

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8240 SENATE COMMUNITY & REGIONAL AFFAIRS

ever, the Commission acts on petitions well before the expiration of the 90 day period.

A meeting of the Commission to act on a petition is open to the public. However, the Commission does not take testimony during a decisional meeting, although the Commission may seek a point of clarification from its staff or an interested party. Due to budget constraints and other practical limitations, decisional meetings of the Commission are often held in the course of conducting other business before the Commission. For that reason, decisional meetings are usually held in a community other than the one in which the hearing was held.

Decisions of the Commission require agreement by at least three of the five members of the Commission. The Commission may take any one of the following actions on the petition:

1. *Approve the petition without amendments or conditions.*
2. *Approve the petition with amendments or conditions. These may include*

*altering the boundaries of the territory proposed for annexation or requiring voter approval of the proposed annexation.* <sup>10</sup>

### 3. *Deny the petition.*

### 10. **Adoption of a Written Statement of Decision**

The law requires that the Commission adopt a written statement of decision within thirty days from the date that it reached its oral decision. The statement of decision sets forth the reasoning of the Commission with respect to the action it took on the petition.

The law requires that a copy of the statement of decision be provided to the petitioner's representative and to any parties who have filed formal briefs (respondents). Again, in this case, no briefs were filed in response to the petition. Anyone else wishing to obtain a copy of the statement may make a request to the Local Boundary Commission Staff.

### 11. **Reconsideration**

Once the Commission acts on a petition, there are

two procedures under which it may reconsider the action taken. The first is a relatively quick and informal process using Robert's Rules of Order, the parliamentary rules adopted by the Commission. These rules enable a majority of the Commission members to quickly bring back for further consideration, a motion which has already been voted upon. Under these rules a motion to reconsider must typically be made and seconded on the same day as the original vote.

According to Robert's Rules of Order, the purpose of the parliamentary reconsideration process is to "permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote". However, given the formal and deliberate nature of municipal boundary proceedings, this process is not often used by the Commission.

The second process is one established under the Commission's regulations. This process allows the Commission to order

reconsideration on its own motion within 20 days after the statement of decision is mailed to the petitioner and respondents.

Additionally, any interested person may file a request for reconsideration within this same 20 day period. A request for reconsideration must describe in detail the facts and analyses that support the request for reconsideration. Requests for reconsideration are filed with:

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

If the Commission takes no action on a request for reconsideration within 30 days after the statement of decision was mailed to the petitioner and respondents, the request for reconsideration is automatically denied. If the Commission grants a request for reconsideration within this 30 day period, a petitioner or respondent is allotted 10 days from the date the request for reconsideration is granted to file a responsive brief.

If the Commission agrees to reconsider an action under this second process, it typically requests further analysis from staff and may conduct an additional hearing.

Parties seeking reconsideration of a decision of the Commission are encouraged to contact LBC Staff for details of the complete procedures.

## 12. Court Appeal

Any party who has a sufficient interest in a matter acted upon by the Commission may appeal the Commission's decision to Superior Court. An appeal must be made within thirty days from the date the Commission's written statement of decision was mailed or delivered to the petitioner, respondents and others who requested the document.

It is not necessary that parties seek reconsideration (step 11) in order to appeal a decision of the Commission to Superior Court. If, however, a party does seek reconsideration, the thirty day deadline for filing an appeal with the court is suspended for the time

taken up by the reconsideration proceedings.

Typically, many months (sometimes years) are involved in processing an appeal at the Superior Court level. Of course, a Superior Court decision may also be appealed to the State Supreme Court, involving substantial additional time. The filing of an appeal in Superior Court will not delay implementation of an annexation proposal, unless the court specifically orders that the proceedings be halted.

Although actions of the Commission are often appealed to court, they are very seldom successful. The Alaska Supreme Court has consistently taken the position that courts should not substitute their judgment for that of the Commission. Thus, as long as there is a reasonable basis for the Commission's decision and proper procedures have been followed, an appeal is not likely to succeed.<sup>11</sup>

## 13. Final Action

If the Commission approves (or amends and approves) a petition seeking a boundary change

using the legislative review process, the Commission must submit a formal recommendation for the boundary change to the next regular session of the legislature for final approval.

In accordance with Article X, Section 12 of the Constitution of the State of Alaska, the recommendation must be submitted during the first ten days of the next regular session of the legislature. Members of the legislature then have 45 days from the date of submission to consider the recommendation. If the legislature does not adopt a joint resolution rejecting the recommendation, it becomes final at the end of the 45 day review period.

If the legislature adopts a joint resolution, the annexation is denied. According to Legislative Rule No. 49, a joint resolution is "adopted by both houses and then signed by the governor as a ministerial formality. The joint resolution is treated in all respects as a bill but it is not subject to veto."

As an alternative to the legislative review process, the Commission may amend the petition to

Standards for annexation relate to whether . . .

1. The city is willing and able to serve the territory.
2. The city currently serves the territory.
3. There is a need for services which the city can provide most efficiently.
4. The territory is similar in character to the area within the existing boundaries of the city.
5. The territory is likely to grow and develop.
6. The health, welfare and safety of city residents is endangered by conditions within the territory.
7. Annexation is necessary to extend services within the current city boundaries.
8. Property within the territory is owned by the city.
9. The territory is an enclave within the boundaries of the city.
10. The territory should be annexed for another valid public purpose.

provide that the matter be decided by the voters residing in the territory approved for annexation.

#### 14. Federal Voting Rights Act Review

All municipal boundary changes in Alaska are subject to review under the federal Voting Rights Act. This federal requirement is intended to ensure that changes in voting rights, practices and procedures (including those brought about by annexations) will not result in "a denial or abridgment of the right of any citizen of the United States to vote on account of race or color" or because a citizen is a "member of a language minority group".

It is the responsibility of

the city whose boundaries are changed to seek review of the annexation under the Voting Rights Act. Staff of the Commission are available to assist cities in meeting their obligation under the Voting Rights Act. It is stressed that an annexation may not be implemented until the annexation has been given favorable review under the Act.

#### STANDARDS FOR ANNEXATION

The criteria or standards which are used to evaluate the merits of a proposal for annexation of contiguous territory to a city are set forth in law.<sup>12</sup> These relate to the above.

These standards for annexation of territory to a city are briefly summarized as follows:

**1. Willingness and Ability to Serve the Area (19 AAC 10.080)**

It must be shown to the satisfaction of the Local Boundary Commission that the city is both willing and able to extend "full municipal services" to the area proposed for annexation. These services are defined as "all of the services that a municipality is providing to its residents with revenues raised from the municipality's general mill levy or sales or use taxes" (19 AAC 10.840(9)). It does not include services funded by user fees (e.g. utilities). Nor does it require the city to build roads, sidewalks, water and sewer utility extensions, or other capital projects to the area proposed for annexation.

If the area will not receive "full municipal services", the Commission may still approve the annexation if the city is willing to establish differential tax zones to compensate for the lower level of services.

In addition to standard

number 1, a proposal to annex territory contiguous to the existing boundaries of a city must meet at least one of nine other standards. These nine standards are summarized below.

**A. Provision of Uncompensated Services 19 AAC 10.070(a)(8)** This standard is met if residents or property owners in the area proposed for annexation receive or may be expected to receive city services without paying property taxes to the city. This standard may be satisfied even if the services are provided inside the current boundaries of the city.

**B. Need for Services & Ability to Serve 19 AAC 10.070(a)(4)** If the area proposed for annexation needs municipal services and the city can provide those services more efficiently than another municipality, this criteria is satisfied.

**C. Urban Character 19 AAC 10.070(a)(3) and 19 AAC 10.070(d)** This standard is met if the area proposed for annexation is similar in character to the area already within the city limits. In evaluating this standard, the Com-

mission may consider whether:

- the property in the area proposed for annexation is platted;
- the property is used for residential or commercial purposes;
- the property is suitable for urban purposes;
- the population density of the area proposed for annexation is similar to the area within the existing city limits;
- the population of the area proposed for annexation stems from growth beyond the boundaries of the city.

**D. Growth and Development 19 AAC 10.070(a)(5)**

If the area proposed for annexation is likely to grow and develop, this standard may be met. However, the Commission must also conclude that the city will plan for and control that development.

**E. Health, Welfare and Safety (19 AAC**

**10.070(a)(6)** This standard may be met if the residents of the city are endangered by conditions existing or developing in the area proposed for annexation. To satisfy this standard, the Commission must also determine that annexation will enable the

city to relieve those conditions.

**F. Need for Service Extension (19 AAC 10.070(a)(7))**

If the city needs to include any of the territory proposed for annexation in order to extend services to an area currently within its boundaries, this standard is satisfied. Examples of such instances might include the need to develop a new site for a sanitary landfill, water source or sewage disposal facility, or the need to regulate the community's watershed.

**G. City-owned Property (19 AAC 10.070(a)(2))**

If the city owns property within the territory proposed for annexation, this standard is met.

**H. Enclave within City Limits (19 AAC 10.070(a)(1))**

If the territory proposed for annexation is surrounded by property already within the corporate limits of the city, this standard is satisfied.

**I. Other Valid Public Purposes (19 AAC 10.070(a)(9))**

This standard is satisfied if the Commission determines that the annexation proposal serves some legitimate public purpose other than those covered by the eight previously noted standards. An example might be the inclusion of adjacent industrial or commercial developments which are a natural part of the community in order to enhance the revenues of

the city. Another example might be extending voting rights to residents who are served by a municipal government, but have no right to vote in municipal elections.

**3. Interlying Property (19 AAC 10.070(c))**

The law provides that territory which does not meet any of the nine general standards discussed in the preceding section, may still be annexed if it lies between the current city boundaries and other territory which does meet one or more of those standards. This reflects a strong preference for avoiding "holes" in the jurisdiction of a municipal government.

# CHAPTER 3 - PROFILES

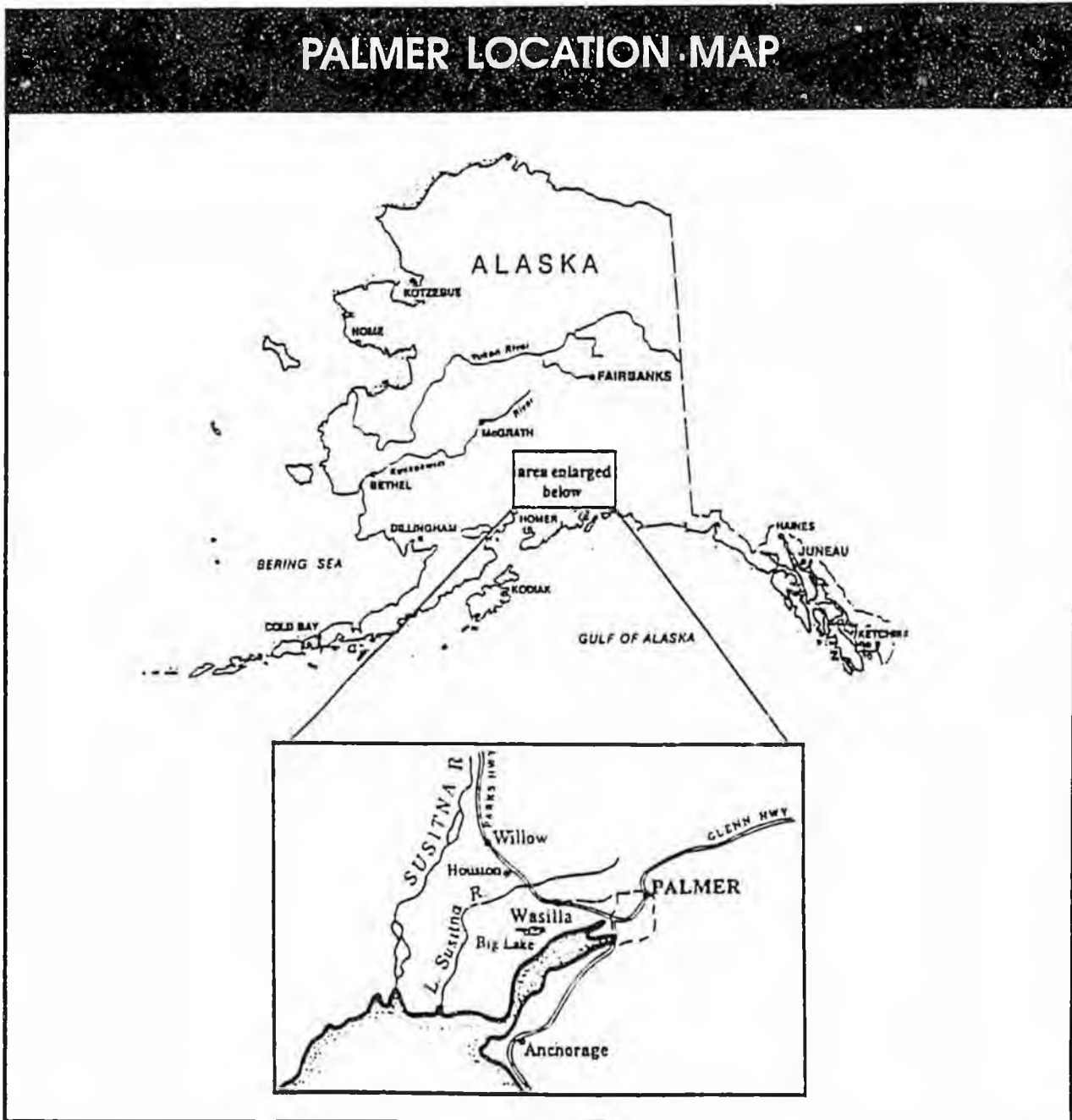
## CITY OF PALMER

**LOCATION:** Palmer is located in Southcentral Alaska in the Matanuska-Susitna Borough. The community lies approxi-

mately 43 miles north of Anchorage near the confluence of the Matanuska and Knik rivers.

**HISTORY:** The history of Palmer dates back to the Willow Creek Gold Rush of 1897. During that year, George Palmer established a small cabin and store just up stream from what

### PALMER LOCATION MAP



is today the Old Glenn Highway bridge that crosses the Matanuska River. In 1915 construction of the Alaska Railroad brought an influx of workers and homesteaders who settled in the area near Matanuska Junction and Palmer. In 1916, a siding was constructed on the present site of Palmer. The White brothers began operating a new post office under the name "Palmer" on July 6, 1917. The U.S. Department of Agriculture built an experiment station near Matanuska in 1917 to encourage agriculture. In 1935, more than 200 families were relocated from the midwest to the valley. Palmer became the governmental center for the valley. The Anchorage-Palmer highway opened in September 1936 to provide better markets for valley agriculture. During the 1960's and 1970's, Palmer's role as the center for regional, state and federal government offices serving the Matanuska-Susitna Borough area continued to evolve.<sup>13</sup> Today, many residents of the area commute to Anchorage for employment.

**CITY INCORPORATION AND PRIOR BOUNDARY CHANGES:** The City of Palmer was incorporated on April 30, 1951. Since its incorporation, the City of Palmer has effected 42 separate annexations, 40 of which have occurred since 1970. There have been as many as seven annexations in a single year (1984). The practice of incremental annexations apparently stems from a desire on the part of local officials largely to limit annexations to cases where the property owners initiate the request for annexation. As a result of the growth of Palmer's municipal boundaries by slight increments, a number of jurisdictional enclaves have been created.

The Local Boundary Commission rejected a petition for annexation of about 35 acres of city owned property to the City of Palmer in July, 1992. This rejection was based upon the Commission's concern that the annexation would have created yet another enclave in the municipal boundaries of the City of Palmer. Concerned that several such enclaves are present within the existing boundaries, the Local Boundary Commission has

for several years been urging the City of Palmer to address the problem of jurisdictional enclaves in a comprehensive, rather than on a piecemeal basis. When confronted with a boundary change which would have created yet another enclave, the Commission rejected the petition.

