



FAIRBANKS CITY COUNCIL
AGENDA NO. 2018–22
REGULAR MEETING NOVEMBER 5, 2018
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

WORK SESSION

5:30 p.m. – Explore Fairbanks Annual Report

It is the mission of the City of Fairbanks to provide quality essential services to all City residents to ensure Fairbanks is a vibrant place to live, work, thrive, and visit.

REGULAR MEETING

6:30 p.m.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CEREMONIAL MATTERS (Proclamations, Introductions, Recognitions, Awards)
5. CITIZENS' COMMENTS, oral communications to the City Council on any item not up for public hearing. Testimony is limited to three minutes, and the comment period will end no later than 7:30 p.m. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, please silence all cell phones and electronic devices.
6. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by an asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda.

7. APPROVAL OF MINUTES OF PREVIOUS MEETINGS
8. SPECIAL ORDERS
9. MAYOR'S COMMENTS AND REPORT
 - a) Special Reports
10. COUNCIL MEMBERS' COMMENTS
11. UNFINISHED BUSINESS
 - a) Ordinance No. 6087 – An Ordinance Amending the 2018 Operating and Capital Budgets for the Third Time. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.
 - b) Ordinance No. 6088 – An Ordinance Authorizing Conveyance of Easement Requested by the Alaska Department of Transportation and Public Facilities for the Fairbanks Cushman Street Bridge Project. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.
12. NEW BUSINESS
 - *a) Ordinance No. 6089 – An Ordinance to Amend Fairbanks General Code Chapter 46, Article IV, Offenses Involving Nuisances, by Enacting Division 4, Illegal Campsites. Introduced by Mayor Matherly.
13. DISCUSSION ITEMS (Information and Reports)
 - a) Committee Reports
14. WRITTEN COMMUNICATIONS TO THE CITY COUNCIL

15. COUNCIL MEMBERS' COMMENTS
16. CITY CLERK'S REPORT
17. CITY ATTORNEY'S REPORT
18. EXECUTIVE SESSION
 - a) PSEA Labor Negotiations
 - b) IBEW Labor Negotiations
19. ADJOURNMENT

Introduced By: Mayor Matherly
Finance Committee Meeting Review: October 16, 2018
Introduced: October 22, 2018

ORDINANCE NO. 6087

**AN ORDINANCE AMENDING THE 2018 OPERATING
AND CAPITAL BUDGETS FOR THE THIRD TIME**

WHEREAS, this ordinance incorporates the changes outlined on the attached fiscal note to amend the 2018 operating and capital budget.

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

SECTION 1. There is hereby appropriated to the 2018 General Fund and Capital Fund budgets the following sources of revenue and expenditures in the amounts indicated to the departments named for the purpose of conducting the business of the City of Fairbanks, Alaska, for the fiscal year commencing on January 1, 2018 and ending December 31, 2018 (see pages 2 and 3) [amendments shown in **bold** font; deleted text or amounts in ~~strike through~~ font]:

GENERAL FUND

REVENUE	COUNCIL APPROPRIATION	REVIEW PERIOD INCREASE (DECREASE)	AMENDED APPROPRIATION
Taxes, (all sources)	\$ 21,033,982	\$ 217,000	\$ 21,250,982
Charges for Services	5,328,376	65,087	5,393,463
Intergovernmental Revenues	1,280,020	207,109	1,487,129
Licenses & Permits	1,537,190	174,667	1,711,857
Fines, Forfeitures & Penalties	510,000	-	510,000
Interest & Penalties	163,000	-	163,000
Rental & Lease Income	136,234	-	136,234
Other Revenues	221,000	101,320	322,320
Other Financing Sources	3,493,137	12,014	3,505,151
Total revenue appropriation	<u>\$ 33,702,939</u>	<u>\$ 777,197</u>	<u>\$ 34,480,136</u>
EXPENDITURES			
Mayor and Council	\$ 625,791	\$ -	\$ 625,791
Office of the City Attorney	182,369	19,500	201,869
Office of the City Clerk	359,192	-	359,192
Finance Department	929,749	-	929,749
Information Technology	2,064,264	-	2,064,264
General Account	4,636,608	193,290	4,829,898
Police Department	7,032,893	-	7,032,893
Dispatch Center	2,376,286	-	2,376,286
Fire Department	6,777,308	117,786	6,895,094
Public Works Department	8,276,636	-	8,276,636
Engineering Department	573,896	152,100	725,996
Building Department	699,906	2,374	702,280
Total expenditure appropriation	<u>\$ 34,534,898</u>	<u>\$ 485,050</u>	<u>\$ 35,019,948</u>
Estimated general fund balance	\$ 11,824,730	\$ -	\$ 11,824,730
Prior year encumbrance	(351,737)	-	(351,737)
Increase (Decrease) to fund balance	523,682	292,147	815,829
Transfer to Other Funds	(1,003,904)	-	(1,003,904)
12/31/18 unassigned balance	<u>\$ 10,992,771</u>	<u>\$ 292,147</u>	<u>\$ 11,284,918</u>
Minimum unassigned fund balance requirement is 20% of budgeted annual expenditures but not less than \$4,000,000.			<u>\$ 7,003,990</u>

