

# **PETITION**

To the Local Boundary Commission  
For

## **ANNEXATION**

To

**the City of Palmer**

**A HOME RULE CITY**

Within

**The MATANUSKA-SUSITNA BOROUGH**

**Using the local option method by  
the consent of all owners of the property proposed for  
annexation and all registered voters residing on that  
property**

**PETITION BY THE CITY OF PALMER, A CITY WITHIN THE MATANUSKA-SUSITNA  
BOROUGH, FOR ANNEXATION OF APPROXIMATELY 0.34 ACRES  
UPON UNANIMOUS CONSENT OF ALL PROPERTY OWNERS  
AND ALL RESIDENT REGISTERED VOTERS**

The Petitioner hereby requests the Alaska Local Boundary Commission to grant this Petition for annexation under Article X, Section 12 of the Constitution of the State of Alaska, AS 29.06.040(a), and AS 29.06.040(c)(3). All Exhibits attached to this Petition are incorporated by reference.

Pursuant to AS 29.06.040 (c)(3) and (4) for annexation of adjacent property by consent of voters and property owners, the Petitioner has requested that the Local Boundary Commission relax and suspend certain procedural requirements in 3 AAC 110.400 – 3AAC 110.700, therefore this petition has been modified from the regular procedural requirements as follows: 3 AAC 11.420(b)(6) legal descriptions and maps, but not plats; 3 AAC 110.420(b)(12) three-year revenue, operating and capital budgets; and 3 AAC 110.420(b)(18) a summary brief in lieu of a detailed brief.

**SECTION 1. NAME OF THE PETITIONER**

The name of the Petitioner is The City of Palmer (hereafter “Petitioner”<sup>1</sup>).

**SECTION 2. PETITIONER’S REPRESENTATIVE**

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

Name: Douglas B. Griffin, City Manager  
Physical Address: 231 W. Evergreen Avenue  
Palmer, AK 99645  
Mailing Address: Same as Above  
Telephone # (907) 745-3271  
Facsimile # (907) 745-0930  
E-mail address: [dgriffin@palmerak.org](mailto:dgriffin@palmerak.org)

**SECTION 3. NAME AND CLASS OF THE CITY GOVERNMENT THAT IS THE  
SUBJECT OF THE PROPOSED ANNEXATION**

The name and class of the city to which annexation is proposed is the City of Palmer (“City”), a home rule city in the State of Alaska.

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<sup>1</sup>Since the “Petitioner” and “City” are the same in this proceeding, the terms are used interchangeably in this Petition.

#### **SECTION 4. GENERAL DESCRIPTION OF THE NATURE OF THE PROPOSED ANNEXATION**

The Petitioner requests the Alaska Local Boundary Commission to grant this Petition for annexation upon unanimous consent of all owners of the property proposed for annexation<sup>2</sup> and all registered voters residing on that property.

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

The territory proposed for annexation is described as being located contiguous to the existing municipal boundary:

Lot 11-1, Block 1 Bailey Heights Subdivision, according to Plat Recorded April 22, 1949, in Book 7, at Page 46.; w/in S½, SW¼, NW¼, SW¼, Township 18 North, Range 02 East, Section 28, Seward Meridian, AK, located in Palmer Recording District, Third Judicial District, State of Alaska.

#### **SECTION 6. STATEMENT OF REASONS FOR THE PROPOSED BOUNDARY CHANGE**

The Petitioner seeks annexation of the territory generally described in Section 5 for the following reasons:

The City of Palmer is petitioning the LBC to annex 0.34 acres of property on behalf of the property owners. The City received a signed petition from 100% of the property owners requesting annexation to the City of Palmer. The property owners have waited for some time to be annexed and have taken this opportunity to do so. The subject properties adjoin the city limits and are presently located in the Matanuska-Susitna Borough.

These 0.34 acre parcel is contiguous to the City along its southern boundary and has City water and sewer service located in the West Albrecht Avenue right-of-way, within 600' of the lot proposed for annexation.

Annexation will allow future residents, if any, to vote in City elections, be appointed to all City boards and commissions, seek and hold elective office in City government, enjoy tax benefits, and have City Police Service.

100% of the property owners requesting annexation of this land want the land zoned for residential use. The current City property tax mill rate is three (3.0) mills for property within the City limits.

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<sup>2</sup> In 3 AAC 110.990(12) "property owner" is defined to mean "a legal person holding a vested fee simple interest in the surface estate of any real property including submerged lands; "property owner" does not include lien holders, mortgagees, deed of trust beneficiaries, remaindermen, lessees, or holders of unvested interests in land."



## **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**. The City of Palmer has requested a modification to petition regulation 3 AAC 11.420(b)(6) to allow the City to submit only legal descriptions and maps, but not plats.
- 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 are presented as **Exhibit C**. The City of Palmer has requested a modification to 3 AAC 110.420(b), to submit legal descriptions and maps, but not plats for purposes of this petition.

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

The territory proposed for annexation is estimated to be 0.34 acres:

## **SECTION 9. POPULATION DATA**

The population of the territory proposed for annexation is zero residents based upon the 2010 U.S. Census Information. A site visit on May 21, 2011 by the Palmer City Planning and Code Compliance Technician confirmed that there are no dwelling units in the area proposed for annexation. The US Census Bureau Decennial Census recorded a population of 5,937 within the boundaries of the City of Palmer in 2010.

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

**Exhibit D** provides information relevant to public notice of this annexation proceeding including specifics about local media; adjacent municipal governments; places for posting notices; location(s) where the Petition may be viewed; and parties who, because of their interest in this matter, may warrant the courtesy of individual notice of the annexation proceedings. This is a 30-day pre-ordinance notice to give published notice of the annexation proposal prior to filing the petition in accordance with 3 ACC 110.590. Copies of 3 ACC 110.590 are available by contacting LBC staff.

## **SECTION 11. TAX DATA**

- A. Value of Taxable Property in the Territory Proposed for Annexation.** The 2010 assessed or estimated value of taxable property in the territory proposed for annexation is as follows:



Real property:	\$9,000
Personal property:	<u>\$0,000</u>
TOTAL	\$9,000

**B. Projected Taxable Sales.** The near future value of annual sales in the territory proposed for annexation that would be subject to City sales taxes is estimated to be \$0. This 0.34 acre parcel was subdivided as a single-family residential area but is currently undeveloped. The adjacent property, which is under same ownership (the Palmer Pentecostal Church). If this action is approved, it is the church's intention to enlarge the current church building. This additional property will allow for the planned expansion and provide the needed space for additional parking.

**C. Existing Taxes in the Territory Proposed for Annexation.** Each tax currently in effect in the territory proposed for annexation is listed below:

FY 2011 Borough Tax Impact for Area Proposed for Annexation

ACREAGE	0.34 Acres
ASSESSED VALUE	\$ 9,000
AREA WIDE	\$ 89.604
ROAD SERVICE AREA (RSA)	\$ 13.50
FIRE SERVICE AREA	\$ 7.50
NON-AREA WIDE	<u>\$ 3.546</u>
TOTAL TAX IMPACT	\$ 114.21

Matanuska-Susitna Borough FY 2011 Property Taxes

Areawide	9.956	mills
Nonareawide	0.394	mills
South Colony Road Service Area	1.50	mills
Greater Palmer Consolidated Fire Service Area	0.84	mills

Matanuska-Susitna Borough FY 2011 Sales Tax rate 0%

## **OTHER BOROUGH TAXES (SPECIFY)**

There are no other taxes applicable to this proposal as stated by the Mat-Su Borough Budget and Revenue Manager.

## **SECTION 12. THREE-YEAR BUDGET PROJECTIONS**

Pursuant to the City of Palmer's request to relax and suspend certain procedural requirements of 3 AAC 110.420(b), and the small size of the proposed annexation, this information is not presented for purposes of this petition;

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

In October 2007, voters approved \$2 million in revenue bonds to be used to finance additional water and sewer improvement projects. As of December 31, 2010 none of the bonds have been issued. In October 2010, voters approved \$3 million in general obligation bonds to acquire property known as the Mat-Maid block. As of December 31, 2010, none of the bonds have been issued.

The following is a summary of the existing long-term bond/loan indebtedness of the City as of December 31, 2010.

<b><u>Description</u></b>	<b><u>Current Principal</u></b>	<b><u>Annual Payment</u></b>	<b><u>Date Fully Paid</u></b>
General Obligation Bond Golf Course	\$ 680,000	\$120,000 to \$150,000	2015
General Obligation Bond Ice Rink	\$1,170,000	\$65,000 to \$110,000	2024
State of Alaska Sewer Utility Loan	\$118,050	\$14,120	2019
State of Alaska Water Utility Loan	\$322,933	\$24,202	2025
State of Alaska Water Utility Loan	\$452,963	\$38,745	2024
State of Alaska Water Utility Loan	\$664,700	\$39,100	2027
State of Alaska Sewer Utility Loan	\$1,318,090	\$88,417	2027



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

### **A. CURRENT CITY POWERS AND FUNCTIONS PROVIDED GENERALLY**

- (i) The City of Palmer is a Home Rule City. According to Section 1.4 of the Municipal Charter, the city may exercise all legislative powers not prohibited by law or the Charter. Listed below are powers and functions currently exercised by the City as stated in Palmer Municipal Code 1.08.020 Municipal powers, facilities and services.

Airports and aviation;  
Animal control  
Economic Development;  
Fire Service;  
Libraries, museums, and all other public buildings  
Parks, playgrounds, sports fields and recreation;  
Planning and land use;  
Police protection;  
Sewers and sewage treatment;  
Streets, roads sidewalks, paths and trails including related  
Utility easements;  
Water drainage, landscaping and parking;  
Water treatment and distribution, including fire hydrants.

### **B. CITY POWERS AND FUNCTIONS EXERCISED GENERALLY**

- (i) Public safety

The mission of the Palmer Department of Public Safety is to provide all citizens a safe and peaceful community. The department goals are to educate people through fire and crime prevention programs; protect and preserve life, property, and the environment; assure safe and orderly movement throughout the community; and serve the community's changing needs.

The department currently has fifteen (15) sworn police officer positions including the Chief, Police Commander, Detective Sergeant, two Patrol Sergeants, one narcotics officer assigned to the State Of Alaska Drug Enforcement program under a Department of Justice Grant, one officer assigned to the Alaska State Troopers Highway Traffic Unit under a State of Alaska Grant program, and eight patrol officers. The Palmer Police Department enforces local and state laws and works with state and federal law enforcement personnel to enforce state and federal law.

Additionally, the department has twelve (12) emergency dispatchers that dispatch police calls for the department and all Fire/EMS calls for the Matanuska-Susitna Borough while acting as the Primary Answering Point for all 911 calls.

- Currently, the Alaska State Troopers serve the law enforcement needs of areas outside the City including the area proposed for annexation.

Below are statistics from 1995 to 2010 that provides information concerning patrol activities in the Palmer City limits:

Year	Service Calls	Reports Taken	Arrests Made	Traffic Accidents	Traffic Citations	Traffic Warnings	Animal Calls	Patrol Miles
1995	4252	1061	444	122	922	N/A	344	52,877
1996	4544	1000	469	164	1495	N/A	382	75,382
1997	5101	924	552	132	1800	N/A	310	77,895
1998	6010	990	858	102	2078	1356	322	91,599
1999	5686	837	655	94	1186	1634	288	93,612
2000	5182	770	528	142	1805	1796	319	82,115
2001	5559	1047	589	185	2672	1807	237	82,899
2002	5480	1078	646	143	2152	1413	295	69,904
2003	6040	1141	850	99	2476	2203	203	86,892
2004	6876	1251	1063	170	2360	2073	327	86,464
2005	7038	1253	1047	147	2443	1517	278	79,419
2006	7526	1248	1005	225	3468	1615	324	107,726
2007	8672	1354	980	237	3247	1637	346	110,667
2008	9037	1225	943	221	2823	1579	370	107,946
2009	8976	1071	843	214	2952	1603	375	97,911
2010	10,357	1073	817	229	2627	1861	306	109,301

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Fire Protection/Rescue – The City of Palmer provides fire suppression services, fire prevention and arson investigation within the City of Palmer through the City of Palmer Fire and Rescue Department. The Palmer Fire and Rescue Department has 2 full-time professional fire department employees and approximately 50 on-call paid firefighters who are highly trained and fully equipped.

