

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8238 SENATE COMMUNITY & REGIONAL AFFAIRS

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

OTHER CONSIDERATIONS

VOTE ON ANNEXATION

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

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

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

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

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

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

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

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

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

SECTION IV ORDER

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

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

The territory approved for annexation is described as follows:

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

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

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

STATEMENT OF DECISION
CITY OF PALMER ANNEXATION
PAGE 11

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

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

LOCAL BOUNDARY COMMISSION

By: Darroll Hargraves, Chairperson

Attest:

Dan Bockhorst, Staff

RECONSIDERATION BY THE COMMISSION

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

JUDICIAL APPEAL

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

AFFIDAVIT OF SERVICE

STATE OF ALASKA)
) ss:
THIRD DISTRICT)

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

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

DAVID L. SOULAK, CITY MANAGER/CLERK

SUBSCRIBED AND SWORN to before me this 24th day of February, 1992.

Catherine A. Check
NOTARY PUBLIC FOR ALASKA

My Commission Expires: 1-16-94

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

MUNICIPAL & REGIONAL ASSISTANCE DIVISION

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

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

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

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

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

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

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

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

November 17, 1991 RECEIVED

1991 - 1991
CITY OF PALMER

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

RE: FY 93 STATE REVENUE SHARING POPULATION

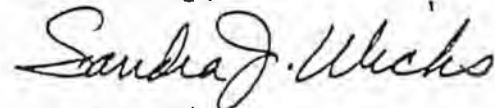
Dear Mr. Soulak:

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

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

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

Sincerely,



Sandra Wicks
Deputy Director

cc: Rodney Schulling, Mat-Su Borough

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

EXHIBIT "E"

SPECIAL POPULATION CENSUS SUMMARY SHEET

CITY OR TOWN Palmer

DATE 09/16/91

STATE OF ALASKA

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

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

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

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

COMMENTS _____

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

SIGNED [Signature] MAYOR
DATE 11-13-91
ATTEST: [Signature]
CITY (~~CLERK~~) CLERK/Manager
DATE 12, 1991

Revised 1/81



CITY OF PALMER



231 W. EVERGREEN AVE.
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

February 24, 1992

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

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

Dear Mr. Bockhorst,

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

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

Yours truly,

David L. Soulak
City Manager
City of Palmer

DLS/cac

Enclosures

SUBMITTED
NOV 05 1992
TO THE LOCAL BOUNDARY COMMISSION

RECEIVED
FEB 24 1992

DEPT. OF COMMUNITY & REGIONAL AFFAIRS
ANCHORAGE, ALASKA

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

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

PETITION

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

DESCRIPTION OF BOUNDARIES: MAP

The proposed area to be annexed includes:

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

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

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

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

AREA

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

POPULATION

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

ASSESSED VALUATION

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

TAXATION

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

OUTSTANDING INDEBTEDNESS

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

BOUNDARIES OF THE CITY OF PALMER, ALASKA
FEBRUARY, 1992

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

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

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

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

EXCEPTING THEREFROM:

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

TO: MEMBERS OF THE LOCAL BOUNDARY COMMISSION

SUPPORTING BRIEF

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

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

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

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

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

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

Legislative Review annexation of the aforementioned parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* See enclosed letter
Christina K. Ward 310 E. Eagle Palmer 745-2774
 NAME ST. ADDRESS PHONE

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

Don Mathis 320 E. Eagle Palmer 746-1221
 NAME ST. ADDRESS PHONE
 * see enclosed letter

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

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

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

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

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

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

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

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

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

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

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

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

Wynne W. Hufst 526 N. AK St. 745-3655
NAME ST. ADDRESS PHONE

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

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

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

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

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

To the Palmer City Council

July 19, 1989

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

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

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

Respectfully,
Robert Matura

TO: PALMER CITY COUNCIL

RE: EDGAR BAILEY

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

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

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

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

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

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

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

Thank you.

Sincerely,

Richard (Dick) + Ellie
Vogt

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

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

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

We sincerely hope something can be done about it.

Floyd T. Bekken

To the Palmer City Council

We as lawabiding citizens, taxpayers, and voters of this community would like to address the council in regards to Mr. Edgar Bailey's junk yard and wild animals. Over the years we as his neighbors have been abused, due to his dog scattering garbage in our yard as well as our neighbors yards; their (dogs) continuous barking @ all hours of the day and night and scaring our children enough to where they want the Eagle to visit the park @ friends. In the past I have delt with his pigs and goats in my flowerbeds and trash cans.