CAPITAL FUND

<u>REVENUE</u>	COUNCIL APPROPRIATION	INCREASE (DECREASE)	AMENDED APPROPRIATION
Transfer from Permanent Fund	\$ 601,936	\$ -	\$ 601,936
Transfer from General Fund	1,000,000	-	1,000,000
Public Works Department	250,000	-	250,000
Garbage Equipment Reserve	253,480	-	253,480
Building Department	10,000	-	10,000
Engineering Department	-	-	-
Police Department	180,000	-	180,000
Dispatch Department	140,000	-	140,000
Fire Department	328,870	-	328,870
IT Department	102,000	-	102,000
Property Repair & Replacement	145,000	-	145,000
Total revenue appropriation	<u>\$ 3,011,286</u>	<u>\$ -</u>	<u>\$ 3,011,286</u>
 <u>EXPENDITURES</u>			
Public Works Department	\$ 446,895	\$ 23,643	\$ 470,538
Garbage Equipment Reserve	680,000	-	680,000
Engineering Department	67,500	-	67,500
Building Department	70,000	-	70,000
Police Department	253,271	-	253,271
Fire Department	542,900	(400,000)	142,900
IT Department	193,245	-	193,245
Road Maintenance	847,133	(274,048)	573,085
Property Repair & Replacement	782,271	-	782,271
Total expenditure appropriation	<u>\$ 3,883,215</u>	<u>\$ (650,405)</u>	<u>\$ 3,232,810</u>
Estimated capital fund balance	\$ 7,269,745	\$ -	\$ 7,269,745
Prior year encumbrance	(668,689)	-	(668,689)
Increase (Decrease) to fund balance	(1,213,974)	650,405	(563,569)
Transfer from other funds	1,010,734	-	1,010,734
12/31/18 assigned fund balance	<u>\$ 6,397,816</u>	<u>\$ 650,405</u>	<u>\$ 7,048,221</u>

SECTION 2. All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing on January 1, 2018 and ending December 31, 2018.

SECTION 3. The effective date of this ordinance shall be the ____ day of November 2018.

Jim Matherly, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

FISCAL NOTE
ORDINANCE NO. 6087
AMENDING THE 2018 OPERATING AND CAPITAL BUDGETS
FOR THE THIRD TIME

General Fund
\$777,197 Increase in Revenue
\$485,050 Increase in Expenditures

Revenue– \$777,197 Increase

1. Tax Revenue

- \$220,000 increase in marijuana tax
- \$65,000 increase in bed tax
- (\$68,000) decrease in tobacco tax

2. Charges For Services

- \$6,420 increase in various miscellaneous services
- \$8,400 increase in fire protection services
- \$9,467 increase in police grant recovery
- \$12,250 increase in admin recovery for the consulting and legal work required to convert “FMATS” to an independent “FAST Planning” non-profit entity
- \$100,000 increase in engineering grant recovery
- (\$17,450) decrease in alarm billings
- (\$54,000) decrease in dispatch services

3. Intergovernmental Revenues

- \$169,178 increase in Community Assistance (Revenue Sharing)
- \$11,900 increase in SOA liquor license share
- \$2,272 increase in FNSB payment of health center PILT (Payment in Lieu of Taxes)
- \$18,809 increase in SART exam reimbursements
- \$5,800 increase in the Rest Easy PILT
- (\$850) decrease in SOA electric and phone share

4. License and Permits

- \$20,515 increase in fire code inspections
- \$72,383 increase in commercial building permits
- \$42,280 increase in electrical permits
- \$33,183 increase in residential building permits
- \$15,801 increase in mechanical permits
- \$2,400 increase in various miscellaneous license and permits
- \$2,105 increase in sign permits
- (\$6,000) decrease in commercial vehicles for hire permits
- (\$8,000) decrease in chauffeur licenses

5. Other Revenue

- \$37,000 increase in interest on demand deposits
- \$25,000 increase in abatement recovery
- \$13,105 increase in vehicle forfeitures
- \$3,800 increase in vehicle forfeiture towing and storage access
- \$36,415 increase for Polaris building donations to cover expenditures, the balance of \$47,000 is recorded as unearned revenue
- (\$14,000) decrease in City forfeitures (non-DUI)

6. Other Financing Sources

- \$12,014 increase in sale of assets related to auction proceeds

Expenditures– \$485,050 Increase

1. Mayor & Council

2. City Attorney's Office

- \$8,000 increase to pay court costs associated with increased impounds and forfeitures
- \$11,500 increase to cover leave cashout and overlap of Legal Secretary position

