

## CITY OF FAIRBANKS

Terry Strle, Mayor
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December 8, 2008

Melissa Taylor,
Local Boundary Commission
Department of Commerce,
Community and Economic Development
550 W. 7th Ave, Suite 1770
Anchorage, AK 99501-3569

RE: Prospective Petition for Annexation to the City of Fairbanks via Legislative Review Process

Dear Ms. Taylor:

Please accept the prospective Petition with enclosed materials for technical review by Local Boundary Commission staff, pursuant to 3 AAC 110.440.

The City Council approved Resolutions 4312 and 4313 earlier this year to authorize annexation of two territories to the City of Fairbanks. The City Council subsequently approved Resolution 4335, which approved the Petition, and held a Public Hearing on the proposed annexation on November 24, 2008.

Enclosed you will find the following materials, tabbed in the order listed below:

- An original copy of the Petition, with exhibits<sup>1</sup>, containing information required by 3
   AAC 110.420. The Petition was prepared in a format provided by Department staff.
- Certified copy of Resolution 4312, approved February 11, 2008, regarding annexation of "Fred Meyer Subdivision," attached to City Council meeting minutes.
- Certified copy of Resolution 4313, approved February 25, 2008, regarding annexation of the "enclave lots," attached to City Council meeting minutes.

Amended and supplemented as noted by items No. 7(h) and 9(a), infra.

- Regarding an informational meeting held August 6, 2008 at 6:00 p.m. for questions and comments on the proposed annexation at the Noel Wien Library, 1215 Cowles Street, Fairbanks Alaska;
  - a. Copy of sample letter sent to each person/entity listed at Petition Exhibit D and,
  - b. Copy of the completed sign-in sheet.
- Certified copy of Resolution 4335, discussed at a City Council meeting on August 25, 2008, and passed on September 8, 2008, which approved the filing of the Petition, attached to City Council meeting minutes.
- 6. Copies of the Summary of the Petition, which was made available to the public at the September 8, 2008 council meeting and a document addressing "Frequently Asked Questions." Both of these documents have been available on the City website, "www.ci.fairbanks.ak.us" since September 15, 2008.
- Regarding compliance with the Public Hearing requirements of 3 AAC 110.425, the following items:
  - a. Copy of October 8, 2008 Notice of Public Hearing for the November 24, 2008 Public Hearing<sup>2</sup> on proposed Annexation. The contents of the Notice were submitted for review and were approved in advance by DCCED staff.
  - b. Sample of letter mailed to each person/entity listed at Exhibit D regarding the November 24, 2008 Public Hearing, (3 AAC 110.425(e) & .550(b)(1)), and copy of the October 7, 20008 Public Service Announcement ("PSA") regarding the November 24, 2008 Public Hearing. The contents of the PSA were submitted for review and were approved in advance by DCCED staff as required by 3 AAC 110.550(c) & 110.425(e-f).
  - c. Affidavit of City employee Patrick Cole, dated November 12, 2008, regarding physical posting on October 30, 2008 and November 1, 2008 at three locations within each of the two territories proposed for annexation of notice of November 24, 2008 Public Hearing more than twenty-one days in advance of said hearing as required by 3 AAC 110.550(b)(3).
  - d. Affidavit of City employee Michael Schmetzer regarding physical posting (on

<sup>&</sup>lt;sup>2</sup> The Public Hearing was originally planned for October 20, 2008, but was rescheduled to allow adequate time for posting of physical notices in the territories to be annexed.

- October 30, 2008 and October 31, 2008 within each of the two territories proposed for annexation) of notice of the November 24, 2008 Public Hearing more than twenty-one days in advance of said hearing as required by 3 AAC 110.550(b)(3).
- e. Affidavit of City employee Amber Courtney regarding the October 30, 2008 physical posting of notice of the November 24, 2008 Public Hearing (item 7(a))at locations where the full proposed Petition was publicly available, the October 8, 2008 mailing of notice of the Public Hearing to all those listed on Petition Exhibit D, and the October 8, 2008 distribution of a Public Service Announcement regarding the rescheduled November 24<sup>th</sup> Public Hearing. (Note; Ms. Courtney's affidavit refers to "attached" items which are herein presented as items 7(a -b) for ease of reading).
- f. Affidavit of student intern Brittany Retherford regarding posting of additional copies of the notice of the November 24, 2008 Public Hearing more than twenty-one days in advance of said hearing as required by 3 AAC 110.550(b)(3).
- g. Copy of amended page 3, Petition Exhibit D to reflect actual dates and places where notices of the Public Hearing were physically posted within the two territories to be annexed.
- h. Copy of amended page 5, Petition Exhibit D to correct address of one resident of enclave lots and add a lot co-owner.
- i. Affidavit of City Clerk Janey Hovenden regarding publication of a display ad (contents and format pre-approved by DCCED staff) regarding the November 24<sup>th</sup> Public Hearing in the Fairbanks Daily News-Miner newspaper at least three times with the first date occurring at least 30 days in advance and in the size provided by 3 AAC 110.550(b)(2).
- j. An audio compact disc with a recording of the full November 24, 2008 Public Hearing.
- k. A written summary of the testimony of persons testifying at the November 24, 2008 Public Hearing along with a copy of the sign-in sheet.
- Printed copy of the PowerPoint presentation given by the Mayor at the start of the November 24, 2008 Public hearing addressing the issues required by 3 AAC

Melissa Taylor re Proposed Annexation December 8, 2008 Page 4

110.425(d).

- Copies of Fairbanks Daily News-Miner newspaper articles on the proposed annexation –
  made from electronic on-line archives, ranging from December 20, 2007 through
  November 25, 2008.
- Although not required by the Alaska Administrative Code or any other authority,
   attached are several items regarding the position of the Fairbanks North Star Borough:
  - a. Replacement pages 4 5, Exhibit K with supplemented information regarding events after the September 18, 2008 signing of the petition.
  - Copy of Fairbanks North Star Borough Assembly Resolution 2008 35, opposing annexation of Fred Meyer Subdivision.
- 10. As required by 3 AAC 110.420(c), an electronically PDF formatted copy of the Petition and all other materials listed above in items No. 1 9 is enclosed on compact disc. This information is also posted on the City's website, www.ci.fairbanks.ak.us and available in print at the City Clerk's Office, the Borough Administrative Offices and the Fairbanks North Star Borough Noel Wien Library.

Thank you again to you, and your staff, for the professional and courteous assistance we have been provided. Please call me directly at 459-6793 or Patrick Cole at 459-6760 should you need any additional information.

Sincerely,

Mayor Terry Strle

cc: City Council Members (w/o attachments)
Cynthia Klepaski, Assistant Borough Attorney (w/o attachments)

## **PETITION**

**To the Local Boundary Commission** 

for

ANNEXATION OF 0.05 SQUARE MILES

## TO THE

**CITY OF FAIRBANKS Using the Legislative Review Method** 

September 8, 2008
Approved by City Resolution 4335

Petitioner hereby requests that the Local Boundary Commission grant this Petition for annexation under article X, section 12 of the Constitution of the State of Alaska;

AS 29.06.040(a) and (b); AS 44.33.812(b)(2); 3 AAC 110.610(b); and 3 AAC 110.090 – 3 AAC 110.150. All Exhibits attached to this Petition are incorporated by reference.

**SECTION 1. PETITIONER.** The name of the Petitioner is the City of Fairbanks, (hereafter "City" or "Petitioner").

#### SECTION 2. PETITIONER'S REPRESENTATIVE.

The Petitioner designates the following individual to serve as its representative in all matters concerning this annexation proposal:

Name: Terry Strle, City Mayor Physical Address: 800 Cushman Street

Fairbanks, Alaska 99701

Telephone number: (907) 459-6793 Facsimile number: (907) 459-6787

Electronic-mail Address: mayor@ci.fairbanks.ak.us

The Petitioner designates the following person to act as alternate representative in matters regarding the proposed annexation, in the event the primary representative is absent, resigns, or fails to perform his or her duties:

Name: Chad Roberts, Council Member

Physical Address: 800 Cushman Street

Fairbanks, Alaska 99701

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Telephone number: (907) 459-6793 Facsimile number: (907) 459-6787

Electronic-mail Address: croberts@acsalaska.net

#### SECTION 3. THE NAME AND CLASS.

The name and class of the city to which annexation is proposed are listed below:

Name: City of Fairbanks

Class: Originally incorporated under territorial law in 1903,

Home Rule City under Alaska Law;

City Charter approved November 22, 1960

Petitioner: City of Fairbanks

Approved by Resolution 4335 on September 8, 2008

## SECTION 4. GENERAL DESCRIPTION OF THE NATURE OF THE PROPOSED COMMISSION ACTION.

The Petitioner requests that the Local Boundary Commission grant this Petition for annexation subject to legislative review provided in 3 AAC 110.140.

## SECTION 5. GENERAL DESCRIPTION OF THE TERRITORY PROPOSED FOR ANNEXATION.

The territory proposed by the City for annexation consists of two territories totaling approximately 0.05 square miles. The annexation would increase the area of the City to approximately 33.85 square miles. The legal description of territory proposed for annexation is shown on Exhibit A, the post-annexation boundaries of the City are described on Exhibit B, and maps of both areas are attached as Exhibit C. All of the territory to be annexed is either contiguous to or surrounded by current City territory. For ease of reference, one parcel will be referred to as "the enclave lots" and the other as "Fred Meyer Subdivision."

The enclave lots consist of individual platted lots on Park & Riverside Drives, Bartlett Avenue and Airport Access Road that can only be accessed by travelling through City streets or across the Chena River; the lots are effectively surrounded by the corporate limits of the City of Fairbanks

The Fred Meyer Subdivision is the site of a large Fred Meyer retail center, two other businesses and a telephone facility. This territory, the site of major commercial activity, is contiguous to the western boundaries of the City of Fairbanks, shares the urban character of the City, and is both integrated into and completely compatible with the character of the city. The City of Fairbanks, and all of the territory proposed for annexation, lie within the boundaries of the Fairbanks North Star Borough, a second-class borough under state statutes.

#### SECTION 6. A STATEMENT OF REASONS FOR THIS PETITION

The proposed annexation is in the best interest of the State. Annexation will promote maximum local self-government, promote the long-term vitality of the City, and relieve the State of the responsibility of providing services in the territory to be annexed. With regard to the enclave lots, the Local Boundary Commission itself once initiated a petition for annexation that was later withdrawn for technical reasons. In addition, the Local Boundary Commission previously has recommended that the enclave lots be annexed. Petitioner seeks annexation of the territory for the following additional reasons:

## A. To provide a more reasonable and equitable tax base for those who already benefit from City government, infrastructure, and services.

(i) Residents and property owners within the territory receive the benefit of services and facilities provided inside the annexing City.

The City of Fairbanks is the center of commerce and employment for Interior Alaska.

Most of the region's major employers are located within the existing City, including:

Fort Wainwright United States Army Post and facilities

Fairbanks North Star Borough and Borough School District

Offices of the State of Alaska

Banner Health System, which operates Fairbanks Memorial Hospital and Denali

Center, the largest hospital in Northern Alaska

Federal government, various offices

Wal-Mart

Sam's Club

Fred Meyer East

Offices of Houston/Nana Joint Venture

Two Safeway stores; "east" and "west"

Tanana Chiefs Conference offices

Fairbanks Native Association offices

Westours offices

Fountainhead Development

Laidlaw Transportation Services

Tanana Valley Medical Surgical Clinic

Fairbanks Resource Agency

Golden Valley Electric Association

Home Depot

Alaska Communications Systems

Nana Management Services

Sears

Catholic Bishops of Northern Alaska

Fairbanks Community Mental Health Center

Alaska Athletic Club

Fairbanks Daily New-Miner Newspaper

Westmark Hotels

Several major auto dealers

Alyeska Pipeline Service Company

Sourdough Express

Lowe's

Major banks & financial institutions

Old Navy

Barnes & Noble

Sportsman's Warehouse

Petco

The City is also the home of many of the region's educational facilities. The following educational facilities are located in the City and serve residents of the entire area, including those who reside, or work and shop in the territory to be annexed:

Lathrop High School

Ryan Middle School

Tanana Junior High School

Randy Smith Middle School

Barnette Elementary School

Hunter Elementary School

Nordale Elementary School

Denali Elementary School

Anne Wien Elementary School

Joy Elementary School

University of Alaska Downtown Center

Hamilton Acres School

Monroe High School

Immaculate Conception Grade School

Chinook Charter School

Arctic Light Elementary School

Ladd Elementary School

Guided Independent Study Program

A number of major recreational facilities are located within the City's corporate boundaries that are used by residents and those who live, work or shop in the territory to be annexed:

Big Dipper Ice Rink

Carlson Center multi-use facility

Hez Ray and other softball and soccer fields

Regal Goldstream Cinemas

Scores of restaurants, nightclubs, health clubs, and other facilities

The Fred Meyer Subdivision includes the only large retail store in the Tanana Valley that outside a city. A sampling of facilities that have opened relatively recently or are in the planning or construction stage:

Home Depot Wal-Mart Sports Authority Hampton Inn Holiday Inn Express Best Buy

Petitioner: City of Fairbanks

Approved by Resolution 4335 on September 8, 2008

<sup>&</sup>lt;sup>1</sup> The City of North Pole, a home rule city located some 13.6 miles southeast of Fairbanks, is also home to significant retail facilities.

Pet Smart
Office Depot
Bed, Bath & Beyond
ACS & GCI retail service centers
First National Bank of Alaska, Johansen Branch

Approximately 35 residents live within the enclave lots; the Petitioner is not aware of any residents within the Fred Meyer Subdivision. None of the territory proposed for annexation is further than 3.1 miles from downtown Fairbanks, using City Hall at 800 Cushman Street as a measuring point. All of these residences and businesses are connected to community facilities including streets. There are no natural or other barriers that impede quick and easy transportation to the City.

Residents of the enclave territory use and rely upon City of Fairbanks services and infrastructure. These lots share the urban character of the City. The owners and residents travel to their homes over City-maintained streets receive the general benefits of City street construction, snow removal and maintenance of the surrounding neighborhood, including police protection and economic development. Many of the properties use the waste water system built by the City.

The owners, employees and customers at the Fred Meyer Subdivision enjoy City services that are provided up to the eastern boundary of the subdivision.

(ii) The City already provides some governmental services directly in the territory to be annexed.

#### Fire Suppression & Prevention and EMS

The City provides fire suppression service on a mutual aid basis to the territory outside the current boundaries with neighboring fire agencies. Mutual aid agreements allow local fire departments to share resources and maximize efficiency and public safety. The Fred Meyer Subdivision is within the University Fire Service Area ("UFSA"), a service area of the Fairbanks North Star Borough. The City of Fairbanks and the UFSA are parties to a mutual aid agreement that protects the Fred Meyer Subdivision. Because the enclave lots are not currently within any fire department, there is no mutual aid agreement and the territory is unprotected from the risk of fires. There is no fire prevention or fire suppression service provided at this time.

The Fairbanks North Star Borough provides EMS (without full time paramedic level service) on a nonareawide basis; meaning outside the cities of Fairbanks and North Pole. The

Fred Meyer Subdivision currently receives EMS services, but not the full-time paramedic level service provided by the City.

The enclave lots should be receiving EMS service from the Borough; real property in the enclave lots is taxed for nonareawide EMS services. However, because it is impractical for the Borough to serve the enclave lots, the City of Fairbanks is currently providing paramedic level EMS service to the enclave lots without compensation.<sup>2</sup>

City police, who also have a working mutual aid relationship with the Alaska State Troopers, at times respond to calls for mutual assistance for incidents that arise in the territory to be annexed. As recently as December 2004, the State of Alaska Airport Police called City police for assistance in making what should have been a routine traffic stop; this incident resulted in a City officer being shot by a dangerous offender after he drove past the Fred Meyer Subdivision and through the City.

## Emergency Dispatch Service

The City operates the Fairbanks Emergency Communications Center, ("FECC" or "Dispatch Center"), which provides enhanced 911 ("E-911") services to the public. On a landline call, the E-911 system provides the number, name, and location of the caller; thus, even a disabled or threatened caller who cannot speak due to the nature of the emergency can still receive emergency service. E-911 service is now being extended to cell phone calls, which allows the Dispatch Center to pinpoint the physical location of a cell phone caller within a few feet, even if the caller is unable to speak.<sup>3</sup> All of the territory to be annexed benefits from E-911 service; all cell phone 911 calls for police, fire and EMS from residents, employees and shoppers are answered by the FECC. Over the past decade, cell phone usage has grown significantly, including 911 calls. In 2007, FECC received 36,832 calls to 911 from all sources; roughly, 75% came from cell phones.

The City provides emergency dispatch support beyond the City limits; the City has contractual agreements to provide these services for a number of neighboring emergency responders<sup>4</sup>:

<sup>&</sup>lt;sup>2</sup> The City of Fairbanks has a formal intergovernmental agreement with the Borough to provide EMS service in other areas outside the City, but is not being fully compensated for service to the enclave lots.

<sup>&</sup>lt;sup>3</sup> All cell phones being sold at this time are "Phase II compliant" and support full E-911. As of the date of filing the Petition, two of the four local cell phone service providers are supporting Phase II phones; the remaining two providers will support the full E-911 service in 2008.

North Star, Steese, Chena-Goldstream and Ester are service areas of the Fairbanks North Star Borough.

City of North Pole Police & Fire
North Star Volunteer Fire Service Area
Steese Fire Service Area
Ester Volunteer Fire Service Area
Chena Goldstream Fire Service Area
Salcha Rescue
City of Delta
Rural Deltana Volunteer Fire Department
Delta Rescue
State of Alaska, Delta Area Forestry

(iii) Annexation will provide more reasonable and equitable taxes for those who already benefit from City government, infrastructure, and services.

The City of Fairbanks is an efficient provider of high quality public services; the City's tax burden per capita (including taxes on out of town hotel guests) was \$533 for 2007, the last year certified by the State.<sup>5</sup> For 2007, 51 Alaskan municipalities had a higher rate of taxation per capita. For cities within boroughs, with city and borough taxes, ten communities had a higher per capita rate.<sup>6</sup> The City of Fairbanks 2008 tax revenues can be summarized as follows:

A property tax levy<sup>7</sup> of 5.991 mills,

A tax of 5% on the retail sale of alcohol,

A tax of 8% on the wholesale sale of tobacco products,

A tax of 8% on the short-term rental of hotel, motel, and Bed & Breakfast rooms.

The property tax rate is applied uniformly to all taxable real estate within the existing City, and likewise would be applied uniformly within the territory to be annexed. Property taxes are estimated to provide roughly 39.7% of the City's General Fund revenue in 2008 and the total of all taxes comprises about 55% of total revenues.

The City of Fairbanks' tax rates are based on the premise that services and facilities are used by the community as a whole and should be supported by all who benefit. The property owners and residents in the territory to be annexed, either adjacent to or surrounded by the existing City limits, benefit from City services but do not support the cost of providing those services.

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<sup>&</sup>lt;sup>5</sup> *See*, 2007 Alaska Taxable, page 17, available online at the Division of Community and Regional Services: www.commerce.state.ak.us/dcra/osa/pub/07Taxable.pdf.

<sup>&</sup>lt;sup>6</sup> The cities of Soldotna, North Pole, Seward, Ketchikan, Wasilla, Homer, Kodiak, Seldovia, Kenai and Palmer are all inside boroughs with a higher combined per capita tax burden than Fairbanks.

A "mill" is one tenth of a percent; a tax rate 10 mills equals 1% of assessed taxable value. The 2008 mill levy was set in June of 2008, after the Fairbanks North Star Borough completed the assessment/appeal process.

Annexation will increase tax revenues to support the provision of essential City services in the territory to be annexed at a per capita tax rate that is lower than 51 Alaskan municipalities. Ten Alaskan cities inside boroughs had a higher combined per capita tax burden in 2007.

#### B. To provide services needed by the territory to be annexed for current residents and to accommodate growth.

Annexation will provide increased police service, (Exhibit L, the 2007 Annual Police Report), full time professional fire suppression, paramedic-level emergency medical services and rescue services, fire prevention and building code and fire marshal inspection services, (Exhibit M is the 2007 Fire Report), and residential refuse collection<sup>8</sup> in residential areas of the territory. The territory already receives the benefit of the City's economic development expenditures through City support of the Fairbanks Convention & Visitor Bureau ("FCVB"), the Fairbanks Economic Development Corporation ("FEDC") and other support to community activities that bring commercial activity to the community.

The streets that serve the enclave lots are in very poor condition. Riverside Drive and Strand Avenue, dedicated by a subdivision plat in the 1950's, are in extremely poor condition and in need of resurfacing. If annexed, the City will follow the recommendation of Michael Schmetzer, City Engineer/Public Works Director, that new catch basins and storm drain piping would be installed and a full two inches of asphalt concrete pavement be put down over a rehabilitated base, which would be done in 2009, or the first year after annexation. The estimated one-time capital expense for this upgrade is \$144,000.

No additional full time employees will be needed to provide governmental services to the territory to be annexed. As the annexation budget (Section 12, Table 1-C) reflects, it is estimated that at worst case, funding for one-half of an added police officer would more than adequately address the cumulative workload increase. In addition, at times additional temporary employees may be used for street work in the enclave lots, such as the resurfacing of Riverside Drive and Strand Avenue.

The City provides residential refuse collection to housing units up to a four-plex on a fee basis. Ten of the 13 existing structures in the enclave territory appear eligible for collection, none at the Fred Meyer Subdivision.

# C. To promote orderly growth and development and abate threats to public health and safety.

The territory to be annexed is already settled and has been for many years. There is a potential for additional economic activity and development in the coming ten years. The annexation will provide services for orderly development, as listed above in Part B.

Within the territory to be annexed, there are approximately 35 inhabitants and roughly 13 existing structures, including both residences and businesses. Fairbanks Police, Fire and Public Works Departments will provide services that will improve public safety, as will the prospective enforcement of the building codes, which improve the safe occupancy of buildings. There is currently no structural code enforcement provided by the State of Alaska

It came to light during testimony on City Council Resolutions 4312 and 4313, which authorized the preparation of this Petition, that some residents of the area mistakenly believed their lots received fire protection. (Exhibit J). Such a misperception can have disastrous results. Historically, there have been fires in this area, one destroyed the original Boatel Bar in the early 1970's and another fire destroyed a residence. It is unlikely that current customers of the bar realize they are visiting a business that is not protected by the Fire Codes of the City.

## D. To address City interests in this currently extraterritorial area.

The City already has a number of interests in the territory proposed for annexation.

(i) Regarding the enclave lots, the irrational boundaries neither serve the statewide interest in efficient government nor encourage proper development.

Currently, our fire crews carry detailed maps, showing which lots are in the City and which are out. Given the stress involved in emergency fire responses and in making split second decisions, the need to make a "lot-by-lot" decision as to which fire to fight hurts effective fire response.

The checkerboard arrangement in the enclave lots, where some buildings are protected by a fire service and built to the standards of the building code, but the house next door is not, does not promote proper development. If there are structural fires in buildings in the enclave lots, as there have been in the past, the property of neighboring City residents is placed at risk.

(ii) Transportation & storm water management in both territories to be annexed.

Since the 2000 Census designation of the City and parts of the surrounding area as an "urban area," the City is now part of a Metropolitan Planning Organization ("MPO") under

Federal law and regulation. MPOs are responsible for surface transportation planning and designation of federal transportation projects both inside and outside of the City's boundaries. The City has a major role in allocating limited highway construction funds within the MPO; including projects that affect access to Fred Meyer Subdivision. The boundaries of the urban area are shown on Exhibit C-4.

The Urban Area designation also mandates that the City regulate surface water drainage. A storm water discharge permit has been issued by the federal Environmental Protection Agency that requires control of discharge through education and implementation of construction and maintenance rules. The boundaries of the enclave territory to be annexed – using the Chena Rivers – are ideal for logical planning and monitoring.

## E. To broaden the City's tax base and promote the City's economic vitality.

Although the City's population has not grown greatly over the past ten years, there has been significant development. Approximately 555 new residential units have been constructed within the City limits since 1995. The level of business activity has increased significantly with the construction of many large retail stores. The demand for emergency services has increased, as can be seen in the online Annual Reports of the Police and Fire Departments. (Exhibits L & M). There is a daily "surge" of people into the City for work and commerce. This annexation will enhance the City's ability to provide essential services to the existing City and the territory to be annexed:

Due to the economies of scale, the City is able to provide a greater level of service to the territories on a cost efficient basis. Revenue from property tax, taxable sales of alcohol and tobacco and any other tax (like the employee tax, currently stayed) which may be adopted in the annexed territory will generate revenues needed to provide services to the entire City, of which the territory to be annexed is an integral component.

#### F. To enfranchise individuals.

through this planning process. As of 2005, there are 385 MPOs in the U.S.  $\,$ 

<sup>&</sup>lt;sup>9</sup> A MPO is made up of representatives from local government and transportation authorities. In 1962, the United States Congress passed legislation that required the formation of an MPO for any Urbanized Area (UZA) with a population greater than 50,000. Congress created MPOs in order to ensure that existing and future expenditures for transportation projects and programs. Federal funding for transportation projects and programs are channeled

Residents of the territory to be annexed are impacted currently by the City of Fairbanks but, because they live outside the City's political boundary, have only a limited voice in City government. 10 Annexation would give the residents of the territory to be annexed greater control over, and opportunity for involvement in, a local government that already affects their lives. Annexation will allow residents to vote in City elections, be appointed to all City boards and commissions, and seek and hold elective office in City government. In addition, residents of the City of Fairbanks enjoy the benefits of home rule under Art X, Sections 10.9 –10.11 of the Alaska Constitution and Alaska Statutes 29.04.010.<sup>11</sup> Current residents of the territory to be annexed do not enjoy the rights of home rule.

As residents of a home rule municipality, Fairbanks voters have freely exercised their right at the ballot box to shape, expand, and limit City powers. 12 The City voters enacted the current charter in 1960, and since then have amended it 34 times. 13 Prime examples include the City's "Tax Cap" and "Permanent Fund." As their names suggest, the Tax Cap limits annual increases to tax revenues. The Permanent Fund was initially funded with the proceeds of the sale of the Fairbanks Municipal Utility System<sup>14</sup> and the proceeds of most sales of real estate are deposited in the fund. The City Charter limits the annual use of the fund to a maximum of 4.5% of the five-year average value. As the fund has grown, the annual withdrawal has increased; in 2008, \$4.1 million dollars is available for operating needs (about 13% of the operating budget) and \$517,941 for capital needs.

## SECTION 7. LEGAL DESCRIPTIONS, MAPS, AND PLATS.

## A. Legal description of the territory proposed for annexation.

A written metes and bounds legal description of the territory proposed for annexation is presented as Exhibit A.

While non-residents can testify at City Council meetings, provide support to their chosen candidates for City office, communicate with the City's elected officials, participate in public debate, etc., they cannot vote in City elections or pursue public office in the role of mayor or council member.

<sup>11 &</sup>quot;A home rule municipality is a municipal corporation and political subdivision. It is a city or a borough that has adopted a home rule charter, or it is a unified municipality. A home rule municipality has all legislative powers not prohibited by law or charter."

12 "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter." Alaska

Constitution, Article X, Section 11.

Source: Fairbanks City Clerk Janey Hovenden.

#### B. Legal description of proposed post-annexation boundaries.

A written metes and bounds legal description of the proposed post-annexation boundaries of the City is presented as **Exhibit B**.

## C. Maps and plats.

A map showing the existing boundaries of the City and the boundaries of the territory proposed for annexation is presented as **Exhibit C**. Any plats required by the Alaska Department of Community and Economic Development to demonstrate the accuracy of the legal descriptions in Exhibit A or Exhibit B are included with the map in **Exhibit C**.

#### SECTION 8. SIZE OF THE TERRITORY.

The territory proposed for annexation is estimated to encompass:

Approximately 0.03 square miles at Fred Meyer Subdivision

Approximately 0.02 square miles at enclave lots

0 square miles of tidelands and submerged lands

0.05 total square miles

#### **SECTION 9. POPULATION DATA.**

The population of the territory proposed for annexation is estimated based upon information from the Fairbanks North Star Borough Community Research Center. The population within the existing City is estimated at 31,627.<sup>15</sup>

The City of Fairbanks is the larger of two cities located inside the Fairbanks North Star Borough; approximately 32% of the Borough population lives inside the current City of Fairbanks boundaries. This is a reversal of the situation some 35 years ago: in 1970, nearly 60% of the community's population lived inside the City limits. The dramatic increase in the price of oil and gas may reverse this trend. Over the past few years, several condominium projects have been built in the City as well as new home construction.

Much of the total population of the Borough continues to travel to the City of Fairbanks during the day for work, school, and commerce. Data for the Fairbanks North Star Borough

<sup>&</sup>lt;sup>14</sup> City voters approved the sale of the utility system, (water, wastewater, electricity, telephone and the district heat systems) in 1996.

From Winter 2007 Fairbanks North Star Borough Community Research Quarterly.

The Alaska State Department of Commerce Community and Economic Develop certified January 1, 2007 estimate is 96,888; the US Census Bureau certified July 1, 2006 estimate is 94,803. FNSB estimates 99,000.

from the U.S. Bureau of the Census, Census 2000 indicated that over 40,000 employees commute to work each day in the area.

## SECTION 10. INFORMATION RELATING TO PUBLIC NOTICE AND SERVICE OF THE PETITION.

Exhibit D provides information relevant to public notice of this annexation proceeding. The information includes specifics about local media; adjacent municipal governments; places for posting notices; locations where the Petition may be viewed; and parties who, because of their potential interest in this matter, were provided with notice of the annexation proceedings.

#### **SECTION 11. TAX DATA.**

#### A. Value of Taxable Property in the Territory Proposed for Annexation.

The 2008 taxable assessed value of real estate in the territory proposed for annexation is \$27.528,120.<sup>17</sup> There is no personal property tax assessed in the City of Fairbanks.

## **B.** Projected Taxable Sales.

The City does not levy a general sales tax; it levies a tax upon the retail sales of alcohol, the wholesale tax of tobacco products, and the transient rental of hotel rooms and bed & breakfasts. Estimated 2008 tax revenues for the territory to be annexed:

	2008 Tax Base (assessed value)	2008 Estimated Tax Revenue
Real property (5.991 mills)	\$27,528,120	\$164,921
Alcohol Sales Tax (5%) <sup>18</sup>		\$168,362
Tobacco Sales Tax (8%) <sup>19</sup>		\$157,502
Room Tax (8%) (none)	0	0
TOTAL	\$27,528,120	\$490,785

Approved by Resolution 4335 on September 8, 2008

Source: Fairbanks North Star Borough Assessing Department. This includes Ping's Cleaners at 3370 Airport Way (Lot 9, Block 4, Riverside Park Subdivision, Plat 174.026, August 6, 1957). According to City records, this property is *outside* the city limits; Borough assessing records indicate that it is inside the City. The current owners also own the adjacent Lot 10, Block 4, which is inside the City according to both Borough and City records.

<sup>&</sup>lt;sup>18</sup> Conservative estimate extrapolated by averaging the tax returns of four 2007 sellers at 5% without penalty or interest. Note, City code does not allow release of individual sales tax return data. Fred Meyer West store likely larger volume than four returns chosen.

<sup>&</sup>lt;sup>19</sup> Same method as alcohol, using returns of largest three sellers.

## C. Existing Taxes in the Territory Proposed for Annexation.

### (i) Property taxes

All of the territory proposed for annexation is inside the Fairbanks North Star Borough and is subject to both areawide and nonareawide property tax levied by the Borough. For the 2008 – 2009 Borough Fiscal Year, the following Borough mill levies apply:

Existing 2008 Mill Rates Prior to Annexation				
	Areawide	Nonareawide	Special District	Service Area
<b>General Government</b>	4.166			
Support to Education	6.432			
EMS		0.2560		
Econ. Dev		0.144		
Solid Waste			1.1030	
School Bonds	0.6740			
Library Bonds	0.0150			
Total Mill Levy,	12.79			
<b>Enclave Lots</b>				
<b>Total Property Taxes</b>	\$32,595			
paid, Enclave Lots				
University Fire				2.138
Service Area (Fred				
Meyer Subdivision				
only)		1.4	030	
Total Mill Levy,		14.	928	
(Fred Meyer Subdivision only)				
Total Property Taxes		£277	2,896	
paid, (Fred Meyer		\$3.72	2,070	
Subdivision only)				

The total mill levy for all property in the City (combination of taxes levied by City plus areawide Borough taxes) is 17.278 mills (1.7% of net taxable assessed value). The enclave lot owners will see a property tax increase of 4.488 mills (roughly \$900.00 per year for a property with a taxable assessed value of \$200,000) and the Fred Meyer lot owners, a smaller increase of 2.350 mills.

#### (ii) Limited Sales Taxes

The Fairbanks North Star Borough presently imposes a 5% sales tax upon the retail sale of alcohol and an 8% excise tax upon the wholesale sales of tobacco products. These two taxes are levied areawide. Sales of alcohol within a city that are taxed at the same rate are not subject to a duplicate Borough alcohol sales tax. There is no similar exemption for sales of tobacco products.

The Fairbanks North Star Borough also imposes an 8% areawide tax upon the rental of transient housing at hotels, motels, and bed & breakfasts. The Borough provides an exemption for rentals of transient housing if taxed by another city. There are currently no hotels, motels or B&Bs in the territory to be annexed.

#### SECTION 12. FOUR-YEAR BUDGET PROJECTIONS.

## A. Budget projections for the territory proposed for annexation.

The Tables below provide a summary budget. Table 1-A reflects just the Fred Meyer Subdivision, Table 1-B the enclave lots only and Table 1-C is simply the combination of both. The City mill levy, limited to a base of 4.9 mills plus the amounts due for claims and new voter approved services. Note that due to the difficulty of predicting the future change in revenue or expense, the three budgets assume no change over the three-year period. While it is certain that there will be change, they will not be significant in light of the small territory in question in comparison to the size of City Budget.

BUDGET PROJECTIONS FOR F	RED MI	EYER SUBDIV	ICION		
		BUDGET PROJECTIONS FOR FRED MEYER SUBDIVISION			
REVENUES 2	009	2010	2011		
Property Tax <sup>20</sup> \$	149,653	\$149,653	\$149,653		
Alcohol Tax (5%)	151,946	\$151,946	\$151,946		
Tobacco Tax (8%)	157,502	\$157,502	\$157,502		
Transient Room Tax (8%)	0	0	0		
City Licenses and Permits	\$10,000	\$10,000	\$10,000		
Fines	0	0	0		
Other	0	0	0		
TOTAL REVENUE \$	469,101	\$469,101	\$469,101		
OPERATING EXPENSES					
General Government	\$1,000	0	0		
Police <sup>21</sup>	\$50,000	\$50,000	\$50,000		
Fire					
Public Works/Engr.	\$1,000	0	0		
Econ. Dev./Visitor Ind.	0	0	0		
TOTAL OPERATING	\$52,000	\$50,000	\$50,000		
EXPENSES					
CAPITAL EXPENSES	0	0	0		
TOTAL EXPENSES \$	109,544	\$107,544	\$107,544		
REVENUE MINUS EXPENSES \$4	117, 101	\$419,121	\$419,121		

<sup>&</sup>lt;sup>20</sup> The City's assessed valuation has increased steadily over the past decade, meaning that even with a maximum base mill levy (capped by the City Charter) of 4.9 mills, property tax revenues increased as values increased. However, there is no basis for assuming values will continue to increase.

Worst case: Current workload is about 250 annual calls for service. Assuming \$75.00 per hour and an average call time of one hour, annual added expense would be about \$37,500.00. \$50,000 provides a safe margin.

TABLE 1-B BUDGET PROJECTIONS FOR ENCLAVE LOTS			
REVENUES	2009	2010	2011
Property Tax	\$15,268	\$15,268	\$15,268
Alcohol Tax (5%)	\$16,416	\$16,416	\$16,416
Tobacco Tax (8%)	0	0	0
Transient Room Tax (8%)*	0	0	0
City Licenses and Permits	\$300	\$300	\$300
Fines			
Other			
TOTAL REVENUE	\$31,984	\$31,984	\$31,984
OPERATING EXPENSES			
<b>General Government</b>	0	0	0
Police (included above)	0	0	0
Fire	0	0	0
<b>Public Works</b>	\$4,669	\$4,669	\$4,669
Econ. Dev./Visitor Ind.	0	0	0
TOTAL OPERATING EXPENSES	\$4,669	\$4,669	\$4,669
CAPITAL EXPENSES <sup>22</sup>	\$144,000	0	0
EXPENSES	\$148,669	\$4,669	\$4,669
REVENUE MINUS EXPENSES	(\$116,685)	\$27,315	\$27,315

The onetime cost of rebuilding the roads in the enclave lots as discussed at Section 5(B)

TABLE 1-C			
BUDGET PROJECTIONS FOR BOTH FRED MEYER SUBDIVISION & ENCLAVE LOTS			
REVENUES	2009	2010	2011
Property Tax	\$164,921	\$164,921	\$164,921
Alcohol Tax (5%)	\$168,362	\$168,362	\$168,362
Tobacco Tax (8%)	\$157,502	\$157,502	\$157,502
Transient Room Tax (8%)*	\$0	\$0	\$0
City Licenses and Permits	\$10,300	\$10,300	\$10,300
Fines	\$0	\$0	\$0
Other	\$0	\$0	\$0
TOTAL REVENUE	\$501,085	\$501,085	\$501,085
OPERATING EXPENSES			
General Government	\$1,000	\$0	\$0
Police	\$50,000	\$50,000	\$50,000
Public Works	\$5,669	\$4,669	\$4,669
Econ. Dev./Visitor Ind.	\$0	\$0	\$0
TOTAL OPERATING	\$56,669	\$54,669	\$54,669
EXPENSES			
CAPITAL EXPENSES	\$144,000	\$0	\$0
TOTAL EXPENSES	\$200,669	\$54,669	\$54,669
REVENUE MINUS EXPENSES	\$300,416	\$446,416	\$446,416

## B. Budget projections for the existing city.

Table 2 below provides a projection of significant City revenues, expenditures, and total capital expenditures for the existing City during each of the first three full years following annexation. Budget figures were provided by the City of Fairbanks Finance Department. As with the territory proposed for annexation, no increases in revenue or expenses were estimated for this three-year period.

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TABLE 2			
BUDGET PROJECTIONS FOR EXISTING CITY OF FAIRBANKS WITHOUT ANNEXATION			
REVENUES	2009	2010	2011
Property Tax (5.999 mills)	\$12,371,685	\$12,371,685	\$12,371,685
Alcohol Tax (5%)	\$1,400,000	\$1,400,000	\$1,400,000
Tobacco Tax (8%)	\$600,000	\$600,000	\$600,000
Transient Room Tax (8%)	\$2,660,000	\$2,660,000	\$2,660,000
City Licenses fees and Permits	\$1,435,200	\$1,435,200	\$1,435,200
Fines	\$1,161,500	\$1,161,500	\$1,161,500
From Capital Fund	\$3,113,243	\$3,113,243	\$3,113,243
Other	\$11,492,192	\$11,492,192	\$11,492,192
TOTAL REVENUE	\$34,233,820	\$34,233,820	\$34,233,820
OPERATING EXPENSES			
<b>General Government</b>	\$10,429,270	\$10,429,270	\$10,429,270
Police	\$7,951,770	\$7,951,770	\$7,951,770
Fire	\$5,374,403	\$5,374,403	\$5,374,403
Public Works	\$7,183,023	\$7,183,023	\$7,183,023
TOTAL OPERATING	\$30,938,466	\$30,938,466	\$30,938,466
EXPENSES	, ,		
TOTAL CAPITAL EXPENSES	\$3,113,243	\$3,113,243	\$3,113,243
TOTAL EXPENSES	\$34,051,709	\$34,051,709	\$34,051,709
REVENUE MINUS EXPENSES	\$182,111	\$182,111	\$182,111

#### SECTION 13. EXISTING LONG-TERM CITY DEBT.

The following is a summary of the existing long-term indebtedness of the City for General Obligation (GO) bonds. The proposed annexation will not affect City debt.

CITY OF FAIRBANKS LONG-TERM DEBT			
DESCRIPTION	Principal 12/31/08	2009 Annual Payment	Date Fully Paid
GO bond: Police Station	\$3,545,000	696,000	10/01/14
GO bond: Fire Station ( payments to date reimbursed by the State of Alaska)	\$4,015,000	881,000	12/01/13
Totals	\$7,056,000	\$1,578,000	

#### SECTION 14. CITY POWERS AND FUNCTIONS.

## A. Current City powers and functions provided generally.

The City's primary missions are public safety and public works. The City also supports economic development.

#### (i) Public safety

Police – The Fairbanks Police Department currently has 47 sworn police officer positions; the Alaska State Troopers serve the areas outside the City. The Police Department enforces local and state law and works with state and federal law enforcement personnel to enforce state and federal law. The 2007 Police Department Annual Report, Exhibit L, provides detailed information about Police Department staff, functions, workload, and goals. It is also available at the City's web site.

Fire Protection/EMS/Rescue/Fire Code Enforcement – The City provides fire suppression services, fire prevention, arson investigation, and paramedic-level ambulance service within the City. The City has 38 full-time professional fire department employees who are highly trained and fully equipped. As of the date of the petition, the City plans to add three suppression fire fighters (who will most likely be paramedic qualified) and recently added an Assistant Fire Chief. The 2007 Fire Department Annual Report, Exhibit M, also available at the City's

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website, provides detailed information about the Fire Department's staff, functions, workloads and goals. The territory to be annexed does not have the benefit of the level of service provided by the City.

Building inspection – The City has adopted a "suite" of building codes, after amendment for local arctic conditions, which have dramatically improved the safety and quality of structures in the City. The adoption and enforcement of the structural, mechanical, and electrical codes have reduced the risk of loss by fire or structural failures and, more importantly, prevents the loss of life.

Fire Code – The enforcement of the City's Fire Code will reduce the risk of injury or loss of life at commercial facilities in the territory to be annexed.

### (ii) Public works

Street Construction, Maintenance, and Snow Removal – The City Public Works Department is responsible for the 116 miles of road (254 lane miles) within the current City boundaries. The Department's 36 full-time and 13 temporary employees are trained and skilled as heavy equipment operators, mechanics, laborers, and trade specialists. Normal yearly activities include road construction, plowing and removing snow, sanding, clearing drainage obstructions and pumping flooding, assistance during vehicle accidents and police arrests, and applying street markings. The Public Works Department also maintains all police and fire vehicles that are not under external warranty coverage.

Residential Refuse Collection – The City provides weekly curbside residential refuse collection to dwelling units (not larger than a four-plex) on a rotating Monday – Thursday schedule. Each eligible dwelling unit is charged a fee of \$20.00 per month (effective July 1, 2008) for unlimited pickup.

New Warm Storage Facility – thanks to a grant from the State of Alaska, the City is currently building a large garage that will enable us to keep equipment warm, including emergency response vehicles and equipment. This will reduce time spent warming equipment, reduce costs and shortens response time.

## (iii) Economic development

The City, using a floating formula applied to receipts of its Hotel/Motel Tax, annually appropriates significant funding to support visitor marketing through the Fairbanks Convention

<sup>&</sup>lt;sup>23</sup> Based on the 2007 Fairbanks Police Department 2007 Annual Report.

and Visitors Bureau ("FCVB"). In 2008, the FCVB is projected to receive \$1,661,500. The City also funds the Fairbanks Economic Development Corporation ("FEDC"), which includes support for airport marketing and economic growth. <sup>24</sup> In 2008, FEDC will receive \$80,000. The City has been active in developing the community by marketing City land for positive new development. One recent major project is the redevelopment of the City land upon which Fairview Manor is built. The City has entered into an agreement under which the existing lease will be terminated and the land sold for a series of apartments for affordable housing and a senior residential center for the benefit of the entire City. Demolition and construction are expected to start in 2008.

The City has taken a role in a wide variety of projects that benefit the entire community including the redevelopment of downtown, construction and longtime maintenance of the Regional Health Center, ownership of the Senior Citizens Center and J.P. Jones Community Development Center, support for the Ruth Burnett Fish Hatchery and construction management of the Morris Thompson Cultural and Visitor Center and others. In addition to these recent projects, over the past ten years the City has participated in varying degrees with the construction of the new Parking Garage, the Rabinowitz Courthouse, the Springhill Suites hotel and others. The City also identified and conveyed land to the Borough for additional greenbelt areas along the river.

## B. City powers and functions exercised in differential tax zones established by ordinance.

There are no differential tax zones within the existing City of Fairbanks.

#### C. City powers and functions to be provided in the territory proposed for annexation.

All City powers and functions that are currently exercised will be exercised in the territory proposed for annexation. Exhibit E addresses how the City will make the transition to phase in exercise of powers.

## D. Service providers in the territory proposed for annexation.

Listed below are the entities currently providing public services and functions within the territory proposed for annexation. The specific public or public-type services and functions are also listed.

<sup>&</sup>lt;sup>24</sup> On the web, one can learn more about FEDC's work at www.investfairbanks.com; The FCVB website is www.explorefairbanks.com.

Provider	Service or Function
City of Fairbanks (Petitioner)	Fire suppression, emergency medical services, police
	services (on a mutual aid basis), and economic
	development.
State of Alaska	Police protection from the Alaska State Troopers,
	Fire code enforcement from the State Fire Marshall
	and State Department of Transportation road
	maintenance of state highways
Fairbanks North Star Borough	In addition to areawide services, the Borough
	provides non-areawide EMT level EMS, non-
	areawide economic development, a solid waste
	collection district, and Fire suppression via a service
	area to the Fred Meyer Subdivision.

#### **SECTION 15. TRANSITION PLAN.**

**Exhibit E** presents the transition plan required under 3 AAC 110.900. The transition plan includes the following:

- A. A practical plan that demonstrates the capability of the City to extend essential City services (as determined under 3 AAC 110.900(b)) into the territory proposed for annexation in the shortest practical time after the effective date of annexation (not to exceed two years).
- B. A practical plan for the assumption of all relevant and appropriate powers, duties, rights, and functions presently exercised by the existing Fairbanks North Star Borough in the territory proposed for annexation.
- C. A practical plan for the transfer and integration of all relevant and appropriate assets and liabilities of the Fairbanks North Star Borough in the territory proposed for annexation. As required by 3 AAC 110.900, the plan for transfer and integration of all relevant and appropriate assets and liabilities has been prepared in consultation with the officials of the Fairbanks North Star Borough. The plan has also been designed to affect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after annexation. The plan specifically addresses procedures to ensure that the transfer and integration occur without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities.

## SECTION 16. COMPOSITION AND APPORTIONMENT OF THE CITY COUNCIL.

**Exhibit F** presents information about the current composition and apportionment of the City Council. There will no contemplated change to the "at large" composition of the City Council following annexation.

#### SECTION 17. FEDERAL VOTING RIGHTS ACT INFORMATION.

Information regarding any effects of the proposed annexation upon civil and political rights for purposes of the federal Voting Rights Act is provided in **Exhibit G**. This information includes the following:

- Purpose and effect of annexation as it pertains to voting.
- Information supporting that annexation will not exclude minorities while including other similarly situated persons.
- Information that annexation will not change the City's minority population percentage.
- Information showing no effect on minority voting strength.
- Participation by minorities in the development of the annexation proposal.
- Designation of an Alaska Native for U.S. Department of Justice contact regarding the proposed annexation.
- Statement concerning the understanding of English in written and spoken forms among minority residents of the City and the territory proposed for annexation

#### SECTION 18. SUPPORTING BRIEF.

**Exhibit H** consists of a supporting brief that provides a detailed explanation of how the proposed annexation satisfies each constitutional, statutory, and regulatory standard that is relevant to the proposed annexation.

The brief demonstrates with detailed facts and analysis that:

A. Based on relevant factors listed in 3 AAC 110.090(a), plus other relevant factors, the territory proposed for annexation exhibits a reasonable need for city government.

- B. In accordance with 3 AAC 110.090(b), services determined to be essential city services under 3 AAC 110.970 can be provided more efficiently and more effectively by the City (Petitioner) than by another existing city or by an organized borough on an areawide basis or non-areawide basis, or through an existing borough service area.
- C. Based on relevant factors listed in 3 AAC 110.100, plus other relevant factors, the territory proposed for annexation is compatible in character with the annexing City.
- D. Based on relevant factors listed in 3 AAC 110.110, plus other relevant factors, the economy within the proposed expanded boundaries of the City include the human and financial resources necessary to provide services determined to be essential city services under 3 AAC 110.970 on an efficient, cost-effective level.
- E. Based on relevant factors listed in 3 AAC 110.120, plus other relevant factors, the population within the proposed expanded boundaries of the City is sufficiently large and stable to support the extension of city government.
- F. Based on relevant factors listed in 3 AAC 110.130(a), plus other relevant factors, the proposed expanded boundaries of the City include all land and water necessary to provide the full development of services determined to be essential city services under 3 AAC 110.970 on an efficient, cost-effective level.
- G. The territory proposed for annexation is contiguous to the existing boundaries of the City and would not create enclaves in the expanded boundaries of the City. Existing enclaves are eliminated.
- H. Under 3 AAC 110.130(c), the proposed expanded boundaries of the City include only that territory comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the ten years following the effective date of annexation.
- I. Under 3 AAC 110.130(d), the proposed expanded boundaries of the City do not include entire geographical regions or large unpopulated areas, except where justified by the application of the standards in 3 AAC 110.090 3 AAC 110.135.
- J. If the Petition describes boundaries overlapping the boundaries of an existing organized borough, the Petition addresses the procedures and the brief addresses the standards for annexation.
- K. Based on relevant factors listed in 3 AAC 110.135, plus other relevant factors, annexation to the City is in the best interests of the state under AS 29.06.040(a) and (b) and 3 AAC 110.980.
- L. The territory proposed for annexation meets the annexation standards specified in 3 AAC 110.090 3 AAC 110.135. The brief also demonstrates with detailed facts and analysis

Petition for Annexation to the City of Fairbanks

any of the circumstances outlined in 3 AAC 110.140(1) - (9) that exist with respect to the

annexation proposal.

M. Annexation via legislative review annexation is appropriate under 3 AAC 110.610(b).

N. In accordance with 3 AAC 110.910, the proposed annexation to the City will not deny any person the enjoyment of any civil or political right, including voting rights, because

of race, color, creed, sex, or national origin.

O. The Petitioner has prepared a proper transition plan under 3 AAC 110.900.

SECTION 19. AUTHORIZATION TO FILE THE PETITION.

A certified copy of the resolutions adopted by the City Council to authorize the filing of

this Petition is provided as Exhibit I. Resolution 4312 and 4313 authorized the City Mayor's

staff to prepare a single Petition for annexation of the Fred Meyer Subdivision and enclave lots;

Resolution 4335 approved the contents of this Petition.

SECTION 20. PETITIONER'S AFFIDAVIT.

Exhibit J consists of an affidavit of the Petitioner's Representative swearing or

affirming that, to the best of the Representative's knowledge, information, and belief, formed

after reasonable inquiry, the information in the Petition is true and accurate.

DATED this \_\_\_ day of \_\_\_\_\_\_\_, 2008.