The 35 acre annexation proposal rejected by the Commission in July was substantially different than the current proposal. DCRA concludes that the current proposal shares virtually none of the characteristics of the July proposal.

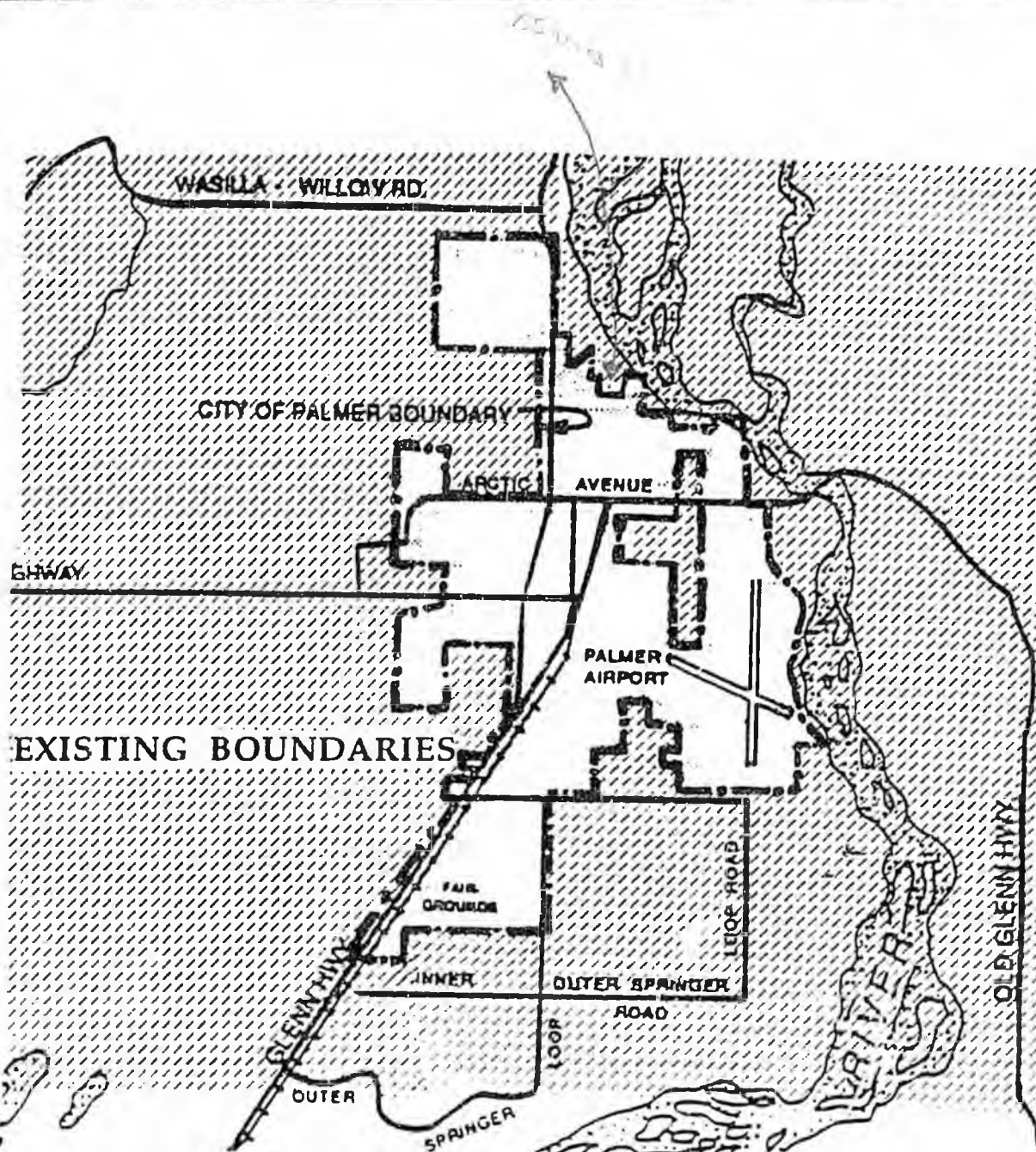
The annexation proposed by the current petition is a notable exception to this pattern.

**AREA WITHIN CURRENT BOUNDARIES:** The existing boundaries of the City of Palmer which encompass the community include about 2,444 acres (3.8 square miles). Assessed property values within the City of Palmer are as follows:<sup>14</sup>

<b>REAL PROPERTY:</b>	\$89,564,700
<b>PERSONAL PROPERTY:</b>	\$14,542,593
<b>TOTAL*:</b>	\$104,107,293

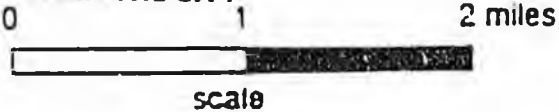
\* Includes Exempt Property

# EXISTING CITY OF PALMER BOUNDARIES



EXISTING BOUNDARIES

NOTE: DUE TO SCALE, THIS MAP DOES NOT SHOW ALL JURISDICTIONAL ENCLAVES WITHIN THE CITY PALMER



**CURRENT CLASSIFICATION:** The City of Palmer is presently classified as a Home Rule city. It lies within a second class organized borough.

**POPULATION WITHIN CURRENT BOUNDARIES:** According to the 1990 federal census, 2,866 people reside within the boundaries of the city. The 1980 Census recorded 2,141 residents within the city's boundaries.

**TAXES:** The City of Palmer currently levies a 4.28 mill property tax. In addition, the Matanuska-Susitna Borough levies a 13 mill areawide property tax. Thus, property within the boundaries of the City of Palmer is taxed at 17.28 mills.

The City of Palmer also levies a 2% sales tax with a \$10 cap on single item purchases over \$500. The Matanuska-Susitna Borough does not levy a general sales tax but does levy a 5% bed tax areawide. Thus, most sales within the boundaries of the City of Palmer are taxed at 2%. Other locally generated

**EXPENDITURES:** The following is a summary of operating expenses, capital improvement costs and debt service of the City of Palmer during the 12 months ending December 31, 1991.

Fire Department	\$183,175
Police Department	1,184,011
Library	305,924
Water Utility Service	242,040
Sewer Utility Service	157,141
Refuse Collection	147,991
Road Maintenance	201,409
Airport	74,729
Golf Course	359,606
Planning & Zoning	3,500
General Gov't Administration	676,881
Building Inspection	60,712
Ambulance Contract with Borough	106,363
Parks and Recreation	13,084
Public Health	141,677
Debt Service	28,900
<u>Public Works</u>	<u>466,613</u>
<b>TOTAL</b>	<b>\$4,353,756</b>

revenues of the City of Palmer are generated by water, sewer, refuse, airport and golf course fees.

**OTHER INDEBTEDNESS**  
Other current and long term debt of the City of Palmer totaled \$7,007,213, as of December 31, 1991.

**BONDED INDEBTEDNESS:** The City of Palmer's \$1,193,000 General Obligation debt is recorded as follows:

DEBT SERVICE FUNDS	RATE	BALANCE
1964 General Obligation Sewer Bonds	3.75%	\$ 83,000
1979 General Obligation Water & Sewer	7.00%	910,760
1979 Internal Service - Special Assessments	7.00%	199,220
<b>TOTAL</b>		<b>\$ 1,192,980</b>

**OPERATING REVENUES:** The following is a summary of revenues of the City of Palmer during the 12 months ending December 31, 1991.

**LOCALLY GENERATED REVENUES**

Sales Taxes	\$1,029,393
Property taxes	400,487
Water Utility Fees	386,985
Sewer Utility Fees	219,551
Refuse Collection Fees	206,731
Airport Fees	50,262
Golf Course Fees	443,568
License/Permits	22,336
Fines	8,758
Charges for Services	829,958
<u>Miscellaneous</u>	<u>240,721</u>
<b>TOTAL</b>	<b>\$3,838,750</b>

The area proposed for annexation would be taxed at 17.28 mills subsequent to annexation to the City of Palmer. This would represent increased taxes of 0.92 mills, or \$9.20 per \$100,000 of assessed valuation. The following services will continue to be provided by the Borough to the area proposed for annexation even if it is annexed to the City of Palmer:

- education
- assessment and collection of taxes
- platting
- parks & recreation
- ports, harbors and wharves
- ambulance service
- transportation systems
- water pollution control
- air pollution control
- licensing and regulation of day care facilities
- historic preservation

**PROFILE OF THE TERRITORY PROPOSED FOR ANNEXATION**

**OVERVIEW:** The area proposed for annexation encompasses approximately 7.5 acres, consisting of portions of the Pribyl, Grasse, and Grasse Subdivision, a portion of the Riverside Subdivision and a portion of the right-of-way of the Alaska Railroad.

**POPULATION:** According to the petitioner, the area has four households and seven residents.

**LAND OWNERSHIP:** Property owners within the area have been identi-

fied as follows by the petitioner:

- John Grasse
- Robert Bailey
- Michael Dresnek
- Dean and Melinda Dewey
- Alaska Railroad

**TAXES/BOROUGH SERVICES:** Property owners in the area proposed for annexation currently pay 16.36 mills property tax to the Borough.

Areawide Property Tax	13.00 mills
Non-areawide powers <sup>16</sup>	1.46 mills
Road Service Area	1.00 mills
Fire Service Area	0.90 mills
<b>Total</b>	<b>6.36 mills</b>

The following services and powers are currently exercised by the Borough in the area proposed for annexation, but would no longer be if the territory is annexed to the City of Palmer.

(Areawide Powers/  
Services)

- Planning and zoning

(Non-areawide Powers/  
Services)

- fireworks regulation
- solid waste disposal
- regulation of motor vehicles & operators
- regulation of snow vehicles
- libraries
- regulation of obscene nude dancing
- limited health and social services
- natural gas and electric local improvement districts and septic tank disposal
- economic development

Services and Facilities  
Funded Through Taxes  
Levied By the City of  
Palmer

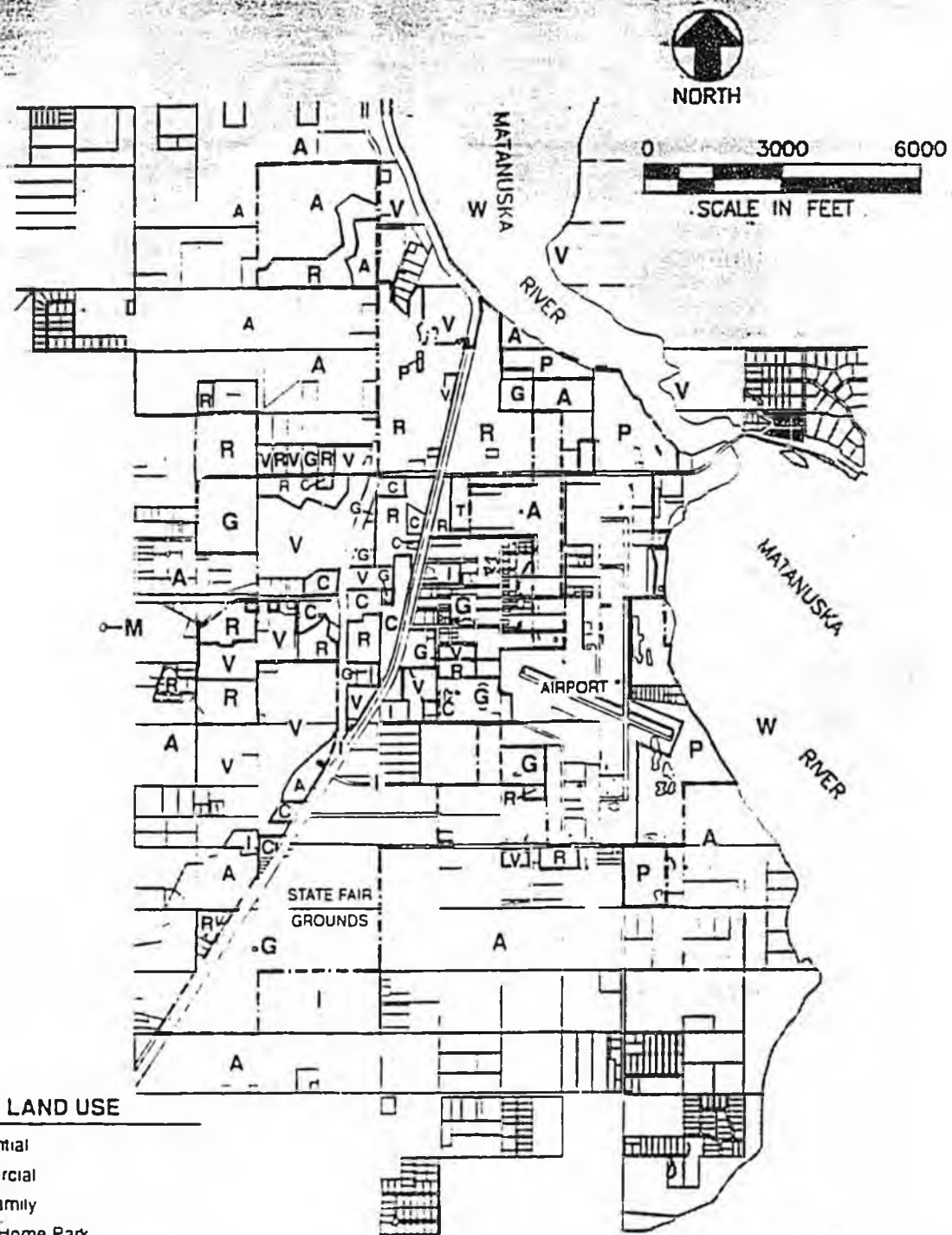
- fire protection
- police protection
- library
- refuse collection
- road maintenance
- airport
- planning and zoning
- building inspection
- public works
- street lights
- general government-administration

**ANTICIPATED INCREASE IN REVENUE AS A  
RESULT OF ANNEXATION\*:**

4.28 mill property tax	\$446.00
Water Utilities	756.00
Sewer Utilities	432.00
Refuse Collection	552.00
Municipal Assistance	409.00
Revenue Sharing	504.00
Electric/telephone Coop Tax	<u>24.00</u>
<b>TOTAL</b>	<b>\$3,088.00</b>

\*Utility fee estimates are based on four households with minimum charge

# CITY OF PALMER EXISTING LAND USE



## EXISTING LAND USE

- R Residential
- C Commercial
- M Multi-Family
- T Mobile Home Park
- I Industrial
- P Parks, Recreation, Golf Course
- G Public Institutions
- V Vacant
- A Agriculture
- W Water

City of Palmer, Alaska  
**COMPREHENSIVE DEVELOPMENT PLAN**  
 LCMF LIMITED 1992

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# CHAPTER 4 - APPLICATION OF STANDARDS AND OTHER CONSIDERATIONS

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This chapter presents the analysis and conclusions of the Department of Community & Regional Affairs concerning the extent to which the proposed annexation meets the standards identified in Chapter Two. It also addresses other relevant considerations relating to the annexation proposal.

## STANDARDS FOR ANNEXATION

### 1. Willingness and Ability of the City to Serve the Area

Because the law permits parties other than a city government to petition for annexation, it is necessary to ensure that the city itself is willing to extend services to the territory proposed for annexation. In this instance, however, the City of Palmer initiated the petition for annexation. This establishes the obvious presumption that the City is willing to serve the area. The De-

partment has found no indication to suggest that this presumption is invalid.

Examination of this standard also requires consideration of the financial impacts to the City of Palmer which are likely to result from annexation. As noted previously the petitioner estimates that annexation of the territory in question will result in an increase in City revenues amounting to about \$3,088.00 annually.