3. City Clerk's Office

4. Finance Department
5. Information Technology
6. General Account
 - \$23,500 increase in telephone land lines and long distance
 - \$25,000 increase in street lighting electricity and maintenance
 - \$36,415 increase for Polaris building expenditures
 - \$50,375 increase in contribution to agencies (offset to increased bed tax)
 - \$58,000 increase in FAST Planning start up funds
7. Police Department
8. Dispatch
9. Fire Department
 - \$117,786 increase in salaries and benefits for CBA retroed back to January 1, 2018
10. Public Works
11. Engineering
 - \$152,100 increase in salaries and benefits due to Engineering reevaluation of projects and general non-reimbursable work performed for the City
12. Building Department
 - \$2,374 increase the Structural Engineer/Inspector rate to match the Engineer III rate. Job requires Engineer to have an engineering stamp, similar to the Engineer III position. Cost covers October through December 2018 time period.

Capital Fund
\$0.00 Increase in Revenue
\$650,405 Decrease in Expenditures

REVENUE - \$0.00 Increase

1. Other Financing Sources

EXPENDITURES – (\$650,405) Decrease

1. Public Works
 - \$23,643 increase for the Dump Truck capital purchase
2. Engineering Department
3. Police Department
4. Fire Department
 - (\$400,000) decrease in 2018 appropriation for aerial device and commit the funds to be spent in 2019 with an additional \$245,341 capital commitment of funds
5. IT Department
6. Road Maintenance
 - \$(75,000) decrease in 2018 expenditure for Barnette & Cowles match. Due to project timeline changes, the match will be paid at a future date. Recommit the funds to pay future match.
 - (\$154,048) decrease in 2018 expenditure for Minnie Street Match. Due to project timeline changes, the match will be paid at a future date. Recommit the funds to pay the future match.
 - (\$20,000) decrease in ADA sidewalks and crosswalks slated to be included in the 5th Avenue reconstruction from Barnette St to Noble St, a FAST Planning project.
 - (\$25,000) decrease in 2018 expenditure for a citywide pavement assessment.
7. Property Repair & Replacement

ORDINANCE NO. 6088

**AN ORDINANCE AUTHORIZING CONVEYANCE OF EASEMENT
REQUESTED BY THE ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES FOR THE FAIRBANKS CUSHMAN STREET
BRIDGE PROJECT**

WHEREAS, the Alaska Department of Transportation and Public Facilities (ADOT&PF) has funding for the construction of the Fairbanks Cushman Street Bridge Federal-aid Project #0663012, AKSAS #62207; and

WHEREAS, the Fairbanks Cushman Bridge project will provide for widened 10-foot sidewalks, 6-foot shoulders, and new driving lanes; and

WHEREAS, this reconstruction will complete the gap left between the Illinois Street project and the Cushman Complete Streets project; and

WHEREAS, the construction of the Fairbanks Cushman Street Bridge project will require ADOT&PF acquisition of a portion of Lot 1, Block 4, Fairbanks Townsite for bridge abutment improvements; and

WHEREAS, that portion of Lot 1, Block 4 measures approximately 427 square feet, is a remnant with little development potential for the City, and is described and exhibited as Parcel E91 in the easement documents which are attached to this Ordinance as Exhibit A; and

WHEREAS, it is the sense of the Fairbanks City Council that a conveyance of the easements over the specified City-owned real property to the ADOT&PF for the purposes mentioned above is in the best interest of the public and that granting the easement is of mutual benefit to the City and the ADOT&PF.

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

SECTION 1. That the Mayor is hereby authorized to execute the easement documents attached, and the City Clerk is hereby authorized and directed to attest and affix the City Seal to said instruments.

SECTION 2. That conveyance of property shall be subject to a thirty-day permissive referendum period as required under Fairbanks General Code of Ordinances Section 70-42 and in accordance with the City Charter.

SECTION 3. That the effective date of the ordinance shall be the ____ Day of November 2018.

Jim Matherly, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:


ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

EXHIBIT A

 <p>STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p> <p>EASEMENT</p>	<p>PROJECT NAME: FAIRBANKS CUSHMAN STREET BRIDGE</p> <p>STATE PROJECT #: Z622070000</p> <p>FEDERAL-AID PROJECT #: 0663012</p> <p>PARCEL #: E-91</p>
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The GRANTOR, the City of Fairbanks, whose mailing address is 800 Cushman Street, Fairbanks, Alaska 99701, for and in consideration of ONE DOLLAR (\$1.00) and mutual benefit of the parties, and other valuable consideration, in hand paid, conveys and warrants to the GRANTEE, STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, whose mailing address is 2301 Peger Road, Fairbanks, Alaska 99709, its successors or assignees, a perpetual, full and unrestricted easement and right-of-way along, over, and across the following-described tract of land located in the State of Alaska: All that part of the following-described land:

A portion of a parcel of land identified as Lot 1, Block 4, Fairbanks Townsite as depicted on the L.S. Robe Map of 1909 and conveyed to the City of Fairbanks in Book 730 Page 713 and dated October 25, 1991 in the records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

Commencing at a point, said point being the northeast intersection of the right of ways of First Avenue and Cushman Street, said point being located 32.22 feet right of Station "C"82+35.69 of the "C" Alignment of Cushman Street of the Record of Survey--Illinois St. Reconstruction (STP-F-M-0663(4)/Z631020000), recorded as Plat 2018-40 in the records of the Fairbanks Recording District.

