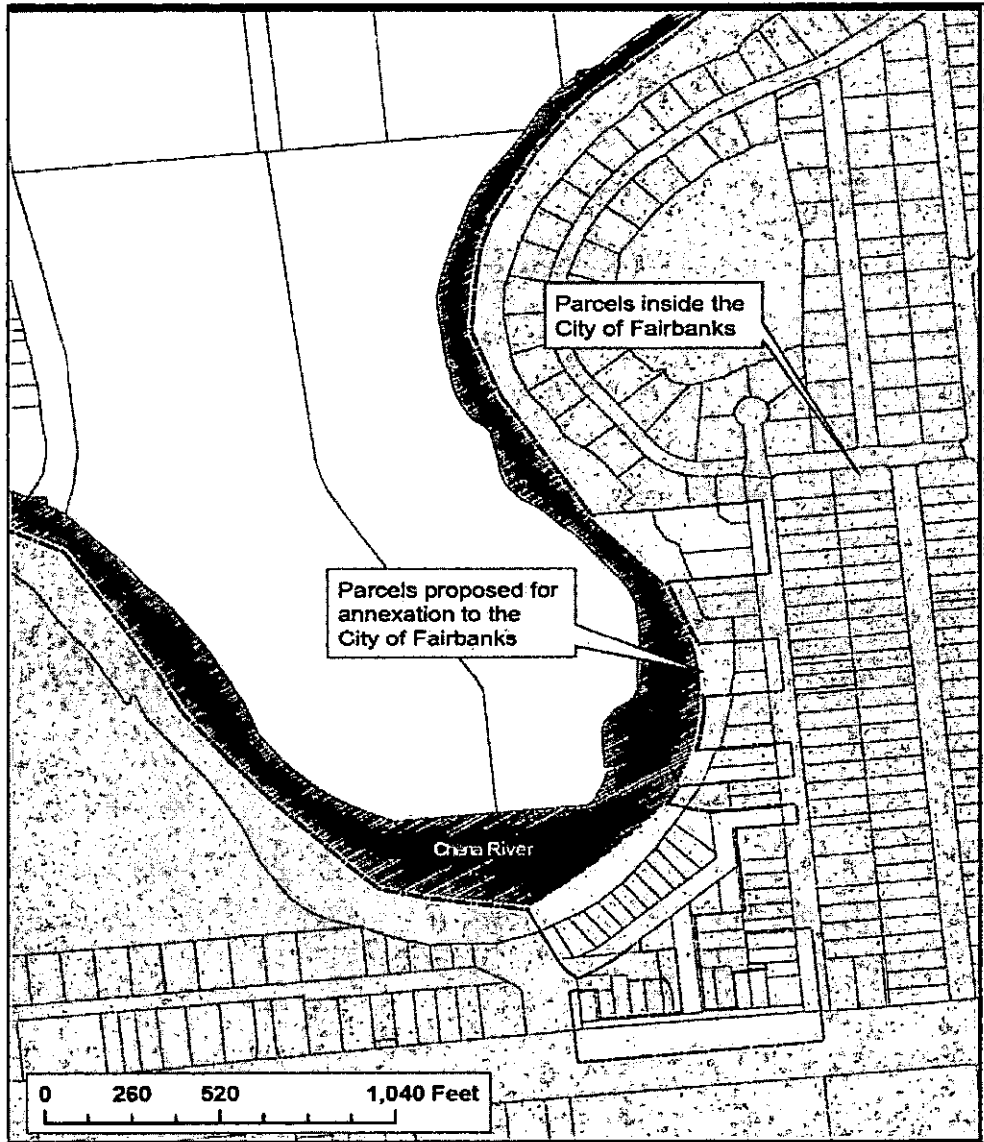
Original City Townsite, circa 1908
Map of two areas currently proposed for annexation.

For additional information please contact Mayor Terry Strle
tmstrle@ci.fairbanks.ak.us 459-6793

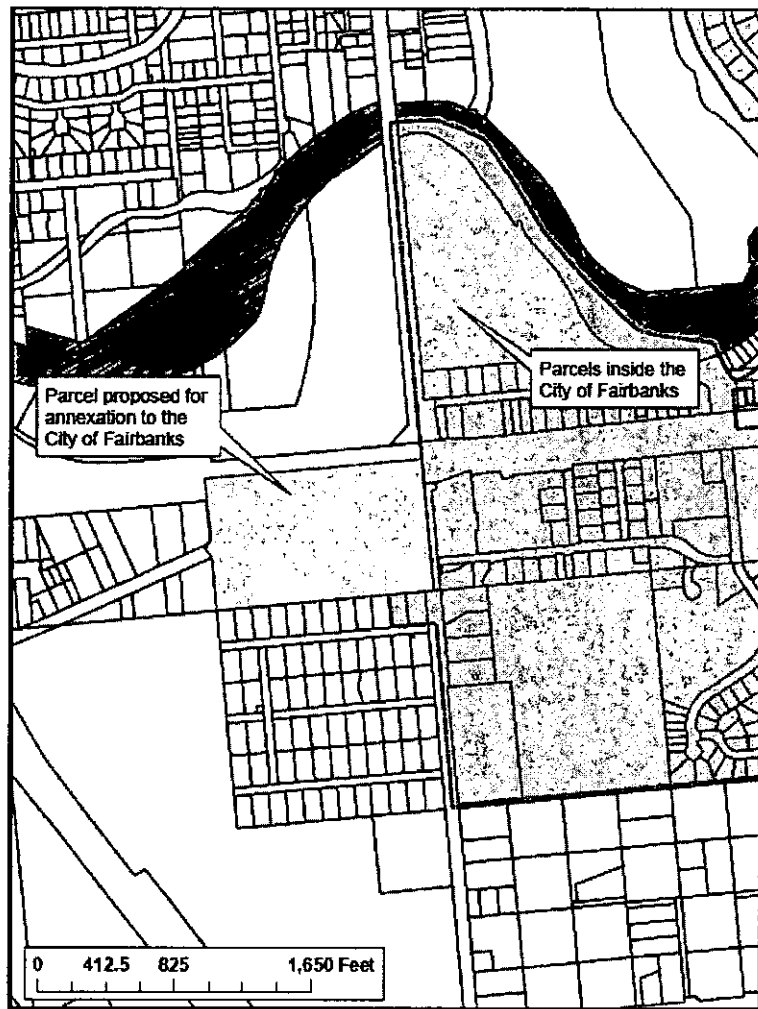


Original City boundaries did not extend north of the Chena. The southern boundary was close to present-day 10th Ave.

For additional information please contact Mayor Terry Strle
tmstrle@ci.fairbanks.ak.us 459-6793



For additional information please contact Mayor Terry Strle
tmstrle@ci.fairbanks.ak.us 459-6793



For additional information please contact Mayor Terry Strle
tmstrle@ci.fairbanks.ak.us 459-6793

AFFIDAVIT OF MARC DUMAS, MD

I, Marc Dumas, being first duly sworn on oath, depose and state that:

1. I am a Doctor of Medicine, having received my undergraduate degree at the State University of NY Upstate Medical University, Syracuse, NY, and internship and residency training at the Geisinger Medical Center, Danville, PA.

2. Emergency medicine is my area of medical specialty; I am residency-trained and board-certified in emergency medicine. I am a Fellow of the American College of Emergency Physicians and a Fellow of the American Academy of Emergency Medicine.

3. My employment history can be summarized as follows: emergency physician at Fairbanks Memorial Hospital from 1991 to 2001; practiced specialized sports medicine and orthopedics at Sports-Medicine Fairbanks from 2001 to 2003; served as a flight physician and Medical Director of Guardian Flight, Inc. from 2004 to the present. I also served as the Medical Director of the Yukon Flats Health Center for the last 4 years.

4. I am currently engaged as the Medical Director for the City of Fairbanks Fire Department and have been for the past five years. I am well aware of the training, education, practical experience of the City's paramedics and EMTs. On a weekly basis, I conduct routine training of City EMS staff, review the ambulance responses, and interact with the City EMS staff to the point where I have an informed opinion as to the level of service they provide.

5. The level of skill and training required to become and remain a paramedic is much greater than that required for an EMT III. To become a paramedic requires more than 1,200 hours of classroom study and clinical training. By comparison, only 240 hours are required to be certified as a EMT III.

6. In addition to training and education, it is vitally important that paramedics handle a certain volume of patients to maintain their skills set. The City EMS program responded to 3,352 calls in 2008 (roughly one call every three hours); this level of response provides the opportunity for the City paramedics and EMTs to see a wide variety of medical situations.


7. The City EMS program provides a highly qualified service to the patients treated that in many cases has saved lives, reduced suffering and aided to patient treatment. A large part of the City's success is due to the fact that the City provides fulltime paramedic level care and

the fact that at least two paramedics are always on duty. Because the City now employs 17 paramedics, there are usually 2-5 actually on duty; (and sometimes 6).

8. Full-time paramedic level EMS service provides a higher level of essential public emergency medical service than EMT level service, even in situations that are not life-threatening.

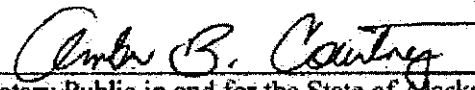
9. EMT level responders, particularly when new to the field, would not always be able to determine if a patient would be better served by a paramedic.

10. The advantages of offering higher level paramedic level service are significant, and the City EMS could adequately respond to the Fred Meyer Subdivision and offer a higher level of emergency medical care. Even with the current number of paramedics and EMTs, the City of Fairbanks can offer a higher level of EMS service to the Fred Meyer Subdivision than an agency which does not offer full-time paramedic level EMS. To put it colloquially, when your life or the life of a loved one is on the line, who do you want landing your disabled jet on the Hudson River: a pilot with 19,000 hours of stick time and advanced training, or the pilot of a twin engine commuter aircraft with 100 hours in type?

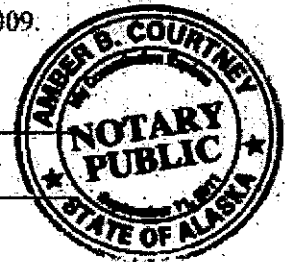


Marc Dumas, M.D.

SUBSCRIBED AND SWORN TO before me this 8th day of May, 2009.



Notary Public in and for the State of Alaska
My commission expires: 9/11/2011



Comments for House Community & Regional Affairs Committee

City of Fairbanks Fire Chief Warren B. Cummings:

I've been employed by the City of Fairbanks since 1972 and have had operational control of the Fire Department since 1994.

The City of Fairbanks currently has 44 employees. The national average "staff per 1000 population" for fire personnel is 1.71. The City of Fairbanks currently exceeds that standard: we are currently staffed at 1.93 per thousand.