The territory proposed for annexation carries with it added responsibilities for the City of Palmer. These responsibilities include primary public safety services (police and fire) for residents of the area. The City's burden for planning, platting and land use regulation in the area will also increase. It appears, however, that the additional revenues which will be available to the City will allow it to provide the needed services

to the area in a responsible fashion. Financial impacts on the Borough resulting from the annexation are projected to be insignificant.<sup>16</sup>

### **CONCLUSION:**

Because the City of Palmer initiated the annexation petition, the Department concludes that the City is willing to serve the area proposed for annexation.

The Department concludes further that the City is capable of providing "full municipal services" to the area.

Thus, the Department finds that this annexation standard is satisfied.

### 2. Provision of Uncompensated Services

This standard is met if *"residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate property tax*

*contributions, whether city services are rendered or received inside or outside the territory".*

The petitioner asserts that " . . . the City continues to provide street maintenance to this area even though it is outside the corporate limits since it is adjacent to the main north Palmer arterial street leading to the Sherrod and Swanson elementary schools."

No doubt, residents of the area outside the City's boundaries contribute in various ways to support City services. Clearly, one of the most substantial avenues of support results when non-City residents purchase goods and services which are subject to the City's 2% sales tax. Sales taxes are the single largest source of locally generated revenue received by the City of Palmer.

**CONCLUSION:**

The Department concludes that this standard is met because the City of Palmer currently provides road maintenance to the area proposed for annexation.

**3. Need for Services & Efficiency**

In the Department's view, two municipal services are particularly needed in the area proposed for annexation but are not being provided at an appropriate level, according to the petitioner's brief. . The first is "planning" (planning, platting and land use regulation). The second is enhanced public safety services.

With respect to the need for planning, the petitioner's brief states:

*The continued health and safety concerns of the City of Palmer's residents can be mitigated upon annexation through the enforcement of city zoning ordinances which will require the removal of inoperable vehicles, mandatory garbage collection for all city residents, compliance with the Uniform Building Code and compliance with the city's animal control ordinance, which limits the number of dogs and cats allowed in a single family resident [sic] as well as prohibits the harboring of livestock within the corporate limits.*

In addition to planning, platting and zoning, it appears that annexation would provide more efficient delivery of police protection to general area.. According to the petitioner's brief:

*The large number of unleashed and unrestrained dogs which the Matanuska-Susitna Borough allowed to be on the premises has taxed the City's police department for providing animal control to the City residents in this area. . . . The annexation of this property will not increase the Palmer police department's workload but in all probability will lessen: particularly the dog call responses.*

In addition to the need for services, this standard also requires consideration of whether the city is able to provide the services to the area more efficiently than another municipality.

**CONCLUSION**

The Department concludes that municipal planning is needed in the area proposed for annexation and that animal control services are needed in the area proposed for annex-

ation. The Department further concludes that the planning services could be best provided by the City of Palmer. This is based on the petitioner's assertions that "the continued health and safety concerns of the city of Palmer's residents can be mitigated upon annexation through the enforcement of city zoning ordinances and health ordinances which will require the removal of inoperable vehicles, mandatory garbage collection for all city residents, compliance with the Uniform Building Code and compliance with the city's animal control ordinance . . ." Thus, the Department concludes that this standard is satisfied.

#### 4. Urban Character

This standard is met if the Local Boundary Commission concludes that the area proposed for annexation is "urban" in character. Factors to be considered in this regard include whether the property is suitable for residential and commercial purposes.

The area is described as follows:

. . . . there are four houses and one garage,

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

The property has been subdivided and fronts a major arterial street as designated in the 1985 City of Palmer Traffic Study<sup>17</sup>. The seven residents of the area constitute a population density of 597 residents per square mile. The population density compares favorably with the population within the existing boundaries of the City, currently about 750 residents per square mile.

#### **CONCLUSION:**

The Department concludes that the territory proposed for annexation is urban in character as defined by the regulations of the Local Boundary Commission. Thus, this standard is satisfied.

#### 5. Growth and Development

The department is not aware of special growth expected in the area proposed for annexation during the immediate future.

#### **CONCLUSION:**

The Department concludes that there is no "reasonable likelihood" that notable future growth and development will occur within the area proposed for annexation. The area is already fairly developed, with a population density of about 550 persons per square mile. Consequently, the Department concludes that this standard is not met.

#### 6. Health, Welfare and Safety

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

The petitioner's brief notes the receipt of a petition in 1990 from 61 area residents urging the City of Palmer to annex the area.

Conditions allegedly existing in the area which

threaten the health, welfare or safety of individuals presently residing within the boundaries of the City of Palmer include "loose dogs going onto adjoining property and getting into garbage cans, dogs harassing school children waiting for the school bus at a designated pick-up site . . . "

**CONCLUSION:**  
It is concluded that this standard is met.

#### 7. Need for Service Extension

According to the petitioner, annexation is necessary to enable the City of Palmer to extend services to the territory currently within its boundaries. The petitioner has described packs of loose dogs in the area proposed for annexation and the relation to the neighboring city's animal control efforts.

**CONCLUSION:**  
The Department concludes that this standard is met with respect to animal control.

#### 8. City-owned Property

The City of Palmer does

not own any of the property proposed for annexation.

**CONCLUSION:**  
Because none of the property in the territory proposed for annexation is owned by the City, this standard is not met.

#### 9. Enclave within City Limits

Although the existing boundaries of the City surround the territory proposed for annexation on three sides, the territory proposed for annexation is not an enclave.

**CONCLUSION:**  
The Department concludes that this standard is not met.

#### 10. Other Valid Public Purposes

The department is unaware of any other public purpose which would be met by the annexation.

**CONCLUSION:**  
Accordingly, the Department concludes that "another valid public purpose" would not be served by this annexation.

## OTHER CONSIDERATIONS

### A. Vote on Annexation

Alaska's Constitution places a duty upon the Local Boundary Commission to judge an annexation proposal on its merits rather than its political appeal. The Alaska Supreme Court has carefully examined the duty and role of the Commission and has concluded that those who reside or own property in an area to be annexed by a municipality have no vested right that annexation take place only with their consent.<sup>18</sup> Specifically, the court stated:

Nothing in the Commission's existing regulations govern when annexation proposals must be presented to the voters and when they may be submitted to the legislature for final approval.

However, the Commission's new regulations do contain such provisions. The decision regarding which process may be used for final approval (i.e. election or legislative review) is within the discretion of the Commission. Because

no regulations currently apply to this question, the Department believes that the pending new regulations may be used to guide the Commission in this matter. The new regulations state:

Territory that meets all of the annexation standards specified in 19 AAC 10.090 — 19 AAC 10.130 may be annexed to a city by the legislative review process if the commission also determines that annexation will serve the balanced best interests of the state, the territory to be annexed, and all political subdivisions affected by the annexation. In this regard, the commission will, in its discretion, consider relevant factors, including whether;

(1) the territory is an enclave surrounded by the annexing city;

(2) health, safety, or general welfare of city residents is or will be endangered by conditions existing or potentially developing in the territory, and annexation will enable the city to regulate or

control the detrimental effects of those conditions;

(3) extension of city services or facilities into the territory is necessary to enable the city to provide adequate services to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the boundaries of the city;

(4) residents or property owners within the territory receive, or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate tax contributions, whether these city benefits are rendered or received inside or outside the territory, and no practical or alternative method is available to offset the cost of providing these benefits;

(5) annexation of the territory will enable the city to plan and control reasonably anticipated growth or development in the territory that otherwise

may adversely impact the city; and

(6) territory is so sparsely inhabited, or so extensively inhabited by persons who are not landowners, that a local election would not adequately represent the interests of the majority of the landowners.

The first five of these factors are largely equivalent to standards for annexation which have been previously examined in this chapter. The remaining factor, subsection (6), requires consideration of the characteristics of the prospective voters. In this instance, the territory is populated by only 7 individuals. According to the petitioners, only one of these individuals is a registered voter.

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### *CONCLUSION*

The Commission must weigh the obvious appeal of allowing the voters to give final approval to any annexation, against the needs and interests of the parties involved. However, it is critical to keep in mind that the interested parties are not limited strictly to the residents and property owners of the territory proposed for annexation. They also include the residents and property owners within the current boundaries of the City of Palmer, the Palmer city government, the Matanuska-Susitna Borough government and the State of Alaska.

The area is so sparsely inhabited, with only one registered voter, that an election would be rendered impractical. However even in the absence of this circumstance the balanced interests of the various parties involved in this matter warrant the use of the legislative review process.

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# CHAPTER 5 - SUMMARY AND RECOMMENDATION

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## SUMMARY

The proposal for annexation of 7.5 acres to the City of Palmer is justifiable. Based upon its analysis, the Department has concluded that:

- ☒ The City of Palmer is willing and able to serve the territory proposed for annexation.
- ☒ Road maintenance services are currently provided by the City of Palmer. There is a need for municipal planning services within and extending beyond the territory proposed for annexation. There is also a need for enhanced public safety, specifically animal control, in the territory proposed for annexation. The City of Palmer can provide the needed services most efficiently.
- ☒ The area proposed for annexation is urban in character as defined in the Local Boundary Commission's regulations.
- ☒ The City of Palmer has the willingness and ability to extend "full municipal services" to the area proposed for annexation.
- ☒ Annexation of the subject area would facilitate improvements to the area and would likely lead to an increase in property values for neighboring areas within the existing Palmer municipal boundaries.

Voter approval of the boundary change proposal is impractical in this instance, due to the absence of sufficient registered voters in the area proposed for annexation, the Department has concluded that the balanced interests

of the parties involved in this annexation support the use of the legislative review process. This conclusion was reached on the basis of guidelines recently adopted by the Commission.

## RECOMMENDATION

On the basis of the analysis presented in this report, the Department recommends that the Commission approve the annexation of the 7.5 acres requested by the City of Palmer.

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## ENDNOTES

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- 1 Of these, Robert Bailey and Melinda Dewey are property owners in the area proposed for annexation.
- 2 A copy of the letter and the draft meeting minutes of the hearing were submitted with the petition for annexation.
- 3 Article X, Section 12 of Alaska's Constitution; AS 44.47.567; AS 29.05; AS 29.06.
- 4 Firview Public Utility District No. 1 v. City of Anchorage, 368 P.2d 540 (Alaska 1962).
- 5 On June 29, 1991, the Local Boundary Commission adopted regulations revising the procedures relating to municipal boundary changes. However, these new regulations are not yet in effect. The Attorney General's office completed its requisite review of the regulations on June 19, 1992. The regulations were then filed by the Lieutenant Governor on July 1, 1992. The regulations take effect thirty days following such filing (July 31, 1992) and upon preclearance by the U.S. Department of Justice under the terms of the federal Voting Rights Act. Department of Justice approval is expected in mid-September of 1992. The discussion of procedures in this chapter reflects the existing regulations for those steps which have been or will be completed by mid-September (steps 1 - 7). Steps to be completed after mid-September are described in terms of the new regulations (steps 8 - 14).
- 6 These include the right to individual notice of all proceedings and the Commission's written statement of decision, the right to call sworn witnesses to testify at a hearing of the Commission and the right to file a responsive brief in the event reconsideration is granted.
- 7 These comments are included in Appendix A.
- 8 The city's response is also included in Appendix A.
- 9 There have been times in the past when a party has argued that due process requires the Department to circulate a revised draft report if there has been a change in the Department's recommendation. Given the Department's role in municipal boundary proceedings (i.e. an agency which makes a recommendation to an independent decision making authority) and the fact that a public hearing always follows the Department's report, DCRA does not consider it to be a violation of due process to publish a final report which presents a different recommendation than the one stated in the draft report.

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- 10 If the Commission were to enlarge the boundaries, the Commission must ensure that rights to due process under the Alaska and U.S. Constitutions are protected.
- 11 These statements are not made in an effort to discourage court appeals, but rather in the interests of providing a better understanding of the nature of Commission proceedings.
- 12 The regulations adopted by the Commission on June 29, 1991 (see discussion in endnote # 3) also revised the standards or criteria for annexation. Because so many important procedural steps (steps 1 - 7) have been completed in this particular proceeding under the "old regulations", due process clearly dictates that the Commission judge the annexation on the basis of those regulations rather than the "new" regulations.
- 13 Source: City of Palmer Draft Comprehensive Plan, June, 1992
- 14 Provided by Cathy Cook, Matanuska-Susitna Borough, 9-10-92
- 15 Non arewide services for which funds are currently budgeted include libraries, animal control, septage treatment and landfill.
- 16 **REVENUE SHARING:** The loss of Revenue Sharing Funds to the Borough resulting from annexation will be insignificant. Under the Revenue Sharing formula, the Borough's population includes the population within the City of Palmer. Thus, the inclusion of the 7 residents in the City's boundaries will not significantly decrease the Borough Revenue Sharing entitlement.
- MUNICIPAL ASSISTANCE:** Unlike Revenue Sharing, that aspect of the Municipal Assistance program formula under which the Borough's entitlement is calculated does not count residents within the City of Palmer. Thus, the Borough is expected to lose an estimated \$409 annually as a result of annexation.
- 17 According to the petitioner's brief, this was prepared by Datum Engineering.
- 18 Fairview Public Utility District Number One v. City of Anchorage, 368 P.2d 540 (Alaska 1962)

# APPENDIX A

## CORRESPONDENCE

# CITY OF PALMER



231 W. EVERGREEN AVE.  
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

## RECEIVED

June 12, 1992

JUN 16 1992

Mr. Dan Bockhorst  
Local Boundary Commission  
333 W. 4th Avenue, Suite 220  
Anchorage, Alaska 99501-2341

Dept. of Comm. & Int. Affairs  
Div. of Municipal & Reg. Asst.

RE: City of Palmer Annexation  
Section 28, Township 18N, Range 2E, S.M.

Dear Mr. Bockhorst,

The City of Palmer has reviewed the written comments provided by numerous individuals as well as the petitions signed by 77 individuals.

The City of Palmer filed their petition with the Local Boundary Commission regarding the proposed annexation for legislative review which contained specific requirements and sworn statements regarding the facts and findings as required.

The area residents who originally signed the petition for the City of Palmer to annex this property have not waived in their strong position or sentiments. The subject parcel is bounded on three sides by the city and this will help to even our border.

To this day, June 12, 1992, the City continues to provide street maintenance services to this area even though it is outside the corporate limits since it is adjacent to the main north Palmer arterial street leading to the Sherrod and Swanson elementary schools.

Since this area is outside the corporate limits of the City and the Alaska State Trooper manpower is being reduced, the complaints by the city residents for the most part go unheeded since the problems are often nuisance complaints rather than life threatening. This places the adjoining city residents in a helpless situation.

Mr. Dan Bockhorst - July 12, 1992

Page 2

The Matanuska-Susitna Borough, in which this property is located, does not regulate the number of vehicles one can have on their property whether operative or inoperative, nor provide zoning for any area within their corporate limits. Because of reduced and continued tight borough budgets, animal control and nuisance ordinances are poorly enforced.

The City of Palmer stands on the merits of the brief as to why this area should be annexed.