Thence proceeding along the eastern highway right of way of Cushman Street on a bearing of N 09°19'40" W and on a distance of 15.71 feet to a point, said point being located 32.24 feet right of Station "C"82+51.40 and also being the **True Point of Beginning**;

Thence proceeding on a bearing along the eastern highway right of way of Cushman St. on a bearing of N 09°19'40" W and on a distance of 23.57 feet to the Chena River, said point being located 32.26 feet right of Station "C"82+74.97.

Thence proceeding along the Chena River on a bearing of N 80°38'34" E and on a distance of 5.57 feet to a point, said point being located 37.83 feet right of Station "C"82+74.97;

Thence proceeding along the Chena River on a bearing of N 68°14'45" E and on a distance of 12.46 feet to a point, said point being located 50.00 feet right of Station "C"82+77.

Thence proceeding on a bearing of S07°59'54" E, and on a distance of 26.28 feet to a point located at the northeast corner of a previously acquired easement by the State of Alaska from the City of Fairbanks, identified as Parcel E90, said point being located 49.36 feet right of Station "C"82+51.37;

Thence proceeding along the northern boundary of said Parcel E90 on a bearing of S 80°43'37" W and on a distance of 17.13 feet to the **True Point of Beginning**.

Said easement to contain 427 square feet of land, which lies within the easement of right-of-way lines of Alaska Project No. Z622070000 / 0663012, delineated as to said tract of land on the plat attached hereto and made a part hereof as pages 4-6 of this instrument and designated as Parcel No. E-91. In addition to existing right-of-way, this easement is hereby granted to the State of Alaska for the purpose of roadway improvements which include bridge improvements and its abutment.

The Grantor hereby covenants with the State of Alaska that the Grantor has good title to the above-described tract of land and covenants that the State of Alaska shall have quiet and peaceable possession thereof; and shall have a free and unrestricted right to maintain said facilities as long as the right-of-way of which this easement area is a part, remains a public way.

Dated this _____ day of _____, 2_____.

GRANTOR:

By: James Matherly, Mayor

APPROVED AS TO FORM

Paul Ewers, Attorney
City Attorney

ATTEST:

D. Danyielle Snider, CMC
City Clerk

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____,
2 ____.

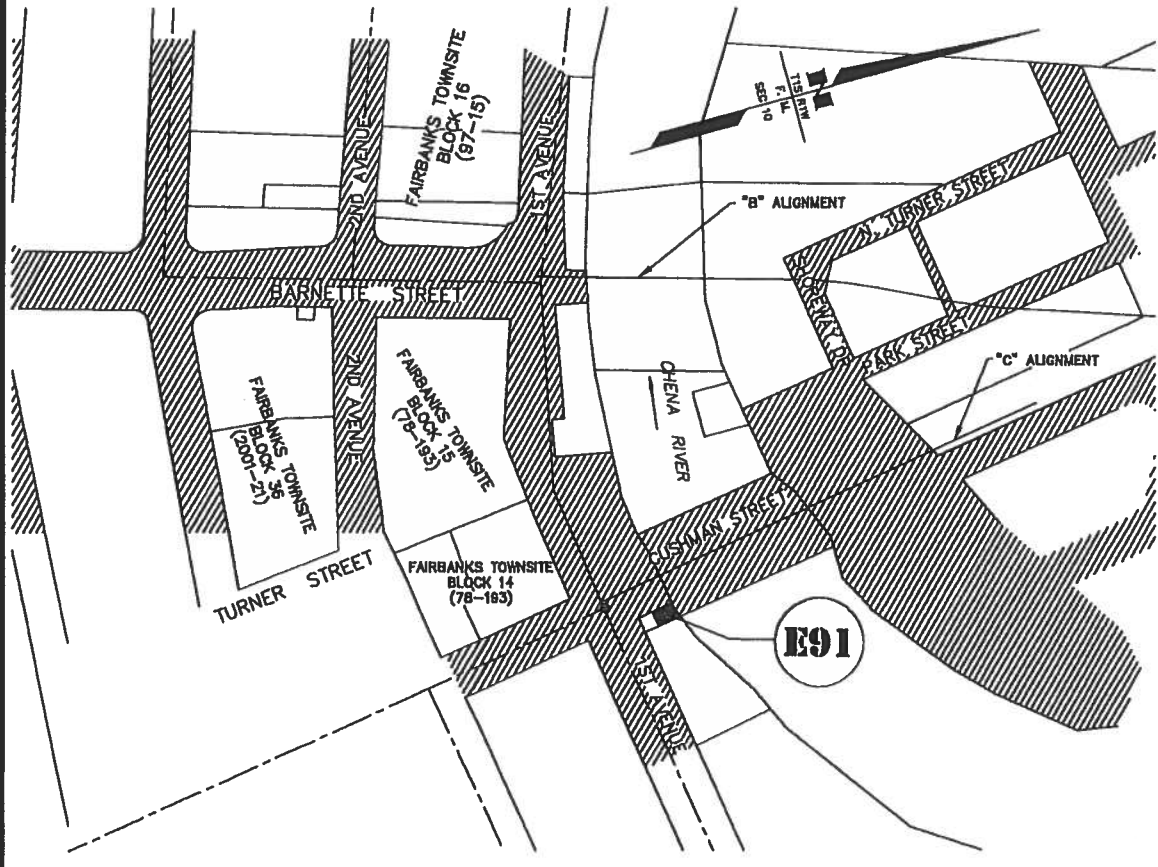
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