Terry M. Strle, City Mayor

Petitioner's Representative

Petitioner: City of Fairbanks

Approved by Resolution 4335 on September 8, 2008

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#### **EXHIBIT A**

#### LEGAL METES AND BOUNDS DESCRIPTION OF THE TERRITORY

#### PROPOSED FOR ANNEXATION

Commencing at the intersection of the thread of the Chena River with the westerly extension of the northerly boundary of Nance Subdivision recorded as Plat #2004-24 Fairbanks Recorders Office, said boundary being the east-west quarter section line of Section 8, T1S, R1W, F.B. & M., said intersection being the Point of Beginning of this description; thence in an easterly direction along said quarter section line to the center 1/4 corner of Section 8, T1S, R1W, F.B. & M.; thence in a southerly direction along the north-south quarter section line of Section 8, T1S, R1W, F.B. & M., to the intersection with the easterly extension of the northerly lot line of Lot 3, Block 6, of the Block 6 Addition to Riverside Park Subdivision filed in the Fairbanks Recorder's Office on July 24, 1961, as Instrument No. 61-5002; thence in a westerly direction along said lot line to the thread of the Chena River; thence downstream to the intersection with the westerly extension of the southerly lot line of Lot 1, Block 6, of the Block 6 Addition to Riverside Park Subdivision filed in the Fairbanks Recorder's Office on July 24, 1961, as Instrument No. 61-5002; thence in an easterly direction along said lot line extended to intersect with said north-south quarter section line; thence in a southerly direction along said northsouth quarter section line to the intersection with the easterly extension of the northerly lot line of Lot 3, Block 1, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in a westerly direction along said lot line to the thread of the Chena River; thence downstream along the thread of the Chena River to the westerly extension of the southerly lot line of Lot 5, Block 1, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in an easterly direction along said lot line extended to intersect with said north-south quarter section line; thence in a southerly direction along said quarter section line to the intersection with the easterly extension of the northerly lot line of Lots 8 and 10 Block 1 Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in a westerly direction along said lot line of Lots 8 and 10 to the thread of the Chena River thence downstream along the thread of the Chena River to the intersection with the westerly extension of the southerly lot lines of Lots 8 and 10, Block 1, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in an easterly direction along said lot lines extended to intersect with said northsouth quarter section line; thence in a southerly direction along said quarter section line to the easterly extension of the northerly lot line of Lot 1, Block 2, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in a westerly direction along said lot line to the northwesterly corner of Lot 1, Block 2, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in a southerly direction along the westerly lot lines of Lots 1, 2, 3, 4 and 5, Block 2, Riverside Park Subdivision to the northeasterly corner of Lot 17, Block 2, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in a westerly

direction along the northerly lot line of Lot 17, Block 2, to the northwesterly corner of said Lot 17, Block 2, at the easternmost right of way limit of Bartlett Avenue as shown on the plat of Riverside Park Subdivision filed in the Fairbanks Recorders Office on August 6, 1957, as Instrument No. 174.025; thence in a southerly direction along the easternmost right of way of Bartlett Avenue to the Southwesterly corner of Lot 14, Block 2, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence easterly along the southerly lot lines of Lots 14 and 13, Block 2, Riverside Park Subdivision to the southeasterly corner of Lot 13, Block 2, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in a northerly direction along the easterly lot line of Lot 13, Block 2, Riverside Park Subdivision to the northeasterly corner of Lot 13, Block 2, at the southernmost right of way of the access alley as shown on the plat of Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in easterly, northerly and westerly directions along the limits of the access alley to the southeasterly corner of Lot 15, Block 2, Riverside Park Subdivision filed in the Fairbanks Recorder's Office August 6, 1957, as Instrument No. 174.026; thence in a northerly direction along the easterly lot lines of Lots 15 and 16, Block 2, Riverside Park Subdivision to the southwesterly corner of Lot 6, Block 2, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in an easterly direction along the southerly lot line of Lot 6, Block 2, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026, extended to intersect with the north-south quarter section line of Section 8, T1S, R1W, F.B. & M.; thence in a southerly direction along said quarter section line to the intersection with the centerline of Airport Road, State of Alaska Project F-062-4(12); thence in a westerly direction along the centerline of Airport Road, State of Alaska Project F-062-4(12), to the intersection of the southerly extension of the centerline of Strand Avenue, as shown on the plat of Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in a northerly direction along the centerline of Strand Avenue to the intersection with the westerly extension of the southerly lot line of Lot 10, Block 4, Riverside Park Subdivision filed in the Fairbanks Recorders Office on August 6, 1957, as Instrument No. 174.026; thence in an easterly direction along said lot line extended to the northwesterly corner of Lot 8, Block 4, Riverside Park Subdivision filed in the Fairbanks Recorders Office on August 6, 1957, as Instrument No. 174.026; thence in a southerly direction along the westerly lot line of said Lot 8, Block 4, of the southwesterly corner of Lot 8, Block 4, Riverside Park Subdivision filed in the Fairbanks Recorders Office on August 6. 1957, as Instrument No. 174.026; thence in an easterly direction along the southerly lot lines of Lots 8, 7, 6, 5 and 4 to the southeasterly corner of Lot 4, Block 4, at the westerly right of way limit of Bartlett Avenue as shown on the plat of Riverside Park Subdivision filed in the Fairbanks Recorders Office on August 6, 1957, as Instrument No. 174.026; thence in a northerly direction along the westerly right of way limit of Bartlett Avenue to the northeasterly corner of Lot 2, Block 4, Riverside Park Subdivision filed in the Fairbanks Recorders Office on August 6, 1957, as Instrument No. 174.026; thence in a westerly direction along the northerly boundary of Lot 2, Block 4, to the northwesterly corner of said Lot 2, Block 4, Riverside Park Subdivision; thence in a northerly direction along the easterly boundary of Lot 3, Block 4, Riverside Park Subdivision to the northernmost corner of Lot 3, Block 4, at the southernmost right of way limit of

Exhibit A 2

Riverside Drive as shown on the plat of Riverside Park Subdivision filed in the Fairbanks Recorders Office on August 6, 1957, as instrument 174.026; thence in a southwesterly direction along the southernmost right of way limit of said Riverside Drive to the northwesterly corner of Lot 10, Block 4, Riverside Park Subdivision recorded in the Fairbanks Recorders Office August 6, 1957, as Instrument No. 174.026; thence in a northwesterly direction to the intersection of the centerlines of Strand Avenue and Riverside Drive, as shown on the plat of Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in a northwesterly direction to the southwesterly corner of Lot 12, Block 3, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026; thence in a northwesterly direction along the westerly lot line of Lot 12, Block 3, Riverside Park Subdivision filed in the Fairbanks Recorder's Office on August 6, 1957, as Instrument No. 174.026, extended to the thread of the Chena River; thence upstream along the thread of the Chena River to the Point of Beginning, encompassing an area of 10.565 acres more or less.

#### And

Fred Meyer Subdivision recorded as Plat # 91-55 Fairbanks Recorder's Office; and that portion of University Avenue lying within Section 7, T1S, R1W, FM and south of the northern boundary of Fred Meyer Subdivision extended to the Section line common to Sections 7 and 8, T1S, R1W, FM. encompassing an area of 20.499 acres more or less.

Exhibit A 3

#### **EXHIBIT B**

#### LEGAL METES AND BOUNDS DESCRIPTION OF THE PROPOSED

#### POST-ANNEXATION BOUNDARIES OF THE CITY

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

along said westernmost right of way limit of Mouton Street to the northern most boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M.; thence in a westerly direction along the northerly boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M. extended to intersect with the thread of the Chena River; thence downstream along the thread of the Chena River to the section line common to Sections 7 and 8, T1S. R1W, F.B. & M.; thence in a southerly direction along said section line to the easterly extension of the northerly boundary of Fred Meyer Subdivision as filed in the Fairbanks Recorder's Office as Plat No. 91-55; thence westerly, southerly and easterly along the boundary of said Fred Meyer Subdivision to the northwesternmost corner of Lot 2, Block 1, Fairwest Subdivision West Addition filed in the Fairbanks Recorder's Office January 24, 1964, as Instrument No. 64-486; thence in a southerly direction along the westerly lot line of said Lot 2, Block 1, to the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition; thence in an easterly direction along the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition extended to the section line common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 17 and 18, T1S, R1W, F.B. & M. to the northernmost 1/16 corner common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost east-west 1/16 line to the northerly 1/16 corner on the centerline (north-south) of Section 17, T1S, R1W, F.B. & M.; thence in a southerly direction along the centerline (north-south) of Section 17, T1S, R1W, F.B. & M. to the center 1/4 corner of Section 17, T1S, R1W, F.B. M; thence in a easterly direction along the centerline (east-west) of Section 17, T1S, R1W, F.B. & M, to an intersection with the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2); thence in a southerly direction along the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2), to a point on the extended southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), thence in an easterly direction along the southernmost right of wav limit of Van Horn Road, State of Alaska Project S-0665(2), to the easternmost limit of Schacht Street as shown on the plat of Metro Industrial Airpark subdivision filed in the Fairbanks Recorders Office on December 12, 1969, as instrument No. 69-12194; thence in a southerly direction along the easternmost limit of said Schacht Street to the southwest corner of Lot 1-A as shown on the replat of Lot 1, Block 7, Metro Industrial Air Park filed in the Fairbanks Recorders Office on June 18, 1985, as Instrument No. 85-96; thence in a easterly direction along the southerly boundary of said Lot 1-A to the southeasterly corner of said Lot 1-A at the westerly boundary of the Subdivision of the Arvo A. Joki Property in the SE 1/4 of Section 21, T.1S. R.1 W. F.M., filed in the Fairbanks Recorder's Office on May 31, 1973, as instrument No. 73-34; thence in southerly easterly and northerly directions around the perimeter of the Avro A. Joki Property encompassing Tract A and Tract B to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2) to the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M.; thence in a southerly direction along the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M. to the northwesterly corner of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980,

Exhibit B 2

as Instrument No. 80-160; thence in an easterly direction along the northerly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160; thence in a southerly direction along the easterly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160 common to the westerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southwesterly corner of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the southerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in a northerly direction along the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the northeasterly corner of Lot 7, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the westerly extension of and continuing along the southerly boundary of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southeasterly corner of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence northerly along the easterly boundary of Lots 1 and 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), to an intersection with the westernmost right of way limit of South Cushman Street; thence in a southerly direction along the westernmost right of way limit of South Cushman Street as shown on the plat of Tennessee Miller Industrial Park recorded in the Fairbanks District Recorders Office on March 14, 1986 as instrument number 86-35; thence continuing along the southerly extension of said westernmost right of way limit of South Cushman Street to the section line common to Sections 22 and 27, T1S, R1W, F. B. & M; thence in an easterly direction along the section line common to Sections 22, 27, 23 and 26, to the 1/4 common to Sections 23 and 26, T1S, R1W, F.B. & M.; thence in a northerly direction along the north-south centerline of Section 23, to the northernmost 1/16 corner on said north-south centerline of Section 23, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost eastwest 1/16 line of said Section 23 to the northernmost 1/16 corner common to Sections 23 and 24. T1S. R1W. F.B. & M.: thence in a southerly direction along the section line common to Sections 23 and 24 to the southerly limit of Parcel B of Exhibit A to the Special Warranty Deed recorded in the Fairbanks Recorder's Office on February 27, 1985, in Book 414, Pages 331 through 337, as Instrument Number 85-4616; thence North 8959'52" East along the southerly boundary of said Parcel B a distance of 330.14 feet; thence North 002'05" West a distance of 330.22 feet to a point on the southerly boundary of said Parcel B; thence North 8959'59" East a distance of 690.39 feet to a point on the southerly boundary of said Parcel B; thence South 000'01" East a distance of 660.40 feet

Exhibit B 3

to a point on the southerly limit of said Parcel B; thence North 8959'46" East a distance of 300.44 feet to the southeasternmost corner of said Parcel B which lies on the westerly 1/16 line of Section 24, T1S, R1W, F.B. M; thence in a southerly direction along the westerly 1/16 line of Sections 24 and 25, T1S, R1W, F.B. & M., to the meander of the north bank of the Tanana River; thence in northeasterly and southeasterly directions along the meanders of the north bank of the Tanana River to an intersection with the section line common to Sections 32 and 33, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 33, 28, 29 and 32, T1S, R1E, F.B. & M., to the section corner common to Sections 21, 28, 29 and 20, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 28 and 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 28 and 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M., to the southernmost right of way limit of the Old Richardson Highway, FAP 62-4; thence in a northwesterly direction along the southernmost right of way limit of the Old Richardson Highway, FAP 62-4, extended to the westernmost right of way limit of Badger Road, State of Alaska Project S-0620(2); thence in a northerly direction along the westernmost right of way limit of Badger Road State of Alaska Project S-0620(2) to an intersection with the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 21 and 16, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 21 and 16, T1S, R1E, F.B. & M. to the centerline of Badger Road State of Alaska Project RS-0622(6); thence in a northerly direction along the centerline of Badger Road State of Alaska Project No. RS-0622(6) to the centerline of Holms Road State of Alaska Project RS-0622(1) /63872; thence in a southeasterly direction along the centerline of Holms Road to a point of tangent at centerline station 24+59.63; thence South 02°32' 10" West (basis of bearing for this call is Holms Road State of Alaska Project RS-0622(1) /63872) to the section line common to Sections 21 and 16, T1S, R1E, F.B. & M; thence in an easterly direction along said section line to the section corner common to Sections 22, 21, 16 and 15, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 15 and 16, T1S, R1E, F.B. & M., to the section corner common to Sections 10, 15, 16 and 9, T1S, R1E, F.B. & M.; thence in a westerly direction along the section line common to Sections 9 and 16, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 16, T1S, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 9, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 4, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 9, 4, 3 and 10, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 10 and 3, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line to the mid 1/16 corner located in the SW 1/4 of Section 3, T1S, R1E, F.B. & M.; thence in an easterly direction along the southerly 1/16 line to the southerly 1/16 corner on the centerline (north-south) of Section 3, T1S, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 3, T1S, R1E, F.B. & M., to the 1/4 corner of Section 3, T1S, R1E, F.B. & M., located on the Fairbanks Base Line; thence east along the Fairbanks Base Line to the southerly 1/4 corner of Section 34, T1N, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 34, T1N, R1E, F.B. & M., to the 1/4 corner common to Sections 34 and 27, T1N, R1E, F.B. & M.; thence in a

Exhibit B 4

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

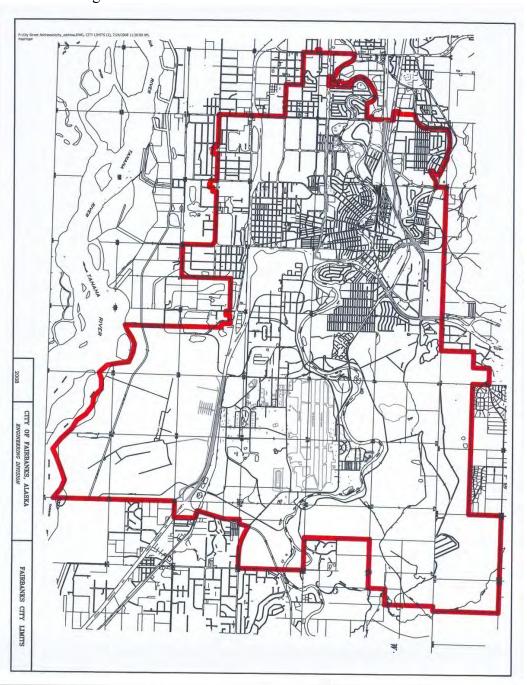
Exhibit B 5

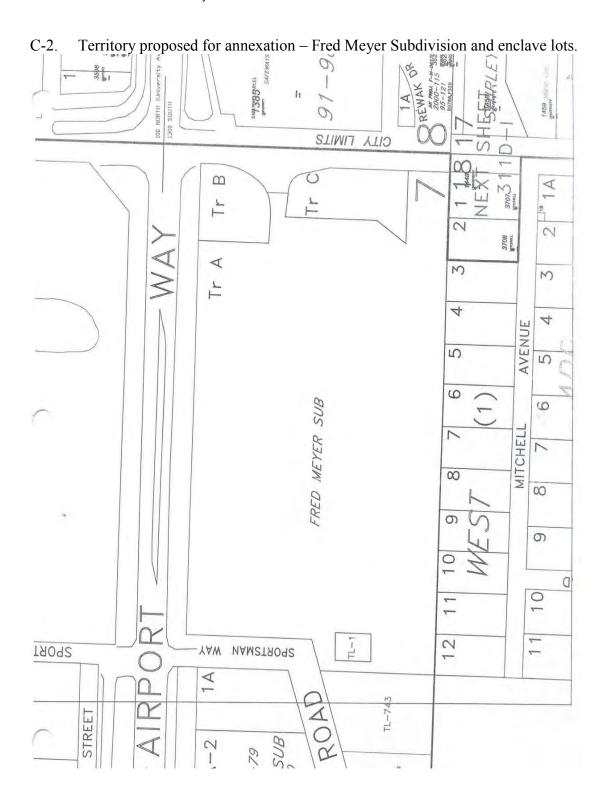
#### **EXHIBIT C**

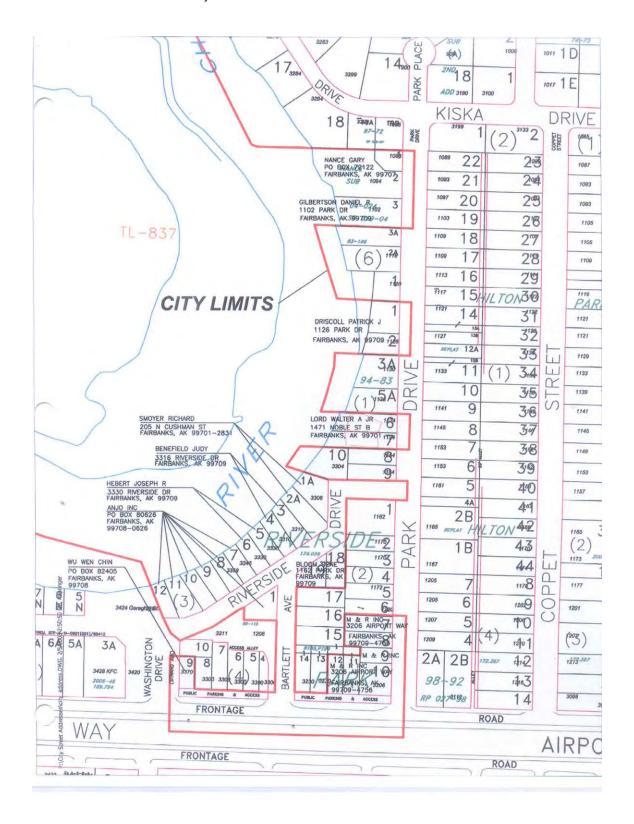
#### MAPS AND PLATS

Maps showing the existing boundaries of the City and the boundaries of the territory proposed for annexation are attached in this Exhibit, as well as other maps:

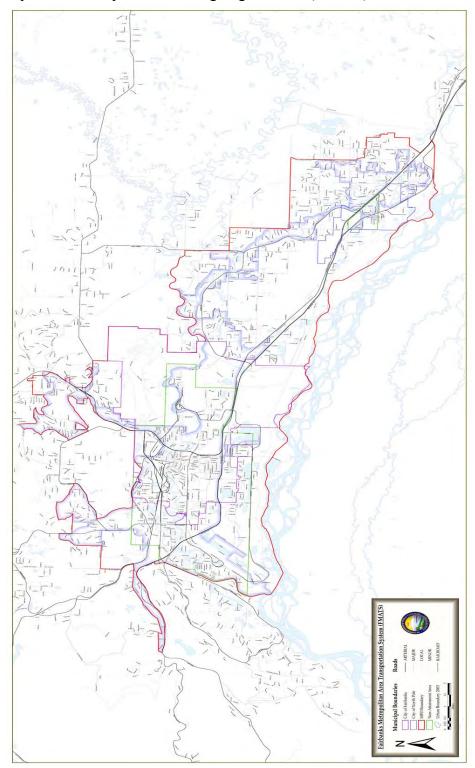
#### C-1. Existing boundaries



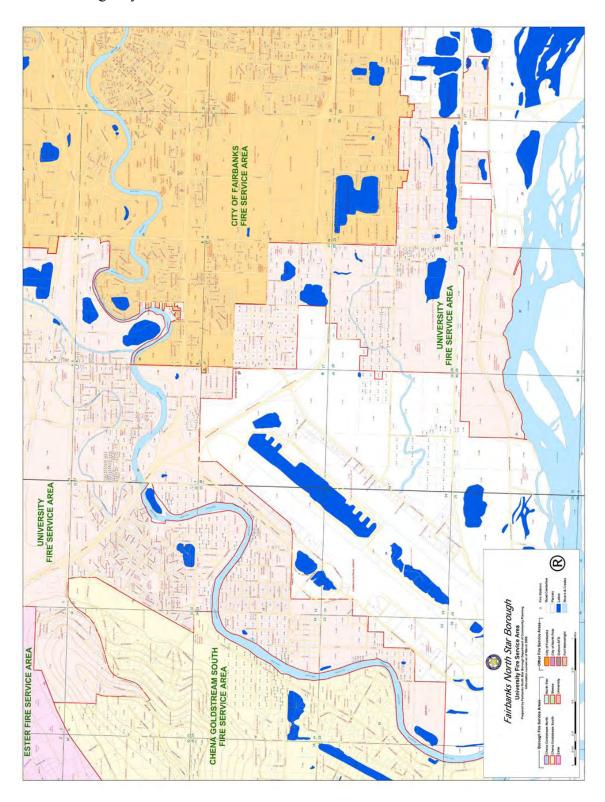




### C-3. Map of the Metropolitan Planning Organization ("MPO").



C-4. Map of the portion of the University Fire Service Area ("UFSA") that is adjacent to the existing City boundaries.



#### **EXHIBIT D**

#### INFORMATION RELATING TO PUBLIC NOTICE

#### AND SERVICE OF THE PETITION

This Exhibit provides information relevant to public notice of this annexation proceeding. The information includes specifics about local media; adjacent municipal governments; places recommended for posting notices; location(s) where the Petition may be viewed; and persons who, because of their interests in this matter, may warrant the courtesy of individual notice of the annexation proceedings.

#### LOCAL MEDIA Newspaper

Name: Fairbanks Daily News-Miner

Address: 200 North Cushman St.

Fairbanks, AK 99701

Telephone #: (907) 456-6661 Fax #: (907) 452-7917

#### **Radio stations**

Name: KUAC-FM Public Radio

Address: P.O. Box 755620

Fairbanks, AK 99775-5620

Telephone #: (907) 474-7491 Fax #: (907) 474-5064

Name: KFAR, KUWL, KXLR, KWLF, KCBF

Address: 1060 Aspen St.

Fairbanks, AK 99709

Telephone #: (907) 451-5910 Fax #: (907) 451-5999

Name: KSUA Radio Address: P.O. Box 750113

Fairbanks, AK 99775

Telephone #: (907) 474-7054 Fax #: (907) 474-6314

Name: KAKQ Magic 101.1 Radio

Address: 546 9<sup>th</sup> Ave.

Fairbanks, AK 99701

Telephone #: (907) 450-1000 Fax #: (907) 457-2128 Name: NewsRadio 970 Address: 546 9<sup>th</sup> Ave.

Fairbanks, AK 99701

Telephone #: (907) 450-1000 Fax #: (907) 457-2128

Name: 102.5 KIAK FM Address: 546 9<sup>th</sup> Ave.

Fairbanks, AK 99701

Telephone #: (907) 450-1000 Fax #: (907) 457-2128

**Television** 

Name: KATN /Ch 2 ABC Address: 516 2nd Ave Ste 400

Fairbanks, AK 99701

Telephone #: (907) 452-2125

Name: KFXF / Ch 7 FOX

3650 Braddock St Fairbanks, AK 99701

Telephone #: (907) 452-3697

Name: KJNP / Ch 4 TBN

PO Box 56359

North Pole, AK 99705

Telephone #: (907) 488-2216

Name: KTVF / Ch 11 NBC

3528 International Way Fairbanks, AK 99701

Telephone #: (907) 458-1800

Name: KUAC / Ch 9 PBS

PO Box 755620

Fairbanks, AK 99775-5620

Telephone#: (907) 474-7491

Name: KXD / Ch 13 CBS

3650 Braddock Street Fairbanks, AK 99701

Telephone#: (907) 452-3697

#### ADJACENT MUNICIPAL GOVERNMENTS

The following is a list of city governments and organized boroughs whose boundaries extend within 20 miles of the current or proposed boundaries of the City.

City of North Pole Fairbanks North Star Borough 125 Snowman Lane P.O. Box 71267
North Pole, Alaska 99705-7708 Fairbanks, Alaska 99707-1267 (907) 488-2281 (907) 459-1000

PLACES WHERE OFFICIAL NOTICE OF PROPOSED ANNEXATION – AND NOVEMBER 24<sup>TH</sup> PUBLIC HEARING – WERE POSTED AND COPIES OF THE PETITION AVAILABLE FOR INSPECTION.

Notice of the City's proposed annexation, including the November 24<sup>th</sup> City Council's Public Hearing were posted in the public right-of-way at the following locations.

#### <u>Fred Meyer territory – on October 31, 2008 :</u>

Light pole at northwestern entrance/exit to Fred Meyer subdivision.

Utility pole at northwest corner of Fred Meyer subdivision, intersection with Old Airport Way.

Utility pole at southeastern entrance/exit to Fred Meyer subdivision.

#### Enclave territory – on October 30, 2008 posted on signs located in right of way::

On Riverside Drive, just north of Ping's Laundry.

At the intersection of Park Drive and Airport Frontage Road.

At the north end of Park Drive, just south of the Park Drive and Kiska intersection.

The following three public and prominent places within the current boundaries of the City have been used for posting of notices concerning this annexation proposal. In addition, a copy of the Petition is, and has been available for review at each of the following:

Clerk's Office, City of Fairbanks City Hall, 800 Cushman St., Fairbanks Noel Wien Library Reference Desk, 1215 Cowles Street, Fairbanks Clerk's Office, Fairbanks North Star Borough Administrative Office Building, 809 Pioneer Road, Fairbanks

Additionally, the Notice for Public Hearing was posted at the following location:

United States Post Office , 315 Barnette Street, Fairbanks Rabinowitz State Court House, 101 Lacey Street, Fairbanks

## LOCATIONS WHERE THE PETITION MATERIALS WILL BE AVAILABLE FOR PUBLIC REVIEW

The Petitioner proposes to comply with 3 AAC 110.460(b) by providing a full set of Petition documents for public review at the locations listed below which are open to the

public on the days and times listed below. In addition, a full copy will be available for viewing at the City's website, "www.ci.fairbanks.ak.us."

Location	Days and Times Open to the Public
City of Fairbanks City Hall	M-F, 8:00 a.m. – 5:00 p.m.
800 Cushman St., Fairbanks	
Noel Wien Library	M-Th, 10:00 a.m. – 9:00 p.m.; F, 10:00 a.m. 6:00
1215 Cowles St., Fairbanks	p.m., Sa, 10:00 – 5:00 p.m., Su, 1:00 p.m 5:00 p.m.
	(Closed Sundays in June, July & August)
Fairbanks North Star Borough	M-F, 8:00 a.m. – 5:00 p.m.
809 Pioneer Road, Fairbanks	

# INDIVIDUALS AND ORGANIZATIONS THAT MAY WARRANT THE COURTESY OF INDIVIDUAL NOTICE OF THE FILING OF THE ANNEXATION PETITION

The following is a list of names and addresses of individuals and organizations whose potential interest in the annexation proceedings may warrant the courtesy of individual notice of the filing of the petition. These names include known land and business owners in the territory proposed for annexation:

T' ()1	T 3.7	0 /5		G:	G	ZID.
First Name	Last Name	Org/Bus	Address	City	State	ZIP
Gary	Nance		P.O. Box 72122	Fairbanks	AK	99707
Daniel R	Gilbertson		1102 Park Dr.	Fairbanks	AK	99709
Patrick J	Driscoll		1126 Park Dr.	Fairbanks	AK	99709
Walter A Jr	Lord		1471 Noble St.	Fairbanks	AK	99701
Richard	Smoyer		205 N. Cushman St	Fairbanks	AK	99701
Sherrelyn	Argend		3310 Riverside No. 1.			
Judy	Benefield		3316 Riverside Dr.	Fairbanks	AK	99709
Joseph R.	Hebert		3330 Riverside Dr.	Fairbanks	AK	99709
		Anjo Inc.	P.O. Box 80626	Fairbanks	AK	99708
Wu Wen	Chin		P.O. Box 82405	Fairbanks	AK	99708
		M&R Inc.	3206 Airport Way	Fairbanks	AK	99709
Eugene	Bloom		1162 Park Dr.	Fairbanks	AK	99709
		Fred Meyer	3755 Airport Way	Fairbanks	AK	99709
Burke	Barrick	Alaska State Troopers	1979 Peger Road	Fairbanks	AK	99709
Bill	Stringer	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Luke	Hopkins	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Kelly	Brown	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Tim	Beck	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Randy	Frank	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Nadine	Winters	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Mike	Musick	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Victoria	Foote	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Guy	Satley	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Jim	Whitaker	Borough Mayor	809 Pioneer Road	Fairbanks	AK	99701
Marilyn	Romano	Fairbanks Daily News Miner	200 N. Cushman St.	Fairbanks	AK	99701
Doug	Isaacson	Mayor, City of North Pole	125 Snowman Lane	North Pole	AK	99705
Fred Meyer			PO Box 42121	Portland	OR	97242- 0121
Taco Bell		3301 Denali St Ste 200	Anchorage	AK	99503	
Mt. McKinley Bank		1380 University Ave	Fairbanks	AK	99709	

#### **EXHIBIT E**

#### TRANSITION PLAN

This Exhibit presents the transition plan of the City required by 3 AAC 110.900. The transition plan includes the following:

- A. A practical plan that demonstrates the capability of the City to extend essential city services (as determined under 3 AAC 110.970) into the territory proposed for annexation in the shortest practical time after the effective date of annexation (not to exceed two years).
- B. A practical plan for the assumption of all relevant and appropriate powers, duties, rights, and functions presently exercised by an existing borough, city, unorganized borough service area, or other appropriate entity in the territory proposed for annexation.
- C. A practical plan for the transfer and integration of all relevant and appropriate assets and liabilities of an existing borough, city, unorganized borough service area, and other entity located in the territory proposed for annexation. As required by 3 AAC 110.900, the plan for transfer and integration of all relevant and appropriate assets and liabilities has been prepared in consultation with the officials of each existing borough, city, and unorganized borough service area wholly or partially included in the territory proposed for annexation. The plan has also been designed to affect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after annexation. The plan specifically addresses procedures that ensure that the transfer and integration occur without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities.

Additionally, this Exhibit lists the individuals consulted by the City in the development of the transition plan and notes the dates on which such consultation occurred.

#### **Provision of City Services and Functions**

As detailed in Sections 6 and 14 of the petition, the City of Fairbanks will immediately extend essential City services and functions into the territory proposed for annexation on effective date. The impact of the proposed annexation upon the University Fire Service District is addressed at the end of this transition plan.

#### **Property Assessment and Taxation**

- Property Assessment Under AS 29.35.170, the Fairbanks North Star Borough is legally obligated for real property assessment and the collection of property taxes.
   Assessment currently is being performed annually for real property inside the existing City limits and the territory proposed for annexation.
- Property Taxes Under AS 29.45.010 and 29.45.060, cities within the Borough notify the Borough of the amount of city levy by June 15<sup>th</sup> of the first year after annexation, whether 2009 or later.
- Alcohol, Tobacco, and Hotel/Motel Taxes The City Finance Department will
  update its database for sales and transient room tax receipts to include any
  affected businesses and will begin collecting sales and transient room taxes after
  the effective date of annexation. The City is not aware of any existing hotels,
  motels or Bed & Breakfasts in the area to be annexed.

#### **Building and Fire Code Inspection**

- Building Inspection The City Council has adopted a series of building codes, amended to meet local arctic conditions after input from an appointed board of local builders, architects, and experts. All structures built, under construction, or for which plans have been completed prior to July 1<sup>st</sup> of the first year after approval will not be covered by said codes unless and until a major alteration is made, and then only to the extent required by the alteration.
- Fire Code Enforcement The Fire Code will be enforced upon annexation to protect the life and safety of people as is provided in all other areas of the City.

Exhibit E 2

#### Streets

• On the effective date of annexation, City Public Works Department will immediately commence snow removal, street maintenance, and repair service.

#### **Revenues and Expenditures Related to Annexation**

Even with the reconstruction of Riverside Drive and Strand Avenue in 2009 – or the first year of annexation, the operating budget expenses for service to the total annexed area will be less than revenue due to the economies of scale. These savings will be passed on to all property owners by reduction of the mill levy – for property owners in both the existing City and the newly annexed territory.

There would be a financial impact to the Fairbanks North Star Borough due to annexation. Borough revenue would decline slightly when compared to the overall borough budget:

Non-Areawide Economic Development	\$ 3,964
Non-Areawide EMS	\$ 7,047
Solid Waste Collection District	\$ 30,363
Transient Room Rental	\$ 0
Alcohol Sales Tax	\$168,362
Tobacco Sales Tax	\$0
Total	\$209,736

#### **Impact on University Fire Service Area**

The University Fire Service Area ("UFSA") serves a large area on the west side of the Fairbanks City limits. Exhibit C-4 is a map showing the boundaries of the UFSA. In the current fiscal year, the property taxes levied on real estate in the Fred Meyer Subdivision provide \$53,406.48 to the UFSA, 2.69% of total property tax revenues, (ignoring \$29,490 in current year interest earnings). Nonetheless, because the Fred Meyer Subdivision is the largest single taxpayer in the UFSA, Petitioner was initially concerned if the loss of the tax base would significantly affect the service area revenues. Petitioner's staff made a series of proposals to the UFSA Commission intended to

Exhibit E 3

"sidestep" the issues faced by the Local Boundary Commission in the protracted 2002 City of Homer annexation.<sup>25</sup>

Exhibit K discusses Petitioner's unsuccessful efforts to satisfy the concerns expressed by the UFSA Commission. While the UFSA Commission members remain opposed to the annexation as of the date of filing, that objection is not a valid basis to deny the Petition. Exhibit K addresses the constitutional authority for annexation, the fact that the UFSA cannot provide all "essential municipal services" within the meaning of 3 AAC 110.090(b) and *de minimis* effect this annexation will have on the UFSA.

#### **Emergency Service to Fred Meyer Subdivision**

#### Fire Suppression, Prevention, and Emergency Medical Service

The UFSA has a sub-station located approximately 0.3 miles from the Fred Meyer Subdivision, which normally provides for a quicker initial fire and EMS response than the City would provide. While proximity is a factor, the level of service is more important. Roughly 80% of the Fire Department workload is for medical calls, <sup>26</sup> where the City provides a higher level of service than any local service area. Instead of an overall force largely comprised of college students, Petitioner uses full time career paramedics and firefighters who are well equipped<sup>27</sup> and extensively trained with an average of 10.5 years experience with the City Fire Department. Fairbanks fire suppression employees, who are generally certified at a higher "Fire Fighter II" level, teach Fire Science classes at the University of Alaska Fairbanks. Petitioner's busy run volume provides City staff with extensive "hands on" experience with a wide variety of calls for emergency service that enhances competency, especially medical response via paramedics. The City staffs five paramedics per shift, each of whom has a minimum 1,280 hours of training from a full year course, plus periodic refresher training. By

Exhibit E 4

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<sup>&</sup>lt;sup>25</sup> In the Matter of the March 20, 2000 Petition by the City of Homer for Annexation of approximately 25.64 Square Miles, & Kachemak Area Coalition, Inc, d/b/a/ Citizens Concerned about Annexation v. State of Alaska, Local Boundary Commission, and City of Homer 3-AN-02-04626CI. The outcome of this protracted annexation was litigation and a remand to the Local Boundary Commission by the Superior Court with direction to consider the effect of a City annexation on a bordering service area.

<sup>&</sup>lt;sup>26</sup> See Page 12, Attached Fire Department Annual Report.

Over the past few years, the City Fire Department has successfully obtained approximately \$8 million in grants for a new fire station and other building improvements, \$2.3 million for vehicles, \$3.1 for equipment and over \$250,000 for staffing and fire prevention.

comparison, the UFSA does not offer full time career paramedics; EMTs normally receive only a fraction of the training.

While the UFSA sub-station is nearby, no fire station – City or UFSA -- is <u>always</u> fully staffed. At times of training, response to calls for service and student classes, there is no one at the UFSA sub-station, as is the experience at any department. Even when staffed, normally there is only one full-time career employee at the sub-station. The primary response area of the City Fire Department, excluding Fort Wainwright, is only 13.1 square miles – far more accessible and compact than the relatively expansive UFSA response area. The City does not face the obstacles of steep terrain since the land in the City limits is virtually flat.

Rather than EMT-level student based staffing, the City provides full time Paramedic level EMS, and an experienced Fire and Building Code Inspection staff. Response times to Fred Meyer Subdivision will be virtually identical as that provided to the University Safeway shopping center, (just across the street), or to the Sophie Station Hotel, (farther south on University Avenue). The City's response time to this area is within the limit set by national standards.<sup>28</sup> The City has competently served this area for many years, plus two lots with businesses on the west side of University Avenue next door to Taco Bell without complaint. In the event of major events, existing mutual aid agreements will continue to provide needed supplementary staff for all local fire departments.

The Petitioner's Fire Department recently added an Assistant Chief, who will, along with the Fire Chief, provide over 72 years in combined fire experience, and is applying for grant funding to add three additional firefighters, which will bring our assigned shift staffing up to 13. The City recently took delivery of a 2007 American LaFrance platform, with a 100-foot reach. This platform is backed up by a second 102-foot KME platform – the only two platforms in the Interior. The City has started work on converting part of Cushman Street from one-way to two-way; this change will reduce the response times for City police, fire, and EMS employees from the Police and Fire Stations on Cushman Street to the territory to be annexed.

Exhibit E 5

National Fire Protection Agency standard 1710.

The risk of property loss by fire is rated by a national business known as ISO, was originally known as the Insurance Services Office. The ISO developed a ten-point scale (1-10) to evaluate the risk of fire loss in an area. A communities' rating depends on a number of factors; the lower the rating, the greater chance for lower property insurance rates. Currently, 10% percent of overall grading is based on alarm/dispatch issues, 50% upon staffing/equipment and 40% upon water supply. Both the City and the UFSA are well ranked: UFSA as a "2" and the City of Fairbanks as a "3." This minor difference in rating is not likely to affect the insurance rates paid for a commercial building with a fire sprinkler system, such as the Fred Meyer Store in the Fred Meyer Subdivision although it may have a minor difference for a commercial building that is not protected with a fire sprinkler system.  $^{31}$ 

#### **Law Enforcement Service**

As noted above, the Fred Meyer Subdivision is not currently served by a municipal police force, since the Fairbanks North Star Borough does not have police powers. Annexation will provide a much greater level of police protection The City Police force provides 47 sworn officers, about 1.5 officers per thousand population. By contrast, the Alaska State Troopers has 26 officers assigned to the "non-rural" component of D Detachment, which currently protects the territory to be annexed. This is approximately 0.4 officers per thousand population, roughly one-third of the staffing ratio provided by the City. The City's Police Department works in conjunction with the Fire and Building Departments to offer integrated public safety service that customers and employees of the Fred Meyer Subdivision do not currently receive.

A good example of the benefits of a full service city occurred as this Petition was being edited on September 3, 2008 when a railroad tank car started leaking some of the 30,000 gallons of highly explosive propane that were onboard. Within minutes, our police, fire and EMS crews responded to the Railroad Industrial Area. Using our Dispatch Center to coordinate, police employees – and Public Works employees – quickly evacuated the nearby businesses and set up roadblocks. Fire suppression crews

Source: Fire Suppression Rating Schedule from ISO web page: www.iso.com,

Exhibit E 6

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<sup>&</sup>lt;sup>29</sup> Unlike a ladder truck, a "platform" provides an elevated work surface that supports 1,000 pounds. It can be used for ventilation or for much safer rescue operation than a ladder truck.

responded to the tank car to evaluate the cause of the leak. Off-duty fire personnel were called in should there be other calls. Fire Administration employees contacted the owner of the propane to coordinate repair. Fortunately, the propane was safely transferred to other containers. Propane storage in the City is regulated by City Fire and Building Codes. No local service area offers the same combination of response.

#### **Emergency Dispatch Service**

An effective communication system is essential to providing timely and coordinated emergency services. As noted in the Petition, the City provides "state of the art" emergency dispatch services through its Emergency Communications Center. Currently, all cell phone calls from the Fred Meyer Subdivision are answered by the City Center and relayed to UFSA. Annexation will eliminate the delay of transferring E-911 cell phone calls to another dispatch Center. At times, the delay due to this "hand-off" has been a significant factor in response. The City currently provides high quality emergency dispatch services (cell phone and wire line) for all of the other local fire service areas except UFSA. Annexation of the Fred Meyer Subdivision will mean that all calls for emergency services will be routed to the largest and most advanced communication center without delay.

Unlike UFSA, the City provides an integrated emergency dispatch service using state of the art ALMR radio system.<sup>32</sup> Using the example of the September 3, 2008 rail car propane leak, had there been a need for involvement of the state, military, or federal agencies, ALMR allows the City Dispatch Center to communicate seamlessly. The University of Alaska Dispatch center has yet to upgrade to ALMR, which causes communication problems with other local and statewide emergency service providers.

Exhibit E 7

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Harry E. Hickey, PhD, *Fire Suppression Rating Schedule Handbook*, published by the Professional Loss Control Foundation and Society of Fire Protection Engineers.

<sup>&</sup>lt;sup>32</sup> ALMR stands for the "Alaska Land Mobile Radio" system, a digital system that allows emergency responders to communicate with other agencies across the entire community – and even across the state in the event of major emergency.

#### Consultation

A copy of the draft Petition was sent to the following officials, with whom there has been prior general discussion; City staff has consulted and/or discussed aspects of annexation with the following individuals:

Jim Whitaker, Fairbanks North Star Borough Mayor Robert Shefchik, Chief of Staff, Fairbanks North Star Borough Barry Jennings, Emergency Manager, Fairbanks North Star Borough Steve Adams, Chair, University Fire Service Area Commission Guy Sattley, Assembly Member, Fairbanks North Star Borough

Exhibit E 8

#### **EXHIBIT F**

#### COMPOSITION AND APPORTIONMENT OF THE CITY COUNCIL

This Exhibit presents information about the current composition and apportionment of the City Council. It also describes any change to the composition and apportionment of the City Council contemplated following annexation.

The annexation would not change the composition or apportionment of the City Council. The City of Fairbanks Council is composed of a Mayor and six Council members, all of which are elected from the City at Large. Residents of the territory to be annexed would be equally able to vote and seek elective office as current residents. Council members serve for a term of three years. The Mayor is also elected for a term of three years. (Section 2.1, City of Fairbanks Home Rule Charter).

#### **EXHIBIT G**

#### FEDERAL VOTING RIGHTS ACT INFORMATION

This Exhibit provides Information regarding any effects of the proposed annexation upon civil and political rights for purposes of the federal Voting Rights Act. This information includes the following:

A. The purpose and effect of annexation as it pertains to voting.

The annexation is expected to add approximately 35 residents to the City of Fairbanks. The City's population in 2007 was 31,627. Annexation would enfranchise members of the annexed territory who have not previously been eligible to vote in City elections, but have been affected by City decisions.

B. The extent to which the annexation excludes minorities while including other similarly situated persons.

The annexation does not exclude minorities while including other similarly situated persons. The annexation includes all areas and populations appropriate for annexation without regard to race.

C. The extent to which annexation reduces the City's minority population percentage.

Adding 35 residents to the City's voters will have no effect on minority voting rights.

D. Whether the electoral system of the City fails fairly to reflect minority-voting strength.

The electoral system of the City of Fairbanks reflects minority-voting strength through at-large elections for all offices.

E. Participation by minorities in the development of the annexation proposal.

The public had the opportunity to speak to this proposed annexation at the meetings held by the City Council as part of their consideration of the two Resolutions authorizing the filing of this petition. In addition, the public has the right to speak during

the "Citizens Comments" portion of every regular meeting of the Fairbanks City Council – normally held at least twice a month – on the topic.

F. Designation of an Alaska Native for U.S. Department of Justice contact regarding the proposed annexation:

Doreen Deaton, Interim Executive Director Fairbanks Native Association 201 First Avenue Fairbanks, AK 99701 (907) 452-1648

English is spoken and understood throughout the City of Fairbanks and the annexed area.

Exhibit G 2

#### **EXHIBIT H**

#### **SUPPORTING BRIEF**

The proposed annexation satisfies each of the relevant constitutional, statutory, and regulatory standards that generally govern municipal annexation, and the use of the legislative review method, authorized by the Alaska Constitution and state statute. See, sub-section L, *infra*. References regarding factual statements are made to the relevant section of the Petition. The standards will be addressed in the sequence used in Alaska Administrative Code ("AAC") at §§ 3 AAC 110.90-150, in some cases standards will be grouped and addressed as a group.

## The territory proposed for annexation exhibits a reasonable need for city government. 3 AAC 110.090(a) (1-3).

- (1) existing or reasonably anticipated social or economic conditions, including the extent to which residential and commercial growth of the community has occurred or is reasonably expected to occur beyond the existing boundaries of the city during the 10 years following the effective date of annexation;
- (2) existing or reasonably anticipated health, safety, and general welfare conditions;
- (3) existing or reasonably anticipated economic development:

As noted in the Petition, substantial commercial development has occurred and can be continued in the territory to be annexed. The enclave lots have been well settled for decades and most City residents believe the enclave lots are in the City and that full City services are available to them when they travel in the area. In light of the development, there is a "reasonable need" for extending full array of City services, especially police, fire, EMS and fire prevention as described at the City website. In addition, the general health, safety, and welfare of those using facilities in the territory will be enhanced by the City's building code and fire code implementation for new development. *See* Section 6(B) and 14(A).

Article X, § 12, Alaska Constitution; 3 AAC 110.140; see Exhibit K.

Article X, §1 of the Alaska Constitution mandates maximum local self-government with a minimum of local government units. Art. X, § 12, created the Local Boundary Commission and provided the LBC with the broad authority over all annexation proposals. Alaska Statute 44.33.812 authorizes the LBC to adopt regulations providing standards and procedures for municipal annexation.

The general welfare will be enhanced by giving residents of the territory to be annexed a full voice in City government: the right to vote in City elections, to be appointed to City boards and commissions, and to hold elective office in City government. *See* Section 6(F).

#### (4) adequacy of existing services:

Annexation will offer the opportunity for improved and enhanced services beyond the level that is currently provided:

Local police service, rather than dependence on the State Troopers.

Career professional fire protection, prevention and full time paramedic level EMS. *See*Section 6(B) and Exhibit E.

Prospective building code enforcement for new construction will improve the quality of structures, reducing the risk of loss of life or property. In the enclave lot area, improved street construction and road maintenance.

(5) extraterritorial powers of the city to which the territory is proposed to be annexed and extraterritorial powers of nearby municipalities:

The City supports economic development beyond its boundaries, including the territory to be annexed, through appropriations to Fairbanks Economic Development Corporation ("FEDC") and the Fairbanks Convention & Visitors Bureau ("FCVB").

(6) whether residents or property owners within the territory receive, or may be reasonably expected to receive, directly or indirectly, the benefit of services and facilities provided by the annexing City:

Residents of the territory to be annexed will receive all services provided to the residents of the existing city.

Essential City services can be provided more efficiently and more effectively by the City than by another existing city or by an organized borough on an areawide basis or non-areawide basis, or through an existing borough service area. 3 AAC 10.090(b).<sup>35</sup>

Under the present circumstances, the most effective and efficient means of providing essential services to the territory to be annexed is to do so by annexation to the City of Fairbanks. No other city exists in the vicinity and the existing service area is not authorized to provide all essential municipal services.

## The territory proposed for annexation is compatible in character with the annexing City. 3 AAC 110.100.

The analysis of the following factors demonstrates that the territory to be annexed is compatible with the character of the City of Fairbanks.

#### (1) land use:

The "mix" of land use and zones within the proposed annexation territory are the same as in the City.

(2) salability of land for residential, commercial, or industrial purposes:

Land within the territory to be annexed is equally salable to land inside the existing City.

#### (3) population density:

The population density of the territory to be annexed is the same as much of the City. With regard to the Fred Meyer Subdivision, the territory is a large-scale retail "box store" with two smaller businesses on the site, which is very similar in character to the development across University Avenue. The enclave lots, a residential area, are indistinguishable from the surrounding homes.

#### (4) cause of recent population changes:

The territory proposed for annexation is subject to the same social and economic forces as the existing City. While the population of the City has not changed significantly, the City has seen a substantial amount of commercial construction on its

Exhibit H 3

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Essential city services: (1) are reasonably necessary to the community; and (2) cannot be provided more efficiently and more effectively (A) through some other agency, political subdivision of the state, regional educational attendance area, or coastal resource service area; or (B) by the creation or modification of some other political subdivision of the state, regional educational attendance area, or coastal resource service area. 3 AAC 110.970(c).

periphery, both inside and outside the City limits, which has greatly increased traffic to the recently constructed commercial businesses.

(5) suitability of the territory for reasonably anticipated community purposes.

Both of the territories proposed for annexation are being used for community purposes: commercial for the Fred Meyer Subdivision and residential for the enclave lots.

- (6) existing and reasonably anticipated transportation patterns and facilities.
- (7) natural geographical features and environmental factors.

There are adequate transportation patterns and facilities for both territories and the natural and environmental factors for both territories are compatible with the existing City.

# The economy within the proposed boundaries of the City include the human and financial resources necessary to provide services determined to be essential City services on an efficient, cost-effective level. 3 AAC 110.110

(1) reasonably anticipated functions of the City in the territory being annexed:

As discussed in the proposed budget, application of proposed taxes for the territory to be annexed will support the cost of essential governmental functions. *See* Section(s) 12 - 14.

- (2) reasonably anticipated new expenses of the City that would result from annexation: See Sections 11-13.
- (3) actual income and the reasonably anticipated ability to generate and collect local revenue and income from the territory: See Sections 11-13.
- (4) feasibility and plausibility of those aspects of the City's anticipated operating and capital budgets that would be affected by the annexation through the third full fiscal year of operation after annexation: See Sections 11-13.
- (5) economic base of the City after annexation: The annexation will broaden the economic base of the City. See Sections 11-13.
- (6) property valuations in the territory proposed for annexation: See Sections 11-13.
  - (7) land use in the territory proposed for annexation:

Land use within the annexation territories covers the full spectrum of uses as in the existing City: residential, commercial, and industrial.

- (8) existing and reasonably anticipated industrial, commercial, and resource development: See Section A(3) of this brief.
  - (9) personal income of residents in the territory and in the City; and:

The 2000 Census reported that median family income for the Fairbanks Census Area was \$46,785.

(10) need for and availability of employable skilled and unskilled persons to serve the city because of annexation:

The annexation will not have any effect on the overall need for or availability of employable persons. The population within the proposed boundaries of the City is sufficiently large and stable to support the extension of city government. 3 AAC 110.120

(1) total census enumeration:

The 2007 total population of the City of Fairbanks within the current boundaries is 31,627. This annexation will add approximately only 35 residents. *See* Section 9.

(2) duration of residency:

The City has a stable population with many long-term residents.

(3) historical population patterns:

The population of the City is stable and permanent.

(4) seasonal population changes:

The City supports a seasonal population of workers in the construction and tourism industries. This annexation will not have any effect on seasonal industries.

(5) age distributions:

The 2000 Census provides the following age distribution information for the Fairbanks census area:

	<b>Existing City</b>		
Age Range	Number	Percent	
0-19 years	9,927	32.9	
20-44 years	13,351	44.2	
45-64 years	4,960	16.4	
65-84 years	1,786	5.9	
85+ years	200	0.7	

The proposed expanded boundaries of the City include all land and water necessary to provide the full development of essential City services on an efficient, cost-effective level. 3 AAC 110.130(a).

The proposed annexation boundaries include sufficient land and water needed to provide essential City services on an efficient, cost-effective basis.

# The territory proposed for annexation is contiguous to the existing boundaries of the City and would not create enclaves in the expanded boundaries of the City. 3 AAC 110.130(b)

The proposed annexation territory is contiguous to the existing boundaries of the City and would eliminate -- not create -- enclaves within the expanded boundaries. As noted in the preamble to this brief, enclave territory is appropriately annexed via the legislative review method.

# The proposed boundaries of the City include only that area comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the ten years following the effective date of annexation. 3 AAC 110.130(c)(1)

This annexation seeks to establish boundaries that should have been set previously; both of the target territories are already integral *de facto* parts of the City and most residents already believe these two territories are included in the City. Exhibit J, Affidavit of Mayor Strle.

## The proposed boundaries of the City do not include entire geographical regions or large unpopulated areas. 3 AAC 110.130(c)(2)

The total area of the territory proposed for annexation is guite small. Section 5D.

## The Petition does not describe boundaries overlapping the boundaries of an existing organized city. 3 AAC 130(d)

The Petition does not describe boundaries overlapping another existing city.

## Annexation to the City is in the best interests of the state under AS 29.06.040 (a) and 3 AAC 110.135.

The annexation will serve the best interests of the state by:

Promoting maximum local self-government. Annexation will provide self-government to the population in the annexed territory and increase the long-term viability of the existing City of Fairbanks to provide the full array of essential governmental services to the residents of the City on an equitable basis.

Promoting a minimum number of local government units by incorporating the residents of the annexation territory into the existing City of Fairbanks, rather than creating a new governmental unit to provide essential services.

Relieving the State government of responsibility for providing local services in part by requiring that the property and population in the annexed territory contribute to the cost of local government.

# The Petition meets the standard set out in 3 AAC 110.140 and the circumstances outlined in 3 AAC 110.140(1) – (9) exist with respect to the legislative review process.

The Petition meets the following applicable standards for a legislative review process, the primary method of annexation established by the Alaska Constitution (Article X, section 7) and statute (AS 29.06.040(b), 44.33.812(b)(2)):

- (1) the territory is an enclave surrounded by the annexing city the enclave lots should have been annexed to the City years ago as a matter of law, as has been previously recognized and recommended by the Local Boundary Commission.
- (2) the 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 See Sections 6B and 6C.
- (3) the 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 See Sections 6B and 14. The annexation will allow the City to collect tax revenue that is needed to continue to finance City services effectively. (See Section 6 and 12).
- (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 equitable alternative method is available to offset the cost of providing these benefits.