- The Palmer Fire and Rescue Department provides technical rescue services (vehicle accident extrication, etc) and water rescue services (lakes, rivers, ice and mud).
- The Matanuska-Susitna Borough provides advanced cardiac life support (EMT-III and paramedic-level) ambulance service within the City (and throughout the Borough). The emergency medical services (EMS) ambulance service has 1 state-of-the art ambulance vehicle, 1 full-time professional paramedic, and has approximately 40 on-call paid emergency responders.

Building inspection – The City currently has adopted a “suite” of codes to include; the International Code Council (ICC) Building Code, the Uniform Plumbing Code and National Electrical Code. The City retains the right to review and inspect all renovation and construction projects that fall within the City Limits. The City defers to the State Fire Marshal’s Office for implementation of the State regulations and for secondary review of commercial structure plans.



(ii) *Public works*

The Palmer Public Works Department's 20 employees are trained and skilled as heavy equipment operators, mechanics, laborers, and trade specialists. The Public Works Department maintains city roads and vehicles, structures, equipment, the water and sewer utilities and municipal airport as indicated below.

- Street Construction, Maintenance, and Snow Removal – The City Public Works Department is responsible for the 41 centerline miles (90-lane miles) within the current City boundaries. Normal yearly activities include road maintenance/construction, plowing and removing snow, sanding, clearing drainage obstructions and pumping flooding, assistance during major vehicle accidents, and applying street markings.
- Building and Parks Maintenance – The City Public Works Department is responsible to maintain City Hall, Police Station, Public Library, Palmer Water and Waste Water Facilities Buildings, City Shop, Palmer Ice Arena, Palmer Fire Training Facilities / Stations. Parks Maintained by Public Works include the A-Moose-Ment Park, Wilson Park (Daron Drive), Bugge Park (Cobb Street), McKechnie Park (Daron Drive), Hagen Park (Dolphin Drive), Meier Park (Silvertip Drive) and Merritt-Long Park S. Valley Way). Additionally, the City maintains and operates an ice arena, skateboard park, golf course, Little League Ball field Complex, Herman Brother's tennis courts, Swanson Soccer Fields, and the Buzby Baseball Field. The city is currently completing the new Sgt. Arcala-Berberich Soccer Fields located behind the Palmer MTA Arena and Events Center.
- Municipal Airport – The City Public Works Department is responsible for maintenance of the Palmer Municipal Airport which has 31,000 Lf of paved runways & taxiways, maintaining 1,448,370 square feet of parking apron space for 150 aircraft tie-down spaces approximately 25 lease lots for private hangars.
- Municipal Water Utility – The water utility consists of three major well sites and three reservoir sites that provide water for domestic use and fire flow within the service area and the city limits with approximately 2,000 residential and commercial service connections using up to 1.4 million gallons peak flow of water per day.
- Municipal Sewer Utility – The sewer utility consists of a single wastewater treatment plant with gravity and force main collection system with six large lift stations located within the service area and the city limits with approximately 2,000 residential and commercial service connections that collect and treat up to 500,000 gallons of wastewater per day.
- Solid waste Collection is provided to core area residents consisting of approximately 1,300 residential and commercial customers. The area of solid waste service has been defined by the 1983 corporate city limits.

(iii) Planning

The city of Palmer currently has three planning and building development professionals on staff to assist residents and developers with projects and planning as necessary. Core functions include work on long and short range plans, building inspections, code compliance, the Library, and parks and recreation.

- The City currently is working with a consultant on a Parks and Trails Master Plan to increase the general use of its outdoor facilities and the connectivity of its facilities.
- The City has taken a role in a wide variety of projects that benefit the entire community including the development of the Palmer Ice Arena into a multi use facility, the MTA Arena and Events Center, which is becoming a regional sports facility generating a destination point for trips into Palmer and the Borough from other parts of the State and country.
- Palmer has appointed a Board of Economic Development to create an Economic Development Strategy Plan and to work on increasing employment opportunities for city residents.
- Palmer has established computer aided dispatch (CAD) for the police department which provides contracted law enforcement dispatch services fire services within the Matanuska-Susitna Borough.

**C. CITY POWERS AND FUNCTIONS, IF ANY, EXERCISED IN DIFFERENTIAL TAX ZONES ESTABLISHED BY ORDINANCE**

There are no differential tax zones established by ordinance therefore this question is not applicable.

**D. CITY POWERS AND FUNCTIONS PROPOSED TO BE EXERCISED IN THE TERRITORY PROPOSED FOR ANNEXATION**

Listed below are the powers and functions proposed to be exercised by the City in the territory proposed for annexation.

Airports and aviation;  
Animal control  
Cemeteries;  
Economic Development;  
Fire service;  
Libraries, museums, and all other public buildings and grounds;  
Parks, playgrounds, sports fields and recreation;  
Planning and land use;  
Police protection;  
Sewers and sewage treatment;



Streets, roads sidewalks, paths and trails including related;  
Utility easements;  
Water drainage, landscaping and parking;  
Water treatment and distribution, including fire hydrants.

City Utility Services to the annexed area: The City of Palmer sewer and water services are currently available within 600' of the territory proposed for annexation. The property directly south of the area requesting annexation is also owned by the Palmer Pentecostal Church and is served by both City water and sewer utilities.

#### **E. CURRENT SERVICE PROVIDERS IN THE TERRITORY PROPOSED FOR ANNEXATION**

- (i) Listed below are the names of entities (cities, boroughs, or other appropriate entities) currently providing public or public-type services and functions within the territory proposed for annexation (including the Petitioner if it serves the territory proposed for annexation on an extraterritorial basis). The specific public or public-type services and functions are also listed.

#### **BOROUGH GOVERNMENT**

Matanuska-Susitna Borough Code states in Chapter 1.10: Borough Powers, specifically Article II. Area-wide Powers; and Article III. Non-area wide Powers.

##### **Area-wide services**

Air pollution control;  
Ambulance service;  
Assessment and collection;  
Daycare facilities;  
Education;  
Historic preservation;  
Parks and recreation;  
Planning and zoning;  
Ports harbors and wharves;  
Transient accommodations taxation;  
Transportation systems.

##### **Non-area wide services**

Animal control;  
Economic development;  
Electric local improvement districts;  
Emergency services communication center;  
Fireworks;  
Housing rehabilitation and improvement;

Libraries;  
Limited health and social services;  
Motor Vehicles & Operations;  
Natural gas local improvement districts;  
Nudity;  
Roads and trails;  
Septic tank waste disposal;  
Snow Vehicles;  
Solid Waste;  
Water pollution control.

**F. SERVICE AREA FUNCTIONS WITHIN THE TERRITORY PROPOSED FOR ANNEXATION**

These Borough service areas are entirely or partially within the territory proposed for annexation:

Road Service Area  
Fire Service Area

**G. SERVICE PROVIDERS IN THE TERRITORY PROPOSED TO BE ANNEXED**

<b>Provider</b>	<b>Service or Function</b>
City of Palmer (Petitioner)	General Government Services, including Fire Service Parks & Recreation Planning & Zoning Police Services, Road Maintenance Sewer & Water Utilities
Matanuska-Susitna Borough	Air pollution control Animal Control Assessment and collection Education Fire and Ambulance service General Government Services, including Historic preservation Platting Transient accommodations taxation
State of Alaska	Alaska State Troopers, Road Maintenance of State Highways

**SECTION 15. TRANSITION PLAN**

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



*Transition Plan:*

The territory proposed for annexation is contiguous to the current boundaries of the City and is located within the Matanuska-Susitna Borough. Currently, the areas inside the city adjacent to the territory proposed for annexation receive city services including: road maintenance, city police protection, and land use regulation, library, airport, public works, parks and recreation, and general government services. Water and sewer utility services are available to all properties currently within the City limits.

Due to the small size of the territory proposed for annexation and its location contiguous to exiting City boundaries, the transition and extension of other city services to the area will have very little impact on either the territory or the City, and extension of current city services to the areas will not be difficult. All City departments and all necessary agencies, both state and borough, will be notified of the new property being added to the Palmer Municipal Boundary.

*Planning/Land Use/Zoning:* The areas inside city limits adjacent to the territories proposed for annexation are currently zoned as R-1, Single-Family Residential. The area subject to this annexation will fit reasonably within the City zoning to which it is adjacent. Within thirty days following the effective date of annexation, a recommendation will be made to the Palmer Planning and Zoning Commission to zone the newly annexed territory in conformance with existing zoning of the surrounding properties. Therefore, once annexed, the territory will be zoned in accordance with the zoning plan of the City of Palmer shortly following the effective date of annexation.

The City planning office has investigated the area to be annexed to determine if any structures or uses presently existing within the territory proposed for annexation would be nonconforming with provisions of the Palmer Zoning Code. There are no known nonconformities on the property proposed for annexation at this time. If nonconformities had been identified, planners would have notified the owners of the nonconformity as to the rights afforded to the owner of a nonconforming structure or use legally existing prior to the annexation pursuant to the general provisions of Palmer Municipal Code 17.68.

*Road Maintenance:* City road maintenance will be extended without difficulty due to the close proximity and small size of the territory to be annexed. City Public Works maintenance crews will be informed of the new area to be serviced once annexation of the area is effective.

*Water/ Sewer Utilities:* The City of Palmer sewer and water services are available within 600' of the area proposed for annexation.

The approximate distances to City water and sewer services are as follows:

- City Water and Sewer main is located in the roadway and edge of right of way (West Albrecht Avenue) and is approximately 600' distance away.



The Matanuska-Susitna Borough does not provide these utility services to Borough residents within the territory proposed for annexation. Many properties surrounding the area of this annexation proposal are serviced by their own water wells and septic systems.

*Property Tax:* The City of Palmer currently has a three mill (3.0) mill rate for properties inside the City Municipal Boundaries. The Matanuska-Susitna Borough assesses and collects property taxes for properties inside and outside organized cities in the borough. This system will not change; however, the Matanuska-Susitna Borough Assessing Department will be notified of the new property in the city to make sure that the property receives the proper assessment because property tax rates differ depending on whether the property is located in the borough or within city limits. A process is in place to transition the parcel to the correct tax code area so that it is within the proper tax code area for Palmer, which will begin at the beginning of the next calendar year following the effective date of annexation.

*Sales Tax:* The Matanuska-Susitna Borough at this time has not imposed a sales tax. The City of Palmer currently has a sales tax in the amount of 3%. Once annexed, all future sales, rentals and services made on or from the area will be subject to a 3% sales tax. The procedures currently in place when developers and/or businesses apply for a Business License or Building Permit ensure that individuals are informed of the City sales tax and proper collection and reporting requirements. As there are no current businesses located in the area proposed for annexation, the City procedures now in place will insure that any future business complies with City sales tax regulations.

*Law Enforcement:* The territory proposed for annexation currently lies within the law enforcement protection area of the Alaska State Troopers and are also are within the Matanuska-Susitna Borough Central Emergency Services (CES) area for fire and paramedic response. Once annexation becomes final, the City will notify the Alaska State Troopers and the Palmer Police Department that the subject property is inside Palmer Police Department's jurisdiction. Central Emergency Services currently serves the City of Palmer as well as borough areas outside the City. This service arrangement will not change and the territory will remain within the CES service area.

The City will assume no assets or liabilities as a result of annexation. The territories proposed for annexation are privately-owned and contain no public infrastructure which Petitioner may gain as either an asset or liability. The following Matanuska-Susitna Borough employees were consulted with regarding the transition needs for the territory proposed for annexation: Planning and Land Use Director and Platting Officer were consulted regarding planning, platting, legal descriptions, and land use needs; the Public Works Director, regarding borough road service area and transfer of service area to the City; Assessment Supervisor, and Borough Clerk. These consultations occurred during October 2010 through May 2011.

This transition process is estimated to be complete with a few months of the effective date of annexation and following pre-clearance by the U.S. Department of Justice. The one aspect of annexation that will lag involves the levy and collection of property taxes



on the territory proposed for annexation. New property tax rates should be implemented effective January 1, 2012. Once annexation is effective, the City will work with the Matanuska-Susitna Borough to ensure that all affected departments are made aware of the boundary change.

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

### **EXHIBIT F**

Palmer City Council is comprised of 7 members elected at-large, each of whom must be a resident of the City or a resident of territory annexed to the city for one year immediately prior to the election for the Council position.