In 2008, we had 4186 calls, 834 fire and 3352 ambulance calls. We have a "save rate" of 99.18% on \$140,000,000 worth of property. We averaged 11.5 calls per day, which are chiefly ambulance calls.

A portrait of our staff:

Average of 17 years of experience, 10 with the City of Fairbanks,
Our 17 Paramedics average eight years of experience as paramedics,
15 of our employees are from UAF Fire Department/program,
10 of our employees have been UAF Emergency Service Instructors.

Our response times for Fred Meyer is within National Standard Response Formula. (Note: our vehicles equipped with Opticom system, which automatically changes red lights to green as emergency vehicles approach):

FF Station 1 3.73 minutes
FF Station 3 3.99 minutes
National Standards - 4.00 minutes.

A comparison of our request for mutual aid and those made by the University Fire Department are very similar:

5 Year Mutual Aid Request Average	
City	13.7 requests per/1000 calls
University	13.0 requests per/1000 calls

We provide fire code review, inspection and enforcement along with fire investigation.

1. No onsite construction inspections were done for the properties located in the annexation area to ensure compliance with Building Codes.
2. Very few Fire Code inspections by State since completion:
Fred Meyer last inspected in 2002
Taco Bell last inspected in 2003
Mt McKinley Bank Never inspected

The City of Fairbanks has a better chance of inspecting these properties just based on area of coverage. State Fire Marshall covers all of Northern Alaska versus the City of Fairbanks all of the property in the city limits. No different than City Police covering an area versus the State Troopers coverage area.

The City of Fairbanks had the first Class 2 rating in Alaska, but was lowered to Class 4 in the 1980's during the post oil boom downturn. In 1999 we returned to a Class 3. We had expected to be graded this past year but it didn't happen. Next year there will be an upgrade to the ISO schedule that will give bonus points for:

1. Fire Codes
2. Fire Inspections
3. Fire Investigations
4. Fire Prevention Programs

All of which will help the city's rating as they are provided by the City of Fairbanks. Because of our improvements since 1999, we see no problem returning to our Class 2 rating of 1980.

Note: Only 5% of Fire Departments in the nation have an ISO rating of 3 or higher!

The City provides the full package of emergency services:

- Need fire suppression? – got it.
- Need paramedic level ambulance? – got it.
- Need police response with traffic control, interviews, accountability? – got it.
- Need public works – barricades, heavy equipment, plows, steam truck? – got it.
- Need structural inspection from building department? – got it.
- Need electrical or Fire Code electrical inspector? – got it.
- Need coordinated dispatch? – got it.
- Need police or fire investigation? – got it.

We provide a higher level of all essential government services. No other entity can provide the whole package.

We presented supportive testimony from emergency medicine doctor, Alaska State Troopers and the general manager of a hotel located farther from Fred Meyer on University Avenue.



State of Alaska
Department of Public Safety
Division of Alaska State Troopers

postmarked 04/21/09

Sarah Palin, Governor
Joseph A. Masters, Commissioner

April 16, 2009

Fairbanks City Clerk's Office
City Hall
800 Cushman St.
Fairbanks, AK 99701

Subject: Proposed Annexation by City of Fairbanks-Police Services and Protection

To Whom It May Concern,

The Alaska State Troopers has received a copy of the City's Petition to annex two territories in the Fairbanks area: the Fred Meyer Subdivision and the territory known as the "enclave lots" near the Chena River and the vicinity of Park and Riverside.

The City is certainly capable of providing police services and protection to these territories, both of which are currently served by the Alaska State Troopers. In addition, the annexation by the City would relieve the state government of the responsibility of providing local police services. Annexation would enable the Troopers to focus more efforts on the needs outside the city service areas.

Sincerely,

Audie Holloway
Colonel Audie Holloway
Director

CC: Brad Johnson, Acting Chief, Fairbanks Police Department

Office of the Director
5700 East Tudor Road - Anchorage, AK 99507 - Phone (907) 269-5511 - Fax (907) 337-2059

Local Boundary Commission
2009 Fairbanks Annexation Petition
City of Fairbanks Witness List
Listed in alphabetical order, not order of testimony
It is planned that all witnesses will appear in person

Name		Area of Substantive Testimony	
Attached Page		Est. time in minutes	
CB Bettisworth, Architect, former LBC Member	1	1. Boundary decisions should be made in accord with regulations and not short-term local opposition. 2. Legislative review method. 3. City should expand its boundaries to include urban areas. 4. Territory is compatible and needs City service	15
Patrick Cole, City Chief of Staff	3	1. History of City Annexations & background of this Petition. 2. Research on each applicable standards. 3. Efforts to resolve issues with University Fire Service Area.	10
Warren Cummings, City Fire Chief	5	1. City Fire Department's operational capabilities. 2. Relationship between City and University Fire Department. 3. City Fire Department can meet the unmet fire suppression needs of the enclave lots and the unmet fire prevention & building safety needs of the Fred Meyer Subdivision.	10
Marc Dumas, M.D. Emergency Medicine Physician	7	City paramedics will provide needed paramedic service in the territory to be annexed.	10
Gregg Erickson, Economist, <i>Erickson & Associates</i>	9	Annexation of this compatible territory meets regulatory standards and should be approved.	15
Vic Fischer	17	1. Constitutional preference for legislative review annexation. 2. Constitutional preference that urban territories be annexed to City rather than a service area. 3. This Annexation meets regulatory standards and should be approved.	15
Stephanie Johnson, City Dispatch Center Manager	22	City Dispatch center will provide needed integrated emergency service to the territory to be annexed.	10
James Soileau, City Chief Financial Officer	25	The economy within the proposed expanded boundaries would provide the City with revenues needed to provide essential municipal services on an effective, cost-effective basis and enhance the extent to which the existing city meets the standards for incorporation.	10
Terry Strle, City Mayor	27	1. Efforts to avoid conflict with Borough & Fire Service Area. 2. City boundaries should include territory that meets statutory standards for annexation.	10
Laren Zager, City Police Chief	28	1. City Police will easily be able to handle minor call volume increase. 2. Annexation will relieve the state of the duty to provide police service. 3. City already providing some police service to territory. 2. City is only provider of robbery prevention technology that benefits the territory to be annexed.	10

Introduced By: Council Member Eberhart
Introduced: February 8, 2010

RESOLUTION NO. 4399

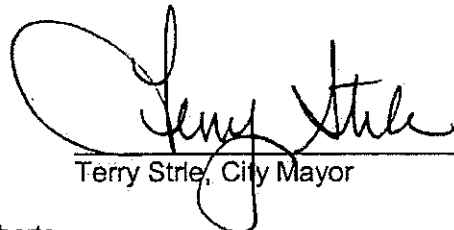
**A RESOLUTION IN SUPPORT OF THE LOCAL BOUNDARY
COMMISSION APPROVAL OF ANNEXATION OF THE FRED MEYER
SUBDIVISION AND THE "ENCLAVE" LOTS ON PARK AND RIVERSIDE
DRIVES, BARTLETT AVENUE, AND AIRPORT ACCESS ROAD**

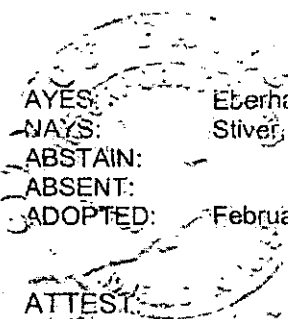
WHEREAS, since its 1903 incorporation, the boundaries of the City of Fairbanks have periodically been enlarged in light of urban growth; and

WHEREAS, after extensive analysis and multiple opportunities for public involvement, the Local Boundary Commission approved annexation of these two areas into the City, finding that applicable regulatory standards for annexation were met; and

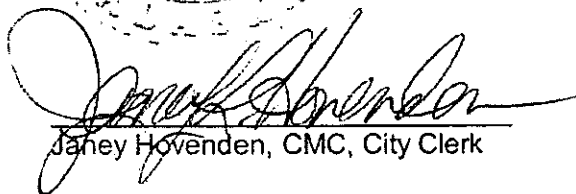
WHEREAS, the Local Boundary Commission agreed that the City can provide essential municipal services to these territories on a cost efficient basis.

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks City Council strongly encourages our Interior State Delegation, and the Alaska Legislature, to support the Local Boundary Commission's decision.



Terry Strle, City Mayor


AYES: Eberhart, Gatewood, Bratcher, Roberts
NAYS: Stiver, Cleworth
ABSTAIN:
ABSENT:
ADOPTED: February 08, 2010

ATTEST:


Janey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:


Paul J. Ewers, City Attorney

Terry Harvey

From: Brenda Hewitt [brenda@hewitt.net]
Sent: Monday, February 08, 2010 8:27 PM
To: Terry Harvey
Subject: Fairbanks Annexation - Yes

I am in favor of this particular annexation (Fred Meyers area in Fairbanks). I have lived on Peger Road most of my life and we chose to be annexed to the city back in 1971 and have been paying the higher taxes for that privilege. Oh, I complain sometimes but we did it. The thing is, most people won't vote for an increase in taxation and why should they? They are getting all the benefits of being in the city without paying for it, making those of us that are willing to pay, pay more. I don't think that is fair. If it looks like a duck, walks like a duck, quacks like a duck, then it is a duck. It is fair. Truly fair to those of us in the city that are already paying all these taxes for the services that they are enjoying. I think they should annex all the way down to the Airport.

I know there are a bunch of fellow conservatives that are complaining but I don't think they should. Most of them aren't even effected by the change as they live in North Pole.

I just have to share my thoughts with you.

Thanks, Brenda

SOPHIE STATION HOTEL

(907) 479-3650 • 1717 University Avenue, Fairbanks, Alaska 99709 • Fax (907) 479-7931

Fairbanks, Alaska

RECEIVED

SEP 06 2008

City Mayor's Office

September 4, 2008

Mayor Strle
City of Fairbanks
800 Cushman Street
Fairbanks, AK 99701

Re: Fire & Police Protection

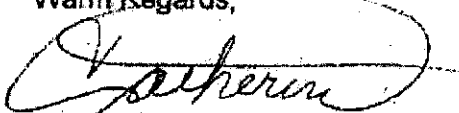
Dear Mayor Strle,

This is to acknowledge the excellent fire and police protection provided by The City Of Fairbanks to Sophie Station Hotel.

As General Manager since 1988, I have had the opportunity to work with a variety of city officials, Battalion Chiefs, and Police Captains. I have always found the service to be prompt, dependable and professional.

Thank you for continuing this fine tradition.