Mr. Bailey's continuing supply of wrecked automobiles, junk and animals is an embarrassment to our neighborhood as well as our community. We have made Mr. more call to P.P.D. and there is only as much they can do as Mr Bailey's property is not in the city limits. In the past year, I have heard of some inhuman things pertaining to the health and welfare of the animals he owns. We have 3 children, that play in this neighborhood and others also by and they are forced to use Dolphin street to visit the park and friends due to his wild dog. We have live here @ 561 N. Demoli St. 8's ago and plan on other few years and will @ the mercy of the owner

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

Yours Truly

Mr. & Mrs. Carl T. Scheidt

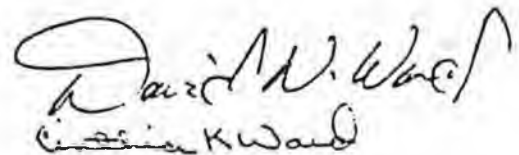
To the City Council of Palmer,

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

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

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

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



David W. Ward
Cynthia K. Ward

David W. Ward
Cynthia K. Ward

8-1-89

Dear City Council members,

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

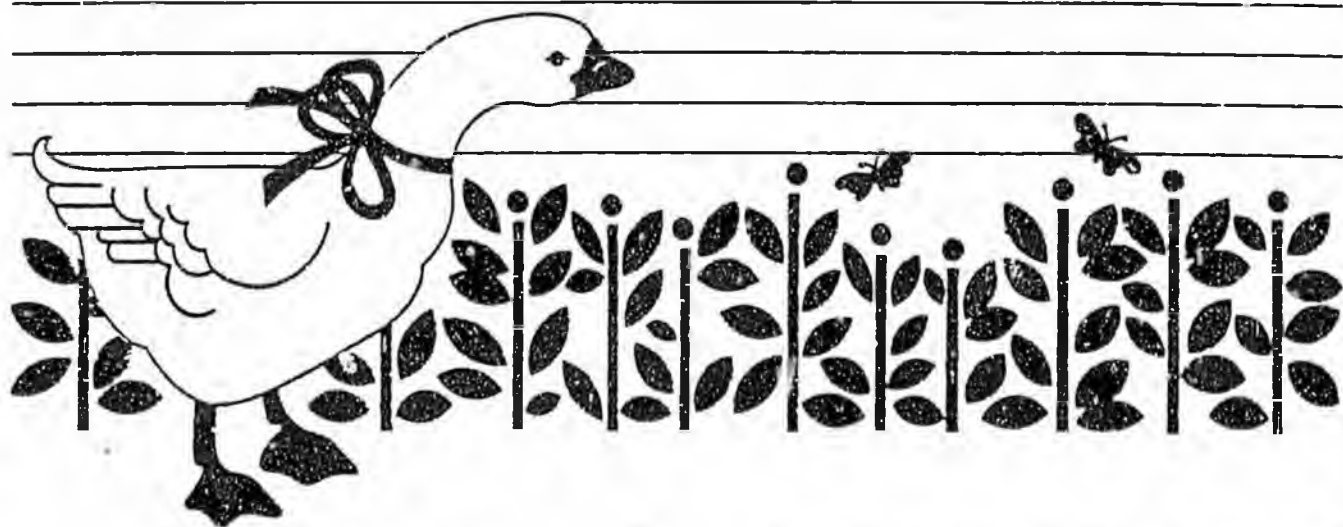
During this time, we have met Mr. Bailey on several occasions. He is a nice fellow and a big-hearted person.

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

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

Sincerely,

Don Mathe
Patty Mathe



8-5-89

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

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

Bernice Yerbic

CLERK'S CERTIFICATE

Pursuant to 19 AAC 10.490

STATE OF ALASKA)
) ss:
THIRD DISTRICT)

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

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

DATED this 21st day of February, 1992.

David L. Soulak, City Manager/Clerk

SUBSCRIBED AND SWORN to before me this 21st day of February, 1992.

Catherine A. Check
NOTARY PUBLIC FOR ALASKA

My Commission Expires: 1-16-94

AFFIDAVIT

STATE OF ALASKA)
) ss:
THIRD DISTRICT)

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

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

DATED: February 21, 1992

DAVID I. SOULAK, CITY
MANAGER/CLERK

SUBSCRIBED AND SWORN to before me this 21st day of February,
1992.

