



FAIRBANKS CITY COUNCIL
AGENDA NO. 2021-13
REGULAR MEETING – JUNE 28, 2021
MEETING WILL BE HELD VIA ZOOM WEBINAR AND AT
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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. Respectful 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.

NOTE: Due to concerns over the COVID-19 pandemic, special procedures are being implemented for City Council Meetings. The Mayor, Council Members, and the public may participate remotely during this time. Citizens may have written comments read into the record if submitted to the City Clerk in advance, or citizens may provide testimony via Zoom webinar if registered to do so in advance of the meeting (the three-minute time limit applies to all forms of public testimony). To help achieve social distancing, the seating in Council Chambers is spread out and limited. No more than 30 individuals will be allowed in the Chambers at the same time. Citizens arriving after the maximum number has been reached will be directed to wait in another area until it is their turn to speak to the Council. Meeting attendees are asked to wear a mask or face covering unless they have been fully vaccinated (masks will be provided to those who do not have one). We thank you for your understanding and cooperation during this time.

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

*a) Regular Meeting Minutes of April 26, 2021

*b) Regular Meeting Minutes of May 10, 2021

8. SPECIAL ORDERS

9. MAYOR'S COMMENTS AND REPORT

a) Special Reports

10. COUNCIL MEMBERS' COMMENTS

11. UNFINISHED BUSINESS

a) Ordinance No. 6166 – An Ordinance Adopting an Electronic Communication Device Use Policy During City Council Meetings. Introduced by Council Members Rogers and Therrien. SECOND READING AND PUBLIC HEARING.

b) Ordinance No. 6172 – An Ordinance to Repeal and Reenact Fairbanks General Code Chapter 74 Taxation. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

c) Ordinance No. 6173 – An Ordinance Amending Fairbanks General Code Chapter 46 by Adding Theft as a Minor Offense. Introduced by Council Member Clark. SECOND READING AND PUBLIC HEARING.

12. NEW BUSINESS

*a) Resolution No. 4976 – A Resolution Authorizing the City of Fairbanks to Accept Funding from the Bureau of Justice Assistance for the FFY2021 Edward Byrne Memorial Justice Assistance Grant. Introduced by Mayor Matherly.

- *b) Resolution No. 4977 – A Resolution Authorizing the City of Fairbanks to Distribute Coronavirus Local Fiscal Recovery Funds. Introduced by Mayor Matherly.
- *c) Resolution No. 4978 – A Resolution Requesting Funds for Demolition of the Polaris Building from Federal Infrastructure Appropriations. Introduced by Council Members Therrien, Kun, Marney, Gibson, and Rogers.

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. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, APRIL 26, 2021
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 p.m. on the above date, following a 5:30 p.m. Work Session for a presentation of the 2020 City Audit, to conduct a Regular Meeting of the Fairbanks City Council via Zoom webinar and at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and the following Council Members in attendance:

Council Members Present: Shoshana Kun, Seat A
June Rogers, Seat B (remotely)
Valerie Therrien, Seat C
Aaron Gibson, Seat D
Lonny Marney, Seat E
Jim Clark, Seat F

Absent: None

Also Present: Margarita Bell, Chief Financial Officer (remotely)
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Jeff Jacobson, Public Works Director (remotely)
Mike Meeks, Chief of Staff
Tod Chambers, Fire Chief
Geoff Coon, Assistant Fire Chief
Ron Dupee, Police Chief
Kristi Merideth, Dispatch Manager (remotely)
Teal Sodden, Communications Director (remotely)
Michael Sanders, Crisis Now Director (remotely)
Tim Zinza, Engineer III

City Clerk Danyielle Snider read the Mission Statement of the City of Fairbanks.

INVOCATION

The Invocation was given by City Clerk Snider.

FLAG SALUTATION

Mayor Matherly asked Ms. Kun to lead the Flag Salutation.

CITIZENS' COMMENTS

Hearing no requests for public comment, Mayor Matherly declared Public Testimony closed.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Marney, seconded by **Ms. Therrien**, moved to APPROVE the Agenda and Consent Agenda.

Ms. Kun pulled Resolutions Nos. 4967 and 4968 and Ordinance No. 6167 from the Consent Agenda.

Mr. Gibson pulled Ordinance No. 6166 from the Consent Agenda.

Mayor Matherly requested that the Executive Session be removed from the agenda due to a lack of an update. No Council member objected.

Mayor Matherly called for objection to the APPROVAL of the Agenda, as Amended and, hearing none, so ORDERED.

City Clerk Snider read the Consent Agenda, as Amended, into the record.

SPECIAL ORDERS

a) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic. #	DBA	License Type	Licensee	Address
4504	Venue Fairbanks	Beverage Dispensary	Go Alaska Media, LLC	514 2nd Avenue
4862	Southern Glazer's of AK	Wholesale – General	Southern Glazer's Wine and Spirits of Alaska, LLC	3101 Peger Road, Bay 2
4464	Fred Meyer #224	Package Store	Fred Meyer Stores, Inc.	93 Old Steese Highway

Ms. Therrien, seconded by **Mr. Gibson**, moved to WAIVE PROTEST on the Liquor License Applications for Renewal.

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

Ms. Rogers understood there were no department-recommended protests but believed the Council should be aware of and concerned about the number of calls being made to Dispatch from one of the addresses. She added that the issues may not have originated from the licensed business but still indicate a general problem.

Mr. Gibson disagreed with Ms. Rogers, stating that of the 342 incidents listed in the Fred Meyer vicinity, none of them pertained to the liquor license. He continued that the list provided in the agenda packet has the potential to hurt the business through bad perception. He added that Fred Meyer is a great business in the City.

Ms. Kun stated that the reports are very clear when they pertain to the licensed portion of the business and asked Police Chief Dupee for comments or concerns.

Chief Dupee stated had no issues with the Fred Meyer liquor license renewal.