Warm Regards,



Catherine Schultz
General Manager

FOUNTAINHEAD HOTELS

fh-hotels@mosquitonet.com • 1-800-528-4916 • www.fountainheadhotels.com

Petitions, Email, POM's in favor of HJR 39-Opposed to Annexation

FOR
HJR
39

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

Name/Printed	Name/signed	Address
Patricia A. Carroll	Patricia A. Carroll	1118 Park Fair AK 99709
Jill Cole	Jill Cole	2502 Talkeetna Fbks AK 99709
JOHN COLE	John Cole	2502 Talkeetna Fbks AK 99709
ANNA BARKER	Anna Barker	1190 NENANA ST FBKS
John Gindler	J. P. Gindler	P.O. Box 60655, Fair. AK 99706
Linda Charlie	Linda Charlie	938 Dennis Rd. N.P.
Gerald EVANS	Gerald Evans	5 Eleanor Ave Fairbanks, AK 99701
Melvin Charlie	Melvin Charlie	938 Dennis Rd. N.P. AK 99705
Rebecca Carson	Rebecca Carson	P.O. Box 71073 Fairbanks, AK 99707
Anthony Mattelli	Anthony Mattelli	P.O. Box 71073 Fairbanks, AK 99707
Patrick Williams	Patrick Williams	2514 Riverview Dr Fairbanks AK 99709
CHARLES HUNTINGTON	Charles Huntington	P.O. Box 73648 FBKS AK 99707
BONNIE Johnston	Bonnie Johnston	3206 Airport Road, Fbks, AK 99709
Casey Davis	Casey Davis	P.O. BOX 10846 FBKS AK 99710
Max Wilson	Max Wilson	Box 70779 FBKS AK 4456 DARTMOUTH DR Fbks AK 99709
Lois JAMES	Lois James	109 Oak Dr Fbks. AK 99709
Carl Johansen	Carl Johansen	1107 Nenana St. Fbks, AK 99709
John J Zaverl	John J Zaverl	5381 DEATHLON FBKS AK 99709
Christopher L. Quitt	Christopher L. Quitt	708 10th Ave FBK AK 99701
Stephanie G. Ketzler	Stephanie Ketzler	1028 Cottonwood St Fbks AK 99709
DALE ALBERTZ	Dale Albertz	3007 S. KASIA 99709
DONALD E. CROCKER	Donald E. Crocker	P.O. Box 81546 FBK AK 99708
JAMES R. FVKS	James R. FVKS	1412 KUCKIES LANE
Catarino Rodriguez	CATARINO RODRIGUEZ	3310 RIVERSIDE DR. APT 4 FBKS 99709
Peter H. May	Peter H. May	540 University Ave Fairbanks, AK

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

Prepared by William Shechter

4910 Palo Verde Ave.

Fairbanks, AK 99709

>Former Fire Chief, University of Alaska Fairbanks

>Former Fire Chief, City of Fairbanks

>Former Fairbanks North Star Borough Emergency Manager

>Current secretary, University Fire Service Area Commission

Date: March 15, 2009

Abbreviations used in this analysis:

UFD = University Fire Department

UFSA = University Fire Service Area

FFD = Fairbanks Fire Department

FPD = Fairbanks Police Department

PW = Public Works

AST = Alaska State Troopers

ADOT = Alaska Department of Transportation

LBC = Local Boundary Commission

EMS = Emergency Medical Services

FNSB = Fairbanks North Star Borough

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion:

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

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

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

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

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

William Shechter
4910 Palo Verde Avenue
Fairbanks, AK 99709

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

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

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

Steve Adams, Chairman

date

John Patterson

date

Bruce Foote

date

Rolin Dow

date

William Shechter, Secretary

date



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

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

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

Absent: None

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

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Strle led the Flag Salutation.

PRESENTATION

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

CITIZEN'S COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

Fred Meyer Stores • P.O. Box 42121 • Portland, OR 97242-0121 • 3800 SE 22nd Ave. • Portland, OR 97202-2908 • 503 232-8844 • www.fredmeyer.com

February 11, 2008

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

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

Dear Mayor Strie and Fairbanks City Council Members:

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

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

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

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

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

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

Best regards,

Melinda Merrill
Director, Public Affairs

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

Borough Comments



Fairbanks North Star Borough

Department of Law

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

RECEIVED
SEP 17 2009

September 16, 2009

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

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

Dear Commerce Staff:

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

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

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

Department of Commerce
September 16, 2009
Page 2

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

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

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

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

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

Department of Commerce
September 16, 2009
Page 3

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

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

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

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

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

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

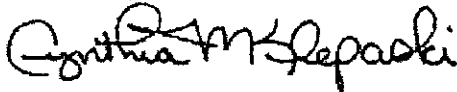
13. On page 120, Commerce declares that annexation of Fred Meyer would enhance the existing City to meet incorporation standards and be in the best interest of the state merely because the City has averred that Fred Myer has an advantage over other businesses in the City

Department of Commerce
September 16, 2009
Page 4

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

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

Sincerely,



Cynthia M. Klepaski
Assistant Borough Attorney

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

Public Comments

September 15, 2009

RECEIVED
SEP 18 2009

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

Attn: Brian Bitzer
Local Boundary Commission

RE: Fairbanks Annexation of enclave lots

Dear Mr. Bitzer:

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

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

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

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

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

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

Thanks for your time and consideration.



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

TO: All Fairbanks legislators 1/24/10

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

Re: Annexation of Fred Meyer W to City of Fairbanks

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

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

PLEASE VOTE TO DENY THE CITY ANNEXATION OF THIS PROPERTY.

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

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

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

We also know:

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

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

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

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

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

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

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

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

VOTE NO ON FRED MEYER ANNEXATION TO THE CITY

TO: All Fairbanks legislators 1/24/10

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

Re: Annexation of Fred Meyer W to City of Fairbanks

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

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

PLEASE VOTE TO DENY THE CITY ANNEXATION OF THIS PROPERTY.

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

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

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

We also know:

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

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

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

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

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

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

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

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

VOTE NO ON FRED MEYER ANNEXATION TO THE CITY

Michelle Sikma

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

Follow Up Flag: Follow up
Flag Status: Flagged

Patricia Stark
Po Box 82525

Fairbanks 99708-2525,
pstark@mosquitonet.com

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

Michelle Sikma

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

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

Michelle Sikma

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

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

Michelle Sikma

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

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

Michelle Sikma

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

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

From: mprax@acsalaska.net

Dear Representative Wilson,

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

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

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

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

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

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

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

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

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

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

Thank you,

Glenn M. Prax

~ Glenn Michael Prax
Zip Code: 99705

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

Michelle Sikma

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

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

Michelle Sikma

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

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

Michelle Sikma

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

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

Michelle Sikma

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

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

Michelle Sikma

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

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

Michelle Sikma

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

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

Michelle Sikma

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

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

Michelle Sikma

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

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

Michelle Sikma

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

Dear Representative,

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

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

Sincerely,

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

Bill Zorb

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

Dear Local Boundary Commission,

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

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

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

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

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

Sincerely

Bill Zorb, Fairbanks

Terry Harvey

From: csc@alaska.com on behalf of Craig Compeau [csc@alaska.com]
Sent: Monday, February 08, 2010 9:37 PM
To: Terry Harvey
Subject: In Favor Of HJR39

As a 65 year old family business, I would like to strongly support HJR39.

Our business moved out of the city after the flood, as we did not see the benefits of owning a business within the city limits.

We feel the same way today.

We also feel that as borough taxpayers, we are getting a raw deal, and that our concerns are being intentionally ignored.

Craig Compeau
Compeau's Inc

Terry Harvey

From: victor Buberger [vbuberger@yahoo.com]
Sent: Wednesday, February 10, 2010 12:22 AM
To: Terry Harvey
Subject: ANNEXATION

Terry Harvey, I am apposed to the annexation of Fred Meyers in Fairbanks, Ak. for various reasons. Thankyou. Victor Buberger

Terry Harvey

From: John Sturgeon [JSturg@Alaska.Net]
Sent: Tuesday, February 09, 2010 7:41 AM
To: Terry Harvey
Subject: pass hjr 39

Urge you to pass HJR 39.. this annexation is nothing but a money grab

Michelle Sikma

From: Shay Wilson
Sent: Friday, February 19, 2010 3:44 PM
To: Michelle Sikma
Subject: [SPAM] New Pom:HJR 39 Disapproving Fairbanks Annexation

Nancy Dobberpuhl
1479 Alderwood Dr

Fairbanks 99709,

I think this is a land grab. The City wants revenue but doesn't care about the safety or health of the residents currently served by the University Fire Dept. If I have a heart attack or am mugged while shopping at Fred Meyers I would rather have University Fire respond.



State of Alaska Local Boundary Commission

550 West Seventh Avenue, Suite 1770 • Anchorage, Alaska 99501
Telephone: 907-269-4559 • Fax 907-269-4539

January 15, 2010

The Honorable Mike Chenault
Speaker
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182
ATTN: Chief Clerk Suzi Lowell

Subject: Legislative Review Annexation by the City of Fairbanks

Dear Speaker Chenault:

The Local Boundary Commission ("commission") presents to the Second Session of the Twenty-Sixth Alaska State Legislature the commission's decision to approve the annexation of approximately 0.05 square miles to the City of Fairbanks ("City"). This presentation is done pursuant to article X, section 12, of Alaska's constitution. Under article X, section 12, the commission "may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house."

Alaska's constitutional framers expected that local boundary changes could be controversial. The Fairbanks North Star Borough ("Borough") opposed the annexation. Many community members were concerned about the annexation petition. Commissioner Lavell Wilson recused himself due to a potential conflict of interest, and did not participate in any of the proceedings.

After careful review, the commission approved the annexation of the territory referred to as the "enclave lots" by a vote of 4-0. The commission also approved the annexation of the territory referred to as the "Fred Meyer subdivision" by a vote of 3-1.

On December 10, 2009, the commission issued its written decisional statement to the public. Commissioner John Harrington wrote a narrow dissenting opinion regarding the annexation of the Fred Meyer territory. Both the decisional statement and the dissenting opinion are enclosed for your reference. These documents and all public materials regarding this annexation petition can also be found at: http://www.commerce.state.ak.us/dca/lbc/fairbanks_2.htm.

The Honorable Mike Chenault
Page 2 of 2
January 15, 2010

Should you have any questions, please contact Local Boundary Commission staff at 907-269-4559 (Brent Williams), 907-269-4587 (Brian Bitzer), or at LBC@alaska.gov. Thank you for your consideration.

Sincerely,

LOCAL BOUNDARY COMMISSION

A handwritten signature in cursive script that reads "Lynn Chrystal".