Catherine A. Check
NOTARY PUBLIC FOR ALASKA

My Commission Expires: 1-16-94

EXHIBIT "B"



CITY OF PALMER



231 W EVERGREEN AVE.
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

CERTIFICATION OF MINUTES & ORDINANCE

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

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

DAVID L. SOULAK, CITY CLERK

(SEAL)

EXHIBIT "C"

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

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

B. ROLL CALL, DETERMINATION OF A QUORUM.

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

C. APPROVAL OF AGENDA.

The agenda was approved as presented.

D. PLEDGE OF ALLEGIANCE: led by Councilmember Guinotte.

E. MINUTES OF PREVIOUS MEETINGS.

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

F. CONSENT AGENDA.

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

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

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

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

G. COMMUNICATIONS AND APPEARANCE REQUESTS.

None.

H. BOROUGH REPRESENTATIVE'S REPORT.

None.

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

I. AUDIENCE PARTICIPATION.

None.

J. HEARINGS, ORDINANCES AND RESOLUTIONS.

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

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

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

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

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

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

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

Question on Main Motion as Amended: MCU.

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

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

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

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

K. BIDS.

None.

L. OLD BUSINESS.

None.

M. NEW BUSINESS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Question on Motion: MCU.

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

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

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

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

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

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

Question on Main Motion as Amended: MCU.

The application will be returned.

N. CITY MANAGER'S REPORT.

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

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

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

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

O. AUDIENCE PARTICIPATION.

None.

P. COUNCIL COMMENTS.

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

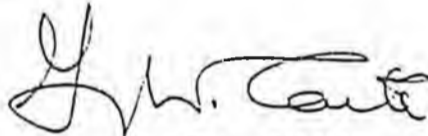
City of Palmer Regular Council Meeting Minutes - July 9, 1991

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

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

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

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



GEORGE W. CARTE', MAYOR

DAVID L. SOULAK, CITY CLERK

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

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

B. ROLL CALL. DETERMINATION OF A QUORUM.

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

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

C. APPROVAL OF AGENDA.

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

D. PLEDGE OF ALLEGIANCE: led by Councilmember Long.

E. MINUTES OF PREVIOUS MEETINGS.

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

F. CONSENT AGENDA.

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

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

G. COMMUNICATIONS AND APPEARANCE REQUESTS.

1. Hal Sellick Re: Downtown Complaints and Solutions.

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

Regular City Council Meeting Minutes - July 23, 1991

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

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

2. Report by RC&D.

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

H. BOROUGH REPRESENTATIVE'S REPORT.

None.

I. AUDIENCE PARTICIPATION.

None.

Regular City Council Meeting Minutes - July 23, 1991

J. HEARINGS, ORDINANCES AND RESOLUTIONS.

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

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

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

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

Mayor Carte' opened the public hearing.

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

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

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

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

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

Regular City Council Meeting Minutes - July 23, 1991

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

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

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

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

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

Regular City Council Meeting Minutes - July 23, 1991

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

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

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

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

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

Regular City Council Meeting Minutes - July 23, 1991

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

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

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

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

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

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

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

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

Mayor Carte' then closed the public hearing.

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

Regular City Council Meeting Minutes - July 23, 1991

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

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

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

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

ROLL CALL VOTE: MCU.

3. Resolution No. 908 - Accepting State Grants.

There were no audience comments received on this Resolution.

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

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

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

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

Regular City Council Meeting Minutes - July 23, 1991

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

Question on Motion: MCU.

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

There were no audience comments received on this Resolution.

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

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

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

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

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

Question on Main Motion as Amended: MCU.

- K. BIDS.

None.

Regular City Council Meeting Minutes - July 23, 1991

L. OLD BUSINESS.

None.