Mayor Matherly suggested scheduling a Work Session for the Council to discuss what they would like to see as documentation for liquor license renewals in the future.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Therrien, Rogers, Clark, Gibson, Kun, Marney

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

a) Special Reports

Jerry Evans, Public Relations Manager, Explore Fairbanks – Mr. Evans shared that Explore Fairbanks had been offering virtual tours during the time when travel was prohibited, including a virtual dog sled ride that was discussed and published in multiple magazines and newspapers. He added that Fairbanks was recently listed as one of the 25 coolest towns to visit and as Alaska's best winter travel destination. Mr. Evans stated that there have been eight media tours for travel writers this year and that he anticipates a healthy tourism season. He noted some of the fundraising and tourism-based employment opportunities that were upcoming and thanked the Council for continuing to invest hotel/motel funds into destination tourism activities.

Ms. Therrien asked about the plan to utilize the tourism funds being allocated by the Governor. Mr. Evans clarified that his role is primarily working with journalists and promoting Explore Fairbanks within the community. He added that Governor Dunleavy will be making COVID-19 vaccines available to anyone who wants them starting June 1, 2021.

Mayor Matherly recognized the City Finance Department for their wonderful audit presentation. He added that he will be working with the Governor and the other local mayors to provide the opportunity for citizens to receive vaccines at no cost. He recognized the hard work of the City Public Works Department in their ability to contend with a very drastic change in weather and added that the department will begin cleaning up gravel on the roads in the coming week. **Mayor Matherly** reported that he spoke with the Alaska Association of Fire and Arson Investigators and attended a remembrance gathering at the foot bridge downtown, where missing people or unsolved murder victims were publicly recognized. **Mayor Matherly** asked citizens to slow down, stating that he received many phone calls regarding complaints of speeding. He asked citizens continue to respect the requests of business owners regarding masking and social distancing and to also keep it in mind throughout the City, as COVID-19 is still spreading. He stated he is honored to work with the City Council, noting that many other cities do not have the same professional relationship as the City of Fairbanks does amongst their elected officials.

COUNCIL MEMBERS' COMMENTS

Ms. Rogers gave her appreciation of the Chief Financial Officer, Margarita Bell and her staff, adding that the City is very fortunate to have such a great team working with the City's finances. She added her support of the work done by Mr. Evans and Explore Fairbanks and expressed appreciation for the creativity used in providing tourism programs during the pandemic.

Ms. Kun stated she had no comments.

Ms. Therrien agreed with Ms. Rogers about the Finance Department and thanked the staff for their hard work.

Mr. Clark stated he had no comments.

Mr. Marney stated his desire to streamline the reporting on liquor and marijuana licenses. He added that he had also witnessed a lot of speeding in City neighborhoods.

Mr. Gibson stated he had no comments.

UNFINISHED BUSINESS

- a) Ordinance No. 6163 – An Ordinance Authorizing a Lease of Space in City Hall to the Interior Alaska Center for Non-Violent Living to House the Fairbanks Reentry Coalition. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Kun, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6163.

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

Mr. Marney asked whether the City would lose money on the lease. **Mr. Meeks** stated that the City would not be charging for the lease. **Mayor Matherly** added that while there is no charge at this time, it could be reviewed in the future. He added that the organization will be providing a service that is an asset to the community.

Ms. Kun had concerns about the cost of the lease but was excited to see the team come into City Hall. She stated that it may alleviate some work of the Fairbanks Emergency Communications Center (FECC) and the Fairbanks Police Department (FPD).

Mr. Gibson expressed concern with housing an outside organization as it has the potential to cause issues, but he recognized the net positive effects for the community. He asked City Attorney Paul Ewers when the lease would be able to be reevaluated. Attorney Ewers stated that the Council could terminate the lease in one year to renegotiate terms, if necessary.

Ms. Therrien noted that the space was only 334 square feet and not likely useful to many other organizations. She added that the City would be helping the citizens of Fairbanks by offering the space as well as possibly lightening the workload on other departments.

Mr. Clark expressed support for the lease to house the Reentry Coalition but felt that the Council had a responsibility to protect the City's assets. He stated that just because the group is a non-profit, the City should not necessarily provide the space for free. He stated that he would be willing to adopt the current lease with the intent to revisit it next year.

Mayor Matherly pointed out that this non-profit is directly aimed at the Crisis Now program that the City signed on to support. He added that for now it is a good collaboration, and if the Council would like to revisit the issue in the future they may do so.

Ms. Rogers agreed with many of the positive comments made but stated she had a hard time seeing the negative aspects. She added that by supporting this group, the City would be investing in the well-being of the community; she stated it would likely become a useful program to FPD also.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6163 AS FOLLOWS:

YEAS: Gibson, Marney, Rogers, Kun, Therrien, Clark

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6163 ADOPTED.

- b) Ordinance No. 6164 – An Ordinance Authorizing Conveyance of an Easement Over a Portion of the Right-of-Way Bordering 410 Cushman Street. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Kun, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6164.

David Pruhs, Fairbanks – Mr. Pruhs stated that represented Mr. Levy, the owner of Fairbanks Distilling Company, and had represented Mr. Levy during the original purchase of the property from the City of Fairbanks. Mr. Pruhs stated that the warranty deed given to Mr. Levy essentially guaranteed that the City would work to fix any title issues that were discovered after the purchase of the property. He added that through conversations with the City Attorney, it was decided that granting an easement to the property would be the best and simplest course of action to rectify the issue. Mr. Pruhs asked the Council to consider any conflicts of interest that might exist and requested that the ordinance be passed as presented.

Ms. Therrien asked Mr. Pruhs for the definition of “visual impairment,” to which he was unable to find. **Ms. Therrien** asked if there had been any resolution between the two property owners. Mr. Pruhs stated that one party is asking the other to do something that would be a detriment to their property, which he has no right to request. **Ms. Therrien** stated that this easement was to be temporary, spanning only two years. Mr. Pruhs acknowledged that it was temporary but added

that during that time Mr. Levy would be attempting to purchase the property. **Ms. Therrien** asked how the proposed concrete platform would be considered temporary; Mr. Pruhs indicated that there was not a plan to create a concrete platform unless Mr. Levy owned the easement.