Lynn Chrystal
Chair

Enclosures:

- (1) LBC *Statement of Decision*, City of Fairbanks' annexation
- (2) Commissioner John Harrington's *Statement of Dissent*, City of Fairbanks' annexation



Local Boundary Commission

Statement of Decision

Members

Lynn Chrystal
Chair
At Large

**In the Matter of the
December 10, 2008, Petition
by the City of Fairbanks to
Annex 0.05 Square Miles**

John Harrington
Member
First Judicial District

Section I Introduction

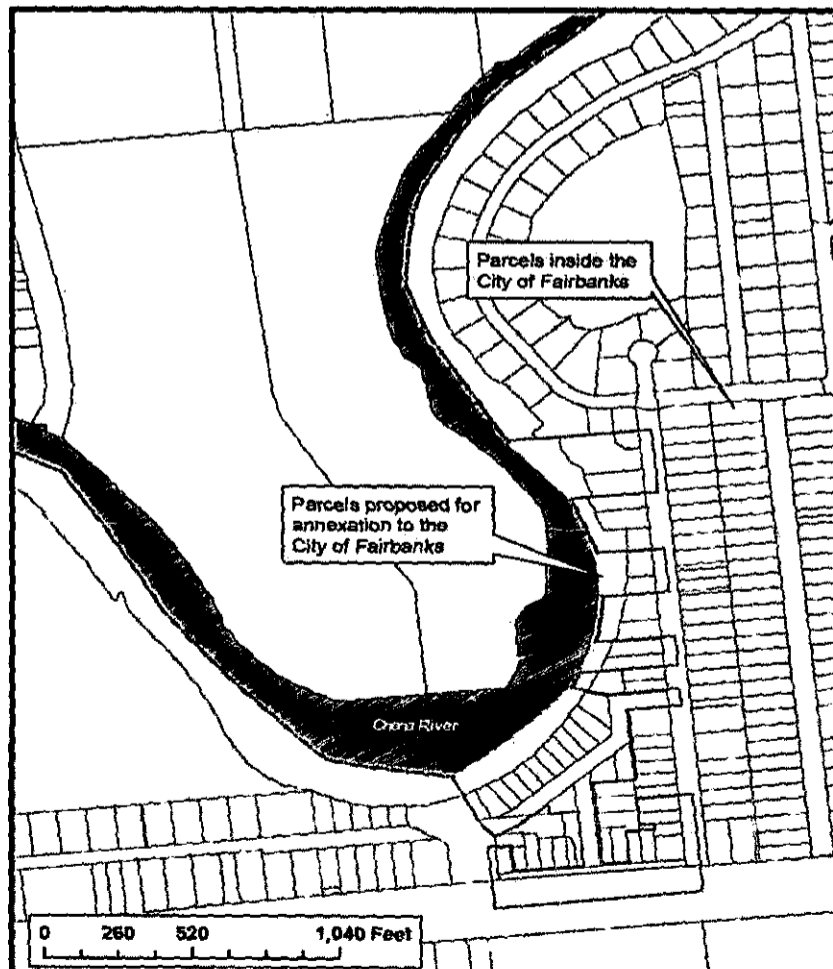
Bob Harcharek
Vice Chair
Second Judicial District

On December 10, 2008, the City of Fairbanks petitioned the Local Boundary Commission (also referred to as "LBC" or "commission") to annex 0.05 square miles comprised of two separate territories. The territories proposed for annexation are described as follows and are shown on the maps below:

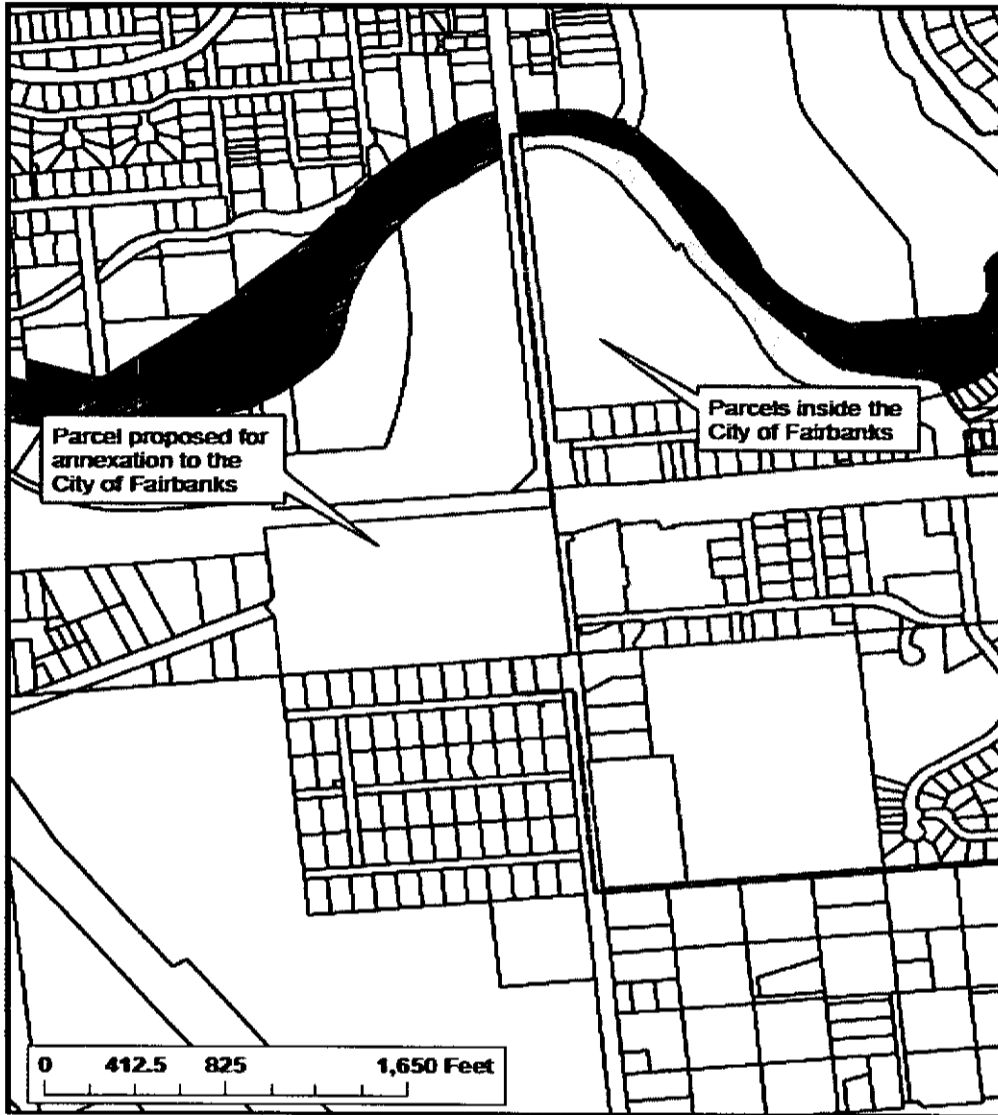
Larry Semmens
Member
Third Judicial District

Area 1 – Territory known as the enclave lots. This site includes lots on Park and Riverside Drives, Bartlett Avenue, and Airport Access Road comprising approximately 0.02 square miles and was authorized for annexation by Ordinance #4335.

Lavell Wilson
Member
Fourth Judicial District
(Recused)



Area 2 – Territory known as the Fred Meyer subdivision (also referred to as “Fred Meyer”). This site includes a large Fred Meyer retail center, a Taco Bell, and Mt. McKinley Bank. This territory comprises approximately 0.03 square miles and was authorized for annexation by Ordinance #4335.



SECTION II PROCEEDINGS

- **Deposit of Petition**

On July 23, 2008, the City of Fairbanks provided a copy of the City's prospective petition in notebooks at the following locations:

- Clerk's Office, City of Fairbanks City Hall, 800 Cushman Street, Fairbanks;
- Noel Wien Library Lobby, 1215 Cowles Street, Fairbanks; and
- Clerk's Office, Fairbanks North Star Borough Administrative Office Building, 809 Pioneer Road, Fairbanks.

LBC Decisional Statement
 City of Fairbanks Annexation
 Page 3

On February 27, 2009, the City updated those notebooks to include the submitted petition, public notice, and copies of the laws establishing standards and procedures for city annexation. They have been subsequently updated.

- **Petitioners Pre-Petition Public Hearing**

On November 21, 2008, the City of Fairbanks conducted a duly noticed public hearing, as required by 3 AAC 110.425. At the hearing, 17 individuals provided oral comments regarding the proposed annexation.

- **Submission and Review of Petition**

The petition was submitted to LBC staff (also referred to as "Commerce") on December 10, 2008, and accepted for filing on January 26, 2009.

- **Posting of Notice**

On February 2, 2009, notice was posted at the following locations within the territories proposed for annexation:

- On Riverside Drive, just north of Ping's Laundry;
- At the intersection of Park Drive and Airport Frontage Road;
- At the north end of Park Drive, just south of the Park Drive and Kiska intersection;
- On the light pole at the northeastern entrance/exit to Fred Meyer subdivision;
- On the light pole at the northwest corner of Fred Meyer subdivision, intersection with Old Airport Way; and
- On the utility pole at the southeastern entrance/exit to Fred Meyer subdivision.

On February 2, 2009, notice of the filing of the Petition was also posted within the existing boundaries of the City:

- Clerk's Office, City of Fairbanks City Hall, 800 Cushman Street, Fairbanks;
- Noel Wien Library Lobby, 1215 Cowles Street, Fairbanks;
- Clerk's Office, Fairbanks North Star Borough Administrative Office Building, 809 Pioneer Road, Fairbanks;
- United States Post Office, 315 Barnette Street, Fairbanks; and
- Rabinowitz State Court House, 101 Lacey Street, Fairbanks.

- **Public Notice**

Notice of the petition was published in the *Fairbanks Daily News-Miner* on February 2, 2009, February 9, 2009, and February 16, 2009.

On February 27, 2009, a public service announcement was sent to the following radio stations to broadcast for 14 days:

KUAC-FM, KAKQ, KFBX, KIAK, KKED, KSUA, KFAR, KWLF, KTDZ, KXLR, and KCBF.

On March 6, 2009, a shortened version of the public service announcement was provided to the above radio stations to broadcast over the next 14 days.

- **Service of Petition**

On February 20, 2009, the Fairbanks North Star Borough and the City of North Pole were served, via United States Postal Service, complete copies of the petition.

On February 20, 2009, a copy of the Notice of Petition was mailed by City employee Amber Courtney to the individuals and organization whose names and addresses are listed in Exhibit No. 3, attached to the March 13, 2009, City affidavit.

- **Deadline for Initial Comments and Responsive Briefs**

The notice of filing invited written public comment concerning the proposed annexation by April 17, 2009. The Fairbanks North Star Borough submitted a timely received responsive brief on April 17, 2009, before 4:30 p.m., via an internet link. Staff received 23 public comments.

A few technical errors have occurred which the staff would like to bring attention to. First, under 3 AAC 110.480(d), LBC staff should have informed potential commenters that the commenters needed to either serve a copy of the comments upon the petitioner, and file a statement that service was made, or to notify staff of their inability to do so. Upon realizing this error, staff sent the petitioner copies of the comments.