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

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

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

2. Appoint Alternate RC&D Delegate.

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

N. CITY MANAGER'S REPORT.

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

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

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

Regular City Council Meeting Minutes - July 23, 1991

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

O. AUDIENCE PARTICIPATION.

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

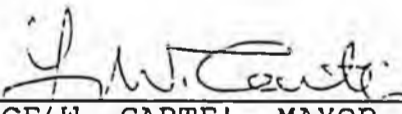
Councilwoman Long asked if caravans are parking five miles out of town as was reported earlier. Ms. Prickett replied the caravans park at the State Fairgrounds. Mr. Soulak said the city didn't ban the air stream caravans from town. They used to park on the Bomhoff property, however ownership of that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

P. COUNCIL COMMENTS.

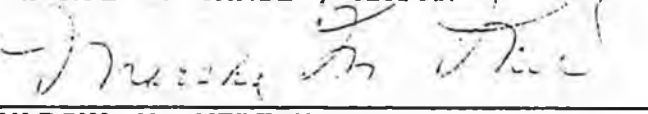
Both Councilmembers Guinotte and Berberich asked to be excused from August 13th Council meeting as they will be out of town.

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

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



 GEORGE W. CARTE, MAYOR



 MARSHA M. MELTON, MAYOR PROTEM

 DAVID L. SOULAK, CITY CLERK

CITY OF PALMER, ALASKA

ORDINANCE NO. 435

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

THE CITY OF PALMER, ALASKA, ORDAINS:

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

Section 2. The area proposed to be annexed is:

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

Pribyl, Grasse and Grasse Subdivision - Lot 22

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

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

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

Section 4. The City Council finds:

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

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

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

A G E N D A

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

K. BIDS.

None.

L. OLD BUSINESS.

None.

M. NEW BUSINESS.

None.

N. CITY MANAGER'S REPORT.

O. AUDIENCE PARTICIPATION.

P. COUNCIL COMMENTS.

Q. ADJOURNMENT.

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

A G E N D A

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

K. BIDS.

None.

L. OLD BUSINESS.

None.

M. NEW BUSINESS.

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

N. CITY MANAGER'S REPORT.

O. AUDIENCE PARTICIPATION.

P. COUNCIL COMMENTS.

Q. ADJOURNMENT.

Frontiersman/Va

1261 Seward Meridian Road

AFFIDAVIT-OF-PUBLI

UNITED STATES OF AMERICA

STATE OF ALASKA

THIRD DIVISION.

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

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

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

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

JULY 1991, AND THEREAFTER FOR -0-

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

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

Duncan Frazier
SUBSCRIBED AND SWORN TO BEFORE ME

THIS 22nd DAY OF July 1991.

Charlotte Schaefer

NOTARY PUBLIC FOR STATE OF ALASKA

MY COMMISSION EXPIRES 11-19-94

7) 376-5225



CITY OF
PALMER



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

- A. CALL TO ORDER.
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- K. BIDS.

None
- L. OLD BUSINESS.
- M. NEW BUSINESS.
 1. Review of State Capital Grants.
- N. CITY MANAGER'S REPORT.
- O. AUDIENCE PARTICIPATION.
- P. COUNCIL COMMENTS.
- Q. ADJOURNMENT.

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

Publish: July 19, 1991



231 W. EVERGREEN AVE.
PALMER, ALASKA 99645

CITY OF PALMER



A HOME RULE CITY



Phone (907) 745-3271

Council
7-23-91

July 12, 1991

Dear Property Owner,

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

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

The areas proposed for annexation are:

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

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

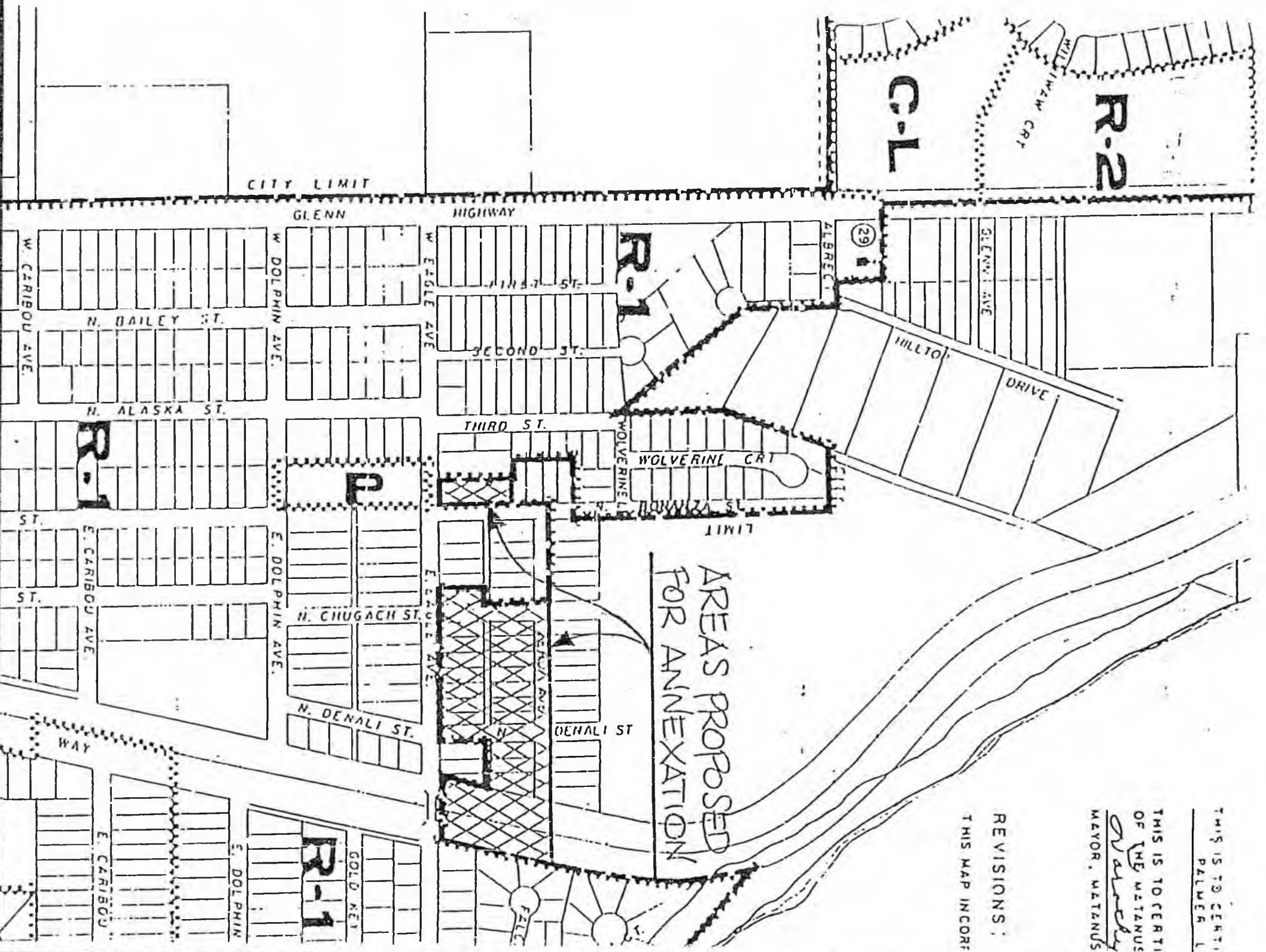
Should you have any questions, please feel free to contact me.

Yours truly,

David L. Soulak
City Manager/Clerk
City of Palmer

DLS/cac

Attachment: Map of Area Proposed for Annexation



AREAS PROPOSED
FOR ANNEXATION

THIS IS TO CERTIFY
PALMER L.
MAYOR, MATANUS

REVISIONS:
THIS MAP INCORP:

C-1

R-2

R-1

R-1

P

R-1

GOLD KEY

W. CARIBOU AVE.

N. BAILEY ST.

N. ALASKA ST.

W. DOLPHIN AVE.

E. DOLPHIN AVE.

N. CHUGACH ST.

N. DENALI ST.

W. EAGLE AVE.

E. EAGLE AVE.

FIRST ST.

SECOND ST.

THIRD ST.

DENALI ST

CITY LIMIT

HIGHWAY

ALBRECT

(29)

GLENN AVE

HILLTOP

DRIVE

WOLVERINE

WOLVERINE CRI

CITY LIMIT

FIELD

WILLIAM CRY

POSSIBLE ANNEXATION

RIVERSIDE/PRIBYL, GRASSE & GRASSE

50 Letters Sent on July 15, 1991 (Cox)

Riverside Subd.

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

Pribyl, Grasse & Grasse Subd.

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

Riverside Subd.

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

POSSIBLE ANNEXATION
PAGE 2

Riverside Subd. Continued

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

Bailey Heights Subd.

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

Alaska Railroad Right-of-Way

Alaska Railroad Corp., Box 107500, ANC 99510

Pribyl, Grasse & Grasse Subd.

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

T18N, R2E, S28

C-5 Dean & Melinda Dewey

T.A. Smith Subd.