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

Yours truly,

---

David L. Soulak  
City Manager  
City of Palmer

DLS/cac

Enclosure: Petition

cc: Mayor Carte' and Councilmembers

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

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

Robert Maturana	545 N. DENALI PALMER	745-2296
NAME	ST. ADDRESS	PHONE
Mrs. Mrs. David Harold	609 N. Denali (Box 212 Sutton)	746-2846
NAME	ST. ADDRESS	PHONE
Roger K Smith	328 East Eagle Palmer	745-4506
NAME	ST. ADDRESS	PHONE
Mr. & Mrs. Paul Bolten	331 E. EAGLE ST PALMER	745-3647
NAME	ST. ADDRESS	PHONE
Mr. & Mrs. Richard Vogt	564 N. Denali	745-3351
NAME	ST. ADDRESS	PHONE
Mr. and Mrs. Carl + Deborah	521 N. Denali	745-2566
NAME	ST. ADDRESS	PHONE
George Richardson	614 Denali	-
NAME	ST. ADDRESS	PHONE
Robert J. [Signature]	393 E. EAGLE	745-1112
NAME	ST. ADDRESS	PHONE
[Signature]	1567 N. DENALI	745-8892
NAME	ST. ADDRESS	PHONE
* See enclosed letter Christina K. [Signature]	310 E. Eagle Palmer	745-2774
NAME	ST. ADDRESS	PHONE
David W. Ward	310 E. Eagle Palmer	745-2774
NAME	ST. ADDRESS	PHONE
Don [Signature]	3211 E. Eagle Palmer	746-1221
NAME	ST. ADDRESS	PHONE
* see enclosed letter Patty [Signature]	320 E. Eagle Palmer	746-1221
NAME	ST. ADDRESS	PHONE

Thomas W. Berheut	341 Arctic-E	745-3464
NAME	ST. ADDRESS	PHONE
Robert R. Walling	693-2 <sup>ND</sup> ST	745-3869
NAME	ST. ADDRESS	PHONE
Emilio Butch Jondahn	Box 338 Palmer	745-4831
NAME	ST. ADDRESS	PHONE
Frank Kummerow	348 N. Bailey	745-3315
NAME	ST. ADDRESS	PHONE
C.R. Nestle	417 S. Dolphin	745-2289
NAME	ST. ADDRESS	PHONE
Anthony E. Udlin	216 W. Beaver Ave	745-1803
NAME	ST. ADDRESS	PHONE
Stephanie M. Dennis	#4 Auklet, Palmer	746-2117
NAME	ST. ADDRESS	PHONE
Ralph C. Moore	541 E. Arctic	745-8669
NAME	ST. ADDRESS	PHONE
Paul J. Gilchrist	315 E. Dolphin	745-1866
NAME	ST. ADDRESS	PHONE
Robert R. Macok	309 N. A'ASK ST.	745-2445
NAME	ST. ADDRESS	PHONE
Richard Bassett	450 N. AK.	745-2871
NAME	ST. ADDRESS	PHONE
Charles Townsend McNeil	566 N. Alaska St	745-8680
NAME	ST. ADDRESS	PHONE
Diana E. Long	567 N. Bailey	745-3675
NAME	ST. ADDRESS	PHONE
Robert M. Henderson	555 N. Alaska St	745-497
NAME	ST. ADDRESS	PHONE
Lurely J. Henderson	555 No. Ak. St.	745-4973
NAME	ST. ADDRESS	PHONE

Bernice A. Zerbis	433 N ALASKA ST PALMER	745-4411
NAME	ST. ADDRESS	PHONE
Elizabeth Deininger	544 N. Alaska St	
NAME	ST. ADDRESS	PHONE
James Deininger	544 N. Alaska St.	
NAME	ST. ADDRESS	PHONE
Pat Loubury	766-2810 P.O. Box 3201 Palmer	
NAME	ST. ADDRESS	PHONE
Phyllis Kircher	641 3rd St.	745-1459
NAME	ST. ADDRESS	PHONE
Michael Kircher	641 3rd ST.	745-1459
NAME	ST. ADDRESS	PHONE
Camille D. Olson	668 3 <sup>rd</sup> St.	746-1012
NAME	ST. ADDRESS	PHONE
Dawn M. Lundhede	644 N 3rd St	745-1059
NAME	ST. ADDRESS	PHONE
Andrea M. Noale	644 N. 3rd ST	745-1059
NAME	ST. ADDRESS	PHONE
Thut V. Meaney	210 E Eagle Ave	745-8656
NAME	ST. ADDRESS	PHONE
Wynne Wainwright	526 N. AK St.	745-3655
NAME	ST. ADDRESS	PHONE
Mike Reebis	508 East St	745-0833
NAME	ST. ADDRESS	PHONE
Lo Ota	508 FALCON CT	745-2442
NAME	ST. ADDRESS	PHONE
Margaret Jane Smith	711 N GUIKANA CT.	745-5839
NAME	ST. ADDRESS	PHONE
Gwenly W. W. Bos	710 N. GUIKANA CT.	745-0410
NAME	ST. ADDRESS	PHONE

1 Lynn C. Ginn	1111 1/2 S. Latham G.	746-1152
NAME	ST. ADDRESS	PHONE
Josie Campbell	536 Gold Key La.	746-1596
NAME	ST. ADDRESS	PHONE
Frank W. Williams	519 Gold Key Ln.	745-2976
NAME	ST. ADDRESS	PHONE
Carol Richardson	345 N. Church	745-2307
NAME	ST. ADDRESS	PHONE
B. Locke	393 Church	745-2061
NAME	ST. ADDRESS	PHONE
Sidney A. Mear	494 Gold Key	745-7819
NAME	ST. ADDRESS	PHONE
Doreen E. Ingalls	Property Owned. 303 East Outlet	745-1387
NAME	ST. ADDRESS	PHONE
Jeffrey E. Venghe	425 East Eagle	745-8479
NAME	ST. ADDRESS	PHONE
James E. Sheehy	353 N. Valley Way	745-4175
NAME	ST. ADDRESS	PHONE
Charles L. Linn	350 East Birch St	745-4542
NAME	ST. ADDRESS	PHONE
Gertrude J. Delzient	350 East Birch	745-3347
NAME	ST. ADDRESS	PHONE
Doraine R. Johnson	474 N. Beranga Palmer	745-2002
NAME	ST. ADDRESS	PHONE
Maude S. Smith	136 E. Beranga Palmer	745-3162
NAME	ST. ADDRESS	PHONE
Kanem Hartman	781 S. Galeana	746-1780
NAME	ST. ADDRESS	PHONE
NAME	ST. ADDRESS	PHONE

To the Palmer City Council

July 19, 1989

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

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

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

Respectfully,  
Robert Matura

TO: PALMER CITY COUNCIL

RE: EDGAR BAILEY

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

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

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

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

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

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

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

Thank you.

Sincerely,

Richard (Dick) + Ellie  
Vogt

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

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

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

We sincerely hope something can be done about it.

Floyd T. Bekken

## To the Palmer City Council

We as law abiding citizens, taxpayers, and Voters of this community would like to address the council in regards to Mr. Edgar Bailey's junk yard and wild animals. Over the years we as his neighbors have been abused, due to his dogs scattering garbage in our yard as well as our neighbors yards, their (dogs) continuous barking @ all hours of the day and night and scaring our children enough to where they won't use Eagle to visit the park or friends. In the past I have dealt with his pigs and goats in my flowerbeds and trash cans. Mr. Bailey's continuing supply of wrecked automobiles, junk and animals is an embarrassment to our neighborhood as well as our community. We have made numerous call to P.P.D. and there is only so much they can do as Mr. Bailey's property is not in the city limits. In the past year, I have heard of some inhuman things pertaining to the health and welfare of the animals he owns. We have 3 children that play in this neighborhood and others close by and they are forced to use Dolphin street to visit the park and friends due to his wild dogs. We have live here @ 561 N. Denali St. 8 1/2 yrs and plan on other few years and we'll @ the mercy of the Council

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

Yours Truly

Mr. & Mrs. Carl T. Scheidt

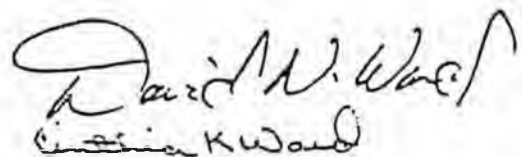
To the City Council of Palmer,

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

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

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

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



David W. Ward  
Cynthia K. Ward

David W. Ward  
Cynthia K. Ward

Dear City Council members,

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

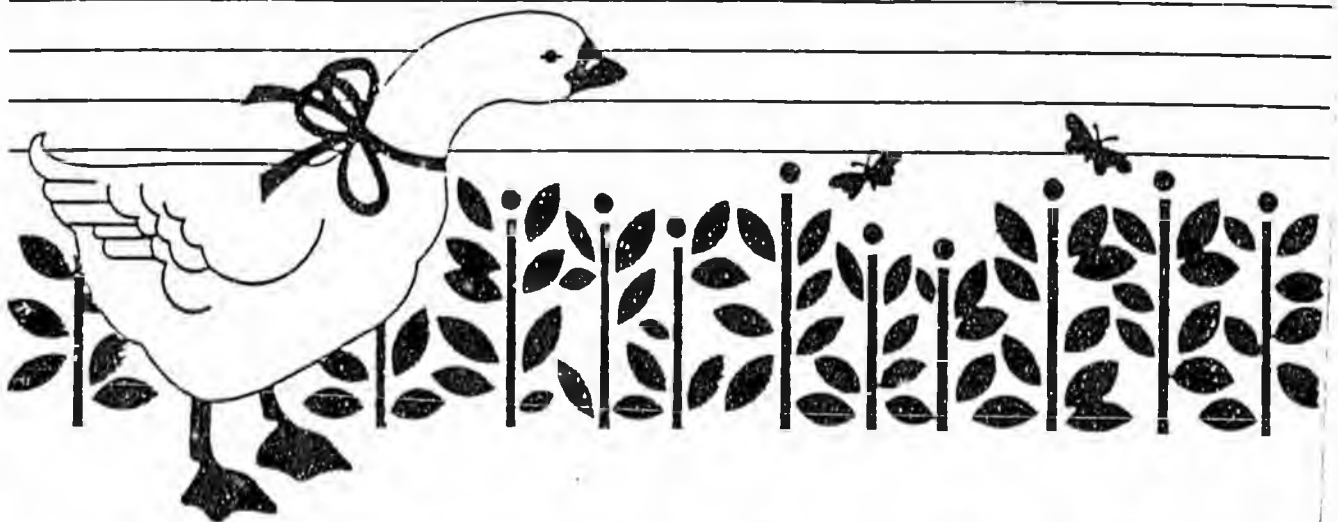
During this time, we have met Mr. Bailey on several occasions. He is a nice fellow and a big-hearted person.

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

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

Sincerely,

Don & Patty  
Patty Kletzler



8-5-89.

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

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

Bernice Yerbic

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

**MUNICIPAL AND REGIONAL ASSISTANCE DIVISION**

333 WEST 4TH AVE., SUITE 220  
ANCHORAGE, ALASKA 99501-2341  
PHONE: (907) 269-4500

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

P.O. BOX 290  
DILLINGHAM, ALASKA 99576-0295  
PHONE: (907) 842-5135

1001 NOBLE STREET, SUITE  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-7126

150 3RD STREET  
JUNEAU, ALASKA 99811-1291  
PHONE: (907) 465-4750

710 MILL BAY ROAD  
KODIAK, ALASKA 99615  
PHONE: (907) 486-9379

P.O. BOX 350  
KOTZEBUE, ALASKA 99752-0280  
PHONE: (907) 442-3696

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

May 29, 1992

Mr. David L. Soulak, City Manager  
City of Palmer  
231 W. Evergreen Avenue  
Palmer, Alaska 99645

Dear Mr. Soulak:

The period for filing answering briefs and initial written comments concerning the City of Palmer's annexation proposal has expired. During the comment period, no briefs were filed, however written comments were submitted by the following parties:

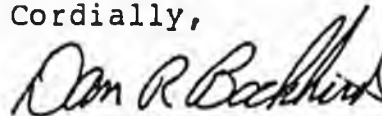
Michael J. Gallagher  
Dean and Melinda Dewey  
Clarence E. Furbush  
Judith C. Thrift  
Jana Thrift  
Dennis [not readable]  
Dale Anderson  
Joe Williamson  
Cheryl L. Calvert  
Jerry L. McKenzie  
Albert [not readable]  
Dewey and Laura Godwin  
Robert E. Bailey

Dila A. Brounard  
Theresa D. Fuller  
Michael Ford  
Trina Lords  
Marisse E. Knox  
Jim and Suzie Feuer  
Robert [not readable]  
Ina R. Su Su  
Matthew Godfrey  
Michael E. Krebs  
Thomas Summerville  
Keith Smith

Christine Graham  
Marguente Elncore  
Edward Benson  
L.O. [not readable]  
Patricia [not readable]  
Dee Dee Brady  
Anna E. Stroman  
Karen L. Lafave  
Judith Eaken  
Gay-Lyn Gayner  
Linda L. Bouwens-Cross  
Petition signed by  
77 Individuals

A copy of each of these comments is enclosed. I would appreciate any response you wish to offer with respect to these comments. In accordance with 19 AAC 10.850, any response on behalf of the City should be submitted to this office within two weeks of the receipt of this letter.

Cordially,



Dan R. Bockhorst  
LBC Staff

May 28, 1992

In whom it may concern;  
Mr. El Bailey was the first  
person I met when I came

to Palmer 10 years ago

He was then and they

DEPT. OF COMM. & REG. AFFAIRS  
MUNICIPAL & REG. AFFAIRS

continued to be, the single

most community minded,

worker and helpful person the

met in the entire state of

Alaska.

El Bailey is a citizen Palmer

should be proud of.

As the urban sprawl of

Palmer spreads to the rural

areas, our old-time property

owners should be protected

by "standstill" rights to use

their property as they always

have.

They should not be forced to

leave part of the city.

When people bought property

might be the they know what

the place was like. They should

not expect him to change for them.

if the property is not safe from being taken away and land developers who want to build more, then the very premises the nation intends for are in danger. and

if you don't protect the rights, your own home & dream of retirement are in danger also.

Don't make El Boily and a sample of how unbalanced and stupid a community can be. protect the rights and show that Palmer remembers the people that built their community and what Alaska stands for. The Top Frontier

Sincerely,  
Judith C. Kraft  
524 E. 12<sup>th</sup> Anch, AK  
258-0073

Linda Douwend  
Box 878847  
Wasilla AK 99687

LBC Staff

333 W 4th Avenue  
Anchorage AK 99501-2341

RECEIVED

MAY 23 1992

DEPT. OF CC

Dear LBC Staff,

I wish to approach this matter of Annexation of Palmer City boundaries.

It seems we approached this matter 3 years or so ago and the matter brought great concern and opposition from the residents of Palmer. To what avail is this annexation being brought up again? The immediate residents of the area are opposed to it; those of us who are descendants of the early settlers and those who live on all of the outlying boundaries are opposed and concerned about whether they will be next. There seems to be an unreasonable basis for this movement which angers many of us, that being the ability to overcome and control one specific resident with whom the city carries a personal vendetta because he is outside their jurisdiction and their ~~beare~~ bureacratic control.

Mr. Ed Bailey has been where he is for more years than many city council members have resided in Palmer and does no harm to anyone. In fact, he has been a savior to many, in hard times, and is a good and kind gentleman who has faced ultimate various harrassments from the city and borough just because a few neighbors who purchased homes across from him are unhappy with his lifestyle.

Since when do a few of the powerful and well-to-do have the right to dictate another humans way of life. He has helped many - those so-called "ugly shacks" on his property have provided shelter for many in a time of desperation and despair. He helps to heal their hearts and souls and restores their faith in mankind; something cities and boroughs have not been able to provide or find a solution to.

This valley was founded on good old-fashioned brotherhood, all men, women, and children pulling together to help one another through hard work and hard times. Mr. Bailey is one of the few who exist to carry on that spirit of a dying city. They take and take from him - he does his best to comply within his means. Can we not let the man live in peace?!