Second, under 3 AAC 110.700(d), when notice for public comment went out it should have told each potential commenter that if he or she filed electronically, which most of them did, he or she would also need to follow up with an original. Upon realizing the omission, staff contacted each commenter to inform him or her of the error and request that he or she file an original as well, to comply with the regulation. All but four did. The four comments that did not have an original filed do not comply with the regulation.

Lastly, under 3 AAC 110.490, the reply brief must be accompanied by an affidavit of service at the time the reply brief was timely filed. The reply brief was filed on time; however, the affidavit of service was submitted later, which did not comply with the regulation.

To ensure the fairness of the process and to allow every commenter the opportunity to have his or her comments addressed, staff requested that the LBC relax the relevant regulations to allow in the four comments that were submitted on time (but without an original on file) and the reply brief. This request was part of an item on the agenda for the duly noticed June 2, 2009, LBC public meeting titled "Relax procedural regulations to allow emailed comments and reply brief affidavits to be considered." Both the Fairbanks North Star Borough and the City of Fairbanks were notified and attended the meeting telephonically. Staff and the LBC did not know the four commenters' identity or position on the proposed annexations when the LBC considered the relaxation of the regulations. Staff felt it was in the interest of justice to allow all comments to be considered regardless of its position.

Both the Borough and the City had an opportunity to comment or object before the commission voted on the issue. The borough stated it did not object to relaxing the regulations. The city chose not to comment on the issue at that time. After lengthy discussion, the LBC took the following actions: (1) relaxed 3 AAC 110.480(d), which required that comments be served on the petitioner; (2) relaxed 3 AAC 110.490 which required that the reply brief be accompanied by an affidavit of service at the time the reply brief was timely filed, and (3) relaxed 3 AAC 110.700(d) which required any comment regarding the petition filed electronically to be followed by an original document.

Relaxation was approved by three votes yes to one vote no. This allowed comments made by Craig Compeau, Shawnee Dunham, John Havard, and Bartholomew Roberts to

be considered by the staff and the LBC, as well as the reply brief.

- **Petitioner's Reply Brief Filed**

On May 11, 2009, the City of Fairbanks filed a 139-page reply brief.

- **LBC Meeting**

On August 4, 2009, the LBC held a public meeting. One of the items on the agenda was the rescheduling of future petition proceedings dates. The meeting was duly noticed.

- **Preliminary Report Distribution**

On August 17, 2009, Commerce distributed copies of its 204 page *Preliminary Report Regarding the Proposal to Annex Approximately 0.05 Square Miles of Territory to the City of Fairbanks by Legislative Review* to interested parties including the petitioner, respondent, property owners, commenters, Local Boundary Commission members, and others.

- **Appointment of Two New Members to the Local Boundary Commission**

On September 10, 2009, Governor Sean Parnell appointed two individuals to fill vacancies on the Local Boundary Commission. John Harrington of Ketchikan and Larry Semmens of Soldotna joined previously appointed commission members Robert "Bob" Harcharek of Barrow, Lynn Chrystal of Valdez, and Lavell Wilson of Tok. That same day Governor Parnell appointed Lynn Chrystal to serve as the LBC's chair.

- **Commerce Informational Meeting**

On September 11, 2009, Commerce conducted a duly noticed public informational meeting concerning the city of Fairbanks' annexation proposal and future petition proceedings.

- **Receiving Timely Comments on Preliminary Report**

The public comment period for the preliminary report was from August 17, 2009, until September 16, 2009. Commerce received six timely submitted comments, including comments from the City of Fairbanks and the Fairbanks North Star Borough.

- **Final Report Distribution**

On October 13, 2009, Commerce distributed copies of its *Final Report to the Local Boundary Commission Regarding the Proposal to Annex Approximately 0.05 Square Miles of Territory to the City of Fairbanks by Legislative Review* to interested parties including the petitioner, respondent, property owners, commenters, Local Boundary Commission members, and others.

- **Notice of Local Boundary Commission Public Hearing and Decisional Meeting**

After Commerce conferred with the City of Fairbanks and the Fairbanks North Star Borough, the Local Boundary Commission chair scheduled a public hearing regarding the City of Fairbanks' annexation petition. The hearing was held on Monday, November 9, 2009, beginning at 12:00 p.m. in the Fairbanks North Star Borough School District's board room. The decisional meeting occurred at the same place on Tuesday, November 10, 2009, at 3:00 p.m.

Formal notice of the hearing had been given by Commerce under 3 AAC 110.550. Commerce published the full notice in a display ad in the *Fairbanks Daily News-Miner* on October 5, 2009. It was also published on October 19, 2009, and November 3, 2009. The notice was also posted on the internet through the state's *Online Public Notice System*, on the Division of Community and Regional Affairs website, and on the LBC website.

Additionally, notice of the hearing was provided to the Petitioner's representative (Mayor Terry Strle) and to the Respondent's representative (Mayor Jim Whitaker). The City posted the notice where the petition documents available for public review are (Fairbanks City Hall, Fairbanks North Star Borough Administrative Office Building, and the Noel Wien Public Library); at the United States Post Office and at the Rabinowitz State Courthouse; and at the six street locations specified on page 3 under "Posting of Notice."

- **LBC Tour of the Territories Proposed for Annexation**

On Monday, November 9, 2009, the Local Boundary Commission (all members were present except for Commissioner Wilson who is recused from proceedings) and staff conducted a tour of the territories proposed for annexation by automobile at 10 am. The tour was conducted and recorded in accordance with 3 AAC 110.550(f).

- **LBC Public Hearing Regarding the City of Fairbanks' Annexation Petition**

In accordance with 3 AAC 110.550 and 3 AAC 110.560 the Local Boundary Commission held a duly noticed public hearing on Monday, November 9, 2009, regarding the City of Fairbanks' annexation petition. The commission heard sworn testimony from witnesses for the City of Fairbanks and for the Fairbanks North Star Borough, as well as comments by numerous public members both for and against the proposed annexations.

- **LBC Decisional Meeting Regarding the City of Fairbanks' Annexation Petition**

In accordance with 3 AAC 110.570 the Local Boundary Commission held a duly noticed decisional meeting on Tuesday, November 10, 2009, regarding the City of Fairbanks' annexation petition. The commission voted 4 to 0 to vote on the two territories proposed for annexation (the enclave lots and the Fred Meyer subdivision) separately, as allowed under 3 AAC 110.570(c)(1). The commission approved by a vote of 4 to 0 the territory referred to as the enclave lots for annexation into the City of Fairbanks. The commission also approved by a vote of 3 to 1 the territory referred to as the Fred Meyer subdivision for annexation by the City of Fairbanks. Commissioner John Harrington dissented on approving the Fred Meyer subdivision for annexation.

SECTION III FINDINGS AND CONCLUSIONS

The record in this proceeding includes the City of Fairbanks' annexation petition and supporting materials, written comments received on the petition, the Fairbanks North Star Borough's responsive brief, the City of Fairbanks' reply brief, Commerce's preliminary report, comments received on Commerce's preliminary report, Commerce's final report, and testimony received at the LBC's November 9, 2009, public hearing on the petition.

LBC Decisional Statement
 City of Fairbanks Annexation
 Page 7

Alaska law requires the Local Boundary Commission to apply the standards for annexation to cities found at 3 AAC 110.090 – 3 AAC 110.140 and 3 AAC 110.900 – 3 AAC 110.982. Section III of this decisional statement recounts such application by the commission. Based on the evidence in the record relating to the subject petition, the Local Boundary Commission has reached the findings and conclusions set out in this section.

A. 3 AAC 110.090. Need.

Two standards relate to the need for city government in the territory proposed for annexation. First, 3 AAC 110.090(a) states that a territory may be annexed to a city provided the commission determines that there is a reasonable need for city government in the territory. Second, 3 AAC 110.090(b) states that territory may not be annexed to a city if the commission determines that essential municipal services can be provided more efficiently and more effectively by another existing city or by an organized borough, on an areawide basis or nonareawide basis, or through a borough service area.

1. 3 AAC 110.090(a)

Regarding the first standard, the commission finds that there is clearly a reasonable need for city government for the enclave lots. There is currently no fire service being provided to lots in the enclave located outside of the city's limits. Further, the enclave lots are in a patchwork of lots in which some homes receive fire services and some do not. This poses a danger if a house in the enclave lots catches fire and the fire spreads to a house within the city limits. Commission members expressed that there is also a need for street services and police services.

While there are no permanent residents of Fred Meyer subdivision, thousands of borough and city residents work, shop, bank, and eat at businesses in the territory every day. Commissioners were concerned with the lack of building code enforcement in the territories proposed for annexation. Some commissioners expressed that a developed commercial area could use the services of an urban police force, the City of Fairbanks police department, compared to a traditionally rural police force, the Alaska State Troopers. The Fred Meyer subdivision is in reasonable need of an enhanced level of municipal services.

The LBC finds that the petition meets 3 AAC 110.090(a)'s criteria for both the enclave lots and the Fred Meyer subdivision.

2. 3 AAC 110.090(b)

With respect to the second standard relating to the need for city government, 3 AAC 110.090(b) provides that territory may not be annexed to a city if essential city services can be provided more efficiently and more effectively by another existing city, by an organized borough, or through a borough service area. Neither the enclave lots nor Fred Meyer are in close proximity to the City of North Pole, the only other city within the Fairbanks North Star Borough and are not suitable for annexation to that more distant city government.

The LBC finds that neither the Borough nor the University Fire Service Area (also referred to as the "UFSA") can provide essential municipal services more efficiently and more effectively than can the City because neither the borough nor the UFSA is currently providing the enclave lots with police, fire/EMS, code enforcement, or other services.

There were mixed feelings expressed as to whether the UFSA or the City provided more efficient and more effective fire and EMS services to the Fred Meyer subdivision. The UFSA's stations are closer to Fred Meyer, and it has a better ISO rating. The City's paramedics receive more training than the UFSA's EMTs.

A majority of commission members felt it necessary to consider essential municipal services in a broad sense. The Fairbanks North Star Borough cannot provide police services, or building and fire code inspection and enforcement. The City of Fairbanks provides these services within its limits and has the capability to extend essential municipal services into the territories proposed for annexation. When considering the basket of essential municipal services, the commission finds that no other city, borough, or borough service area can provide essential municipal services on a more efficient and more effective basis.

The LBC finds that the petition meets 3 AAC 110.090(b)'s criteria for both the enclave lots and the Fred Meyer subdivision.

B. 3 AAC 110.100. Character.

Alaska law allows a territory to be annexed to a city provided, in part, that the territory is compatible in character with the annexing city. (3 AAC 110.100).

The view, "if it looks like a city it is a city" was expressed in testimony and public comment. Commissioners felt that both areas looked like a city and that they were compatible in several areas. The enclave lots are part of an established neighborhood of predominately residential properties with a few commercial properties. This land use is consistent with similarly located lots within the City's boundaries.