Mr. Gibson asked for clarification about the concrete platform because it had been revealed at the last meeting that Mr. Levy would be installing a concrete platform. Mr. Pruhs stated that if it did not get in the way of the sidewalk or utility access it should not be an issue. He implied that the only reason this was an issue before the Council was because the adjoining owners are employed by the City and sit on the Council.

Lori Neufeld, Fairbanks – Thanked the Mayor and Council for their dedication to the people, places, and businesses of Fairbanks. She added that she understood Mr. Levy and Mr. and Mrs. Rogers to have a good relationship and spoke to Mr. Levy's plans to improve the corner lot that was previously City Hall. She added that Mr. Levy's plans would not impair the access or the Rogers' property.

William Rogers, Fairbanks – Mr. Rogers stated that he is an employee of the City of Fairbanks and that his wife is Council Member June Rogers. He spoke in favor of the easement, with the addition of some buffers to protect his property interests going forward. He added that the current easement would allow the owner of the neighboring property to build within five inches of his property which would inhibit his ability to maintain the building. Mr. Rogers stated that the buffers he is suggesting do not restrict any of the plans that Mr. Levy has discussed.

Mayor Matherly asked for clarification on the restrictions Mr. Rogers is requesting. Mr. Rogers asked that 1) no construction be done within the 1.65' which included conduits in the ground, and 2) that any installation up to 5' in the front of the building have a height restriction.

Ms. Kun asked for clarification on the historical ownership of McCafferty's. Mr. Rogers stated that the Urban Renewal Plat of 1959 took Lot 66 and divided it into smaller lots.

Patrick Levy, Fairbanks – Mr. Levy stated that he is the owner of Fairbanks Distilling Company. He discussed the issues surrounding the complicated history of the lots that necessitated the easement. He added that he had already worked with the Rogers' to correct one issue with original property lines. He noted that the easement he is requesting is simply to clear up the issue of right-of-way and allow him to fully utilize the property he thought was his when he purchased the property.

Mr. Clark asked Mr. Levy if he had looked at the plat when he purchased the property. Mr. Levy responded that he had, but he did not understand the property lines and how they would affect his use of the property.

Ms. Kun asked about the width of the alley between the structures. Mr. Levy stated that it is approximately 2' wide and contained conduits for power, making it prohibitive to build anything in that area. He added that the distance between the proposed outdoor area and the Rogers' building is adequate space for maintenance issues and would restrict the view from the Rogers' front window only minimally.

Mr. Marney noted that he was familiar with the location and asked why Mr. Levy is planning to build on the shaded side of the building. Mr. Levy stated that he also plans to improve the southern side of the property in the future. **Mr. Marney** asked how tall the fence would be. Mr. Levy stated it would be 40” tall and would match many of the wrought iron fences in the City.

Ms. Therrien asked Mr. Levy if he objected to the height restriction. Mr. Levy stated that he did due to the negative effect it would have on his property value. **Ms. Therrien** asked Mr. Levy if he objected to the 5-foot setback; Mr. Levy confirmed, stating that it would prevent him from completing his proposed project. **Ms. Therrien** asked Mr. Levy whether he agreed that the 1.65’ portion of the property is unusable; Mr. Levy stated that he did and that he was only in opposition to the additional 3.5’ restriction.

Mayor Matherly confirmed that Mr. Levy was in favor of the ordinance as presented and spoke to the concerns regarding future ownership of the building.

Mr. Gibson asked Mr. Levy to confirm that he would be amenable to the 1.6’ restriction but not agreeable with the full 5’ restriction; Mr. Levy confirmed.

Mr. Marney asked how many tables Mr. Levy planned to use in the area; Mr. Levy stated that he was unsure but most likely 4.

Mayor Matherly asked the City Attorney if the ordinance already contained language pertaining to the 1.65’ alleyway. Attorney Ewers stated that it did not.

Mr. Gibson asked how a vacation of the City’s easement in the future might affect the 1.65’ space. Attorney Ewers gave a condensed version of how the easement would most likely be divided between the adjacent properties. He stated that it could affect the space at some point, but he is not certain.

Ms. Therrien asked if the issue creates an ethical problem as Mr. Rogers is a City employee. Attorney Ewers stated that Mr. Rogers’ rights as a citizen and property owner are not negated based on his employer; he clarified, however, that Ms. Rogers cannot take part in the discussion or vote on the issue, and that is why she has excused herself from the discussion.

Mr. Gibson, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6164 by adding the language, “No permanent structure shall be placed in this easement” before the last sentence in Exhibit B.

Mr. Gibson stated that in the event of a vacation, part of the easement may not belong solely to the property owned by Mr. Levy, therefore there should not be any permanent improvements made in the area during the life of the proposed easement.

Mr. Clark asked for clarification on the reason why a 2-year easement was being proposed. Attorney Ewers stated that the intent of the easement is to facilitate Mr. Levy making improvements to the property he thought he owned while the process to complete the vacation of the City right-of-way is being worked on.

Ms. Therrien spoke in favor of the amendment, adding that it would be difficult to remove any permanent structures in the future.

Ms. Kun spoke against the amendment as she understood the platform was to facilitate alcoholic beverages being taken out on the deck and provide handicap access from inside the building.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6164 BY ADDING THE LANGUAGE, “NO PERMANENT STRUCTURE SHALL BE PLACED IN THIS EASEMENT” BEFORE THE LAST SENTENCE IN EXHIBIT B AS FOLLOWS:

YEAS: Gibson, Therrien, Marney
NAYS: Kun, Clark
ABSTAIN: Rogers
Mayor Matherly declared the MOTION CARRIED.