By: _____
For the Commissioner

Filed for Record at the Request of and Return to:
State of Alaska
DOT&PF – Right of Way Dept.
2301 Peger Road, MS 2553
Fairbanks, AK 99709-5399
State Business-No Charge

STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 &
 PUBLIC FACILITIES

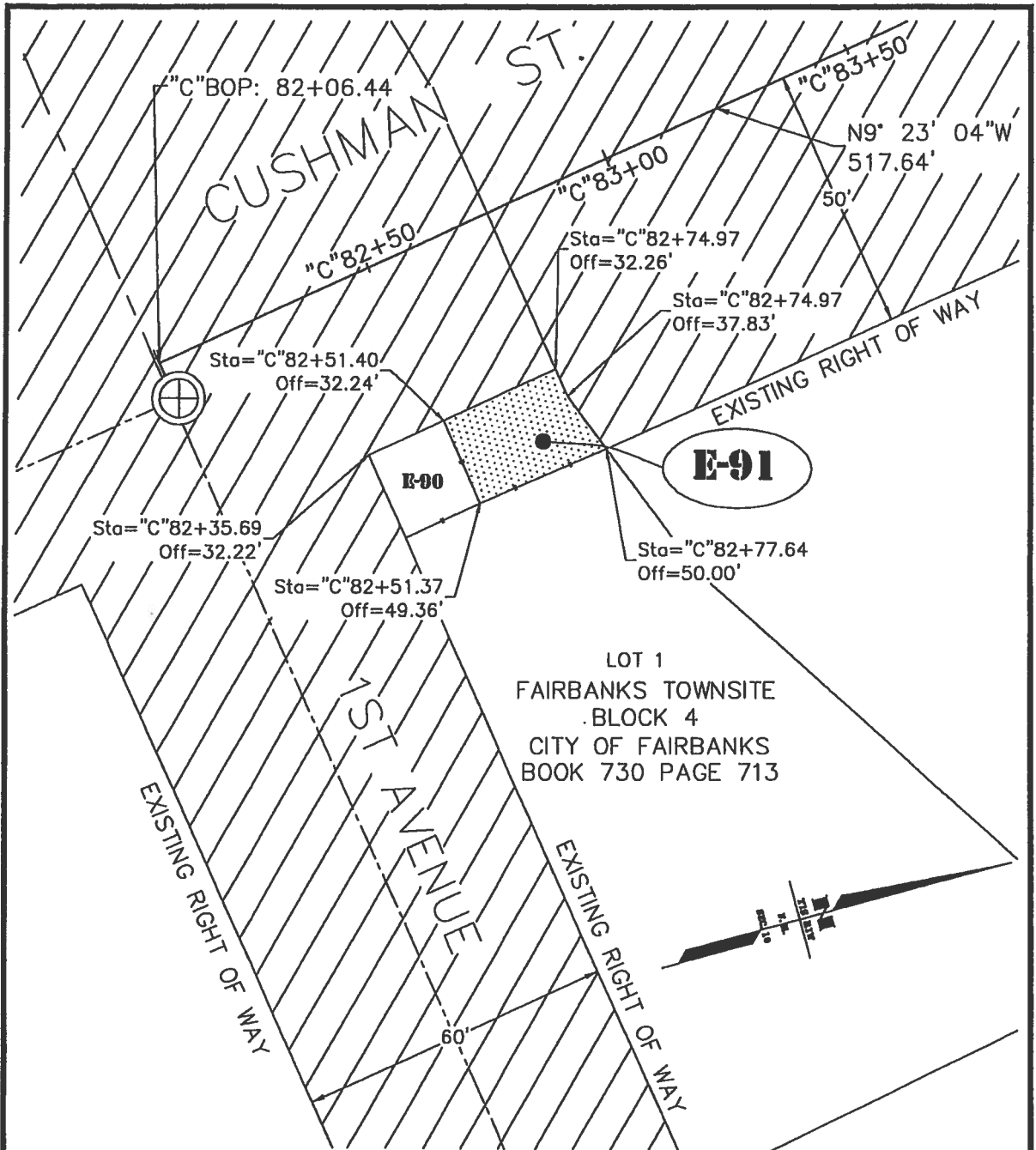
RIGHT OF WAY REQUIRED
 Z622070000
 FAIRBANKS CUSHMAN STREET
 BRIDGE



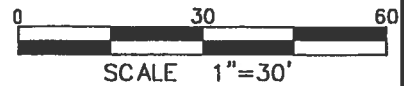