Show us a good, substantial reason for extending these boundaries; guarantee us you won't take away all our farmlands, homesteads, which we as Alaskans have struggled to hold onto through strife, struggle, and taxation & maybe we will listen - until that time, there are many more desperate issues which you can spend your time and money on and let an old man live in peace.

You call his home an eyesore, I call that ugly purple building in the center of town an eyesore. Your fancy low cost house all over town with sale signs on them are an eyesore - what is not an eyesore? The rolling green hayfields, the tired worn barns,

With clipped paint creaking in the wind, old as the bones of the settlers telling their wondrous and sad stories of a time of struggle and hope and pain bringing forth crops from the fertile fields and dairy farms which made this city prosper and gave it life - take away the old abandoned machinery, the "shacks", the freedom to own and enjoy the satisfaction of owning part of that and cover it over - plow it down - build cul de sacs and parking lots and what is left of Palmer? Four bars, a handful of shops and stores, a few restaurants, and a dying town with a dying breed - killed, not by progress - for there is none - but by politics and stupidity and negative attitudes.

I have roots in this town and every inch you tear away and plow under takes a piece of my soul and the soul and efforts of its settlers and makes them worthless - forgotten - abandoned.

Please search your conscience and research the reasoning behind this annexation and if you can find a healthy, beneficial reason for it then make the public aware of it - for we have seen only the abuse and harassment of a good man whose home and lifestyle has been invaded, his rights as a human and a citizen of the United States disregarded and his spirit battered. Who will be next? Maybe the dairy farmers because their silos are offensive when the wind blows? Maybe the horse ranchers because their waste is using up our dump space? Maybe the few growers because outside sources are

threatened by their commerce and can supply  
cheaper or steadier supplies and the space is  
needed for new homes and subdivisions or  
because they all get old and can't work the  
land anymore? Take caution all of you. I  
ask you to become involved and become active  
in this issue for you are threatened by  
this too - if they annex one boundary - they  
can annex another

Sincerely Concerned,  
Linda L. Bouwens-Crosse,  
Linda Bouwens-Crosse

May 26, 1992

LBC Staff  
Department of Community and Regional Affairs  
333 W. 4th Avenue, Suite 220  
Anchorage, AK 99501-2341

RECEIVED

MAY 28 1992

DEPT. OF COMM. & REG. AFFAIRS  
OF MUNICIPAL & REG. AFF.

Dear LBC Staff,

I am writing in response to the petition for legislative review annexation to AS29.06.040 (B) of approximately 7.5 acres within Section 28, Township 18 N, Range 2 E, S.M. I am very much against this action.

I do not believe annexation should be allowed against the owners' will. Such an act must not be taken lightly. It is against the most fundamental right of a landowner. The entire purpose for conveying property rights with or without certain easements, restrictions, or covenants is so a buyer may purchase a peice of property specifically for his or her own purpose. Title is held in accordance to the restrictions imposed at the time of purchase, common belief being that absent some extenuating circumstance only the owner is entitled to change those rights. Without the right to have and keep title as it is written in the purchase agreement, what is the reason for having one at all?

I beg you to deny this petition. It is not essential for Palmer to have these properties within its city limits. Without such a need, support for annexation despite the owners' objections, cannot justifiably be given. Rejecting this proposal will preserve the rights of the landowner as well as let it be known to all that Alaska is proud of its standing as the Great Land of the Last Frontier and the defender of freedom, for which this country so proudly represents.

*Dale A Anderson*  
*P.O. Box 742*  
*Palmer, Ak 99674*  
*ph 745-6996*

**Note: Identical Letters were received from 29 individuals.**

May 26, 1992

LEC Staff  
Department of Community and Regional Affairs  
333 W. 4th Avenue, Suite 220  
Anchorage, AK 99501-2341

MAY 23 1992

DEPT. OF COMM. & LEG. AFFAIRS  
MUNICIPAL & REG. AFFAIRS

Dear LEC Staff,

I am writing in response to the petition for legislative review annexation to AS29.06.040 (B) of approximately 7.5 acres within Section 28, Township 18 N, Range 2 E, S.M. I am very much against this action.

I do not believe annexation should be allowed against the owners' will. Such an act must not be taken lightly. It is against the most fundamental right of a landowner. The entire purpose for conveying property rights with or without certain easements, restrictions, or covenants is so a buyer may purchase a peice of property specifically for his or her own purpose. Title is held in accordance to the restrictions imposed at the time of purchase, common belief being that absent some extenuating circumstance only the owner is entitled to change those rights. Without the right to have and keep title as it is written in the purchase agreement, what is the reason for having one at all?!!

I beg you to deny this petition. It is not essential for Palmer to have these properties within its city limits. Without such a need, support for annexation despite the owners' objections, cannot justifiably be given. Rejecting this proposal will preserve the rights of the landowner as well as let it be known to all that Alaska is proud of its standing as the Great Land of the Last Frontier and the defender of freedom, for which this country so proudly represents.

Gay-Lyn Gayner  
P.O. Box 1531  
Palmer, AK.  
99645

*Gay-Lyn Gayner*

3 years ago I moved my children to Alaska from the city life, not to have them brought back to the city, but to let them be raised in the open country. I have lived on Mr. Baileys property for the 3 years.

May 25, 1992

Jana Thrift  
P.O. Box 2574  
Palmer, AK 99645

LBC Staff  
Department of Community and Regional Affairs  
333 W. 4th Avenue, Suite 220  
Anchorage, AK 99501-2341

RECEIVED

MAY 28 1992

DEPT. OF COMM. & REG. AFFAIRS  
MUNICIPAL & REG.

Dear LBC Staff,

I would like to express my deep concern regarding intentions to forcibly annex certain properties surrounding Palmer. I am strongly against such an action.

The petition for legislative review annexation according to AS29.06.040(B) of approximately 7.5 acres within Section 28, Township 18 N, Range 2 E, S.M. once again includes property in the Riverside Subdivision, Lots 4-10 and 21-27. Many times the owner of this land has objected to annexation of his property. Having bought his property unrestricted more than 20 yrs. ago, he has been a long-time resident and businessman in this community.

Mr. Bailey uses his land, in various ways, to support himself in his elderly years. It is his right to live there, in his old cabin, with his animals, of whatever kind he chooses. But he stopped raising farm animals because of complaining neighbors. You see, after moving there they decided that they didn't want the eyesore of his place across the street anymore. With only his family of dogs Mr. Bailey tried to accomodate his incoming neighbors. However, blaming him for every barking dog in the city, they continue to complain and say that even with a Kennells license he shouldn't be allowed to keep them there. Over and over it has been taken to the city council to consider annexation so that the rules that govern his property can be changed to suit his neighbors liking. It is not right, and over and over again himself and others have fought against it.

Again he is forced to give reasoning for wishing to keep his property unrestricted, as it was when purchased. As a landowner I am appalled that he must even have to face this dilemma. It threatens the entire real estate system and every landowner in this state. Palmer wants to expand, whether the landowners like it or not, according to city officials. But what does it mean when a man can buy his property and hold title the same way for 20 years, until one day his newly acquired neighbors decide that they don't like it and his entire lifestyle is threatened.

We're country people (in this Valley) and the reason we don't live in New York is because we chose to move to this Great Land of the Last Frontier, where we could buy a spot on this earth to live on as we please, without hurting anyone, and without the fear of being the target of just such a case as this. I beg you not to allow this to go on. By denying this petition you will be upholding the essential right of all men (and women) to buy and own land in this country, in freedom, and in the manner established by law.

Jana Thrift

To: LBC Staff

Page 1 of 6

Department of Community and Regional Affairs  
333 W 4<sup>th</sup> Avenue, Suite 220

Anchorage, Alaska 99501-2341

From: Clarence E. Furbush

Date: 5-23-1992

HCO1 Box 6001

RECEIVED

Palmer, Alaska 99645

MAY 27 1992

DEPT. OF COMM. & REG. AFFAIRS

FORM 100-1

Reference: The City of Palmer's submission of a petition for legislative review annexation pursuant to AS 29.06.040(b) of approximately 7.5 acres within section 28, Township 18N, Range 2E, S.14., including Pirby, Grasse and Grasse Subdivision - Lot 22, Riverside Subdivision - Block 1, Lots 1 through 10 and Lots 20 through 27, Portions of Zero Avenue, N. Donati Street and Chugach Street a portion of the right-of-way of the Alaska Railroad.

I Clarence E. Furbush of Palmer Alaska due hereby submit, in the very strongest possible <sup>terms</sup> ~~oppositions~~, <sup>of R.</sup> my opposition to this forced annexation by the City of Palmer Alaska.

This forced annexation, if approved, will set a precedence for annexation of property owner's land into the city boundaries for personal reasons that will benefit the people inside the city limits while forcing city taxes and regulations on unwilling people.

Not one of the land owner mentioned herein have requested annexation ~~to~~ <sup>REF:</sup>  
(Railroad land once abandoned is supposed to be returned to the land owners according to deeds).

It has always been my belief that forced annexation, AS 29.06.040(b), was to be used under very special conditions rather than frivolous reasons. The city residents have complained about their property values, salability of their land, business opportunities, lifestyle, barking dogs, eye sores,

Their view, and other heart-felt reasons and amenities. None of these reasons alone or combined ~~and~~ <sup>CEF</sup> justify the taking of another person's rights to their land.

This annexation is mostly directed at Robert Bailey as indicated by testimony at public hearings.

I have personally visited the area from 3rd <sup>Ave</sup> ~~Street~~, N. Denali Street; Chugach Street, mentioned in the annexation, at various times of day and have never <sup>had</sup> dogs to bother me, not even hardly any barking, I was on foot during each visit. This spring it was easy to see that a number of people living in the adjoining area have mess yards and have dogs for pets.

I have personally visit Robert Bailey on his property. Mr. Bailey has stated the following:

① That his property deed is unrestricted.

② That he can not afford city water and sewer and doesn't want anything from the city except to be left alone.

③ That no city official has visited him on his land to talk to him.

④ That he has had 30 loads of stuff removed from his property since spring and hauled to the dump.

⑤ That the city plows the snow on the windward side of the street, piles it high on his land and may have been a factor in killing his rows of trees.

⑥ That he respects other people's property, but city people  
(continued)

(continued)

ride their vehicles across the neighbor's hayfield and also damage their apple trees, some of the very oldest apple trees in the state.

I believe Mr Bailey to be a gentle and kind man who wishes no harm to anyone and has lived a humble and simple life style with his family of dogs and people who live on his land because they have less than he does, out of kindness.

My recommendation to the Local Boundary Commission and staff is not to condemn the property to annexation, as mentioned in this petition.

I suggest that the commission and staff ~~to~~<sup>visit</sup> visit the land involved and talk with the owners for first hand information.

(petition for annexation) page 6 of 6

The city administration  
has been very aggressive  
and determined to annex  
this area for years, to  
a point that it could be  
considered as harassment.

Sincerely Submitted,  
Lawrence Furbush

May 9, 1992

To: Members of the local Boundary Commission

From: City of Palmer residents M.J. Gallagher and family

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

MAY 2 1992  
CITY OF PALMER, ALASKA

Dear Members,

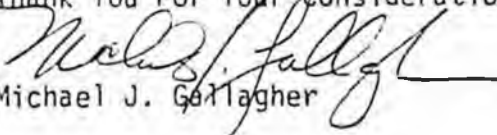
We are writing this letter to voice our support of this annexation and to urge you to recommend to the legislature that this action is needed for the good of all the residents of this area including those directly affected by it.

Firstly, this area is surrounded on three sides by landowners presently in the city limits who are required to pay Palmer City taxes. However, with the City powerless to enforce city ordinances in this area the adjacent property owners have to accept such things as lack of sleep due to barking dogs, (as of the last City Council Meeting on this matter the owner admitted to having 15) the eyesore of approximately 40 junk vehicles, assorted debris including but not limited to shopping carts, appliances, old building materials and loose trash that blows onto our property, and the fact that our tax dollars pay for the maintenance of the road that this property abuts.

Aside from the personal inconveniences that have been mentioned previously, there is a real threat to the personal safety of the tenants on Mr. Bailey's property. This property has no septic system nor is it tied into the city sewer system. We have witnessed these tenants, including small children going to the bathroom (figuratively speaking) outside on this land as well as using it as a playground. We question the cleanliness of the property what with the large amounts of dogs also. None of the structures of which there are several appear to conform to building codes and this also presents a danger to the residents therein. I personally alerted one of Mr. Bailey's tenants of a chimney fire on the wooden structure that he lives in with two small children.

It's almost certain that Mr. Bailey will show that since the Palmer City Council unanimously voted to annex his Property that he has made an attempt to clean up his area. He has painted all of his buildings and has had trash and debris hauled from there. Please do not be misled by this. Over the years, every time he has been faced with this annexation issue he has done the same thing only to revert to his old ways as soon as the heat was off. In 1990 he did this prior to a City Council vote to annex and convinced them of his intent to mitigate these problems. Based on this the City Council did not approve the annexation attempt. Shortly thereafter the large amounts of dogs were back, more junk cars were brought in and things were right back to where they were before. After numerous complaints by area residents the Palmer City Council chose to consider annexation by legislative review. Prior to that vote (1991) he once again started removing trash, kept his dogs somewhat quiet and had several people (not area residents) testify in his behalf at a City Council meeting. This time the vote was not to his liking. Once again things got worse and now that the time is approaching for the Boundary Commission to act on this, he once again is sprucing up and will attempt to convince you of his intent to keep things tidy and quiet. Please don't be taken in by this and if you do believe he is sincere try not to forget the safety factor here for the well being of his tenants. We have agonized over the potential hardship this may cause Mr. Bailey but after trying to get these problems solved in a neighborly manner, we seem to have no other choice but to support this forced annexation.

Thank You For Your Consideration,

  
Michael J. Gallagher

2407 McKenzie Drive  
Anchorage, Alaska  
99517

May 4, 1992

LEC Staff  
Department of Community and Regional Affairs  
333 West 4th Avenue, Suite 220  
Anchorage, Alaska 99501-2341

Re: State of Alaska, Local Boundary Commission Public notice for filing of petition for annexation of 7.5 acres to the City of Palmer.

TO WHOM IT MAY CONCERN:

Ref: The proposed annexation of Lots One (1), Two (2) and Three (3) of Riverside Subdivision and the notice of the Local Boundary Commission's public hearings on the petition, times and locations to be later established.

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

Again, as the owners of Lots 1,2 & 3 of Riverside Subdivision, we want to go on record as being opposed to the annexation of these three lots into the City of Palmer.