Ms. Therrien, seconded by **Mr. Gibson**, moved to AMEND Exhibit B to Ordinance No. 6164 to state that there will be no improvements made by either property owner within 1.65’ of the easement.

Mr. Clark spoke against the amendment, stating he felt it would simply add more restrictions to an easement that will have to be addressed again in the future.

Ms. Therrien clarified that condition for the 1.65’ area has already been agreed upon by both parties and should be considered in the easement.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND EXHIBIT B TO ORDINANCE NO. 6164 TO STATE THAT THERE WILL BE NO IMPROVEMENTS MADE BY EITHER PROPERTY OWNER WITHIN 1.65’ OF THE EASEMENT AS FOLLOWS:

YEAS: Marney, Gibson, Therrien
NAYS: Clark, Kun
ABSTAIN: Rogers
Mayor Matherly declared the MOTION CARRIED.

Mr. Gibson, seconded by **Ms. Kun**, moved to POSTPONE Ordinance No. 6164 until the May 10, 2021 Regular Council Meeting.

Mayor Matherly expressed his desire to find a resolution to the issue as soon as possible for the sake of the two business owners.

Mr. Gibson stated that his intent is to give time for the City to verify what the plat lines will look like when the vacancy occurs and deal with any other issues that arise.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6164 UNTIL THE MAY 10, 2021 REGULAR COUNCIL MEETING AS FOLLOWS:

YEAS: Clark, Therrien, Kun, Marney, Gibson
NAYS: None
ABSTAIN: Rogers
Mayor Matherly declared the MOTION CARRIED.

Mayor Matherly called for a brief recess. The meeting reconvened with New Business following the brief recess.

NEW BUSINESS

- a) Resolution No. 4965 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Alaska Highway Safety Office for the FFY22 DUI Traffic Enforcement Unit. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4966 – A Resolution Awarding a Contract to Callahan Construction for the Parking Garage Repairs Project in the Amount of \$268,260. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4967 – A Resolution Approving a Maintenance Agreement with the State of Alaska Department of Transportation and Public Facilities for the Growden Area Accessibility Improvements. Introduced by Mayor Matherly.

Ms. Kun, seconded by **Mr. Gibson**, moved to APPROVE Resolution No. 4967.

Ms. Kun shared concerns for pedestrian safety and liability to the City, adding that the cost was reasonable.

Tim Zinza, Engineer III, shared that the FNSB approved plans to construct a walkway through Growden Park which would include two, mid-block crossings on Wilbur Street and Second Avenue. He added that to deal with the dangers of mid-block crossings, they would install pedestrian-controlled flashing beacons to alert traffic. He clarified that the agreement is necessary because, while the pathway is on Borough property, the crosswalks would be on City-owned streets. He added that the beacons are necessary to provide for pedestrian traffic, and the only financial responsibility of the City will be for the maintenance of the beacons.

Mr. Gibson clarified that the mid-block crossing was only for the two locations listed on Wilbur Street and Second Avenue; Mr. Zinza confirmed.

Ms. Therrien asked if the project had been vetted through FAST Planning. Mr. Zinza stated that it is a project that the Borough had applied for through a grant process and was therefore independent from FAST Planning. He added that when the review came to the City, there had not been any plan to include beacons at the crossways, which the City Engineering Department recommended. **Ms. Therrien** asked if there were concerns for pedestrians even with the beacon

treatments. Mr. Zinza said he did have personal concerns, and he believes the beacons are the best solution.

Mayor Matherly noted that Wilbur Street is crossed mid-block frequently, and the beacons would be an improvement to pedestrian safety.

Mr. Clark stated that he felt the entire project was unnecessary.

Mr. Gibson spoke against the resolution stating that it seemed to be a Borough-imposed expense for maintenance on the City.

Ms. Rogers shared her concern regarding parked cars obstructing the view of the flashing beacons, adding that crosswalks give a sense of safety that may not be guaranteed in such areas.

Mayor Matherly added that the Borough project includes improvements to the skate park and walking path regardless of the City's approval. He stated that the City has recommended to have the beacons installed to keep pedestrians safe, even if it means maintaining the beacons once they are installed.

Mr. Meeks clarified that the plan was brought to the City, and the Engineers suggested that if there was going to be a crossing in those locations it needed to be done in the safest manner possible. He added that by not approving the maintenance agreement, the City runs the risk of a crossing that is less safe. He stated that the City's disapproval would not likely dissuade the entire project. He stated that the City's obligation for maintenance is due to the crossing being on City property.

Ms. Kun asked for clarification on the project. Mr. Zinza stated that the project has already reached approval through the grant process and at the borough. He explained that the resolution is for the maintenance only of the flashing beacons, which the City asked the Borough to include in their construction plans to ensure pedestrian safety. He added that the City is not responsible for any purchasing or construction involved in completing this project.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4967 AS FOLLOWS:

YEAS: Therrien, Rogers, Clark, Matherly

NAYS: Gibson, Kun, Marney

Mayor Matherly declared the MOTION CARRIED and Resolution No. 4967 APPROVED.

- d) Resolution No. 4968 – A Resolution Opposing the Proposed Changes to Title 13 of the Alaska Administrative Code to Allow Use of ATVs and Snowmobiles on Public Roadways. Introduced by Council Members Gibson and Therrien.

Ms. Therrien, seconded by **Mr. Gibson**, moved to APPROVE Resolution No. 4968.

Ms. Kun asked if the intent was to allow snowmachines on designated routes to have access to local businesses. **Mr. Gibson** stated that the intent of the resolution is to ensure the City can make its own decisions regarding this matter rather than being dictated to by the State.

Ms. Therrien stated that the legislation regarding ATVs and snowmachines on public routes will not likely pass at the State level this year; however, because it has been proposed it would be good for the City to have its position made clear to the Governor. She clarified that the resolution is to oppose the changes for Title 13 and to allow the City to retain local control over these decisions in the future.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4968 AS FOLLOWS:

YEAS: Gibson, Marney, Rogers, Kun, Therrien, Clark
NAYS: None
Mayor Matherly declared the MOTION CARRIED and Resolution No. 4968 APPROVED.