The City currently provides services to the existing population without any recovery of revenue to pay for those services. (*See* Section 6A).

- (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 Annexation will allow the City of Fairbanks to ensure orderly growth and development (See Section 6B)
  - (6) . . . (repealed); and
- (7) annexation of the territory will promote local self-government with a minimum number of government units The annexation will promote the ability of the existing City of Fairbanks to provide essential governmental services to its residents and will not add a new government unit.

The proposed annexation to the City will not deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin. 3 AAC 110.910.

Elections in the City of Fairbanks are on an at-large basis. There are no voting districts that may pose a potential for gerrymandering or other manipulation to deny any person of civil or political rights. Approval of the Petition will enfranchise those voters located near but not within the City. The annexation will not deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin. See Section 17, and Exhibit G.

#### The Petitioner has prepared a proper transition plan under 3 AAC 110.900.

See Section 15, and Exhibit E.

#### O. Conclusion

The proposal for annexation meets the annexation standards specified in 3 AAC 110.090 - 3 AAC 110.135.

#### **EXHIBIT I**

#### **AUTHORIZATION**

#### Copies of Resolutions Authorizing Preparation and Submission of Petition

Introduced By: Council Member Roberts Mayor Strle

Introduced: February 11, 2008

#### **RESOLUTION NO. 4312**

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A PETITION TO THE LOCAL BOUNDARY COMMISSION FOR ANNEXATION OF THE FRED MEYER SUBDIVISION - LOCATION OF THE FRED MEYER WEST STORE AND OTHER BUSINESSES - USING THE LEGISLATIVE REVIEW PROCESS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fred Meyer Subdivision, a parcel of land immediately adjacent to the western boundaries of the City of Fairbanks, shares the urban character of the City and is both integrated into and completely compatible with the character of the City; and

WHEREAS, it is inequitable to City taxpayers that this parcel, which already benefits from City services, is not paying a fair share of taxes, and

WHEREAS, the City can readily and efficiently provide essential city services, including higher level police protection, paramedic level emergency medical services, and increased public safety by the extension of building and fire safety codes, and

WHEREAS, annexation of this parcel will promote local self-government, enhance the City's ability to provide quality essential governmental services and partially offset the cost of governmental benefits that the parcel indirectly receives; and

WHEREAS, annexation via the legislative review process, as authorized by the Alaska Constitution, requires approval of an annexation petition by the Local Boundary Commission and non-objection by the legislature, and

WHEREAS, in recognition of the potentially negative effect that annexation would have on the funding of the University Fire Service Area, annexation must be conditioned upon reaching a suitable inter-governmental agreement with the Fairbanks North Star Borough which addresses the effects on the University Fire Service Area,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA as follows:

The City Council authorizes the City Mayor to prepare and submit a Petition for Annexation, via the legislative review process, for Fred Meyer Subdivision, Fairbanks Recording District. The Petition shall note that annexation would be conditioned upon reaching an agreement with the Fairbanks North Star Borough that addresses the impact upon the University Fire Service Area.

That the effective date of this Resolution shall be the 11th day of February, 2008.

City Mayor

AYES: NAYS:

Thompson, Brown, Roberts, Strle Stiver, Eberhart, Hilling

ABSTAIN: ABSENT:

ANTEST:

ADOPTED: February 11, 2008

APPROVED AS TO FORM:

Herbert P. Kuss, City Attorney

Introduced By: Mayor Strle Introduced: February 11, 2008

#### **RESOLUTION NO. 4313**

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A PETITION TO THE LOCAL BOUNDARY COMMISSION FOR ANNEXATION OF THE "ENCLAVE" LOTS ON PARK & RIVERSIDE DRIVES, BARTLETT AVENUE, AND AIRPORT ACCESS ROAD USING THE LEGISLATIVE REVIEW PROCESS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are a group of individual platted lots on Park & Riverside Drives, Bartlett Avenue and Airport Access Road that are completely surrounded by the corporate limits of the City of Fairbanks; these lots, shown on Attachment "A," share the urban character of the City, and

WHEREAS, the owners of these "enclave lots," as well as persons living in structures on the lots, receive the benefits of City construction, snow removal and maintenance of the roads that serve the lots, police protection that is provided to the neighborhood, and the City's general services, and

WHEREAS, it is inequitable to City taxpayers that parcels of land completely surrounded by City territory, sharing the urban character of City land, be excluded from paying a fair share of taxes for City services which benefit the parcel, and

WHEREAS, the City can readily provide police protection, paramedic level emergency medical services and increased public safety by extension of building and fire safety codes to these parcels, and

WHEREAS, annexation of these parcels will promote local self-government, enhance the City's ability to provide quality essential governmental services and partially offset the cost of governmental benefits that the parcels indirectly receive; and

WHEREAS, the legislative review process, authorized by the Alaska Constitution, requires approval by the Local Boundary Commission and non-objection by the legislature; and

WHEREAS, the Alaska Administrative Code, at 3 AAC 110.140, expressly identifies that enclave territory is appropriately annexed via the legislative review process,

Resolution 4313 Page 1

Exhibit I 3

## NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA as follows:

<u>Section 1.</u> The City Council authorizes the City Mayor to prepare and submit a Petition for Annexation, via the legislative review process, of the lots shown on Attachment "A."

Section 2. That the effective date of this Resolution shall be the

25th day of February, 2008.

Terry Strle, City Mayor

AYES:

Eberhart, Roberts, Thompson, Brown

NAYS:

Hilling, Stiver

ABSTAIN:

ABSENT:

ADOPTED: February 25, 2008

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, City Clerk

Herbert P. Kuss, City Attorney

Resolution 4313 Page 2

Exhibit I 4

Introduced By: Mayor Strle Council Member Roberts Introduced: August 25, 2008

#### **RESOLUTION NO. 4335**

A RESOLUTION APPROVING THE SUBMISSION OF A PETITION TO THE LOCAL BOUNDARY COMMISSION FOR ANNEXATION OF THE FRED MEYER SUBDIVISION AND THE "ENCLAVE" LOTS ON PARK & RIVERSIDE DRIVES, BARTLETT AVENUE, AND AIRPORT ACCESS ROAD USING THE LEGISLATIVE REVIEW PROCESS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council passed Resolutions 4312 and 4313 earlier this year to authorize the preparation of a Petition to the Local Boundary Commission regarding the annexation of territory to the City of Fairbanks, and

WHEREAS, City staff have prepared a Petition to pursue that goal and the Council has adequate time to review the Petition, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA as follows:

<u>Section 1.</u> The City Council re-affirms its support for annexation as previously stated in Resolutions 4312 and 4313 and further approves the filing of the attached Petition.

Section 2. That the effective date of this Resolution shall be the 25th day of August, 2008.

	Terry Strle, City Mayor
AYES: NAYS: ABSTAIN: ABSENT: ADOPTED:	
ATTEST:	APPROVED AS TO FORM:
Janey Hovenden, City Clerk	Herbert P. Kuss, City Attorney

Exhibit I 5

#### **EXHIBIT J**

#### AFFIDAVIT CONCERNING THE SOURCE

#### AND ACCURACY OF INFORMATION IN THE PETITION

STATE OF ALASKA	)
	) ss.
FOURTH JUDICIAL DISTRICT	)

I, Terry Strle, City Mayor of the City of Fairbanks, representative of the Petitioner for annexation, being sworn on oath, state the following.

- 1. The Fairbanks City Council passed Resolutions 4312 and 4313 authorizing a Petition to the Local Boundary Commission to annex the Fred Meyer Subdivision and what are called the "enclave lots. Public testimony revealed that some of the residents of the enclave lots believed they had fire suppression protection and were not aware that there had been fires in the enclave lots that caused the loss of buildings over the past 38 years.
- 2. Patrick B. Cole, City Chief of Staff, was the person primarily responsible for drafting the Petition. He was assisted by Brittany Retherford, a graduate student of the University of Alaska Fairbanks; Ms. Retherford interned with the City as part of her graduate studies.
- 3. The legal descriptions of the territory proposed for annexation and post annexation boundaries were prepared by Richard "Tim" Springer, Registered Land Surveyor, an employee of the City; the descriptions were proofed and reviewed by Brittany Retherford.
- 4. The map showing the current boundaries of the City and the territory proposed for annexation presented in Exhibit C of the petition was prepared by Richard "Tim" Springer.
- 5. The boundaries of the territory proposed for annexation stated in Section 7 of the Petition were reviewed by Department Heads of the City of Fairbanks.
- 6. The population of the territory proposed for annexation stated in Section 9 of the Petition was estimated by applying the estimate of three residents per dwelling to the number of dwellings counted by Richard "Tim" Springer. The estimate of residents per dwelling was developed by Richard "Tim" Springer.
- 7. Information relating to places for public notice and service of the petition in Exhibit D was provided by Brittany Retherford. The tax data in Section 11 of the Petition was based on consultation with James Soileau, City of Fairbanks Chief

Financial Officer and communications between Brittany Retherford and the staff of the Fairbanks North Star Borough.

8. Exhibits "E" and "K" were prepared by Patrick Cole, including information regarding contacts with the University Fire Service Area ("UFSA") was provided by Patrick Cole, who also researched prior Local Boundary rulings regarding the City of Homer and prior recommendations by the Local Boundary Commission regarding annexation of the enclave lots.

To the best of my knowledge, information, and belief, formed after reasonable inquiry, the information in the Petition is true and accurate.

DATED this day	y of September, 2008.
Terry Strle, City Mayor City of Fairbanks	
•	ΓO before me on the day of, 2008.
	Notary Public in and for Alaska
	My Commission expires:

Exhibit J 2

#### Exhibit K

#### Consideration of the Impact of the Annexation on the University Fire Service Area

#### **Constitutional Provisions Regarding Annexation.**

By adoption Article X of the State Constitution, the people of Alaska enacted a simple framework for local government. Relevant sections of Article X of the Constitution provide:

#### Section 10.2 - Local Government Powers.

All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

(Note that local governmental powers are not vested in service areas.)

#### Section 10.3 - Boroughs.

The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

#### Section 10.5 - Service Areas.

Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services.

#### Section 10.7 - Cities.

Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law.

#### Section 10.12 - Boundaries.

A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action. (Emphasis added).

The Local Boundary Commission is one of the five<sup>36</sup> state boards or commissions directly created by the voters through adoption of the Constitution. The five member LBC is authorized, "to provide an objective administrative body to make state-level decisions regarding local boundary changes, thus avoiding the chance that a small, self-interested group could stand in the way of boundary changes which were in the public interest."<sup>37</sup> Contrary to popular opinion, the Article 10, section 12 of Constitution grants the LBC the authority to change boundaries without any local action or local election. It is long-settled that the process of boundary setting is not decided at the local level:

"An examination of the relevant minutes of [the local Government Committee of the Constitutional Convention] shows clearly . . . that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level. The advantage of the method . . . lies in placing the process at a level where area-wide or state wide needs can be taken into account. By placing authority in this third party, arguments for and against boundary change can be analyzed objectively." <sup>38</sup>

The Alaska Supreme Court has repeatedly ruled that the LBC was given, "broad power to decide in the unique circumstances presented by each petition . . ." which is an exercise of, "delegated legislative authority to reach basic policy decisions."<sup>39</sup>

Exhibit K 2

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<sup>&</sup>lt;sup>36</sup> The other four are the Commission on Judicial Conduct, the Judicial Council, the University of Alaska Board of Regents, and the legislative Redistricting Board.

<sup>&</sup>lt;sup>37</sup> Port Valdez v. City of Valdez, 522 P.2d 1147, 1150, fn 7 (Alaska 1974).

<sup>&</sup>lt;sup>38</sup> Fairview Public Utility District No. 1 v. City of Anchorage, (386 P2d 540, 542 (Alaska 1962); Oesau v. City of Dillingham, 439 P.2d 180 (Alaska 1968).

Mobil Oil Corp. v. Local Boundary Com'n, 518 P.2d 92, 98-99 (Alaska 1974); Moore v. State, 553 P.2d 8, note 20 at 36 (Alaska 1976); Valleys Borough Support Committee v. Local Boundary Com'n 863 P.2d 232, 234 (Alaska 1993)

When making objective decisions regarding boundary changes, the LBC is required to adopt and follow adopted legislative and regulatory standards.<sup>40</sup>

#### City Annexation of Service Areas.

Unless "essential municipal services can be efficiently and effectively provided . . . through a borough service area," there is no statutory or regulatory standard that prevents a city annexation of the neighboring service area. Service areas like the UFSA offer only limited governmental services, not the broad range of essential city services and all of the privileges and duties of full participation in local city government. The Alaska Supreme Court has recognized, "a statutory and constitutional preference for incorporation of cities over the establishment of new service areas." Service areas lack autonomous authority to levy taxes, charges or assessments." A service area is not a legal entity, but only the discretionary option of a borough assembly to exercise a power within part of an organized borough. Article 10, Section 5 of the Constitution gives the borough assembly control over the life of a service area, providing that the assembly may "establish[], alter[] or abolish" a service area, "subject to the provisions of law or charter."

In granting the Petition of Homer to annex territory that included a service area, the LBC noted that allowing the existence of a service area to thwart city annexation would be, "counter to the basic stated constitutional and statutory preference for city and local government." In that same decision, the LBC noted,

When annexation is warranted, as in this case, one cannot escape the fact that the tax assessed valuation of any surrounding service areas will be decreased when property is mixed into a city. Because a city is the preferred service provider over proliferating limited service areas, the best interests of the State are served by annexation. When annexation does occur, the adjacent service areas must adjust

Exhibit K 3

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<sup>&</sup>lt;sup>40</sup> Port Valdez, at 1151; United States Smelting, Refining & Mining Company v. Local Boundary Commission, 489 P.2d 140, 143 (Alaska 1971); Keane v. Local Boundary Commission, 893 P.2d 129 (Alaska 1995)

<sup>&</sup>lt;sup>41</sup> 3 AAC 110.090(b); In the Matter of the March 20, 2000 Petition by the City of Homer for Annexation of approximately 25.64 Square Mile(hereinafter "Homer Annexation"); Kachemak Area Coalition, Inc, d/b/a/ Citizens Concerned about Annexation v. State of Alaska, Local Boundary Commission, and City of Homer 3-AN-02-04626CI

<sup>42</sup> Keane.

<sup>43</sup> Statement of Decision, Homer Annexation, p. 32.

<sup>44</sup> Statement of Decision, Homer Annexation, p. 36.

**accordingly.** That might mean a borough to adjust its service area budget, tax rates, boundaries, levels of service, or otherwise. 45

#### **Petitioners Efforts Regarding UFSA**

Prior to drafting this Petition, representatives of Petitioner City of Fairbanks met with the Borough Administration and discussed the UFSA. Petitioners' staff was familiar with the City of Homer's 2000 Petition for Annexation and aware of the 2005 Statement of Decision by the Local Boundary Commission after Remand. Petitioners' staff nonetheless offered several ideas to accommodate, including conditioning this Petition on an agreement whereby the Fred Meyer Subdivision would remain inside the UFSA after annexation, as allowed by AS 29.35.450. Petitioners' staff met with the Borough Administration staff and the Chair of the UFSA Commission on several occasions to discuss this concept.

The UFSA Commission passed two resolutions opposing the annexation; it also declined the City's proposal to leave the Fred Meyer Subdivision inside the UFSA after annexation. After passage of the second UFSA resolution, at a meeting on August 20, 2008 with the UFSA Commission Chair, it became apparent that the UFSA Commission did not wish to enter into an agreement with the Petitioner. Terry Strle, Mayor of the City of Fairbanks, met with Jim Whitaker, Mayor of the Fairbanks North Star Borough on August 28, 2008 to discuss the annexation. At that meeting, City officials informed Borough Mayor Whitaker that the UFSA Commission had declined to accept the City's proposal regarding leaving the Fred Meyer Subdivision inside the UFSA after annexation. Mayor Whitaker confirmed his position that the Borough administration would not oppose the annexation with or without the Fred Meyer Subdivision remaining inside the UFSA after annexation.

Subsequently, the Fairbanks North Star Borough Assembly passed Resolution 2008 – 08, opposing only the Fred Meyer subdivision annexation. Borough Mayor Whitaker subsequently disregarded the statements he made to the City Mayor regarding his support for annexation of the Fred Meyer subdivision.

Exhibit K 4

<sup>&</sup>lt;sup>45</sup> *Id., at* 28.

#### This Annexation Would Have a *De Minimis* Effect on the UFSA

The annexation will not significantly impair the function of the UFSA. The UFSA has the largest budget of the five fire service areas formed by the Fairbanks North Star Borough, with a total revenue 2008-9 budget of \$2,017,605. The UFSA 2008-09 budget included a 2.138 mill levy <sup>46</sup> projected to raise \$1,988,115 in property tax revenues. If there were **no change** in the mill levy or total assessed valuation, annexation of the Fred Meyer Subdivision would reduce the 2008-9 UFSA budget by \$53,406.48, only 2.69% of the total tax receipts. One option would be a small increase of 0.059 mills to make up the loss of the Fred Meyer Subdivision, from 2.138 to 2.197 mills. Using the current budget, without any other changes, this would amount to an annual increase of \$14.75 for a home in the UFSA with a taxable assessed value of \$250,000.

The increased mill levy, (which assumes no change in assessed valuation or any of the other available UFSA options), is **substantially** less than the reduction approved by the LBC in the *Homer* annexation. In that case, the LBC approved a city annexation with reduced the tax base for the neighboring service area by 25%.<sup>47</sup> In light of the *Homer* ruling, the effect upon the UFSA is truly de minimis, especially in light of the new construction that is underway in the UFSA.

Statement of Decision, Homer Annexation, p.34.

Exhibit K 5

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Ten mills equal 1% of assessed value; the UFSA's current mill levy is 0.2138% of assessed value.

Petition for Annexation to the City of Fairbanks

Exhibit K 6

#### Exhibit L

### City of Fairbanks Police Department 2007 Annual Report





ANNUAL REPORT
2007

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#### FAIRBANKS POLICE DEPARTMENT

911 Cushman Street Fairbanks, AK 99701-4616 Phone: (907) 450-6500 Fax: (907) 452-1588 Email: fpd@ci.fairbanks.ak.us



April 1st, 2008

Terry Strle, Mayor City of Fairbanks

Dear Mayor Strle:

It is my honor and privilege to present you with the Fairbanks Police Department's Annual Report for 2007.

2007 was an exceptional year for our department. For the first time in many years, our efforts were guided and coordinated through a formalized three-year strategic plan. Overall department efficiencies were noted through an appointed *Citizen's Review Committee*, and exceptional performance by our Traffic and Investigations Units – coupled with identified additional needs – have led to the expansion of these units as we enter 2008.

For the past three years, I have used our Annual Report to highlight the operations and accomplishments of our department. With the launch of our newly designed website at: <a href="https://www.ci.fairbanks.ak.us/departments/police/">www.ci.fairbanks.ak.us/departments/police/</a> in 2007, interested readers can quickly find this information. As a result, you will note that this year's Annual Report places a greater emphasis on community crime information and planning, to include our updated 2008-2010 Three-Year Strategic Plan.

In a time of revenue debates and funding uncertainties, the Fairbanks Police Department continues to provide the essential public safety services that our citizenry demands. Responding to **29,581** calls for police service, and completing **1,791** misdemeanor and felony arrests in 2007, we will continue to provide the best service possible with the resources that are provided.

On behalf of all our personnel, and with the continued exceptional assistance of Deputy Chief Brad Johnson and our Administrative Assistant Yumi McCulloch for their efforts in helping to prepare this document, it is my pleasure to present the Fairbanks Police Department's Annual Report for 2007.

Sincerely,

Daniel P. Hoffman, Chief Fairbanks Police Department

Serving Fairbanks Since 1904

## MISSION STATEMENT

Our mission is to serve the public with integrity, wisdom, courage, and compassion; working in partnership with the community to make Fairbanks a great place to live, work and visit.

#### VISION STATEMENT

The vision of the Fairbanks Police Department is to achieve a level of performance and service that consistently surpasses community expectations. We recognize that our employees are our greatest asset. In order to provide the best possible service to the citizenry we serve, we will continuously strive to increase our knowledge and capabilities through a coordinated strategy integrating leadership, education, and technology.

#### ORGANIZATIONAL VALUES

<b>P</b> artnership	We are committed to working in partnership
	with the community and each other to identify
	and resolve issues which impact public safety

Respect	We are committed to respecting individual rights,
	human dignity, and value of all members of the
	community and the department

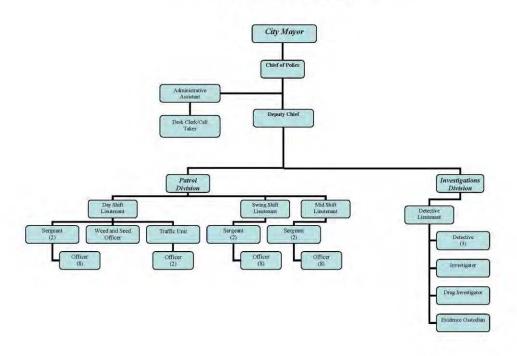
<b>I</b> ntegrity	We are committed to nurturing the public trust
	by holding ourselves accountable to the highest
	standards of professionalism and ethics

<b>D</b> edication	We are committed to providing the highest quality
	of professional law enforcement service to the
	community with the goal of enhancing the quality
	of life in Fairbanks.

## **Empowerment** We are committed to empowering our members and community to resolve problems by creating an environment that encourages solutions and addresses the needs of the community.

Page 2

## FAIRBANKS POLICE DEPARTMENT 2007 ORGANIZATIONAL CHART





Lieutenant

# FAIRBANKS POLICE DEPARTMENT LIST OF EMPLOYEES

(As of 12/31/07)

#### ADMINISTRATION

Police Chief	Dan	Hoffman
Deputy Chief	Brad	Johnson
Admin Assistant	Yumi	McCulloch
Evidence	Patty	Yamamoto
Evidence	Becky	Christiansen
Front Desk	Contrinka	Holland

#### **INVESTIGATIONS**

Detective

Chris

Nolan

Welborn

Dan

Detective	Dave	Elzey	Dete	ctive	Peyton	Merideth
Investigator	Pearl	Holston				
			PATROL			
Lieutenant	James	Geier	Offic	er	Ben	Holston
Lieutenant	Tara	Tippett	Offic	er	Albert	Hutton
Lieutenant	Doug	Whorton	Offic	er	Phil	James
Sergeant	Scott	Adams	Offic	er	Gary	Korshin
Sergeant	Eric	Jewkes	Offic	ег	Max	Lambert
Sergeant	Jeromey	Lindhag	Offic	er	Stewart	Lewis
Sergeant	Matt	Soden	Offic	er	Kurt	Lockwood
Sergeant	Robert	Thompson	Offic	er	Alana	Malloy
Sergeant	Gary	Yamamoto	Offic	er	Scott	McCumby
Officer	Andrew	Adams	Offic	er	John	Merrion
Officer	Kurt	Allen	Offic	er	James	Miller
Officer	Bruce	Barnett	Offic	er	James	O'Malley
Officer	Dennis	Benn	Offic	er	B.C.	Rigdon
Officer	Allen	Brandt	Offic	er	Dave	Stevenson
Officer	Chris	Chapman	Offic	er	Dustin	Stonecipher
Officer	Chris	DeLeon	Offic	er	Avery	Thompson
Officer	David	Duncan	Offic	er	Ben	Wages
Officer	Ron	Dupce	Offic	er	Doug	Welborn
Officer	Greg	Foster	Offic	er	Alex	Wells
Officer	James	Gibson				

#### EMERGENCY COMMUNICATIONS

ECC Manager	Stephanie	Johnson	Lead Dispatcher	Kristi	Merideth
Lead Dispatcher	Brenda	Geier	Lead Dispatcher	Bonnie	Nolan
Dispatcher	Juliana	Amon	Dispatcher	Glenda	Kroshus
Dispatcher	Tara	Bird	Dispatcher	Karen	Sampson
Dispatcher	Garin	Fuhriman	Dispatcher	Julie	Ritchie
Dispatcher	Megan	Hamlin	Dispatcher	Temeka	Rott
Dispatcher	Jessica	Jensen	Dispatcher	Paula	Søden
Dispatcher	Martha	Jewkes	Dispatcher	Melanie	Shalom

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## F.P.D. Employees of the Year for 2007



Officer Kurt Lockwood
11/2 years of service



Lilibeth Sargent 3½ years of service

Every year, the employees of the Fairbanks Police Department nominate and vote for both the commissioned and civilian employee for whom they think best exemplify the work ethic and values of our organization. In 2007, our employees chose Officer Kurt Lockwood and Building Custodian Lilly Sargent as our respective *Commissioned* and *Civilian Employee of the Year*.

**Officer Kurt Lockwood** began his service with the Fairbanks Police Department in May of 2006, transitioning from his position as a Patrol Officer with the University of Alaska Fairbanks Police Department. Officer Lockwood has brought a strong skill-set to FPD, and has been selected as our newest K-9 Officer. In August of 2007, Officer Lockwood received the FPD Medal of Valor for his gallantry in action while engaged in the apprehension of an armed criminal suspect.

Lilibeth "Lilly" Sargent began her service with the City of Fairbanks in April of 2004. Lilly's nomination and recognition by her peers as "civilian employee of the year" is especially noteworthy, as she is technically only a half-time Police Department employee, with the other half of her duties designated towards servicing other City buildings for the Public Works Department. Lilly is a consistently cheerful and conscientious hard worker, taking obvious pride in keeping our building neat and clean. Her well-deserved recognition through this award reflects our organizational belief that *all* members, no matter what their role, play a critical role in the accomplishment of our mission.

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JUNE Officer Al Hutton



OCTOBER Lieutenant Dan Welborn

SEPTEMBER Officer Alana Malloy



AUGUST Officer Kurt Lockwood



JULY Officer John Merrion

"Excellence is the result of caring more than others think wise, risking more than others think is safe, dreaming more than others think is practical, and expecting more than others think is possible"



## CITY OF FAIRBANKS

The City of Fairbanks is located in the heart of Alaska's Interior on the banks of the Chena River in the Tanana Valley. The town was originally founded in the early 1900's as a trading post serving stern-wheeler riverboats and early gold prospectors. The City has a

population of **31,627** residents, and serves as the seat of government for the Fairbanks North Star Borough, which comprises a total population of 99,000. The Golden Heart City, as it is known to most, is 64.8 degrees North Latitude and 147.7 degrees West Longitude.

The City is governed by Mayor Terry Strle and six members of the Fairbanks City Council. Current Council members include Jerry Cleworth, Tonya Brown, Chad Roberts, Vivian Stiver, Steve Thompson and Lloyd Hilling. The Council meets twice a month to discuss matters of City business.

Fairbanks serves as the regional service and supply center for Interior Alaska, with an economy that is heavily supported by mining, tourism, the University of Alaska, and the military. Fairbanks also lies in the heart of traditional Athabascan country, serving as a transportation and service hub for numerous outlying villages. The City of Fairbanks is the home of the Tanana Chiefs Conference, the traditional tribal consortium of forty-two Interior Alaska villages. Many of the events and attractions in Fairbanks are heavily influenced through Alaska Native culture, art, and design.

Fairbanks is home of the Yukon Quest, Top of the World Basketball Tournament, World Ice Art Championships, Tanana Valley State Fair and Golden Days Celebration. Fairbanks also hosts the Open North American Sled Dog Races, the Midnight Sun Run, the Equinox marathon, the World Eskimo and Indian Olympics, the Festival of Native Arts, the Fairbanks Summer Arts Festival and numerous athletic, cultural, and community events. The Alaska Federation of Natives (AFN) Statewide convention is now scheduled to be held in Fairbanks on a rotational basis with Anchorage.



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### 2007 HIGHLIGHTS

January: After nine months of work, FPD reveals its redesigned website

where citizens can find recruitment, common report forms, department history, operations, special units and comprehensive contact information for the Department and its employees.

FPD hosts second annual "Police vs. Fire" hockey game on Fairbanks Hockey Day, raising funds to benefit FAHA's youth equipment fund.

February: FPD publishes our first Three Year Strategic Plan.

FPD concludes the first murder trial of the year with a conviction.

April: Lt. Dan Welborn and Officer Alan Brandt are recognized by the

Alaska Highway Safety Office for their law enforcement

coordination and enforcement efforts.

FPD conducts regional Emergency Vehicle Operations Course (EVOC) in partnership with Eielson Air Force Base.

May: FPD participates in Alaska Shield/Northern Edge, a two-week,

DOD, state and local readiness exercise coordinated with other

states and agencies at the national level.

June: As a regional representative for the Northwest Internet Crimes

Against Children (NICAC) task-force, the investigators indicted a local resident for 1 count of Child Pornography and 37 counts of

Possession of Child Pornography.

July: Our FPD Tactical Team successfully resolved an incident involving

a barricaded gunman in Shannon Park on July 16th, without injury

to either the suspect or citizens.

Less than two weeks later, on July  $25^{\rm th}$ , the FPD Tactical Team responded and ultimately took into custody an active-shooter in

the 30th Avenue area, again without injury to any party.

September: FPD secures an additional Evidence Custodian, Becky

Christiansen (formerly a dispatcher with the Fairbanks Emergency Communications Center), to assist with increase of Discovery

evidence provided to the District Attorney's Office.

Detectives solve an armed, "take-over" style robbery of Gottschalks Department Store on July 22<sup>nd</sup>. Several suspects were arrested and indicted by Grand Jury on charges of Kidnapping, Robbery in the First Degree, Conspiracy, and Theft in the Second Degree.

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Alaska Highway Safety Office approves FPD grant funds to provide full-funding for two (2) additional traffic officers, doubling the size of traffic unit to four (4) officers, plus providing nearly \$250,000 in associated equipment, vehicle, and maintenance costs.

#### October:

Volunteers-in-Policing, in conjunction with the Fairbanks Memorial Hospital's Safe Rider Program, hosted a child-safety booster-seat giveaway at the Fairbanks Police Department.

Officer Kurt Lockwood is awarded the Medal of Valor for his actions in the apprehension of an armed criminal suspect on August 15th.

Officer Avery Thompson is awarded the Life Saving Medal for saving the life of a drowning victim on September 2nd.

FPD again chaired the FCVB's Health and Safety Committee and prepared for, then implemented a coordinated and successful public safety plan for the duration of the Alaska Federation of Natives Convention, from Oct 22nd-27th.

FPD participates in "Operation GLOW" (Guiding Little Ones on their Way) on Halloween night. Operation GLOW provided free glow sticks and lanyards to children to increase visibility and safety while out trick or treating. Motorists were awarded various food coupons for exercising safe driving practices.

November: FPD completes a two month investigation involving multiple instances of extensive graffiti, vandalism, and destruction of property. Weed and Seed Officer Malloy assisted by jump-starting crime reduction and neighborhood restoration strategies, to include a "graffiti response and clean up team".

> The US Department of Justice Officer of Community Oriented Policing Services (COPS) awards FPD a multi-jurisdictional, multidisciplinary grant of approximately \$3 million dollars toward improving interoperability throughout the region.

> After completing an exhaustive review of Department policy, procedures, and overall operations, our application for accreditation to the Alaska Law Enforcement Agency Accreditation Commission (ALEAAC) was submitted in November of 2007. We are now awaiting ALEAAC's assessment and certification.

December: FPD participates in the "Adopt-A-Family" program providing Christmas gifts to local low-income families.

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#### PATROL OVERVIEW

As with any full service police department, our patrol division is by far the largest (38 officers assigned) and serves as the backbone of our organization. Most everything we do supports the daily mission of the men and women of the patrol division and their crucial role in delivering public safety services to the community.

Patrol Division is organized into three shifts operating on a 4-10 (four on, three off), 40 hour per week work schedule. Each patrol shift is commanded by a Lieutenant, with direct field supervision from two assigned Sergeants.

Each shift has an average of seven patrol officers, responsible for responding to any and all manner of assaults, disturbances, collisions and other calls for service. In 2007, the Fairbanks Police Department received and responded to 29,581calls for service resulting in 1,791 arrests, handling an average of eighty-one calls for service a day.



A patrol car is seen through a broken window at the scene of a crime.



Sergeant Jeromey Lindhag directs traffic at the Open North American sled dog race.

The Patrol Division includes specialized units and assignments including a K-9 Unit, Traffic Unit, Motor Unit, and a Weed and Seed grant-funded Community Policing officer. During 2007 we were successful in obtaining grant funding to double the size of our Traffic Unit to four officers, and looking forward to 2008, we plan to add a second K-9 Team to the K-9 Unit.

During 2007, officers assigned to the Patrol Division maintained an outstanding level of performance under very high demands. Officers performed individual acts of heroism and bravery, and collectively provided the Fairbanks community with exceptional public safety and response to crime. Patrol Officers Avery Thompson (Lifesaving Medal) and Kurt Lockwood (Valor Medal) were both recognized for exceptional personal courage while facing significant threats to their own safety when faced with sudden circumstances requiring immediate action. Officer BC Rigdon, calling on his extensive training and experience, located and safely took into custody an armed suspect who had fled the scene of a homicide.

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Working a DUI enforcement shift, Lieutenant Jim Geier received a radio message indicating that a known felon being sought on multiple charges was reportedly driving a stolen vehicle. Lt. Geier spotted the vehicle, conducted surveillance, and organized a high risk stop safely taking the suspect in to custody without further incident. Officer Al Hutton took a case of a reported simple assault, and through diligence and compassion, obtained a confession and indictment against the victim's boyfriend on charges of felony physical and sexual assault. Officer John Merrion made a significant drug seizure (over 35 individually-wrapped baggies of cocaine) pursuant to a patrol level case investigation which led to the arrest of two suspects and the seizure of cash and a vehicle.





Chief Hoffman presenting the Valor Medal to Officer Lockwood

Chief Hoffman presenting the Lifesaving Medal to Officer Avery

These outstanding accomplishments are just a small sample of the tremendous job our officers perform. Their daily efforts in a job that often sees little thanks but can provide tremendous rewards and personal satisfaction are equally worthy of recognition and appreciation, and Fairbanks is fortunate to have these professionals protecting them.



Officer BC Rigdon accepting thanks and appreciation on behalf of FPD from students at Denali Elementary School during the Christmas holidays.

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#### TRAFFIC AND DUI ENFORCEMENT UNIT



Created through a project funded by the Alaska Highway Safety Office (AHSO), the Traffic Unit maintained a high level of enforcement activity in the greater Fairbanks area in 2007. Their performance and impact clearly demonstrated the benefit of dedicated Traffic Enforcement Officers in Fairbanks. In October 2007, FPD was notified by AHSO that they would fund two

additional Traffic Enforcement Officers, expanding the unit to four officers total.

During 2007 the Traffic Unit received several awards. Officer Dupee was awarded the State of Alaska HERO Award for the month of July from AHSO. This award highlighted his commitment to DUI enforcement in interior Alaska. Officer Rigdon was awarded the FPD Eagle Award for the month of December for his exemplary action in locating and arresting a murder suspect fleeing from the scene.

The Traffic Unit continued their ongoing education and training. Officer Dupee attended the July Drug Recognition Education (DRE) Academy in Prescott, Arizona and graduated with a scholastic average of 96%. He went on to attend the DRE National Conference representing the Fairbanks Police Department. Officer Rigdon and Officer Dupee attended a local class for Commercial Motor Vehicle Drug Interdiction. Officer Rigdon attended the National Life Savers Conference in Chicago, Illinois. Officer Rigdon and Officer Dupee are the Fairbanks Police Department representatives for the TRACS software system being developed for the State of Alaska. This program will assist all law enforcement agencies in statewide computerized motor vehicle collision forms and uniform traffic citations. The system will later be expanded to include all State of Alaska DUI forms.

Officer Rigdon and Officer Dupee issued 1,682 uniform traffic citations which accounted for 39% of the total citations issued by FPD (4,315). Officer Rigdon and Officer Dupee made **205 DUI** arrests, 18 of which were DRE arrests, and 167 other arrests. FPD Officers made a total of **375 DUI/Refusal** arrests in 2007. Here are the top ten categories of traffic violations for 2007:



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FPD was also awarded a generous equipment grant from AHSO focused on Public Safety Awareness and Traffic Enforcement.

- The public safety awareness equipment consists of a Walk Around Air-Inflated Police Officer suit. This will be utilized during high visibility events such as the Golden Day's Parade, Midnight Sun Festival, Tanana Valley State Fair, Project Weed and Seed Annual Street Fair, and other local events. Also included are a computerized LED Outdoor Display Sign for FPD and a LED Display Board for the lobby.
- The enforcement equipment consists of four polemounted speed display boards, fourteen directional Golden Eagle II Dual Antenna radars and fourteen Digital Eyewitness ION video recording systems. Equipment also includes one Pro-Laser III Radar, one Pro-Lite Plus Radar measuring device, and ten Preliminary Breath Testing (PBT) devices with extra mouth pieces. This equipment will be used to equip patrol cars, including two new Traffic Unit cars.

#### National Statistics and Trends courtesy of AHSO:

- Motor-vehicle deaths in 2007 totaled 43,300; down 3% from 2006.
- 2006 January to December was 5% lower than the 2005 figure.
- The annual total for death in 2006 was 44,700, a 2% decrease from 2005.
- The 2005 figure was 1% higher than 2004.
- The estimated annual mileage death rate is 1.45 deaths per 100 million vehicle miles traveled, a 3% decrease from 2006.
- Disabling motor-vehicle injuries in 2007 are estimated to be about 2.3 million, a 4% decrease from 2006.
- The estimated cost of motor-vehicle deaths, injuries, and property damage in 2007 was \$251.1 billion, a 3% decrease from 2006.

In 2003, the Anchorage Borough reported **1,800** DUI arrests as compared to the Fairbanks North Star Borough reporting **973** DUI arrests. In 2007 the Anchorage Borough reported **1,430** DUI arrests as compared to the Fairbanks North Star Borough reporting **1,014** DUI arrests.

In conclusion, the FPD Traffic Unit has continued to improve traffic safety in Fairbanks through aggressive and proactive enforcement. Furthermore, while AHSO's 2007 statistics for Alaska show a minor decrease in the number of fatal DUI accidents statewide, they also show a dramatic increase in DUI arrests in the Fairbanks North Star Borough. Both changes are likely a direct result of increased enforcement in the region by both FPD and Alaska State Trooper (AST) DUI enforcement efforts.

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#### INVESTIGATIONS



The FPD Investigations Unit is comprised of three full time Detectives and one full time Investigator (assigned from the patrol division). The position of Detective is earned through promotion, whereas the Investigator position is considered a temporary transfer in order to gain experience and take it back to the patrol division.

The unit saw the retirement of Lieutenant Dusty Johnson in June of 2007, at which time Lieutenant Dan Welborn was transferred from the patrol division as the new Investigations Division Commander. Other than Lt. Welborn coming into the unit, Detectives Chris Nolan, Dave Elzey, Peyton Merideth, and Investigator Pearl Holston (assigned from patrol) continued as the "backbone" of the unit.

The Investigations Unit conducts follow-up investigations of most felony related crime in the category of homicide, robbery, sexual assault, child abuse cases,



Detectives Elzey and Nolan investigate a crime scene.

and other serious crimes-against persons. The unit also assists in larger fraud cases, and offers crime-scene expertise and assistance when workload is anticipated to exceed normal patrol resources.

The Investigations unit had several accomplishments during 2007. The unit received training for any possible

child abductions, by going through CART (Child Abduction Response Team) training late in the year. CART is still a work in progress, but will allow protocols to be set for any future abductions that may occur in the Fairbanks area. This is a multi-agency approach that allows other police agencies as well as the Fairbanks Emergency Communications Center and the District Attorney's Office to work as a collective group in solving these types of cases. Detective Elzey is the department SART (Sexual Assault Response Team)

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representative and attended the training in Anchorage last September along with Lt. Welborn.

The unit also continued with conducting pre-employment background investigations for all newly hired personnel, which continued to strengthen the numbers of patrol officers and dispatchers for the Fairbanks Emergency Communications Center (FECC). All detectives work backgrounds, however, Detective Nolan continues to operate as the lone polygrapher for the





Detective Nolan (left) reviewing a polygraph exam while Detective Merideth (right) conducts forensic work on a seized computer.

department and completed 22 throughout the year. Patrol officers are encouraged to utilize the polygraph examination when investigating cases and will quite often rely on Detective Nolan's expertise.

Detective Merideth is the department's lone ICAC (Internet Crime against Children) representative and investigates complaints across the country as well as Alaska. Close ties are kept with local agencies as well as other task forces to complete investigations in a timely fashion. Detective Merideth also works on other cases involving embezzlement and other sex related crimes where forensic expertise is required. One such case resulted in a local subject being charged with 38 counts of distribution and possession of Child Pornography.



Investigator Holston completed over 2 years of service in the Investigations Unit as of December 2007 and will be returning to the patrol division in 2008. Her dedication to solving property crime was obvious when she worked a string of burglaries and robberies late last year which resulted in nearly 20 cases being resolved for FPD and other Fairbanks agencies. Investigator Holston has also done extensive work on Identity

Theft cases during her time in Investigations and was awarded two Meritorious Service Medals for accomplishments during her tenure.

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The unit also was able to replace badly needed equipment by adding new digital cameras and camcorders to assist in investigations. As a result, training for digital photography was conducted. Efforts are also being made to update our digital evidence being submitted department wide by adding new software and procedures for handling evidence. This change should become effective during 2008.



#### Statistics:

- 156 cases assigned to the Investigations Unit.
- 87 arrests made or cases cleared.
- 50 Open Active cases carried over into 2008 from 2007.
- 430 supplements submitted for action or case closure.
- 6 homicides, 1 manslaughter, and 3 Attempted Murder cases solved.



Lieutenant Dan Welborn



Chris Nolan



Detective Dave Elzey



Detective Peyton Merideth



Investigator Pearl Holston

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#### FAIRBANKS INTERAGENCY DRUG UNIT

The Fairbanks Police Department currently assigns one investigator to the Alaska Bureau of Drug and Alcohol Enforcement (ABADE) Unit in Fairbanks. Because of the nature of the assignment, the Investigator is not identified. The Investigator serves alongside members from other State and Federal law enforcement agencies.

The ABADE Unit is tasked with conducting investigations into illicit drug and bootleg alcohol sales throughout the northern portion of the state. Because drug and alcohol use fuels so many associated crimes, ABADE is often involved in the investigation of homicides and other serious crimes. The area of responsibility for this Unit stretches from Boundary/Tok on the Richardson Highway, and from Cantwell on the Parks Highway, all the way to the North Slope Borough. ABADE also conducts Drug awareness classes at various schools the Interior. There were four presentations conducted this year.

#### Statistics for 2007

#### ABADE initiated 331 investigations or leads, to include the following cases:

- Marijuana Sales—2
- Methamphetamine Labs-0
- Marijuana Grows—13
- Methamphetamine sales—5
- Cocaine sales—23
- Glass Search Warrants—12
- Search Warrants—22



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#### Drug Seizures in grams:

- Methamphetamine—245.8 (plus 1.6 pounds federally)
- Marijuana processed—152.83 (plus seizure of 781 plants)
- Crack—35
- Cocaine—4334.9 (plus 8 kilos federally)
- Ecstacy—106.5 (426 pills)
- Psilocybin (Mushrooms)-27.4

#### **USE OF FORCE**

In our society police officers are given the responsibility to maintain order, enforce our laws, and protect others, while keeping themselves safe. At times, officers enter into situations which require them to use physical force to affect an arrest or protect public safety. Most circumstances are resolved by the mere presence of the police, or through verbal commands. When officers are confronted with a situation where resistance is encountered; they are authorized to use physical force to effect an arrest, overcome resistance, in self-defense, to protect a third person, or prevent an escape.



Officers are in constant contact with members of the public. Surprisingly officers use physical force very infrequently. In 2007 the Fairbanks Police Department had approx. 1,700 cases which were closed by arrest. This number represents only a portion of the people which are actually taken into physical custody. When people are taken into

protective custody, because of alcohol/drug intoxication or mental health crisis, and those temporarily detained, are considered, the number rises to well over 5,000.

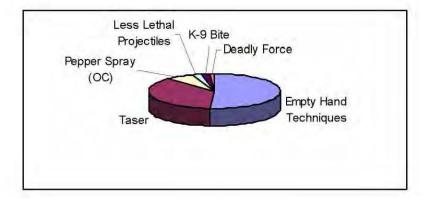
Incidents are considered, "use of force" incidents, if an officer uses force beyond simply placing handcuffs on an individual. These incidents are documented in writing then reviewed at several levels. The written report is reviewed by the officer's supervisor, the use of force sergeant, then finally by the Deputy Chief. These reviews are not only to evaluate the appropriateness of the officer's actions, but to determine trends and training needs.

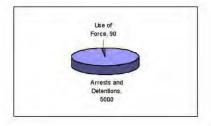
In 2007 there were 90 use of force incidents reported. If these 90 cases are compared to the 1,700 cases which were closed by arrest, this would mean force was used approx. 5% of the time. If these 90 cases are compared to the 26,521 calls for service the Fairbanks Police Department had in 2007, this percentage would drop to .3%, or one-third of one percent.

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Of all the force incidents, 50% of all cases involved the officer using "empty hand techniques" as a mean of control. The X-26 Taser was used in approx. 33% of all cases. Pepper spray, or OC, accounted for 7% of cases. Extended range impact projectiles, or bean bag rounds, which are a flexible bags shot from a 12 gauge shotgun were used twice. Our department K-9 bit two people during it's numerous utilizations throughout the year. The Fairbanks Police Department had one case in 2007 in which an officer was required to fire his weapon at another person. This case resulted in the death of a suspect who had pointed a handgun at the officer, and resulted in the suspect's death.

Aside from the fatal injuries of the above mentioned suspect, no other persons received significant injuries as a result of our officer's use of force. During 2007 every officer received 10 hours of in-service training covering control tactics. Training is conducted by department instructors. The Fairbanks Police department is continually evaluating its tactics and equipment to assure that its officers are able to protect themselves and the citizens we serve.







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#### FAIRBANKS EMERGENCY COMMUNICATIONS CENTER (FECC)

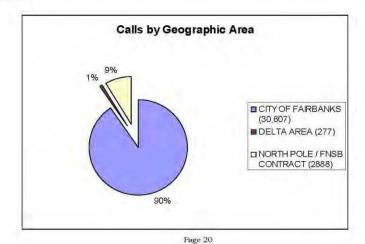
The Fairbanks Emergency Communications Center (FECC) continues to grow with the number of Emergency Calls for Service that are processed and handled by our Dispatchers. During 2007, the Communications Center handled the following number of emergency calls in comparison with FY 2006.

	2007	2006	Percentage Change
Law Enforcement Calls	29,581	29,058	1% Increase
Fire & EMS Calls	7,251	5,831	19% Increase
Total Fire, EMS and Police Calls	36,832	34,889	5% Increase

During the calendar year, FECC began providing dispatching service for two additional agencies covered by the Emergency Communications Center Agreement signed in 2006 by the City of Fairbanks, City of North Pole and the Fairbanks North Star Borough. By the end of FY 2007, FECC provided dispatching services for the following Agencies:

Chena Goldstream Fire and	Fairbanks Police
Rescue	North Pole Fire
Delta City Fire	North Pole Police
Delta Rescue	North Star Fire
Ester Fire	Rural Deltana Fire
Fairbanks Fire	Salcha Rescue
FNSB - Emergency Operations	Steese Area Volunteer Fire
FNSB - Haz Mat Team	Volunteers in Policing

The graph below demonstrates a break down of the total number of calls by geographic area and lists the percentage of use by the Communications Center.



<u>Personnel Movements:</u> During 2007, the Communications Center welcomed Megan Hamlin and Garin Fuhriman as new Dispatchers while Dispatchers Rebecca Christiansen and Temeka Rott left to fill Fairbanks Police Department vacancies. Christiansen moved into a newly created second Evidence Custodian position and Rott to fulfill a lifetime goal of becoming a Police Officer.

<u>Dispatcher Highlights:</u> In July of 2007, the Alaska NENA / APCO chapter selected Dispatchers: Rebecca Christiansen, Michelle Hadley, Martha Jewkes and Glenda Kroshus as their 911 Professional of the Quarter award. Although this award is generally for duties performed by a single dispatcher, the actions of our Dispatchers working together highlights the importance of working as a team, as such they were all recognized. Below is an excerpt from their nomination for Professional of the Quarter.

On March 5, 2007 at approximately 21:54 hours the Fairbanks Emergency Communications Center received a series of 911 calls from a group mental home. Initial reports indicated that a mental health "client" was fighting with a mental health worker outside of the group home. Fairbanks Police officers were dispatched to the scene after the initial call. While FPD officers were en route to this call, secondary 911 callers into the center indicated that the "client" had slashed the throat of a mental health worker. Officers were on scene within three minutes of the initial call. The first officer advised that the victim had been cut on her throat, was not breathing and the wound appeared fatal. He requested Fire/EMS to respond.

Meanwhile, the suspect in this case subsequently barricaded himself in a "dorm room". Attempts to communicate with the suspect by on duty officers failed and the on scene commander requested the FPD Tactical Police Team and Tactical Dispatchers to respond. The AST Fairbanks based SERT team was also called out for perimeter assignment, as this occurred in a well populated neighborhood in South Fairbanks. Attempts to negotiate with the suspect were unsuccessful, culminating in the Tac Team making a dynamic entry and securing the suspect after deploying bean bag rounds from a less lethal shot gun. Trainee Michelle Hadley, dispatchers Glenda Kroshus, Martha Jewkes and Rebecca Christiansen worked in an extremely well coordinated effort to bring Police, Fire/EMS and the Tactical Police Team together to secure this volatile situation and minimize injuries to all involved.

In December of 2007, Lead Dispatcher Bonnie Nolan was presented with the Honorable Service Medal for her 20 years of service with the City of Fairbanks. Dispatcher Nolan performs not only regular Dispatcher duties but is one of the Communications Centers three Shift Supervisors and is also the Communications Training Coordinator. Dispatcher Nolan is truly amazing in performing her job with a very high emphasis placed on customer service. Our center would not be where we are today without her dedication and hard work.

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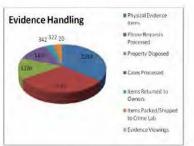


The Fairbanks Police Department's Evidence Unit is staffed by Evidence Custodian's, Patty Yamamoto and Becky Christiansen. Patty (16 year employee) and Becky (24 years) spend a majority of their time processing and tracking the significant quantity of evidence and property which is submitted into the evidence room on a 24-7 basis. In addition to processing and storing criminal evidence, Patty and Becky handle huge quantities of safe-keeping property to include bicycles, back-packs, clothing, and other miscellaneous items that come into the care of the police department. Patty and Becky are also responsible for overseeing the destruction of unclaimed property that is no longer of evidentiary

value, and for the preparation and documentation of surplus property for action/sale by the City.

The department was fortunate enough to be able to add Becky to the evidence team this past year which helps fill a "void" that has long existed. The department now has a dedicated person to process and respond to all requests from the District Attorney's Office, City Attorney's Office, Public Defender Agency, and private local attorneys. Such requests commonly include the viewing and/or retrieval of physical property, and the copying of tape and digital media which includes video, audio, and photographs.

A very large amount of time is spent managing the digital evidence files (photos, audio, and video). This includes copying and researching files, as well as assuring that files are correctly entered by officers. Efforts are also made to respond to email/phone requests as well as set up evidence viewings. There were 36,061 of these files that required managing over the past year.



A year-end audit was conducted of the police department's evidence room. This included a 100% audit of all cash, drugs, and firearms. All property and associated records were found to be in excellent order, with no discrepancies found.

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## VOLUNTEERS IN POLICING



Volunteers in Policing is a non-profit organization which was established in 1994. There are currently 15 active volunteers. The VIPs provide assistance to local law enforcement through staffing community patrols, assisting with traffic control at major events,

placement of speed-check trailers and assisting with missing person searches. VIPs provide major assistance during special events such as the Midnight Sun Run and Open North American Sled Dog Race. Volunteers receive 26 hours of academy and field training at the VIP Training Academy.

A Fairbanks Meth Watch Program Coordinator was hired in 2007, to educate retailers and community members about the dangers of methamphetamine. Information was provided to local retailers about the products used to make methamphetamine and methods for controlling access to

those products and documenting and reporting suspicious activity were discussed. Classes were provided to local community groups and high school students about the dangers of using meth and the long-term implications of drug abuse.



The Neighborhood Watch Program continued to expand throughout the Fairbanks Community. Several meetings were held to provide crime prevention information and establish new Neighborhood Watch groups.

Residents learned about strategies to reduce crime in their neighborhoods, how to make their homes and businesses more secure, how to observe and report suspicious activity, and how to inventory their belongings for easier identification in the event of a burglary.

New procedures were developed for establishing and maintaining official Neighborhood Watch groups and getting signs posted.

In 2007, the VIPs conducted 1222.5 hours of patrol. Additionally, we conducted 402 hours of FPD Assists, 254 hours of Fingerprinting services and spent 175 hours assisting at special events.