Respectfully,

Dean R. Dewey

*Dean R. Dewey*

Melinda M. Dewey

*Melinda M. Dewey*

MAY 1 1992

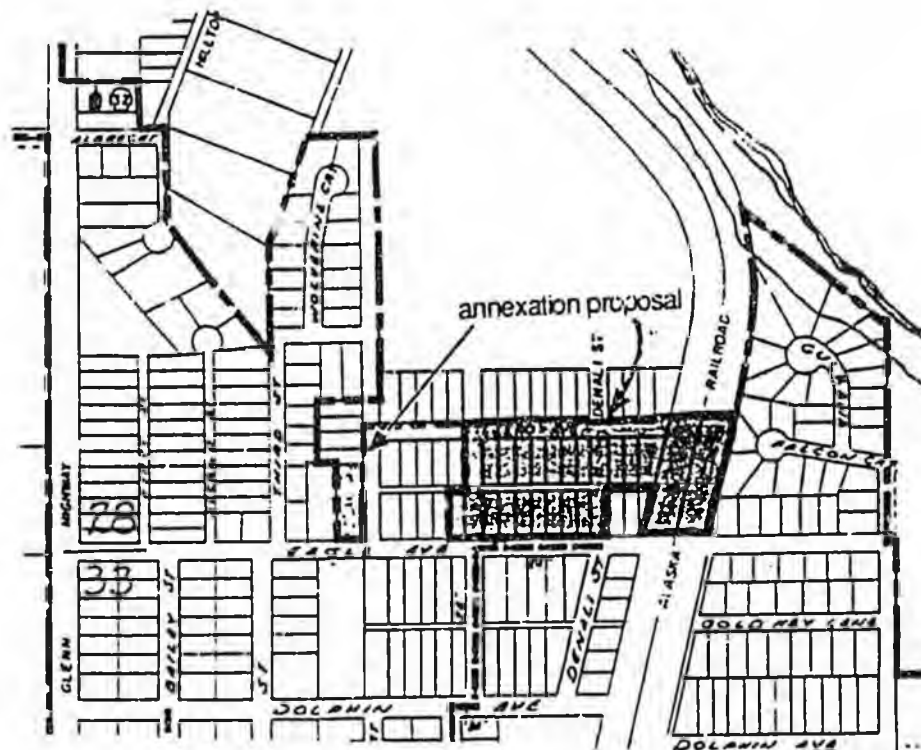
DEPT. OF COMM. & REGIONAL AFFAIRS  
MUNICIPAL REG.

STATE OF ALASKA  
LOCAL BOUNDARY COMMISSION  
PUBLIC NOTICE OF FILING OF PETITION FOR ANNEXATION  
OF 7.5 ACRES TO THE CITY OF PALMER

The City of Palmer has submitted a petition for legislative review annexation pursuant to AS 29.06.040(b) of approximately 7.5 acres within Section 28, Township 18 N, Range 2 E, S. M., including:

Pribyl, Grasse and Grasse Subdivision - Lot 22  
Riverside Subdivision - Block 1, Lots 1 through 10 and  
Lots 20 through 27  
Portions of Zero Avenue, N. Denali Street, and Chugach Street

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



A copy of the petition can be viewed 8:00 a.m. - 5:00 pm, Monday through Friday at

Palmer City Hall  
City Clerk's Office  
231 West Evergreen Avenue  
Palmer, AK 99645  
Phone: (907) 745-3271

Notice of the Local Boundary Commission's public hearing(s) on the petition will be published when times and locations have been established. Any person may file an answering brief (see 19 A.A.C 10.550) or initial written comments supporting or opposing this annexation proposal. Briefs and initial written comments must be received by May 29, 1992. The Local Boundary Commission's rules prohibit contacting Commission members directly and require that any written comments on this petition be directed to:

LBC Staff  
Department of Community and Regional Affairs  
333 W. 4th Avenue, Suite 220  
Anchorage, AK 99501-2341  
Telephone: (907) 269-4500

Monday, April 28

To: LBC staff

Dept. of Community & Regional Affairs

Re: Annexation of 7.5 acres to the City of Palmer

Dear LBC staff,

I recieved notice of a petition of legislative review annexation to A529.06.040 (B) of approximately 7.5 acres within Section 28, Township 18N, Range 2 E, S. M.

Reading this petition I've noted that once again included in it are all the lots shown in the Riverside subdivision, Lots 4-10 and 21-27.

I strongly oppose this attempt of annexation. The City of Palmer didn't want this area because it's own engineers said it was too unstable with nearly 20 feet of river silt. This was 30 years ago and the situation hasn't changed. Myself + all the neighbors around who are included in this latest annexation attempt do not want to be part of the City of Palmer.

RECEIVED

APR 30 1992

Dept. of Comm. & Reg. Affairs  
Div. of Municipal & Reg. Asst.

Sincerely,

Robert E. Bradley

PO Box 221

PALMER ALASKA 94530





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

Date	Name	Phone No.
8-10-91	Kyida F. Cassie <del>Palmer</del> <sup>Central</sup> <del>Palmer</del> <sup>Palmer</sup>	745-1481
8-10-91	John J. Smith	
8-10-91	Donald R. Harrison Palmer	Message 745-3020
8-10-91	Archie Springs	NO II
8-10-91	Walter P. Fairbank	745-1226
8-10-91	John Andrew P.	RECEIVED
8-10-91	John V. Miller	MAY 28 1992
8-10-91	Wayne Abel <sup>Chickadee</sup>	DEPT. OF COMM. & REG. AFFAIRS MUNICIPAL DIST.
8-10-91	Mary P. Anderson Palmer	
8-10-91	Jennifer J. Wilcox PALMER	
8-10-91	Ed J. Smith III <sup>LOT 14 HUNTER TOWN</sup>	745-7997
8-10-91	Craig Colwell <sup>BUFFALO MT 55</sup>	745-5913
8-11-91	William E. Cress <sup>Mi 76.5</sup>	
8-11-91	Art. Atkins <sup>HCO2 Box 9550 A-2</sup> <sup>Palmer AK 99645</sup>	745-2184 AK 679-8819
8-12-91	Richard A. Hartman <sup>POB. 2574 PALMER AK</sup> <sup>99645</sup>	
8-13-91	Marina Corman <sup>Bia Lake</sup>	
8-13-91	Conina Pastana <sup>P.O. Box 80-8602</sup> <sup>Wasilla, AK, 99687</sup>	
8-17-91	Albert Roy Leonard	
8-17-91	Matthew S. B. [unclear]	745-4822
8-17-91	Marganda [unclear] <sup>503 E. Highway 4</sup> <sup>Palmer AK 99645</sup>	
8-17-91	Mark Hansen	745-2730

AUGUST 1991

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

Date	Name	Phone No.
8-9-91	Carol H Hensley	746-3866
8-9-91	Michael Reed	745-4727
-9-91	Annie E. Stroman	746-4985
-11-91	Melvin Jackson	376 7169
-12-91	Jimmy Fayet	mess 746-5315
-12-91	Amel Blum	746-0311
-12-91	Carl L. Loken	746-1083
-12-91	Margaret B. Vento	745-4723
-12-91	Brian A. Fuller	746-3866
-12-91	David J. Fuller	746-3866
-12-91	Carl J. Hinton	
1-12-91	Karen D. Sillards	746-1030
-12-91	James B. Waltham	746-3866
-12-91	Dale J. [unclear]	746-1394
12-91	Michael D. [unclear]	NOTE
-12-91	William A. Starun	745-2759
-12-91	Margaret Brown	

RECEIVED  
MAY 28 1992  
DEPT. OF GEN. & T20 AFFAIRS  
MUNICIPAL & REG. AFF.

AUGUST 1991

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

Date	Name	Phone No.
8/13/91	Danny Bell	248-2361
8/13/91	Art Bell	564-9655
8/13/91	Tommy Smith	696-5053
8/15/91	William Brown	741-5113

AUGUST 1991

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

Date	Name	Phone No.
8-17-91	Matthew A. Smith	745-1199
5/25/92	Joseph W. Wilson	376-7281
5/25/92	Anthony M. Magee	373-4060
5/25/92	Monty A. Moran	745-6398
5/25/92	Michael P. Carter	373-3782

RECEIVED  
MAY 28 1992  
DEPT. OF COMM. & REG. AFFAIRS  
OF MUNICIPAL & REG.

# **APPENDIX B**

## **STANDARDS FOR ANNEXATION**

## LOCAL BOUNDARY COMMISSION REGULATIONS

### Article 3. Standards for Annexation to Cities

Section  
65. Applicability  
70. Annexable territory

Section  
80. Application of standards  
90. Annexation of incorporated territory

**19 AAC 10.065. APPLICABILITY.** The provisions of 19 AAC 10.070 — 19 AAC 10.090 apply to a proposal for annexation by local action (19 AAC 10.630 — 19 AAC 10.730), by legislative review (19 AAC 10.450 — 19 AAC 10.620) or by the step process (19 AAC 10.735 — 19 AAC 10.790). (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.070. ANNEXABLE TERRITORY.** (a) Territory which is contiguous to a city may be annexed to that city if one or more of the following standards are met:

(1) the contiguous territory is totally surrounded by the city's boundaries;

(2) the land in the territory is wholly owned by the city;

(3) the territory is urban in character;

(4) the territory is in need of municipal services which the city can provide more efficiently than another municipality;

(5) there is a reasonable likelihood that future growth and development will occur within the territory and that annexation of the territory will enable the city to plan for and control that development;

(6) the health, welfare, or safety of city residents is endangered by conditions existing or developing in the territory and annexation will enable the city to remove or relieve those conditions;

(7) the extension into the territory of city services or facilities is necessary to enable the city to provide adequate service to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the city's boundaries;

(8) residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate property tax contributions, whether city services are rendered or received inside or outside the territory;

(9) the annexation is otherwise necessary to accomplish a valid public purpose.

(b) Territory which is not contiguous to a city may be annexed to the city if

(1) the land in the territory is wholly owned or leased by the city or used primarily for the performance of city functions; and

(2) annexation is necessary to enable the city to achieve adequate control, protection, or management of the property.

**LOCAL BOUNDARY COMMISSION REGULATIONS**  
(continued)

(c) Territory which does not meet the standards of (a) of this section may be annexed to a city if the territory lies between the city boundary and other noncontiguous territory which meets the requirements of (a) of this section.

(d) In determining whether territory is urban in character for the purposes of (a)(3) of this section, the commission will, in its discretion and without limitation, consider whether the property is platted or held for sale for residential or commercial purposes, whether the population density of the territory approximates that of the annexing city, whether the population of the territory stems primarily from actual growth of the city beyond its legal boundaries, and whether the property is valuable primarily by reason of its suitability for prospective urban purposes.

(e) In determining whether the standard established in (a)(8) of this section is met, the commission will consider alternative methods available to the city for offsetting the cost of providing services to individuals or property beyond its property taxation powers. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. -- 19 AAC 10.070 is based on a former version of 19 AAC 05.010.

**19 AAC 10.080. APPLICATION OF STANDARDS.** (a) The commission will not approve an annexation unless the annexing city demonstrates to the satisfaction of the commission that it is capable of extending, and is willing to extend, services to the annexed area as follows:

(1) full municipal services shall be extended to the annexed area immediately unless

(A) the annexation is pursuant to 19 AAC 10.735 — 19 AAC 10.790; or

(B) the immediate extension of full municipal services to the annexed area is impossible because of a lack of necessary facilities, in which case the annexing city shall satisfy the commission that it will provide the services within a reasonable time;

(2) if the annexation is under 19 AAC 10.735 — 19 AAC 10.790, the commission must be satisfied that the city's plan for gradual extension of services reasonably compares with a plan for gradual extension of taxation and provides for extension of full municipal services to the annexed area within the time period established under 19 AAC 10.740.

(b) The commission will, in its discretion, conduct public hearings or investigations after a detachment to determine if the service requirements of residents are being met. If the commission determines that the service requirements of the residents of the territory are not being met, it will, in its discretion, begin annexation proceedings under this chapter.

**LOCAL BOUNDARY COMMISSION REGULATIONS**  
(continued)

(c) Notwithstanding the provisions of (a) of this section, the commission will, in its discretion, approve an annexation by a city which has authority to establish and operate differential taxation zones if the commission is satisfied that the city is willing and able to use that authority to

(1) provide the territory with such services as may be desired by residents of the territory; and

(2) insure that the annexed area is not subjected to unfair taxation for services not available in the annexed area. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.080 is based on a former version of 19 AAC 05.020.

**19 AAC 10.090. ANNEXATION OF INCORPORATED TERRITORY.** (a) For the annexation by a city of territory of another municipality, the commission will determine the method by which assets and liabilities are to be distributed between the city and the municipality formerly providing services. In determining the distribution of liabilities and assets, the commission will, in its discretion, approve an equitable agreement between the municipalities affected but will independently review the proposed agreement.

(b) Territory which is part of a city may not be annexed to another city unless the commission determines the annexation to be in the best interests of the annexing city, the city from which the annexed territory is taken, and the annexed area.

(c) Separate or additional proceedings are not required for detachment from a city or borough of territory which becomes annexed to another city; the detachment is effected by and at the same time as the annexation. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.090 is based on former versions of 19 AAC 05.030 and 19 AAC 15.040.

**Local Boundary Commission Staff  
Department of Community and Regional Affairs  
333 West Fourth Avenue; Suite 220  
Anchorage, AK 99501-2431**

**First Class Mail**



# Alaska State Legislature

## SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

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

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

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

### MEMORANDUM

TO: All Senators

FROM: Senator Randy Phillips, Chair *R.P.P.*  
Community and Regional Affairs Committee

DATE: January 21, 1993

SUBJECT: SJR 20 - Disapproval of the Local Boundary Commission's  
Recommendation to annex new territory to the  
City of Palmer

Attached is background information on the property the City of Palmer is seeking to annex.

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

### MEMORANDUM

TO: Representative Al Vezey, Chair

FROM: Representative Fran Ulmer

SUBJ.: SJR 20

DATE: March 5, 1993

-----

As I indicated to you during the committee hearing on Thursday, the extremely bright flood light, which was being used by the television camera person was both distracting and uncomfortable. After an hour of bright lights, I left the committee room with a headache in search of some aspirin. When I returned to the room, you were all gone.

I understand a vote was taken on SJR 20 and it failed to move. I want you to know that if you would like to reconsider the vote on the resolution on Saturday, I would be happy to vote to pass the resolution from committee.

I've not personally decided whether to vote for or against the resolution, but I have no objections to the resolution continuing on in the process so that other people can have the opportunity to review the record and make a decision on the annexation.

FU/bvh



# STATE OF ALASKA

## LOCAL BOUNDARY COMMISSION

WALTER J. HICKEL, GOVERNOR

333 W. 4TH AVE., SUITE 220  
ANCHORAGE, ALASKA 99501-2341  
(907) 269-4500

February 5, 1993

The Honorable Randy Phillips  
Chairman  
Senate Committee on Community  
and Regional Affairs (C&RA)  
State Capitol  
Juneau, Alaska 99801-1182

RE: Annexation to the City of Cordova

Dear Senator Phillips:

On January 20, 1993, I wrote to you transmitting five recommendations of the Local Boundary Commission (LBC) for annexation of territory to cities. I noted in my letter that individuals had until January 28, 1993, to request that the LBC reconsider its decision with respect to the Cordova annexation.

Two timely requests for reconsideration of that matter were filed subsequent to my letter. The LBC addressed both requests at a meeting held February 2. After careful consideration, the Commission denied both requests.

If you have any further questions concerning this matter, please contact me or Dan Bockhorst.

Cordially,



Darroll Hargraves  
Chairman

SENATE AND HOUSE JOINT JOURNAL SUPPLEMENT

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January 22, 1993

Friday

No. 3

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RECOMMENDATIONS BY THE  
ALASKA LOCAL BOUNDARY COMMISSION

\*\*\*\*\*

Received  
January 20, 1993  
2:45 p.m.

The following recommendations by the Alaska Local Boundary Commission are incorporated in the 1992 Annual Report. Copies may be obtained from the Department of Community and Regional Affairs.

## VII. RECOMMENDATIONS FOR ANNEXATION UNDER ARTICLE X, § 12, ALASKA CONSTITUTION

The Local Government Article of the Alaska Constitution provides that the Local Boundary Commission may present proposed boundary changes to the legislature during the first ten days of any regular legislative session. The change becomes effective 45 days after being presented to the legislature or at the end of the session, whichever comes first, unless a majority of the members of each house concurs in a resolution disapproving the change (Art. X, Sec. 12). The LBC presents the following five proposed changes for consideration by the legislature in 1993.

### HOONAH

The City of Hoonah submitted a petition to annex about 18.5 square miles under the legislative review method.