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STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		RIGHT OF WAY EASEMENT REQUIRED FOR FAIRBANKS CUSHMAN STREET BRIDGE	
_____	DRAWING	PROJECT NO. _____	Z622070000
_____	1 OF 3	AREA _____	427 S.F. PARCEL NO. _____
INITIAL	DATE	SCALE _____	1" = 200' DATE _____
			10/01/2018

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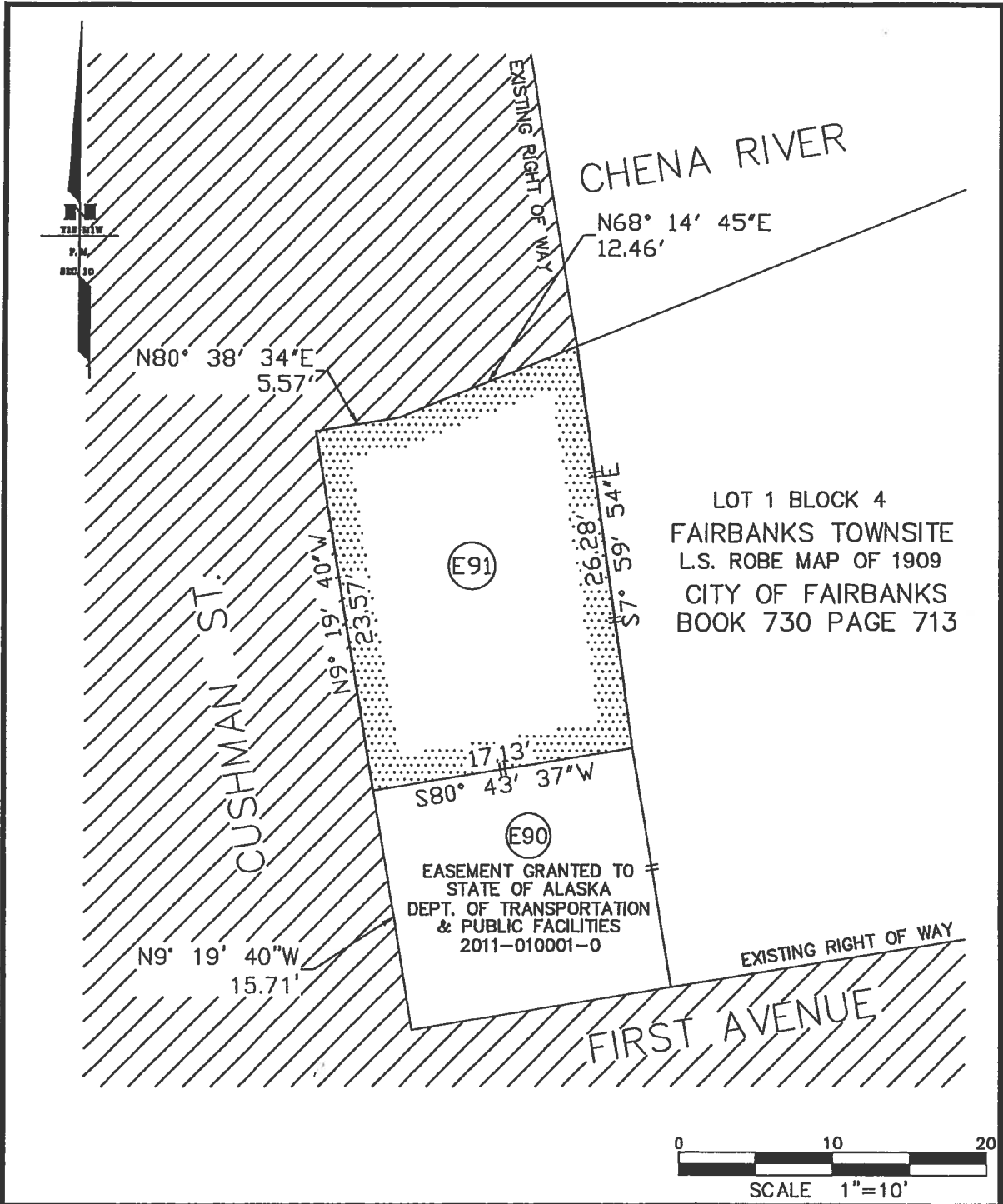