The City Council members are:

Seat Designation	Name	Term of Office
At-large	Richard Best	10/09 to 10/12
At-large	Kevin Brown	10/08 to 10/11
At-large	Edna DeVries	10/10 to 10/13
At-large	Ken Erby	10/09 to 10/12
At-large	Brad Hanson	10/08 to 10/11
At-large	Kathrine Vanover	10/10 to 10/13
Mayor	Delena Johnson	10/10 to 10/13

The City does not anticipate any change to the composition or apportionment of City Council members as a result of this annexation due to the lack of dwelling units in the area proposed for annexation and the current plan to use Lot 11-1, Block 1 Bailey Heights to expand the existing Pentecostal Church building..

## **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:

Area will likely be zoned R-1 Single-family Residential by the City once this annexation takes effect. Area is undeveloped and is not expected to add voters to the City of Palmer voting populace.

The proposed annexation should not exclude any minorities. Exclusionary housing and zoning is a form of segregation that is prohibited by prior United States Supreme Court Cases which have set legal precedent. (Mt. Laurel 1 and 2 and others). The Banking and Mortgage Industry cannot legally "red-line" and exclude qualified minorities from access to mortgage loans for housing based upon minority status.

The proposed annexation of 0.34 acres that has been previously subdivided for residential use does not reduce the City's minority population. Property in area of this annexation is likely to be zoned to residential and would provide Fair and Equal Housing



opportunities for all persons and will not reduce the City's minority population percentage.

## **SECTION 18. SUPPORTING BRIEF**

Pursuant to the City of Palmer request to relax and suspend certain procedural requirements of 3 AAC 110.420(b)(18) to allow a summary brief in lieu of a detailed 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 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
- 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. Alternatively, under 3 AAC 110.130(b), a specific and persuasive showing is made that annexation of noncontiguous territory or territory that would create enclaves includes all land and water necessary to allow, on an efficient, cost-effective level, the full development of services determined to be essential city services under 3 AAC 110.970.
- 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 10 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 either annexation of the enlarged city to the existing organized borough, or detachment of the enlarged city from the existing organized borough. If the Petition describes boundaries overlapping the boundaries of another existing city, the Petition addresses the procedures and the brief addresses the standards for detachment of territory from a city, merger of cities, or consolidation of cities.
- 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 3 AAC 110.980.
- L. The territory proposed for annexation meets the annexation standards specified in 3 AAC 110.090 - 3 AAC 110.135. Although the annexation proposal is not subject to the legislative-review annexation standard set out in 3 AAC 110.140, the brief also demonstrates with detailed facts and analysis any of the circumstances outlined in 3 AAC 110.140(1) – (9) that exist with respect to the annexation proposal.
- M. Annexation of the adjoining territory is proposed with the unanimous consent of all owners of the property proposed for annexation and all registered voters residing on that property in accordance with AS 29.06.040.
- 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.

Other constitutional principles served by the annexation proposal, such as the equal-protection clause and the equal-responsibility clause of Article I, Section 1, of the Constitution of the State of Alaska and the maximum local self-government clause and minimum of local government units clause of Article X, Section 1, of the Constitution of the State of Alaska are also addressed in the supporting brief.

## **EXHIBIT H SUPPORTING BRIEF**

*This Exhibit consists of a supporting brief that provides a summarized explanation of how the proposed annexation satisfies each constitutional, statutory, and regulatory standards that are relevant to the proposed annexation pursuant to the Petitioner's request to relax the requirements of 3 AAC 110.420(b)(18) to allow a summary brief in lieu of a detailed analysis.*

### **SUMMARY BRIEF:**

*Reasonable Need:* The area proposed for annexation is currently in the process of being developed with adjacent property that is inside the current City of Palmer corporate boundaries. If Lot 11-1, Block 1 Bailey Heights Subdivision is not annexed the property owners, the Palmer Pentecostal Church, will not be able to expand their existing church building to serve the needs of its parishioners. The property owners will not have the benefits that zoning and other services that location within a city can provide. For instance, the City of Palmer engages in districted land use zoning and regulation whereas the Matanuska-Susitna Borough does not. This alone can present issues for a property owner wishing to develop property. It also presents enforcement issues for the separate governments having jurisdiction over part of a property and not the whole because a portion of the lands owned by the Palmer Pentecostal Church, are subject to regulations of the City of Palmer while a portion of the property remains in the Borough. Furthermore, the property owners initiated this process and agree to the annexation to facilitate the full development of the properties subject to this proposal. These factors demonstrate a reasonable need for city government to exist pursuant to 3 AAC 110.090. Annexation of the proposed territories will create consistency in the provision of government services, reduce confusion in regulation issues by placing the territories under one local jurisdiction, and provide assurances to potential investment through implementation of the City Zoning Code and Police protection.

*Character:* As stated in the transition plan (see Exhibit E), the territory proposed for annexation is compatible in character with the annexing city. Specifically, the current city limits are contiguous to the southern boundary of the property.

The proposed use of providing room for expansion of an existing church building and location contiguous to current city boundary is compatible with the character of the City of Palmer pursuant to 3 AAC 110.100.

*Resources, Population, & Boundaries:* Pursuant to 3 AAC 110.110, the territory proposed for annexation contains the human and financial resources necessary to provide essential city services on an efficient cost-effective level. Based upon current uses of the subject properties, there are no persons currently residing on these 0.34 acres now proposed for annexation.



The subject property does not include large, unpopulated, geographical regions pursuant to 3 AAC 110.130(d). The area proposed for annexation is 0.34 acres contiguous to the city boundaries as shown in Exhibits C and K, and will not create enclaves in the expanded boundaries of the City pursuant to 3 AAC 110.130(b).

*Unanimous Consent of the Property Owner:* In accordance with AS 29.06.040 and 3 AAC 110.150(2), the annexation of the proposed territory is with unanimous consent of the property owner proposed for annexation and all registered voters (0) residing on the property and approval by the Palmer City Council, see Exhibit I.

*Civil Rights:* The proposed 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. As stated previously in this petition, the proposed area of annexation does not contain any registered voters. Should the population of the area increase to include more resident registered voters following annexation, then those individuals will receive the benefit of participating in city elections, nor will they be denied the enjoyment of any other civil or political right because of race, color, creed, sex, or national origin.

*Best Interests:* This annexation is in the best interests of the state pursuant to Article 10 of the Alaska Constitution and AS 29.06.040(a) by promoting a minimum number of local government units on the property and maximizes local self-government based on the reasons stated throughout this petition and summary brief. As discussed above, all four of the properties have been subdivided for single-family residential development and three of the properties are in process of being re-platted to facilitate similar use.

If annexation is not approved, then the property will continue to be divided between the City of Palmer and the Matanuska-Susitna Borough, which will increase the number of local government units regulating the territory proposed for annexation.

#### **SECTION 19. AUTHORIZATION TO FILE THE PETITION**

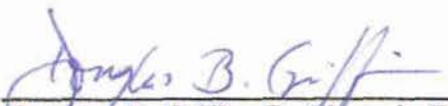
A certified copy of the ordinance enacted by the City Council to authorize the filing of this Petition is provided as **Exhibit I**. Also included as Exhibit I is a certified copy of each petition received from all property owners and resident registered voters.

#### **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 12<sup>th</sup> day of July, 2011.

By:

  
Douglas B. Griffin, Petitioner's Representative

**EXHIBIT A  
LEGAL DESCRIPTION OF THE TERRITORY  
PROPOSED FOR ANNEXATION.**

Lot 11-1, Block 1 Bailey Heights Subdivision, according to Plat Recorded April 22, 1949, in Book 7, at Page 46; w/in S $\frac{1}{2}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Township 18 North, Range 02 East, Section 28, Seward Meridian, AK, located in Palmer Recording District, Third Judicial District, State of Alaska.



**EXHIBIT B**  
**LEGAL DESCRIPTION OF THE PROPOSED POST-ANNEXATION**  
**BOUNDARIES OF THE CITY**

1.16.010 City limits.

Beginning at the section corner common to Section 3, Section 4, Section 9 and Section 10, Township 17 North, Range 2 East, Seward Meridian, Palmer Recording District Alaska, and running thence in a westerly direction along the section line common to Section 4 and Section 9, N 89°58'00" W a distance of 1,637.99 feet;

thence continuing on said Section line for 1,000.00 feet to the one-quarter corner common to sections 4 and 9, Township 17 North, Range 2 East, and the centerline of Outer Springer Loop Road;

thence S 0°03'30" E for 1,318.98 feet to the southeast corner of the Palmer Commercial Center Subdivision, Plat 95-46;

thence N 89°56'16" W for 1,319.84 feet to the southwest corner of the Palmer Commercial Center Subdivision;

thence N 00°02'42" W for 851.89 feet to the southwest corner of the Willis Subdivision, Plat 81-149;

thence S 89°58'03" E for 467.37 feet to the southeast corner of Willis Subdivision;

thence N 0°08'33" W for 466.66 feet to the section line common to Sections 4 and 9, Township 17 North, Range 2 East, Seward Meridian and the centerline of Outer Springer Loop Road;

thence N 89°55'24" W on the section line a distance of approximately 1,786.52 feet to the section corner common to Section 4, Section 5, Section 8 and Section 9, Township 17 North, Range 2 East, Seward Meridian, Alaska;

thence along the section line common to Section 8 and Section 9, S 00°07'00" W a distance of 2,640.00 feet to the one-quarter corner common to Section 8 and Section 9 marking the southeast corner of the State Fair, Inc., property;

thence continuing on said section line South 00°07' West a distance of 1,322.64 feet to the south one-sixteenth corner common with Sections 8 and Section 9;

thence S 89°58'00" W for a distance of 2,638.68 feet to the center-south one-sixteenth corner of Section 8;

thence S 89°58'00" W along the one-sixteenth line a distance of 2,208.77 feet to a point on the west right-of-way of the Glenn Highway;

thence along the west right-of-way of the Glenn Highway N 32°58'30" E a distance of 4,050.48 feet to the north-south one-quarter line of Section 8;

thence along the one-quarter line of Section 8 N 00°08'00" W a distance of 562.68 feet to the north section line of Section 8;

thence S 89°56'00" W on the north boundary of Section 8 a distance of 2,640.00 feet to the Section corner common with Sections 5, 6, 7, and 8, Township 17 North, Range 2 East;

thence S 89°59'00" W on the line common with Section 6 and Section 7 for 2,640.00 feet to the southwest corner of Palmer West Subdivision, plot file No. 72-28;

thence north on the west boundary of said Palmer West Subdivision for 1,981.28 feet to the northwest corner of Palmer West Subdivision;

thence easterly for 2,640.00 feet to the North-South 1/64 corner common to Section 5 and Section 6;

thence N 00°10'00" W on the section line for a distance of 660.00 feet to the one-quarter corner common to Section 5 and Section 6;

thence east 990.00 feet to the center-east-west-west 1/256 corner Section 5;

thence north 660.00 feet to the center-east-southwest-northwest 1/256 corner Section 5;

thence east for 330.00 feet to the center-south-northwest 1/64 Section 5;

thence N 00°13'57" W on the west boundary of Brittany Estates Subdivision Phase 1, plat file No. 85-68 a distance of 560.73 feet;

continuing on the said boundary S 89°56'57" E a distance of 50 feet;

continuing on the said boundary N 00°13'57" W a distance of 920.00 feet;

continuing on the said boundary N 89°56'57" W a distance of 50 feet;

continuing on the said boundary N 00°13'57" W for approximately 35.27 feet to a point lying 465 feet distant from the west one-sixteenth corner common with Section 5, Township 17 North, Range 2 East and Section 32, Township 18 North, Range 2 East lying within the East Palmer-Wasilla Highway;

thence northwesterly on the Wasilla-Finger Lake-Palmer Road (presently known as Irwin Loop Road), to a point lying 300.00 feet distant from the west 1/16 subdivision line of Section 5;

thence N 00°13'57" W, parallel with aforesaid west 1/16 subdivision line to an intersection point on the north boundary of Section 5;

thence East on the north boundary of Section 5, Township 17 North, Range 2 East, common with Section 32, Township 18 North, Range 2 East, for 300.00 feet to the west one-sixteenth corner;

thence north for a distance of 990.00 feet to the center-north-south-southwest (C-N-S-SW) 1/256 corner Section 32;