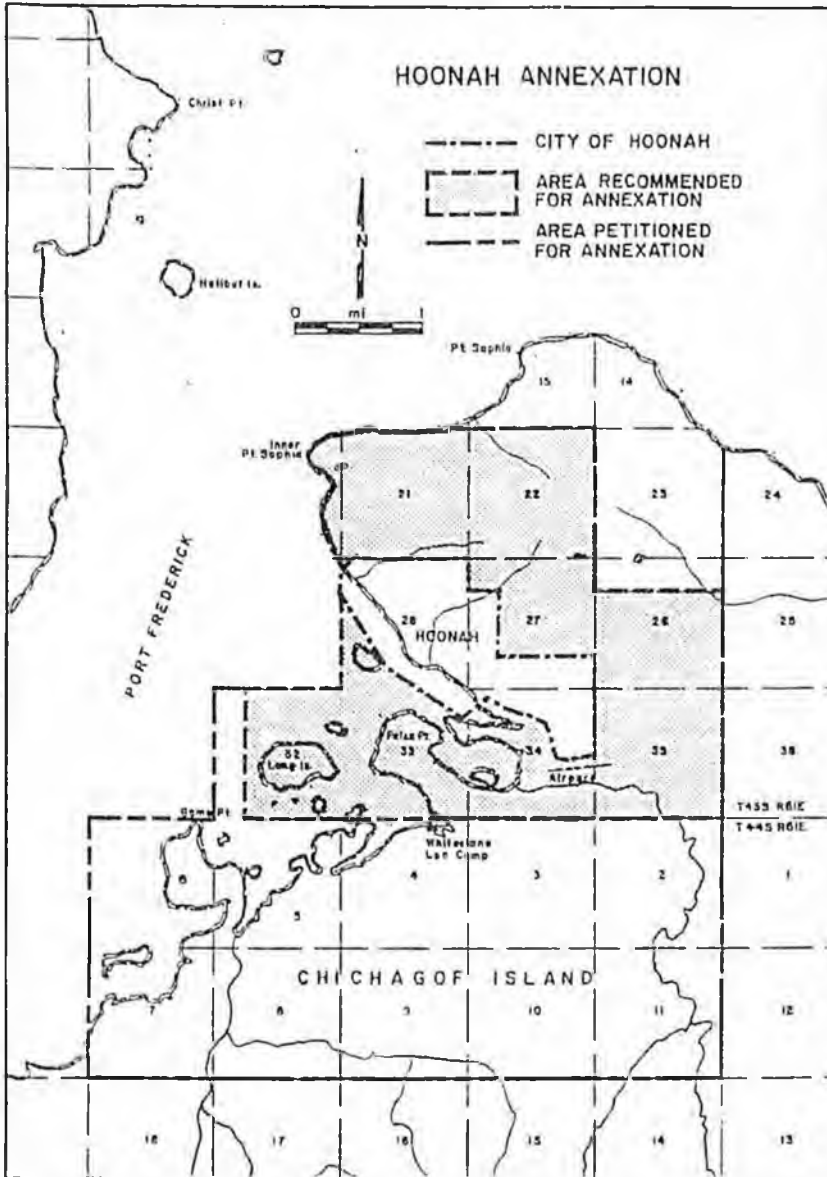
The Commission conducted a public hearing in Hoonah on October 10, 1992. On November 21, the Local Boundary Commission amended and approved the annexation petition of the City of Hoonah. The amendment reduced the territory to be annexed to approximately 7.25 square miles.

Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning the City of Hoonah's annexation petition are discussed in detail in the Commission's December 18, 1992, Statement of Decision. That document, comprising 18 legal-size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at: Local Boundary Commission Staff, Department of Community and Regional Affairs, 333 W. Fourth Avenue, Suite 220, Anchorage, AK 99501-2341, telephone: 269-4500, fax: 269-4520.

Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following area to the City of Hoonah:

Beginning at the protracted northeast corner of Section 22, T43S, R61E, Copper River Meridian (CRM);  
 thence, south to the protracted southeast corner of the northeast one-quarter of the northeast one-quarter of Section 27, T43S, R61E, CRM;  
 thence, east to the protracted northeast corner of the southeast or e-quarter of the northeast one-quarter of Section 26, T43S, R61E, CRM;  
 thence, south to the protracted southeast corner of Section 35, T43S, R61E, CRM;  
 thence, west to a point within Port Frederick where the protracted southwest corner of the southeast one-quarter of the southwest one-quarter of Section 32, T43S, R61E, CRM; would be;  
 thence, north to a point within Port Frederick where the protracted northwest corner of the northeast one-quarter of the northwest one-quarter of Section 32, T43S, R61E, CRM; would be;  
 thence, east to a point within Port Frederick where the protracted northeast corner of Section 32, T43S, R61E, CRM would be;  
 thence, north to the intersection with the boundary of Alaska Tidelands Survey No. 29, approved by the Director of the Alaska Division of Lands on June 25, 1964 (hereinafter ATS No. 29);  
 thence, N 34° 17' W to Corner No. 4 of ATS No. 29;  
 thence, N 51° E to the line of mean-low water;  
 thence, meandering along the line of mean-low water generally in a northerly and easterly direction to the intersection with extension of the protracted northern boundary of Section 21, T43S, R61E, CRM;  
 thence, east to the protracted northeast corner of Section 22, T43S, R61E, CRM; the point of beginning;  
 excluding therefrom, the territory currently within the boundaries of the City of Hoonah; containing 7.25 square miles, more or less, all in the Sitka Recording District, First Judicial District, State of Alaska.

A map of the area recommended for annexation is presented on the following page.



## HAINES #1

On March 4, 1992, the City of Haines submitted a petition to annex about 4.75 square miles of land under the legislative review method. Following its October 9, 1992, public hearing on the matter, the LBC approved the petition.

Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning the City of Haines' 4.75 square mile annexation petition are included in the Commission's November 5, 1992, Statement of Decision. That document, comprising 17-legal size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at:

Local Boundary Commission Staff  
Department of Community and Regional Affairs  
333 W. Fourth Avenue, Suite 220  
Anchorage, AK 99501-2341  
Telephone: 269-1500, Fax: 269-4520

Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following area to the City of Haines:

All of Sections 16, 21 and 22, and the on-shore portions of Sections 9, 23, 14, 10 and 15, Township 30 South, Range 59 East, Copper River Meridian, Alaska, which are not already within the existing boundaries of the City of Haines.

A map of the area recommended for annexation is presented on the following page.



## HAINES #2

In addition to supporting the City's petition for the annexation of 4.75 square miles addressed on pages 42 and 43 of this report, DCRA recommended the annexation of an additional 7 square miles of adjacent tidelands. The Commission held a hearing on the matter on October 9. Following the hearing, the Commission provided an additional comment period, setting a November 27, 1992 deadline. On December 18, the Commission approved the annexation of the additional 7 square miles.

Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning this annexation proposal are included in the Commission's December 18, 1992, Statement of Decision. That document, comprising 10 legal-size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at: Local Boundary Commission Staff, Department of Community and Regional Affairs, 333 W. Fourth Avenue, Suite 220, Anchorage, AK 99501-2341, telephone: 269-4500, fax: 269-4520.

Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following territory to the City of Haines:

Beginning at the point where the western boundary of Section 9, T30S, R59E, Copper River Meridian (CRM) intersects with the line of mean high tide of Lutak Inlet;  
thence, N 86° E (approximately), 11,000 feet more or less, across Lutak Inlet to U.S.G.S. triangulation station "Sanka";

thence, S 71° E (approximately), 8,000 feet more or less, to U.S.G.S. triangulation station "Tajya Pt";

thence, S 4° E (approximately) 5,250 feet more or less to the "Indian Rock Light";

thence, South (approximately) 18,750 feet, more or less, to the line of mean high tide of Chilkoot Inlet at the point of intersection of the southern boundary of Section 36, T30S, R59E, CRM, and the line of mean high tide;

thence, meandering northwesterly along the line of mean high tide of Chilkoot Inlet and Portage Cove to the intersection with the eastern boundary of the City of Haines (said point also being Haines Townsite Boundary Corner No. 6);

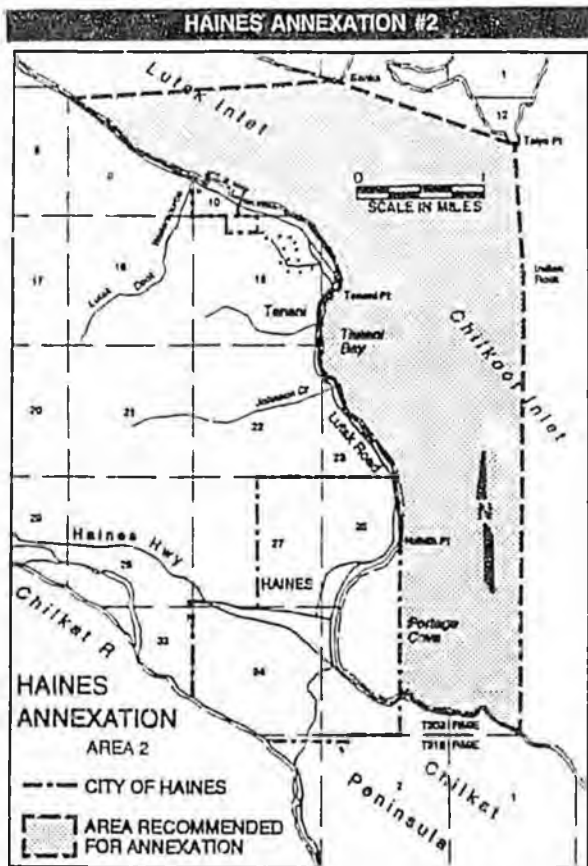
thence, north along the eastern boundary of the City of Haines to the northern boundary of the City of Haines, a point where the northern boundary of Section 26, T30S, R59E, CRM intersects with the line of mean high tide of Chilkoot Inlet (said point also being Haines Townsite Boundary Corner No. 4);

thence, meandering northwesterly along the line of mean high tide of Chilkoot Inlet and Lutak Inlet to the point of intersection with the eastern edge of the non-contiguous boundary of the City of Haines (encompassing the Lutak port facilities);

thence, northeasterly, northwesterly, and southwesterly along the non-contiguous boundaries of the City of Haines to the point where the western edge of the non-contiguous boundaries of the City of Haines intersects with the line of mean high tide of Lutak Inlet;

thence, meandering northwesterly along the line of mean high tide of Lutak Inlet to the point of intersection with the western boundary of Section 9, T30S, R59E, CRM, the point of beginning; containing 7 square miles, more or less, all in the Haines Recording District, First Judicial District, State of Alaska.

A map of the area recommended for annexation is presented on the following page.



## CORDOVA

The City of Cordova filed a petition for annexation of about 180 square miles inhabited by an estimated 469 residents. On November 21, 1992, the Commission conducted a public hearing in Cordova. On January 4, 1993, the Commission amended the petition to reduce the size of the area proposed for annexation to 68.23 square miles and approved the amended petition.<sup>11</sup>

Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning the City of Cordova's annexation petition are discussed in more detail in the Commission's January 8, 1993, Statement of Decision. That document, comprising 22 legal-size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at: Local Boundary Commission's Staff, Department of Community and Regional Affairs, 333 W. Fourth Avenue, Suite 220, Anchorage, AK 99501-2341, telephone: 269-4500, fax: 269-4520.

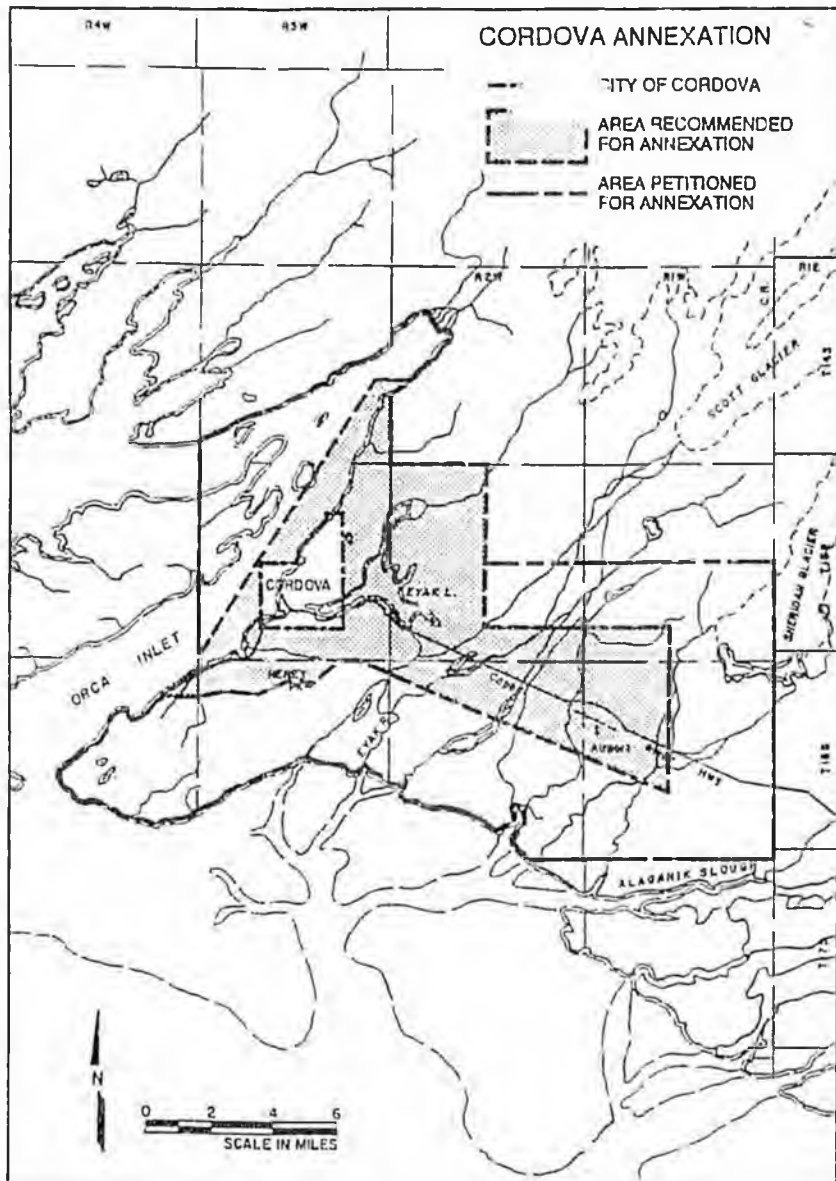
Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following area to the City of Cordova:

Beginning at the northeast corner of protracted Section 4, T15S, R2W, Copper River Meridian (CRM);  
 thence, south to the southeast corner of protracted Section 28, T15S, R2W, CRM;  
 thence, east to the northeast corner of the northwest 1/4 of the northeast 1/4 of protracted Section 33, T15S, R1W, CRM;  
 thence, south to the southeast corner of the southwest 1/4 of the southeast 1/4 of protracted Section 21, T16S, R1W, CRM;  
 thence, northwesterly, in a straight line, to the northwest corner of protracted Section 1, T16S, R3W, CRM;  
 thence, west, along the north boundary of protracted Section 2, T16S, R3W, to a point on the divide along the Heney Range separating the drainage into Orca Inlet from the drainage into the Copper River Delta and the Gulf of Alaska;  
 thence, southwesterly along said divide to Heney Peak;  
 thence, westerly in a straight line to the beginning of Hartney Creek;  
 thence, westerly along the thud of Hartney Creek to the point where it enters Hartney Bay;  
 thence, northerly and westerly along the line of mean high tide of the north shore of Hartney Bay to Bluff Point;  
 thence, meandering along the line of mean high tide to the intersection with the east boundary of protracted Section 1, T16S, R4W, CRM;  
 thence, north to a point in Orca Inlet at the northwest corner of the southwest 1/4 of the southwest 1/4 of protracted Section 21, T15S, R3W, CRM;  
 thence, northeasterly, in a straight line, to a point in Orca Inlet at the northwest corner of the southeast 1/4 of protracted Section 24, T14S, R3W, CRM;  
 thence, east to the line of mean high tide on Nelson Bay;  
 thence, meandering southwesterly along the line of mean high tide of Nelson Bay to the intersection with the west boundary of protracted Section 19, T14S, R2W, CRM;  
 thence, south, to the southeast corner of protracted Section 36, T14S, R3W, CRM;  
 thence, east to the northeast corner of protracted Section 4, T15S, R2W, the point of beginning; containing 7458 square miles, more or less, all in the Cordova Recording District, Third Judicial District, State of Alaska.