Fred Meyer is the only box store outside of the city limits. Similar commercial properties are found within the City of Fairbanks including the Safeway retail center directly across University Avenue.

We find that the petition satisfies 3 AAC 110.100's requirements for both territories because both the enclave lots and the Fred Meyer subdivision are compatible in character to the City of Fairbanks.

C. 3 AAC 110.110. Resources.

Alaska law allows a territory to be annexed to a city provided, in part, that the commission determines that the economy within the proposed post-annexation boundaries of the city has the human and financial resources necessary to provide essential city services on an efficient, cost-effective level. (3 AAC 110.110).

Commissioners expressed that the resources of the territory would be able to provide essential city services on an efficient, cost-effective level. The budget information provided shows that the revenues the City will be able to collect from the existing tax structure exceeds the projected expenses for providing city services. The commission heard testimony that there would not be a problem meeting the increased need for police or fire services. Annexation would also expand the economic base of the City of Fairbanks.

Given the above circumstances, the commission concludes that the economy within the proposed post-annexation boundaries of the City of Fairbanks has the human and financial resources necessary to provide essential city services to the territories proposed for annexation on an efficient, cost-effective level. Thus, the requirements of 3 AAC 110.110 are satisfied by the annexation petition.

D. 3 AAC 110.120. Population.

3 AAC 110.120 states that "[t]he population within the proposed expanded boundaries of the city must be sufficiently large and stable to support the extension of city government."

The 2007 population estimate for the City of Fairbanks is 31,627 persons. The enclave lots are mainly residential, with a few businesses. The Fred Meyer subdivision is exclusively commercial with no residents. There are approximately 35 residents in the enclave lots, and no known permanent residents of the Fred Meyer subdivision. Fairbanks is Alaska's second most populous community, and is the most populous of Alaska's incorporated cities. The population density of the City of Fairbanks will not be significantly affected by this annexation petition. The commission heard testimony that the City of Fairbanks has the capability of extending police and fire services to the territories proposed for annexation.

Given the small size of the territories proposed for annexation and the stability of the City's population, the LBC concludes that the population within the proposed post-annexation boundaries of the City of Fairbanks is sufficiently large and stable to support the extension of city government. Thus, the standard set out in 3 AAC 110.120 is satisfied.

E. 3 AAC 110.130. Boundaries.

There are five standards related to boundaries that the commission must consider. We find that the petition has satisfied 3 AAC 110.130's requirements based on the rationale below.

1. 3 AAC 110.130(a)

3 AAC 110.130(a) states that the proposed expanded boundaries of the city must include the land and water necessary to promote developing essential municipal services in an efficient, cost-effective manner.

Both the enclave lots and the Fred Meyer subdivision are developed territories. There has been nothing presented to suggest the proposed expanded boundaries of the City of Fairbanks does not contain all the land and water necessary to provide development of essential municipal services on an efficient, cost-effective level.

The LBC finds that the proposed boundaries of the city include all land and water necessary to develop essential municipal services in an efficient and cost-effective manner. This applies to both territories.

2. 3 AAC 110.130(b)

3 AAC 110.130(b) states that territory that is noncontiguous to the annexing city, or that would create enclaves in the annexing city, does not include all land and water necessary to develop essential municipal services in an efficient, cost-effective manner (absent a specific and persuasive contrary showing).

The enclave lots and Fred Meyer subdivision are both contiguous to the City of Fairbanks. Annexation of the enclave lots would eliminate an enclave currently within the city. As the enclave lots are contiguous to the annexing city, and because annexing them does not create an enclave, we need not address the land and water issue.

While the Fred Meyer subdivision could arguably create an enclave, the territory is already fully developed and receiving services. The expanded City of Fairbanks would contain all land and water necessary to allow for the development of essential municipal services on an efficient, cost-effective manner.

We find that 3 AAC 110.130(b)'s requirements have been met for both territories.

3. 3 AAC 110.130(c)(1)

The expanded boundaries of the City of Fairbanks must be on a scale suitable for city government, and may include only that territory comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the ten years following the effective date of annexation.

For both the enclave lots and the Fred Meyer subdivision, there is no reasonably anticipated future growth or anticipated public safety needs for the next ten years. As was discussed in 3 AAC 110.100, it is difficult to distinguish among the enclave lots, the Fred Meyer subdivision, and the City of Fairbanks as separate communities. These areas seem to comprise a single community, socially and economically.

For 3 AAC 110.130(c)(1) we find that the proposed expanded boundaries of the city, including both territories, are on a scale suitable for city government and only include an existing local community, plus reasonably predictable growth, development, and public safety needs during the ten years after the effective date of annexation.

4. 3 AAC 110.130(c)(2)

The proposed expanded boundaries of the City of Fairbanks may not include entire geographical regions or large unpopulated areas, except if those boundaries are justified by the application of standards in 3 AAC 110.090 – 3 AAC 110.135 and are otherwise suitable for city government.

Both the enclave lots and Fred Meyer are small (only comprising 0.05 square miles) and are highly developed territories. They do not contain entire geographical regions or large unpopulated areas. There are approximately 35 residents in the enclave lots. While there are no permanent residents of the Fred Meyer subdivision, thousands of borough and city residents work, shop, bank, and eat in the territory.

For 3 AAC 110.130(c)(2), we find that neither the enclave lots nor the Fred Meyer subdivision includes entire geographical regions or large unpopulated areas.

5. 3 AAC 110.130(d)

3 AAC 110.130(d) states that “if a petition for annexation to a city describes boundaries overlapping the boundaries of an existing organized borough, the petition for annexation must also address and comply with the standards and procedures for either annexation of the enlarged city to the existing organized borough or detachment of the enlarged city from the existing organized borough. If a petition for annexation to a city describes boundaries overlapping the boundaries of another existing city, the petition for annexation must also address and comply with the standards and procedures for detachment of territory from a city, merger of cities, or consolidation of cities.”

This annexation petition does not describe boundaries overlapping the boundaries of an existing organized borough or another existing city. For that reason the petition does not need to address the standards and procedures for annexation of the enlarged city to the existing organized borough, detachment of the enlarged city from the existing organized borough, detachment of territory from an existing city, merger of cities, or consolidation of cities.

We find that the overlapping boundary standard is satisfied for both the enclave lots and the Fred Meyer subdivision.

F. 3 AAC 110.135. Best Interests of the State.

Alaska's constitution promotes maximum local government with a minimum of local government units and prevention of duplication of tax levying jurisdictions. (Article X, §1).

The commission finds that the proposed annexation would have no effect upon the number of local government units. It is important to note that the Fairbanks North Star Borough is a second class borough, whereas the City of Fairbanks is a home rule city. Annexation of the enclave lots and Fred Meyer would promote the principles of maximum local self-government because the territories would receive the benefits of belonging to both the City and the Borough. We found in analyzing 3 AAC 110.140(7) that both annexations would meet the constitutional mandate of maximum local self-government and a minimum number of local government units.

Annexation would meet even a broader interpretation of best interests of the state than merely the impact upon the state budget. The commission finds that the proposed annexation of the enclave lots would help improve the boundaries of the City of Fairbanks and extend city police protection to territories which are now served by the Alaska State Troopers, and in the case of the enclave lots, extend fire protection where such protection is not currently provided. Also, building and fire code enforcement and inspection is currently provided by the state. The state would be relieved of the responsibility of providing building and fire code enforcement and inspecting. Even if the buildings were already built, code inspections are in the best interests of the state. The commission believes with better code enforcement comes better safety and better buildings.

While this annexation will probably not reduce the state's budget for the Alaska State Troopers, annexing Fred Meyer and the enclave lots will allow the troopers to provide better service to the other areas they are responsible for.

While it is not required that the commission review the financial impact on the Borough or the UFSA, commissioners expressed opinions on the financial impact this annexation will cause. All revenue losses cause pain to municipalities. It is a normal course of events that service areas will provide services near a city's boundaries. The fact that a service area exists should not impede a city from expanding. The financial impacts to the borough and the UFSA were not significant enough for this annexation to be viewed as not being in the best interests of the state.

We find that the petition satisfies 3 AAC 110.135's requirements for both territories.

G. 3 AAC 110.140. Legislative Review.

For territory to be annexed under the legislative review method the commission must determine that one of eight circumstances enumerated in 3 AAC 110.140 exists.

We find for the enclave lots that circumstance (1), whether "the territory is wholly or substantially surrounded by the annexing city" is met because the enclave lots are substantially surrounded by the City and the Chena River.

Circumstance (7) exists if the commission determines that "annexation will promote (A) maximum local self-government, as determined under 3 AAC 110.981; and (B) a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska."

The commission finds that the residents and property owners of the territories proposed for annexation would benefit from belonging to both the Fairbanks North Star Borough (second class borough) and the City of Fairbanks (home rule city). The commission finds that this

LBC Decisional Statement
 City of Fairbanks Annexation
 Page 12

annexation will not affect the number of local government units. The commission, based on previous decisions, does not believe this standard is so stringent that it requires that the proposal reduce the number of local government units. Rather it means that no new local government unit will be created unless it is justified. We find that annexing both the enclave lots and the Fred Meyer subdivision promotes maximum local self-government and a minimum number of local government units.

As at least one circumstance has been found to exist for both the enclave lots and the Fred Meyer subdivision, we find that the petition meets 3 AAC 110.140's requirements.

H. 3 AAC 110.900. Transition.

3 AAC 110.900 concerns whether the transition plan contains all the required information, and that all required actions were undertaken to prepare for a smooth transition. There are six parts to 3 AAC 110.900 that the commission reviewed.

The commission considers the prospective transition of extending essential city services into the territories proposed for annexing to be elementary and uncomplicated. In particular, the commission notes that annexation would not involve the transfer of assets or liabilities from one local government to another. The petition states that the City will provide fire, police, and other essential municipal services to both of the territories proposed for annexation. City officials testified that the City consulted with Borough and UFSA officials concerning the proposed annexation.

The commission finds that 3 AAC 110.900's requirements have been satisfied with respect to the current annexation proposal based on the rationale below.

1. 3 AAC 110.900(a)

3 AAC 110.900(a) requires the petition to include a practical plan demonstrating the capacity of the annexing city to extend essential city services into the territories proposed for annexation in the shortest practical time after the effective date of the proposed annexation. The City of Fairbanks included the required transition plan as Exhibit E of its petition. The City of Fairbanks stated in its transition plan that it was ready to extend municipal services to the territories immediately after the effective date of the proposed annexation.

We find that the petition has met 3 AAC 110.900(a)'s requirements.

2. 3 AAC 110.900(b)

3 AAC 110.900(b) requires that the petition include a practical plan for the assumption of all relevant and appropriate powers, duties, rights, and functions presently exercised by an existing borough, city, unorganized borough service area, or other appropriate entity located within the boundaries proposed for change.