thence N 00°07'00" W a distance of 2,970.00 feet to the northwest one-sixteenth corner of section 32;



thence east a distance of 1,319.17 feet to the center-north one-sixteenth corner of section 32;

thence southerly a distance of 1,322.00 feet more or less to the center quarter corner of Section 32;

thence easterly on the center quarter line a distance of approximately 1,320.00 feet;

thence continuing easterly on the center quarter line a distance of 1,270.17 feet to a point 50.00 feet west of the one-quarter corner common to Section 32 and Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska;

thence northerly on a line 50.00 feet west of and parallel with the section line common to Section 32 and Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska, for approximately 1,320.00 feet to a point 50.00-foot distant from the north 1/16 corner common to Section 32 and Section 33, Township 18 North, Range 2 East, S.M., Alaska;

thence westerly on the center line of Scott Road to the southwest corner of the northeast one-quarter of the northeast one-quarter (NE1/4NE1/4), Section 32;

thence North a distance of 1,320.00 feet to the east one-sixteenth corner common to Section 29, and Section 33;

thence East 1,270.00 feet to a point 50.00 feet west of the section corner common to Section 28, Section 29, Section 32 and Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska;

thence northerly on a line 50.00 feet west of and parallel to the section line common to Section 28 and Section 29 a distance of approximately 1,316.00 feet to the south one-sixteenth line of said Section 29;

thence N 89°56'48" W a distance of 1,269.25 feet to the southeast one-sixteenth corner;

thence N 89°56'47" W a distance of 1,319.33 feet to the center-south one-sixteenth corner;

thence N 00°04'18" W a distance of 1,318.30 feet to the center one-quarter corner;

thence N 00°06'13" W a distance of 1,316.41 feet to the center-north one-sixteenth corner;

thence N 89°54'39" E a distance of 1,317.78 feet to the northeast one-sixteenth corner of said Section 29;

thence N 89°57'54" E a distance of 1,320.21 feet to the north one-sixteenth corner common to Section 28 and Section 29, Township 18 North, Range 2 East, Seward Meridian, Alaska;

thence along said section line, S 00°06'00" E a distance of 2,385.03 feet to a point 50.00 feet west of the northwest corner of Lot 11-1, Block 1 of Bailey Heights Subdivision;

thence east passing through the northwest corner of Lot 11-1, and running along and with the north line of Lot 11-1, a distance of 250.00 feet to the northeast corner of Lot 11-1, Block 1, Bailey Heights Subdivision;

thence south along the east line of Lot 11-1, Lot 13, Lot 14 and Lot 15, Block 1, Bailey Heights Subdivision, a distance of 235.00 feet to the southeast corner of Lot 15, Block 1, said corner being on the north side of Albrecht Avenue;

thence along the north side of Albrecht Avenue, east a distance of 95.28 feet;

thence south, passing through the northeast corner of Lot 2, Block 2, Bailey Heights Subdivision in Section 28, Township 18 North, Range 2 East, Seward Meridian, Alaska, and along the west side of a 20.00-foot wide street, a distance of 284.79 feet to the southeast corner of Lot 2, Block 2;

thence along the east line of Lot 3, Block 2, Bailey Heights Subdivision, S 40°51'00" E a distance of 548.58 feet to the southeast corner of Lot 3, Block 2, being on the west side of a 54.00-foot wide street;

thence along the west side of Diamond Willow Estates Subdivision N 00° 01'04" W a distance of 361.94 feet to a point marking a joint corner of Lot 4 and Lot 5, Block 2 of Bailey Heights Subdivision;

thence continuing along the west side of Diamond Willow Subdivision N 27°35'48" E a distance of 355.70 feet;

thence leaving the west side of Diamond Willow Subdivision, running on the east boundary of Bailey Heights Subdivision N 21°30" E for approximately 737.00 feet to the east angle point Lot 10, Block 2;

thence N 21°30' E for approximately 250.00 feet to the westerly right-of-way of the Alaska Railroad;

thence running northwesterly on the west right-of-way for approximately 3,380.00 feet to its intersection with the north boundary of Section 28, Township 18 North, Range 2 East, Seward Meridian;

thence east on the north boundary of Section 28 for approximately 200.00 feet to a meander point of the right bank of the Matanuska River;

thence along the right bank of the Matanuska River as it meanders to the South East 6,430.00 feet to its intersection with the south boundary of section 28;

thence continuing 16,250.00 feet on the meanders of the right bank of Matanuska River to its intersection with the east boundary of section 33;

thence within section 34 and continuing on the sinuous meanders of the west and right bank of the Matanuska River southeast, east, northeast, south, southwest and south for a distance of 7,716.00 feet to its intersection with the south boundary of section 34, Township 1E North, Range 2 East; and section 3, Township 17 North, Range 2 East;



thence within Section 3 and continuing on the sinuous meanders of the west and right bank of the Matanuska River southeast, south, southwest for a distance of approximately 1,035.00 feet to a point lying 1,020.00 feet south of Section 3;

thence continuing the meanders along the west bank of the Matanuska River to the south one-sixteenth line of said Section 3;

thence leaving the river along the one-sixteenth line, N 89°59'00" W to the southwest one-sixteenth corner a distance of 1,146.49 feet;

thence S 00°11'00" E to the west one-sixteenth corner common to Section 3 and Section 10, a distance of 1,320.00 feet;

thence along the section line common to Section 3 and Section 10, Township 17 North, Range 2 East, N 89°59'00" W to the centerline of Deland Street, Lepak Subdivision, Plat 85-77, a distance of 348.47 feet;

thence along said centerline S 00°05'00" E to the northerly one-sixteenth line of said Section 10, which is the centerline of Branch Road, a distance of 1,319.42 feet;

thence along said one-sixteenth line S 89°55'25" W to the north one-sixteenth corner common to Sections 9 and 10, a distance of 971.20 feet;

thence on the section line, which is the centerline of Outer Springer Loop Road, N 00°05'00" W a distance of 311.82 feet more or less;

thence West a distance of 465.39 feet;

thence North a distance of 512.00 feet to the south boundary of the Mohan Subdivision, Plat 87-7;

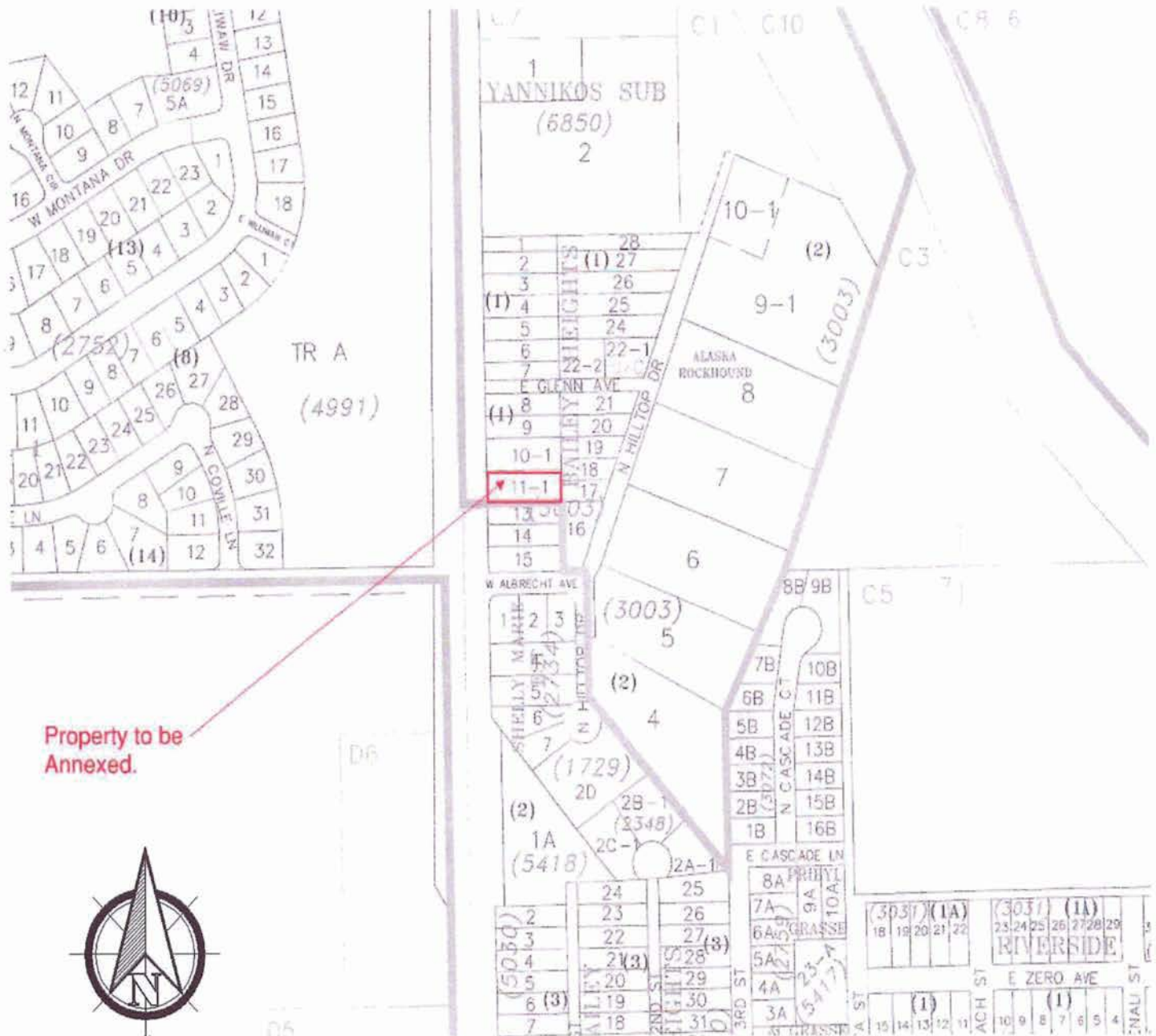
thence West 26.58 feet to the southwest corner of Mohan Subdivision;

thence North 495.00 feet to the North boundary of Section 9;

thence East on the section line a distance of 560.77 feet to the corner common to Section 3, 4, 9 and 10, Township 17 North, Range 2 East, which is the Point of Beginning.

### EXHIBIT C MAPS AND PLATS

A map showing the existing boundaries of the City and the boundaries of the territory proposed for annexation are presented in this Exhibit.





**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 parties who, because of their interest in this matter, may warrant the courtesy of individual notice of the annexation proceedings.

**LOCAL MEDIA**

The following is a list of the principal news media serving the territory within the current and proposed boundaries of the City:

Newspaper(s)

Name:           **Anchorage Daily News**  
Address:       4851 E. Blue Lupine, Suite D  
                    Palmer, AK 99654  
Telephone:     907-352-6704  
Fax:            907-352-6733

Name:           **Matanuska-Susitna Valley Frontiersman**  
Address        5751 E. Mayflower Ct.  
                    Palmer, AK 99654  
Telephone     907-352-2250  
Fax:            907-352-2277

Radio station(s)

Name:           **KMBQ Corporation**  
Address:       2200 E. Parks Highway  
                    Palmer, AK 99654  
Telephone     907-373-0222  
Fax:            907-376-1575

**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.

Matanuska-Susitna Borough  
City of Wasilla  
Municipality of Anchorage

**PLACES RECOMMENDED FOR POSTING OF OFFICIAL NOTICES  
RELATING TO ANNEXATION**

The following three or more public and prominent places within the territory proposed for annexation are recommended for posting of notices concerning this annexation proposal.

Notices posted in ROWs of North Glenn Highway, West Albrecht Avenue, North Hilltop Drive and East Glenn Avenue.

The following three or more public and prominent places within the current boundaries of the City are recommended for posting of notices concerning this annexation proposal.

1. Palmer City Hall, Clerks Office, and Community Development Department,
2. Palmer Fire Station,
3. Palmer Public Library,

**LOCATION(S) 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 location(s) listed below which are open to the public on the days and times listed below.

Location	Days and Times Open to the Public
Palmer City Hall, Clerk's Office	8:00 am to 5:00 pm Mon. thru Fri.
Palmer Community Development Department	8:00 am to 5:00 pm Mon. thru Fri.
Palmer Public Library	10:00 a.m. - 8:00 p.m. Mon., 10:00 a.m. - 6:00 p.m. Tues. & Thurs., 10:00 a.m. - 8:00 p.m. Weds. & Fri., 10:00 p.m. - 2:00 p.m. Fri. & Sat..