- e) Ordinance No. 6165 – An Ordinance Amending the 2021 Operating and Capital Budgets for the Second Time. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

- f) Ordinance No. 6166 – An Ordinance Adopting an Electronic Communication Device Use Policy During City Council Meetings. Introduced by Council Member Rogers.

Ms. Therrien, seconded by **Ms. Rogers**, moved to ADVANCE Ordinance No. 6166.

Mr. Gibson spoke against the ordinance stating that being adults with a general understanding of professionalism should be sufficient. He stated he does not feel that codifying an ordinance on this topic is appropriate.

Ms. Therrien stated that this policy has come about due to rising transparency concerns and the potential for violations of the Open Meetings Act (OMA). She asked to be added as a sponsor.

Mr. Marney asked about procedural applications of the ordinance.

Ms. Rogers stated that policies and procedures would be addressed with input after the ordinance is passed. She added that the ordinance came about following concerns by the City Clerk of public perception and potential violations to the OMA. She added that the language was written in a way to be respectful of elected officials and to allow for emergency situations. She stated that the ordinance is to keep the City in compliance with the OMA.

Mr. Clark asked for a list of cities that had adopted a similar ordinance. City Clerk Snider stated that the research done by the Clerk's Office was not limited to Alaska, but it had been implemented in various ways for different public organizations.

Mr. Clark stated he felt the ordinance sets a precedent of mistrust amongst Council members.

Mr. Meeks added perspective about the OMA, stating that the challenge is not only to maintain the letter of the law but also the spirit of the OMA. He added that cell phones are only one part of a bigger issue.

Mr. Clark asked at what point the Council cancels technology to stay compliant.

Mr. Gibson stated that the issue was being addressed prematurely.

Ms. Therrien shared that there is a bill going before the legislature that would fine individuals who violate the OMA \$1,000. She added that by receiving a message or information during a meeting, regardless of a request, you could be found in violation. She added that it is not a matter of mutual trust between Council Members but a matter of protecting the Council from the perception of violating the OMA.

Mayor Matherly stated that he would like to see more research on the topic.

Ms. Therrien, seconded by **Mr. Gibson**, moved to POSTPONE Ordinance No. 6166 to the June 14, 2021 Regular Council meeting so that a work session could be held on the topic.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6166 TO THE JUNE 14, 2021 REGULAR COUNCIL MEETING SO THAT A WORK SESSION COULD BE HELD ON THE TOPIC AS FOLLOWS:

YEAS: Kun, Gibson, Therrien, Clark, Marney, Rogers

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- g) Ordinance No. 6167 – An Ordinance Amending Fairbanks General Code Sec. 46-80 Drinking in Public to Exempt Certain Outdoor Recreational Facilities. Introduced by Council Member Gibson.

Mr. Gibson, seconded by **Mr. Clark**, moved to ADVANCE Ordinance No. 6167.

Ms. Kun asked for clarification on which parks would be affected. **Mr. Gibson** stated that it would be any of the parks under Borough authority and stated that the prohibition of alcohol consumption on Borough property should remain with the Borough.

Ms. Rogers asked for clarification on the Borough's ability to allow or disallow the public consumption of alcohol with or without permits. **Mr. Gibson** stated that Attorney Ewers may have more information in direct response to that question; however, as he understood the ordinance recently adopted by the Council, it would be a crime to consume alcohol in public, regardless of the Borough's regulations. Attorney Ewers confirmed, adding that the Borough keeps a comprehensive list of parks where public consumption is allowed, and the list is reviewed annually.

Ms. Rogers spoke against the ordinance stating that it was a double standard to require some parties to obtain permits while others were not required to do so.

Mr. Clark asked for specific examples about a double standard. **Ms. Rogers** stated that there are people drinking in public on a regular basis and asked how the City should determine when, how much, and who should be able to consume alcohol in public.

Mr. Gibson asked Attorney Ewers if private individuals were able to obtain permits to serve alcohol within City limits. Attorney Ewers stated that permits are obtained through the Alcohol and Marijuana Control Office (AMCO), adding that citizens are not required to have a permit on their private property. He stated that the ordinance prohibiting the public consumption of alcohol extended the existing limits to encompass the City as a whole, which included some of the Borough properties that had allowed the consumption of alcohol in the past.

Ms. Rogers asked if the FPD reviewed permits for alcohol consumption and if there was a fee associated. Attorney Ewers confirmed that the FPD does review permits for events, and Clerk Snider confirmed that there is a minimal fee of \$25, which is increased depending on how close to the event the permit is being requested.

Ms. Therrien requested a copy of the Borough parks list.

Mr. Gibson stated that he did not believe the softball fields were an issue as it pertained to alcohol and asked Chief Dupee for his opinion. Chief Dupee explained that any situation involving a large group of people consuming alcohol who must then drive to get home creates a problem for the FPD. He stated, however, that there has not been a notable number of dispatch calls to that particular sports complex.

Ms. Kun asked if the ordinance was necessary being that the Borough would typically supersede the City. Attorney Ewers stated that in this case it would not. He explained that the City's ban on drinking in public would be enforceable at Borough parks within city limits.

Ms. Therrien spoke to the implied favoritism for allowing some people to drink alcohol in public while prohibiting others. She added that the original ordinance to ban public consumption of alcohol in City limits was passed, and this is in opposition of that ordinance.

Mr. Clark spoke in support of Ordinance No. 6167 stating that it meets the idea of banning public intoxication but allows alcohol where the Borough should have jurisdiction.

Mr. Marney asked how the law was enforced. Chief Dupee said the offenders must be caught in the act of drinking alcohol in prohibited areas in order for it to be enforced.

Ms. Kun stated that businesses follow the protocol to obtain permits and serve responsibly, whereas it is a concern when individuals are allowed to regulate themselves on public property, then drive home under the influence.