Excluding therefrom, the territory currently within the boundaries of the City of Cordova, comprising 635 square miles, more or less. The net territory approved for annexation comprises 68.23 square miles, more or less.

A map of the area recommended for annexation is presented on the following page.

<sup>11</sup> The decision of the Commission concerning this annexation became final under 19 AAC 10.570(g) on January 8, 1993. Under 19 AAC 10.580, interested parties have until January 28, 1993 to file a request for reconsideration of the decision.



## PALMER

On February 28, 1992, the City of Palmer filed a petition for annexation of approximately 7.5 acres using the legislative review method.

The Commission conducted a public hearing on November 20, 1992, in Palmer. On December 18, the Commission approved the petition. Details concerning the annexation proceedings and the conclusions of the Local Boundary Commission concerning the City of Palmer's annexation petition are discussed in detail in the Commission's December 30, 1992, Statement of Decision. That document, comprising 11 legal-size pages, is available upon request from the Commission's staff in Anchorage. Staff may be reached at:

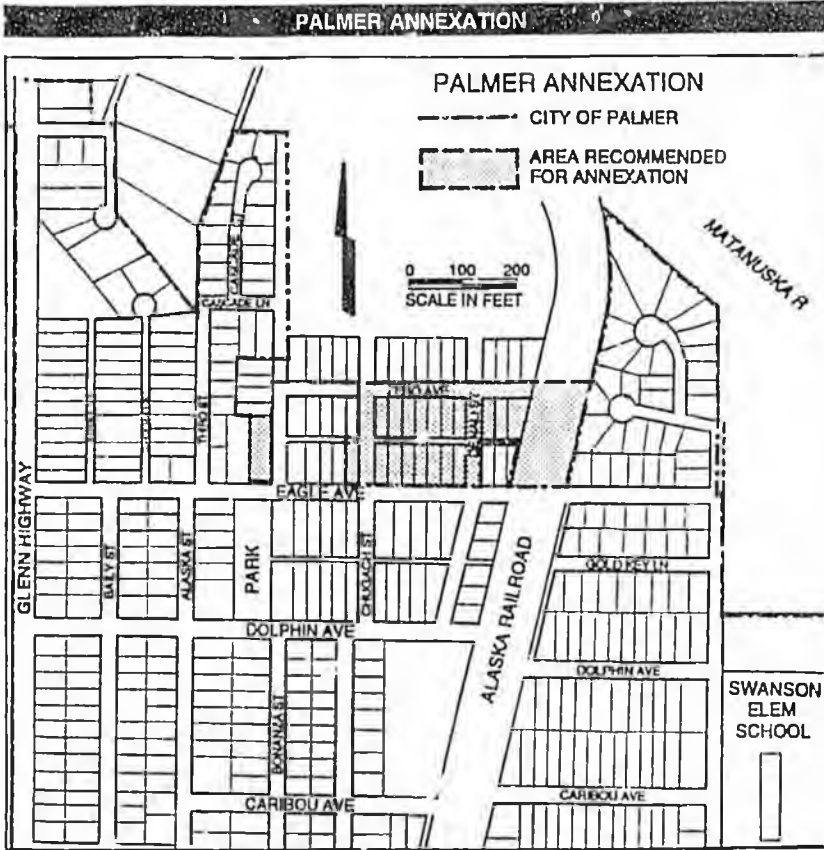
Local Boundary Commission Staff  
Department of Community and Regional Affairs  
333 W. Fourth Avenue, Suite 270  
Anchorage, AK 99501-2341  
Telephone: 269-4500 Fax: 269-4520

Pursuant to Article X, Section 12 of the Alaska Constitution, the Commission hereby recommends annexation of the following territory to the City of Palmer:

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

Pribyl, Grasse and Grasse Subdivision - Lot 22; Riverside Subdivision - Block 1, Lots 1 through 10 and Lots 20 through 27; and a portion of the right-of-way of the Alaska Railroad as shown on the City of Palmer's petition for annexation.

A map of the area recommended for annexation is presented on the following page.



1/28/93

Dear Senator Phillips;

I am writing in response to the petition for legislative review annexation to as29.06.040 (B) of approximately 7.5 acres within section 28, Township 18 N, Range 2 E, s.m. As a property owner of lot 20, Block 1, of the revised plat of the Riverside Subdivision, I would like to express my deep concern regarding intentions to forcibly annex this property. I am strongly against such an action. I bought this property because it's unrestricted and I want to keep it that way. I Beg you to deny this petition.

Respectfully,

Michael T. Dresnek

*Michael T. Dresnek*

Marilyn A. Dresnek

*Marilyn A. Dresnek*

21131 Eastside Dr.

Chugiak Alaska 99567

# Commission OKs Palmer annexation

By KERRY DOWNING

Frontierman reporter

Ed Bailey's property is going to part of Palmer whether he likes it or not, says the state's Local Boundary Commission. The commission voted 3-2 Monday to allow Palmer to annex his property, which lies on Eagle Street just outside the city limits.

Palmer has been trying for several years to annex Bailey's property and the land around it, City Manager David Soulak has said. The city pushed for annexation to square off its boundaries and to resolve problems neighbors say they have had with Bailey's dogs and old cars, Soulak said.

The commission's hearing on the issue Nov. 20 drew a crowd of almost 80 people. The major-



Bailey

ity of the speakers at that hearing opposed the annexation and said it infringed on Bailey's rights. He agrees. "Everybody that loves freedom will be behind me," said Bailey, who plans to appeal the decision. "Where's the rights of property? If you don't own your land, who owns it?"

"They're using me. Now they are going to be able to take in anybody they want, once they set a precedent on me, and I don't want to be used that way."

Once Bailey appeals the deci-

sion, the commission will decide whether to reconsider the issue. If it approves the annexation again, the matter will be passed on to the Legislature, which then has 45 days to make a decision.

If the Legislature approves the annexation, Bailey says, he may move.

"They are trying to make me fit into the city code, but I'm not interested in that," he said. "I'm never going to fit into what they want. They want to make this Los Angeles. Who in the hell wants to live in Los Angeles?"

"I don't think I can live in this prison yard — that's all Palmer has become since they put in this prison over there. I

See ANNEX, Page 6

Frontierman 12/23/92

## Annex: Bailey plans to appeal decision by state boundary commission

Continued from Front Page  
can't be one of those people."  
Shelley Dwyer, vice chairman of the boundary commission, sided with Bailey.  
"I didn't feel it met the standards that need to be met (for property to be annexed), especially the one being discussed most frequently — the health, safety and welfare issue," she said. "I did not feel there was even any evidence submitted

that ... there was a danger to the health, safety and welfare of the residents there. And the problems they were trying to address — annexation was not the appropriate method in solving these problems."  
The city wanted to annex the property simply to deal with the problems neighbors were having, she said, and not to square off its boundaries.  
"It doesn't square it off at

**"It's not about the taking of property. It's about the people who are his neighbors trying to address a tough problem."**

—Commissioner Lamar Colton

all," she said. "If you look at a map of the area that they're annexing, it's not taking in a solid area that will clearly define the boundary there. In fact, it creates another little donut hole, which was another one of my problems."  
Boundary Commissioner Lamar Colton voted for the annexation.  
"I felt the city of Palmer and the residents made a good at-

tempt through other channels, and approached the city as a last resort.

"It's not about the taking of property. It's about the people who are his neighbors trying to address a tough problem. A lot of people felt that it was big versus small, or old versus new, but the residents of Palmer also have their rights."  
Dwyer says his neighbors should not have moved into the neighborhood if they didn't like his lifestyle.

"I have been here for nearly 30 years," he said. "I was here before there were houses. They bought with me here. It wasn't like I was hiding or anything. If they didn't want me here, they shouldn't have come here."  
He says he will continue his fight.

"It's been a long time," he said, referring to the years he has been fighting the annexation. "But I'm a long man — I'm a few 7 — and I'll just keep holding on."

To: Shirley Armstrong, Senate C&RA **FAX 465-4979**

From: Dan Bockhorst

Date: February 8, 1993

Per your request, the following is a list of names and telephone numbers of owners of the property proposed for annexation to the City of Palmer:

Annex

<i>NO</i>	Dean & Melinda Dewey	(Anchorage)	<del>248-2450</del> <i>243-7937</i>
<i>NO</i>	Robert Bailey	(Palmer)	745-3020
<i>NO</i>	Michael Dresnek	(Chugiak)	688-5649
	John Grasse	(Mequon, Wis.)	
<i>NO</i>	Alaska Railroad Corp	(Anchorage)	265-2300 <i>Bonnie Bailey</i>

The Alaska Railroad's interest is limited to a right-of-way.

1/28/93

Dear Senator Phillips;

I am writing in response to the petition for legislative review annexation to as29.06.040 (B) of approximately 7.5 acres within section 28, Township 18 N, Range 2 E, s.m. As a property owner of lot 20, Block 1, of the revised plat of the Riverside Subdivision, I would like to express my deep concern regarding intentions to forcibly annex this property. I am strongly against such an action. I bought this property because it's unrestricted and I want to keep it that way. I Beg you to deny this petition.

Respectfully,

Michael T. Dresnek

*Michael T. Dresnek*

Marilyn A. Dresnek

*Marilyn A. Dresnek*

21131 Eastside Dr.

Chugiak Alaska 99567

# ALASKA RAILROAD CORPORATION

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



July 11, 1991

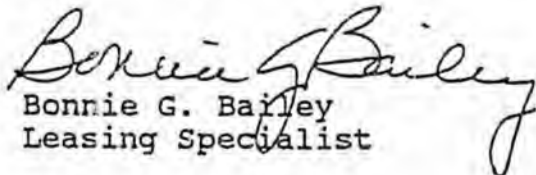
RECEIVED  
JUL 1 1991  
CITY OF PALMER

Planning and Zoning Advisory Commission  
City of Palmer  
231 W. Evergreen Avenue  
Palmer, Alaska 99645

Re: Riverside Subdivision, Lots 1 through 10 and Lots 20  
through 27, Block 1

The Alaska Railroad Corporation is not in favor of the City of  
Palmer annexing the Alaska Railroad's right-of-way to the City  
of Palmer.

Sincerely,

  
Bonnie G. Bailey  
Leasing Specialist

February 9, 1993

Senate Community & Regional Affairs Committee

Gentlemen:

Not being very comfortable with Public Speaking, yet needing to defend my character and my liberty against this annexation, I have decided to this letter faxed to you.

My animals have, again and again, been brought up as a reason to annex this property. I have found that it is very difficult to answer to outright lies that have been spread by a very few individuals, and the City of Palmer. Three small pages of lies takes volumes and volumes to respond to. The charges that were mentioned by Councilmember Melton this morning are stale and unsubstantiated. My dogs do not bark "day and night". If they were allowed to this alleged continuous barking, it would certainly be a bother to me; I share my cabin with them. The only two instances where my dogs have bitten anyone, which occurred years ago, resulted in the people involved apologizing to me for their inappropriate behavior around my dogs which directly led to the bite occurring. I have never even been cited for any dog bites.

The claim that a dog from this property killed Mr. Smith's peek-a-poo raised during this annexation is the first I can ever remember hearing of this incident. The was not my dog, but belonged to a tenant that was on the property when I purchased those lots.

In all the years that I have suffered this attack from these people, through all the Animal Control complaints lodged against me, and the complaints mentioned by the City today, the Matanuska Susitna Borough never was able to substantiate these accusations and the great bulk of these complaints were made over 3 years ago by mostly the same six people. In fact during the summer of 1989 when this attack intensified and a large volume of complaints were made, a crew that had worked in this area reported none of my dogs were seen or heard. Once the crew left, a large number of complaints, that were never substantiated by Animal Control, came flooding in.

I do not allow my dogs to run loose. They sleep with me inside my cabin at night. My dogs have occasionally escaped, over the years, but I am always prompt to catch them. I have picked up trash in this neighborhood, whether spread by my dogs, or one of the one hundred in this area. My dogs are continually being blames for behavior that is impossible for them to be doing.

There have never been any problems with my dogs and children. Children are over here every day without incidents. I am a grandfather, with 7 on the ground and three "in the pocket".

People may scorn me for my hobby of finding uses for what other's discard, but what those City people call junk is often useful and necessary items to people without. Some Valley mothers bring their children to my house to pick up clothing or other necessary items, for the entire family.

My dogs love children, and in light of the fact that I do not let them run loose, I deny that they have ever "harassed" children at a school bus. The City has not shown me any documents from the Borough that verify that anyone has ever had any problems with the School Bus Stop.

There is no trash or litter from spread my property. Stacks of pallets and antique cars are not litter. There is no "loose debris" on my property that could possibly be blowing into the neighbors yard. If the items in my yard could blow around, they would have long since ended up in the neighbor's yard. Eagle Street is a school route, and I am made to pick up blowing garbage as much as any resident of this Valley.

These people actually accuse me of devaluating their property, and continue to argue that they haven't been able to sell houses in this area because of me. A realtor stood up at the Local Boundary Commission hearing and stated that she had sold this person's home, but the buyers were unable to get financing.

Mr. Gallagher, with his usual respect for the truth, stated this morning that he has been on his property since 1982. I don't believe he became a neighbor to me until after 1989.

These people, including the City, have ever discussed what I would need to do to appease them. They have never spoken to me in a civil manner, or addressed me to "alleviate" their concerns.

They have instead threatened me repeatedly with annexation, and ridiculed any attempts that I have made to conform to their standards, or alleviate any concerns of theirs to my lifestyle, so far.

Mr. Snodgrass spoke this morning, saying that he was there first and the City grew around him, even condemning part of his property. Now they are doing this to me. Why is this not O.K. for him, but O.K. for me? Does he have City sewer and water on his property?

I am now and, to my knowledge, always have been within Borough Code. I have now fenced the entire property and double fenced my yard in an attempt to appease these neighbors.

They keep saying something about a refrigerator on my property that is dangerous to children. One tenant has a fish smoker that he made from a refrigerator, that is similar to one owned by my complaining neighbor, Mr. Vogt. This smoker couldn't suffocate anyone with the large holes that have been cut it. The City and the neighbors are just digging, with no substantial proof, for evidence of wrong doing on my part.

I am sorry that this annexation has affected 4 other property owners, innocent of anything to do with this. My neighbors outside of the City have always been good neighbors to me, and I am sorry that this has the potential to set a precedent against them as well. I have tried to appease my City neighbors, but nothing will appease them. I will not build a bunch of houses here as the City wants. I will continue to fight for my rights, especially my right to use my property for my own needs. My property Deed states "to have and to hold the same, with the tenements, hereditaments, and appurtenances there unto belonging or in anywise appertaining unto the said grantee(s), and to all its success's and assigned, forever." This means that my property is mine, and my children's forever. I strongly oppose this annexation and hope that you will also. Thank you!

Mr. Robert E. Bailey