**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.

1. Palmer Chamber of Commerce,
2. Board of Realtors

## **EXHIBIT E TRANSITION PLAN**

*This Exhibit presents the transition plan of the City 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 110.970) 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 effect 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 consultations occurred.

### *Transition Plan:*

The territory proposed for annexation is contiguous to the current boundaries of the City and is at present located within the Matanuska-Susitna Borough. Currently, the areas inside the city adjacent to the territory proposed for annexation receive city services including: road maintenance in summer and winter, city police protection, and land use regulation. Due to the small size of the territory proposed for annexation, the transition and extension of city services to the area will have a very small impact on both the territory and the City and extension of current city services to this area will not be difficult. All City departments and all necessary agencies, both state and borough, will be notified of the new properties being added within the Palmer Municipal Boundary.

*Planning/Land Use/Zoning:* The areas inside city limits adjacent to the lot proposed for annexation are currently zoned as R-1, Single-Family Residential. The area subject to this annexation will fit reasonably within the City zoning classification of R-1 to which it is adjacent. Once annexed,



a recommendation will be made to the Palmer Planning and Zoning Commission to zone the territory similar to the surrounding properties. This will occur within thirty days following the effective date of annexation. Therefore, once annexed, the territory will be zoned in accordance with the zoning plan of the Palmer Planning Commission shortly following the effective date of annexation.

*Road Maintenance:* City road maintenance will be extended without difficulty due to the close proximity and small size of the territories to be annexed. City maintenance crews will be informed of the new area to be serviced once annexation of the area is effective.

*Water/ Sewer Utilities:* The City of Palmer sewer and water services are currently available to the area proposed for annexation. The approximate distances to City water and sewer services are as follows:

Both City water and sewer are within 600' of the property line.

The Matanuska-Susitna Borough does not provide these utilities to Borough residents within the territory proposed for annexation. Many properties surrounding the area of this annexation proposal are serviced by their own water wells and septic systems.

*Property Tax:* The City of Palmer currently has a three (3.0) mill rate for properties inside the City Municipal Boundaries. The Matanuska-Susitna Borough currently assesses and collects property taxes for properties inside and outside organized cities in the borough. This system will not change; however, the Matanuska-Susitna Borough Assessing Department will be notified of the new property in the city to make sure that the property receives the proper assessment because property tax rates differ depending on whether the property is located in the Borough or within city limits. A process is in place to transition the parcel to the correct tax code area so that it is within the proper tax code area for Palmer, which will begin at the beginning of the next calendar year following the effective date of annexation.

*Sales Tax:* The Matanuska-Susitna Borough currently does not have a sales tax. The City of Palmer currently has a sales tax in the amount of 3%. Once annexed and developed, future sales on the subject property will be subject to a 3% sales tax.

*Law Enforcement:* The territory proposed for annexation currently lies within the law enforcement protection area of the Alaska State Troopers and when annexed will have City of Palmer Police Protection. The area proposed for annexation is also within the Matanuska-Susitna Borough Central Emergency Services (CES) area for fire and paramedic response. Once annexation becomes final, the City will notify the Alaska State Troopers and the Palmer Police Department that the subject property lays inside city jurisdiction. Central Emergency Services currently serves the

City of Palmer as well as borough areas outside the City. This service arrangement will not change and the territory will continue to lie within the CES service area.

The City will assume no assets or liabilities as a result of annexation. The territories proposed for annexation are privately-owned and contain no public infrastructure for which Petitioner may gain as either an asset or liability. The City intends to adopt a zoning designation for area per the provisions of PMC 17.20. The following individuals were consulted regarding the transition needs for the territory proposed for annexation: the Matanuska-Susitna Borough Planning Director and the Matanuska-Susitna Borough Platting Officer were consulted regarding planning, platting, legal descriptions, and land use needs; Matanuska-Susitna Borough Roads Department Director, regarding Borough road service area and transfer of service area to the City; Matanuska-Susitna Borough Assessing Department and Matanuska-Susitna Borough Clerk. These consultations occurred during October 2010 through May 2011. This transition process is estimated to be complete within a few months of the effective date of annexation and following pre-clearance by the U.S. Department of Justice.

Once annexation is effective, the City will work with the Matanuska-Susitna Borough to ensure that all affected departments are made aware of the boundary change. This includes the Borough Assessing Department, Planning Department, GIS Department, Borough Roads Department, the Borough Clerk's Office, and others as necessary.



**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 Palmer City Council is comprised of 7 members elected at-large. The City Council members are:

Seat Designation	Name	Term of Office
At-large	Richard Best	10/09 to 10/12
At-large	Kevin Brown	10/08 to 10/11
At-large	Edna DeVries	10/10 to 10/13
At-large	Ken Erby	10/09 to 10/12
At-large	Brad Hanson	10/08 to 10/11
At-large	Kathrine Vanover	10/10 to 10/13
Mayor	Delena Johnson	10/10 to 10/13

The City does not anticipate any change to the composition or apportionment of City Council members as a result of these annexations.

## **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. Designation of an Alaska Native for U.S. Department of Justice contact regarding the proposed annexation;
- B. Participation by minorities in the development of the annexation proposal;  
There are no residents, minority or otherwise, living in the 0.34 acres proposed for annexation.
- C. Statement concerning the understanding of English in written and spoken forms among minority residents of the City and the territory proposed for annexation;  
The property proposed for annexation is vacant. There are no residents, minority or otherwise, living in the 0.34 acres proposed for annexation.
- D. The extent to which annexation reduces the City's minority population percentage;  
The property proposed for annexation is vacant. The proposed use of Lot 11-1, Block 1 Bailey Heights Subdivision to expand the existing Pentecostal Church building will not reduce the City's minority population.
- E. The extent to which the annexation excludes minorities while including other similarly situated persons;  
The property proposed for annexation is vacant. There are no residents, minority or otherwise, living in the 0.34 acres proposed for annexation.
- F. The purpose and effect of annexation as it pertains to voting;  
The proposed use of Lot 11-1, Block 1 Bailey Heights Subdivision to expand the existing Pentecostal Church building will not affect the current number of eligible voters.
- G. Whether the electoral system of the City fails fairly to reflect minority-voting strength.

### **ALL ADDRESSES AND REGISTERED VOTERS WITHIN AREA PROPOSED FOR ANNEXATION**

There are no residences on the property proposed for annexation. The property is undeveloped and vacant.



## EXHIBIT H SUPPORTING BRIEF

**This Exhibit 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 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. Alternatively, under 3 AAC 110.130(b), a specific and persuasive showing is made that annexation of noncontiguous territory or territory that would create enclaves includes all land and water necessary to allow, on an efficient, cost-effective level, the full development of services determined to be essential city services under 3 AAC 110.970.
- H. Under 3 AAC 110.130©, 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 10 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 either annexation of the enlarged city to the existing organized borough or detachment of the enlarged city from the existing organized borough. If the Petition describes boundaries overlapping the boundaries of another existing city, the Petition addresses the procedures and the brief addresses the standards for detachment of territory from a city, merger of cities, or consolidation of cities.
- 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 3 AAC 110.980.
- L. The territory proposed for annexation meets the annexation standards specified in 3 AAC 110.090 - 3 AAC 110.135. Although not subject to the legislative-review annexation standard set out in 3 AAC 110.140, the brief also demonstrates with detailed facts and analysis any of the circumstances outlined in 3 AAC 110.140(1) – (9) that exist with respect to the annexation proposal.
- M. Annexation of the adjoining territory is proposed with the unanimous consent of all owners of the property proposed for annexation and all registered voters residing on that property in accordance with AS 29.06.040.
- 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.

Other constitutional principles served by the annexation proposal, such as the equal-protection clause and the equal-responsibility clause of Article I, section 1, of the Constitution of the State of Alaska and the maximum local self-government clause and minimum of local government units clause of Article X, section 1, of the Constitution of the State of Alaska are also addressed in the supporting brief.



**EXHIBIT H–1**  
**PROJECTED FINANCES FOR PALMER, ALASKA**

**CITY OF PALMER - PROJECTED REVENUES**

	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
<u>General Fund</u>				
Arena	240,000	270,000	275,000	282,000
Taxes	7,100,000	7,350,000	7,500,000	7,750,000
Permits & Licenses	127,000	130,000	135,000	142,000
State/Federal Funding	900,000	910,000	915,000	930,000
Fees & Services	1,375,000	1,390,000	1,400,000	1,425,000
Fines & Forfeitures	171,000	180,000	185,000	192,000
Other Revenue	<u>180,000</u>	<u>185,000</u>	<u>190,000</u>	<u>200,000</u>
	10,093,000	10,415,000	10,600,000	10,921,000
<u>Enterprise Funds</u>				
Water/Sewer	1,900,000	1,980,000	2,150,000	2,180,000
Airport	200,000	205,000	207,000	210,000
Sanitation	400,000	443,500	520,000	530,000
Golf Course	<u>780,000</u>	<u>800,000</u>	<u>810,000</u>	<u>818,000</u>
	3,280,000	3,428,500	3,687,000	3,738,000
Total Revenues	13,373,000	13,843,500	14,287,000	14,659,000

**CITY OF PALMER - PROJECTED EXPENDITURES**

<u>General Fund</u>				
Manager	520,000	643,270	657,000	680,000
Finance	747,600	856,110		

## Projected Finances

			860,000	900,000
Community Development	455,000	471,632	485,000	502,000
Facilities	232,500	293,345	305,000	322,000
Mayor/Council/City Clerk	380,000	482,178	501,000	510,000
Police	2,003,050	2,277,091	2,325,000	2,450,000
Dispatch	1,200,000	1,279,313	1,305,000	1,348,000
Fire	502,000	582,753	598,000	610,000
Public Works	1,793,702	1,893,106	1,935,000	2,001,000
Library	530,000	601,141	610,000	628,000
MTA Events Center	415,000	553,846	575,000	595,000
Parks & Recreation	<u>263,952</u>	<u>282,348</u>	<u>295,000</u>	<u>305,000</u>
	9,042,804	10,216,133	10,451,000	10,851,000
<u>Enterprise Funds</u>				
Water/Sewer	1,815,000	1,618,781	1,700,000	1,750,000
Airport	350,000	203,422	220,000	221,000
Sanitation	300,000	411,193	420,000	430,000
Golf Course	<u>785,000</u>	<u>850,000</u>	<u>855,000</u>	<u>860,000</u>
	3,250,000	3,083,396	3,195,000	3,261,000
<u>Debt Service</u>				
Principal	351,874	364,064	376,295	388,565
Interest	<u>129,893</u>	<u>118,790</u>	<u>105,901</u>	<u>93,243</u>
	481,767	482,854	482,196	481,808
Total Expenditures	12,774,571	13,782,383	14,128,196	14,593,808



**EXHIBIT I  
AUTHORIZATION**

**PETITION BY PROPERTY OWNERS AND RESIDENT REGISTERED FOR  
ANNEXATION TO THE CITY OF PALMER**

---

**EXHIBIT J-1.  
DOCUMENTATION DEMONSTRATING THAT THE  
PETITIONER IS AUTHORIZED TO FILE THE PETITION UNDER  
3 AAC 110.410.**

**CERTIFIED COPY OF ORDINANCE AUTHORIZING THE ANNEXATION PETITION**

I, the undersigned city clerk, do hereby certify that the attached ordinance is a true and correct copy of Ordinance Number 11-015 of the City as finally passed at a duly convened meeting of the city council.

In witness whereof, I have hereto set my hand and affixed the official seal of the City this 28th day of June, 2011.