Ms. Rogers stated that the Council has a responsibility, not only to the citizens but to the FPD to not make their job harder. She stated that allowing people to drink in public is increasing the possibility of impaired drivers being on City streets.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6167 AS FOLLOWS:

YEAS: Marney, Clark, Gibson, Matherly
NAYS: Rogers, Kun, Therrien
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6167 ADVANCED.

DISCUSSION ITEMS AND COUNCIL MEMBERS' COMMENTS

a) Committee Reports

Ms. Rogers shared that the Diversity Council meeting had provided a great presentation honoring women who work for the City. She added that she had started a two-day virtual conference with the Interior Transition Council and would be attending an opioid meeting later in the week. **Ms. Rogers** shared her disappointment regarding earlier comments questioning her ethics. She clarified that she had removed herself from all discussion regarding the property easement, both during Council business and in her home.

Ms. Kun thanked the Council for working so well together and for having the ability to have good discussion. She gave a land acknowledgment. She added that she had taken a tour of an onsite consumption café and expressed her admiration for the way the cannabis industry has progressed. **Ms. Kun** shared the new suicide prevention number, 988. She thanked the City Finance Department for their hard work and thanked Mr. Evans for his Explore Fairbanks report.

Ms. Therrien shared her appreciation for the Council discussion and shared highlights from the legislative committee meetings. She offered her notes to any Council member who might be interested.

Mr. Clark shared his appreciation for being placed on the legislative committee and thanked the Council for being able to work together so well.

Mr. Marney thanked the Finance Committee for their hard work.

Mr. Gibson thanked the Council for a good meeting.

WRITTEN COMMUNICATIONS TO COUNCIL

a) Fairbanks Diversity Council Meeting Minutes of January 12, 2021

ACCEPTED on the CONSENT AGENDA

b) Clay Street Cemetery Commission Meeting Minutes of March 3, 2021

ACCEPTED on the CONSENT AGENDA

ADJOURNMENT

Ms. Kun, seconded by **Mr. Gibson**, moved to ADJOURN the meeting.

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

Mayor Matherly declared the meeting adjourned at 9:29 p.m.

JIM MATHERLY, MAYOR

ATTEST:

D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MAY 10, 2021
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 p.m. on the above date, following a 5:30 p.m. Work Session to discuss Emergency Response Standards, to conduct a Regular Meeting of the Fairbanks City Council via Zoom webinar and at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Shoshana Kun, Seat A
June Rogers, Seat B (remotely)
Valerie Therrien, Seat C
Aaron Gibson, Seat D (remotely)
Lonny Marney, Seat E
Jim Clark, Seat F

Absent: None

Also Present: Margarita Bell, Chief Financial Officer
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Mike Meeks, Chief of Staff
Kristi Merideth, FECC Manager
Angela Foster-Snow, HR Director (remotely)
Tod Chambers, Fire Chief
Geoff Coon, Assistant Fire Chief
Ron Dupee, Chief of Police
Nick Clark, FFD
Dominic Lozano, FFD

City Clerk Danyielle Snider read the Mission Statement of the City of Fairbanks.

INVOCATION

The Invocation was given by City Clerk Snider.

FLAG SALUTATION

Mayor Matherly asked Ms. Therrien to lead the Flag Salutation.

CEREMONIAL MATTERS

Mayor Matherly recognized Stephen Anderson for his upcoming retirement from the Building Department after his many years of service to the City of Fairbanks.

CITIZENS' COMMENTS

Victor Buberger, Fairbanks – Mr. Buberger expressed his disappointment in the snow removal over the past winter and noted the many potholes that need attention, including one that damaged his vehicle.. He went on state that the City would do better by spending money on the streets rather than on union employee wages. He added that money would also be better spent providing a public restroom rather than the destruction of the Polaris building.

Hearing no more requests for public comment, **Mayor Matherly** declared Public Testimony closed.

APPROVAL OF AGENDA AND CONSENT AGENDA

Ms. Kun, seconded by **Ms. Therrien**, moved to APPROVE the Agenda and Consent Agenda.

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

City Clerk Snider read the Consent Agenda into the record.

SPECIAL ORDERS

- a) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic. #	DBA	License Type	Licensee	Address
2847	Goldie's AK	Beverage Dispensary	Nash Holland, LLC	659 5th Avenue
2982	Carlson Community Center	Recreational Site	SMG of Alaska, Inc.	2010 Second Avenue
5585	Jazz Bistro on 4th	Restaurant/ Eating Place	Bluenote Create, Inc.	527 4th Avenue, Suite B

Mr. Clark, seconded by **Mr. Marney**, moved to WAIVE PROTEST on the Liquor License Applications for Renewal.

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

Ms. Kun asked the owner of Goldies AK to come forward. She asked about the process for setting up service outside of the licensed premises for outdoor functions. Mr. Ryan Holland started to explain the permitting process for catered events. **Mayor Matherly** stated that the

topic was up for discussion under Ordinance No. 6167, and comments should be regarding only the liquor license renewal applications at this time.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Therrien, Rogers, Gibson, Kun, Marney, Clark

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly provided an update on the “Sleeves Up for Summer” vaccination campaign, sharing that there had been three pop-events throughout the City. He noted that the City-wide cleanup day would be happening on Saturday, and he expressed excitement about getting ready for summer tourism. He spoke to a protest that occurred outside of the Fairbanks Police Department (FPD) over the weekend and mentioned that he contacted the protest organizer and had a very meaningful conversation. He mentioned the upcoming runoff campaign happening in Anchorage. He added that COVID Cares Funds would be coming in, but it had not been determined what would be done with those funds at this time. **Mayor Matherly** reminded citizens to continue to wear masks and social distance, especially when visiting businesses that request such. He spoke about the interview done by KTVF with the Public Works department regarding the many needles that are found every spring, and he asked that people use appropriate containers and keep each other safe. **Mayor Matherly**, in reference to earlier comments, stated that contractors made some of the street repairs and that Public Works would be addressing the pothole repairs and putting signage in place until repairs can be made.