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

PROPOSED ANNEXATION
PAGE 2

T.A. Smith Subd. Continued

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

Gold Key Estates Subd.

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

Gold Key Estates, Addn. #1 Subd.

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

Diamond Willow Subd.

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

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

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

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

Respectfully

Dean A. Dewey
I believe I believe

CITY OF PALMER



231 W. EVERGREEN AVE.
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

July 12, 1991

Dear Property Owner,

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

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

The areas proposed for annexation are:

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

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

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

Yours truly,

David L. Soulak
City Manager/Clerk
City of Palmer

DLS/cac

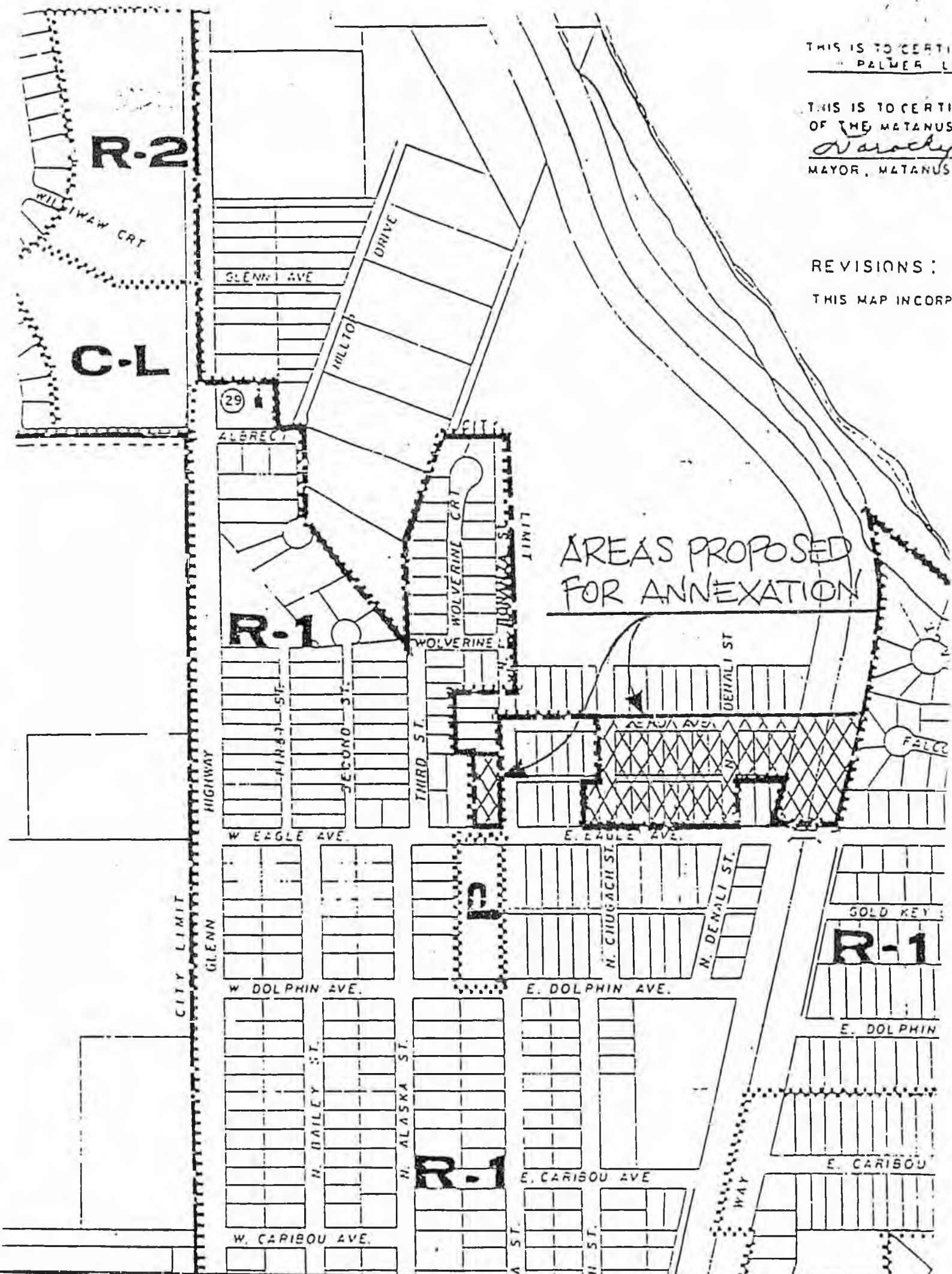
Attachment: Map of Area Proposed for Annexation

DEWEY OWENS
Lot 1 Block
2
3

THIS IS TO CERTIFY
PALMER, L.A.