  
\_\_\_\_\_  
Janette Bower, MMC, City Clerk



**CITY OF PALMER**  
**INFORMATION MEMORANDUM NO. 11-037**  
**ORDINANCE NO. 11-015**

**Subject:** Ordinance No. 11-015: Authorizing the City to File a Petition for Annexation of Lot 11-1, Block 1 Bailey Heights Subdivision Subject to Review by the Division of Community and Regional Affairs- Local Boundary Commission for the State of Alaska

**Agenda of: June 14, 2011**

**Council Action:** Public Hearing on  
June 28, 2011

Adopted

**Approved for presentation by:**

**City Manager**  
**City Attorney**  
**City Clerk**

*Douglas B. Griffin*  
*[Signature]*  
*[Signature]*

**Certification of Funds:**

Total amount of funds listed in legislation: \$ -0-

This legislation (✓):

✓ Has no fiscal impact

\_\_\_\_\_ Funds are budgeted from this (these) line item(s): >

\_\_\_\_\_ Funds are not budgeted. Budget modification is required. Affected line item(s):

>

Unrestricted/undesignated fund balance (after budget modification) \$ \_\_\_\_\_

Director of Administration signature certifying funds: \_\_\_\_\_

**Attachment(s):**

- > Ordinance No. 11-015
- > Vicinity Map
- > Planning and Zoning Commission Minutes for February 17, 2011
- > Annexation Petition

**Summary statement:** The Palmer Pentecostal Church needs to expand its current church building. The existing building is located in the city limits on Lots 13-15, Block 1 Bailey Heights Subdivision. The Church owns the lot contiguous to the north boundary of Lot 13 which is Lot 11-1. The Church plans to locate the new wing of their building on Lot 11-1. Because of size and location of the current building on Lots 13-15, the only area available to the Church to expand its building is onto Lot 11-1. Lot 11-1 Block 1 of Bailey Heights is not in the City limits.

The Borough will not issue a Land Use Permit to the Church to construct the new wing of their building on Lot 11-1 because the proposed structure would have to be built across a lot line. To comply with the Borough's requirement not to build across a lot line, the Church began working with the Borough in September 2010 to combine Lots 13-15 and Lot 11-1 into one parcel.

During the Borough's review of the requested lot combination, it was noted by Borough staff that pursuant to MSB 27.15.190 "a boundary must realign the service area boundary prior to final plat approval." This means that the Church cannot combine these lots to get a Land Use Permit from the Borough to begin construction of the addition because part of the new parcel would be in the city limits (Lots 13-15) and part would be in the Borough's Road Service Area (Lot 11-1) which conflicts with MSB 27.15.190.

The Church's only option at this time is to annex Lot 11-1 into the City of Palmer. If Lot 11-1 is annexed in to the City limits, the requirements of MSB 27.15.190 are satisfied and the Lots can be combined. The City of Palmer Community Development Department will then be able to process the appropriate application for a City Building Permit.

City staff members have been working with Brent Williams, of the Local Boundary Commission, on the requirements of an Annexation Petition for an annexation based on a petition by 100% of the affected property owners and he is aware of the small size of the proposed annexation.

The Palmer Planning and Zoning Commission reviewed the proposed annexation on February 17, 2011 and voted unanimously to recommend approval.

**Administration recommendation:** Adopt ordinance no. 11-015.



Commission Information:  
Initiated by: Applicant  
First on Agenda: February 17, 2011  
Action: Recommending Approval  
Vote: Unanimous  
Council Information:  
Introduced by: City Manager Griffin  
Introduced: June 14, 2011  
Public Hearing: June 28, 2011  
Action: Adopted  
Vote: 5-0

Yes:	No:
Best	
Erbey	
DeVries	
Hanson	
Johnson	

CITY OF PALMER, ALASKA

ORDINANCE NO. 11-015

AN ORDINANCE OF THE PALMER CITY COUNCIL AUTHORIZING THE CITY TO FILE A PETITION FOR ANNEXATION OF LOT 11-1, BLOCK 1 BAILEY HEIGHTS SUBDIVISION TO THE CITY OF PALMER SUBJECT TO REVIEW BY THE DIVISION OF COMMUNITY AND REGIONAL AFFAIRS-LOCAL BOUNDARY COMMISSION FOR THE STATE OF ALASKA

WHEREAS, as 29.06.040(c)(4) provides that an area adjoining the municipality may be annexed by ordinance without an election if all property owners and voters in the area petition the governing body;

WHEREAS, the territory proposed for annexation exhibits a reasonable need for city government; and

WHEREAS, services determined to be essential city services under 3 AAC 110.970 can be provided more efficiently and effectively by the City (Petitioner) than by another existing city or by an organized borough on an areawide basis or nonareawide basis, or through an existing borough service area; and

WHEREAS, the territory proposed for annexation is compatible in character with the annexing city; and

WHEREAS, 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; and

WHEREAS, the population within the proposed expanded boundaries of the City is sufficiently large and stable to support the extension of city government; and

WHEREAS, the proposed expanded boundaries of the City include all land and water necessary to provide the development of services determined to be essential city services under 3 AAC 110.970 on an efficient, cost-effective level; and

WHEREAS, 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; and

WHEREAS, 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 10 years following the effective date of annexation; and

WHEREAS, 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; and

WHEREAS, if the Petition describes boundaries overlapping the boundaries of an existing organized borough, it will address the procedures and the brief will address the standards for either annexation of the enlarged city to the existing organized borough or annexation of the enlarged city from the existing organized borough; if the Petition describes boundaries overlapping the boundaries of another existing city, it will address the procedures and the brief will address the standards for annexation of territory from a city, merger of cities, or consolidation of cities; and

WHEREAS, annexation to the City is in the best interests of the State as required by AS 29.06.040(a) and 3 AAC 110.135; and

WHEREAS, the territory proposed for annexation meets the annexation standards specified in 3 AAC 110.090 – 3 AAC 110.135. Although not subject to the legislative review annexation standard set out in 3 AAC 110.140, the brief to accompany the Petition will also demonstrate with detailed facts and analysis any of the circumstances outlined in 3 AAC 110.140(1) – (9) that exist with respect to the annexation proposal; and

WHEREAS, all property owners in the territory proposed for annexation, as defined by 3 AAC 110.990(12), and all registered voters in the territory proposed for annexation have petitioned the City Council for annexation in accordance with AS 29.06.040(c)(4); and

WHEREAS, 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; and

WHEREAS, the Petitioner has prepared a proper transition plan under 3 AAC 110.900; and

WHEREAS, other constitutional principles are served by the annexation proposal, such as the equal-protection clause and the equal-responsibility clause of Article I, section 1 of the Constitution of the State of Alaska and the maximum local self-government clause and minimum of local government units clause of article X, section 1 of the Constitution of the State of Alaska, and 3 AAC 110.981 – 982;



NOW, THEREFORE, BE IT RESOLVED BY THE PALMER CITY COUNCIL, as follows:

Section 1. Authorization. That City of Palmer is authorized to file a petition with the Alaska Local Boundary Commission for annexation using the method of annexation set out in AS 29.06.040(c)(4). The petition shall propose the annexation of the territory generally described as Lot 11-1, Block 1, Bailey Heights Subdivision. The legal boundary description of the territory proposed to be annexed is attached hereto as "Attachment A" and shown on the map attached here as "Attachment B", both of which are hereby incorporated by reference.

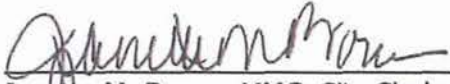
Section 2. Petitioner's Representative. That the Palmer City Manager is designated as the representative of the City for all matters relating to the annexation proceeding.

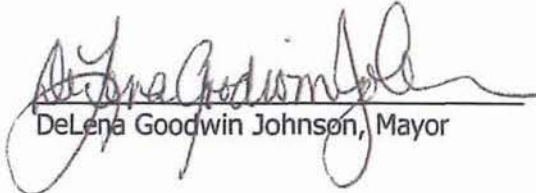
Section 3. Terms and Conditions. That the annexation will be on the following terms and conditions:

- a) All municipal services other than water and sewer will go into effect immediately upon the effective date of the annexation.
- b) Property taxes will be levied on January 01, 2012.

Section 4. Effective Date. Ordinance No. 11-015 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this twenty-eighth day of June, 2011.

  
Janette M. Bower, MMC, City Clerk

  
DeLena Goodwin Johnson, Mayor

**A. CALL TO ORDER**

A regular meeting of the Palmer City Council was held on May 24, 2011 at 7 pm in the council chambers, Palmer, Alaska.

Mayor Johnson called the meeting to order at 7:04 pm.

**B. ROLL CALL**

Comprising a quorum of the Council, the following were present:

DeLena Johnson	Ken Erbey
Edna DeVries	Richard Best
Brad Hanson	

Council Members Kathrine Vanover and Kevin Brown were absent and excused by the council.

Also in attendance were the following:

Doug Griffin, City Manager  
Michael Gatti, City Attorney  
Janette Bower, City Clerk  
Shelly Acteson, Deputy City Clerk

**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Best.

**D. APPROVAL OF AGENDA**

1. Approval of Consent Agenda
2. Minutes of Previous Meetings
  - a. May 3, 2011 Special Meeting
  - b. May 10, 2011 Regular Meeting
  - c. May 10, 2011 Special Meeting

**E. COMMUNICATION AND APPEARANCE REQUESTS**

**Item 1** – George Collum, Manager – Palmer Golf Course

Mr Collum:

provided an overview of the Palmer Golf Course Mid-Season Update written report.

**F. REPORTS**



## **Item 1 – City Manager’s Report**

City Manager Doug Griffin reported on the following items:

Palmer Golf Course inoperable pump and motor issue; and  
responded to Council Member issues.

Council Member DeVries inquired of several items in the written report.

Mayor Johnson:

questioned the cost associated with an internal audit; and  
commented on the MTA Event Center expansion deadline.

Council Member Hanson:

inquired of the recent gravel pit site visit with Dowl and Granite construction Company;  
and  
questioned the Alaska Avalanche Contract negotiations.

## **Item 1 a – Treasurer’s Report**

There were no comments.

## **Item 2 – City Clerk’s Report**

City Clerk Janette Bower reported on the following items:

nominating period for the October election; and  
Special Meeting, July 5, 2011, 6 pm.

## **Item 3 – Mayor’s Report**

Mayor Johnson reported on the following items:

Alaska Fair Parade;  
Mat Su Miners baseball game;  
Project and Grant Information document; and  
Mat Su Borough School Board Meeting.

## **Item 4 – City Attorney Report**

City Attorney Michael Gatti:


explained the State unemployment eligibility requirements;  
provided a legal opinion concerning annexation requirements based on sewer service;  
and  
responded to Council Member inquiries.

Council Member DeVries:

questioned the recent Regulatory Commission action concerning the City of Anchorage.

## **G. AUDIENCE PARTICIPATION**

## **H. PUBLIC HEARINGS**

 **Item 1 – Ordinance No. 11-015:** Authorizing the City to File a Petition for Annexation of Lot 11-1, Block 1 Bailey Heights Subdivision Subject to Review by the Division of Community and Regional Affairs – Local Boundary Commission for the State of Alaska (IM 11-037)  
Mayor Johnson opened the floor for public comments.

Mr. Clint Playle, Assistant Pastor, Pentecostal Church:  
questioned the accuracy of the map.

**Main Motion: To adopt Ordinance No. 11-015**

Moved by:	Best
Seconded by:	DeVries
Action:	Motion was carried by unanimous voice vote
In favor:	Best, Brown, Hanson, Erbey, Johnson, DeVries
Opposed:	None

Community Development Director Sandra Garley provided a staff report.

Mayor Johnson:  
questioned the annexation process.

City Manager Griffin responded to Council inquiries.

The Council discussed the possibility of a minimum land mass requirement for annexation.

City Attorney Gatti reminded Council that the current request for annexation was citizen generated.

**I. ACTION MEMORANDA**

**J. UNFINISHED BUSINESS**

**Item 1 - Ordinance No. 11-009:** Amending the Palmer Municipal Code Title 17 Zoning by Enacting Chapter 17.42 Fairgrounds District, and Amending Chapter 17.16.010 Districts Established, to Add Section P. F, Fairgrounds

The primary amendments and secondary amendment listed below were brought forth from the May 24, 2011 regular meeting.

**Primary Amendment #13: To amend Ordinance No. 11-009, 17.42.050 A to a minimum lot area of 200 acres**

Moved by:	Best
Seconded by:	DeVries
Action:	Postponed from the June 14 Regular Meeting, failed unanimously on June 28
In favor:	None
Opposed:	Erbey, Best, Johnson, Hanson, DeVries



**Secondary Amendment #1 To amend the amend 17.42.050 Lot area from 200  
(to primary amendment acres to 50 acres  
#13):**

Moved by:	Brown
Seconded by:	DeVries
Action:	Postponed from the June 14 Regular Meeting, failed unanimously on June 28
In favor:	None
Opposed:	Erbey, Best, Johnson, Hanson, DeVries

City Attorney Gatti:

provided a concurrent rendition of spot zoning as addressed in the staff report.