The plan must be prepared in consultation with borough officials. The City stated that it is prepared to assume all relevant and appropriate powers, duties, rights, and functions to expand essential city services to the Fred Meyer subdivision and the enclave lots promptly upon the annexations' effective date.

We find that the petition has met 3 AAC 110.900(b)'s requirements.

3. 3 AAC 110.900(c)

3 AAC 110.900(c) requires that the petition must include a practical plan for the transfer and integration of all relevant and appropriate assets and liabilities of an existing borough, city, unorganized borough service area, and other entity located within the boundaries proposed for annexation. Here, a plan to transfer assets and liabilities is a moot subject because there are no assets or liabilities that would be affected by the annexations.

4. 3 AAC 110.900(d)

3 AAC 110.900(d) allows the LBC to condition approval upon executing an agreement for assuming powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities.

The commissioners discussed whether it was necessary to require that the City and Borough execute an agreement prescribed or approved by the commission for the City to assume the powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities from the Borough. Commissioner Harrington expressed concern that annexation of the Fred Meyer subdivision would increase response time for fire and EMS services to employees and patrons of the commercial business located there. A majority of the commission felt that it was not necessary to require such an agreement, but wished the City and Borough would continue dialogue regarding the financial impact to the Borough and the UFSA.

3 AAC 110.900(d) is optional, and the commission did not act upon it.

5. 3 AAC 110.900(e)

The transition plan did state the names and titles of all officials consulted by the petitioner as required by 3 AAC 110.900(e). While the petition did not state the dates and subjects of these meetings, all required entities were aware of the petition. There is no question from testimony given by the Borough and the City at the November 9, 2009, public hearing that consultation occurred.

The commission finds that the spirit of 3 AAC 110.900(e) has been met.

6. 3 AAC 110.900(f)

If a petitioner has requested consultation, and borough officials have declined to consult or were unavailable during reasonable times, the petitioner may ask the LBC to waive that requirement. As no such request was received, no such waiver was granted.

I. 3 AAC 110.910. Statement of Nondiscrimination

As provided by 3 AAC 110.910, an annexation proposal may not be approved by the commission if the effect of the annexation would deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

We find no evidence that the effect of the proposed change denies any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

J. 3 AAC 110.920. Determination of Community.

3 AAC 110.920 applies to determining whether a settlement comprises a community. Given the City's size, and that the commission sees the two territories as part of the City of Fairbanks' social and economic community, the LBC determines that this regulation was not relevant to this petition.

K. 3 AAC 110.970. Determination of Essential Municipal Services.

Essential municipal services were discussed under 3 AAC 110.090. The commission sees fire and EMS services, police services, fire and building code enforcement and inspection, and dispatch as being essential municipal services deserving highest consideration. It is important to note that the Fairbanks North Star Borough, as a second class borough, does not have its own police force. Also, it does not provide building and fire code enforcement and inspection. The state is currently responsible for providing those services. The City of Fairbanks has demonstrated its ability to provide and extend these services to the territories proposed for annexation. We find that the petition has met 3 AAC 110.970's requirements.

L. 3 AAC 110.981. Determination of Maximum Local Self-Government.

This standard has been discussed in consideration of best interests of the state and whether this annexation is appropriately sought under legislative review. The commission finds that the residents and property owners of the territories proposed for annexation would benefit from belonging to both the Fairbanks North Star Borough (second class borough) and the City of Fairbanks (home rule city) because the territories will continue to receive areawide services which only the Borough can provide. The territories would also receive additional essential municipal services which the City can provide but the Borough and the UFSA cannot, such as police enforcement, and building and fire code enforcement and inspection.

We find that annexing the enclave lots and the Fred Meyer subdivision would extend local government needs (police enforcement, building and fire code inspections and enforcement) which cannot be met by the borough on an areawide or nonareawide basis, by annexation to another existing city, or through an existing borough service area. We find that the petition has met 3 AAC 110.981's requirements.

M. 3 AAC 110.982. Minimum Number of Local Government Units.

This standard has been discussed in consideration of best interests of the state and whether this annexation is appropriately sought under legislative review. The commission finds that this annexation will not affect the number of local government units. The commission, based on previous decisions, does not believe this standard is so stringent that it requires that the proposal reduce the number of local government units. Rather it means no new local government unit will be created unless it is justified.

We find that enlargement of the city's boundaries is more appropriate than promoting the incorporation of a new city or the creation of a new borough service area. We find that the petition has met 3 AAC 110.982's requirements.

SECTION IV ORDER OF THE COMMISSION

The commission concludes that all of the relevant standards and requirements for annexation of both territories (the enclave lots and Fred Meyer) are satisfied by the City of Fairbanks' petition. Therefore, the Commission approves the December 10, 2008, petition of the City of Fairbanks for the annexation of approximately 0.05 square miles.

The LBC in the past has held the view that multiple piecemeal annexations do not necessarily serve optimum public policy. The current commission supports this view. Notwithstanding, the commission reaffirms its conclusion that both territories, while small in nature, do meet all relevant standards and requirements.

Approval of the proposed annexation by the Local Boundary Commission will result in boundaries for the City of Fairbanks described as follows:

CITY OF FAIRBANKS CORPORATE BOUNDARIES

Commencing at the south 1/4 corner of Section 36, T1N, R1W, F.B. & M. which is located on the Fairbanks Base Line, being the true point of beginning of this description; thence west along the Fairbanks Base Line to the northwesterly corner of Section 3, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 3 and 4, T1S, R1W, F.B. & M., to an intersection with the thread of the Noyes Slough; thence downstream along the thread of the Noyes Slough to the easterly 1/16 line of Section 4, T1S, R1W, F.B. & M.; thence in a northerly direction along said easterly 1/16 line to the southerly boundary of Johnston Subdivision, filed in the Fairbanks Recorder's Office October 4, 1954, as Instrument No. 151.674; thence in northerly, northeasterly and northerly directions, respectively, along the easterly boundary of Johnston Subdivision filed in the Fairbanks Recorder's Office on October 4, 1954, as Instrument No. 151.674, to the southernmost right of way limit of College Road, State of Alaska Project S-SG-0644(5); thence in a northwesterly direction along the southernmost right of way limit of College Road, State of Alaska Project S-SG-0644(5), to the Fairbanks Base Line; thence west along said Base Line to the thread of Noyes Slough; thence downstream along the thread of Noyes Slough to the northerly extension of the lot line common to Lots 1 and 11 of the Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a southerly direction along the westerly boundaries of Lots 1 through 6 and 9 and the southerly extension of said line to the southernmost right of way limit of Hanson Road, shown on the plat of Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a westerly direction along the southernmost right of way limit of Hanson Road to the northwesterly corner of Lot 21, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a southerly direction along the westerly boundary of said Lot 21 to the southwest corner of Lot 21, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorders Office, on October 15, 1976, as Instrument No. 76-165; thence easterly and northeasterly along the southerly boundaries of Lots 21, 20 and 24 to the southeasterly corner of Lot 24, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence easterly, normal to the section line, to said section line common to Sections 5 and 4, T1S, R1W, F.B. & M.; thence in a southerly direction along said section line common to Sections 4, 5, 8 and 9, T1S, R1W, F.B. & M. to an intersection with the easterly extension of the southernmost right of way limit of Phillips field Road as shown on the plat of Doyon Estates subdivision, filed in the Fairbanks Recorders Office on October 16, 1997 as Instrument No. 97-100 ; thence in a westerly direction along said easterly extension of the southernmost right of way limit of Phillips Field Road to an intersection with the westernmost right of way limit of Mouton Street as shown on the plat of Doyon Estates subdivision, filed in the Fairbanks Recorders Office on October 16, 1997 as Instrument No. 97-100 ; Thence southeasterly and southwest along said westernmost right of way limit of Mouton Street to the northern most boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M.; thence in a westerly direction along the northerly boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M. extended to intersect with the thread of the

LBC Decisional Statement
City of Fairbanks Annexation
Page 16

Chena River; thence downstream along the thread of the Chena River to the section line common to Sections 7 and 8, T1S, R1W, F.B. & M.; thence in a southerly direction along said section line to the easterly extension of the northerly boundary of Fred Meyer Subdivision as filed in the Fairbanks Recorder's Office as Plat No. 91-55; thence westerly, southerly and easterly along the boundary of said Fred Meyer Subdivision to the northwesternmost corner of Lot 2, Block 1, Fairwest Subdivision West Addition filed in the Fairbanks Recorder's Office January 24, 1964, as Instrument No. 64-486; thence in a southerly direction along the westerly lot line of said Lot 2, Block 1, to the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition; thence in an easterly direction along the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition extended to the section line common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 17 and 18, T1S, R1W, F.B. & M. to the northernmost 1/16 corner common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost east-west 1/16 line to the northerly 1/16 corner on the centerline (north-south) of Section 17, T1S, R1W, F.B. & M.; thence in a southerly direction along the centerline (north-south) of Section 17, T1S, R1W, F.B. & M. to the center 1/4 corner of Section 17, T1S, R1W, F.B. & M.; thence in a easterly direction along the centerline (east-west) of Section 17, T1S, R1W, F.B. & M. to an intersection with the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2); thence in a southerly direction along the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2), to a point on the extended southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), to the easternmost limit of Schacht Street as shown on the plat of Metro Industrial Airpark subdivision filed in the Fairbanks Recorder's Office on December 12, 1969, as instrument No. 69-12194; thence in a southerly direction along the easternmost limit of said Schacht Street to the southwest corner of Lot 1-A as shown on the replat of Lot 1, Block 7, Metro Industrial Air Park filed in the Fairbanks Recorder's Office on June 18, 1985, as Instrument No. 85-96; thence in a easterly direction along the southerly boundary of said Lot 1-A to the southeasterly corner of said Lot 1-A at the westerly boundary of the Subdivision of the Arvo A. Joki Property in the SE 1/4 of Section 21, T.1S. R.1 W. F.M., filed in the Fairbanks Recorder's Office on May 31, 1973, as instrument No. 73-34; thence in southerly easterly and northerly directions around the perimeter of the Avro A. Joki Property encompassing Tract A and Tract B to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2) to the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M.; thence in a southerly direction along the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M. to the northwesterly corner of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160; thence in an easterly direction along the northerly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160; thence in a southerly direction along the easterly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160 common to the westerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southwesterly corner of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the southerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in a northerly direction along the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the northeasterly corner of Lot 7, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the westerly extension of and continuing along the southerly boundary of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southeasterly corner of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114;