THIS IS TO CERTIFY
OF THE MATANUS
Varady
MAYOR, MATANUS

REVISIONS:
THIS MAP INCORP



AREAS PROPOSED
FOR ANNEXATION

GOLD KEY
R-1

Council
7-23-91

July 1, 1991

PALMER CITY COUNCIL

Regarding: Proposed Annexation of Riverside Subd.

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

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

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

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

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

David W. Ward
Cynthia K. Ward

David W. & Cynthia K. Ward

310 E. Eagle Ave.

Palmer, Ak. 99645

ALASKA RAILROAD CORPORATION

City Council 7-23-91



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

July 17, 1991

RECEIVED
JUL 18 1991
CITY OF PALMER

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

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

To Whom it May Concern:

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

Sincerely,

A handwritten signature in cursive script that reads "Bonnie G. Bailey".

Bonnie G. Bailey
Acting Manager, Real Estate

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

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

October 30, 1992

Dear Reader:

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

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

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

Palmer Annexation
October 30, 1992
Page 2

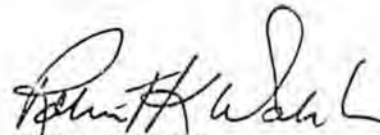
As required by law, we have reviewed the information and developed our final conclusions and recommendations for the Local Boundary Commission. These are attached to this letter. I encourage you to review this material and testify to the Local Boundary Commission regarding this petition at 7:00 p.m.,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

For additional information contact:

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

We welcome your continued interest in this matter.

Cordially,


Robert Walsh
Director

attachment: Department Final Conclusions & Recommendations

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

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

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

Willingness and Ability of the City to Serve the Area

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

Urban Character

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

Provision of Uncompensated Services

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

Health, Welfare and Safety

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

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

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

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

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

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

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

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

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

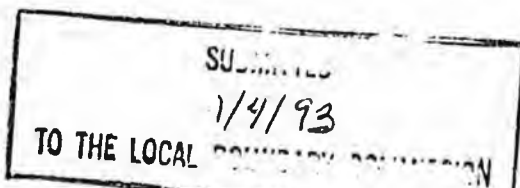
Recommendation

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

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

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

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



January 4, 1993

TO: LOCAL BOUNDARY COMMISSION

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

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

SUBJECT: REQUEST FOR RECONSIDERATION OF
LBC DECISION TO APPROVE ANNEXATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOCAL BOUNDARY COMMISSION

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

AFFIDAVIT OF CAROLYN K. SIELER

SUBMITTED
1/4/93
TO THE LOCAL BOUNDARY COMMISSION

STATE OF ALASKA)
) ss:
THIRD JUDICIAL DISTRICT)

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

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

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

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

8. Affiant sayeth further naught.

Date: December 30, 1992 Cathy K. Siler

Subscribed and sworn to before me this 30th day of December, 1992.

Lina Allinglow
Notary Public in and For Alaska

My Commission expires: 12/19/96

LOCAL BOUNDARY COMMISSION

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

SUBMITTED
1/4/93
TO THE LOCAL BOUNDARY COMMISSION

AFFIDAVIT OF SUSAN M. HAGEN

STATE OF ALASKA)
) ss:
THIRD JUDICIAL DISTRICT)

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

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

had not noticed the Police upon their arrival.

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

8. Affaintant sayeth further naught.

Date: 12-30-92 Susan M. Hagen

Subscribed and sworn to before me this 30th day of December, 1992.

Andrew E. Hill
Notary Public in and For Alaska

My Commission expires: 11-20-96

THE
FOLLOWING
DOCUMENTS
ARE
POOR
ORIGINAL
COPIES

SUBMITTED
1/4/93
TO THE LOCAL BOUNDARY COMMISSION

AFFIDAVIT OF STATEMENT

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

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

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

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

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

11. Affiants sayeth further naught.

This was 4th day of December, 1992.

Alaska Citizens Awareness Committee, Inc.,

Florida L. Morry
Florida L. Morry, Treasurer

Veronica J. Anacleto
Veronica Anacleto, Secretary

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

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

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