We assisted at numerous community events including the Open North American Sled Dog Races, the Midnight Sun Run, Midnight Sun Street



In December of 2007, Lorna Weese was hired as the new VIP Programs Coordinator.

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#### PROJECT WEED AND SEED



Project Weed and Seed is a community-based multiagency approach to law enforcement, crime prevention, and neighborhood restoration. It is a nationally funded, competitive, grant opportunity administered by the U.S. Department of Justice's Office of Justice Programs Community Capacity Development Office and the U.S. Attorney's Office. This program is a 5-year grant; with

site recognition and program implementation beginning in October 2006.

This project brings together people and resources to prevent and control crime. The strategy involves a two-pronged approach: law enforcement agencies and prosecutors cooperate in "weeding out" violent criminals and drug abusers, and public agencies and community-based private organizations collaborate to "seed in" much-needed human services, including prevention, intervention, treatment, and neighborhood restoration programs. A community-oriented policing component bridges the weeding and seeding elements.

The area chosen for the "footprint" is referred to as the Ringstad Park Neighborhood. Ringstad Park is located between Crosson Street and Growden Park east of Wilber Street. The boundaries of the footprint are; North: 2nd Avenue to 1st Avenue; South: Eagan Avenue and 16th Avenue, Cowles and 17th Avenue; West: Wilbur Street; East: Barnette Street and Gilliam Way.



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In January 2007, the Fairbanks Police Department dedicated Officer Alana Malloy to investigate crime, implement community-oriented policing techniques and patrol the Ringstad Park Neighborhood area. The Fairbanks Police Department coordinates this proactive law enforcement strategy with the businesses, residents and service providers of the area

organized by the Project Weed and Seed Site Coordinator, Cathy Persinger.

The majority of the footprint is highly visible in the Fairbanks community, and crosses one of our major roadways, Airport Way, and is partly bordered by the Chena River. There are approximately 3,200 people that reside in the footprint. The residential neighborhoods are well established in a traditional area of town with many historic buildings. The core business area encompasses the Noel Wein Public Library, Shoppers Forum Mall, Lathrop High School, Ryan Middle School, Fairview Manor Apartments, the Arctic Bowl complex and the Regal Cinemas Movie Theater. Officer Malloy has worked closely with these properties toward proactive, community oriented policing practices.

#### YEAR 1 ACCOMPLISHMENTS

**Law Enforcement-** Officer Malloy responds to police calls for service in the footprint, conducts routine patrols in identified "hotspot" area, and security checks to area businesses and properties. She coordinates with the Fairbanks Police Department's Traffic Unit to provide additional patrols, enforce traffic-related violations and Driving Under the Influence

(DUI) enforcement. Criminal investigations have resulted in numerous arrests and prosecution for felony crimes including armed robbery, drug possession/use, weapons offenses, burglary, theft, forgery, and criminal mischief. The Weed and Seed grant provided training opportunities for Officer Malloy to attend that included Basic Crime Prevention Specialist Certification,



Advanced Intensive Sexual Abuse Interview Skills, Street Gang training, Reid Interview & Interrogation Skills, and Sexual Assault Response Team training.

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**Neighborhood Watch/Community Policing-**Neighborhoods continue to organize to "take back their community" in this residential community oriented policing strategy of neighborhood accountability. Initial start-up meetings provide an outlet to address neighborhood concerns and identify area leaders. New Neighborhood Watch programs are in place in the footprint, and new Neighborhood Watch signs have been installed.

This program is administered by Volunteer in Policing (VIP) program and coordinated with Fairbanks Police Department. Another accomplishment during this first year involved routine VIP patrols, in footprint areas that experienced chronic nuisance complaints.

Community Street Fair-On August 26, 2007, several resource agencies in the footprint area participated in a Project Weed and Seed Community Outreach Street Fair to bring together service delivery and family fun. This "block party" was well attended and fun for everyone present. Officer Malloy and the VIP's invited youth to explore their patrol vehicles and ask questions. Officer Malloy taught the youth how to recover fingerprint, about gun safety, and how to be better observers if they encounter suspicious activities.





Community Education Opportunities-Crime Prevention through Environmental Design (CPTED) staff training opportunities provided by the Fairbanks Police Department furthered crime prevention techniques at local businesses and area residents. Numerous residential community security surveys and public presentations on personal safety, gang awareness, graffiti abatement, shoplifting and robbery prevention recommendations were given.

**Neighborhood Restoration/Nuisance Abatement**- Two elements of this are what we like to refer to as the "Weed Patrol" and the organized community restoration projects. By implementing CPTED concepts, the

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neighborhood identified and eliminated specific concerns of graffiti and vandalism in one problem area. The community identified a need for a graffiti abatement program and it will be in place in 2008. Additionally, Officer Malloy worked with several property owners in response to an increase in chronic nuisance police calls for service, and was able to successfully enforce the Fairbanks General Code Chronic Nuisance Ordinance on three properties, one being an apartment complex with 25 units.

The Fairbanks General Code 46-211 through 46-222, provides that property on which three or more nuisance activities have occurred during any 60-day period; or property on which or within 200 feet of which any person associated with the property has engaged in three nuisance activities during any 60-day period is deemed a chronic nuisance property.

School/Youth Outreach-All schools in the footprint area have enthusiastically participated in various events and community outreach activities. There are five schools inside the designated footprint; Lathrop High School, Ryan Middle School, Barnette Magnet School, Denali Elementary and Hunter Elementary. The schools, local law enforcement and Juvenile Justice have partnered to provide education and increase awareness in areas such as personal safety, bicycle safety, internet safety, MySpace for Parents classes, graffiti abatement and gang awareness.

**Multi-Agency Collaboration-**The long-term success of this program is reliant of the continued participation, and resource identification of existing service agencies. The development of new partnerships is necessary to address constantly evolving community concerns for the ultimate sustainability of the strategy.

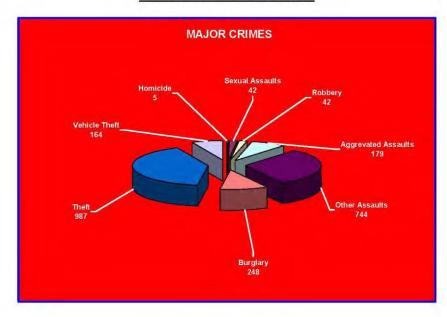
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### Statistics

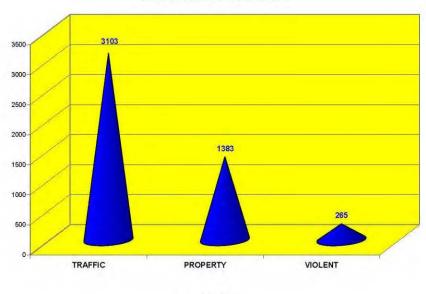
Offense	Fairbanks City	Ringstad Park	Percentage
HOMICIDE	5	0	0%
ROBBERY	42	11	26%
AGGRAVATED ASSAULT	179	23	13%
BURGLARY	248	24	10%
WEAPONS OFFENSES	61	6	10%
DRUG ARRESTS	132	24	18%

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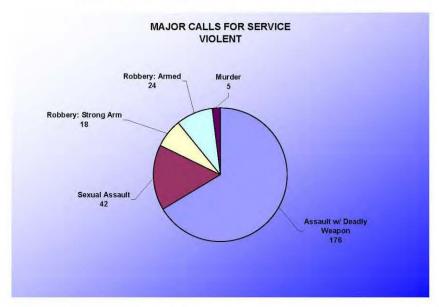
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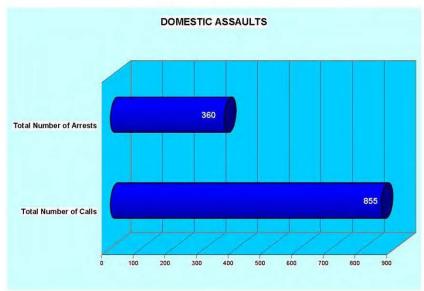


### MAJOR CALLS FOR SERVICE

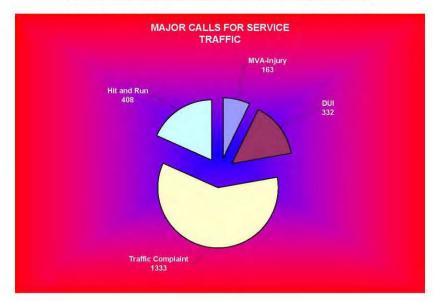


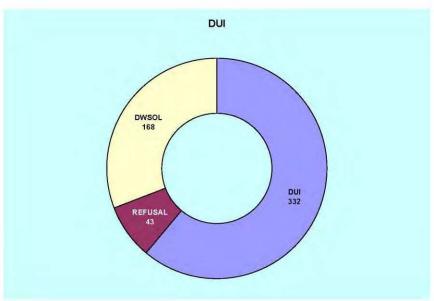
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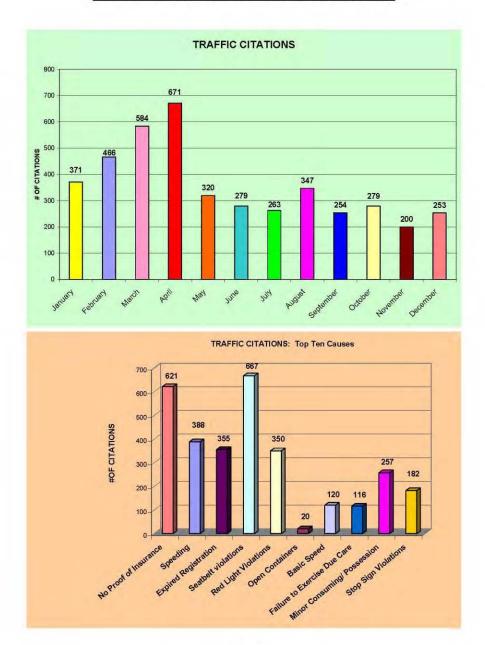


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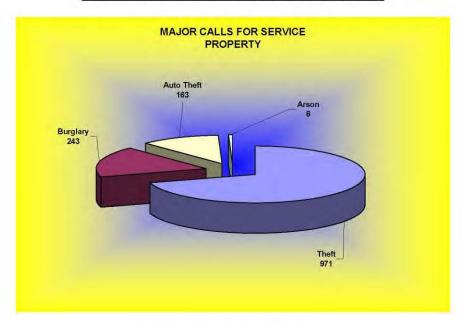


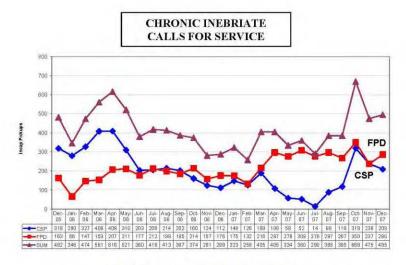


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CSP=Community Service Patrol FPD=Fairbanks Police Department

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# FAIRBANKS POLICE DEPARTMENT THREE-YEAR STRATEGIC PLAN (2008-2010)

2007 was a great year for the Fairbanks Police Department. For the first time in many years, our administration, officers, and support-staff operated under the guidance and direction of an established three-year strategic plan. Grounded in our basic mission and vision-statement, our department successfully met all of our stated goals and objectives for 2007. As we enter 2008, it is now time to evaluate- and potentially reassess- our stated goals and objectives for this year and 2009. Additionally, it is now time to add a new year to the plan- 2010- as we continue our "two years out" planning process.

As was the case in 2007, we are committed to realistic planning, and will not allow this plan to devolve into a mere "wish-list." Rather, we will continue to focus on the actions that we must take in order to enhance our delivery of services in the community, within the confines of known and expected revenues and resources.

### 2007: A BRIEF REVIEW

Our department's focus for 2007 was largely one of internal improvement, with our primary objective being the successful preparation and application for department accreditation through the *Alaska Law Enforcement Agency Accreditation Commission* (ALEACC). After nearly ten months of operational analysis, policy formulation and review, and procedural adjustments, we successfully completed all pre-application criteria and successfully submitted our application for accreditation to ALEACC. We are now awaiting their response and assignment of an ALEACC assessor team, who will visit us in 2008 to conduct their on-site assessment of department operations.

Secondary objectives listed in our plan for 2007 included the formulation of an ongoing supervisory development plan, successful *Weed-&-Seed* program implementation in central Fairbanks, and successful preparation and execution of plans and procedures for the *Alaska Federation of Natives* (AFN) convention in October of 2007. All of these objectives were met with great success:

Supervisory development: Department administration conducted a needsanalysis of existing and projected supervisory staff, identifying training
needs for both the current and future years. Training was delivered in
multiple critical areas, to include first-line supervision and Investigations
Unit management. Further, two department administrators are now in the
Alaska queue for F.B.I. National Academy training.

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- Weed-&-Seed: Working in conjunction with the United Way of the Tanana Valley, this community partnership program kicked into high gear in 2007. A permanent Site Coordinator was hired, and a full-time police officer was assigned to serve the established "footprint." A staff position with our Volunteers in Policing organization was brought on in the latter part of 2007, and will be able to assist with the coordination and delivery of community-policing services throughout the Weed-&-Seed area.
- AFN Convention: The Fairbanks community achieved a repeat of the successful 2005 AFN convention, with coordinated public-safety services resulting once again in a healthy and safe experience for visitors. In addition to staffing proactive "safety teams" and maintaining a 24/7 service-center, a 2007 pilot project paired a dozen visiting Village Public Safety Officers with FPD patrol personnel, resulting in enhanced service delivery and community outreach.

### **2008 CONSIDERATIONS**

- 1.) We enter 2008 with an authorized strength of fifty-one (51) department personnel: forty-seven (47) sworn members, and four (4) civilian support staff. Scheduled personnel additions to our Traffic Safety Unit and Investigations Division bode well for the delivery of enhanced services.
- 2.) The City of Fairbanks entered last year with a projected budget shortfall of over ten million dollars. The City successfully reinstituted a long-term property tax structure in order to generate sustained revenues. However, current City budgets necessitate the receipt of municipal revenue-sharing and PERS assistance from the State of Alaska midway through 2008 in order to fund current levels of service. It would be unwise to plan for further expansions until a long-term "PERS fix" is implemented by the State legislature, and a known formula for ongoing municipal assistance can be reasonably expected and budgeted for.
- 3.) As anticipated, we enter 2008 with a very stable administration and staff in place, with little projected turnover. Delivery of new and/or enhanced services will be delayed in the first quarter of the year, as our newly-hired personnel need to be trained before being released for duty. However, once in place, all efforts can be geared towards improved service-delivery, with little to no resources expended on the "revolving-door" recruitment, training, and replacement issues that plague many other departments in Alaska.

### 2008 GOALS AND OBJECTIVES

Given the above considerations, the primary goal of the Fairbanks Police Department in 2008 will be to demonstrate- on both a qualitative and

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quantitative basis- that "best-practices" are being employed in each area of the department. The primary objective sought in 2008 to attain this goal will be:

 Completion of the accreditation process through the Alaska Law Enforcement Agency Accreditation Commission. This will result in our department likely being the first in the State of Alaska to achieve such accreditation.

The second goal, of no less importance, will be the improvement of service-delivery and customer satisfaction to the citizenry we serve. Focus on the delivery of our mission, proper training of personnel, and implementation of "best practices" at all levels of operation are ultimately done with one goal in mind: *enhanced service to our community*. Objectives set for 2008 to facilitate this goal include the following:

- Enhanced response to property-crime, through the formulation of a two-person "Property Crimes Unit" within our Investigations Division
- Enhanced DUI and traffic enforcement, through the expansion and focused direction of our traffic unit.
- Improved communications and outreach between victims and their assigned case-officers, achieved through a restructure of caseresponsibilities and communications protocols.

In examining last year's strategic plan, it was anticipated that evolving technology would provide for further avenues of service enhancement. This has proven to be the case. In addition to the objectives stated above, two specific technology-projects designed to enhance our delivery of services are being pursued. These include:

- Upgrade of our multiple digital databases in our Evidence Division to a single, integrated storage and copying system. This conversion will result in the more efficient and timely production of digital evidence "discovery" materials needed by local prosecutors.
- Implementation of a customer-friendly, internet-based reporting system for minor incidents. Citizens requiring documentation of such incidents for insurance purposes, etc., would be able to file their information online, thus eliminating trips to the police department to obtain, complete, and submit hard-copy forms. (Note: While funding for this second project was removed from the City's capital budget in early '08, we hope to re-insert the project at mid-year, dependant upon receipt of municipal revenue-sharing.)

Lastly, a review of last year's plan placed an emphasis on the need for a community survey in 2008. Luckily, a *Citizen's Review Committee* was formed at the behest of our City Council in 2007, garnering significant public input and analyzing all aspects of department operations. The committee issued their final

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report in November of 2007. The committee report spoke quite favorably to the operational efficiencies and management of the police department, and supported the staff increases that have been implemented and referenced above. As we move into 2008, we will heed the recommendations of the committee, which include the continued analysis of our vehicle fleet purchasing system, and the need to expand the diversity of our commissioned workforce through targeted recruitment practices.

### 2009 CONSIDERATIONS

As we move towards 2009, continual evaluation of stated goals and objectives through 2007 and into 2008 has revealed two areas of critical importance:

- The primary "technology platform" that underlies the coordination and delivery of all emergency services, specifically the CAD/RMS system that manages the coordination of all calls-for-service and the storage of report data, will have to be replaced. In conjunction with the discontinuation of programs and software-support provided by our current vendor, the Fairbanks Police Department and City of Fairbanks Emergency Communications Center will need to divest itself of the current AS-400 based system, moving to a server-based SunGuard® OSSI Public Safety Suite application.
- Concurrently, the Fairbanks Police Department will continue to seek
  Homeland Security funding and other funding sources as necessary to
  procure a sufficient complement of *Motorolas* portable radios to sustain
  patrol operations on the Alaska Land Mobile Radio (ALMR) network.

In addition to the technology upgrades referenced above, preparation of personnel budgets for 2009 will take a critical look at the need for adequate support-staff, necessary to support the expanded operations of our department. While we have worked hard over the past two years to gain necessary positions in our Traffic Unit and Investigations Divisions, we have reached a point where the volume of work generated by our sworn workforce creates a significant burden of data-entry and information management. Our "current fix" has been increased data-entry duties for sworn personnel. However, increasing demands for proactive crime-reduction efforts, traffic response, property-crime investigation, and school-safety suggest that a modified approach is needed. With a minimal addition of support personnel, common data-entry and clerical functions could be performed by clerks and/or part-time employees, thus freeing up our department's sworn members for the performance of actual law enforcement duties.

Lastly, this department's administration will continue to be committed to a continuing plan of progressive supervisory development, to include responsible succession planning at the Chief and Deputy Chief level.

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### 2010 CONSIDERATIONS

Having achieved a solid foundation of performance through departmental accreditation in 2008, and presuming that our necessary shifts in technological platforms are achieved through 2009, the Fairbanks Police Department will likely enter 2010 on a very stable operational platform, both with respect to technology and staff.

As we enter 2010, it will have been over two years since the completion of Fairbanks' *Citizen Review Committee* report on police department operations. As such, it will likely be time to utilize additional feedback mechanisms to ensure that we are still meeting our citizenry's expectations:

- · Are we still fulfilling our mission?
- · Are we deploying our resources optimally?
- · Are we meeting the needs and expectations of the community?

While it is difficult to make predictions outside of the span our department's immediate control- i.e. regarding community economics, military staffing and deployments, gas-line construction timelines, etc., it will be incumbent upon us to continually reassess and evaluate the projected public safety needs of our community, and to conduct proactive recruitment accordingly.

### PLAN SUMMARY AND CONCLUSION

As referenced in prior years, our three-year strategic plan represents a fluid, ongoing process. As we enter each subsequent year, the scheduled activities and priorities for that year may face some degree of adjustment due to budgetary and operational constraints. However, by implementing and updating the plan as part of a process-driven "living document," we should be able to easily assess whether we have achieved our previous year's goals and objectives, and determine whether we are meeting our current obligations. Additionally, we will be in a much better position to assess whether or not we are prepared to approach the next year's challenges. Lastly, this process will add the component of "two-years out" forward planning every year-hopefully with the continued involvement of community stakeholders.

As Chief of the Fairbanks Police Department, I am committed to adhering to this multi-year planning strategy. In doing so, our department shall remain focused on the performance of those long-range missions critical to the public safety of our community, rather than being sucked into the trap of day-to-day crisis management. As we enter 2008, the command-staff and members of our department continue to embrace this strategy of proactive planning, as we continue our commitment to providing exceptional service to the citizens of Fairbanks.

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### CITIZEN SERVICE MEDAL RECIPIENT FOR 2007

The Fairbanks Police Department has a policy which governs the award of citations and other measures of recognition for its employees. This policy also allows for the recognition of notable and exceptional acts of bravery, merit, and/or service by the citizens of our community.

In 2007, the Fairbanks Police Department was proud to bestow its *Citizen Service Medal* upon Chris Sandland, a salvage diver whom recovered the body of Will Bergeson who went missing on November 11, 2006.



Mr. Sandland recognized the grief that Will's family was enduring and with a strong desire to help, he volunteered his services throughout the winter and spring. He investigated open leads in the river ice as they developed. On Monday, April 16, 2007 as portions of river ice were breaking up and receding, Mr. Sandland located and recovered Will Bergeson's body. Were it not for his tremendous and untiring efforts, Will might not have been found.

Mr. Sandland's selfless and dedicated service to the Bergeson family, and to the Fairbanks Police Department, reflect the highest level of community service. His actions have brought great credit upon both himself and the citizenry of Fairbanks, and deserve this measure of special recognition.

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### **UNIVERSITY INTERNS**

The Fairbanks Police Department sponsored three student interns during 2007. The path of each intern was widely varied and focused on their individual interests and future goals.

Jeffery Viernes was our first intern for the year and was a non-traditional student. In addition to being a college student, he was also an active duty military member. Jeff's internship focused on the day to day operations of patrol, along with our K-9 unit and Tactical Police team. Jeff was fortunate to start his internship during the majority of the department's in-service training. Jeff was able to assist and participate in our tactical team's active shooter training, emergency vehicle operations, and control tactics training. His time in patrol was spent with our K-9 unit, traffic unit, and with patrol officers from the three shifts.

Nathan Staton also spent the majority of his time with our patrol division. Nathan was able to spend a week with an officer from each of our patrol shifts. He attended our tactical police team training and spent a week with our traffic unit. In addition to his time with our normal patrol division, Nathan spent approximately half of his time working with our Weed and Seed Officer, Officer Malloy. Nathan first spent his time



learning about the Weed and Seed project's ideals and objectives. He spent the rest of his time one on one with Officer Malloy; on daily patrols, working on community projects, and attending community meetings.

Nicholas Wynia's internship, like Nathan's, was balanced between time with our patrol division and working on community based projects. Nicholas has been connected to the Fairbanks Police Department, and Fairbanks area law enforcement, for many years. His father was with the North Pole Police Department reserve program over a decade and Nicholas was a member of our law enforcement Explorer Post for four years.



Nicholas' main goal was to work with Lorna Weese to evaluate and improve the Explorer Program. During his internship, he developed training presentations for eight classes, revised the Explore application and developed a recruiting plan for Explorers and Advisors. In addition to his work on the Explorer program, he was able to ride with our patrol officers during their work week on the different shifts.

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### **ACKNOWLEDGEMENTS**

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There have been many who have provided significant support for the Fairbanks Police Department in 2007. These included:



**The United Way of the Tanana Valley**, whose grant-writing services were instrumental in the success of our Federal *Weed-&-Seed* application, resulting in full funding for an additional police officer position in Fairbanks.



**The Alaska Highway Safety Office**, whose cooperation and coordination resulted in third-year funding for our dedicated *DUI/Traffic Safety Unit*, as well as providing considerable equipment resources.



Harley Davidson Farthest-North Outpost, who provided one Harley-Davidson motorcycle on a yearly, no-cost basis, to be used for special event, traffic-control and enforcement duties in the summer.



**Chris Smith of Frozen Image Photography,** who continues to provide quality "official photos" of each newly-hired and any promoted member of the Department.



**Phil McBroom**, our designated Police Chaplain, who continues to volunteer his time and talents in counseling and spiritual guidance to any employee, family member, or affected community member in times of illness, death, loss, or need.



**Emblem Club 109,** donated \$1,000 to the Police K9 program for training and general supplies, plus another \$1,000.00 to the Volunteers In Policing.

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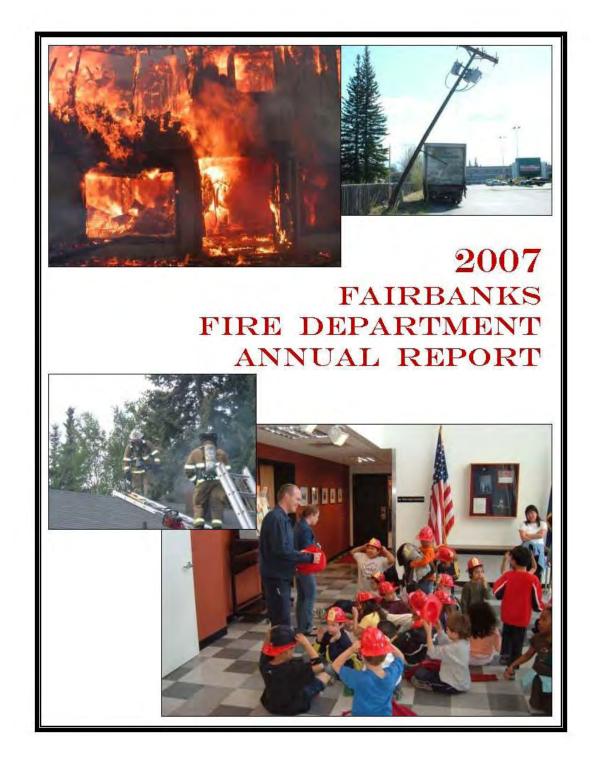


# Designate a Sober Driver.



Exhibit M

City of Fairbanks Fire Department 2007 Annual Report



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# FAIRBANKS, ALASKA

Fairbanks is located in the heart of Alaska's Interior, on the banks of the Chena River in the Tanana Valley. By air, Fairbanks is 45 minutes from Anchorage and 3 hours from Seattle. It lies 358 road miles north of Anchorage. It lays at 64.8 degrees North Latitude and 147.7 degrees West Longitude. The current population is 30,224 (2000 Census – includes Pt. Wainwright.)

Interior Alaska experiences seasonal temperature extremes. Winter temperatures average  $-12^{\circ}\text{F}$ ; summer temperatures averages  $+61^{\circ}\text{F}$ . Temperatures have been recorded as low as  $-62^{\circ}\text{F}$  in mid-winter, and as high as  $+96^{\circ}\text{F}$  in the summer. Average annual precipitation is 11.3 inches, which includes an average of approximately 65 inches of snow. Ice fog is common during the winter.

The Fairbanks area is the second-largest community in Alaska. Residents are primarily non-Native, though diverse. There are 20 schools located in the community attended by 10,119 students.

As the regional service and supply center for Interior Alaska, Fairbanks offers a diverse economy, including City, Borough, State and Federal government services, transportation, communication, manufacturing, financial and regional medical services. Tourism and mining are also a significant part of the economy. Including Eielson Air Force Base and Fort Wainwright personnel, 50% of the employment is in government services. The University of Alaska Fairbanks is a major employer. Fairbanks hosts approximately 325,000 visitors each summer.

Fairbanks is at the confluence of the Richardson Highway, George Parks Highway, Steese Highway, and the Elliott Highway, connecting the Interior to Anchorage, Canada, and the lower 48 states. The Dalton Highway (formerly the North Slope Haul road), which connects to Prudhoe Bay, begins about 75 miles north of town.

Goods are transported to Fairbanks by truck, air, and the Alaska Railroad. Regularly-scheduled jet flights are available at the State-owned Fairbanks International Airport. An 11,800' asphalt runway, heliport and seaplane landing strip are available. A public seaplane base is also located on the Chena River. In addition, there are several privately-owned airstrips and heliports in the vicinity.





Fairbanks Fire Department

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# **FAIRBANKS FIRE DEPARTMENT**

# MISSION STATEMENT

The City of Fairbanks Fire Department Mission is to provide a fire safe and hazard free community, while protecting life and property from fire and other emergencies.

This Mission is accomplished through public education, fire code management, fire suppression, paramedic level pre-hospital emergency medical care and transport, hazardous condition mitigation and rescue services.



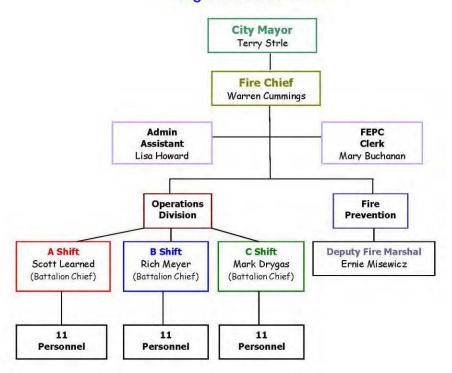
Fairbanks Fire Department

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# CITY OF FAIRBANKS FIRE DEPARTMENT

# **Organizational Chart**



Fairbanks Fire Department

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2007 Annual Report

# Fire Chief Warren B. Cummings



Chief Cummings has been with the Fairbanks Fire Department for 36 years. He has been in-charge of the Department for the last 13 years. He is responsible for the 5 million-dollar annual budget as well as 40 full-time employees.

During his tenure, the Fire Department has seen over 11 million dollars in capital improvements including the construction of a new fire station.

In 2007, Chief Cummings completed a two-year term as President of the Alaska Fire Chiefs Association, and has now assumed the role of Past President. He is also the Alaska Vice President for the Western Fire Chiefs Association, which covers a 10 state region.

Chief Cummings is also very active in the Community and serves on the Mooseheart Board of Directors for Moose International.

Fairbanks Fire Department

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# FAIRBANKS FIRE DEPARTMENT

The Fairbanks Fire Department is a fully paid Fire Department with a staff of 40 persons. Fire Chief Warren B. Cummings who has 36 years of service on the FFD heads the Department. The workforce is divided into three shifts and works a 24-on, 48-off schedule. Each shift has a Battalion Chief, three Captains, four Drivers and four Firefighters. The Department also has a Deputy Fire Marshal, and two clerical persons.

The Department has four fire engines, one 100-foot platform, a 102-foot reserve platform, a medium rescue truck, four ambulances, one incident command van, one rescue boat, one raft, one heat trailer, one light trailer, and a technical rescue trailer. There are two staffed fire stations – the main headquarters at 1101 Cushman Street and Station 3 at 1033 Aurora Drive. A City-operated Regional Fire Training Center is located at 1710 17<sup>th</sup> Avenue.

The Department runs a paramedic level transport ambulance service. There are fifteen firefighters that are also trained as paramedics. The Prevention Division also receives assistance from the firefighters.

The City of Fairbanks has a population of 22,850¹ citizens. The temperature in Fairbanks ranges from 90 degrees above zero in the summer to 60 degrees below zero in the winter. The amount of daylight hours range from 21 hours, 49 minutes in the summer and 3 hours, 42 minutes in the winter. These temperature and daylight extremes can make quite a challenge for fire fighting.

The FFD's response area is 13.1 square miles, with a total asset evaluation of \$1,907,919,011, and includes the Chena River, Pioneer Park, the Carlson Center, Fairbanks Memorial Hospital and many other important landmarks. Fairbanks Fire provides mutual aid support for 10 surrounding fire departments including Fort Wainwright Army Base and Eielson Air Force Base.

Engine 2 - 2004 American LaFrance



Platform 2 - 100' 2007 American LaFrance



<sup>&</sup>lt;sup>1</sup>2000 Census (excluding the population of Ft. Wainwright)
Fairbanks Fire Department Page 5

2007 Annual Report

# **HIGHLIGHTS OF YEAR 2007**

- 1. The first full year of operation at the new Headquarters Fire Station at 1101 Cushman Street, which was fully operational on July 22, 2006.
- 2. The Department finished 2007 with a fire loss amount of \$1,308.804. This total was just over our ten-year fire loss average of \$1,178,020.
- Placed Ambulance 05 in service funded by a State of Alaska grant for \$150,000.
- 4. Delivery of and placing in service the 2007 American La France 100' Aerial Platform to replace our 1977 100 foot Seagraves Aerial Ladder.
- Completion of the repair of the winter damaged water system at the Regional Fire Training Center.
- 6. Receipt of a Regional Fire Act Grant for rescue equipment in the amount of \$55,094.
- Receipt of 2007 Fire Act Grant for water and ice rescue equipment for the amount of \$26,979.
- 8. Receipt of 2006 Fire Act Grant for firefighting tools in the amount of \$73,274.
- Re-roofing the Aurora Fire Station #3 to correct vapor barrier and condensation problem.
- Completion of Phase One of the new burn building at the Fairbanks Regional Training Center.
- 11. Receipt of 2007 Homeland Security Grant funds totaling \$452,450
- Citizen Review Committee review of the Fire Department.
- 13. Receipt of Fireman Fund Heritage Program Grant for \$15,000 to purchase fire prevention trailer and supplies.
- 14. Replacement of a 1996 Jeep with a 2007 Ford Expedition to be used as new Battalion Chief Command vehicle.

Fairbanks Fire Department

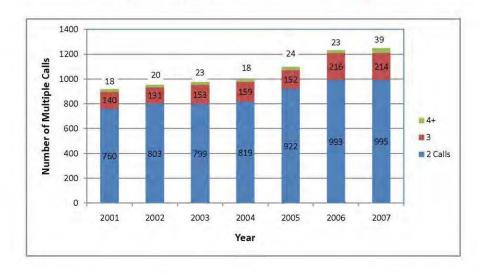
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# **PROBLEM AREAS FOR 2007**

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

### The Growing Problem - Simultaneous Emergency Calls



Fairbanks Fire Department

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2007 Annual Report

# 2008 Budget Year Goals

- 1. Remodel Fire Station 3 living quarters.
- 2. Continuous reduction in overtime by increasing shift staffing.
- 3. Completion of Phase Two Fairbanks Regional Training Center burn building.
- 4. Continue support of the "Risk Watch" safety education program in the elementary schools.
- 5. Continue to update our Standard Operating Procedures.
- 6. Continued upgrades of our department equipment.
- 7. Increased initial and reoccurring proficiency training of our personnel.
- 8. Secure funding for a new pumper/engine to replace a 1996 pumper/engine.
- 9. Reduce fire problems through continued public fire and life safety education in schools, businesses and civic groups.
- Secure funding for a new ambulance.
- 11. Update our Self Contained Breathing Apparatus to the new standards.
- 12. Establish Fire Corps (volunteer support staff) to augment our fire and life safety education program.

Fairbanks Fire Department

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2007 Annual Report

# Fire Department 5-Year Plan

- 1. Complete renovation of Fire Station.
- Maintain up-to-date support equipment to include hose, breathing apparatus, medical equipment, safety equipment, rescue equipment, radios and fire equipment.
- 3. Maintain up-to-date vehicles on a 10 to 20-year replacement cycle.
- 4. Develop our Insurance Service Office Fire Protection Rating goals to obtain the insurance rating of class one in 2009 from our current class three rating.
- 5. Reduction of code problems in facilities by increasing Fire Prevention staff by two to augment the inspection program.
- 6. Increase on-duty Fire Suppression staff to seventeen from the current average of ten. (This would bring us to the recommended national level and meet our Insurance Service Office goals.)
- 7. To have a residential sprinkler program put in place to encourage builders and homeowners to install residential sprinkler systems. (Sprinklers in residences could have saved all nine of the fire fatalities during the last ten years, and significantly reduced the dollar loss caused by fires.)
- Upgrade the Regional Fire Training Center to include water system, burn building, and training tower.



Fairbanks Fire Department

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# **Fairbanks Fire Department Prevention Division**

### Fire Prevention Division GOALS for 2008

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

## 2007 Highlights of the Prevention Division

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

### Areas of Concern in 2007

### LACK OF PERSONNEL

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

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

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# **MAJOR FIRES IN 2007**

# Represents \$791,200 or approx 60% of the total fire loss, and no Fatalities for 2007.

\$340,000 2203 Bridgewater Drive - September 2, 2007

Single Family Residence \$340,000 Loss, Insured

Smoke Detector: Present, operation unknown due to

explosion

Cause: Spilled gasoline ignited by refrigerator

\$200,000 1615 Marika Road - June 15, 2007

Duplex Apartment Building \$200,000 Loss, Insured

Smoke Detector: Present and operating

Cause: Candle

\$130,000 1533 Stacia Street - June 19, 2007

Triplex Apartment Building \$130,000 loss, Insured

Smoke Detector: Present but battery missing

Cause: Candle

\$85,000 2951 N. Kobuk Avenue - November 19, 2007

Single Family Residence \$85,000 Loss, Insured

Smoke Detector: Present, did not go off, fire in attic

Cause: Recess light improperly installed

\$76,200 222 Dunbar Avenue - August 31, 2007

Semi Truck (Vehicle) \$76,200 Loss, Insured Cause: Electrical

\$45,000 1318 29th Avenue - August 9, 2007

Apartment Complex \$45,000 Loss, Insured

Smoke Detector: Present and operating, no one home,

heard by neighbor

Cause: Kitchen stove accidentally left on

Fairbanks Fire Department

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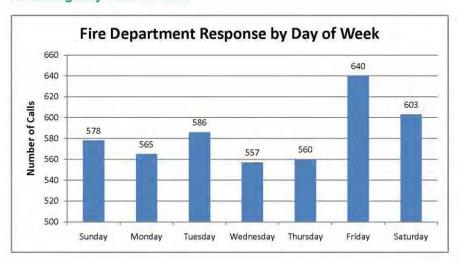
# **2007 IN REVIEW**

Call Volume	Fire Calls	<b>EMS Calls</b>	<b>Total Calls</b>
<b>Total Number of Calls</b>	838	3251	4089
Arson Calls	12	_	12
<b>Total Personnel Hours</b>	1928	5520	7448
Average Calls per Day	2.28	8.90	11.20
Average Personnel per Call	6.24	3.56	4.10
Average Apparatus per Call	3.13	1.72	2.03
Call Breakdown			
<b>Total Calls by Station</b>	Sta. 1 - 3919	Sta. 2 - 0	Sta. 3 - 170
Total Calls by Shift	A-1352	B-1397	C-1340
Response Data	Emergency	Non-Emerg	All Calls
Total Apparatus Responses in		3303	8307
Average Turn Out Time	0:01:11	0:01:27	0:01:17
Average Response Time	0:04:36	0:06:20	0:05:13
Average Total Time on Call Note: Times in (Hr:Min:Sec) forma	0:36:10 t	0:35:26	0:35:54
Fire Activity	All Fires	Arson	
Estimated Dollar Loss	\$ 1,308,804	\$ 65,100	
Estimated Value	\$89,499,725	\$17,648,900	
Percentage Saved	98.54%	99.63%	
Injuries	FFD 5, Civilian 3	FFD 0, Civilian 0	
Fatalities	FFD 0, Civilian 0	None	
Mutual Aid	Given	Received	
Assistance to EMS Crew	0	6	
EMS Call	3	20	
EMS/MVA	3	8	
Fire, Brush	4	0	
Fire, Structure	17	10	
Fire, Vehicle	0	0	
Rescue, Water	0	1	
Other	4	3	
Total	(31)	(48)	

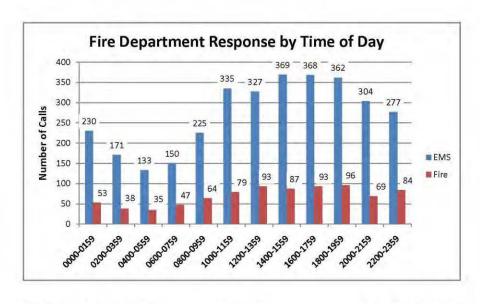
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# 2007 RESPONSE STATISTICS & GRAPHS

### All Emergency Calls for 2007



The highest number of responses were on **Fridays.** The busiest time is from 4:00 pm to 6:00 pm (1600-1800).



Fairbanks Fire Department

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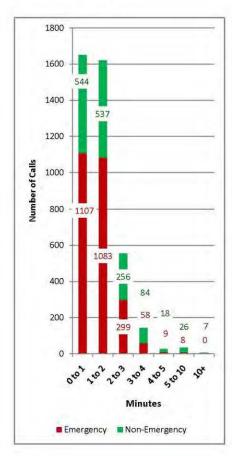
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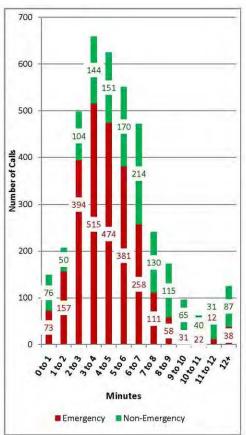
### **Turnout Time**

For Forty-Three percent (43%) of emergency calls, the apparatus were in route to the call in less than one minute of the tone. Ninety percent (90%) is required to meet the national standard. There were 53 calls where no turnout time was recorded. This is due to the call being cancelled prior to apparatus movement from the station.

### **Response Time**

For Forty-Five percent (45%) of emergency calls, the first arriving apparatus was on-scene within four minutes of the alarm. Ninety percent (90%) is required to meet the national standard. There were 51 calls where apparatus did not arrive at the scene. This was due to the call being cancelled prior to arrival.

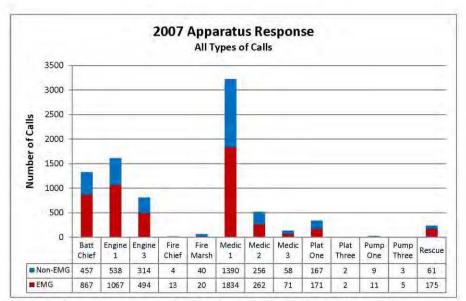




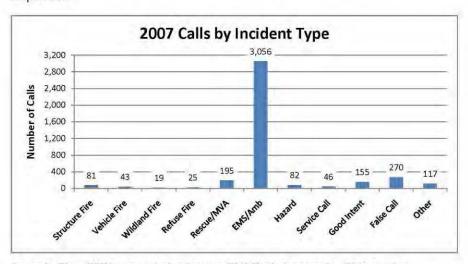
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The bulk of responses were medical in nature. **Medic-1** is the first out ambulance. **Engine-1** is the second busiest apparatus. **Engine-1** responds on all fires, but also responds on motor vehicle crashes and to assist the ambulance when needed. The onduty Battalion Chief responds to provide scene management and support to the responders.

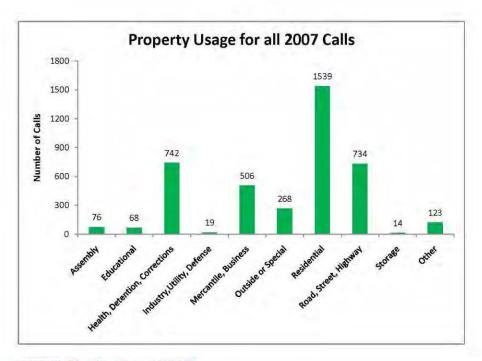


**Seventy-Five (75%) percent** of calls were EMS/Ambulance calls. This number <u>excludes</u> all Rescue and Motor Vehicle Accidents, which may have also involved injuries requiring EMS services.

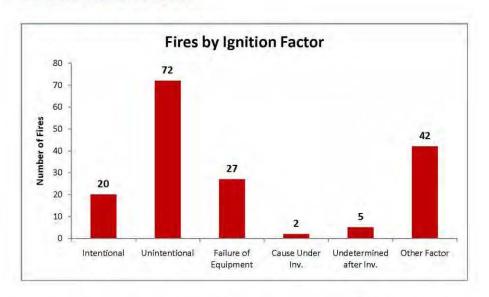
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# **FIRE Calls For 2007**

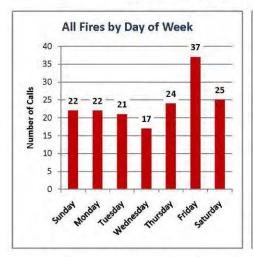


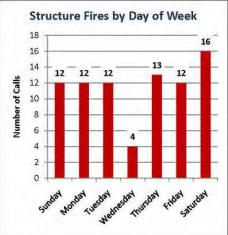
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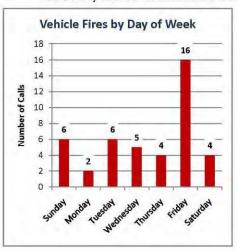
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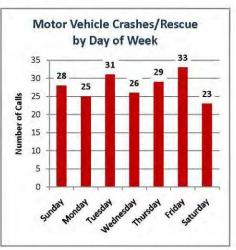
# Fire Calls by Day of Week





**Friday** was the busiest day of the week for fire calls in general and **Saturday** was the day with the most structure fires.





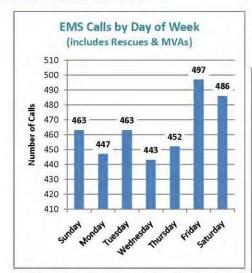
Fridays had the most vehicle fires, as well as the highest number of motor vehicle crashes and rescues.

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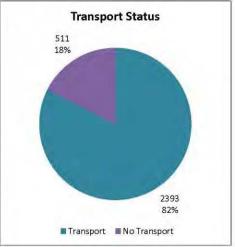
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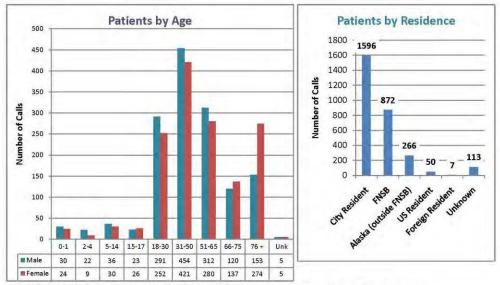
# **EMS Calls for 2007**



**Fridays** remained the most active day for EMS calls.

In 2007, there were **3251** EMS Calls, with a total of **2904** patients assessed or treated, and **2393** transported.





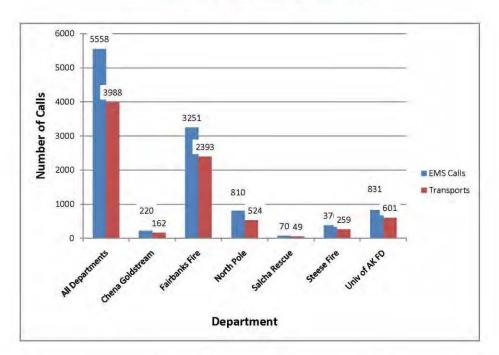
Patients 31 to 50 years old were the most common. The majority of patients were City residents.

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## Areawide Activity Comparison for EMS 2007 Areawide EMS Activity



		% of Call Volume	EMS
Chena Gold	stream	4.0%	2
Fairbanks Fi	ire	58.5%	3:
North Pole F	D	14.6%	8
Salcha Resc	ue	1.3%	
Steese Fire		6.8%	3
Univ. of AK	FD	15.0%	8
All Depart	tments		5

EMS Calls	Transports
220	162
3251	2393
810	524
70	49
376	259
831	601
5558	3988

	nsport Ratio
7	1.8%
7	3.6%
7	3.6%
6	4.7%
7	0.0%
6	8.9%
7	2.3%

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Exhibit M 21

## Fairbanks Fire Department 5-year Historical Comparison

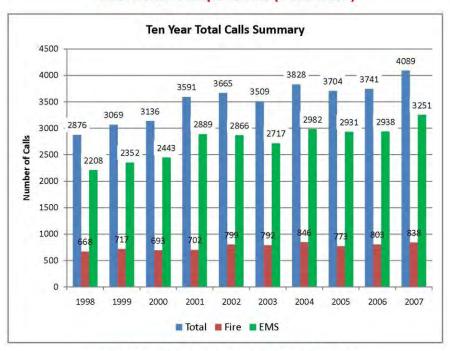
	2007	2006	2005	2004	2003
Number of Calls:					
Fire	838	804	773	847	796
EMS	3251	2938	2930	2982	2717
Total	4089	3742	3703	3829	3513
Involving Arson  Average Calls per day:	12	17	8	16	35
EMS	8.90	8.04	8.04	8.14	7.44
Total	11.20	10.24	10.14	10.42	9.60
Fire dollar loss:					
Dollar Loss	1,308,804	1,517,854	1,377,970	1,265,900	1,087,700
Dollar Value Involved	89,499,725	70,161,116	32,346,825	164,380,310	46,704,555
Percentage Value Saved	98.54%	97.84%	95.74%	99.23%	97.67%
Dollar loss involving arson:					
Dollar Loss	65,100	177,013	23,765	30,950	199,100
Dollar Value Involved	17,648,900	3,663,650	153,515	26,931,000	697,530
Percentage Value Saved	99.63%	95.17%	84.52%	99.89%	71.46%
INJURIES					
Fire Service	5	0	5	0	19
Civilian Fire	3	2	6	5	13
FATALITIES					
Fire Service	0	0	0	0	
Civilian Fire	0	2	0	0	(
APPARATUS					
Average Turnout Time	1:17	0:47	1:32	1:52	1:36
Average Response Time	5:13	5:14	5:18	5:45	5:2
Average Total Time	35:54	37:16	36:53	37:43	37:1:
MUTUAL AID					
Given	31	32	27	20	1
Received	48	24	32	37	29

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Exhibit M 22

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#### Historical Comparisons (1998-2007)



#### TEN YEAR FIRE LOSS SUMMARY

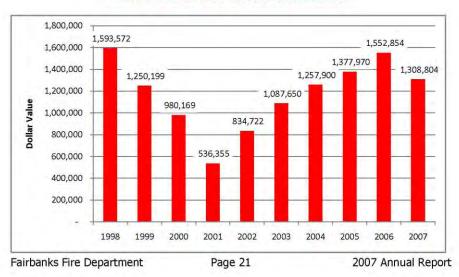


Exhibit M 23

#### CERTIFICATE

I, JANEY HOVENDEN, the duly appointed and qualified City Clerk of the City of Fairbanks, Alaska, DO HEREBY CERTIFY that the attached is a full, true and correct copy of Resolution No. 4312, introduced and passed at a meeting of the City Council of the City of Fairbanks, Alaska on February 11, 2008.

DATED this 5th day of December, 2008.

CITY OF FAIRBANKS, ALASKA

ATTEST

JAMEY HOWENDEN, CITY CLERK

Introduced By: Council Member Roberts
Mayor Strie
Introduced: February 11, 2008

#### **RESOLUTION NO. 4312**

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A PETITION TO THE LOCAL BOUNDARY COMMISSION FOR ANNEXATION OF THE FRED MEYER SUBDIVISION – LOCATION OF THE FRED MEYER WEST STORE AND OTHER BUSINESSES – USING THE LEGISLATIVE REVIEW PROCESS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fred Meyer Subdivision, a parcel of land immediately adjacent to the western boundaries of the City of Fairbanks, shares the urban character of the City and is both integrated into and completely compatible with the character of the City, and

WHEREAS, it is inequitable to City taxpayers that this parcel, which already benefits from City services, is not paying a fair share of taxes, and

WHEREAS, the City can readily and efficiently provide essential city services, including higher level police protection, paramedic level emergency medical services, and increased public safety by the extension of building and fire safety codes, and

WHEREAS, annexation of this parcel will promote local self-government, enhance the City's ability to provide quality essential governmental services and partially offset the cost of governmental benefits that the parcel indirectly receives; and

WHEREAS, annexation via the legislative review process, as authorized by the Alaska Constitution, requires approval of an annexation petition by the Local Boundary Commission and non-objection by the legislature, and

WHEREAS, in recognition of the potentially negative effect that annexation would have on the funding of the University Fire Service Area, annexation must be conditioned upon reaching a suitable inter-governmental agreement with the Fairbanks North Star Borough which addresses the effects on the University Fire Service Area,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA as follows:

Section 1. The City Council authorizes the City Mayor to prepare and submit a Petition for Annexation, via the legislative review process, for Fred Meyer Subdivision, Fairbanks Recording District. The Petition shall note that annexation would be conditioned upon reaching an agreement with the Fairbanks North Star Borough that addresses the impact upon the University Fire Service Area.

Section 2. That the effective date of this Resolution shall be the 11th day of February, 2008.

Terry Strle, City Mayor

AYES:

Thompson, Brown, Roberts, Strle

NAYS:

Stiver, Eberhart, Hilling

ABSTAIN: ABSENT:

ADOPTED: February 11, 2008

ANTEST:

APPROVED AS TO FORM:

Janey Hovenden, City Clerk

Herbert P. Kuss, City Attorney

#### CERTIFICATE

I, JANEY HOVENDEN, the duly appointed and qualified City Clerk of the City of Fairbanks, Alaska, DO HEREBY CERTIFY that the attached is a full, true and correct copy of the regular meeting minutes of February 11, 2008, introduced and passed at a meeting of the City Council of the City of Fairbanks, Alaska on February 25, 2008.

DATED this 5th day of December, 2008.