COUNCIL MEMBERS' COMMENTS

Ms. Rogers thanked the Mayor for his update and the work he has done on the “Sleeves Up” campaign. She thanked Mr. Meeks, Chief Chambers, and Ms. Meredith for their presentation during the work session.

Mr. Gibson stated he had no comments.

Ms. Kun stated she had no comments.

Ms. Therrien wished Mr. Anderson good luck in his retirement and thanked him for his service.

Mr. Clark stated he had no comments.

Mr. Marney stated he had no comments.

Mayor Matherly expressed his condolences to the Wallace family.

UNFINISHED BUSINESS

- a) Ordinance No. 6164 – An Ordinance Authorizing Conveyance of an Easement Over a Portion of the Right-of-Way Bordering 410 Cushman Street. Introduced by Mayor Matherly. POSTPONED from the Regular Meeting of April 26, 2021; public hearing was held at that time.

The motion to ADOPT was made by Ms. Kun and seconded by Mr. Gibson on April 26, 2021; motion is on the floor.

Ms. Therrien asked to hear from the property owners.

Patrick Levy, Fairbanks – Mr. Levy stated he believed he and Mr. Rogers were in agreement. He added that he would like to begin construction of his project on Memorial Day weekend and expressed his disappointment that the issue had become so contentious. He thanked the Council for their service to the community.

William Rogers, Fairbanks – Mr. Rogers stated that he is a City employee and that his wife is Council Member June Rogers. He noted the mess that had been created by the Urban Renewal plat and made it clear that, in the event of the vacation of the easement, he would not be requesting any additional land. He added that he was not in favor of restricting permanent structures from being built and felt that he and Mr. Levy were very close to an agreement.

Mayor Matherly asked Mr. Rogers if he agreed with the easement as described by Mr. Levy.

Ms. Kun asked Mr. Rogers if he was in favor of a permanent structure. Mr. Rogers reiterated that he has not ever objected to the permanent structure – only that he would like to ensure a buffer between the buildings.

Mayor Matherly asked for clarification on the amendments made to the motion at the previous meeting. City Attorney Paul Ewers explained that one amendment restricted the construction of permanent structures, and a second amendment prohibited any improvements within the 1.65' of the lot line. Attorney Ewers added that if the Council agrees with the requests made in this meeting they would need to present new amendments.

Ms. Therrien asked Mr. Levy if he approved of the request not to build within 5' of the lot line. Mr. Levy clarified that the restriction is to not build anything higher than 6' within 5' of the building, and he agreed with that.

Mr. Gibson asked for an updated amended version. Mr. Ewers explained that the current version contains the amendments from the previous meeting and would be of little use with the changes suggested currently. He further explained the process.

Mr. Marney asked for an explanation of the 5-year timeline. Mr. Levy explained that the 5 years is to allow him time to have the property officially surveyed prior to the vacation of the easement, but he would prefer to have it done much sooner. Attorney Ewers clarified that it

would require a change of the timeline from 2 years to 5 years to deal with the process of the replat, which can take considerable amount of time. He added that the agreement between the owners stating that the Rogers' will not claim any portion of the right-of-way easement should be done outside of the ordinance. He stated it could be recorded to protect the property owners' interests.

Ms. Kun, seconded by **Ms. Therrien**, moved to AMEND Exhibit B of Ordinance No. 6164 by: adding that no improvement within 5-feet of Lot 3A will be higher than 6-feet; increasing the term of the easement to 5 years; by adding that the owners agree that the Rogers' will waive any rights to a portion of the easement at the time of vacation; striking the language prohibiting permanent structures; and retaining the condition that no improvements will be made in the 1.65' alley between the buildings.

Mr. Clark asked Mr. Levy to clarify whether he was in favor of the 6' height restriction; Mr. Levy confirmed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6164 AS STATED ABOVE AS FOLLOWS:

YEAS: Therrien, Clark, Kun, Marney, Gibson
NAYS: None
ABSTAIN: Rogers
Mayor Matherly declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6164, AS AMENDED, AS FOLLOWS:

YEAS: Marney, Clark, Therrien, Gibson, Kun
NAYS: None
ABSTAIN: Rogers
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6164, as Amended, ADOPTED.

- b) Ordinance No. 6165 – An Ordinance Amending the 2021 Operating and Capital Budgets for the Second Time. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Therrien, seconded by **Mr. Clark**, moved to ADOPT Ordinance No. 6165.

Ms. Kun, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6165 by substituting for Ordinance No. 6165, as Amended.

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

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6165, AS AMENDED, AS FOLLOWS:

YEAS: Gibson, Kun, Marney, Clark, Therrien, Rogers

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6165, as Amended, ADOPTED.

- c) Ordinance No. 6167 – An Ordinance Amending Fairbanks General Code Sec. 46-80 Drinking in Public to Exempt Certain Outdoor Recreational Facilities. Introduced by Council Member Gibson. SECOND READING AND PUBLIC HEARING.

Ms. Clark, seconded by **Mr. Marney**, moved to ADOPT Ordinance No. 6167.

James Berglin, Fairbanks – Mr. Berglin spoke in favor of Ordinance No. 6167, adding that he enjoys playing softball at Borough parks and feels that the restrictions on public drinking would hurt the softball league.

Ms. Therrien asked if there was alcohol consumed at the softball games. Mr. Berglin stated that alcohol is allowed in non-glass containers in the dugout or in the stands but not on the field.

Ms. Rogers asked if a permit was obtained for those events. Mr. Berglin stated he was not aware of any permits required or obtained.

Mr. Marney spoke in favor of the ordinance and about his own experience with the softball league.

Mayor Matherly clarified that there are no sales of alcohol during the games.

Hearing no further requests for public comment, in person or via Zoom, **Mayor Matherly** asked Clerk Snider to read written comments into the record.