NOTE: CENTERLINE ALIGNMENT OF CUSHMAN STREET ("C" LINE)
 TAKEN FROM ILLINOIS ST. RECONSTRUCTION PROJECT
 (STP-F-M-0663(4)/Z632020000 Plat 2018-40)



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		RIGHT OF WAY EASEMENT REQUIRED FOR FAIRBANKS CUSHMAN STREET BRIDGE	
DRAWING		PROJECT NO. <u>Z622070000</u>	
2 OF 3		AREA <u>427 S.F.</u> PARCEL NO. <u>E91</u>	
INITIAL	DATE	SCALE <u>1" = 30'</u>	DATE <u>10/01/2018</u>

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STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		RIGHT OF WAY EASEMENT REQUIRED FOR FAIRBANKS CUSHMAN STREET BRIDGE	
_____	DRAWING	PROJECT NO. <u>Z622070000</u>	
_____	3 OF 3	AREA <u>427 S.F.</u>	PARCEL NO. <u>E91</u>
INITIAL	DATE	SCALE <u>1" = 10'</u>	DATE <u>10/01/2018</u>

ORDINANCE NO. 6089

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL
CODE CHAPTER 46, ARTICLE IV, OFFENSES
INVOLVING NUISANCES, BY ENACTING DIVISION 4,
ILLEGAL CAMPSITES**

WHEREAS, the City of Fairbanks, in conjunction with other state and local agencies, has worked to address the need for housing and other services for the homeless population; and

WHEREAS, because of these efforts, the Fairbanks area does not have a shortage of safe shelter options for the homeless population; and

WHEREAS, despite these available shelter options, many people continue to occupy illegal campsites; and

WHEREAS, these illegal campsites are not designed for camping, do not have adequate facilities for disposal of trash and waste, tend to foster drug and alcohol use and other illegal activities, and put vulnerable populations at risk.

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

Section 1. Fairbanks General Code Chapter 46, Article IV, Offenses Involving Nuisances, is hereby amended by adding a new Division 4 as follows:

CHAPTER 46. OFFENSES

ARTICLE IV. OFFENSES INVOLVING NUISANCES

DIVISION 4. ILLEGAL CAMPSITES

Sec. 46-186. Illegal Campsites Prohibited.

(a) An illegal campsite is an area where one or more persons are camping on publicly owned land that has not been designated for camping by the governmental entity that owns the land or has authority over the property.

(b) An illegal campsite is subject to abatement by the city. In addition, a person who continues to camp after being notified that the site is an illegal campsite is subject to prosecution for criminal trespass under AS 11.46.330.

Sec. 46-187. Abatement; required notice.

(a) When the public land where an illegal campsite is located is posted with no trespassing signage, no camping signage, or as not being open to the public, including

posting of closed hours, the abatement of a campsite on such land may proceed without additional notice, after the occupants of the illegal campsite are provided at least one hour to remove their personal property. Personal property not removed by the occupants may be disposed of in accordance with the provisions of this Division.

(b) When an illegal campsite is located on public land not posted as provided in subsection (a), a notice of campsite abatement must be placed at the entrance of each tent, lean-to, or other shelter. The notice must also be given orally to any person in or around the illegal campsite or any person who identifies as an occupant of the campsite.

(c) The notice required under subsection (c) shall:

- (1) State the approximate location of the campsite, the code provision under which the campsite is illegal, and that the campsite may be removed under the procedures set forth in FGC Sec. 46-188 or 46-189;
- (2) Identify whether it is a 72-hour notice or a 10-day notice;
- (3) Include contact and location information for reclaiming the property or disclaiming an interest in it, if the personal property is to be stored by the City; and
- (4) State that an appeal of the abatement may be filed with the mayor's office and include the deadline for filing an appeal, the mayor's address, telephone number, and email address.

Sec. 46-188. Abatement – 10-day notice.

(a) The city may post an illegal campsite with a notice stating all personal property not removed within 10 days of the date and time the notice is posted may be removed and disposed of as waste. At the expiration of the 10-day period, personal property at the illegal campsite may be disposed of as waste if no person has come forward to claim the property. If the owner or person in possession of personal property at the time the notice is posted responds in writing of their intention to remove the personal property, the city shall not remove personal property for 10 days from the date of the person's response. If the personal property is not removed within that time, or in any case within 20 days of the date the notice was first posted, it shall be conclusively presumed that the personal property is abandoned and may be summarily disposed of as waste.