CITY OF FAIRBANKS, ALASKA

ATUST

JAMES HOVENDEN CITY CLERK



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

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

Council Members Present:

Vivian Stiver, Seat A

Chad Roberts, Seat B

Steve Thompson, Seat C - telephonic

John Eberhart, Seat D Lloyd Hilling, Seat E Tonya L. Brown, Seat F

Absent:

None

Also Present:

Patrick B. Cole, Chief of Staff Janey Hovenden, City Clerk Brad Johnson, Deputy Chief Herb Kuss, City Attorney

Michael J. Schmetzer, City Engineer

Tony C. Shumate, Director Personnel/Purchasing/RM

Ron Woolf, Chief Financial Officer

#### INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

#### FLAG SALUTATION

Mayor Strle led the Flag Salutation.

#### PRESENTATION

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

#### CITIZEN'S COMMENTS

Frank Turney, 201.7th Avenue, Fairbanks, AK. Mr. Turney stated that former Mayor Hayes was found guilty by a federal jury. Mr. Turney stated that Mr. Thompson was doing a disservice by not being physically present at Council meetings. He asked Mr. Thompson to step down. Mr. Turney asked the Council to bring the fluoride issue before the voters. Mr. Turney indicated that the mental health community needs the City's help.

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

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

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

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

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

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

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

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

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

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

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

He indicated that the Resolution targeted a small group of businesses. He stated that the best approach is to look at annexation as a way to enhance an entire area; west of University Ave. and south of Airport Way, and not target a specific area because of the businesses on that site.

Lisa Peger, 3873 Peger Rd. Fairbanks, AK. Ms. Peger stated that services (fire, police, ambulance) should not be added until folks ask for them. She stated that the City has not exhausted "belt tightening" and/or a hiring freeze to address budgetary problems. She indicated that if the City would stop spending, new construction would add to the tax hase. Ms. Peger spoke against fluoridation of the water source.

Maria Driscoll, 1126 Park Dr. Fairbanks, AK. Ms. Driscoll stated that their property lot is not in an enclave. She stated that their property is protected by the Borough, through payment of property taxes. She indicated that AST typically responds, not FPD. She stated that the annexation is an attempt by the Mayor to increase the tax base without providing any additional services.

Dan Gilbertson, 1102 Park Dr. Fairbanks, AK. Mr. Gilbertson stated that he does not have yearround access to the Chena River as a property owner on Park Drive. He stated that the benefits of living within City limits are nothing more than a liability. Mr. Gilbertson indicated that he would be talking with the Borough to get its support in opposing the annexation.

Martin Ott, 1118 Park Dr. Fairbanks, AK. Mr. Ott briefly described the history of previous annexation proposals of the Park Drive area. He stated that the Boundary Commission ultimately decided to allow individual property owners to voluntarily move to the City, avoiding complete annexation,

Dan Thompson, 1152 Coppet Fairbanks, AK. Mr. Thompson stated that he does not mind paying more than his share of taxes. He stated that those who don't want to be in the City should be left alone.

Sherry Argend, 3310 Riverside Dr. Fairbanks, AK. Ms. Argend stated that she pays for the maintenance of the road via taxes. She stated that Riverside Drive is a mess and has been encroached upon via easements.

Jerry Cleworth, 907 Park Dr. Fairbanks, AK. Mr. Cleworth provided a brief history of the agreement between DOT and the City regarding street maintenance and transfer of ownership of City streets. Mr. Cleworth informed the Council that the parking garage was built in its current location to avoid excessive emission readings at the federal building. Mr. Cleworth stated that there may be an impact on emission readings should Cushman be changed to two way traffic with parking on both sides. He suggested that the Council look further into it and allow public hearing on the issue. Mr. Cleworth stated that he previously believed that annexation was a win-win proposition, but that his opinion has changed. Mr. Cleworth indicated that the folks off University Avenue have better service coverage currently through UAF than could be provided by the City.

Douglas Yates, Fairbanks, AK. Mr. Yates spoke to fluoridation of water; specifically, the different types of fluoride and their effects. Mr. Vates pointed out that Dr. Higgins did not provide any medical data or science to back up his position.

Mayor Strle called for a ten minute recess.

#### APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Thompson, seconded by Ms. Brown, moved to APPROVE the Agenda and Consent Agenda.

Mayor Strle pulled Ordinance No. 5728 from the Consent Agenda indicating that it needed to be permanently postponed.

Mayor Strle called for objection and, hearing none, so ORDERED.

#### APPROVAL OF PREVIOUS MINUTES

Meeting Minutes of January 21, 2008.

PASSED and APPROVED on the CONSENT AGENDA.

#### SPECIAL ORDERS

a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the below-referenced Appeal of Denied Application for new City of Fairbanks Chauffeur License, Public Testimony will be taken and limited to five (5) minutes.

Applicant:

Harry W. McGovern

Harry W. McGovern, 302 7th Ave. Fairbanks, AK. Mr. McGovern testified about his past eriminal history and physical limitations as they apply to employment opportunities.

Mr. Hilling, seconded by Mr. Eberhart, moved to APPROVE the Appeal of Denied Application for new City of Fairbanks Chauffeur License.

Ms. Stiver indicated that the Council must follow the rules. She indicated that the ten year look back must be adhered to and would not support the appeal.

Mr. Hilling indicated that his approach is the same, in that he is strict in holding true to the rule.

Mr. Roberts indicated that he did not like these appeals. He stated that the Council recently approved a like appeal. Mr. Roberts stated that from this point forward he would follow the rule strictly.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE THE APPEAL. AS FOLLOWS:

YEAS: None

NAYS: Thompson, Roberts, Brown, Eberhart, Stiver, Hilling

Mayor Strle declared the MOTION FAILED and the APPEAL of

Denied Application UPHELD.

b) The Fairbanks City Council, Sitting as a Committee of the Whole, Will Consider and Take Action on the Below Referenced Notice to Recover Costs for Refuse Clean Up per FGC 66-3. Public Testimony will be taken and limited to five (5) minutes.

Lot 12, Block 68, Bjerremark Subdivision – 1212 24<sup>th</sup> Ave. Fairbanks, AK. Owner: Perry Johnson.

Mayor Strle called for Public Testimony and, hearing none, declared Public Testimony closed.

Michael Schmetzer stated that PW removed 66 tons of miscellaneous rubbish from the location. Mr. Schmetzer provided a recap of the cleanup. He indicated that the cost was \$18,378.76. Mr. Schmetzer offered an explanation of the process from identification of site, notification, and cleanup. He briefly reviewed the cost as invoiced. The recovery total should be \$18,340.00.

Mr. Thompson, seconded by Mr. Hilling, moved to Recover Costs of Refuse Cleanup for 1212 24<sup>th</sup> Avenue, by Placing a Lien Against the Property for \$18,340.00.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO RECOVER COSTS. AS FOLLOWS:

YEAS: Eberhart, Hilling, Roberts, Stiver, Thompson, Brown

NAYS: None

Mayor Strle declared the MOTION CARRIED to Recover Costs of Refuse Cleanup for 1212 24<sup>th</sup> Avenue, by Placing a Lien Against the Property for \$18,340.00 APPROVED.

c) The Fairbanks City Council, Sitting as a Committee of the Whole will Consider and Take Action on the Below Referenced Notice to Recover Costs for Refuse Clean Up per FGC 66-3. Public Testimony will be taken and limited to five (5) minutes.

TL-1 Tract D Graehl Subdivision – 740 Front Street, Fairbanks, AK. Owner: Flora John McMordie.

Dorothy Strickland, 1430 Shypoke, Fairbanks, AK. Ms. Strickland indicated that she was present on behalf of her mother, Flora J. McMordie, who could not hear or speak. She stated that she did not get notification until the day they were clearing the property. Ms. Strickland asked the Council for an extension so that they could get legal advice. Ms. Strickland asked that all further communication to her mother be addressed to 1430 Shypoke, Fairbanks. Ms. Strickland

indicated that there are a number of valuables located on the property and that her brother lives at the residence, but that she has had no contact with him.

Pat Cole stated that a postponement is an option, but that the City had numerous communications with the man living at the residence. He stated that he used the address maintained by the Borough to serve the documents.

Ms. Hovenden verified the mailing address for Ms. Strickland.

Mr. Cole indicated that there is no deadline on a cleanup lien, only on abatements.

Ms. Stiver, seconded by Mr. Hilling, moved to POSTPONE the Refuse Cost Hearing Until March 24, 2008.

Mayor Strle called for objection and, hearing none, so ORDERED.

#### MAYOR'S COMMENTS AND REPORT

Mayor Strle presented and read a joint Proclamation between the City and the FNSB declaring the week of February 15 to February 23, 2008 as Hockey Week in Fairbanks. She thanked Randy Zarnke for his efforts. Mayor Strle provided a brief report on the first gathering of Talk Tuesday. Mayor Strle stated that she met with Pat Gamble, CEO of the Alaska Railroad, he expressed his concerns and asked for a meeting to foster additional dialogue. Mayor Strle stated that City employees were busy working on fee re-structuring. Mayor Strle atted that she signed an agreement with DOT regarding Illinois Street. She stated that there was a 1980 Resolution that states that the City would maintain that road. Mayor Strle informed Council and the public that she owns a blue Toyota Matrix and has owned it for about three years.

#### NEW BUSINESS

 Resolution No. 4309 - A Resolution Accepting a Proposal for Construction of the Warm Storage Facility Project, Phase I, Design Build Project (RFP-07-022). Introduced by Mayor Strle.

#### PASSED and APPROVED on the CONSENT AGENDA.

 Resolution No. 4310 – A Resolution Authorizing Application and Acceptance of a Loan of \$708,700 from the Alaska Clean Water Fund with Full Reimbursement by Golden Heart Utilities. Introduced by Mayor Strie.

#### PASSED and APPROVED on the CONSENT AGENDA.

c) Resolution No. 4312 - A Resolution Authorizing the Mayor to Submit a Petition to the Local Boundary Commission for Annexation of the Fred Meyer Subdivision - Location of the Fred Meyer West Store and Other Businesses - Using the Legislative Review Process, and Providing an Effective Date. Introduced by Council Member Roberts and Mayor Strle. Mr. Roberts, seconded by Mr. Thompson, moved to APPROVE Resolution No. 4312.

Mr. Roberts asked that the Council and Mayor approve the Resolution to initiate the process of the State Boundary Commission to investigate the amexation. He explained that there is an inequity present that being the largest box store in Fairbanks sitting just across the street from the City boundary line. Mr. Roberts indicated that the purpose of the request for amexation is in the best interest of the City. He indicated that the property tax is now locked and that the annexation would provide a way to diversify the tax base. The annexation is simply an attempt to balance the equation where all box stores are subjected to City rules.

Ms. Stiver stated that she is not in favor of the annexation. She stated that lines are created everywhere. She stated that Fred Meyer is against the annexation as well. Ms. Stiver stated that the City needs to get a grip on its spending. She stated that the Borough may not be happy about an annexation when their revenue stream is reduced.

Mr. Thompson stated that sales tax shouldn't have anything to do with an annexation. He indicated that the area should be included as part of the City. He stated that the businesses in the area would not be paying any more to the City because of the various Borough fees and taxes than they currently pay. Mr. Thompson stated that the City needs to continue to grow.

Mr. Eberhart stated that the City is in good shape now and the perception about the City being short on money is not accurate. He indicated that there has been no offering of proof as to additional revenue generation if the annexation is passed. He stated that he is not in favor of the Resolution under the circumstances.

Mr. Roberts confirmed that the City is in good shape. He asked that the Council support the Resolution. He stated that the review process would be lengthy, approximately 18 to 24 months.

Mr. Hilling indicated that in this situation, there are no residents to ask their opinion. Mr. Hilling stated that it would make more sense to include the whole west side of University Avenue. He stated that he understood why that was not offered as a possible option. He indicated that he would not support the Resolution.

Ms. Brown stated that she would like to see fiscal notes. She stated that if annexation was looked at, a larger area should be considered. She stated that she would like to see a cost benefit analysis.

Mayor Strle commended the Council for considering a large area. She stated that this annexation is just a start. Mayor Strle stated that the Resolution is only the beginning of the process and that the Resolution is an opportunity to review the process, and would allow for more information to be presented for consideration. She stated that it would be short sided to not look into it more.

Mr. Thompson concurred with the Mayor.

Ms. Stiver stated that she does not even want to start the process, but wanted to see the numbers first. She stated that Mr. Shuttleworth indicated that there is little land left in the City to develop and that we have maxed out.

Mr. Cole stated that Mr. Shuttleworth's comments were in reference to new residential property, not commercial. Mr. Cole indicated that there is still room within the City for new commercial property and infill of other areas. Mr. Cole stated that an option included in the Resolution was that the fire and ambulance service would not be changed.

Mr. Eberhart stated that the last administration did an annexation study and that the cost would be more than the increased revenue which is why the annexation went nowhere.

Mr. Cole stated that under the tax structure at the time, the costs would have been more than the revenue.

Mr. Eberhart stated that the annexation would not pan out.

Mr. Roberts stated that Fred Meyer is one of the largest box stores in the country and that the other large box stores willing enter the City knowing the law. He stated that the Resolution was an attempt to balance an existing inequity.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4312, AS FOLLOWS:

YEAS:

Thompson, Brown, Roberts, Strle

NAYS:

Stiver, Eberhart, Hilling

Mayor Strle declared the MOTION CARRIED and

RESOLUTION NO. 4312 APPROVED.

d) Resolution No. 4313 – A Resolution Authorizing the Mayor to Submit a Petition to the Local Boundary Commission for Annexation of the "Enclave" Lots on Park and Riverside Drives, Bartlett Avenue, and Airport Access Road – Using the Legislative Review Process, and Providing an Effective Date. Introduced by Mayor Strle.

Mr. Thompson, seconded by Mr. Roberts, moved to APPROVE Resolution No. 4313.

Mr. Thompson stated that the enclave properties do not have fire protection.

Ms. Stiver indicated that there is some confusion as to fire protection and the owners of the enclave properties did not get adequate notice of the meeting.

Ms. Stiver, seconded by Mr. Hilling, moved to POSTPONE Resolution No. 4313 to February 25, 2008.

Mayor Strle stated that the owners had notice based on the number of folks that showed up. She stated that she thought that they did not have fire protection.

Mr. Cole confirmed that the owners did not have fire protection.

Mr. Roberts stated that the annexation was a process and that the City needs to look at it. He stated that the Boundary Commission would flush out the types of issues that the Council currently question.

Mr. Hilling suggested that the City could poll the owners, allowing an adequate response time.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO POSTPONE RESOLUTION NO. 4313 TO FEBRUARY 25, 2008, AS FOLLOWS:

Brown, Thompson, Stiver, Hilling, Eberhart, Roberts

NAYS:

None

Mayor Strle declared the MOTION CARRIED and

RESOLUTION NO. 4313 POSTPONED.

Ordinance No. 5727 - An Ordinance Adopting the 2008 Capital Appropriations Fund c) Budget and Setting an Effective Date. Introduced by Mayor Strle.

#### ADVANCED on the CONSENT AGENDA.

Ordinance No. 5728 - An Ordinance Amending Pairbanks General Code Chapter 82, (î Utilities, Article II, Wastewater Treatment Regulations, Sections 82-31 Through 82-299, and Setting an Effective Date. Introduced by Mayor Strle.

Mayor Strle requested that this Ordinance be postponed indefinitely.

Ms. Brown, seconded by Mr. Roberts, moved to POSTPONE INDEFINITELY Ordinance No. 5728.

Mayor Strle called for objection and, hearing none, so ORDERED.

Ordinance No. 5729 - An Ordinance Authorizing a Land Exchange to Facilitate Creation it) of Additional Right of Way, and to Reduce a Land Sale Price Previously Approved by Council, and Setting an Effective Date. Introduced by Mayor Strle.

ADVANCED on the CONSENT AGENDA.

#### DISCUSSION ITEMS

Committee Reports

Mr. Roberts stated that he attended his first FMATS meeting on January 25, 2008. He stated that there are new regulations for federal funding of road projects. Mr. Roberts stated that the Citizen Review Committee has been working diligently, and a report should be ready and available by March.

Mr. Eberhart attended the Public Safety Commission last month and that the meeting focused on safety in the schools. He encouraged the public to attend the 2/19/08 11:30 am meeting in Council Chambers.

Mr. Hilling stated that he is a non-voting member of the FCVB and recently attended his first meeting. He indicated that he is impressed with the organization and their ability to facilitate tourism. Additionally, he shared that he was on the Audit Committee and the Public Policy Committee with FCVB, both Committees meet occasionally and he would inform as needed.

Ms. Brown shared that she will report on the Discretionary Fund Committee at the next meeting.

Ms. Stiver shared that the Weed & Seed Committee is working on its three year budget and narrative.

Mayor Strle thanked all for their work on the individual committees.

#### COMMUNICATIONS TO COUNCIL

Permanent Fund Advisory Board Minutes for November 7, 2007.

#### COUNCIL MEMBERS' COMMENTS

Mr. Thompson offered his defense of Mr. Cole and Mr. Kuss against Mr. Turney's comments regarding Mr. Hayes and his recent conviction.

Ms. Stiver indicated that she reviewed the Charter regarding absences by council members at council meetings stating that the Charter is not clear, but it is there. Ms. Stiver commented on the mental health concerns within the City. Ms. Stiver commented on water fluoridation, the Yukon Quest event held over the weekend, and the annexation and the diversity of opinions.

Mr. Roberts commented on the success of the Yukon Quest and thanked the Council for their consideration on the annexation resolutions.

Mr. Eberhart stated that it is important that the Council work together even on the difficult issues. Mr. Eberhart thanked those that attended the meeting to share their opinions. Mr. Eberhart indicated that things are happening to address the mental health issues. He said that he was busy drafting the MOA and Operations Agreement for the Enhanced Detoxification Facility, and that the youth facility on 30<sup>th</sup> and Lathrop would be opening this summer. He stated that progress is being made.

Mr. Hilling indicated that he does not have an issue with Mr. Thompson appearing telephonically and reminded Council that he attended meetings telephonically for five months in previous years. He shared that no one raised an issue with it at the time. Mr. Hilling recalled a Resolution wherein the Council urged the Legislature to express their disagreement with compliance of the Federal ID Act. Mr. Hilling reminded Council of Resolution No. 3790 regarding the policy of the City to not accept any state or federal capital projects which create post-acceptance operational costs for the City. He stated that it should have been reviewed prior

to the Mayor signing with DOT regarding Illinois Street. He indicated that a review by the Council prior to the signing would have brought out the Resolution. He further stated that the statute of limitations would have certainly released the City from any obligation to follow through.

Mr. Kuss indicated that issues arise that recall resolutions or motions passed decades ago. He indicated that there is no hard and fast rule. Mr. Kuss indicated that resolutions are simply opinions of the seated council and change from council to council.

Mr. Hilling, seconded by Ms. Stiver, moved to INFORM Herself and Council Whether the City can be Released from any Commitment on Illinois Street.

Mr. Thompson stated that passing the motion would put the City in a spot in that DOT is undertaking a \$37 million project and if the City did not take over maintenance after completion, it would kill the project. He stated that he is not in favor of the motion.

Mr. Hilling stated that he is not proposing to back out, but for the Council to be informed whether it could be let out of the commitment, not that it necessarily exercise the option. He indicated that the Council should be informed when the City agrees to tie it financially, in perpetuity, to an expenditure that is appreciable.

Mayor Strle stated that information gathering is still occurring and that additional facts are being pulled together for consideration. Mayor Strle stated that she is not trying to hide anything, but that Mr. Hilling's emotional tenure is premature.

Mr. Hilling apologized for the appearance of emotion.

Ms. Stiver viewed the motion as simply a request for information.

Mayor Strle stated that the Council would be sending a bad message to DOT.

Mr. Hilling re-stated his motion.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO INFORM HERSELF AND COUNCIL WHETHER THE CITY CAN BE RELEASED FROM ANY COMMITMENT ON ILLINOIS STREET, AS FOLLOWS:

YEAS:

Eberhart, Hilling, Stiver

NAYS:

Roberts, Thompson, Brown, Strle

Mayor Strle declared the MOTION FAILED.

Ms. Stiver asked Mr. Kuss if he could look into whether the agreement made could be un-done.

Mr. Kuss affirmed.

Ms. Brown commented on the fluoride issues brought forward and how it affects children. Ms. Brown indicated she wanted to know more about the process regarding annexation which is why

she voted in favor of the resolution. Ms. Brown commented on the success of the Yukon Quest.

Ms. Brown thanked those moving toward caring for the mentally ill, but insisted that more work needs to be done.

Mlayor Strle thanked Mr. Kuss for his work on the fire fighter's law suits and that the successes are in large part due to Mr. Kuss' work. Mayor Strle thanked everyone for getting involved in the work session on fluoride and encouraged a work session regarding mental health issues.

Mr. Hilling, seconded by Ms. Stiver, moved to go into Executive Session for the purpose of discussing Labor Contract Negotiations.

Mayor Strle called for objection and, hearing none, so ORDERED.

Mayor Strle called for a five minute recess.

#### EXECUTIVE SESSION

a) Labor Contract Negotiations

The City Council met in Executive Session to discuss labor negotiations and no action was taken.

#### ADJOURNMENT

Mr. Roberts, seconded by Mr. Hilling, moved to ADJOURN the meeting.

Mayor Strle declared the Meeting adjourned at 10:50 p.m.

TERRY STRLE, MAYOR

ATTEST:

Transcribed by: DDW

#### CERTIFICATE

I, JANEY HOVENDEN, the duly appointed and qualified City Clerk of the City of Fairbanks, Alaska, DO HEREBY CERTIFY that the attached is a full, true and correct copy of Resolution No. 4313, introduced at a meeting of the City Council of the City of Fairbanks, Alaska on February 11, 2008 and passed by the City Council at a the regular meeting held on the February 25, 2008.

DATED this 5th day of December, 2008.

CITY OF FAIRBANKS, ALASKA

ATTEST

NEY HOVENDEN, CITY CLERK

Introduced By: Mayor Strie Introduced: February 11, 2008

#### RESOLUTION NO. 4313

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A PETITION TO THE LOCAL BOUNDARY COMMISSION FOR ANNEXATION OF THE "ENCLAVE" LOTS ON PARK & RIVERSIDE DRIVES, BARTLETT AVENUE, AND AIRPORT ACCESS ROAD USING THE LEGISLATIVE REVIEW PROCESS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are a group of individual platted lots on Park & Riverside Drives, Bartlett Avenue and Airport Access Road that are completely surrounded by the corporate limits of the City of Fairbanks, these lots, shown on Attachment "A," share the urban character of the City, and

WHEREAS, the owners of these "enclave lots." as well as persons living in structures on the lots, receive the benefits of City construction, snow removal and maintenance of the roads that serve the lots, police protection that is provided to the neighborhood, and the City's general services, and

WHEREAS, it is inequitable to City taxpayers that parcels of land completely surrounded by City territory, sharing the urban character of City land, be excluded from paying a fair share of taxes for City services which benefit the parcel, and

WHEREAS, the City can readily provide police protection, paramedic level emergency medical services and increased public safety by extension of building and fire safety codes to these parcels, and

WHEREAS, annexation of these parcels will promote local self-government, enhance the City's ability to provide quality essential governmental services and partially offset the cost of governmental benefits that the parcels indirectly receive; and

WHEREAS, the legislative review process, authorized by the Alaska Constitution, requires approval by the Local Boundary Commission and non-objection by the legislature; and

WHEREAS, the Alaska Administrative Code, at 3 AAC 110.140, expressly identifies that enclave territory is appropriately annexed via the legislative review process.

### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA as follows:

Section 1. The City Council authorizes the City Mayor to prepare and submit a Petition for Annexation, via the legislative review process, of the lots shown on Attachment "A."

Section 2. That the effective date of this Resolution shall be the 25th day of February 2008.

Terry Strle, City Mayor

AYES:

Eberhart, Roberts, Thompson, Brown

NAYS:

Hilling, Stiver

ABSTAIN: ABSENT:

ADOPTED:

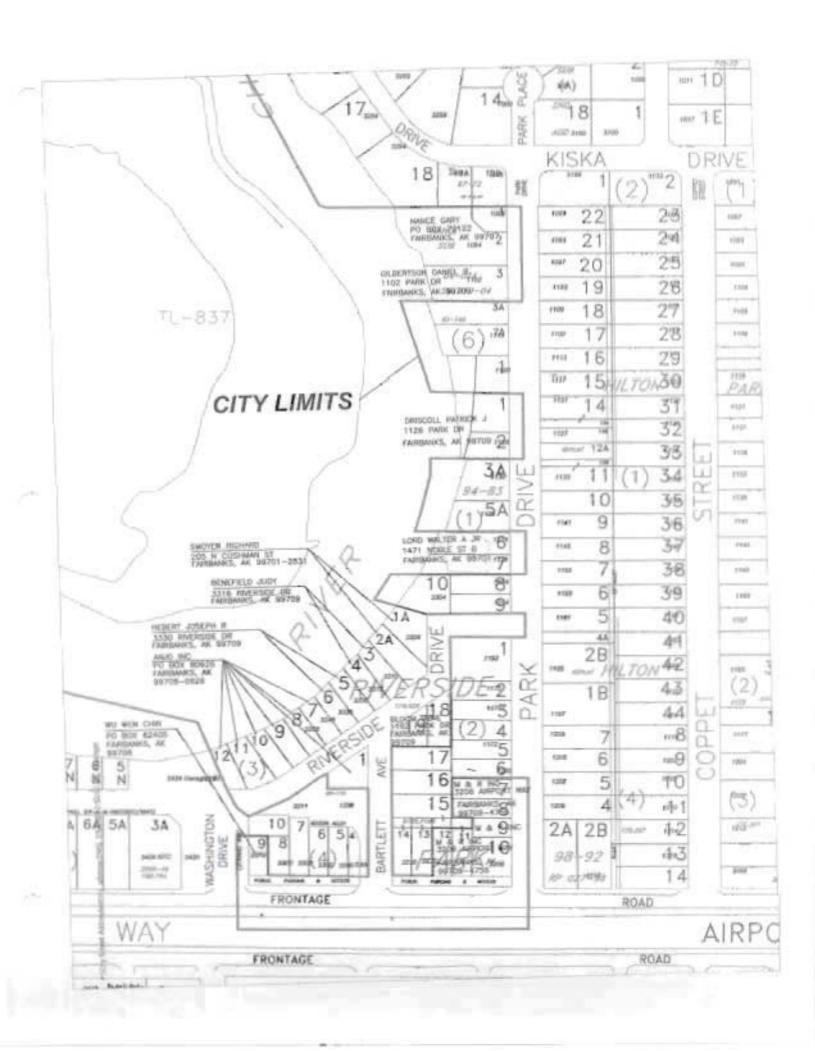
February 25, 2008

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, City Clerk

Herbert P. Kuss, City Attorney



#### CERTIFICATE

I, JANEY HOVENDEN, the duly appointed and qualified City Clerk of the City of Fairbanks, Alaska, DO HEREBY CERTIFY that the attached is a full, true and correct copy of the City Council of the City of Fairbanks regular meeting minutes of February 25, 2008, introduced and passed at a regular meeting of the City Council of the City of Fairbanks, Alaska on March 10, 2008.

DATED this 5th day of December, 2008.

CITY OF FAIRBANKS, ALASKA

ATTEST

AXEY HOVENDEN, CITY CLERK



# FAIRBANKS CITY COUNCIL REGULAR MEETING MINUTES, FEBRUARY 25, 2008 FAIRBANKS CITY COUNCIL CHAMBERS 800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council reconvened at 7:90 P.M., after a Work Session with the Riverfront Commission, on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Terry Strle presiding and with the following Council Members in attendance:

Council Members Present:

Vivian Stiver, Seat A

Chad Roberts, Seat B

Steve Thompson, Seat C - telephonic

John Eberhart, Seat D Lloyd Hilling, Seat E Tonya L. Brown, Seat F

Also Present:

Andreas Bohman, IT Director Patrick B. Cole, Chief of Staff Warren Cummings, Fire Chief Dan P. Hoffman, Police Chief Janey Hovenden, City Clerk Brad Johnson, Deputy Chief

Stephanie Johnson, Dispatch Center Manager

Herb Kuss, City Attorney

Carmen Randle, Grants Administrator Michael J. Schmetzer, City Engineer

Tony C. Shumate, Director Personnel/Purchasing/RM

Pat Smith, Development Manager

Jim Solieau, Controller

Ron Woolf, Chief Financial Officer

#### INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

#### FLAG SALUTATION

Mayor Strie led the Flag Salutation.

#### CITIZEN'S COMMENTS

Steve Floyd, 921 Cowles, Fairbanks, AK. Mr. Floyd spoke in Ordinance No. 5732. He indicated that the issue had been raised in Juneau recently and that a study was done and is available for the Council to review. He stated that Juneau citizens voted to stop fluoridation of the water and indicated that a vote of the citizens of Fairbanks would be telling. Mr. Floyd indicated that putting anything in the water supply should not be mandated by the government.

Heather McIntyre, 800 Smythe Street, Fairbanks, AK. Ms. McIntyre spoke in favor of the Ordinance banning fluoridation of City water. She provided a handout to Council outlining her position. She spoke on the differences between natural fluoride and the fluoride added to the water supply.

Frank Turney, 201 7<sup>th</sup> Avenue, Fairbanks, AK. Mr. Turney applauded Valerie Dewey's article in the news miner about the mental health crisis in Fairbanks. He indicated that dollars appropriated for mental health needed to be watched to assure proper use; benefiting the client. He encouraged members of the health community to provide testimony at work sessions. Mr. Turney stated that the Mental Health Land Trust has money to address the crisis. He indicated that it would take more than the efforts of the Fairbanks Native Association to effectively deal with the issue. He stated that the Council has a responsibility to address the issue.

Lisa Peger, 3873 Peger Road, Fairbanks, AK. Ms. Peger spoke in favor of the adoption of the Ordinance banning fluoridation of City water. She spoke to the dangers of systemic fluoridation.

Phil Osborn, 1451 Flat Mountain Road, Fairbanks, AK. Mr. Osborn stated that he has researched fluoridation after being diagnosed with osteoporosis and would support banning fluoridation.

Dave Lacey, 210 Pebble Drive, Fairbanks, AK. Mr. Lacey spoke in favor of the Ordinance banning fluoridation. He indicated that it should be a personal choice.

Annie Neubauer, PO Box 80626, Fairbanks, AK. Ms. Neubauer stated that she received a letter from the City with a copy of Resolution 4313 regarding the annexation. She stated that she owns the Boatel and does not want City services and does not want to have to deal with another level of government.

Valerie Dewey, Fairbanks, AK. Ms. Dewey stated that the City is in a mental health crisis. She asked the Council to call the Legislature to get funding and to look for grant monies to help fund much needed changes. She indicated that two major concerns were: funding for wrap-around services for dual diagnosis, and funding for suicide prevention. She indicated that a survey was done and it was determined that a stabilization facility was needed with a mobile crisis unit. Further, she indicated that money was needed to make that happen.

Gloria Desrochers, 113 Cowles, Fairbanks, AK. Ms. Desrochers spoke out against fluoridation. She stated that fluoride consumption is toxic and that folks could use topical fluoride if they wish.

<u>Dan Gilbertson</u>, <u>Park Drive</u>, <u>Fairbanks</u>, <u>AK</u>. Mr. Gilbertson spoke against the forced annexation. He stated that taxes paid, via his mortgage, actually decrease the value of his home. He indicated that the City would have to spend a great deal of money to fix the streets currently not included within City limits. He stated that he had fire insurance and that was sufficient for him.

<u>Susan Rich, 1451 Flat Mountain Road, Fairbanks, AK.</u> Ms. Rich stated that she has been a proponent against fluoride for years, after learning about it during her professional training. She explained that fluoride leaches calcium out of the bones.

Douglas Yates, Box 221, Ester, AK. Mr. Yates spoke in favor of the Ordinance and urged the Council and public to look at the science of fluoridation. Mr. Yates provided examples of the historical changes in science. He further identified the differences between topical fluoride and systemic consumption of fluoride,

Sherry Argend, 3310 Riverside Dr., #1, Fairbanks, AK. Ms. Argend indicated that she wanted fire protection. She mentioned that there are residents on the south side of town that were offered fire protection, but do not live in the City. She indicated that she would be willing to sign such a contract.

#### APPROVAL OF AGENDA AND CONSENT AGENDA

Resolution 4315 added to the Consent Agenda,

Mr. Roberts, seconded by Ms. Brown, moved to APPROVE the Agenda and Consent Agenda.

Ms. Stiver pulled Ordinance Nos. 5731 and 5732 from the Consent Agenda. Mr. Hilling pulled Resolution 4311 from the Consent Agenda.

Mayor Strle called for objection and, hearing none, so ORDERED.

#### APPROVAL OF PREVIOUS MINUTES

Meeting Minutes of February 11, 2008. 213

PASSED and APPROVED on the CONSENT AGENDA.

#### SPECIAL ORDERS

The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested a) citizens concerned with the below-referenced Liquor License Application for Transfer including an Application for Restaurant Designation Permit. Public Testimony was taken and limited to five (5) minutes.

Transfer of Ownership, Location, and Name Change

Beverage Dispensary Type:

Bobby's Downtown, License #4763 License:

Licensee/Applicant: Delta Epsilon, Inc. 609 2"d Avenue Physical Location:

Current D.B.A.: Bonanza Griff, License #4101

Current Licensee: Jack L O'Brien Current Location: No Premise

Bobby Nickolaides, 1555 Gillam Way, Fairbanks, AK. Mr. Nickolaides stated that this was his second request in a year. The previous license was from a different license which had many liens against it. He indicated that the building was not yet complete and that final inspections were still pending.

Ms. Stiver, seconded by Mr. Thompson, moved to APPROVE Transfer of Liquor License, Contingent Upon Final Building Inspection.

#### A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE, AS FOLLOWS:

YEAS: Thompson, Roberts, Brown, Eberhart, Stiver, Hilling

NAYS:

Mayor Strle declared the MOTION CARRIED.

The Fairbunks City Council, Sitting as a Committee of the Whole, heard interested b). citizens concerned with the below-referenced Liquor License Application for Transfer. Public Testimony was taken and limited to five (5) minutes.

Transfer of Ownership:

Beverage Dispensary Type:

License: Iron Horse, The. License #2565

John J. Sexton Licensee/Applicant: 122 North Turner Physical Location:

Iron Horse, The License #2565 Current D.B.A.: Bertram J. Ryder and John J. Sexton Current Licensee:

122 North Turner Current Location:

Ms. Stiver, seconded by Ms. Brown, moved to APPROVE Transfer of Liquor License.

Mayor Strle called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE, AS FOLLOWS:

YEAS: Eberhart, Hilling, Roberts, Stiver, Thompson, Brown

NAYS: None

Mayor Strle declared the MOTION CARRIED.

#### MAYOR'S COMMENTS AND REPORT

Mayor Strle spoke on two pending issues regarding the Illinois Street maintenance; the mayor's authorization to sign agreement with DOT to maintain, and the cost of maintenance. Mayor Strle asked Mr. Kuss to comment

Mr. Herb Kuss stated that he reviewed the original tapes from 1992 wherein the City first entered into agreements with DOT. He further explained that the Council adopted a resolution that provided policy wherein the City would not assume the maintenance of any projects funded with federal or state highway funds. Mr. Kuss stated that the effect of Mayor Strle's agreement did nothing more than execute on Council's approval from 1992. He stated that DOT is only

required to maintain the State highway system, but has beenmaintaining the road. The Council accepted future maintenance of Illinois Street during previous agreements. The Mayor, in signing the agreement, did nothing more than exercise the standing authority to complete the will of the Council when it accepted the maintenance of the project in 1992. Mr. Kuss shared that the agreement in 1992 provided DOT with an assurance that the City would maintain Illinois Street in the future. He indicated that the project was long term and the Council approved future expenditures for that maintenance. The Council identified the funds in 1992 for future maintenance which allowed the Council to enter into a binding commitment with the State of Alaska. Mr. Kuss explained the process in which a pool of funds was identified. Mr. Kuss explained that funding for maintenance came over from the proceeds in the Permanent Fund, identified at 4%, for capital improvement purposes. He stated that DOT would not have completed the upgrade without the commitment from the City for the maintenance. Mr. Kuss stated that he could not provide advice on political providence of communications between the Council and the Mayor. He stated that a policy set in 1992 may or may not be policy in 2008. He stated that policies change from Council to Council and it would be unlikely that current Council and Mayor would have full knowledge of all old policies. Mr. Kass indicated that he did not know whether administration had knowledge of the 1992 agreement at the time, but that intent was not an issue in the signing. He stated that it is awkward that it appeared that this was a new deal when in fact it was a re-authorization of an old policy. For a council, 16 years later, to not be aware of it and have to face the issue of funding, warrants raising the questions that are being asked.

Mr. Pat Cole stated that Resolution 3325 was reviewed at the meetings during the discussions and prior to the Mayor's authorization.

Mr. Michael Schmetzer stated that he met with the Mayor and others regarding the maintenance of Illinois. He stated that after review, the City could take on the maintenance of Illinois Street without affecting service to other areas. He mentioned the upcoming changes to snow removal service within the City. Mr. Schmetzer indicated that he would not request additional funding for the maintenance of Illinois Street. Mr. Schmetzer further indicated that the issue he deals with is not supplies or materials, but finding and keeping qualified operators.

Mr. Brad Carlson explained the proactive approach that Public Works is taking regarding snow removal. He shared that the new City request is that owners shovel snow from the sidewalks into the right-of-way so that Public Works can pick it up. He indicated that there is a plan to address the snow berms throughout the City.

Mayor Strie talked to the annexation issues and asked Pat Cole to address the issue of cost

Mr. Pat Cole provided a handout of the costs of annexation for Fred Meyer and the enclave residential area. Mr. Cole indicated that he worked on estimates of the costs associated with inclusion. He reviewed the handout explaining estimated revenue and associated costs. He stated that the City would look into fire service coordination with UAF so that service is not compromised. He indicated that a net gain in income would be approximately \$367,000 for the Fred Meyer annexation and \$23,300 for the Enclave Lot annexation. Mr. Cole indicated that the City was working closely with the Borough.

Mayor Strle shared that Ron Woolf was leaving employment with the City and requested concurrence that Jim Soileau be appointed as the interim CFO.

Mr. Ron Woolf provided Mr. Soilean's work history with the City and his qualifications, He encouraged the Council to appoint Mr. Soileau.

Ms. Stiver, seconded by Mr. Roberts, moved to APPROVE Jim Soileau as Interim CFO.

Mayor Strle called for objection and, hearing none, so ORDERED.

Mayor Strle stated that she responded to questions stemming from the finance committee meeting, regarding the capital budget and added that e-mail communications were easier and more cost efficient. Mayor Strle stated that she attended Representative, Ramras' community meeting at Nordale Elementary School which centered on traffic problems in the Hamilton Acres neighborhood. She shared that Public Works employees and Officer Soden were present to help educate the neighbors in the area. Mayor Strle stated that she met with members of the National Alliance of the Mentally III (NAMI) and learned that they would be hosting a statewide training for law enforcement officials in Fairbanks. She stated that NAMI would be available for a work session in the near future. Mayor Strle stated that Council Member Roberts would be making a trip to Juneau to educate the Legislature on City needs. Mayor Strle stated that she met with folks from the JP Jones Center and learned that the Center continues to grow and is working toward becoming a self-sustaining entity. Mayor Strle stated that she dropped the puck at the annual Guns and Hoses hockey game and the Army/Air Force game. Mayor Strle indicated that she has been invited to participate in the 75th Joint Civilian Orientation Conference, a weeklong program in April in Washington DC. She stated that she would absorb all costs associated with She asked that the April 21th meeting be rescheduled to April 28, to the trip personally. accommodate the trip.

Ms. Stiver, seconded by Mr. Hilling, moved to CHANGE the April 21, 2008 meeting to April 28, 2008.

Mayor Strle called for objection and, hearing none, so ORDERED.

Mayor Strle reminded Council of the Wednesday 7:00 am meeting on fee restructuring, the Talk Tuesday forum on Tuesday evening at 6:00 pm, the Work Session scheduled for next week on Vision Fairbanks, and the United Way Community Vision session on Saturday. Mayor Strle shared that staff and Council toured the Morris Thompson Cultural Center.

Mayor Strle called for a ten minute recess.

#### UNFINISHED BUSINESS

a) ORDINANCE NO. 5727 – An Ordinance Adopting the 2008 Capital Appropriations Fund Budget and Setting an Effective Date. Introduced by Mayor Strle. SECOND READING AND PUBLIC HEARING.

Mayor Strie called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Roberts, seconded by Ms. Brown, moved to ADOPT Ordinance No. 5727.

Mr. Hilling, seconded by Ms. Brown, moved to ADOPT Ordinance No. 5727, as Amended.

Mr. Woolf reviewed the report provided and explained budget movements, appropriations, and revenue sharing.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5727, As Amended, AS FOLLOWS:

YEAS:

Brown, Thompson, Stiver, Hilling Eberhart, Roberts

NAYS:

None

Mayor Strle declared the MOTION CARRIED and ORDINANCE

NO. 5727, AS AMENDED, ADOPTED.

b) ORDINANCE NO. 5729 – An Ordinance Authorizing a Land Exchange to Facilitate Creation of Additional Right of Way, and to Reduce a Land Sale Price Previously Approved by Council, and Setting an Effective Date. Introduced by Mayor Strle. SECOND READING AND PUBLIC HEARING.

Mr. Patrick Smith shared that in 2006, the Salvation Army made a proposal for the purchase of an unsurveyed track of land. The Council established a price at \$327,000, a charitable figure. Mr. Smith shared that the land has been surveyed and changes would need to be made, specific to road construction and platting. He stated that engineers determined that the road did not have a proper drainage ditch and would have to be addressed. He said that a reduction in price is prudent. He stated that he also met with the owners of the second lot to discuss modifications of that property as well.

Mayor Strle called for Public Testimony and, hearing none, declared Public Testimony closed.

Ms. Stiver, seconded by Mr. Roberts, moved to ADOPT Ordinance No. 5729.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5729. AS FOLLOWS:

YEAS:

Thompson, Roberts, Brown, Eberhart, Stiver, Hilling

NAYS:

None

Mayor Strle declared the MOTION CARRIED and ORDINANCE

NO. 5729 ADOPTED.

c) RESOLUTION NO. 4313 – A Resolution Authorizing the Mayor to Submit a Petition to the Local Boundary Commission for Annexation of the "Enclave" Lots on Park and Riverside Drives, Bartlett Avenue, and Airport Access Road, Using the Legislative Review Process, and Providing an Effective Date. Introduced by Mayor Strle. POSTPONED FROM THE REGULAR MEETING OF FEBRUARY 11, 2008.

Mayor Strle called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Thompson, seconded by Ms. Brown, moved to APPROVE Resolution No. 4313.

Ms. Stiver shared concerns about the public's right to vote.

Mr. Cole indicated that the type of annexation requested would not allow for public vote, but the House or Senate could repeal it. He stated that the City could offer fire coverage if it chose, as it did with the residents off Van Horn. He indicated that the lots included in the enclave are surrounded by the City and should be included, unlike the property off Van Horn.

Mr. Schmetzer stated that \$120,000 to \$150,000 would be the approximate cost for reconstruction of Riverside, but could be as much as \$300,000 depending on the stability and type of material of the current road.

Ms. Stiver shared that it is troublesome that there would be no vote, but was reassured by the public comment periods.

Mr. Roberts stated that the offer made to the residents on Van Horn was a mistake, and that the area should have been annexed. He stated that the lack of fire protection for homes in the City is an upsetting issue. He stated that the annexation must happen and should have been addressed long ago.

Mr. Eberhart shared Mr. Roberts view on the Van Horn offer, and that a bad precedent was set. He indicated that he voted against the Fred Meyer annexation because there was no fiscal note provided at the time. He thanked those responsible for providing the fiscal notes on the enclave.

Mr. Hilling stated that his campaign platform commitment would remain intact and would not vote in support of the annexation.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4313, AS FOLLOWS:

YEAS:

Eberhart, Roberts, Thompson, Brown

NAYS:

Hilling, Stiver

Mayor Strle declared the MOTION CARRIED and

RESOLUTION NO. 4313, APPROVED.

#### NEW BUSINESS

a) RESOLUTION NO. 4311 – A Resolution in Support of Senate Bill 204, Which Would Authorize Property Tax Relief for Military Widows and Widowers. Introduced by Mayor Strle.

Mr. Hilling, seconded by Mr. Roberts, moved to APPROVE Resolution No. 4311.

Mr. Hilling stated that he supported the State limiting cities in how discriminatory it can be in limiting property taxes, but that he liked this exception.

Ms. Stiver stated that the mill rate had been set and fixed. She indicated that she is supportive of the group, but cautions that the legislature has enabled us to do this, but that the Council needs to be very mindful when making adjustments such as this.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4311, AS FOLLOWS:

YEAS:

Roberts, Eberhart, Thompson, Hilling, Brown, Stiver

NAYS:

None

Mayor Strle declared the MOTION CARRIED and

RESOLUTION NO. 4311, APPROVED.

Ordinance No. 5730 - An Ordinance to Amend FGC Chapter 14, Section 14-601, City b) Business License, to Add Subsection (d) to Require the Issuance of a Business License as a Condition of Receiving the Permit Required Under FGC Chapter 10, Buildings and Building Regulations; and Setting an Effective Date. Introduced by Mayor Strle.

#### ADVANCED on the CONSENT AGENDA.

cl Ordinance No. 5731 - An Ordinance Adopting FGC Section 86-95, Regarding Appeals of Administrative Action Regarding Commercial Transport Vehicles; and Setting an Effective Date. Introduced by Mayor Strle.

Mr. Thompson, seconded by Ms. Brown, moved to ADVANCE Ordinance No. 5731.

Ms. Stiver shared that the Council is more likened to a jury and should be the decision-making body for the appeal. She indicated that the members offered to sit on the committee are all too busy. She suggested that an instruction be made to the City Clerk that appeals are not heard if the charge is for felony drugs or sexual assault. Additionally, the 10 year look back period may need to be looked at for appropriateness. She stated that the Council should remain as the decision-making body for appeals.

Mayor Strle indicated that the process is very time consuming and costly. She stated that it would not be wise to include only drug and sexual assault convictions.

Mr. Kuss indicated that the latitude to modify the process is wide. He indicated that there is other relief for those that are denied

Ms. Stiver stated that criteria could be set to avoid most of the appeals coming forward.

Mr. Kuss indicated that the word "interpretation" in the ordinance is not necessarily accurate, that Ms. Hovenden looks at the statute provided and determines if it fits the criteria.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5731, AS FOLLOWS:

YEAS: Stiver, Eberhart. Thompson, Brown, Roberts

NAYS: Hilling

Mayor Strle declared the MOTION CARRIED and ORDINANCE

NO. 5731 ADVANCED.

d) Ordinance No. 5732 – An Ordinance Amending FGC 82-1 to Prohibit the Addition of Fluoride to Community Water Systems, Require Periodic Reporting of Water Quality by Water Utility System Owners; and Setting an Effective Date. Introduced by Council Member Stiver.

Ms. Stiver, seconded by Mr. Roberts, moved to ADVANCE Ordinance No. 5732, as Substituted.

Ms. Stiver stated that there is natural occurring fluoride in the water already. She indicated that there is an incremental benefit only and that there are other forms of fluoride available. She stated that she is not advocating the effectiveness of fluoride, but that there is enough fluoride in the water naturally and more fluoride should not be added to the water.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5732, AS SUBSTITUTED, AS FOLLOWS:

YEAS: Hilling, Brown, Roberts, Stiver, Eberhart, Thompson

NAYS: None

Mayor Strie declared the MOTION CARRIED and ORDINANCE

NO. 5732, AS SUBSTITUTED, ADVANCED.

 Resolution No. 4315 - A Resolution in Support of the Military Assistance to Safety and Traffic ("MAST") Service in Interior Alaska. Introduced by Council Member Roberts.

Mr., Roberts, seconded by Mr. Stiver, moved to APPROVE Resolution No. 431 L.

Mr. Roberts indicated that the Resolution mirrors the resolution passed by the Borough. He indicated that the interior would be uncovered by rescue service when MAST leaves July 1, 2008. He stated that the purpose of the resolution was to raise awareness that we will be without coverage.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4315, AS FOLLOWS:

YEAS: Brown, Thompson, Stiver, Hilling, Eberhart, Roberts

NAYS: None

Mayor Strle declared the MOTION CARRIED and

RESOLUTION NO. 4315 APPROVED.

#### DISCUSSION ITEMS

#### a) Committee Reports

Mr. Eberthart stated that the Public Safety Commission met, which included members from the police department, fire department, a former district attorney, citizens, and council representatives. Superintendent Wagner, Wayne Gerkey, Roxane Hawkins, Rob Hune, Carol Comeau, Mayor Strie, and Council Member Brown were also present. The therne was safety in the schools.

Mr. Roberts stated that the FMATS Committee met to address the issue of levels of funding within the Borough. He expressed his concern for all of the unfunded federal mandates that are coming that will impact the citizens of Fairbanks. He stated that it will be very costly over the long term.

Mr. Hilling stated that the Audit Committee for the FCVB met. He stated that he is a new member and is currently getting up to speed on the financials.

Ms. Stiver shared that the Fire Department's Citizen Review Committee would be giving its presentation on 3/7/08 at 11:30 am.

#### COUNCIL MEMBERS' COMMENTS

Ms. Stiver stated that Fairbanks has a high natural level of fluoride already in the water. She shared her concerns about the lack of fire protection in the enclave area and the fact that the citizens could not vote on the issue. Ms. Stiver stated that she did not believe the Mayor intentionally left out the Council when making the decision regarding Illinois Street. She stated that the Council has legitimate concerns when it comes to committing monies without their review. Ms. Stiver stated that the annexation will cost the City, but does not see matching revenues.

Mr. Roberts thanked Ron Woolf for his years of service and commented on his successes.

Mr. Eberhart stated that he received the Raven's Landing Newsletter and noted that ground breaking would occur as early as next year. He hoped that the upcoming discussions on chronic inebriates would be successful and asked the Council to assist the downtown patrol by increasing staffing to help relieve the Police Department.

Mr. Hilling stated that he looked forward to a resolution of the mental health issues and would review the reports provided. He stated that he looked forward to reviewing Mr. Kuss' report regarding the Council's commitment to the Illinois Street maintenance. He indicated that he disagreed with Mr. Kuss' opinion of the event. He further stated that because the Mayor, at the time, did not act on the issue, the contract is not binding. He questioned whether statute of limitations may make it non-binding anyway. Mr. Hilling stated that after a tour of the construction of the City Clerk's Office, it was pointed out that a window in Ms. Hovenden's

office would be needed to facilitate viewing of the front area and so that she can be seen and be a visible presence in the event of a robbery.

Ms. Hovenden stated that there may be some grant dollars from Homeland Security available to address security issues. She further stated that structurally, a window may weaken the wall.

Mr. Hilling indicated that he would like to see a report stating that.

Ms. Brown stated that the City would miss Mr. Woolf. Ms. Brown concurred with the comments made about the mental health crisis. She shared the need for finding homes for chronic inebriates to get them off the streets. She encouraged folks to contact Lorna Wiese with Volunteers in Policing to volunteer.

Mr. Thompson shared his praise for the individual council member's diversification on the various committees and applauded them for their efforts. Mr. Thompson regrettably tendered his resignation as a Council Member, stating family issues and other commitments. He indicated that Mayor Strle asked someone to fill his seat and encouraged Council to vote in favor of that appointment. He stated that this would be his last meeting.

Mayor Strle stated that the charter indicates that the vacancy shall be filled by an appointment of the Mayor subject to confirmation of the Council. She indicated that she would nominate Bernard Gatewood, the Superintendent of the Fairbanks Youth Facility, and that the confirmation vote would occur at the March 11, 2008 meeting.

#### ADJOURNMENT

Mr. Roberts, seconded by Ms. Brown, moved to ADJOURN the meeting.

Mayor Strle called for objection and, hearing none, so ORDERED.

Mayor Strle declared the Meeting adjourned at 10:45 p.m.

TERRY STRUE, MAYOR

ATKEST

YENDEN, CITY CLERK

Transcribed by: DDW



#### CITY OF FAIRBANKS

Terry Strle, Mayor 800 CUSHMAN STREET FAIRBANKS, ALASKA 99701-4615 OFFICE: 907-459-6793 FAX: 907-459-6787

tmstrle@ci.fairbanks.ak.us

July 23, 2008

Judy Benefield 3316 Riverside Drive Fairbanks, AK 99709

Re:

Annexation Petition

Dear City of Fairbanks Neighbor:

I hope this letter finds you and your family well and enjoying summer in the Interior.

As directed by the Fairbanks City Council, and with my recommendation, we are moving forward with work on a petition to the State of Alaska Local Boundary Commission to annex your property into the City. A copy of the draft prospective petition can be viewed on our website at www.ci.fairbanks.ak.us. A hard copy of the petition is also available for your review at the City and Borough Clerk offices as well as the Fairbanks North Star Borough Noel Wien Library.