Community Development Director Sandra Garley:

responded to Council inquiries.

Council Member Hanson:

spoke in favor of Option 3 as outlined in the staff report.

Mayor Johnson:

inquired of the ramifications of a property ownership change.

**Primary Amendment #15: To amend 17.42.050 to establish that maximum lot coverage is unrestricted, provided adequate setback, off-street parking and loading and buffer landscaping is provided as set out in PMC 17.64**

Moved by:	Hanson
Seconded by:	Best
Action:	Motion carried by unanimous voice vote
In favor:	None
Opposed:	Erbey, Best, Johnson, Hanson, DeVries

The motion to adopt was brought forth from the May 10 Regular Meeting.

**Main Motion: To adopt Ordinance No. 11-009**

Moved by:	Vanover
Seconded by:	Erbey
Action:	Postponed as amended from the May 10 regular meeting, to the May 24 Regular Council Meeting, and unanimously adopted during the June 28 regular meeting
In favor:	Erbey, Best, Johnson, Hanson, DeVries
Opposed:	None

**K. NEW BUSINESS**

## **Item 1 – City Manager Report on Palmer Senior Center Building**

City Manager Doug Griffin:

expounded on the written report;  
responded to Council inquiries; and  
recommended Council Members review the Palmer Senior Center building file.

City Attorney Gatti:

recommended mutually beneficial avenues to resolve the issue;  
reminded Council the issue should be resolved with the best interest of the community in mind;  
stated the City was listed as the property owner;  
pointed out legal questions remained concerning disposition of the building; and  
responded to Council questions.

Council Member DeVries:

inquired if restrictions on the property had been removed;  
questioned the grant requirements in relation to selling or using the building for another purpose; and  
spoke in favor of the City Manager and the Senior Center Manager working toward a joint decision.

Mayor Johnson:

requested clarification concerning the use or sale of the building; and  
inquired of the “economic life” of the building.

Council Member Best:

commented on the State Constitution, Article IX.

**Main Motion: To direct the City Manager to continue discussion with the State and the Palmer Senior Center to resolve the Palmer Senior Center issue, with a report to the Council during the August 23, 2011 Regular Meeting**

Moved by:	Best
Seconded by:	DeVries
Action:	Motion carried by unanimous voice vote
In favor:	Best, DeVries, Erbey, Hanson, Johnson
Opposed:	None

## **Item 2 – City Manger Report on Mat Maid Property Acquisition**

Mayor Johnson requested a written legal opinion of the legal parameters of her purported “conflict of interest” concerning the Mat Maid Block Project. Council Member Hanson concurred with the Mayor’s request.

Mayor Johnson requested recusal. There were no objections.

Deputy Mayor Best gaveled Item #2 as Mayor Johnson departed the meeting at 9:40 pm.

City Manager Doug Griffin:



expounded on the written report; and  
replied to Council questions.

Council Member Hanson

requested succinct numbering and naming of lots throughout the document.

Council Member DeVries:

inquired if the City Manager had a contingency plan should the Governor veto funding.

**Main Motion: To wait to advertise the RFP for Appraisal Services for the Mat  
Maid Properties until after Governor Parnell approves the State  
budget**

Moved by:	DeVries
Seconded by:	Best
Action:	Motion carried by unanimous voice vote
In favor:	Best, DeVries, Erbey, Hanson
Opposed:	None

Council Member Hanson:

requested a status report from Mr. Price.

Mr. Glen Price:

provided Council with an update and responded to Council concerns.

City Attorney Gatti:

responded to Council inquiries.

#### **L. RECORD OF ITEMS PLACED ON THE TABLE**

Palmer Golf Course Mid-Season Update from George Collum

Excerpt from the May 24 regular meeting minutes relating to Ordinance No. 11-009

#### **M. AUDIENCE PARTICIPATION**

#### **N. COUNCIL MEMBER COMMENTS**

Council Member DeVries:

requested the City Manager bring back to the Council details regarding bonds such as closing timeframes and the current interest rate and to forward any purchase agreements concerning property purchases to the City Attorney. Council Member Best offered support.

requested the City Manager bring back the issue of lease lot agreements at the Palmer Municipal airport back to the Council. Council Member Hanson offered support.

**Main Motion: To direct the Planning and Zoning Commission to write an  
ordinance to address the issue of plural and singular use within  
Palmer Municipal Code Title 17**

Moved by:	DeVries
-----------	---------

Seconded by:	Best
Action:	Motion carried by unanimous voice vote
In favor:	Best, DeVries, Erbey, Hanson
Opposed:	None

Council Member Hanson:

advocated for finalizing the contract with the Alaska Avalanche; and expounded on the travesty of the notion to hold Palmer High School graduation ceremonies outside of Palmer.

Council Member Hanson requested support to add an internal audit discussion to a future agenda. Council Member DeVries offered support.

Council Member Best:

commented on future Palmer High School graduation ceremonies; requested Council support for City financial sponsorship a day at Hermon Brothers Field. There were no objections to the request. inquired if the Open Meetings Act would apply to game day.

City Clerk Janette Bower said the event would be considered a social event.

Several Council Members questioned the cost to sponsor a day at the field.

#### **O. ADJOURNMENT**

With no further business before the Council, the meeting adjourned at 10:22 pm.

**Approved this twelfth day of July, 2011.**

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DeLena Goodwin Johnson, Mayor

---

Janette M. Bower, MMC, City Clerk





Property Requesting to Be Annexed

# NOTICE OF HEARING

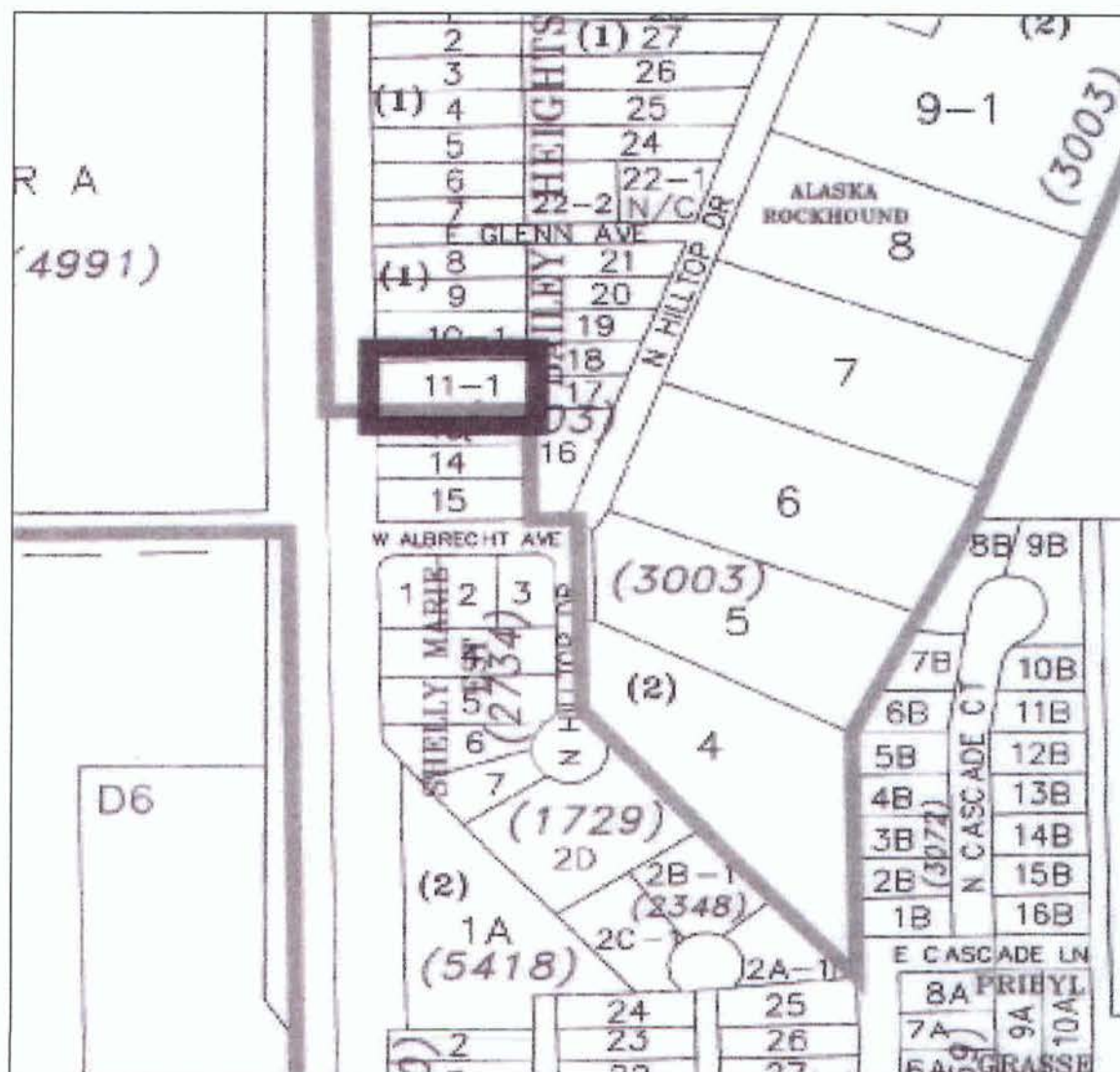
## ANNEXATION OF PROPERTIES

### NOTICE IS HEREBY

**GIVEN OF:** A public hearing to be held by the Palmer City Council at the City Council Chambers, located at 231 West Evergreen Avenue, Palmer, Alaska, at its regularly scheduled meeting on **TUESDAY, June 28, 2011 at 7:00 p.m.** This hearing is to consider a request to annex by unanimous consent of property owner 1 lot, located in Bailey Heights Subdivision, Lots 11-1, 18N02E Section 28, Seward Meridian, Palmer, Alaska.

The public is invited to attend and give written and/or oral comments.

Dated this 23rd day of May, 2011.






## I. NEW BUSINESS:

### 1. Annual Review of Accessory Dwelling Units.

Mr. Anderson presented the Annual Review of Accessory Dwelling Units. Palmer Municipal Code requires that a yearly report on the number of Accessory Dwelling Units constructed or modified during the last calendar year be presented to the Planning and Zoning Commission. A New form was presented along with a summary. There had been no applications during the 2010 calendar year to either modify or construct an Accessory Dwelling Unit. The report was accepted by the Commission.

### 2. Review of Proposed Annexation by unanimous consent of property owners of Lot 11-1, Block 1, Bailey Heights Subdivision as submitted by Ronald J. Herring.



Mrs. Garley introduced the annexation application. She explained that the Church had hoped to combine the two lots in question to allow for expansion of their building and parking lot. She also indicated that a representative for the Church was present at the meeting and would be able to answer any questions the Commissioners might have.

Mrs. Garley further explained that staff had been in contact with the State of Alaska, local Boundary Commission to discuss this application. The problems driving this action had been explained to the Local Boundary Commission and they had been helpful. They provided all the needed form and applications as well as guidance on how best to proceed. The Local Boundary Commission also indicated that they would consider this application if the City chose to proceed.

COMMISSIONER PRESLAR moved, seconded by COMMISSIONER BOWER, to present the Annexation request as presented by Ronald J. Herring to the City Council for consideration.

**Commissioner Madar** opened the meeting for discussion on the motion.

**Commissioner Madar** felt that this was definitely worth pursuing. It would benefit the Church and perhaps the community as well.

**Commissioner Bower** also felt that this was worth pursuing. He indicated his support for this annexation.

**Commissioner Kircher** mentioned this would not add to the tax base for the City and the City would have to provide utilities for this property. He expressed concern that the Local Boundary Commission had refused to consider annexation of such small tracts of land in past.

Mrs. Garley stated that staff had visited with the Chair several times and the indication was that if the City was to proceed with the annexation process, because of the difficulties facing the property owners, the Commission would accept the application.



Recent changes to state statutes allow for a modified application process which is designed to streamline this type of application. The Local Boundary Commission has provided staff with a copy of these procedures and a blank application for the City to present. The Chair has indicated a reluctant acceptance in this case, because there is really no other alternative for the Church.