Sec. 46-189. Abatement – 72-hour notice.

(a) In circumstances where the Police Chief has determined that the illegal campsite poses an imminent threat to public health or safety, the city may post an illegal campsite with a notice stating all personal property not removed within 72 hours of the date and time the notice is posted may be removed and stored by the city.

(b) The city may store the personal property removed from an illegal campsite in any reasonable manner. At the time of removal, a notice shall be posted at the location, unless previously posted notices are still visible and accurate, with contact and location information for reclaiming personal property or disclaiming an interest in it. If no person comes forward to claim the property, the city may dispose of the personal property 30 days from the date a notice in subsection (a) was posted. If the person in possession of the personal property at the time it was removed, or at the time the illegal campsite was posted, identifies it and disclaims any interest, the personal property may be disposed of immediately. If the owner reclaims stored personal property, it shall be released to them.

(c) For purposes of this Division, the following criteria applies:

- (1) Junk, litter, garbage, debris, lumber, pallets, cardboard not used to store other personal items, and items that are spoiled, mildewed, or contaminated with human, biological or hazardous waste shall not be stored and may be disposed of summarily.
- (2) A weapon, firearm, ammunition, or contraband shall be delivered to the Fairbanks Police Department and processed in accordance with FGC Chapter 62, Art. II.

(d) If not subject to subsections (c)(1) or (c)(2), the following items, when in fair and usable condition and readily identifiable as such by persons engaged in removing an illegal campsite, shall be deemed valuable and eligible for storage:

- (1) Tents and similar self-contained shelter;
- (2) Sleeping bags;
- (3) Tarps;
- (4) Toiletries and cosmetics;
- (5) Clocks and watches;
- (6) Medication;
- (7) Personal papers and identification;
- (8) Photographs;
- (9) Luggage, backpacks, and other storage containers;
- (10) Books and other reading materials;
- (11) Radios, audio and video equipment;
- (12) Generators;
- (13) Cooking equipment in clean condition;
- (14) Shoes and clothing; and

- (15) Property stored in a manner that reasonably suggests the owner intended to keep it.

Sec. 46-190. Abatement procedures.

(a) Before an illegal campsite is removed under Sec. 46-188 or 46-189, the responsible city official shall verify whether an appeal of the notice of campsite abatement was filed within the applicable time period. If no timely appeal was filed, removal of the campsite may proceed. If an appeal was timely filed, abatement of the campsite area is stayed until the appeal is withdrawn, settled, or a decision is issued and any subsequent appeal rights have expired. At any time after the expiration of the notice period, the city may remove personal property and store it until either the appeal is withdrawn, settled, or a decision is issued, and any appeal rights have expired. Storage of personal property and its release shall be in accordance with Sec. 46-189.

(b) At the time removal is to begin, if any individuals are present at the campsite, they shall be verbally notified the campsite is illegal and to be abated. Prior to actual removal, individuals present will be given a reasonable amount of time, not to exceed 30 minutes, to gather their personal property and leave the property. The responsible city official or persons working under their authority shall not prevent individuals claiming personal property from removing that property immediately unless the personal property is unlawful or otherwise evidence of criminal activity.

(c) Nothing in this section shall prevent:

- (1) A peace officer from conducting an investigation, search, or seizure in a manner otherwise consistent with the state and federal constitutions, or federal, state, or local law;
- (2) Lawful administrative inspection or entry into an illegal campsite, or prevent clean-up of garbage, litter, waste, or other unsanitary or hazardous conditions on public land at any time; or
- (3) Where exigent circumstances posing a serious risk to human life and safety exist, proceeding with the abatement of a campsite without prior notice. Personal property removed under this paragraph shall be stored in accordance with Section 46-189, to the extent reasonable and feasible under the circumstances.

(d) The city, its employees, and agents shall not be liable for damages as a result of an act or omission in the storage, destruction, disposition, or release of property under this Division, but this does not preclude an action for damages based on an intentional act of misconduct or an act of gross negligence. The city, its employees, and agents shall not be liable in any case for release of property to a person when the personal property lacks affirmative marks identifying its owner.

Sec. 46-191. Appeals.

An abatement under this Division may be appealed to the mayor. Any such appeal must be filed with the mayor's office within 72 hours, for a 72-hour notice, or within 10 days, for a 10-day notice, from the date the notice of campsite abatement was posted. The mayor shall conduct a hearing on the appeal within 10 business days of the filing of the appeal. The mayor's decision on the appeal is a final administrative decision, and appeals from it shall be to the superior court within 30 days from the date of the decision in accordance with the Alaska court rules.

Section 2. That the effective date of this Ordinance shall be the ____ day of November 2018.

Jim Matherly, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, City Clerk

Paul J. Ewers, City Attorney