In an effort to keep you informed of the process and provide you with information, I would like to invite you to a presentation and discussion regarding this annexation petition on Wednesday, August 6<sup>th</sup> at 6:00 pm at the Noel Wien Library located at 1215 Cowles Street.

If we can answer any questions prior to the meeting please feel free to contact me at 459-6793 or via email at tmstrle@ci.fairbanks.ak.us.

Sincerely,

Mayor Terry Strle City of Fairbanks

cc:

City Council Members

# ANNEXATION - August 6, 2008

## CONTACT INFORMATION:

NAME	PHONE	EMAIL	ADDRESS	COMMENT
Steve Adams	7130		81814-99208	
BRUCE FOOTE	6813		80809 99708	
Frank W. Turney	457-2333		PORx 70392	2
Guy Sa Hon	457-		FN515	
WITH COURTNEY	4580911			
Senu Aldrich	\$17-0449		FNSB	196
GALY WANGE	322-0323	gary D quality solum	Parel - PRINGE FINE	
DAN THOMPSON	4797933		1152 Capper St.	
We folows	4797658 347 coccc	onfile	,	
ChitRA	452.			

#### CERTIFICATE

I, JANEY HOVENDEN, the duly appointed and qualified City Clerk of the City of Fairbanks, Alaska, DO HEREBY CERTIFY that the attached is a full, true and correct copy of Resolution No. 4335, introduced and passed at a meeting of the City Council of the City of Fairbanks, Alaska on September 8, 2008.

DATED this 5th day of December, 2008.

CITY OF FAIRBANKS, ALASKA

ATTEST

LINEY HOVENDEN, CITY CLERK

Introduced By: Mayor Strle Council Member Roberts Introduced: August 25, 2008

#### RESOLUTION NO. 4335

A RESOLUTION APPROVING THE SUBMISSION OF A PETITION TO THE LOCAL BOUNDARY COMMISSION FOR ANNEXATION OF THE FRED MEYER SUBDIVISION AND THE "ENCLAVE" LOTS ON PARK & RIVERSIDE DRIVES, BARTLETT AVENUE, AND AIRPORT ACCESS ROAD USING THE LEGISLATIVE REVIEW PROCESS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council passed Resolutions 4312 and 4313 earlier this year to authorize the preparation of a Petition to the Local Boundary Commission regarding the annexation of territory to the City of Fairbanks, and

WHEREAS, City staff have prepared a Petition to pursue that goal and the Council has adequate time to review the Petition, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA as follows:

Section 1. The City Council re-affirms its support for annexation as previously stated in Resolutions 4312 and 4313 and further approves the filing of the attached Petition.

Section 2. That the effective date of this Resolution shall be the 8th day of September, 2008.

Terry Strie City Mayor

AYES: NAYS: Roberts, Gatewood, Brown, Strie

ABSTAIN:

Hilling, Stiver

ABSENT:

Eberhart.

ADOPTED:

September 08, 2005

ATTEST-

APPROVED AS TO FORM:

lagey Hovenden, City Clerk

Herbert P. Kuss, City Attorney

#### CERTIFICATE

I, JANEY HOVENDEN, the duly appointed and qualified City Clerk of the City of Fairbanks, Alaska, DO HEREBY CERTIFY that the attached is a full, true and correct copy of the City Council of the City of Fairbanks regular meeting minutes of August 25, 2008, introduced and passed at a regular meeting of the City Council of the City of Fairbanks, Alaska on September 8, 2008.

DATED this 5th day of December, 2008.

CITY OF FAIRBANKS, ALASKA

ATTEST

JAMEY HOVENDEN, CITY CLERK



# FAIRBANKS CITY COUNCIL REGULAR MEETING MINUTES, AUGUST 25, 2008 FAIRBANKS CITY COUNCIL CHAMBERS 800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Custiman Street, Fairbanks, Alaska, with Mayor Terry Strle presiding and with the following Council Members in attendance:

Council Members Present: Vivian Stiver, Seat A

Chad Roberts, Seat B
Bernard Gatewood, Seat C
John Eberhart, Seat D
Lloyd Hilling, Seat E
Tonya Brown, Seat F

Absent: None

Also Present: Patrick B. Cole, Chief of Staff

Warren Cummings, Fire Chief Brad Johnson, Deputy Police Chief

Herb Kuss, City Attorney Carmen Randle, Controller

Michael J. Schmetzer, City Engineer

Tony C. Shumate, Director Personnel/Purchasing/RM

Jim N. Soileau, Acting Chief Financial Officer

Debi Wilson, Deputy City Clerk.

#### INVOCATION

The Invocation was given by Deputy City Clerk Debi Wilson.

#### FLAG SALUTATION

Mayor Strle led the Flag Salutation.

#### CITIZEN'S COMMENTS

Victor Buberge, PO Box 58192 Fairbanks, AK. Mr. Buberge commented on street stripping, potholes still unfilled, and street signage. Mr. Buberge talked of his recent parking violation.

Gene Salzman, 2807 Riverview Drive, Fairbanks, AK. Mr. Salzman commented on the potholes within City limits and the streetlight cycling in the Taku and Westgate subdivisions.

Jerry Cleworth, 907 Park Drive, Fairbanks, AK. Mr. Cleworth commented on Resolution 4335, regarding annexation. He stated that the enclave area is a logitimate request. He stressed that the public must retain its right to vote on the issue. He suggested that the owners in the enclave area.

be afforded the same rights as those living in south Fairbanks. He stated that those affected by the Fred Meyer area annexation are opposed. He stated that the FNSB opposes the annexation of the Fred Meyer property because of the loss of revenue. Mr. Cleworth stated that those being annexed do not receive services that they do not pay for, as alluded to in the Petition. Mr. Cleworth stated that the Road Commission did not approve the annexation or the letter. Mr. Cleworth recommended pulling the plug on the Fred Meyer area annexation. He stated that any annexation should be a win-win situation. Mr. Cleworth discussed service areas, post and present.

#### APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Roberts, seconded by Mr. Gatewood, moved to APPROVE the Agenda and Consent Agenda.

Mr. Roberts, pulled Resolution No. 4335 from the Consent Agenda.

Mayor Strle called for objection and, hearing none, so ORDERED.

Deputy City Clerk Wilson read the Consent Agenda on the record.

#### APPROVAL OF PREVIOUS MINUTES

a) Meeting Minutes of August 4, 2008.

PASSED and APPROVED on the CONSENT AGENDA.

#### SPECIAL ORDERS

a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Liquor License Application for Transfer including an Application for Restaurant Designation Permit, Public Testimony was taken and limited to five minutes.

Transfer of Ownership, Location, and Name Change

Type: Beverage Dispensary

License: Antler Room, The, License #4819

Licensee/Applicant: The Antler Room, Inc. Physical Location: 1003 Pioneer Road, #A

Current DBA: Northward Cocktail Lounge, License #782

Current Licensee: Donnor LLC

Current Location: 455 3<sup>rd</sup> Avenue, Ste 102

Mr. Hilling, seconded by Ms. Brown, moved to APPROVE the Application for Transfer of Liquor License.

# A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE APPLICATION FOR TRANSFER, AS FOLLOWS:

YEAS:

Eberhart, Hilling, Roberts, Stiver, Gatewood, Brown

NAYS:

None

Mayor Strie declared the MOTION CARRIED.

#### MAYOR'S COMMENTS AND REPORT

Mayor Strle indicated that the budget was being compiled. Mayor Strle commented on the ongoing efforts regarding Birch Hill Cemetery. She stated that Ms. Stiver was recently appointed to sit on the towing committee. Mayor Strle commented on energy conservation efforts by the City, specifically streetlight cycling. She stated that a recommendation would be made to the Council. Mayor Strle indicated that Mr. Cole and she would attend the AML in Wrangle. Mayor Strle stated that the garbage pickup schedule would change based on a recommendation by Mr. Schmetzer to make pickup more efficient and cost effective. Mayor Strle thanked Mr. Roberts for his work on the Weeks Field project as demolition of Fairview Manor begins.

Chief Cummings provided an explanation of the Insurance Service Organization (ISO).

#### UNFINISHED BUSINESS

 a) Onfinance No. 5755 - An Ordinance Amending the 2008 Operating Budget for the Second Time and Setting an Effective Date. Introduced by Mayor Strle. SECOND READING AND PUBLIC HEARING.

Ms. Brown, seconded by Mr. Roberts, moved to ADOPT Ordinance No. 5755.

Mr. Roberts, seconded by Ms. Brown, moved to SUBSTITUTE Ordinance No. 5755, As Amended.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5755, AS AMENDED, AS FOLLOWS:

YEAS:

Brown, Gatewood, Stiver, Hilling, Eberhart, Roberts

NAYS:

Mone

Mayor Strie declared the MOTION CARRIED and ORDINANCE.

NO. 3755, As Amended, ADOPTED.

b) Ordinance No. 5756 - An Ordinance to Present to the Qualified Voters of the City the Question of an Amendment to Chapter Section 12.4 Regarding the Scheduling of Initiative Elections; and Setting an Effective Date of January 1, 2009. Introduced by Mayor Strle. SECOND READING AND PUBLIC HEARING.

Ms, Stiver, seconded by Mr. Gatewood, moved to ADOPT Ordinance No. 5756.

Mayor Strle explained the time frame in which an initiative would be brought before the public for a vote.

Mr. Kuss explained the difference between an initiative and a referendum.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5756, AS FOLLOWS:

YEAS:

Gatewood, Roberts, Brown, Eberhart, Stiver, Hilling

NAVS:

Nome

Mayor Strie declared the MOTION CARRIED and ORDINANCE

NO. 5756 ADOPTED.

#### NEW BUSINESS

a) RESOLUTION NO. 4335 - A Resolution Approving the Submission of a Petition to the Local Boundary Commission for Annexation of the Fred Meyer Subdivision and the "Enclave" Lots on Park and Riverside Drives, Bartlett Avenue, and Airport Access Road Using the Legislative Review Process, and Providing an Effective Date. Introduced by Mayor Strle and Council Member Roberts.

Ms. Brown, seconded by Mr. Roberts, moved to APPROVE Resolution 4335.

Mr. Roberts, seconded by Ms. Brown, moved to POSTPONE Resolution 4335 to the Regular Meeting of September 8, 2008.

Mr. Roberts asked for postponement so that discussions could continue with the Borungh. He stressed the importance of the resolution.

Mr. Hilling stated that mutual consent between the parties and the City and Borough is necessary. He stated that he is against the annexation.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO POSTPONE RESOLUTION NO. 4335, AS FOLLOWS:

YEAS:

Roberts, Eberhart, Gatewood, Brown

NAYS:

Hilling, Stiver

Mayor Strie declared the MOTION CARRIED.

 RESOLUTION NO. 4336 – A Resolution in Memory of Lowell H. Purcell. Introduced by Mayor Stric.

PASSED and APPROVED on the CONSENT AGENDA.

c) ORDINANCE NO. 5757 - An Ordinance Amending the 2008 Capital Appropriation Fund Budget for the Third Time; and Setting an Effective Date. Introduced by Mayor Strle.

#### ADVANCED on the CONSENT AGENDA.

#### DISCUSSION ITEMS

#### a) Committee Reports

Public Safety Commission (PSC). Mr. Eberhart stated that the PSC met on August 12, 2008 and discussed the potential impact of the annexation, the dedicated monies redirected to the CSP program, and the school resource officer program.

Alcohol Impact Committee (AIC). Mr. Gatewood stated the AIC met on August 25, 2008 and discussed an Ordinance change to include proxy buying regulations. He indicated that the Committee decided that identifying an alcohol-free zone was not a viable option at this time.

Public Works Citizen Review Committee. Mr. Roberts indicated that a presentation would be scheduled before the Council. He thanked Mr. Schmetzer for his work.

FMATS Committee. Mr. Roberts stated that FMATS was busy prioritizing projects.

Weeks Field. Mr. Roberts indicated that new designs would be presented soon. He further stated that demolition had begun.

#### COUNCIL MEMBERS' COMMENTS

Mr. Hilling spoke on the parking signage in the downtown area; specifically, the area around which Mr. Buberge received his ticket. He asked the Mayor to look at the signage to see if it conformed. Mr. Hilling thanked Mr. Gatewood for his work on the Alcohol Impact Committee and whether an alcohol free zone was a reasonable method to address the chronic inebriate issue.

Mayor Strle shared preliminary discussions had by the AIC regarding the issuance of a trespass to certain individuals. She explained the trespass regulation concept and cautioned that it was preliminary and had not yet passed legal tests.

Mr. Eberhart indicated he would miss the September 8, 2008 meeting and asked to be excused. He explained that the missed meeting was due to a work conflict. He indicated that he does not oppose the annexation of the enclave lots as identified, but sees the annexation of Fred Meyer as problematic. Mr. Eberhart encouraged folks to get out and vote.

Mr. Gatewood indicated that he attended the grand opening of the new Boys & Girls Home in south Fairbanks. He stated that he attended a meeting with Dr. Gilbert, a Law Enforcement Against Prohibition (LEAP) representative. He shared that the group supports legalization and regulation of all drugs. Further, that LEAP believes that prohibition does not provide controls and that addiction is a health problem, not a crime problem. Mr. Gatewood shared his opinion

on the emerging gang problem in Fairbanks. He indicated that a gang task force meets regularly to combat gang related assues.

Ms. Stiver commented on streetlights in south Fairbanks. She complemented the FPD on their work on the gang related event occurring last week. Ms. Stiver thanked those running for council seats and encouraged folics to vote.

Ms. Brown commented on the various potholes in the south Fairbanks area. Ms. Brown shared that she also attended the grand opening of the new Boys & Girls Home. She asked the citizens of Fairbanks to be proactive in reporting gang related activities.

Mr. Roberts pointed out that revenue sources had been redirected to allow for additional pothole work needed within the City. He stated that these types of issues: pot holes and lighting, cost money and funding falls upon the shoulders of the City property owners. Mr. Roberts stated that approving the annexation would help to broaden the tax base to help pay for these types of costs. He stated that the City needs to grow and the annexation is a way to do thut. Mr. Roberts stated that the Council is responsible to the constituents, not commissions or service districts.

Mr. Roberts, seconded by Ms. Stiver, moved to EXCUSE Mr. Eberhart from the September 8, 2008 Meeting.

Mayor Strle called for objection and, hearing none, so ORDERED.

#### ADJOURNMENT

Ms. Stiver, seconded by Ms. Brown, moved to ADJOURN the meeting.

Mayor Strle culled for objection and, hearing none, so ORDERED.

Mayor Strle declared the Meeting adjourned at 8:20 p.m.

TERRY STRLE, MAYOR

ATTEST:

JANEY HOVENDEN, CITY CLERK

Transcribed by: DDW

#### CERTIFICATE

I, JANEY HOVENDEN, the duly appointed and qualified City Clerk of the City of Fairbanks, Alaska, DO HEREBY CERTIFY that the attached is a full, true and correct copy of the City Council of the City of Fairbanks regular meeting minutes of September 8, 2008, introduced and passed at a regular meeting of the City Council of the City of Fairbanks, Alaska on September 22, 2008.

DATED this 5th day of December, 2008.

CITY OF FAIRBANKS, ALASKA

ATTEST

MEY HOVENDEN, CITY CLERK



#### FAIRBANKS CITY COUNCIL REGULAR MEETING MINUTES, SEPTEMBER 8, 2008 FAIRBANKS CITY COUNCIL CHAMBERS 800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, after a Work Session on Annexation and on the Birch Hill Cemetery, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Terry Strle presiding and with the following Council Members in attendance:

Council Members Present:

Vivian Stiver, Seat A Chad Roberts, Seat B Bernard Gatewood, Seat C Lloyd Hilling, Seat E Tonya Brown, Seat F

Absent:

John Eberhart, Seat D - Excused

Also Present:

Patrick B. Cole, Chief of Staff Warren Cumminga, Fire Chief Dan P. Hoffman, Police Chief Janey Hovenden, City Clerk Herb Kuss, City Attorney

Emie Misewicz, Deputy Fire Marshall

Carmen Randle, Controller

Michael J. Schmetzer, City Engineer

#### INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

#### FLAG SALUTATION

Mayor Strle led the Flag Salutation.

#### CITIZEN'S COMMENTS

Steve Adams, 1672 Farmer's Loop Rd, Fairbanks, AK, Mr. Adams stated that he serves on the University Fire Service Area Commission. He stated that the Fred Meyer annexation would negatively affect the University Fire Service Area and the community. He stated that the petition contains half-truths and does not effectively address all of the issues.

Donna Gilbert, 2223 So. Cushman, Fairbanks, AK. Ms. Gilbert spoke against the annexation emphasizing that the Council should consider the needs of the City before others. She stated that the annexation would eventually cause un increase in the Borough's property tax to account for the Borough's loss in revenue, ultimately costing property owners. She stated that the annexation would jeopardize lives of the City citizens.

Tammie Wilson, 571 Canoro, Fairbanks, AK. Ms. Wilson spoke against the annexation with respect to the Fred Meyer area, stating that the annexation was simply a revenue based issue. She stated that the police and fire departments are already stretched thin. She asked the Council to vote down the annexation.

Sean Aldridge, 825 Canterbury Drive, Fairbanks, AK. Mr. Aldridge stated that he spent years as an EMT III and as a Paramedic, he briefly explained the training involved for each profession as well as the necessary required experience hours. Mr. Aldridge stated that his relationship with the UAF emergency crew is good both professionally and personally and doesn't see that changing with the amexation.

John Shakley, 116 Forty-Nine Mile, Fairbanks, AK. Mr. Shakley questioned the new policy regarding police officers filling up with gas at local stations as opposed to filing up at Public Works.

Mike Schmetzer explained that Public Works is looking at gas costs closely. He stated that after extensive research, refueling at Fleet One was .03 to .10 cents per gallon cheaper. He stated that the rate is discounted for public safety personnel.

Carmen Randle stated that the City gets a special contract rate for emergency vehicles. She stated that the discount is through Fleet One, not Holiday Stores specifically. She stated that the City goes out to bid every year and everyone has the ability to submit a bid. She stated that the cheapest bidder is awarded the contract.

Victor Buberge, PO Box 58192, Fairbanks, AK. Mr. Buberge questioned whether the streets would be painted before the snow fell, stating that some pot boles were filled but questioned whether the South Cushman area would be addressed. Mr. Buberge commented on parking signs in the downtown area.

Jerry Cleworth, 907 Park Drive, Fairbanks, AK. Mr. Cleworth spoke against the annexation petition, stating that the issue is simply a matter of life safety. Mr. Cleworth talked about the recent meeting of the University Fire Service Area Commission and the Resolution written by Mr. Schecter. He stated that the group to be annexed would see an increase in property taxes, that City business license would have to be obtained, and services would be reduced. He stated that the "enclave" area annexation makes sense. He stated that the Borough would be taking up a resolution in opposition of the annexation.

#### APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Gatewood, seconded by Ms. Brown, moved to APPROVE the Agenda and Consent Agenda.

Mayor Strle called for objection and, hearing none, so ORDERED.

City Clerk Hovenden read the Consent Agenda on the record.

#### APPROVAL OF PREVIOUS MINUTES

Meeting Minutes of August 25, 2008.

#### PASSED and APPROVED on the CONSENT AGENDA.

Mayor Strle provided information on the Towing Committee Recommendation as outlined in the Memorandum provided to the Council Members.

Mr. Hilling, seconded by Mr. Gatewood, moved to APPROVE the Towing Committee Recommendations.

Mayor Strle called for objection and, hearing none, so ORDERED.

#### MAYOR'S COMMENTS AND REPORT

Mayor Strle stated that she attended the Alaska Conference of Mayors and Pat Cole attended the AML meetings in Wrangle. She stated that the major topic was energy conservation.

#### UNFINISHED BUSINESS

a) RESOLUTION NO. 4335 – A Resolution Approving the Submission of a Petition to the Local Boundary Commission for Annexation of the Fred Meyer Subdivision and the "Enclave" Lots on Park and Riverside Drives, Bartlett Avenue, and Airport Access Road Using the Legislative Review process, and Providing an Effective Date. Introduced by Mayor Strle and Council Member Roberts. POSTPONED from the Regular Meeting of August 25, 2008

Mr. Roberts, seconded by Ms. Brown, moved to APPROVE Resolution No. 4335.

Ms. Stiver stated that she did not think the arguments for the amexation were sound. She stated that the Borough, the fire service area, and the group affected are not in favor of the annexation. She stated that identifying another area for annexation would be a better option for growth and development. She stated that it would be wise to postpone until Mr. Eberhart returned,

Mr. Roberts explained that the annexation is an opportunity for growth for the City as the City is the center of commerce. Mr. Roberts indicated that Fred Meyer has remained silent on the issue as has the Borough. He understood the natural tendency to resist change. He explained that the level of service is better than that offered by the University.

Mr. Hilling stated that he opposed the annexation. He indicated that it is the Council's responsibility to keep from spending the citizen's money loosely. He stated that the citizens have spoken in that the City should not add expenses unless justified. Mr. Hilling stated that the City is not in a jam financially, and that growth of the City is not a valid argument. He stated that citizens are willing to pay for services and doubted that the citizens want Fred Meyer to be annexed just to increase revenue. Mr. Hilling suggested that if the Council was in doubt then it

should back away from the petition to annex. Mr. Hilling expressed his concern over the higher probability of simultaneous call outs. He further stated that services for the annexed area could not be provided more efficiently or more effectively. He argued that the annexation is not necessarily in the best interests of the State.

Mayor Strle stated that Fred Meyer has no position on the annexation and that Taco Bell has not issued a position at all. She cautioned the Council to avoid putting words in the mouths of others. She stated that Mt. McKinley Bank has publicly opposed the annexation.

Ms. Brown stated that she was in favor of the annexation regarding the "enclave" area. She stated that if the City grows then the employee base would have to grow. She was concerned that the public may think that the City is stagnant as far as revenue. Ms. Brown stated that it was a good idea to make the boundary lines more uniform.

Mr. Gatewood commented on the current City boundary lines. He stated that services are increasing and the City would need more revenue, regardless of whether the boundary lines were changed. Mr. Gatewood stated that expansion of the City made sense. He indicated that he would not hinder the progress of the petition.

Mr. Hilling stated that the process is an expensive one and that the City should be aware of that and stop the petition now.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4335, AS FOLLOWS:

YEAS:

Roberts, Gatewood, Brown, Strle

NAYS:

Hilling, Stiver

Mayor Strie declared the MOTION CARRIED and

RESOLUTION NO. 4335 APPROVED.

 ORDINANCE NO. 5757 – An Ordinance Amending the 2008 Capital Appropriation Fund Budget for the Third Time; and Setting an Effective Date. Introduced by Mayor Strle. SECOND READING AND PUBLIC HEARING.

Ms. Brown, seconded by Mr. Gatewood, moved to ADOPT Ordinance No. 5757.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5757, AS FOLLOWS:

YEAS:

Roberts, Gatewood, Hilling, Brown, Stiver

NAYS:

None

Mayor Strle declared the MOTION CARRIED and ORDINANCE

NO. 5757 ADOPTED.

#### NEW BUSINESS

 Resolution No. 4337 - A Resolution Authorizing the City of Fairbanks to Accept Funds from the Department of Homeland Security's 2007 Fire Prevention and Safety Grant in the Amount of \$15,000.00. Introduced by Mayor Strle.

#### PASSED and APPROVED on the CONSENT AGENDA.

b) Resolution No. 4338 – A Resolution Authorizing the City of Fairbanks to Request and Accept Funds from the Alaska Division of Homeland Security and Emergency Management Under the FY2006 Homeland Security Grant Program for a Total of \$17,481.85. Introduced by Mayor Strle.

#### PASSED and APPROVED on the CONSENT AGENDA.

c) Resolution No. 4359 – A Resolution to Accept Funding Under Senate Bill 221 as Approved by Governor Sarah Palin in the Amount of \$1,590,000. Introduced by Mayor Strle.

#### PASSED and APPROVED on the CONSENT AGENDA,

d) Resolution No. 4340 - A Resolution to Relinquish the City's Status as an Entitlement Grantee Under the Community Development Block Grant (CDBG) Program and to Resume the Submission of Competitive Block Grant Requests. Introduced by Mayor Strie.

PASSED and APPROVED on the CONSENT AGENDA.

#### DISCUSSION ITEMS

a) Committee Reports

Weed and Seed Committee. Ms. Stiver updated the Council on the steering committee's charge of identifying reasonable goals.

<u>Energy Task Force</u>. Mr. Schmetzer indicated that the task force is investigating the use of LED street lights. He stated that new light rection sensors would be installed. He stated that garbage passes would be limited to one per route. Further, that the snow grader routes are being looked at to reduce mileage.

#### COUNCIL MEMBERS' COMMENTS

Mr. Hilling remarked on various issues brought during the meeting.

Chief Cummings commented on the Fleet One contract and the use of cards by safety personnel to purchase gas.

Mr. Hilling stated he was disappointed by the annexation vote.

Ms. Brown shared a story about a recent accident she witnessed and commended City emergency response personnel on their response.

Mr. Gatewood reminded the public that it is Pain Awareness Month. He stated that he attended the Doyon Foundation Scholarship Ceremony, the first event held in the Morrison Thompson Cultural Center since its grand opening.

Ms. Stiver shared her disappointment with the vote on the unnexation. She indicated she would draft a letter to the Boundary Commission. She stated that the South Cushman/Van Horn area was a much wiser option for growth. She stated that the City wasn't taking care of their own and could not afford to expand.

Mr. Kuss explained that a resolution needed four votes to pass and that a 3-2 vote, by ordinance, allows the Mayor to cast a vote to pass if she so choose. He explained that when the Mayor declared the resolution passed, that implied her affirmative vote.

Mr. Roberts explained that the passage of the resolution is a good thing for the City and was pleased with the outcome.

#### CITY CLERK'S REPORT

City Clerk Janey Hovenden asked the Council to address the requested change to move the November 10, 2008 Regular Meeting to November 3, 2008, referring to the Memo provided.

Ms. Stiver, seconded by Ms. Brown, moved to MOVE the November 10, 2008 Regular Meeting of the City Council to November 3, 2008.

Mayor Strle called for objection and, hearing none, so ORDERED.

City Clerk Janey Hovenden asked the Council to approve the list of election judges for the October 2008 election, referring to the Meno provided.

Mr. Roberts, seconded by Ms. Brown, moved to APPPROVE the 2008 Election Judges.

Mayor Strle called for objection and, hearing sone, so ORDERED.

#### ADJOURNMENT

Ms. Stiver, seconded by Mr. Roberts, moved to ADJOURN the meeting.

Mayor Strle called for objection and, hearing none, so ORDERED.

Mayor Strle declared the Meeting adjourned at 8:50 p.m.

TERRY STRLE, MAYOR

ATTEST:

JANEY HOVENDEN, CITY CLERK

Transcribed by. DDW

# NOTICE OF PETITION FOR ANNEXATION OF TWO TERRITORIES TO THE CITY OF FAIRBANKS:

- (A) THE "ENCLAVE LOTS" LOCATED ON PARK AND RIVERSIDE DRIVES, BARTLETT AVENUE, AND AIRPORT ACCESS ROAD, AND
  - (B) THE FRED MEYER SUBDIVISION,

#### TOTALLING APPROXIMATELY 0.05 SQUARE MILES.

#### Introduction

As authorized by the passage of Resolutions 4312 and 4313, The City of Fairbanks has prepared a petition to annex the territory shown on the attached maps. A copy of the prospective annexation petition is available at the following locations within the City:

- 1. Fairbanks City Clerk's Office, City Hall, 800 Cushman Street
- 2. Noel Wien Library, 1215 Cowles Street
- 3. Fairbanks North Star Borough Clerk's Office
- Online at the City website: "www.ci.fairbanks.ak.us"

#### Description of the Territory.

The territory proposed by the City for annexation consists of two territories totaling approximately 0.05 square miles. The annexation would increase the area of the City to approximately 33.85 square miles.

The enclave lots consist of individual platted lots on Park & Riverside Drives, Bartlett Avenue and Airport Access Road that can only be accessed by travelling through City streets or across the Chena River, the lots are effectively surrounded by the corporate limits of the City of Fairbanks.

The Fred Meyer Subdivision is the site of a large Fred Meyer retail center, two other businesses and a telephone facility. This territory, the site of major commercial activity, is contiguous to the western boundaries of the City of Fairbanks and shares the urban character of the City and is both integrated into and completely compatible with the character of the city.

#### Reasons for the Proposed Annexation.

The City of Fairbanks is an efficient provider of high quality public services. The City's tax burden per capita (including taxes on out of town hotel guests) was \$533 for 2007, the last year

certified by the State. For 2007, 51 Alaskan municipalities had a higher rate of taxation per capita. For cities within boroughs, with both city and borough taxes, ten communities had a higher combined per capita rate.



The City provides the only two fire Platform ladder trucks in the Interior.

The proposed annexation is in the best interest of the State. Annexation of this territory, which is already an integral part of the City, will promote maximum local self-government, promote the long-term vitality of the City, and relieve the State of the responsibility of providing police and other services. Annexation will provide a more reasonable and equitable tax base for existing residents and those who already benefit from City government, infrastructure and services. In addition, annexation will provide a basis for future growth.

After annexation, the two territories will receive the full benefits of municipal services, including public safety by paramedic-level emergency medical service, well-equipped and trained fire and police departments, and a "state of the art" emergency communications center.

Residents of the enclave territory use and rely upon City of Fairbanks services and infrastructure. These lots share the urban character of the City. The owners and residents travel to their homes over Citymaintained streets and receive the general benefits of City street construction, snow removal and maintenance of the surrounding neighborhood, including police protection and economic development. Many of the properties use the waste water system built and regulated by the City.

The owners, employees and customers at the Fred Meyer Subdivision enjoy City services that are

provided up to the eastern boundary of the subdivision and benefit from the funds the City appropriates for visitor marketing and economic development.

See, 2007 Alaska Taxable, page 17, available online at the Division of Community and Regional Services: www.commerce.state.ak.us/dcra/osa/pub/07Taxable.pdf.

The cities of Soldotna, North Pole, Seward, Ketchikan, Wasilla, Homer, Kodiak, Seldovia, Kenni and Palmer are all inside boroughs with a higher combined per capita tax hurden than Fairbanks.

#### The Territory Meets the Standards for Annexation to a City

The annexation of these two territories, using the legislative review process as authorized by the Alaska Constitution and State Statute was found by the City Council to be appropriate under the applicable standards. The standards for City annexation are found in the Alaska Administrative Code ("AAC"). In particular,

A. Based on relevant factors listed in 3 AAC 110.090(a), plus other relevant factors, the territory proposed for annexation exhibits a reasonable need for city government.



The City's Regional Dispatch Center, which uses "state of the art" technology operated by highly trained staff, currently receives E-911 cell phone calls from the territory to be annexed.

B. In accordance with 3 AAC 110.090(b), services determined to be essential city services under 3 AAC 110.970 can be provided more efficiently and more effectively by the City (Petitioner) than by another existing city or by an organized borough on an area wide basis or non-area wide basis, or through an existing borough service area.

C. Based on relevant factors listed in 3 AAC 110.100, plus other relevant factors, the territory proposed for annexation is compatible in character with the annexing City.

D. Based on relevant factors listed in 3 AAC 110.110, plus other relevant factors, the economy within the proposed expanded boundaries of the City include the human and financial resources necessary to provide services determined to be essential city services under 3 AAC 110.970 on an efficient, cost-effective level.

- E. Based on relevant factors listed in 3 AAC 110.120, plus other relevant factors, the population within the proposed expanded boundaries of the City are sufficiently large and stable to support the extension of city government.
- F. Based on relevant factors listed in 3 AAC 110.130(a), plus other relevant factors, the proposed expanded boundaries of the City include all land and water necessary to provide the full development of services determined to be essential city services under 3 AAC 110.970 on an efficient, cost-effective level.
- G. The territory proposed for annexation is contiguous to the existing boundaries of the City and would not create enclaves in the expanded boundaries of the City. In some cases, existing enclaves are eliminated.

- H. Under 3 AAC 110.130(c), the proposed expanded boundaries of the City include only that territory comprising an existing local community.
- Under 3 AAC 110.130(d), the proposed expanded boundaries of the City do not include entire geographical regions or large unpopulated areas, except where justified by the application of the standards in 3 AAC 110.090 - 3 AAC 110.135.
- Based on relevant factors listed in 3 AAC 110.135, plus other relevant factors, annexation to the City is in the best interests of the state under AS 29.06.040(a) and (b) and 3 AAC 110.980.
- K. Annexation via legislative review annexation is appropriate under 3 AAC 110.610(b).
- L. In accordance with 3 AAC 110.910, the proposed annexation to the City will not deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

#### Anticipated Effects of Annexation.

Annexation will extend City services on the same basis as provided in the existing City. The principal City services are: police, fire, emergency dispatch, paramedic level emergency medical service, street maintenance and snow removal, economic development, building & fire codes and residential refuse collection service. There would be no differential taxation.

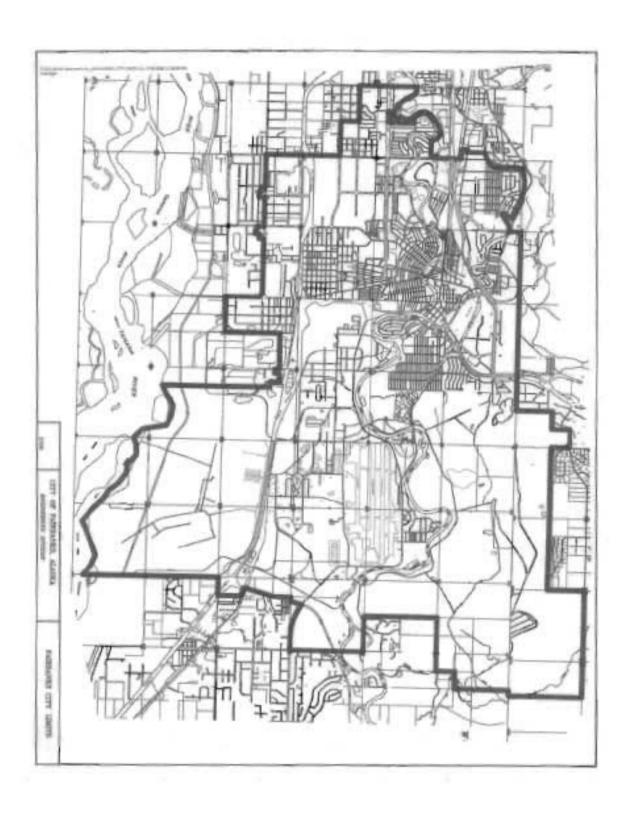
Because of the small area of the territory to be annexed, full City services would be provided upon annexation without delay, including reconstruction of Riverside Drive in the enclave lots territory.

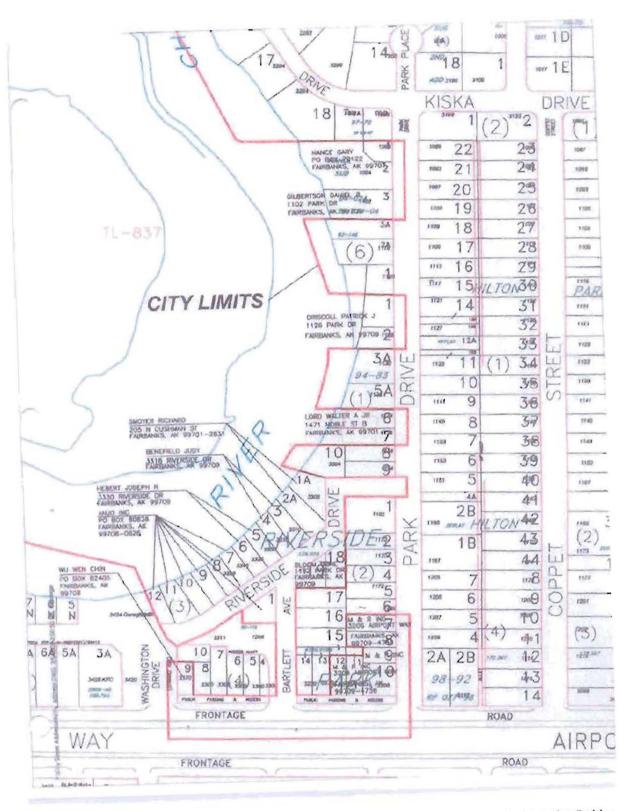


The number of Fairbanks police officers per capita is three times higher than outside the City.

#### Contact Information

Contact the City Mayor's Office by phone at 459-6793 or by email: mayor@ci.fairbanks.ak.us





#### City Of Fairbanks Terry Strle, City Mayor



#### Annexation - Frequently Asked Questions

As you may be aware, the City is moving forward with a Petition to the State to annex additional territory into the City. In an effort to keep you informed, we have compiled the following:

#### What is the Status of the Annexation?

By passage of Resolutions 4312, 4313 and 4335, the Fairbanks City Council authorized the filing of a petition to annex the territory shown on the attached maps. A full copy of the petition is available at the following locations within the City:

- 1. Fairbanks City Clerk's Office, City Hall, 800 Cushman Street
- Noel Wien Library, 1215 Cowles Street
- 3. Fairbanks North Star Borough Clerk's Office
- Online at the City website: "www.ci.fairbanks.ak.us"

#### What Area is being Annexed?

The annexation would increase the area of the City by 0.05 square miles to a total of about 33.85 square miles. There are two different areas:

The enclave lots are on Park & Riverside Drives, Bartlett Avenue and Airport Access Road. They are effectively surrounded by City territory.

The Fred Meyer Subdivision is the home of the Fred Meyer store on the corner of Airport and University Avenue, along with two other businesses and a telephone facility. This land shares the urban character of the City and is both integrated into and completely compatible with the character of the city.

#### Why?

Residents of the enclave territory use and rely upon City of Fairbanks services and infrastructure. These lots share the urban character of the City. The owners and residents travel to their homes over City-maintained streets and receive the general benefits of City street construction, snow removal and maintenance of the surrounding neighborhood, including police protection and economic development.

The owners, employees and customers at the Fred Meyer Subdivision enjoy City services that are provided up to the eastern boundary of the subdivision and benefit from the funds the City appropriates for visitor marketing, economic development and community safety.

The City of Fairbanks is an efficient provider of quality public services. The City's tax burden per capita (including taxes on out of town hotel guests) was \$533 for 2007, the last year certified by the State. For 2007, 51 Alaskan municipalities had a higher rate of taxation per capita. For cities within boroughs, with both city and borough taxes, ten communities had a higher combined per capita rate.



The City provides the only two fire Platform ladder trucks in the Interior.

The proposed annexation will promote maximum local self-government, promote the long-term vitality of the City, and provide a more reasonable and equitable tax base for existing residents and those who already benefit from City government, infrastructure and services.

After annexation, the two territories will receive the full benefits of municipal services, including public safety by paramedic-level emergency medical service, well-equipped and trained fire and police departments, and a "state of the art" emergency communications center.

#### Who Makes the Decision?

There are a number of legal methods for a proposed City annexation. The City has proposed use of the "legislative review" process as authorized by the Alaska Constitution and State Statutes. Under this process the Local Boundary Commission ("LBC"), appointed by the governor, reviews the petition and issues a decision. The standards for City annexation are found in the Alaska Administrative Code ("AAC").

The LBC will hold at least one hearing on the Petition in Fairbanks and provide a forum for public comment, both written and by oral testimony.

Assuming the LBC approves the Petition, the matter will be referred to the Alaska Legislature at the start of the 2010 session. The annexation will become effective unless both the House and Senate disapprove within the first 45 days of the session.

See, 2007 Alaska Taxable, page 17, available online at the Division of Community and Regional Services: www.commerce.state.ak.us/dcra/osa/pub/07Taxable.pdf.

The cities of Soldotna, North Pole, Seward, Ketchikan, Wasilla, Homer, Kodiak, Seldovia, Kenai and Palmer are all inside boroughs with a higher combined per capita tax burden than Fairbanks.

#### Anticipated Effects of Annexation?

Annexation will extend City services on the same basis as provided in the existing City. The principal City services are police, fire, emergency dispatch, paramedic level emergency medical service, street maintenance and snow removal, economic development, building & fire codes and residential refuse collection service.

There would be no differential taxation; all of the new territory would be subject to the City's property tax mill levy and no longer subject to the nonareawide, service area or

The City's Regional Dispatch Center, which uses "state of the art" technology operated by highly trained staff, currently receives E-911 cell phone calls from the territory to be annexed.

solid waste collection district mill levies. The reduction would be virtually invisible in light of the size of the overall FNSB budget. Full City services would be provided upon annexation, including reconstruction of Riverside Drive in the enclave lots territory.

#### What about the University Fire Service Area?

For the current fiscal year, property owners at the Fred Meyer Subdivision pay \$53,406.48 in taxes to the University Fire Service Area ("UFSA"), only about 2.68% of all service area tax revenues. Even though not legally obliged to do so, the City initially proposed that the Fred Meyer Subdivision would remain inside the UFSA. However, the UFSA Commission did not accept the proposal. There are a number of variables that offset any effect, such as increased tax base from new construction. Long-term efficiencies could be realized by changing the organization of the borough's five service areas, each with its own Fire Chief, and the way EMS service is delivered.

#### Contact Information

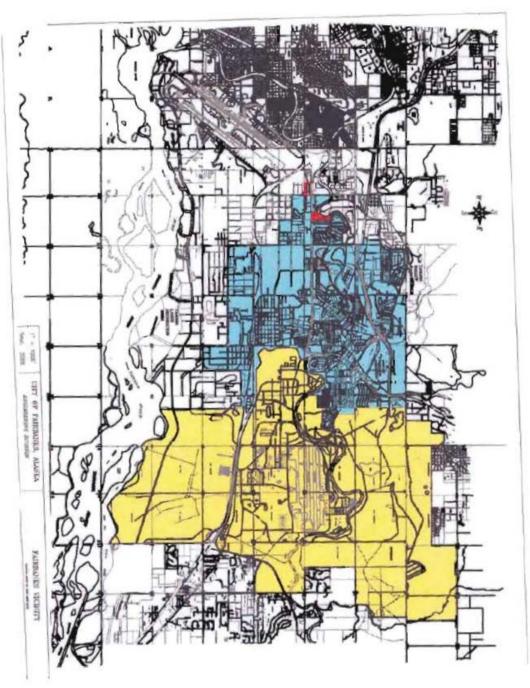
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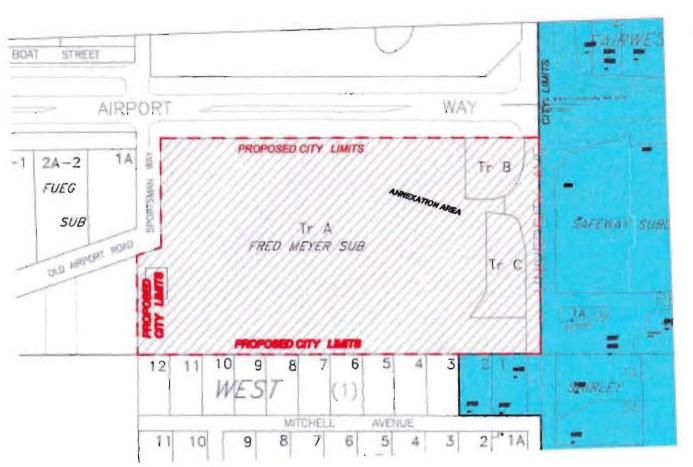
regarding police service, call Police Chief Dan Hoffman at 450-6513, email dphoffman@ci.fairbanks.ak.us.

Questions regarding fire or emergency medical services can be directed to Fire Chief Warren Cummings at 450-6604, wbcummings@ci.fairbanks.ak.us. Emergency dispatch questions can be asked of Dispatch Department Head Stephanie Johnson at 450-6507, sljohnson@ci.fairbanks.ak.us.

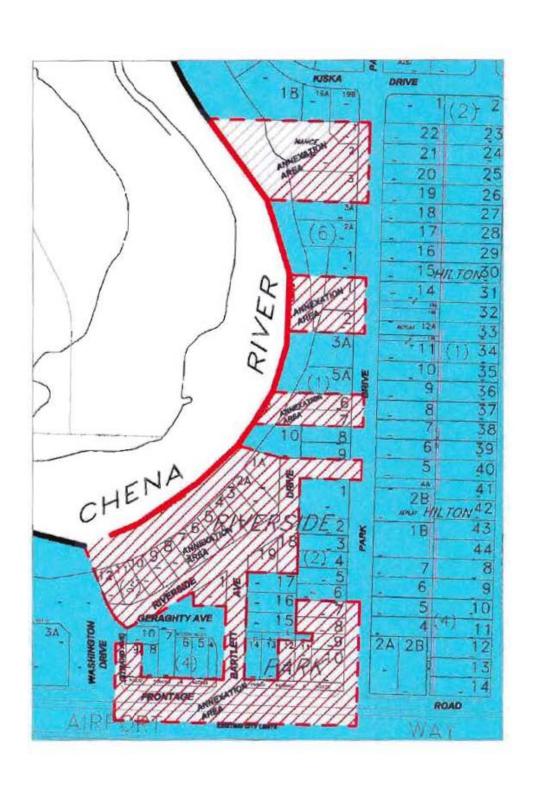
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#### CITY OF FAIRBANKS

Terry M. Strle, Mayor

800 CUSHMAN STREET
FAIRBANKS, ALASKA 99701-4615
OFFICE: 907-459-6793
FAX: 907-459-6787
tmstrle@ci.fairbanks.ak.us

October 8, 2008

#### PUBLIC MEETING NOTICE:

# Notice of Public Hearing Regarding Proposed City Annexation Petition

The City Council of the City of Fairbanks will be holding a Public Hearing at 5:30 PM on Monday, November 24, 2008 in City Council Chambers, 800 Cushman Street, Fairbanks regarding the proposed annexation to the City of the following territory:

Fred Meyer Subdivision (location of the Fred Meyer "West" store and businesses at University Avenue and Airport Way) and the "Enclave" Lots on Park & Riverside Drives, Bartlett Avenue, and Airport Access Road, a total of 0.05 square miles.

A copy of the proposal is available for review at the City Clerk's Office, the Noel Wien Library, and at the Fairbanks North Star Borough Administrative Office Building. It is also available online at www.ci.fairbanks.ak.us.

The Public Hearing will address annexation standards, legislative review procedures, the anticipated effects of annexation and the proposed transition plan. Members of the public will have five minutes to comment and may submit comments in writing in advance to the City Clerks' Office.

Requests regarding access or to attend telephonically can be arranged in advance by calling the City Clerks Office at 459-6774.

Contact Mayor Terry Strle for more information at 459-6793.

#### CHANGE OF DATE - PUBLIC HEARING

October 7, 2008

(Name of Recipient)
(Address line - Recipient)
(Address line - Recipient)

Re: Annexation Petition

Greetings:

The Fairbanks City Council will be holding a Public Hearing regarding a Petition for Annexation that the City Council approved for submission to the State of Alaska Local Boundary Commission. A copy of the proposal, approved by City Council Resolution No. 4335 on September 8, 2008, is available for review at the City Clerk's Office, at the Noel Wien Library, and at the Fairbanks North Star Borough Administrative Office Building. The Petition is also available online at <a href="https://www.ci.fairbanks.ak.us">www.ci.fairbanks.ak.us</a>, as well as a summary of the Petition and a publication that addresses "frequently asked questions." A free copy of the summary is available at the City Clerk's Office.

I invite you to attend the Public Hearing on NOVEMBER 24, 2008, beginning at 5:30 p.m. in Council Chambers at City Hall, 800 Cushman Street, Fairbanks, Alaska. The scope of the meeting will address annexation standards, their application to the annexation proposal, legislative review annexation petition procedures, the reasonably anticipated effects of annexation and the proposed transition plan. Members of the public will have five minutes to offer comments and may submit comments in writing in advance to the City Clerk's Office.

The City complies with the Americans with Disabilities Act (42 USC 12101, et seq.). Requests regarding access or to attend telephonically should be arranged in advance by calling the City Clerk's Office at 459-6710.

This letter is being sent to all property owners in the territory proposed for annexation as well as other interested parties. If we can answer any questions prior to the meeting, please contact me at 459-6793 or via email at <a href="mailto:tmstrle@ci.fairbanks.ak.us">tmstrle@ci.fairbanks.ak.us</a>.

Sincerely,

Mayor Terry Strle City of Fairbanks

cc: City Council Members



#### CITY OF FAIRBANKS

Terry M. Strle, Mayor

800 CUSHMAN STREET FAIRBANKS, ALASKA 99701-4615 OFFICE: 907-459-6793 FAX: 907-459-6787 tmstrle@ci.fairbanks.ak.us

October 7, 2008

#### PUBLIC SERVICE ANNOUNCEMENT:

# **★DATE CHANGE**★

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Requests regarding access or to attend telephonically can be arranged in advance by calling the City Clerks Office at 459-6774.

Contact Mayor Terry Strle for more information at 459-6793.

## AFFIDAVIT CONCERNING THE POSTING OF PUBLIC NOTICE REGARDING THE PROPOSED ANNEXATION HEARING

STATE OF ALASKA	)	
	)	SS.
FOURTH JUDICIAL DISTRICT	)	

Patrick Cole, Chief of Staff for the City of Fairbanks, being swom on oath, states the following:

- 1. On Thursday, October 30, 2008, I travelled with Michael Schmetzer, City of Fairbanks Engineer/Public Works Director, to the enclave lots and Fred Meyer Subdivision to determine appropriate locations to post three copies of the notice of the November 24, 2008 City Council Public Hearing on Annexation of these territories. Mr. Schmetzer informed me that he oversaw posting of six copies of notices on October 30 and 31 of 2008.
- 2. On November 1, 2008, I observed a copy of the public meeting notice for the Hearing Regarding Proposed City Annexation Petition, posted more than 21 days in advance of the Public Hearing at the following locations of the Fred Meyer Subdivision: the Northwest corner at the Airport Road and Old Airport Way intersection; Southeast entrance to the Fred Meyer subdivision; and at the northeast entrance to the subdivision northeast of Taco Bell.
- 3. On November 1, 2008, I observed a copy of the public meeting notice for the Hearing Regarding Proposed City Annexation Petition, posted more than 21 days in advance of the Public Hearing at the following locations: On Riverside Drive, northeast of Ping's Laundry; at the intersection of Park Drive and Airport Frontage Road; and at the north end of Park Drive, just south of the Park Drive and Kiska intersection. All locations are in enclave subdivision and all are located in the public right-of-way.

DATED this 12th day of November, 2008.

Patrick B. Cole.

SUBSCRIBED AND SWORN TO before me on the 12th day of N

Amber Courtney - Notary Public in

My Commission expires: 09/11/20

#### AFFIDAVIT CONCERNING THE POSTING OF PUBLIC NOTICE REGARDING THE PROPOSED ANNEXATION HEARING

STATE OF ALASKA	)
	) ss.
FOURTH JUDICIAL DISTRICT	)

Michael Schmetzer, City Engineer/Public Works Director, being sworn on oath, states the following:

- 1. On October 30, 2008, I oversaw posting of copies of the notice of Public Hearing Regarding Proposed City Annexation Petition at the following locations: On Riverside Drive, northeast of Ping's Laundry, at the intersection of Park Drive and Airport Frontage Road and at the north end of Park Drive, just south of the Park Drive and Kiska intersection. All three notices are at locations in the enclave territory and all are located in the public right-of-way.
- 2. On October 31, 2008, I posted of copies of the public meeting notice for the Hearing Regarding Proposed City Annexation Petition, at the following locations in the Fred Meyer Subdivision: utility pole at the northwest corner at the Airport Road and Old Airport Way intersection; utility pole at the southeast entrance to the Fred Meyer subdivision; and utility pole at the northeast entrance to the subdivision northeast of Taco Bell.
- 3. Prior to the posting of notices as stated above, I consulted the official maps of the City of Fairbanks to determine the current corporate boundaries of the City of Fairbanks and confirmed that all six signs were placed inside the territory to be annexed.

DATED this 12th day of November, 2008.