LBC Decisional Statement
 City of Fairbanks Annexation
 Page 17

thence northerly along the easterly boundary of Lots 1 and 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), to an intersection with the westernmost right of way limit of South Cushman Street; thence in a southerly direction along the westernmost right of way limit of South Cushman Street as shown on the plat of Tennessee Miller Industrial Park recorded in the Fairbanks District Recorders Office on March 14, 1986 as instrument number 86-35; thence continuing along the southerly extension of said westernmost right of way limit of South Cushman Street to the section line common to Sections 22 and 27, T1S, R1W, F. B. & M.; thence in an easterly direction along the section line common to Sections 22, 27, 23 and 26, to the ¼ common to Sections 23 and 26, T1S, R1W, F.B. & M.; thence in a northerly direction along the north-south centerline of Section 23, to the northernmost 1/16 corner on said north-south centerline of Section 23, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost eastwest 1/16 line of said Section 23 to the northernmost 1/16 corner common to Sections 23 and 24, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 23 and 24 to the southerly limit of Parcel B of Exhibit A to the Special Warranty Deed recorded in the Fairbanks Recorder's Office on February 27, 1985, in Book 414, Pages 331 through 337, as Instrument Number 85-4616; thence North 8959'52" East along the southerly boundary of said Parcel B a distance of 330.14 feet; thence North 002'05" West a distance of 330.22 feet to a point on the southerly boundary of said Parcel B; thence North 8959'59" East a distance of 690.39 feet to a point on the southerly boundary of said Parcel B; thence South 000'01" East a distance of 660.40 feet to a point on the southerly limit of said Parcel B; thence North 8959'46" East a distance of 300.44 feet to the southeasternmost corner of said Parcel B which lies on the westerly 1/16 line of Section 24, T1S, R1W, F.B. & M.; thence in a southerly direction along the westerly 1/16 line of Sections 24 and 25, T1S, R1W, F.B. & M., to the meander of the north bank of the Tanana River; thence in northeasterly and southeasterly directions along the meanders of the north bank of the Tanana River to an intersection with the section line common to Sections 32 and 33, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 33, 28, 29 and 32, T1S, R1E, F.B. & M., to the section corner common to Sections 21, 28, 29 and 20, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 28 and 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 28 and 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M., to the southernmost right of way limit of the Old Richardson Highway, FAP 62-4; thence in a northwesterly direction along the southernmost right of way limit of the Old Richardson Highway, FAP 62-4, extended to the westernmost right of way limit of Badger Road, State of Alaska Project S-0620(2); thence in a northerly direction along the westernmost right of way limit of Badger Road State of Alaska Project S-0620(2) to an intersection with the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 21 and 16, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 21 and 16, T1S, R1E, F.B. & M. to the centerline of Badger Road State of Alaska Project RS-0622(6); thence in a northerly direction along the centerline of Badger Road State of Alaska Project No. RS-0622(6) to the centerline of Holms Road State of Alaska Project RS-0622(1)/63872; thence in a southeasterly direction along the centerline of Holms Road to a point of tangent at centerline station 24+59.63; thence South 02°32' 10" West (basis of bearing for this call is Holms Road State of Alaska Project RS-0622(1)/63872) to the section line common to Sections 21 and 16, T1S, R1E, F.B. & M.; thence in an easterly direction along said section line to the section corner common to Sections 22, 21, 16 and 15, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 15 and 16, T1S, R1E, F.B. & M., to the section corner common to Sections 10, 15, 16 and 9, T1S, R1E, F.B. & M.; thence in a westerly direction along the section line common to Sections 9 and 16, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 16, T1S, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 9, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 4, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 9, 4, 3 and 10, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 10 and 3, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line to the mid 1/16 corner located in the SW 1/4 of Section 3, T1S, R1E, F.B. & M.; thence in an easterly direction along the southerly 1/16 line to the southerly 1/16 corner on the centerline (north-south) of Section 3, T1S, R1E, F.B. & M.; thence in a northerly direction

LBC Decisional Statement
 City of Fairbanks Annexation
 Page 18

along the centerline (north-south) of Section 3, T1S, R1E, F.B. & M., to the 1/4 corner of Section 3, T1S, R1E, F.B. & M., located on the Fairbanks Base Line; thence east along the Fairbanks Base Line to the southerly 1/4 corner of Section 34, T1N, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 34, T1N, R1E, F.B. & M., to the 1/4 corner common to Sections 34 and 27, T1N, R1E, F.B. & M.; thence in a westerly direction along the section line common to Sections 27, 34, 33 and 28, T1N, R1E, F.B. & M., to the section corner common to Sections 29, 28, 33 and 32, T1N, R1E, F.B. & M.; thence in a southerly direction along the section line common to Sections 32 and 33, T1N, R1E, F.B. & M., to the 1/4 corner common to Sections 32 and 33, T1N, R1E, F.B. & M.; thence in a westerly direction along the centerlines (east-west) of Sections 32 and 31, T1N, R1E, F.B. & M., to the 1/4 corner of Section 31, T1N, R1E, F.B. & M., located on the Fairbanks Meridian; thence north along the Fairbanks Meridian to the northernmost 1/16 corner of Section 36, T1N, R1W, F.B. & M., thence in a westerly direction along the northerly 1/16 line of Section 36, T1N, R1W, F.B. & M., to the mid 1/16 corner located in the NE 1/4 of Section 36, T1N, R1W, F.B. & M.; thence in a southerly direction along the easterly 1/16 line to the easterly 1/16 corner on the centerline (east-west) of Section 36, T1N, R1W, F.B. & M.; thence in a westerly direction to the interior 1/4 corner of Section 36, T1N, R1W, F.B. & M.; thence in a southerly direction along the centerline (north-south) of Section 36, T1N, R1W, F.B. & M., to the 1/4 corner common to Section 36, T1N, R1W, F.B. & M., and located on the Fairbanks Base Line, the true point of beginning of this description. This description encompasses an area of 33.85 square miles.

Approved in writing this 2nd day of December, 2009.

LOCAL BOUNDARY COMMISSION

By: *Lynn Chrystal* x
 Lynn Chrystal, Chair

Attest:

By: *R. Brent Williams* x
 Brent Williams, Staff

RECONSIDERATION BY THE COMMISSION

Per 3 AAC 110.580(a) "within 18 days after a written statement of decision is mailed under 3 AAC 110.570(f), a person may file an original and five copies of a request for reconsideration of all or part of the decision, describing in detail the facts and analyses that support the request for reconsideration."

Per 3 AAC 110.580(e) "the commission will grant a request for reconsideration or, on its own motion, order reconsideration of a decision only if the commission determines that

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

Additionally, per 3 AAC 110.580(f) "if the commission does not act on a request for reconsideration within 30 days after the decision was mailed under 3 AAC 110.570(f), the request is automatically denied."

Also, per 3 AAC 110.580(f) "if the commission orders reconsideration or grants a request for reconsideration within 30 days after the decision was mailed under 3 AAC 110.570(f), the commission will allow a petitioner or respondent 10 days after the date reconsideration is ordered or the request for reconsideration is granted to file an original and five copies of a responsive brief describing in detail the facts and analyses that support or oppose the decision being reconsidered."

JUDICIAL APPEAL

Per 3 AAC 110.620, "a final decision of the commission made under the Constitution of the State of Alaska, AS 29.04, AS 29.05, AS 29.06, or this chapter may be appealed to the superior court in accordance with the Administrative Procedure Act (AS 44.62)." Please note that AS 44.62.560 requires that "the notice of appeal shall be filed within 30 days after the last day on which reconsideration can be ordered, and served on each party to the proceeding."

STATE OF ALASKA

LOCAL BOUNDARY COMMISSION

In the Matter of the)
 Petition for Annexation)
 of 0.05 Square Miles to)
the City of Fairbanks)

**STATEMENT OF DISSENT BY
COMMISSIONER JOHN HARRINGTON**

INTRODUCTION

This dissent in the annexation of the Fred Meyer Subdivision is limited to a narrow issue. The essential problem in this annexation is the mixed effect that the action will have on the delivery of services to the subdivision. I believe the Commission erred in only one aspect of the annexation process. It made a mistake by not requiring the City of Fairbanks and the Fairbanks North Star Borough execute an agreement allowed by 3 AAC 110.900(d) regarding the delivery of Fire and EMS services.

The City can provide police service and building code enforcement more efficiently and more effectively than can the Borough or the State of Alaska. But the Borough, exercising nonareawide EMS powers and service area fire suppression powers, is providing more efficient and more effective fire and EMS service than can the City. The presentation by the City lauded its more highly trained EMS and fire staff, but training cannot make up for the significantly longer response time. The current delivery of service from a station just 0.3 miles from the subdivision will be changed to a response from a station several miles away.

STATEMENT OF DISSENT

The Fred Meyer Subdivision has a reasonable need for city government. That need is partially met by the exercise of nonareawide EMS powers of the Borough and fire suppression through the University Fire Service Area. If it were not for the lack of several essential municipal services available from the Borough (e.g. police, and building code enforcement), this subdivision would not meet the applicable standards for annexation.

3 AAC 110.090. Need

(a) The territory must exhibit a reasonable need for city government. . . .

(b) Territory may not be annexed to a city if essential municipal services can be provided more efficiently and more effectively by another existing city or by an organized borough, on an areawide basis or nonareawide basis, or through a borough service area that, in the determination of the commission, was established in accordance with art. X, sec. 5, Constitution of the State of Alaska.

Because of the emphasis in 3 AAC 110.090 on "*services provided more efficiently and more effectively...*" the Commission was required to address the relative efficiency and effectiveness in the delivery of Fire and EMS services to the subdivision. During the hearings the Commission heard testimony regarding the City's attempt to come to an agreement with the Borough regarding the University Fire Service Area, specifically, the financial impact on the service area. The financial impact on the service area is significant, but the more important impact is the degradation of service delivery.

It is within the power of the commission (3 AAC 110.900(d) Transition) to prescribe an agreement between the City and the Borough.

3 AAC 110.900. Transition


...
(d) Before approving a proposed change, the commission may require that all boroughs, cities, unorganized borough service areas, or other entities wholly or partially included within the boundaries of the proposed change execute an agreement prescribed or approved by the commission for the assumption of powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities.

One possible agreement would provide for the retention of the Fred Meyer Subdivision within the University Fire Service Area until such time as the City can provide a more comparable response time.

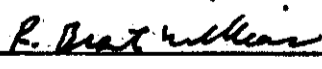
It is in the best interest of the subdivision, the community of Fairbanks, and the State that essential services are delivered efficiently and effectively. In this annexation action the degradation in delivery of fire and EMS services can be avoided, and as such, should be.

It is in this very limited area that I dissent from the action taken by the Commission. In all other aspects of the Commission's approval of the annexation, I concur.

Approved in writing this 2nd day of December, 2009.

By:  x
John Harrington,
Commissioner
First Judicial District

Attest:

By:  x
Brent Williams, Staff