**Commissioner Kircher** asked for the location of the property.

Mrs. Garley explained that the property was contiguous to both the City and the Church property. In fact the Church owned both properties.

**Commissioner Kircher** asked why not annex an entire 'block' of properties?

Mrs. Garley explained that unanimous consent from all the property owners would then be required and this also presented problems. This would also require the more detailed application process and associated paperwork.

**Commissioner Madar** asked staff if the Borough would not simply re-plat the two properties.

Mrs. Garley explained that Borough Code prohibited the re-platting of any properties that crossed a road service area boundary, a fire service area boundary or any other such Borough boundary. If allowed, this re-plat would place the properties in two service areas and be in direct violation of Borough code.

**ROLL CALL VOTE ON MOTION [recommending approval] Carried Unanimously.**

3. Board of Economic Development Report

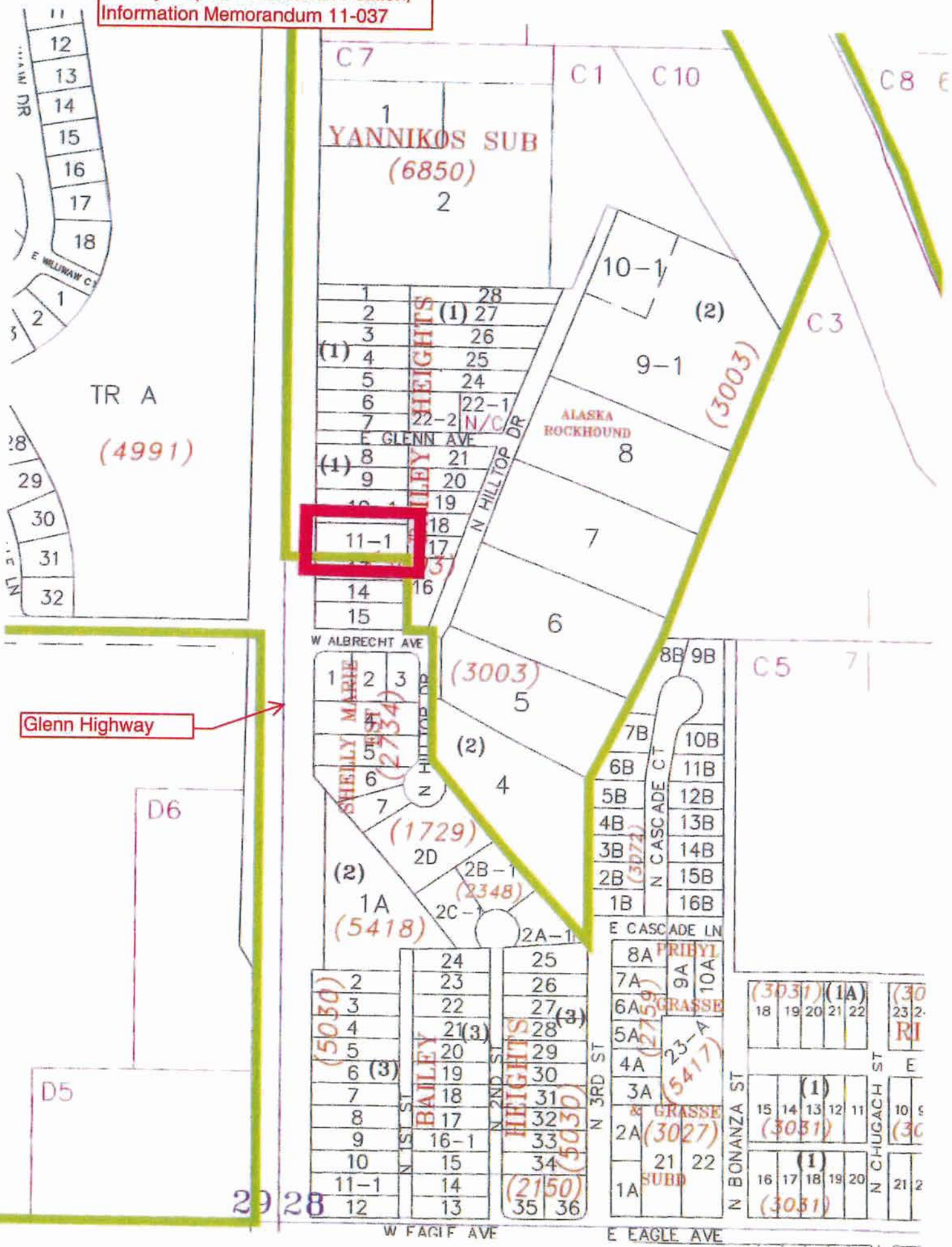
Mrs. Garley mentioned that no formal staff report had been prepared for the meeting. She did discuss the joint meeting of the Board of Economic Development and City Council. The City Council had asked the city staff to simplify the final version of the Economic Goals and Objectives. The goals remain the same as from the Comprehensive Plan, with a few additions. One of these issues was the development of the Airport, while the second issue dealt specifically with housing. Additionally, the Board was asked to look at statutes that deal with sales tax to recommend any improvements.

4. Schedule of 2011 Meeting Attendance for Commissioners at the Board of Economic Development Meetings.

Mrs. Garley explained that the current work underway by the Board of Economic Development was being concluded. Once completed, the Board hoped to reschedule meetings to just once a quarter. She thought that monthly meetings would last until June and, after that, the Board would meet quarterly.

**Commissioner Madar** opened this part of the meeting by asking for volunteers to

Vicinity Map for Annexation Petition,  
Information Memorandum 11-037





**EXHIBIT J-2**  
**DOCUMENTATION OF THE UNANIMOUS CONSENT OF THE**  
**PROPERTY OWNERS AND VOTERS IN THE TERRITORY**  
**PROPOSED FOR ANNEXATION.**

This exhibit includes a certified copy of each petition received from all property owners and registered voters in the property proposed to be annexed, consenting to the proposed annexation. These documents demonstrate the unanimous consent of all property owners and voters in the territory proposed for annexation to the City required by AS 29.06.040(c)(4).

**PETITION BY PROPERTY OWNERS  
AND REGISTERED VOTERS FOR ANNEXATION  
TO THE CITY OF PALMER, ALASKA**

Subject to approval by the Local Boundary Commission of a petition from a city government, AS 29.06.040(c)(4) allows territory adjoining the petitioning city government to be annexed to that city by ordinance, without an election, if all owners of the property proposed for annexation and all registered voters in the territory proposed for annexation first petition the governing body of that city for annexation.

(As defined in 3 AAC 110.990(12), "property owner" means a legal person holding a vested fee simple interest in the surface estate of any real property including submerged lands.)

The owner(s) of the property and all registered voter(s) in the property described below hereby petition the City of Palmer, Alaska for annexation of the property described below to the City of Palmer, Alaska (hereafter "City").

**Legal metes and bounds description of the property proposed for annexation:**

Lot 11-1, Block 1 Bailey Heights Subdivision, according to Plat Recorded April 22, 1949, in Book 7, at Page 46; w/in S½, SW¼, NW¼, SW¼, Township 18 North, Range 02 East, Section 28, Seward Meridian, AK, located in Palmer Recording District, Third Judicial District, State of Alaska.

**Names of all property owners in the territory proposed to be annexed to the City, whether or not they live on the property or are registered voters in the territory:**

Palmer Pentecostal Church

**Names of all registered voters in the territory proposed to be annexed:**

Not Applicable



### **SIGNATURES OF PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION**

This exhibit presents the signatures and residential addresses of property owners and registered voters in the territory seeking annexation to the City.

To help verify your voter- registration status, please:

- sign your name as it is listed in the Alaska voter registration records;
- print your name legibly;
- list a numerical identifier. "Numerical identifier" means a voter's date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter identification number;
- list your residence address (e.g. street number, milepost) – **do not list a post office or other mail box**; and
- list the date you signed the petition.

WE, THE UNDERSIGNED, hereby petition for the annexation of the territory to the City as described in the complete petition. Further, we affirm that

- a) We have reviewed the complete petition for annexation, including all exhibits and we understand its terms; **and**
- b) we own property in the territory proposed for annexation; **or**
- c) we are registered voters of the State of Alaska in the territory proposed for annexation.

**IMPORTANT: review the first page of this exhibit for instructions and affirmations before signing.**

WE, THE UNDERSIGNED, hereby petition for the annexation of the territory adjoining the City described in the complete petition. Further, we swear or affirm as set out in page one of this exhibit.

for Palmer Pentecostal Church

[Redacted Signature]

Signature

RON HERRING  
Printed Name

235 Albrecht Street, Palmer, Alaska 99645  
Residence Address (or best equivalent)

[Redacted Numerical Identifier]

Numerical Identifier

2-18-11  
Date Signed

Signature

Printed Name

Residence Address (or best equivalent)

Numerical Identifier

Date Signed

Signature

Printed Name

Residence Address (or best equivalent)

Numerical Identifier

Date Signed

[Use additional pages as necessary. Delete pages not needed.]



**EXHIBIT K.  
DOCUMENTATION REGARDING PRE-ORDINANCE NOTICE.**

This exhibit presents the required filings when the petitioning municipality publishes a pre-ordinance notice. In other words, if the petitioning municipality publishes a pre-ordinance notice as provided under 3 AAC 110.590(a)(3), the municipality is required to file with the department a copy of (1) the publisher's affidavit of publication of the notice; (2) written comments submitted to the municipality regarding the annexation proposal; and (3) the minutes of all council or assembly meetings at which the proposal was addressed by the petitioning municipality.

The petitioning municipality must also provide notice of the annexation to each owner of property abutting the boundaries proposed for annexation. Proof that each owner was contacted (such as a copy of the letter sent to each of the owners of abutting property), is also provided in this exhibit.





**EXHIBIT L.**  
**PETITIONER'S AFFIDAVIT.**

STATE OF ALASKA )  
3<sup>rd</sup> JUDICIAL DISTRICT ) ss.

I, Douglas B. Griffin, representative of the Petitioner seeking annexation, being sworn, state that the following:

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

Douglas B. Griffin  
Douglas B. Griffin, Petitioner's Representative

SUBSCRIBED AND SWORN TO before me on July 12, 2011.

[notary seal]

Alex M. Wellenmo  
Notary Public in and for Alaska  
My Commission expires: Aug 12, 2012



- (a) The written metes and bounds legal descriptions, maps, and plats for Exhibits A-1 through A-4 was provided by Sandra Garley, Director of Community Development for the City of Palmer.
- (b) In Section 8, the information regarding the size of the territory and city proposed for change was provided by Ron Anderson, Planning and Code Compliance Technician for the City of Palmer.
- (c) In Section 9, the estimate of the population of the territory and city proposed for change was provided by the 2010 U.S. Census.
- (d) In Exhibit B, the public notice information was provided by Ron Anderson, Planning and Code Compliance Technician for the City of Palmer.
- (e) In Section 11, the information relating to assessed or estimated value of taxable property, projected taxable sales, and taxes currently levied was prepared by Matanuska Susitna Borough Assessment records.
- (f) The information regarding the projected revenues, operating expenditures and capital expenditures for Exhibit C-1 through C-3 was provided by Ron Anderson, Planning and Code Compliance Technician for the City of Palmer.




- (g) In Exhibit D, the information concerning existing long term municipal debt was provided by Kelli Veech, Director of Administration for the City of Palmer.
- (h) In Exhibit E, the list of municipal powers and functions was provided by Palmer Municipal Charter.
- (i) The transition plan presented in Exhibit F was prepared by Community Development staff for the City of Palmer.
- (j) In Exhibit G, the information about the composition and apportionment of the governing body of the existing municipality for which a change is proposed, before and after the proposed change was provided by Janette Bower, Palmer City Clerk.
- (k) In Exhibit H, the information concerning the Voting Rights Act of 1965 was provided by Ron Anderson, Planning and Code Compliance Technician for the City of Palmer.
- (l) The supporting brief in Exhibit I of the Petition was prepared by Community Development staff for the City of Palmer.
- (m) The information in Exhibit J demonstrating that the Petitioner is authorized to file this petition was provided by Pastor Ronald J. Herring for the Palmer Pentecostal Church.

  
\_\_\_\_\_  
Douglas B. Griffin, Petitioner's Representative

SUBSCRIBED AND SWORN TO before me on July 12, 2011.

[notary seal]

  
\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission expires: Aug 12, 2012