SUBSCRIBED AND SWORN TO before me on the 12th day of Nove

Amber Courtney - Notary Publicin and

My Commission expires: 09/11/2011

## AFFIDAVIT CONCERNING THE POSTING OF PUBLIC NOTICE REGARDING THE PROPOSED ANNEXATION HEARING

STATE OF ALASKA	)
	) ss.
FOURTH JUDICIAL DISTRICT	)

Amber Courtney, Executive Secretary, City of Fairbanks Mayor's Office, being swom on oath, states the following:

- 1. On October 30, 2008, I posted copies of the Notice of the November 24, 2008 Public Hearing Regarding Proposed City Annexation Petition at the following locations: at the Noel Wien Public Library located at 1215 Cowles Street, at the Fairbanks North Star Borough Clerk's Office located at 809 Pioneer Road, and at the Fairbanks City Clerk's Office located at 800 Cushman Street, all in Fairbanks, Alaska. All three notices are at locations in the City of Fairbanks where the full Proposed City Annexation Petition can be read in hard copy.
- 2. On October 8, 2008, I mailed letters notifying residents, businesses, and interested parties of the date for the Public Hearing Regarding Proposed City Annexation Petition. Letters were mailed via the United States Postal Service to all names and addresses listed in Exhibit D of the Petition for Annexation document. All letters mailed matched the sample attached.
- 3. On October 8, 2008, I distributed the attached Public Service Announcement for the Notice of Public Hearing Regarding Proposed City Annexation Petition to thirteen radio and/or media stations more than 30 days in advance of the Public Hearing, to include: KAKQ, KFBX, KJAK, KKED, KSUA radio and KSUA television, KUAC, KFAR, KWLF, KTDX, KXLR, and KCBF.

DATED this 12th day of November, 2008.

Amber Courtney

1

1

SUBSCRIBED AND SWORN To before me on the 12th day of November, 2008.

STATE OF ALASKA NOTARY PUBLIC

Janev L. Hovenden

My Commission Expires Nov. 30, 2009

lotary Public in and for Alaska

My Commission expires: 11/3

#### AFFIDAVIT CONCERNING THE POSTING OF PUBLIC NOTICE REGARDING THE PROPOSED ANNEXATION HEARING

STATE OF ALASKA	)
	) ss.
FOURTH JUDICIAL DISTRICT	)

Brittany Retherford, Student Intern, City of Fairbanks Mayor's Office, being swom on oath, states the following:

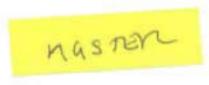
 On October 31, 2008, I posted copies of the Notice of the November 24, 2008 Public Hearing Regarding Proposed City Annexation Petition at the following locations: at the United States Post Office located at 315 Barnette Street, and the Rabinowitz State Court House located at 101 Lacey Street, both in Fairbanks, Alaska.

DATED this 14th day of November, 2008.

Brittany Retherford

SUBSCRIBED AND SWORN TO before me on the 14th day of No

Amber Courtney - Notary Public in My Commission expires: 9/11/2011



#### [NOTE: THIS PAGE REPLACED PAGE 3 OF EXHIBIT D ON NOVEMBER 12, 2008]

PLACES WHERE OFFICIAL NOTICE OF PROPOSED ANNEXATION – AND NOVEMBER 24<sup>TH</sup> PUBLIC HEARING – WERE POSTED AND COPIES OF THE PETITION AVAILABLE FOR INSPECTION.

Notice of the City's proposed annexation, including the November 24th City Council's Public Hearing were posted in the public right-of-way at the following locations.

#### Fred Mever territory - on October 31, 2008 :

Light pole at northwestern entrance/exit to Fred Meyer subdivision.

Utility pole at northwest corner of Fred Meyer subdivision, intersection with Old Airport Way.

Utility pole at southeastern entrance/exit to Fred Meyer subdivision.

#### Enclave territory - on October 30, 2008 posted on signs located in right of way:

On Riverside Drive, just north of Ping's Laundry.

At the intersection of Park Drive and Airport Frontage Road.

At the north end of Park Drive, just south of the Park Drive and Kiska intersection.

The following three public and prominent places within the current boundaries of the City have been used for posting of notices concerning this annexation proposal. In addition, a copy of the Petition is, and has been available for review at each of the following:

Clerk's Office, City of Fairbanks City Hall, 800 Cushman St., Fairbanks Noel Wien Library Reference Desk, 1215 Cowles Street, Fairbanks Clerk's Office, Fairbanks North Star Borough Administrative Office Building, 809 Pioneer Road, Fairbanks

Additionally, the Notice for Public Hearing was posted at the following location:

United States Post Office, 315 Barnette Street, Fairbanks Rabinowitz State Court House, 101 Lacey Street, Fairbanks

### [This page amended November 12, 2008 to add owner and correct address]

First Name	Last Name	Org/Bus	Address	City	State	ZIP
Gary	Nance		P.O. Box 72122	Fairbanks	AK	99707
Daniel R	Gilbertson		1102 Park Dr.	Fairbanks	AK	99709
Patrick J	Driscoll		1126 Park Dr.	Fairbanks	AK	99709
Walter A Jr	Lord		1471 Noble St.	Fairbanks	AK	99701
Richard Sherrelyn	Smoyer Argend		205 N. Gushman St 3310 Riverside No. 1.	Fairbanks	AK	99701
Judy	Benefield		3316 Riverside Dr.	Fairbanks	AK	99709
The second secon	Hebert		3330 Riverside Dr.	Fairbanks	AK	99709
		Anjo Inc.	P.O. Box 80626	Fairbanks	AK	99708
Wu Wen	Chin		P.O. Box 82405	Fairbanks	AK.	99708
		M&R Inc.	3206 Airport Way	Fairbanks	AK.	99709
Eugene	Bloom		1162 Park Dr.	Fairbanks	AK	99709
	W-201900000	Fred Meyer	3755 Airport Way	Fairbanks	AK.	99709
Burke	Barrick	Alaska State Troopers	1979 Peger Road	Fairbanks	AK	99709
Bill	Stringer	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Luke	Hopkins	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Kelly	Brown	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Tim	Beck	Assembly member	809 Pioneer Road	Fairbanks	AK.	99701
Randy	Frank	Assembly member	809 Pioneer Road	Fairbanks	AK.	99701
Nadine	Winters	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Mike	Musick	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Victoria	Foote	Assembly member	809 Pioneer Road	Fairbanks	AK.	99701
Guy	Satley	Assembly member	809 Pioneer Road	Fairbanks	AK	99701
Jim	Whitaker	Borough Mayor	809 Pioneer Road	Fairbanks	AK	99701
Marilyn	Romano	Fairbanks Daily News Miner	200 N. Cushman St.	Fairbanks	AK	99701
Doug	Isaacson	Mayor, City of North Pole	125 Snowman Lane	North Pole	AK.	99705
Fred Meyer			PO Box 42121	Portland	OR	97242- 0121
Taco Bell			3301 Denali St Ste 200	Anchorage	AK	99503
Mt. McKinley Bank		1380 University Ave	Fairbanks	AK	99709	

Exhibit D

#### AFFIDAVIT CONCERNING THE POSTING OF PUBLIC NOTICE REGARDING THE PROPOSED ANNEXATION HEARING

STATE OF ALASKA	)
	) 55
FOURTH JUDICIAL DISTRICT	)

Janey Hovenden, City Clerk, City of Fairbanks Clerk's Office, being sworn on oath, states the following:

 On October 8, November 12, and November 23, 2008, the attached advertisement regarding the notice for the Public Hearing held on November 24, 2008, regarding the proposed City of Fairbanks annexation was run in the Fairbanks Daily News-Miner, the local newspaper publication for the Fairbanks area.

DATED this 5th day of December, 2008

Janey Howenden

SUBSCRIBED AND SWORN TO before me on the 5th day of Decemb

Notary Public in and for Alaska

My Commission expires:



# CITY OF FAIRBANKS PUBLIC NOTICE

### Notice of Public Hearing Regarding Proposed City Annexation Petition

The City Council of the City of Fairbanks will be holding a Public Hearing at 5:30 PM on Monday, November 24, 2008 in City Council Chambers, 800 Cushman Street, Fairbanks regarding the proposed annexation to the City of the following territory:

Fred Meyer Subdivision (location of the Fred Meyer "West" store and other businesses at University Avenue and Airport Way) and the "Enclave" Lots on Park & Riverside Drives, Barclett Avenue, and Airport Access Road, a total of 0.05 square miles.

Under Article X, Section 12 of the Alaska Constitution, cities may annex territories via the legislative review process as provided by sentute (AS 29.06.040, AS 44.33.812(b)) and regulation (3AAC 110.610(b) and 3 AAC 110.090 – 110). A copy of the proposal, approved by City Council Resolution No. 4335 on September 8, 2008, is available for review at the City Clerk's Office 800 Cushman Street, Fairbanks and at the Noel Wien Library, 1215 Cowles Street, and at the Fairbanks North Star Borough Administrative Office Building, 809 Pioncer Road. It is also available online at www.ci.fairbanks.ak.us. A free copy of a summary of the petition is available at the City Clerk's Office.

The Public Hearing will be conducted by the City Mayor, Council Members and staff. The scope of the meeting will address annexation standards, their application to the annexation proposal, legislative review annexation petition procedures, the reasonably anticipated effects of annexation and the proposed transition plan. Members of the public will have five minutes to offer comments and may submit comments in writing in advance to the City Clerks' Office.

The City complies with the Americans with Disabilities Act (42 USC 12101, et seq.). Requests regarding access or to attend telephonically should be arranged in advance by calling the City Clerks Office at 459-6774.

Contact Mayor Terry Sule for more information at 459-6793.

JANEY HOVENDEN, CITY CLERK

#### Summary of Comments

#### Annexation Public hearing

November 24, 2008

5:30 p.m.

#### City of Fairbanks, City Council Chambers

Mayor Terry Strle started the meeting with a PowerPoint presentation.

#### Summary of Comments

- 1. Harry Davis. Resident for 38-years. Public safety commission member, but these are his own opinions. From a public safety standpoint, it doesn't make any sense to delay amexation. A few concerns, including that he supports paramedic level service. Second, law enforcement. Approximately 180 calls came from Fred Meyer subdivision for assistance last year. How many times did the borough respond with police protection? Zero, because they have no police powers.
- 2. Steve Thompson. Thinks the annexation proposal doesn't go far enough. If you look back on Fairbanks, at its conception, it was only 12 square blocks. Looks like a city, should be a city. City needs to expand. As far as fire protection, the Safeway across the street is covered. A city population grows, its borders need to grow. The opposite is not good. We have economic development opportunities, but annexation is part of growing a community. We need to become a larger city with economic possibilities in the future.
- 3. Dominic Lozano. President of the Fairbanks Fire Department and member of the Fire Department. City needs to grow and expand its borders. Right now the city has very confusing borders. This is not a fire department issue. There is no doubt that the Fairbanks Fire Department can't handle Fred Meyer coming into the city. The University also a very good fire department, I was a member of it myself, they do an excellent job there. They are closer, but Fairbanks provides as good a service to Safeway as to Fred Meyer, it is no difference. There are arguments to be made on both side, but to me this is not a fire department issue. The intent of annexation is to grow.
- 4. Carter Crawford. I feel this is taxation without representation of borough residents because they are not allowed to vote on it. I don't think anybody quarrels with the city growing, but it can grow within its geographic limits. I also feel it is not necessary, there is already police and fire. This annexation could have borough residents see an increase in taxes; they suffer from the loss of the property taxes as well. Some businesses could see an increase in insurance rates. FEDCO, Chamber, Unions, University those are your engines for growth. It just doesn't make sense for the city to add to their costs right now. Despite all the glossy words, I don't think this is any more than a money grab.

Let's find a way to make the city as environmentally friendly as possibly for businesses and another way than a money grab.

- 5. Bruce Foote. You people don't supply any services to Fred Meyer. All the roads are maintained by the state. You don't supply power, sewer, or water. You are telling us that we need to make up the \$50,000 loss and that the borough would have to make up the \$350,000 loss in taxes. I don't like that because I am a borough resident. The city has flip-flopped on its position and can believe what they say about annexation. I am a service area fire commissioner.
- 6. Tom Lincoln. We have voted it down 2, 3, 4 times. I just don't see where we are going to get anything better. We are going to get less for more. I have everything I want right now. If you need money, go get jobs, but let us alone.
- 7. Joe Mattie. I have a small business just across the street from Fred Meyer and the idea of Fred Meyer today and my little business tomorrow scares me to death. It is like having two insurance policies when one is enough. When I built my business in 1990, I researched whether I wanted to have my business in the city and I didn't want to. Don't be offended, I didn't want my business to be in Newark, New Jersey either. I am here to stick up for Fred Meyer.
- 8. Sean Ryan. It seems obvious to me that the city has plans for annexation beyond what is being described here, but so far they have not said anything about it. There is an agenda that is not being revealed. I moved back into town last summer and I look at what the city provides. What does the city provide? Police and fire is nice to have but I don't have any extraordinary requirement for it. Trash pickup? I moved back into town to have running water and the city no longer provides that. It is going to cost me more money and what really am I getting?
- 9. L. Berg. Opposed in the manner presented. Recognizes that the Unions have sway. I am very concerned about the contracts this city has written with different organizations and lawsuits. I don't see I am resented when I spend my money in the city of Fairbanks. The city of Fairbanks primarily exists because there are 60,000 people in the area. Also tourists. You will take \$300,000-some away from the Borough, what will you do with that money? Spend it in court cases.
- 10. Bill Shechter. 40 years up here. It is unfortunate that this entire Petition is going to sacrifice the safety of the thousands of people who do business in Fred Meyer. One of the worst reports I've ever seen. Each one of these tabs is a factual misstatement. Statement by Mayor Whitaker is wrong. University Fire Department is no more a volunteer fire department than the Fairbanks City Fire Department. The city of Fairbanks has less people working for them than when I was working for them. More people in the University Fire Department. We are fiscally conservative, we use only taxpayer money. Our fire department is not grant money. EMT-1-2-3 unique to Alaska, more equivalent to paramedic. It puts them almost on top of the paramedic training by having an EMT-3. Fred Meyer manager has stated he is more than satisfied with service. You have a

- problem with money and you haven't met those needs within your community and you need to grow. The "golden minute" is important in response.
- 11. Leonard Tilden. Supports enclave lots annexation but opposed to the Fred Meyer annexation. The service level is not substantially different, but the service response time is different. About \$50,000 the University Fire Department is going to lose. Going to have to make that up in a mill rate increase. There are other areas that would make more sense to annex.
- 12. Kenneth Stichter. I've lived in the area for more than 40 years. Primary reason the city wants to annexation is to generate more revenue to support its spending philosophy. Believes the city spends money poorly. Soccer fields should have been used for housing soccer fields could have been somewhere else. Spiraling budget requirements without corresponding revenue increase. Lets not use a Bandaid approach to fixing revenue problems like annexation.
- 13. Steve Adams. The city of Fairbanks Fire Department and the University Fire Department have no dog in this fight. The annexation should have been brought as a deal to make some money. Trying to provide something to somebody that they already have is kind of like a car dealer you've got to give them something better than a Cadillac. I spent many years in the fire service, many years as a commissioner. The big issue here is the magic minutes to get a response team to a victim. It doesn't matter which team it is, just that it gets there. Lies, falsehoods, innuendoes, misleading statements are all within the document. I think it is a shame that anyone, city resident or borough resident is subject to that kind of document with no way of figuring out what is going on.
- 14. Tammy Wilson. I don't understand why you combined them. They are going to pay more, but they are not going to be given any services they don't already have. The city police and fire are already stretched to the max. You are going to add nothing to the city, but one-half of a police officer so what increased services are you going to give? Boundaries don't make sense you are taking a part that is already square and sticking it out. If we actually charged every resident what it costs to take care of their area, we would all be bankrupt. If you are annexing because of a growth factor, there is an area off Van Horn Road that would be more suitable. What about the future?
- 15. Janette Hanneman. Problem with annexing property without the residents asking for it anyway. I have fear of that, and I have fear that if you annex Fred Meyer now, I have heard rumors that University Avenue would be next. Some future areas that you might want to annex won't be urban.
- 16. Donna Gilbert. Van Horn Road is a better place to annex. We are already selling them services. You are not doing this except for what you can get for taxes. Obviously, you don't know what you want from annexation because sales tax is the goal. Doing this for money. You want to take care of your friends and family. All of you have said, we don't have enough police and fire, but you want to expand that and you want to embarrass and humiliate one of the best fire departments we have in the area. Against mayor for

Summary of November 24, 2008 Public Hearing Comments - City of Fairbanks Annexation Page 4

publicly supporting Ted Stevens. Annexation, the way you have it planned, is wrong. We are in an economic downfall and you want to cost us more money.

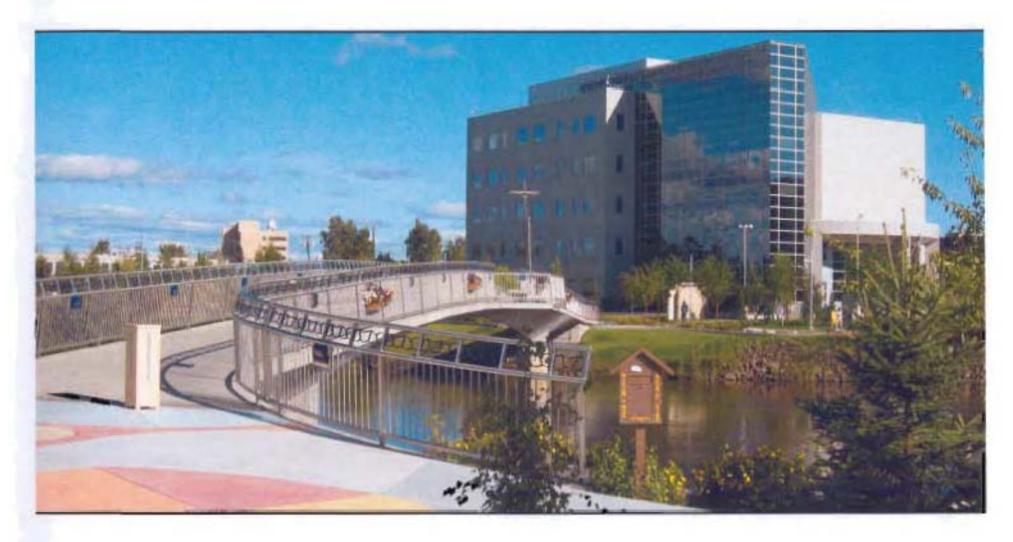
17. James Moody. Family first came to Fairbanks in 1904. I think the city has an awful lot to get caught up on, reasonably satisfied with services. Some streets should be paved. I like to see each – city and Borough – get its due. I pay taxes willingly because I am a citizen of the U.S. I think the annexation proposal should have been separate and should be separated.

### Annexation Public Hearing - November 24 2008

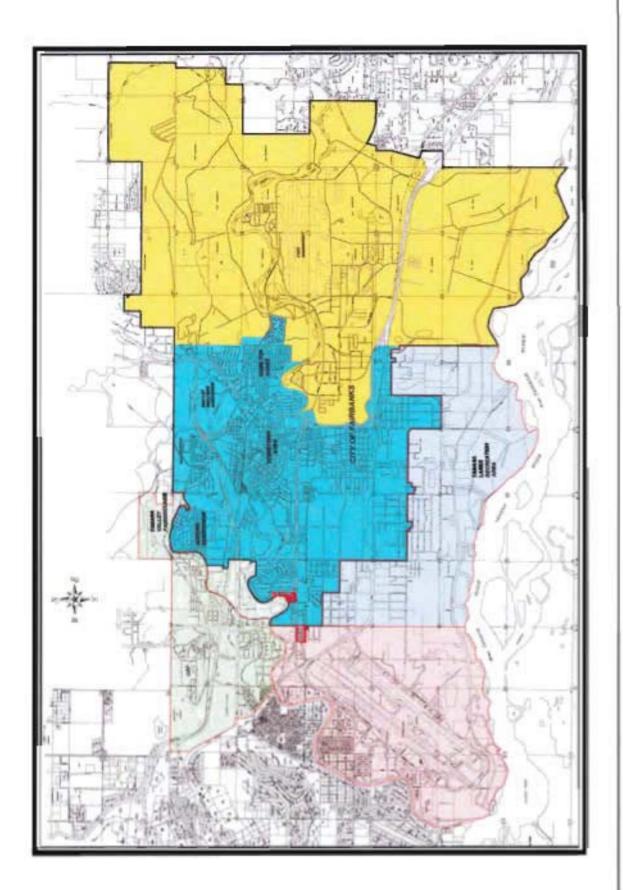
## PUBLIC HEARING REGISTER

PLEASE COMPLETE THE REGISTER BELOW IF YOU INTEND TO ADDRESS THE CITY COUNCIL DURING CITIZEN'S COMMENTS OR PUBLIC HEARING.

NAME: PLEASE PRINT	RESIDENCE ADDRESS
DAUG V-VIL	354 RWMOWDC
Steve Adams	1672 Farmers Loop
Carta Ersend	107 Maple 99709
TOM LINCOLN	2509 ALSTON RD
Janette Hanneman	3370 Davis Road
Wayne Clark	3150 DAVIS RJ
JOE MATTIFE	211 SAPPHINE DID
KENNETH STICHTER	2150 AUSTON &S
Tammie Wilson	1018 Canoro Ra NP
	666 Tenth Are ((des 10th)
Mike Prox	1015 Merden Res, North Polo. 99705
ROBERT E. FRANZ	3624 HOLDEN RD 99709
Sean P. Ryan	2645 Jack 57
1/Buly	PO 58192 KbKS 98711
FANTUNEY	201 More. FBK K
Ror Kovaux	BX 72563 99707
	3/14 #11 Badger Road North 1 4910 Polo Verde Aug 99709
John COBright	4910 Palo Veide Au 99709













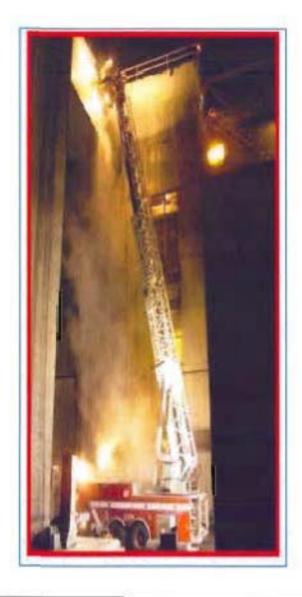




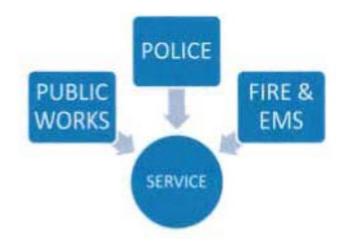








- 1) Provider of high quality essential public services
- 2) City tax burden per capita: \$533.00
- 3) Ranked 51st in taxation per capita in the State











#### November 24, 2008 Annexation Public Hearing

- City Council Resolution 4335 authorized filing Petition to annex two distinct territories.
- Before filing the Petition with the State Local Boundary Commission, this Public Hearing is required under state regulation 3 AAC 110.425, which includes a requirement to address: "appropriate annexation standards"

Standards for City annexation proposals found in Alaska Administrative Code, sections 3 AAC 110.090 - 135.

#### "and their application to the annexation proposal"

Addressed in Section 6 of the City's Petition and Exhibit H; in summary:

- . There is a reasonable need for city government, (090)
- . The territories directly or indirectly receive the benefit of some city services.
- The City will provide needed integrated police, fire, & EMS, plus Building and Fire safety codes coverage
- . The two territories are compatible in Character to the existing City, (100)
- . The two territories have the resources to support city government, (110)
- · Annexation will enhance the City's economic base (110(5)
- . The proposed new boundaries have adequate population & density (120, 130)
- Annexation is in the "best interests of the state."
- · Promotes maximum local self-government
- · Relieves the state government of the responsibility of providing services.

#### "legislative review annexation procedures"

Alaska Constitution Article X, Section 12 created Local Boundary Commission (LBC) with power to "consider any proposed local boundary change." LBC approved changes are to presented to the legislature during the first ten days of any regular session. The change becomes effective forty five days after presentation . . . unless disapproved by a resolution concurred in by a majority of the members of each house.

Alaska Statute 29.06.040 implements the constitutional provisions, as does 3 AAC 110.140. Any one of the eight standards justifies legislative review annexation, such as sub-section 140(8):

"annexation of the territory will enhance the extent to which the existing city meets the standards for incorporation of cities . . ."

Among the standards for incorporation of a city are a requirement that a city have the necessary financial resources to provide essential municipal services on a efficient, cost effective level. 3 AAC 110.020.

#### "the reasonably anticipated effects of the proposed annexation"

Section 14 of the City's Petition discusses the range of City services that will be provided to the two territories after annexation and section 11 sets forth the change in taxation under the currently levied City taxes. Annexation will extend City services on the same basis as provided in the existing City. The principal City services are police, fire, emergency dispatch, paramedic level emergency medical service, street maintenance and snow removal, economic development, building & fire codes and residential refuse collection service.

All of the new territory would be subject to the City's tax system and no longer subject to the nonareawide, service area or solid waste collection district mill levies. Full City services would be provided upon annexation, including reconstruction of Riverside Drive in the enclave lots territory.

#### "the proposed transition plan required under 3 AAC 110.900"

Petition Exhibit E sets out the proposed transition plan, which is to basically offer all City services to both territories upon annexation without delay.



Thank You!

2008 Annexation Public Hearing



Close this window Print this page

### FAIRBANKS Daily News - Miner

### Councilman says city should annex Fred Meyer West

By Christopher Eshleman

Published Thursday, December 20, 2007

FAIRBANKS -- A councilman is proposing the city of Fairbanks expand its western border to absorb the Fred Meyer store on Airport Way.

The move would increase the city's tax base by \$23 million, or one-tenth of 1 percent.

The 16-year-old store sits a stone's throw from the city's existing legal limits. Across the street to the east, a similarly sized Safeway grocery store sits just inside the city jurisdiction, leaving it subject to City Hall's taxes but also eligible for its fire and police protection.

Fairbanks City Councilman Chad Roberts, who is proposing the annexation, noted Fred Meyer is the only major retailer outside the city limits. He pointed to the council's plans to further diversify the city's tax base, which could tweak the tax burden placed on the rest of the business sector.

"They have to be a part of that," he said of Fred Meyer.

The company's second Fairbanks-area store already sits within the city.

Roberts said he will use a January council meeting to formally propose the annexation.

If endorsed, it would require the approval of the state Local Boundary Commission, commission staffer Jeanne McPherren said. The process could take a year or more.

Depending on the type of measure proposed by the council, it would also need to be approved by either Fred Meyer or the Alaska Legislature, McPherren said.

The proposal has drawn early support from Mayor Terry Strle, who said the city would work with borough officials and the neighborhood fire-protection service area to make sure other organizations won't be financially injured by the change.

Fred Meyer spokeswoman Melinda Merrill said company officials learned of the proposal Monday and need to review it before offering an opinion.

"It's too early to know what it will mean to our business and how it will affect us," she said.

The Airport Way Fred Meyer paid approximately \$360,000 in property taxes last year, with most of the money going to the Fairbanks North Star Borough. It falls within the jurisdiction of the University Fire Department, one of five organized departments outside the city.

The store's property taxes could rise by between 5 and 10 percent under the change. It would also be subject to a city business license system that would impose other fees.

Roberts echoed Strle's pledge to take steps aimed at ensuring the annexation, if approved, does not injure the University Fire Department's financial base.

The University Fire Department runs on a \$1.5 million annual budget. It collected around \$50,000 in property taxes from Fred Meyer last year.

The city two years ago briefly discussed annexing a large chunk of land west of the city.

The proposal, which would have included Fred Meyer, was shelved following a brief review.

Steve Adams, who chairs the governing committee for the University Fire Department service area, said the committee did not weigh in publicly during the previous proposal.

"The committee isn't in the position to tell the city what to do and what not to do," he said.

Roberts said the city should "logically" look to annex even more land to the west — an area that includes a number of hotels and the Fairbanks International Airport — as they look at options aimed at diversifying their income stream.

"This is a step in the right direction," he said.

Close this window Print this page

## Daily News - Miner

### Annexation talk grows as city focuses on border

By Christopher Eshleman

Published Monday, February 11, 2008

There's a spot in west Fairbanks where the city's legal boundary looks like something from a game of Pac-Man.

The border weaves back and forth between one home and the next. Some houses on Park Drive are inside the city and are subject to taxes that help the Fairbanks City Hall maintain roads and support police and fire services. Some aren't.

City officials are looking to straighten the line and make the tax burden uniform along the road and nearby Riverside Drive, where property owners already benefit indirectly from city services provided a few yards from their front steps.

Mayor Terry Strle said she began to think the city boundaries should change in the neighborhood shortly after taking office in November.

"It just doesn't make sense," she said of the existing line. "I think the larger part of the community would agree."

If interviews with some of the property owners, who had yet to hear of the proposal last week, are any indication, the measure won't meet a smooth ride. The city is taking a path that would not require property owners to vote on the plan, but it would allow them to have a say at various stages during a bureaucratic process that could take a year or more.

Riverside Drive is a short road fronting the southern bank of the Chena River. It empties into the parking lot at the Boatel Sleazy Waterfront Bar. Next door to the bar sits the A-frame home of Joe Hebert.

Hebert didn't like word of the city's plan, and neither did Boatel owner Annie Newbauer. Both noted that their property taxes would increase under the plan, which would need to meet the

satisfaction of the Alaska Local Boundary Commission and state Legislature to become law.

"It would benefit the city more than it would benefit us," Newbauer said.

Government officials say a simple look at the 11 properties provides proof that they're already part of the city's "urban" area and already benefit from road work, snow plowing and police and fire protection in the larger neighborhood, which accesses the heavily-traveled Airport Way.

The lots are ineligible for fire protection under the current rules. City fire marshal Ernie Misewicz recalled an incident in the 1980s when city firefighters had to sit idle as fire destroyed a home in the neighborhood.

"There have been several times when we've had fires that were outside the city limits and the city couldn't do anything about it," he said.

In this case, however, the properties are less "outside" the city than they are trapped between legal city limits and the Chena River. The jigsaw-shaped boundary is the product of a bite-by-bite annexation process undertaken when individual property owners requested city utilities that, at one time, included phone service, water and electricity distribution, said Jerry Cleworth, a former City Council member and a resident of the neighborhood.

The boundary is one piece of the complicated history of the Fairbanks city limits. Jennifer Abbott, a municipal boundary specialist with the Alaska Department of Commerce, Community and Economic Development, said a look at the state's records shows Fairbanks has been subject to far more individual annexation measures than most other cities around the state.

Talk of annexing the properties arose during a similar move to annex Fred Meyer and two adjoining businesses a few blocks to the west. Councilman Chad Roberts, who first proposed annexing Fred Meyer, said he sees Strle's proposal as a natural complement to his plan.

Strle has drafted a letter explaining the proposal to the property owners, a letter city officials said they planned to send late last week.

Fairbanks City Council members will discuss a pair of resolutions explaining the annexation proposals at its regular meeting tonight.

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## Daily News - Miner

### City inches toward annexing Fred Meyer

By Christopher Eshleman

Published Tuesday, February 12, 2008

The Fairbanks City Council authorized a first step Monday in plans to annex a trio of West Fairbanks businesses including Fred Meyer. The council narrowly voted to authorize Mayor Terry Strle to forward the plan to state officials. Strle said such a move is not imminent and that Monday's vote simply "starts the process."

The council approved the resolution 4-3, with Strle casting the tie-breaking vote.

The proposal, co-sponsored by Strle and Councilman Chad Roberts, also looks to absorb a branch of Mt. McKinley Bank and a Taco Bell into the city limits. Opponents on the council expressed displeasure that city officials had not attached a financial breakdown of the plan with the resolution Monday. Council members Tonya Brown and Steve Thompson also supported the resolution.

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## Daily News - Miner

## Southcentral customers continue to enjoy nation's lowest natural gas prices

By Dermot Cole

Published Friday, February 15, 2008

The Anchorage Chamber of Commerce is opposing plans for a "one-time dole" to Alaskans to offset the energy crisis that has hit hardest in portions of the state not between Wasilla and Kenai.

I agree that an energy rebate is not the best approach to this emergency.

It's true that fuel costs are taking a big chunk out of family budgets at a time when the state is flush.

But oil production is going down and energy problems are not going away. The state needs an energy plan, and it should develop renewable energy projects. Handing out cash would help people pay some bills or provide extra spending money, but that's it.

If we want long-term benefits, we have to invest for long-term gain.

The chamber wrote legislators that a "statewide plan would be a wiser investment and more beneficial to all Alaskans in the long run than a one-time dole."

Though everyone in Alaska is on the Permanent Fund dole, it does seem a bit high-handed for the Anchorage Chamber of Commerce to trot out that sobriquet in this context.

Gasoline prices are up in Anchorage, as they are everywhere else.

But in the Anchorage area 85 percent of the people heat with natural gas, a real bargain compared to the fuel oil that heats most of Fairbanks and so many other communities.

Enstar, the company that distributes natural gas from Wasilla to Kenai, says its 128,000 customers enjoy the lowest natural gas prices in the United States, about 37 percent lower than

typical consumers in the Lower 48.

This month, prices went down 2 percent, thanks to "stable gas costs from our suppliers and a rebate on taxes collected in 2007 that were overestimated based on a new state tax structure," the company said.

To be fair, natural gas prices in Southcentral have nearly doubled since 2000, but heating oil was far more expensive then and the gap has widened now.

Heating oil was \$1 a gallon in Fairbanks in 1999 and is now in the \$3.10 range.

It costs about \$1,550 to fill a 500-gallon tank in Fairbanks, which is more money than some people put down when they buy a new car. Add the electric bill and real money is at stake.

In Anchorage, consumers are paying \$8.57 per thousand cubic feet of natural gas.

A thousand cubic feet of natural gas contains the same amount of energy as about seven gallons of fuel oil.

Put another way, Anchorage consumers are paying the equivalent of about \$1.25 a gallon to heat their homes.

In a letter to legislators, the chairwoman and the president of the Anchorage Chamber said they don't want to be misinterpreted or portrayed as uncaring. I think they are sincere.

They acknowledged the "very real difficulty that Alaskans, particularly rural Alaskans, are facing in simply meeting the rapidly rising energy costs."

Things are more difficult in Fairbanks than in Anchorage and much tougher in areas off the road system than we can imagine in Fairbanks. Let's remember that and drop the "one-time dole" description.

...

CITY PLANNING: The annexation of the West Fred Meyer store on Airport Way by the city is long overdue.

What's surprising is that three members of the city council — Vivian Stiver, Lloyd Hilling and John Eberhart — don't want to study the merits of extending the city boundaries. This small

expansion would mean that all the major box stores in Fairbanks would be within the city limits, which would seem to be in the interest of city residents.

Council members Chad Roberts, Tonya Brown and Steve Thompson joined with Mayor Terry Strle to approve what could be an 18-month annexation effort. This is the sort of sensible planning the city has neglected in the past and needs to undertake for the future.

Fred Meyer, owned by one of the largest grocery chains in the country, said the company is unlikely to support the annexation plan, but wants more information.

However, the decision is not up to Fred Meyer but to city and state officials charged with determining what is in the best interests of the 31,000-plus residents of the city.

•••

WRONG COAT: Someone left the Distinguished Citizen Banquet in December wearing the wrong mink coat by accident.

The coat that was taken had the name Elsie O'Brien stitched to the inside of the coat while the one left behind had the name Mary Ellen Cox stitched the inside. If you do indeed have the O'Brien coat or know the owner of the Cox coat, call the Boy Scout office at 452-1976.

...

WORDS OF WISDOM: KTUU reporter Bill McAllister wrote in his blog that Rep. Jay Ramras is watching his metaphors and analogies.

(During the oil tax special session, Ramras compared himself to the guy who stood in front of the tank in Tiananmen Square. The Palin administration, with its tax plan, was the tank.)

McAllister writes that Ramras, talking in a downtown Juneau bar last month, was heard to announce his intent to refrain from saying anything stupid this session. Or words to that effect.

Legislative aides and other legislators questioned his ability to carry through and began wagering. According to McAllister, Ramras has \$50 riding on the outcome.

As to who determines what is stupid, Ramras quoted the adage, "I know it when I see it," the TV reporter said.

The following remark won't cause Ramras to lose his bet, but it might win him a Don Young Mixed Metaphor award.

The other day, Ramras said the Exxon agreement to provide natural gas to Fairbanks Natural Gas could come with high transportation costs for customers. He said, "something that's wrapped in a Tiffany Box may be a Trojan Horse when you unwrap it."

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## Daily News - Miner

### City moves to annex homes, businesses

By Christopher Eshleman

Published Tuesday, February 26, 2008

The Fairbanks City Council took a step Monday toward incorporating a handful of homes and businesses near the Chena River into the city limits.

The vote authorizes Mayor Terry Strle to prepare paperwork aimed at annexing the properties, an effort that could take more than a year. The move would also need to be approved by a state commission.

Some of the property owners affected by the plan, whose parcels are geographically pinned between the city's western boundary and the river, have cried foul over the proposal. One of the businesses targeted for annexation is the Boatel Sleazy Waterfront Bar. Owner Annie Neubauer told council members Monday night that her business has operated fine without direct city services.

"It's been so nice not having to deal with the city for 31 years," Neubauer said.

Strle had proposed the resolution as a first step toward straightening a city boundary that zigzags through the Park Drive neighborhood in west Fairbanks, leaving some residents paying taxes for road work and police and fire protection while leaving others to pay less in taxes.

Councilman Chad Roberts, who supported the measure, noted that community awareness of the need for fire protection increased this winter when an unprotected home in Fox burned down.

"If that happened inside the city, it would be wrong," he said.

The council passed the resolution 4-2, with members Lloyd Hilling and Vivian Stiver voting no.

City officials estimate the cost of governing the properties would be eclipsed by extra revenue

from taxes on land and alcohol sales. City officials also estimate, however, that the cost of paving a road in front of the Boatel could run over \$100,000.

The move came just weeks after the council approved a similar measure aimed at annexing the nearby Fred Meyer grocery store.

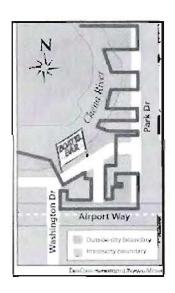
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## Daily News - Miner

## Haphazard Fairbanks city boundary line requires simple revision

By Dermoi Cole

Published Friday, February 29, 2008



If the city wants to reduce the chances of another fire fiasco like the one that occurred in Fox this winter, then it should do something about its boundaries.

Mayor Terry Strle is on the right track with the effort to get rid of the haphazard boundary line along the Chena River near the Boatel and replace it with something more logical.

It makes no sense to have a boundary that weaves in and out, leaving one parcel in and another parcel out. The result is a confusing jigsaw puzzle that could create serious problems when a fire starts or if someone needs an ambulance.

As was the case with the Fox house fire, these boundaries place unreasonable demands on emergency responders who are forced to study maps before taking action.

I understand why the property owners who have escaped the burden of paying city taxes oppose the change.

But this is a matter of fairness to others and recognizing that those property owners drive on city streets to get to their property.

The people on the east side of Park Drive and some of the property owners on the west side of the street are paying city taxes, while others are not.

The discrepancy is not fair to those who live on the other side of the street or on the other side of town.

There is a difference in insurance rates between a house in an area with fire protection and one that is not — or at least there is if the insurance companies are aware of the boundaries. This alone would provide some benefit, not to mention the knowledge that ambulance, fire, police and road service is provided.

The Riverside Drive and Park Drive boundary is an obvious problem that should have been dealt with long ago. In the aftermath of the Fox house fire, where some people were outraged that a volunteer fire department did not respond outside of its service area, the city should delay no longer.

As I have mentioned here before, our local governments should look at fire service boundaries throughout the community to pinpoint problem spots and do some planning. There is one instance where a business is inside the city, while its warehouse next door is not.

The state weigh station in Fox is outside the Steese Fire Service Area and has no fire protection and no one has taken steps to have it included. There are subdivisions and houses here and there with brand new buildings that should be annexed to existing areas.

Our local governments have ignored this issue for a long time, but we need a comprehensive look at fire protection and boundary issues.

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VISION THING: A compass can help an individual find the right direction.

The Compass project, sponsored by the United Way of the Tanana Valley, is an effort to find the right direction for the community.

The goal is to identify community strengths and areas that need improvement. You can help the process by attending the Community Visioning Session Saturday at the Carlson Center from 8:30 a.m. to 12:30 p.m.

The United Way says that "no homework, monetary donation or public speaking is expected," but members of the public are invited to share their ideas and concerns.

A continental breakfast will be provided, and child care will be offered by Camp Fire USA volunteers.

...

LEAP DAY: I want to wish Ed Christiansen a happy 20th birthday.

Yes, he's had what the family refers to as "unbirthdays" 60 times, but Feb. 29 is the date that counts.

He was born Feb. 29, 1928 in Seattle and moved here in 1959 to manage the Fairbanks News Agency.

He and his wife Alene, who have known each other since their days at Lincoln High School and have been married for 58 years, later bought the company.

They distributed paperbacks and magazines in Fairbanks and to stores spread across northern Alaska until they sold the enterprise in 1987.

Ed broke his leg last fall while on a trip to Anchorage and that prevented him from traveling to Maui for the big family party that is to take place there this evening.

Today, the Christiansens' daughters Claudia and Karen, their three grandchildren and two great grandchildren are celebrating the 20th birthday in Hawaii, while the guest of honor does the same in Fairbanks.

MARCHING: Somehow the extra sunlight makes this seem like it should be the first of March. Maybe that's why a vehicle attempting to cross the Chena River near Chena Small Tracts went through the ice Wednesday.

Dermot Cole can be reached at cole@newsminer.com or 459-7530.

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## Daily News - Miner

#### No to annexation

Jerry Cleworth, Fairbanks

Published Tuesday, March 4, 2008

Feb. 25, 2008

To the editor:

The city of Fairbanks has successfully used annexations over the past 20 years to offer needed services to properties that requested them. It was mutually beneficial for both parties, with each gaining from the other.

The latest attempt by the city to annex Fred Meyer West and related properties does not fit this historic pattern. The annexation resolution states that "...it is inequitable to City taxpayers that this parcel, which already benefits from City services, is not paying a fair share of taxes."

This bold statement is absolutely false. The three properties targeted by the city pay property and sales taxes to the borough and to their service area. These two governmental entities depend on this revenue stream just as the city does from properties within the city limits.

Emergency medical services and fire protection are just two blocks away from these properties. The city's services are more than two miles away. If these properties were to come into the city, they would receive much slower services than they currently receive, and at greater cost to them. This is illogical, and is the reason that none of the three properties being targeted support the forced annexation.

Annexation is a useful tool when used appropriately. However, the forcible annexation being pushed by a few at the city creates animosity between the city and the targeted property owners along with the two governmental units that currently serve them. Most parties involved view this for what it really is — a taking.

Government at all levels exists for one purpose: to serve the population they preside over. To

force entities into the city that already enjoy a higher level of service than the city can offer is inherently wrong and sets in motion controversy that is not wise or needed in our community. We should not be about land grabs to enrich our own coffers.

All of the testimony before the City Council was opposed to this annexation. I would like to thank Council members Vivian Stiver, John Eberhart and Lloyd Hilling for listening to the testimony and voting against continuing the controversial process.

### Daily News - Miner

#### City boundaries

Barry W. Jackson

Published Wednesday, March 5, 2008

Feb. 29, 2008

To the editor:

I respectfully disagree with Dermot Cole's column regarding the "Haphazard Fairbanks city boundary line" along Park Drive. I see no unfairness, and it makes sense.

Those who are not paying city taxes chose to not be annexed when neighbors adjoining and across Park Drive had the opportunity and chose to pay taxes, gain fire protection and pay lower property insurance premiums by being annexed to the city. Alaskans are independent-minded, and many prefer the additional freedom of less local government. At the time, there was no local government outside Fairbanks (other than the school district, as I recall, and the Hamilton Acres Public Utility District).

As city attorney from 1959-1964, my governing philosophy was maximum freedom and accommodating the desires of individual residents to the extent reasonably possible. I believed those who rejected the opportunity to gain fire protection were shortsighted, but that they should be accommodated. The problems for the fire and police departments of identifying the "haphazard" city boundary seemed to be minimal, and the City Council, after due consideration, agreed and accepted my proposal.

Over some 40 years since that I have read the News-Miner, I have never noticed a story of a police or fire department problem arising because of the boundary solution I engineered.

The problem of identification is not unusual, as streets are commonly used as local government boundaries. So cities often find they must maintain and plow border streets. And, by property house number, determine if the police or fire department should respond. If the city had limited the annexation boundary to Park Street, it would still have had to maintain the street without

tax revenues from Westside properties. Now they continue to get some, from those owners who wanted fire protection.

I am not persuaded that the boundary now needs to be changed and the city imposed on property owners who prefer to remain outside the city.

# Daily News - Miner

#### City hosts public meeting on annexation project

By Staff report

Published Saturday, August 2, 2008

FAIRBANKS — The city of Fairbanks will host a public meeting to address questions and concerns about an on-going annexation project.

The property being considered for annexation includes the Fred Meyer West subdivision and enclave lots located on Park and Riverside drives, Bartlett Avenue and the Airport Access Road.

The meeting will be Wednesday at 6 p.m. at the Noel Wien Library.

The City Council will vote on the annexation at the last council meeting in August before the petition goes before the Local Boundary Commission.

# Daily News - Miner

#### Fairbanks City Council considers land annexation

By Rehecca George

Published Sunday, August 3, 2008

FAIRBANKS — The city of Fairbanks might be growing if city administrators can convince council council members and residents to annex about 32 acres of land scattered around town.

The council already approved two resolutions to move forward with the lengthy administrative process of annexation last February.

The city's petition says the annexation is a way to stimulate growth and development, abate threats to health and public safety and enfranchise local residents into the city's organization.

The annexation would include "enclave lots" located on Park and Riverside drives, Bartlett Avenue and Airport Access Road as well as the Fred Meyer commercial center in West Fairbanks.

All of the territory under consideration is either contiguous to or surrounded by current city territory, but there is an ongoing debate from business owners, council members and residents about whether both sections of land should be annexed.

Local business owners of the Boatel Bar, Fred Meyer West and Mt. McKinley Bank have expressed concerns about an increase in taxes and city regulations.

On the other hand, of the 35 residents who live within the enclave lots, most use and rely upon the city of Fairbanks for road service, city lights and fire and police services and have not had to pay city taxes for such services.

Cynthia Bloom owns two pieces of property that would be annexed and remains optimistic about the process. Currently, only three of her five properties are a part of the city.

"We've had to fight to get these last two annexed, so I don't have a problem with the recent legislation at all," Bloom said. "I appreciate all the fire coverage and emergency services we

get from the city, so it's a great idea."

Members of City Council are split on the decision.

Councilman Chad Roberts is in support of the annexation. He sponsored the earlier ordinance that brought the Fred Meyer West commercial center to the table.

"In my opinion, it balances every other major box store that is within the city," Roberts said. "My basic thought is that there has to be more growth within the city, and moderate small growth is a healthy thing in order for the city to remain a viable entity."

Councilwoman Vivian Stiver is divided on the annexation as a whole.

"I don't think there's a strong enough argument for the city to annex Fred Meyer," Stiver said. "It would just create another enclave."

On the other hand, Stiver supports the annexation of the residential enclave lots.

"My biggest concern is for the safety of those residents and slowly, but surely those lots have been coming into the city," she said.

Councilman John Eberhart also supports the annexation of the residential and other enclave lots but is still undecided about the need to annex the Fred Meyer commercial center.

Eberhart initially opposed a February resolution to add the Fred Meyer commercial center to the annexation process due to a few unanswered questions about a cost to benefit ratio.

"There are three commercial entities and they all oppose the annexation — most likely because they felt they didn't need the city's services," he said.

The petition will be under extensive discussion during the next few weeks both at City Council meetings and at a public meeting at the Noel Wien Library on Wednesday at 6 p.m.

The petition is scheduled to go before the council for a vote at a council meeting at the end of August. Pending approval from the council, the petition will then be presented to the Local Boundary Commission.

# Daily News - Miner

### City of Fairbanks hosts annexation meeting

By Staff report

Published Wednesday, August 6, 2008

FAIRBANKS — The city of Fairbanks is hosting a meeting to address local questions and concerns about the proposed annexation of the Fred Meyer West commercial center and several enclave lots scattered about Park and Riverside drives, Bartlett Avenue and the airport access road. The meeting will be today at 6 p.m. at the Noel Wien Library.

# Daily News - Miner

### City addresses questions over annexation

By Rebecca George

Published Thursday, August 7, 2008

FAIRBANKS — The city's annexation meeting boded well as far as clearing up confusion about the legalese in the drafted proposal, but how the community feels about being annexed is still a cloudy issue after Wednesday evening.

At the heart of the matter lies the issue that there are areas surrounded by or adjacent to the city that are benefiting from city services such as snow removal, paved roads, fire and police services, and are receiving these services without having to pay city taxes.

The properties in question are enclave lots along Riverside and Park drives, Bartlett Avenue and the Airport Access Road, as well as the Fred Meyer West retail center.

"We're here to get some input from you, as a community, and to find out what some of your key issues are," Mayor Terry Strle said in an opening statement.

Between Strle, members of the City Council and Chief of Staff Pat Cole, most questions were answered, but opinions remained at large.

Of the biggest concerns among residents, fire and police protection became a key factor.

"Our biggest issue in adding these enclave lots was about guaranteeing fire service protection and cleaning up the saw tooth irrational boundary lines," Councilman Chad Roberts said to the audience of about 15 people.

Under the proposal, the University Fire Department, operated by the Fairbanks North Star Borough, would enter a mutual aid agreement with the city of Fairbanks and operate through dispatch on calls in the area.

"It would be a matter of whoever was closer to the call," Cole said. "We wouldn't be sending two trucks out at once, and this way, the University Fire Department continues to serve the area, but also will be reimbursed by the city for its work within city limits," Cole explained.

Though the proposal is still in draft phase, the fear that the University Fire Department would lose revenue was cleared up when Cole explained that the city would work out an agreement to reimburse the University Fire Department for coverage in that area.

Cole explained that paramedic services would be provided by the city and are currently not available by the borough in that area.

"The borough will loose some revenue, but fire service within the area under consideration is going to be enhanced with the guaranteed efforts of additional city services," Cole said.

As for the Fred Meyer retail center, Roberts said his main motivation when he brought this to the table last February was about continued growth for the city.

"The city of Fairbanks has been the center of commerce for Interior Alaska, and we have just one big box store that sits outside of the city. It's an inequality," he said.

Cole and the administration agreed that the Fred Meyer shopping center would benefit from city police, as there are more Fairbanks police available than state troopers and the city already responds to the area hundreds of times each year.

Several members of the audience voiced their approval of annexation of the enclave lots, while others weren't happy about the annexation of Fred Meyer.

Cole took copious notes about the comments made by concerned members of the public and made clear that the proposal was strictly in draft form.

The annexation project has been on-going for years and slowly down-sized after cost-benefit studies showed that the city could only reasonably afford to grow in small bits at a time.

"It would strain our city services if we grew all at once," Cole said.

Because of the hefty process in trying to annex, Strle explained that she had no intention of annexing more property.

Members of the public have ample time to share their concerns and ask questions with the city administration.

The council will vote on the proposal Aug. 25.

Pending an approval from the council, the proposal will go before the Local Boundary Commission for additional scrutiny.

If the Local Boundary Commission approves the annexation, it will go before the state Legislature for a final decision.

# Daily News - Miner

#### Fire service opposes Fred Meyer annexation in Fairbanks

By Rebecca George

Published Friday, August 15, 2008

FAIRBANKS — The University Fire Service Area Commission isn't ready to support the city's efforts to annex the Fred Meyer West commercial center.

The commission made it official by signing off on a resolution stating that it opposes the petition and any effort by the city of Fairbanks to annex Fred Meyer West area.

Commission member Bruce Foote has been very vocal about his arguments with the annexation the past few weeks.

"The University Fire Service Area is not at all interested in entering an agreement like that," Foote said.

He was one of the first to sign the petition.

The commission finds the petition draft is confusing.

The resolution argues the petition "co-mingles two very different and distinct areas," referring to the enclave lots, which are primarily residential lots located off Park and Riverside drives and the Fred Meyer West commercial center.

"This should be two separate annexations," said Steve Adams, chair of the commission.

Further arguments state that the petition was prepared without input from the UFSA commission.

"We've been cooperative with past annexations, but now the city is taking something from us that we don't want them to take," said John Patterson, member of the commission.

The city has offered to pay the UFSA for continued coverage in the annexed area in what is

called a mutual aid agreement.

"The city is very aware of the need to protect the Fire Service Area, and the proposal won't change the status of their fire service area at all," said Pat Cole, chief of staff for the city of Fairbanks.

"The annexation will not affect their operations at all."

But there is concern that the mutual aid agreement could be null and void if the city decides to make further annexations beyond Fred Meyer West.

"The loss of that funding to the UFSA would be devastating, and therefore not in the best interest of the members of the area," the resolution states.

Mayor Terry Strle has stated that she has no desire to annex any more property, because the city cannot afford it.

"It wouldn't be in the best interest of the city to annex any more property, because we just don't have the resources," Strle said during a public meeting at the Noel Wien Library on Aug. 6.

The UFSA has a fire substation closer to Fred Meyer than any fire station operated by the city, which is another reason against supporting the annexation.

"The stores within Fred Meyer have advised both the UFSA Commission and the city of Fairbanks that they are satisfied with the services now provided by the University Fire Department," the resolution states.

The city has stated in the petition that the Fred Meyer commercial center would continue to receive the same protection at the same price, but the agreement would add more paramedic emergency medical services.

If the annexation is approved, the borough will lose the current alcohol tax benefits it receives from Fred Meyer West in the annexation, which totals about \$309,000.

That \$309,000 loss also was on the list of concerns about the annexation.

Adams and his fellow commissioners are planning to present the resolution to borough Mayor Jim Whitaker and the Borough Assembly on Thursday at the regular assembly meeting.

The resolution also will be given to the City Council on Aug. 25 when it is scheduled to vote on whether the petition should be filed.

Cole said the only official authorities on the annexation are the City Council, which approved drafting the current petition, and the Local Boundary Commission.

The Local Boundary Commission will have the final say in the annexation if the City Council approves to have it filed.

Members of the public will have a chance to address the council with their concerns about the annexation on Aug. 25 at 7 p.m. at the City Council Chambers.

### Daily News - Miner

#### Annexation needed

Fred Meyer, Riverside should be in the city

Published Friday, August 22, 2008

The Fairbanks City Council has the chance in coming weeks to advance efforts to update two relic city boundaries.

The council will decide whether to forward a petition to the state's Local Boundary Commission that asks the commission to approve the city's annexation of two small areas on its western border.

The most significant annexation would bring the Fred Meyer store at University Avenue and Airport Way into the city. This would provide a much-needed boost of property tax to the city as it struggles to provide services for a daily influx of people from outside its boundaries.

The Fred Meyer area is already part of the city in every fashion but the official.

The property is an important commercial center that draws traffic and people across city streets immediately adjacent to the property. It's the only major retail center in the region that sits outside a city, even if just barely.

Because the Fred Meyer property is so close to the city, the city fire and police departments already respond there regularly under mutual aid agreements with the borough-chartered University Fire Service Area and the Alaska State Troopers.

That brings up one potential downside, though: The annexation could cut out University Fire's largest source of income.

So the city has proposed, in its application, that the fire service district continue to serve the area and that the city reimburse the district for its post-annexation tax loss.

That seems like a reasonable proposal and one that recognizes that University Fire, with a substation just a third of a mile from Fred Meyer, has the ability to continue good fire

protection.

The second proposal in the city's petition to the Local Boundary Commission would finally annex an odd collection of lots in the Riverside subdivision on the south bank of the Chena River between Washington and Park drives.

This should be a no-brainer for the commission. The gerrymandered border leaves those properties without fire protection and good street maintenance. It needs to be fixed.

# Daily News - Miner

#### City chiefs support proposed annexation

By Staff report

Published Friday, August 22, 2008

FAIRBANKS — The city of Fairbanks' annexation proposal will be on the agenda at the City Council meeting Monday night.

Debates continue to surround the issue that proposes to annex the Fred Meyer West lot as well as residential lots on Park and Riverside drives. Fairbanks Fire Chief Warren Cummings and Chief of Police Dan Hoffman are both in support of the annexation.

"The current annexation proposal will have a minimal impact to our services," Hoffman said.

The annexation would bring in a net revenue of \$388,000 that could help support the funding of Fairbanks social services.

Previous annexation proposals have covered a wider scope of property, but the current annexation is significantly downsized.

Mayor Terry Strle has said she has no intentions of annexing additional property because the city cannot afford it.

If the annexation is approved by the Local Boundary Commission, pending City Council approval to move forward with the proposal, then the city will fund additional police positions to accommodate the increase in coverage.

# Daily News - Miner

### Fairbanks Mayor Strle proposes pushing back annexation action

By Religiona George

Published Sunday, August 24, 2008

FAIRBANKS — After deciding some revisions were needed, Fairbanks Mayor Terry Strle will be asking to postpone any action on a resolution annexing a series of lots bordering city limits at Monday's City Council meeting.

"We're still in the process of getting more information," Strle said.

"We're trying to mitigate the concerns on both ends and trying to draft the best proposal possible."

The overall annexation proposal won't change — the city still wishes to annex enclave lots off Park and Riverside drives and the Fred Meyer commercial center.

"The city administration made a few revisions to the proposal to address a variety of expressed concerns," said Chief of Staff Pat Cole, who has spearheaded the annexation project, in an e-mail.

Some of the revisions include modifications to agreements with the University Fire Service Area.

The Fred Meyer commercial center will remain in the service area without any loss of revenue, according to the proposal.

Furthermore, the city recognizes in the proposal draft "that the Fairbanks North Star Borough may amend the UFSA boundaries."

The city has agreed to assist in response to fire calls at the Fred Meyer center. That arrangement might include a mutual aid agreement with the city fire department, allowing it to respond to the area if requested by the UFSA. Another option is the inclusion of an automatic

aid agreement between the University Fire Department and Fairbanks Fire Department, having both respond automatically, without any reimbursement.

Last week, members of the University Fire Service Area Commission signed off on a resolution stating it did not support the annexation.

One of the biggest arguments against the annexation is that it would remove about \$300,000 from the borough's alcohol and tobacco tax revenue fund.

The proposal needed to clarify that property owners in the Fred Meyer commercial center, namely Taco Bell, Mt. McKinley Bank and Fred Meyer West, would not be paying fees to both the borough and the city for fire service protection, which was another fear of the commercial property owners.

If the annexation is approved by the Local Boundary Commission, pending initial approval from City Council, the commercial center would no longer be eligible for borough emergency medical services.

However, the petition proposes that the city would be responsible for the commercial lot but would pay the University Fire Department to continue to respond to that area.

The revised proposal was sent to Fairbanks North Star Borough officials on Thursday afternoon for further consideration.

"We're trying to get it done within a reasonable time-frame, but we want to get everything right before we put the proposal out there," Strle said.

# Daily News - Miner

### City Council votes unanimously to eliminate special elections

By Rebecca George

Published Tuesday, August 26, 2008

FAIRBANKS — The Fairbanks City Council unanimously voted to eliminate the special elections process during Monday's council meeting.

To make the change in the city charter, voters must affirm the decision at the polls on Oct. 5.

The change will not take hold until January 2009. Current petition sponsors are not affected by this change.

Ron Warner, who is sponsoring the anti-fluoride petition, and Donna Gilbert, who is petitioning to change the City Charter, have both said they would not want to hold a special election because of the burdening expense to the city's budget.

Councilwoman Vivian Stiver said the ordinance was a way for the city to save money and cut back on potential expenses. Holding a special election costs \$35,000 to \$40,000, according to the city.

"I think overall, it's a good idea to save money where we can," Stiver said. "I can't think of an unfair angle to this change."

During the meeting, Councilman Lloyd Hilling was the only one to raise a question about the issue.

Hilling wanted to clarify that eliminating special elections would not make it impossible for city residents to change a law if they saw fit.

The council's unanimous vote to eliminate special elections has no effect on a resident's ability to petition for a law. It simply forces any approved petition to be put on the regularly scheduled ballot.

#### Annexation vote

#### postponed

The Council Chambers got a little heated with further discussion of the on-going annexation proposal regarding enclave lots off Riverside and Park drives and the Fred Meyer commercial center.

At the beginning of the meeting, council candidate Jerry Cleworth spoke against the annexation, stating several reasons why he thought the city ought to re-evaluate the proposal.

In regard to the Fred Meyer commercial center, Cleworth spoke on behalf of the three businesses involved: Fred Meyer, Taco Bell and Mt. McKinley Bank, where Cleworth sits on the board of directors.

"All three property owners oppose the annexation as does the University Fire Service Commission," Cleworth said. "The annexation should be a win-win for everyone if it's done by mutual consent."

Cleworth suggested to the council that they vote to rewrite the petition rather than simply postpone the vote.

The council passed a motion to hold off on forwarding the proposal to the Local Boundary Commission but not without contest from Hilling and Stiver.

Both council members have been vocal about their opposition to the annexation of the Fred Meyer commercial center.

Hilling emphasized the need for mutual consent in regard to the property owners potentially being annexed.

"It's the right thing to do to have mutual consent," Hilling said.

Hilling is sticking to his earlier campaign promise of having no annexations, but the pledge wasn't his only reason for voting against postponing the vote.

"This should be dealt with now," Hilling said. "I think it should be stopped before more expenses and city time is undertaken."

Councilman John Eberhart also spoke against the annexation of the Fred Meyer commercial center.

"I have no problem with the enclave lots, as some people benefit from city services and the boundaries are a mismatched pattern," Eberhart said.

Eberhart mentioned he would not be present at the next council meeting, but made it clear he was opposed to the annexation proposal as it stands.

"But I am having problems with the Fred Meyer annexation as it's very confusing, and I'm inclined to vote against it," he said.

Councilman Chad Roberts defended the proposal, stating that the council had an obligation to its residents to find alternative sources of revenue.

"All these issues we deal with, from gang violence to patching potholes, are real problems in our city that cost real money," Roberts said. "Growth has to happen. We are being bombarded by non-city residents who don't want to pay for the services they're already receiving."

Fairbanks Mayor Terry Strle has stated that the annexation proposal needs work and that she wishes to make it as equitable as possible.

### Daily News - Miner

#### Annexation proposal undergoes revisions regarding fire aid

By Rebecca George

Published Friday, September 5, 2008

FAIRBANKS — After going through several revisions, the city's proposal to annex the Fred Meyer West commercial center has undergone another significant change in the last week.

The University Fire Service Area Commission is opposed to plans to annex the commercial center using an automatic aid agreement, which would have required the UFSA to respond to the city's annexed property.

Instead, the city has decided to take a traditional approach to annexation by using its own firefighters to respond to the area.

"We were unable to reach an automatic aid agreement with the UFSA, but the mutual aid agreement will remain in effect," said Pat Cole, chief of staff for the mayor.

In the latest draft of the proposal, the city will move forward with the annexation petition and provide emergency services itself.

The City Council must still vote to present the proposal to the Local Boundary Commission for a final decision. The council is expected to vote on the proposal at the next council meeting Sept. 15.

Fairbanks Fire Chief Warren Cummings remains confident the added property will not be an extra burden on his fire department.

If the annexation is approved by the council and Local Boundary Commission, the Fairbanks Fire Department will assume rights and duties over the Fred Meyer commercial center and enclave lots, which are protected by the University Fire Service Area.

According to the recent draft of the proposal, Fairbanks North Star Borough Mayor Jim Whitaker confirmed his position that the borough administration would not oppose the

annexation, with or without the Fred Meyer commercial center remaining inside the UFSA after annexation.

But the proposal has drawn some questions from Fairbanks North Star Borough officials. Borough Assembly member Guy Sattley, who worries the annexation would siphon tax money from borough coffers, said Thursday he will ask his colleagues next week to pass a resolution formally opposing the proposal. The automatic aid agreement would have cost the city \$57,544 for borough fire services.

Without the agreement in place, the city's revenue will increase.

Sattley estimates the proposed annexation would bring the city more than \$300,000 in extra revenue a year, mostly from alcohol taxes — money the borough would lose.

"This is a pure money grab by the city of Fairbanks," Sattley said.

The city is searching for alternative revenue with energy costs taking a toll on the tourism industry and the tax cap limiting a major source of property tax revenue.

But Fairbanks Mayor Terry Strle said she has no intention to annex any property strictly for additional revenue during her tenure.

"We're hopeful the Local Boundary Commission will see this as an appropriate way to grow the city," Strle said. "But the city isn't going to bite off more than it can chew."

# Daily News - Miner

#### Fairbanks City Council sessions scheduled

By Staff report

Published Saturday, September 6, 2008

FAIRBANKS — The Fairbanks City Council will be hosting two separate work sessions prior to the start of Monday's City Council meeting.

At 5:30 p.m. on Monday, a work session will be held to discuss the city's recent proposal to annex the Fred Meyer commercial center and the various enclave lots located on Park and Riverside drives, Bartlett Avenue and the Airport Access Road.

The council is scheduled to vote on the resolution to approve the submission of the petition to the Local Boundary Commission during the regularly scheduled council meeting the same night.

A work session on the Birch Hill Cemetery will begin at 6:30 p.m. Monday just before the start of the council meeting to discuss property issues with Birch Hill.

# Daily News - Miner

### Fairbanks City Council votes to annex Fred Meyer commercial center

By Rebecca George

Published Tuesday, September 9, 2008

FAIRBANKS — On Monday evening, the Fairbanks City Council voted in approval of a long-awaited annexation proposal despite heated opposition from the public and a few council members.

The decision to annex the Fred Meyer commercial center and enclave lots off Airport Way now rests in the hands of the Local Boundary Commission.

The LBC will hold a hearing on the proposal to sort through technicalities, followed by a public hearing in Fairbanks in February or March.

It would then formulate a decision as early as April or May.

Council members Chad Roberts, Bernard Gatewood and Tonya Brown voted in favor of the resolution. Councilwoman Vivian Stiver and Councilman Lloyd Hilling voted against it.

Councilman John Eberhart was excused from the meeting but had voiced his opinion against the annexation proposal two weeks ago.

Mayor Terry Strle gave the fourth discretionary vote needed to pass the resolution.

Stiver, Hilling and many public commentators expressed concerns about the annexation of Fred Meyer, stating the argument to annex the area was not sound enough to present before the LBC.

"It's been made very clear that those in the territory under consideration don't want to be annexed," Stiver said. "And I fail to see how it is we would be providing them with better services."

The proposal states that the annexed property would receive better city services, such as fire protection and public works, among other benefits.

Neither Fred Meyer Inc. nor Taco Bell headquarters have made a statement about the annexation.

Mt. McKinley Bank, which also resides in the commercial center, has been vocal about its disapproval of the annexation.

Hilling stuck by his campaign promise of no annexation throughout the discussion.

"I came out strongly opposed to this for a number of reasons," he said. "I disagree that Fairbanks needs to grow, and I don't think we're in a real jam for revenue."

Hilling also said he was against it because he thought residents of the enclave lots should vote on whether or not they wanted to be annexed.

But Gatewood, Roberts and Brown didn't agree, and each made comments about the city's need to expand and grow.

Roberts was by far the most vocal during the lengthy discussion and bantered with Stiver throughout the meeting.

"This is needed because our city is the center of commerce for the Interior," he said.

"Fairbanks is the second largest city in the state of Alaska, and it's high time we start acting like it."

Gatewood echoed those sentiments and went on to say the city boundaries without the annexation resembled a scribbled crayon drawing by a child.

"I don't see anything wrong with the city growing, and besides, city services are going up and we are going to need more revenue," Gatewood said.

### Daily News - Miner

### Fairbanks North Star Borough Assembly protests Fairbanks expansion

By Christopher Eshleman

Published Friday, September 12, 2008

FAIRBANKS — The Fairbanks North Star Borough Assembly voted Thursday to formally oppose an effort by leaders of the community's second major government, the city of Fairbanks, to expand westward.

The assembly backed a protest resolution 7-2 following pleas from a handful of residents, directors of a branch of Mt. McKinley Bank — a branch that would be absored by the city under the move — and the University Fire Department.

Bank president Craig Ingham said the proposal would leave the bank's west Airport Way site in a weaker position to get help from law-enforcement and firefighting headquarters. The bank building currently falls under the jurisdiction of Alaska State Troopers and the University Fire Department, both of which maintain facilities a few blocks away.

"When you're getting less and paying a little bit more (in taxes), that doesn't make a lot of sense," he said of the city's proposal.

Assemblyman Guy Sattley proposed the resolution as an effort to protest what he saw as the city's effort to cherry-pick properties generating high tax revenue. The proposed annexation would incorporate the community's western Fred Meyer grocery store into the city's boundaries and, with it, bring Fairbanks thousands of dollars in annual tax revenue from the grocery's liquor store.

But that would cost the University Fire Department its biggest taxpayer, and managers and directors for the department have also opposed the proposal.

Some city officials have said the proposal, if successful, would smooth out uneven boundaries on the city's western edge. But Edie Curry, the University Fire Department's chief, said "it

creates the (same problems) for us that the city is trying to iron out in their area."

Fairbanks city Mayor Terry Strle, who initiated the annexation plan, noted the city has state-of-the-art police and fire technology. She said Fred Meyer has yet to take a position on the plan and asked assembly members to back "the interest of the 30,000 people who live in the city as well as in the borough." Strle said the city will hold a Sept. 22 public meeting on the plan.

Borough Mayor Jim Whitaker had avoided objection to the city's proposed annexation despite the prospect that it would sap tax revenue from borough coffers. He said Thursday he preferred to maintain a positive relationship between the borough and city and suggested all parties could eventually find common ground during the winter.

The city's proposal would also annex land beneath a Taco Bell and a handful of home sites along the south side of the Chena River. City officials are forwarding their plans to the state's Local Boundary Commission, which could rule on the proposal before next summer.

Assemblywoman Kelly Brown and assemblyman Tim Beck voted against Sattley's resolution.

# Daily News - Miner

#### Local candidates hold differing opinions on annexation

By Christopher Eshleman

Published Tuesday, September 16, 2008

FAIRBANKS — Candidates for local elected offices, meeting Monday in the first of a handful of forums scheduled prior to the Oct. 7 election, largely opposed the city of Fairbanks' current effort to redraw its western boundaries.

The city is looking to add the properties, which include a Fred Meyer grocery store, a branch of Mt. McKinley Bank and a few homes, through annexation proceedings. The Fairbanks City Council supported the move, while the Fairbanks North Star Borough Assembly, which represents residents in the community's other major local government, last week formally protested the effort.

Candidates lined up in somewhat similar fashion Monday. Most assembly candidates lined up behind the current assembly's vote, saying the City Council erred by failing to secure a consensus among property owners first.

"It kind of defeats the purpose of having a (right to) vote," said Wayne Swanson, a businessman who is challenging incumbent Tim Beck for a three-year seat.

Beck, however, disagreed and said he supported the city's effort, although he echoed Swanson's comment that the city should have sought more input or a vote from affected property owners.

"The opportunity was not there with this proposal," said Beck, who is seeking a second straight term.

Talk of the annexation effort arose twice during the forum, which was organized by the Interior Taxpayers Association.

A trio of candidates for assembly Seat A — William Minerva, incumbent Bill Stringer and

Doug Wilson — said they opposed the city's effort, which if successful would redirect tax revenue from a handful of sources to City Hall. Candidates seeking other assembly seats — for Seat D, Tammie Wilson, and for Seat H, Mark Ames, Joseph Blanchard and Joshua Lott — also opposed the city's effort.

City Council candidates were split on the annexation issue. Incumbent Bernard Gatewood said he supports what he sees as an effort to treat the community's westernmost Fred Meyer — the only big box store outside city limits — as part of the city.

"I wish it were a little cleaner," Gatewood said of the public annexation process. "(But) I think Fred Meyer West is as much a part of the city of Fairbanks as any other part of the city."

David Lerman, who with resident Ron Warner is challenging Gatewood, agreed, saying "the city needs all the revenue it can get."

Warner, however, objected to what he saw as a "money grab" and suggested city officials, if their proposal finds favor with the state's Local Boundary Commission next spring, could move to forceably incorporate other areas outside of town.

"Fairbanks does not need to go around conquering land," Warner said. "If Fairbanks is such a great place to live, people should want to be annexed in."

Jerry Cleworth and incumbent Councilman Lloyd Hilling also both objected to the city's annexation process.

Cleworth and Hilling are running for separate seats, and their opponents — for Hilling, Emily Bratcher; and for Cleworth, Kurt Gutzman and incumbent Tonya Brown — did not attend Monday's forum.

#### Tax cap, recycling

Voters across the borough will see competing ballot propositions Oct. 7. One, an initiative organized by the Taxpayers Association, aims to trim the "tax cap" — a legal ceiling applied automatically to annual taxes from local sources — while the second looks to insulate the cap from change for two years.

The candidates for Borough Assembly generally supported the cap, although it was not immediately clear whether some were showing support for the first proposition or the second.

The two incumbents, Tim Beck and Bill Stringer, said they opposed the Taxpayers Association's proposal to change tax-cap laws.

The questions at Monday's forum came from residents in attendance. One man asked the candidates for their views on the prospect a traditional recycling program could one day be established in Fairbanks. Lott, running against Ames and Blanchard for assembly Seat H, said his business bales cardboard and ships it to the Lower 48 for processing and suggested Fairbanks should be more "creative" in efforts to spark recycling efforts.

"I believe it can be done economically, and that's something we need to look into," he said.

Blanchard, a former student government leader at the University of Alaska Fairbanks, noted the university has run a handful of successful pilot recycling projects that could offer tips to borough officials.

Ames, a perennial candidate who raised awareness of the state's claim to income from federal properties in Alaska, said he wasn't sure if government should be getting involved in traditional recycling efforts.

"I think the borough should redirect its attention" to economic and constitutional landentitlement issues, he said.

# Daily News - Miner

### Council candidates share ideas for securing city revenue

By Rebecca George

Published Saturday, September 27, 2008

Editor's note: This is the third story in a series covering local elections. Look for more election coverage in the following days.

FAIRBANKS — City officials are predicting the 2009 and 2010 budget process to be quite daunting.

Incoming revenue from licensing and building permits, tobacco taxes and bed taxes are declining steadily as less businesses are being built, fewer people are smoking and hotel visits are down in Fairbanks.

Projected expenditures and revenue for the city's general fund were based on an assumed 4 percent growth after this year. But with energy prices on the rise, city operating expenditures — including expenses for public works, fire and police departments — are expected to rise as well.

Without new revenue and without adding additional expenses, the existing general fund balance will last until 2011. At that point, it is expected to fall below the required \$2.4 million minimum balance.

Barring any new revenue, the city will be forced to cut some of its expenses.

#### Question

The city finance department provided evidence to show that city funds are on pace to be depleted to their minimum balance before 2012 if alternative revenue isn't secured. What are your ideas for finding alternative revenue for the city?

#### Candidates' responses

#### City Council Seat C (2-year term)

- Bernard Gatewood, incumbent (appointed): Partnerships are a possible solution. Fairbanks has two resources that must be utilized more: a world-class university and a good economic development corporation. We need to attract more businesses and inspire business opportunities. (Fairbanks Economic Development Corporation) has an Interior Issues Council that is working on identifying opportunities for research, technology and transportation, to name a few.
- David B. Lerman: Fairbanks' fund balance can't fall below \$2.4 million, according to Pat Cole, chief of staff. The fund balance is projected to dwindle to that mark in 2011 if other measures are not taken. The annexation proposal would help increase revenue. Also, the head tax already adopted and stayed could be used.
- Ron Warner II: We do not necessarily need any new sources of revenue. The current statistics predict that City Council will continue to pull money from our reserves for the next three years in order to finance an unbalanced budget. In order to prevent this from happening again, government needs to be limited, conservative and efficient. Government has grown, exponentially, despite a stagnate population.

#### City Council Seat E (3-year term)

- Emily Bratcher: I would like to see the city incentivize new development within its boundaries, specifically higher-density residential developments and multi-use office/retail/residential properties. The city will then benefit from future property tax revenue generated from current underutilized land. A seasonal sales tax also seems an appealing option to further capture tourism dollars during the summer peak.
- Lloyd Hilling, incumbent: "On pace" means continuing deficits into the future from several new city positions in 2008, potentially violating our city code (except that we were rescued by 2008 state revenue sharing). We must not deplete the general fund (with more than \$3 million surplus), which is there for one-time needs such as emergencies, not for year-to-year expenditures. I will be open to alternative revenues when necessary, except for a general sales tax.

#### City Council Seat F (three-year term)

• Tonya Brown, incumbent: Alternative revenue sources may include: fees, charges from

city/non-city residents who use and benefit from services, to share the costs of services and infrastructure that we all enjoy. Income from motor vehicle, street use and franchise taxes are viable possibilities used in other cities. I will reach out, review, initiate and thoroughly study revenue sources that work successfully in other cities, match our needs here and create valuable outcomes.

• Jerry Cleworth: The city charter mandates a balanced budget, which, if followed, would not allow this situation to happen. The city added more positions this year than any year in recent memory and has authorized a deficit budget for the first time since 2000. This causes a depletion of the general fund balance. Fund reserves are supposed to be used for emergencies, cash flow and for non-recurring expenses such as grant matches.

### Daily News - Miner

#### Lower taxes

Carter Crawford, Fairbanks

Published Saturday, October 4, 2008

Oct. 1, 2008

To the editor:

Borough residents voting in the upcoming municipal election need to be very concerned about the city candidates even if we cannot vote for them.

If you are against a sales tax or annexation, please tell your city voter friends to question all city candidates about their stand on these two issues. From what I have read, only three candidates are clearly against both: Ron Warner (the fiscal conservative candidate for this seat who has educated himself well regarding city business) Jerry Cleworth and Lloyd Hilling (both have acted and spoken against the sales tax).

The borough tax cap also is on the ballot. It is very confusing this time because there are two versions, A and B. B is the one the borough administration attempted to eliminate. But the courts overruled and allowed B on the municipal ballot. B is better simply because it can lower your property taxes.

A allows the borough to sweep revenue above the cap into a slush fund and spend it rather than give it back to property owners. Certainly, we need to spend to grow, but we are in a period of extreme uncertainty, the most difficult economic times many of us have seen. At this time, controlling our expenses and lowering property taxes is a better option.

However, the borough disagrees and wants this money to spend. So there is a great deal of misinformation being disseminated. All new property owners coming in under the tax cap, commercial or residential, will pay property taxes just like the rest of us.

Do not be misled. Tax cap B can save you property taxes, but A never will. Vote B.

### Daily News - Miner

### Local candidates weigh in on Fred Meyer annexation plan

By Christopher Eshleman and Rebecca George

Published Thursday, October 2, 2008

Editor's note: This story is part of a series covering local elections. Look for more election coverage in the following days.

FAIRBANKS — The city of Fairbanks' proposal to annex the Fred Meyer West commercial lot and other enclave lots is facing opposition from Fairbanks North Star Borough residents, members of the Borough Assembly and the University Fire Service Area, not to mention several candidates in this year's municipal election.

In a close vote, City Council voted to go forth with the annexation procedure.

This was after changes were made to the initial proposal that eliminated the mutual aid agreement with the University Fire Service Area.

In the original agreement, the city was going to pay the borough fire service to continue to provide protection to the annexed properties.

But the University Fire Service Area protested the annexation and the mutual aid agreement for several reasons, one of the biggest reasons involved the \$300,000 loss the borough would suffer as a result of the annexation.

Others have complained the annexation process has ignored the wishes of property owners of the enclave lots who do not want to be a part of the city.

The decision to annex the Fred Meyer commercial center and enclave lots off Airport Way now rests in the hands of the Local Boundary Commission.

The commission will host a hearing on the proposal to sort through technicalities, followed by a public hearing in Fairbanks in February or March. It would then formulate a decision as early as April or May.

News-Miner staff asked local candidates to weigh in on the issue.

### Question

Do you support the city of Fairbanks' effort to annex Fred Meyer and other commercial and residential land on its western boundary? Why?

### Candidates' responses

Assembly Seat A (1-year term)

- William Minerva: Well, residential properties should be left up to the residents. Taxing businesses like Fred Meyer would only increase the price of those goods and services. Those businesses might not have built there in the first place if they were in a tax district. So, annexing them after the fact is not right.
- Bill Stringer, incumbent: I don't think the addition of this area to the city provides additional services there, but actually decreases timely availability of fire and ambulance services to this area. There are, however, areas south of the city where it would make sense for the city to expand as the city is already providing fire services there on a contractual basis.
- Doug Wilson: No. I would be in favor if it improved services and if people in the area being annexed wanted to be annexed, but that's not the case here. It's not improving services, and the people didn't want it. That's a violation of their rights, and I can't be in favor of that.

Assembly Seat D (3-year term)

• Tammie Wilson: No, there is no gain to the Fred Meyer (commercial lot) nor to local municipal budgets. The borough would lose more than \$300,000 — an amount all property owners would have to pay. Annexation would also take away more than \$50,000 from the local fire service area and pose a greater fire hazard with emergency medical services further away.

Assembly Seat E (3-year term)

• Tim Beck, incumbent: Yes. We must support communities willing to grow and accept the responsibilities associated with that growth. I feel the city administration fell short in not broadening the annexation effort to allow a vote from those residents affected.

• Wayne Swanson: No. As a Borough Assembly member, the responsibility is to the borough as a whole. This annexation financially impacts the borough taxpayers with an annual loss of about \$400,000, without reducing services that must be provided by the borough. The businesses of the area oppose the annexation. Don't the people have a voice? Emergency response to the area will be degraded, putting residents at risk.

### Assembly Seat H (3-year term)

- Mark Ames: The leadership of the city of Fairbanks has been disappointing, almost blind without vision, which nearly led to its dissolution as a city just a few years ago. I support city annexation south to the entire width of the banks of the Tanana River, west to the (University of Alaska Fairbanks) campus, north for College (Road) and Johansen (Expressway) inclusion as well as east to all adjacent land to the military Fort Wainwright base. Let's promote growth and development.
- Joseph Blanchard: I do not support the city's annexation for two main reasons. The first involves only including the retail areas and not the surrounding neighborhoods that could have allowed an area-wide vote on the matter. The second reason being that this annexation does not make sense from an emergency response perspective. University Fire (Department) is literally right down the road, and it seems very hard to justify that the city fire department would provide better service.
- Joshua Lott: No, I do not support this annexation. Annexation should only be done if it is a benefit to all parties involved. First and foremost, it should be of benefit to the property owners (whether residential or commercial), then it should benefit both the city and borough. This annexation will actually decrease the response time of emergency services to this area.

### City Council Seat C (2-year remaining term)

- Bernard Gatewood, incumbent: Yes, I support the annexation. I believe that the area is contiguous with the city of Fairbanks and is a part of the city's fabric already. The city of Fairbanks is the economic center of the Interior, and this annexation represents another step in the growth of the city as we prepare for the influx of people moving to more urban areas because of the dramatic rise in fuel costs.
- David B. Lerman: I support the Fred Meyer annexation proposal because the property is contiguous to city boundaries and utilizes Fairbanks police already. Fairbanks police and fire (departments) say they can accommodate and serve the new area well, according to Pat Cole,

Fairbanks chief of staff. The increased revenue from property tax and alcohol tax is important.

• Ron Warner II: I oppose annexation. There are good reasons the borough and fire department voted against the plan: Services would be less efficient, and it is a clear path to a future sales tax, which residents have already voted down. The city should be managed in a way that makes residents want to be annexed in. I do not support expanding the city's boundaries without property owners' consent.

### City Council Seat E (3-year term)

- Emily Bratcher: I support the current annexation efforts because the city must take a stand in sustaining itself financially, in regard to the commercial property. I also support the residential annexation for the sake of clear boundary delineation of the city and borough. Nevertheless, I hope for future development infill to generate new income as opposed to additional premature annexation.
- Lloyd Hilling, incumbent: I do not support annexing Fred Meyer West. If the proposal had included annexing the adjoining neighborhood (to the south along the west side of University Way), I would have found it a fair and reasonable approach, assuming that we then canvassed neighborhood residents for their views, and then abided by their vote of yea or nay.

### City Council Seat F (3-year term)

- Tonya Brown, incumbent: Yes, annexation is an appropriate, responsible process that expands city boundaries to generate commerce, include residential and commercial property areas, provide high-quality services to residents, establish more uniform boundaries and spread the cost of funding among people who benefit from services that provide a better quality life. Fairbanks' current size is because of a history of annexations, evident if you observe historical city maps.
- Jerry Cleworth: From a public safety standpoint, this is a dangerous proposal. Fred Meyer and adjacent businesses are served by the University Fire Service Area. They have a fire/ambulance station two blocks away from these properties, which can provide much faster service than the city which is 2 miles away. This, along with numerous other problems, has resulted in opposition from service area commissioners and the Borough Assembly.



### Seeking to serve

Ron Warner, Fairbanks

Published Saturday, October 4, 2008

Oct. 3, 2008

To the editor:

I am a candidate for City Council because I feel a need for a common man, like myself, to run for office. If others in our community do not follow likewise, we will allow "career politicians" to represent us who do not hold our best interests at heart. If I am elected to serve, I will do my best to make sure that the city does not run a deficit budget, such as the one we currently have. I also will make certain that we will not raise taxes or initiate new ones unnecessarily. We, the people, know best how to use our hard-earned money, not the government.

I have knocked on many doors during this campaign, and I would like to thank the caring, good-hearted residents who went out of their way to speak with me. We the residents of Fairbanks are concerned about our future, and we want to be sure that our representatives understand the issues that we face everyday. Because of the current energy crisis, prices are skyrocketing; no time is better than now for government to be conservative and limited.

I oppose the forced annexation plan of Fred Meyer West and the surrounding areas because it's a revenue grab and it's inefficient. However, it does make sense, if the residents will agree, to annex areas of South Cushman Street. I first testified at a City Council meeting when an ordinance was introduced to halt the fluoridation of our water supply; the beliefs of others who testified were overwhelmingly anti-fluoride. After the ordinance failed by one vote, I sponsored a city petition to place the issue on the ballot in an attempt to give us citizens a voice in the matter. Because of time constraints, we only collected half the amount of signatures required. I then decided to run for City Council to represent the beliefs of the majority of the constituents.

I humbly ask for your vote during the general election. Win or lose, I will continue to be involved in our community researching, observing and learning more about our government. Thank you for reading.



### Bailing out city

Robert A. Grove, Ester

Published Monday, October 20, 2008

Oct. 16, 2008

To the editor:

According to the 2008 Summary Petition that proposes that the city of Fairbanks annex the Fred Meyer subdivision, the city of Fairbanks claims it can provided essential services more efficiently and more effectively than any other organized entity. Nothing could be further from the truth!

Currently the Fred Meyer subdivision where Fred Meyer West is located is covered by the Fairbanks North Star Borough University Fire Service Area. University of Alaska Fire Department Station 2 is located 0.2 miles away or three minutes' response time, from the Fred Meyer West store. The city's main fire station is a little less than 4 miles from Fred Meyer West and even farther from its Aurora Station. The current Fairbanks Fire Department contract does not provide enough Aurora station staffing for a timely, if any, response, within current city boundaries.

At least 18 front page articles were written in the Fairbanks Daily News-Miner this year about how the city police and fire departments were seriously understaffed. Given this reality, I do not see how it is possible for the city of Fairbanks to provide fire, EMS, police, or even snow removal service to the annexed area more efficiently.

Everyone knows that the city is in deep financial trouble and is looking for new sources of revenue. Please attend the Nov. 24, 2008, City Council meeting and tell the council that this is a very bad proposal.

Also, I urge you to contact the state of Alaska Fourth Judicial District Local Boundary Commissioner, Lavell Wilson, at www.commerce.state.ak.us/dca/lbc/lbc.htm and urge the

Boundary Commission to take a real close look at this proposal before it decides to approve this annexation next February. If this annexation is approved, the FNSB will lose \$400,000 of alcohol and tobacco tax. What part of the borough budget is going to get cut to make up for this loss?

I know I am going to get fleeced by the U.S. government in order to bail out Wall Street and the banks, but why should those of us who live in FNSB have to bail out the city of Fairbanks?

## Daily News - Miner

### Fairbanks commission boosts chances for west side annexation

By Rebecca George

Published Wednesday, November 19, 2008

FAIRBANKS — With new support from City Councilman John Eberhart, the city's proposed annexation of Fred Meyer West and several lots north of Airport Way received the unanimous backing of the city's Public Safety Commission on Tuesday.

Eberhart, a member of the commission, previously opposed the annexation because it contained an arrangement under which the city would pay the University Fire Department about \$57,000 to continue fire service in the area.

The city administration dropped that arrangement due to opposition from the University Fire Service Area Commission. Fred Meyer West and adjacent commercial buildings are served by the University Fire Department, which is supported with borough property taxes collected within the borough-chartered University Fire Service Area.

Eberhart said dropping the proposed arrangement with the University Fire Department allows him to support the annexation.

Eberhart said he didn't see why the city should pay the University Fire Department, following annexation, when city firefighters could do the job. "If it's in the city, it should be in the city." he said.

Eberhart also said the initial proposal was not in the best interest of the Fairbanks Fire Fighters Association.

The city of Fairbanks will host a public hearing on the annexation proposal at 5:30 p.m. Monday in the council chambers, prior to the City Council's regular meeting. The hearing will be recorded for the state's Local Boundary Commission, which will make the final decision on the annexation early in 2009.

"The city is complying with requirements of the Local Boundary Commission — the state's governing body on annexation," said Pat Cole, chief of staff to Fairbanks Mayor Terry Strle.

If the Local Boundary Commission accepts the annexation proposal, the Fairbanks fire and police departments will assume responsibility for the Fred Meyer commercial center and several lots north of Airport Way that lack fire protection. The Alaska State Troopers provide police protection to both areas as of now.

At Tuesday's Public Safety Commission meeting, member Harry Davis said the annexation is in the best interest of the city, borough and state.

"The bottom line is that the city can offer a higher level of protection there for both police and fire service," said Davis, a former state district attorney for Fairbanks.

In 2007, troopers responded to 180 calls at Fred Meyer West, according to Fairbanks Fire Marshal Ernie Misewicz and Police Chief Dan Hoffman.

"My personal opinion is that the city's professional fire department is far better in terms of staffing levels, training and equipment," Davis said.

"The volunteer department simply cannot provide the same level of service," he said. "The only advantage is that they're closer."

Still, members of the Fairbanks North Star Borough Assembly and University Fire Service Area Commission object to the city's proposal, calling it a money grab.

City Councilman Jerry Cleworth and Councilwoman Vivian Stiver have both repeatedly expressed their opposition to the annexation.

# Daily News - Miner

### Fairbanks city mayor asks to postpone annexation

By Rebecca George

Published Saturday, November 22, 2008

FAIRBANKS — Fairbanks Mayor Terry Strle will ask the City Council to delay action on annexation plans until after the 2009 election with hopes of promoting a general sales tax in the mean time.

Strle's sales tax plan would eliminate city property taxes — something she says is an incentive for business and borough residents to join the city.

The sales tax initiative has failed nearly 10 times in the last 20 years. In 2007, 71 percent of city residents voted against the measure.

Strle said she's up to the challenge.

"While annexation and a charter change are two separate issues, I believe that replacing the property tax with a well-written sales tax would make annexation attractive," Strle stated in a press release Friday.

Still, the mayor maintains that sales tax and annexation are separate issues and need to be dealt with accordingly.

"I do not want annexation to be about sales tax," Strle said. "We're looking at how to minimize strain among the community as a whole and work together. We can eliminate a lot of opposition to annexation if we were to have a sales tax."

Strle acknowledged the council may not want to postpone the annexation process.

After weeks of heated debate, the council voted in a close call to move forward with the annexation and submit a proposal to the Local Boundary Commission.

"Regardless of when we put it forth, I think we have a strong application and that an outsider,

after taking a closer look, would be in favor of our proposal," she said. "We're just postponing it. All this work has not been for nothing."

Whether the amexation process is delayed will be up to the council at Monday's meeting.

As usual, the council stands divided on annexation.

Councilman Chad Roberts has backed the mayor on annexation from the beginning.

"The city is the center of commerce for the Interior, and I think annexation only strengthens the city," Roberts said.

Roberts also is a proponent of the sales tax.

"If a sales tax would lower property taxes inside the city then I think businesses would want to be inside the city. It's an incentive to do business here," he said.

Councilwoman Emily Bratcher is in favor of annexation but was open to slowing down the process and taking a closer look at both the current proposal and sales tax, separately.

Councilman Jerry Cleworth said the mayor's wish to delay the process caught him off guard.

"It seems like we're going to take a major step backwards here," Cleworth said. "I'm happy rethinking the annexation. We really need to take a harder look at this and go in a different direction."

Cleworth said he has several issues with annexation.

"As far as public safety, annexation never made sense," he said. "It was never about public safety. It was about sales tax, and it should have been stated from the beginning."

On Monday, Cleworth will introduce a resolution that asks to set aside the current annexation proposal and investigate a new petition that would give annexed property owners a chance to vote on whether or not they wish to reside in the city, among other changes.

He adamantly disagrees with the mayor's sales tax proposal.

"To go down a path that has been a dead end for 20 years now is not being proactive at all," he said. "I'm stunned to see we're going to start this divisive discussion again."

According to Cleworth, implementing a sales tax would entice rural consumers to shop online or travel to Anchorage, where there is no sales tax.

"It is, by all research, the most regressive of all taxes we could implement," he said.

Councilwoman Vivian Stiver isn't going to support the mayor's request to postpone the annexation.

"I'm not going to agree with her," Stiver said. "I want it to go forward because I believe it will fail. We have wasted our resources at the city in preparation of this document and upset the community for nothing."

Bernard Gatewood was caught by surprise by the mayor's request and admitted he would like to see the council move forward with the annexation.

"I'm not in favor of it coming off the table, but I want to work on it to get better support from the community and borough assembly," he said. "I think this is a good way to advance the city and I don't want to stop there."

For Gatewood, annexation and sales tax are two separate issues.

"I'm in support of annexation," he said. "But I'm unclear of where I stand on sales tax. It all depends on how it impacts small business. At this point I'm open to discussion and listening to all sides of the story.

"There's going to be heat regardless and we might not be able to avoid that," he said.

The public hearing on annexation is moving forward at 5:30 p.m. Monday in the Council Chambers.

## Daily News - Miner

## University Fire serves west side best

City annexation plan seeks money, not better service

Pal Mead, Community Perspective

Published Sunday, November 23, 2008

In response to the article printed in the Wednesday edition of this paper about the city's attempted West Side annexation, I offer the following. Please feel free to check my facts. The city of Fairbanks obviously does not check its own, and I believe it is intentionally misleading the public to advance its agenda.

The University Fire Department is not a volunteer organization, nor has it been since the 1960s. The University Fire Department has 48 paid positions and operates with an average of 14 personnel on duty for response — the city usually has nine on duty for response. We respond with EMT 3As on all medical emergencies, using a minimum crew of three and most often four. The city's typical crew is two.

The city offers a paramedic-level response, which is above the EMT 3 level. The difference between the two levels is this: They carry four additional medications, but three are rarely used — cardiac medications and one type of eye drops. For the differences just listed, the city charges \$400 more per call. If you need help at Fred Meyer West, you'll have to wait longer and pay for the privilege.

The Fairbanks Fire Department is staffed with professional, talented people. Nearly one-third of their members came from the University Fire Department's training program, so we must be being doing something right if they're willing to hire our people.

The city's Public Safety Commission has no clue, and especially Mr. Davis. The annexation would benefit the city's checkbook by adding property tax assessments and the alcohol tax and — the big one — would allow the city to have a sales tax in all area grocery and retail stores.

There is no benefit to the borough, which will lose the property tax assessments and alcohol

tax. And — this is the big one — everybody who likes to eat will be paying for city government via a sales tax.

Mr. Davis said annexation also benefits the state. I doubt the rest of state cares, except people from the villages who shop at the stores that will have a sales tax. I think they care.

When it comes to fire and EMS response, time matters. The city's closest station to Fred Meyer West is 3.08 miles away; the university's station is 0.47 miles away. Unless the city is exempt from the laws of physics, it will take it 3.5 minutes longer to respond if an emergency vehicle drives 10 miles per hour over the posted speed limit to that location. So far this year, 55 people were in need of assistance in that area.

Fact: Permanent brain damage occurs in four minutes without oxygen. All of you who are patrons at Fred Meyer, and the businesses involved in the amexation, need to know these numbers.

As for fire response, the University Fire Department carries a national rating of ISO 2. The city is an ISO 3, on a scale of 1 to 10. One means a department rated the most capable of controlling a fire, and 10 means the area has no fire protection. This public protection classification (ISO rating) measures all the things Mr. Davis states the city is better at.

If you missed the article, that includes staffing levels, training and equipment. By the way, station location is measured as well. Fact: If you own property in the city's fire protection area, most insurance companies charge you more for fire insurance than if you lived in the University area. Ask your insurance agent to quote the difference.

Again, I need to say that the Fairbanks Fire Department is a capable organization, but location does matter and time affects everything we do. The Fairbanks Fire Department is a busy department that is already spread too thin, and it frequently calls for assistance from outlying fire departments.

The city government is grasping at straws and slipping a hand in your pocket. Let the state's Local Boundary Commission know this plan is flawed and should not pass.

# Daily News - Miner

## Fairbanks annexation plan still a go — for now

By Rebecca George

Published Tuesday, November 25, 2008



Photo by Johnny Wagner

FAIRBANKS — Multiple efforts to rewrite or postpone the controversial annexation petition failed Monday night before a divided Fairbanks City Council that ultimately decided to move forward with the process despite heated debate.

About 20 Fairbanks North Star Borough and city residents set the tone Monday night during the public hearing on annexation, and most residents at the meeting were against annexing the Fred Meyer West commercial lot and properties off Park and Riverside drives.



Photo by Johnny Wagner

Safety was a common concern among residents and council members Monday.



While Fairbanks firefighters and members of the University Fire Service Commission tried to emphasize that the annexation is not a battle among fire departments, the issue of which department was closest to the area and which should be responsible for the Fred Meyer commercial center came up repeatedly.

"It makes the most sense for the University Fire Department to continue providing that service," City Councilman Jerry Cleworth said. "This is strictly from a human safety standpoint."

Only a few individuals testified on behalf of annexation: former Fairbanks Mayor Steve Thompson, who is a longtime advocate of annexation; former District Attorney Harry Davis; and Dominic Lozano, president of the Fairbanks Firefighters Association — the city firefighters' union.

"This is not a fire department issue," Lozano said. "The city's purpose is to grow and develop, and that is the intent of annexation — not to say one fire department is better than the other."

University Fire Service Area Commissioner Steve Adams tried to distance the fire departments from the annexation debate.

"The University Fire Department and City of Fairbanks Fire Department have no dog in this fight," Adams said. "The big issue here is the magic minutes to get a response team to a victim."

Despite the many opinions against annexation, after two failed attempts to either rewrite or postpone the petition in favor of annexation, nothing changed.

Cleworth proposed a resolution to write a new annexation petition including non-city properties that currently pay for city fire protection, and a separate petition requiring a majority vote from the enclave and commercial lots covered by the annexation petition.

Cleworth's proposals were met with opposition on the council and ultimately failed, 4-2.

Councilwoman Vivian Stiver was the only other council member to approve of Cleworth's proposal.

"I think we need to pull the petition — just stop it," Stiver said. "We should go ahead and divide (the areas to be annexed). They were paired together, and it's not working from a safety standpoint."

When the council didn't pass Cleworth's resolution, he said he wasn't surprised.

"At this point, we need to go through this thing, and it needs to be cleaned up," he said.

In a separate agenda item, Fairbanks Mayor Terry Strle asked the council to postpone the annexation process by waiting to submit the petition until after the 2009 municipal election.

She tried to clarify that a proposed sales tax would make annexation more attractive to businesses outside city limits because it would eliminate the city's property tax.

Councilwoman Emily Bratcher supported the postponement, as did Councilman Chad Roberts.

"It is the LBC who will make the decision on the petition," Roberts said. "It is up to them to

decide."

But the rest of the council had mixed opinions on a delay.

Councilmen John Eberhart and Bernard Gatewood were against postponing the petition.

"I regret we ended up in this position," Eberhart said. "It's been a very divisive issue."

Cleworth and Stiver also voted against a delay despite pointing out problems with the petition.

"You started it. You finish it," Stiver told the mayor.

accordingly. That might mean a borough to adjust its service area budget, tax rates, boundaries, levels of service, or otherwise. 45

#### Petitioners Efforts Regarding UFSA

Prior to drafting this Petition, representatives of Petitioner City of Fairbanks met with the Borough Administration and discussed the UFSA. Petitioners' staff was familiar with the City of Homer's 2000 Petition for Annexation and aware of the 2005 Statement of Decision by the Local Boundary Commission after Remand. Petitioners' staff nonetheless offered several ideas to accommodate, including conditioning this Petition on an agreement whereby the Fred Meyer Subdivision would remain inside the UFSA after annexation, as allowed by AS 29.35.450. Petitioners' staff met with the Borough Administration staff and the Chair of the UFSA Commission on several occasions to discuss this concept.

The UFSA Commission passed two resolutions opposing the annexation; it also declined the City's proposal to leave the Fred Meyer Subdivision inside the UFSA after annexation. After passage of the second UFSA resolution, at a meeting on August 20, 2008 with the UFSA Commission Chair, it became apparent that the UFSA Commission did not wish to enter into an agreement with the Petitioner. Terry Strle, Mayor of the City of Fairbanks, met with Jim Whitaker, Mayor of the Fairbanks North Star Borough on August 28, 2008 to discuss the annexation. At that meeting, City officials informed Borough Mayor Whitaker that the UFSA Commission had declined to accept the City's proposal regarding leaving the Fred Meyer Subdivision inside the UFSA after annexation. Mayor Whitaker confirmed his position that the Borough administration would not oppose the annexation with or without the Fred Meyer Subdivision remaining inside the UFSA after annexation.

Subsequently, the Fairbanks North Star Borough Assembly passed Resolution 2008 - 08, opposing only the Fred Meyer subdivision annexation. Borough Mayor Whitaker subsequently disregarded the statements he made to the City Mayor regarding his support for annexation of the Fred Meyer subdivision.

Exhibit K. 4

<sup>45</sup> Id., at 28.

#### This Annexation Would Have a De Minimis Effect on the UFSA

The annexation will not significantly impair the function of the UFSA. The UFSA has the largest budget of the five fire service areas formed by the Fairbanks North Star Borough, with a total revenue 2008-9 budget of \$2,017,605. The UFSA 2008-09 budget included a 2.138 mill levy<sup>46</sup> projected to raise \$1,988,115 in property tax revenues. If there were no change in the mill levy or total assessed valuation, annexation of the Fred Meyer Subdivision would reduce the 2008-9 UFSA budget by \$53,406.48, only 2.69% of the total tax receipts. One option would be a small increase of 0.059 mills to make up the loss of the Fred Meyer Subdivision, from 2.138 to 2.197 mills. Using the current budget, without any other changes, this would amount to an annual increase of \$14.75 for a home in the UFSA with a taxable assessed value of \$250,000.

The increased mill levy, (which assumes no change in assessed valuation or any of the other available UFSA options), is substantially less than the reduction approved by the LBC in the *Homer* annexation. In that case, the LBC approved a city annexation with reduced the tax base for the neighboring service area by 25%.<sup>47</sup> In light of the *Homer* ruling, the effect upon the UFSA is truly de minimis, especially in light of the new construction that is underway in the UFSA.

Statement of Decision, Homer Annexation, p.34.

Exhibit K 5

<sup>&</sup>lt;sup>46</sup> Ten mills equal 1% of assessed value; the UFSA's current mill levy is 0.2138% of assessed value.

1	By: Guy Sattley	
2	Introduced: 09/11/08	
3	Adopted: 09/11/08	
4		
5		
6	FAIRBANKS NORTH STAR BOROUGH	
6 7 8		
8	RESOLUTION NO. 2008 - 35	
9		
0	A RESOLUTION OPPOSING THE CITY OF FAIRBANKS' PROPOSED ANNEXATION	
1	OF THE FRED MEYER SUBDIVISION	
2		
3		
4	WHEREAS, the City of Fairbanks has proposed an annexation of two very	
5	different and distinct areas resulting in a proposal that is confusing due to the mixing of	
6	two entirely separate and different issues into one annexation proposal; and	
7		
8	WHEREAS, the businesses located within the Fred Meyer Subdivision are	
9	satisfied with the services provided by the University Fire Service Area/University Fire	
0	Department and have no desire to be annexed into the City of Fairbanks; and	
1		
2	WHEREAS, the University Fire Service Area has a fire substation with an	
3	ambulance only a few blocks from the Fred Meyer subdivision and a Main Station closer	
4	than any city fire station, thereby providing these properties with prompt and adequate	
5	response to any fire or ambulance call; and	
6		
7	WHEREAS, the University Fire Service Area enjoys a more desirable	
8	Insurance Services Office rating of a Class 2 while the City of Fairbanks has a lower	
9	insurance rating; and	
0		
1	WHEREAS, the proposed annexation will financially impact Borough	
2	taxpayers through an annual loss of over \$378,000 in taxes including Nonareawide	
3	EMS, Nonareawide Economic Development, Solid Waste, and Alcohol Taxes, but will	
4	not reduce the services provided by the Borough.	
5		
6	NOW, THEREFORE, BE IT RESOLVED that the Assembly of the	
7	Fairbanks North Star Borough opposes the City of Fairbanks' proposed annexation of	
8	the Fred Meyer Subdivision; and.	
9		
0	BE IT FURTHER RESOLVED that copies of this resolution shall be sent to	
1	the City of Fairbanks' Mayor and Council and to the Local Boundary Commission.	
2		

43

## PASSED AND APPROVED THIS 11th DAY OF SEPTEMBER 2008.

Nadine Winters Presiding Officer

ATTEST:

Mona Lisa Drexler, MMC Municipal Borough Clerk

46 47 48

44 45

Ayes: Frank, Musick, Sattley, Stringer, Hopkins, Foote, Winters

49 Noes: Brown, Beck

50