Garrett Savory, Fairbanks – Mr. Savory commented in favor of the ordinance, stating that he had been involved with the Golden Heart Softball Association since 2014. He asked that the Council not prohibit responsible adults from consuming alcohol on Borough properties that currently allow it.

Hearing no more requests for comment, **Mayor Matherly** declared Public Testimony closed.

Mr. Gibson spoke in favor of the ordinance and asked for support by the Council.

Ms. Rogers asked if there was a State law prohibiting the consumption of alcohol in public. She stated that this ordinance creates a double standard within the City.

Attorney Ewers stated that he was not certain that there was a state law banning drinking in public. He added that because there are no alcohol sales, no permit is required. He went on to

state that the jurisdiction would fall under the Borough, which maintains and reviews the list of parks in regard to the public consumption of alcohol.

Ms. Rogers asked for input from Police Chief Ron Dupee.

Chief Dupee stated that if calls are made in complaint to drinking in public, FPD would respond accordingly. He stated that in the past two years there had only been one call made from the Hez Ray Sports Complex where the softball association games are played.

Ms. Rogers asked for specific information regarding the protocol for individuals observed drinking in public. Chief Dupee explained that when staffing is available, FPD will respond to the call, and it is an arrestable offense. **Ms. Rogers** asked if there were circumstances where public facilities overflowed into public spaces. Chief Dupee stated that it happens regularly; however, the facility staff typically take care of the issue. **Ms. Rogers** clarified that she felt there still would be a double standard where one part of the population is approached for their offense, while other individuals are essentially allowed to get away with it.

Ms. Kun stated that there are businesses that follow a strict process to be allowed to serve alcohol, and they are monitored by the State Alcohol Control (ABC) Board. She added that permits should be obtained for these types of events.

Ms. Therrien asked for clarification on how the City would work with the Borough on this matter if Ordinance No. 6167 failed. Attorney Ewers stated that the Borough would comply with the City law that public consumption of alcohol within City limits is prohibited.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6167 AS FOLLOWS:

YEAS: Clark, Gibson, Marney, Matherly

NAYS: Rogers, Therrien, Kun

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6167 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4969 – A Resolution Awarding a Contract to Richard Stanton Construction for the Fire Training Center Stairwells Replacement Project in the Amount of \$315,040. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Ordinance No. 6168 – An Ordinance to Amend FGC Sec. 74-151 to Include E-Cigarettes and Vaping Devices in the Definition of Tobacco Products Subject to Taxation Under Article V of Chapter 74. Introduced by Council Members Gibson, Therrien, and Rogers.

ADVANCED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS & COMMITTEE REPORTS

Ms. Rogers stated that she did not have any committee reports. She thanked Mr. Mensik for his communication to the Council.

Mr. Gibson noted that he would be meeting with the FAST Planning Board the following week.

Ms. Kun shared that the Explore Fairbanks Board would be meeting before the next Council meeting. She gave a land acknowledgement. She thanked the Mayor and provided the suicide prevention hotline number, 9-8-8. **Ms. Kun** expressed hope that individuals consuming alcohol in public places would do so in moderation; she expressed her concern that the City is not being very clear in its message regarding public drinking. She concluded by thanking the Laborers Union Local #942 for the "Women in the Trades" calendar.

Ms. Therrien shared updates from the Permanent Fund Review Board meeting. She added that Alaska Permanent Capital Management (APCM) would like the Council to consider restructuring some of the investments and suggested a work session with APCM to discuss it further. She went on to give updates about activities in the State legislature, adding that the Alaska Municipal League (AML) will be holding a legislative conference in Fairbanks this summer. **Ms. Therrien** asked that Council Members consider taking advantage of the local venue and attend. She added that the AML Conference happening in Anchorage during November would include newly elected training.

Mr. Clark shared his appreciation for the discussion brought forward during the meeting and thanked the Council for sharing their concerns.

Mr. Marney noted that May is "No Child Goes Hungry" month and encouraged people to donate or volunteer.

Mayor Matherly shared that the Fairbanks Diversity Council (FDC) would be holding a work session in place of their regular meeting the following evening.

Clerk Snider added that AML will be offering Newly Elected Official training online only this year; however, the rest of the conference is planned to be in person.

Ms. Kun, seconded by **Mr. Marney**, moved to ENTER Executive Session to discuss Labor Negotiation Strategies for the Fairbanks Firefighters Union (FFU) and the Fairbanks Police Command Unit (FPCU).

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

Mayor Matherly called for a brief recess. The Council reconvened in Executive Session following the brief recess.

EXECUTIVE SESSION

- a) Fairbanks Firefighters Union Labor Negotiation Strategy
- b) Fairbanks Police Command Unit Labor Negotiation Strategy

The City Council met in Executive Session to discuss the Labor Negotiation Strategies for the FFU and the FPCU. Direction was given to the negotiating teams, and no action was taken.

ADJOURNMENT

Mr. Gibson, seconded by **Ms. Rogers**, moved to ADJOURN the meeting.

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

Mayor Matherly declared the meeting adjourned at 9:14 p.m.

JIM MATHERLY, MAYOR

ATTEST:

D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR

ORDINANCE NO. 6166

**AN ORDINANCE ADOPTING AN ELECTRONIC COMMUNICATION
DEVICE USE POLICY DURING CITY COUNCIL MEETINGS**

WHEREAS, technology is a valuable resource and critical communication tool for many people, including elected and appointed city officials; and

WHEREAS, the use of electronic communication devices during public meetings raises the following concerns: actual or perceived violation of the Open Meetings Act; distraction and disruption to the conduct of the meeting; and perception of not listening to citizens, staff, and other council members; and

WHEREAS, for these reasons, the council adopts limitations on the use of electronic communication devices at city council meetings by elected city officials.

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

SECTION 1. Fairbanks General Code Chapter 2, Article II, Division 4 is hereby amended by adding Sec. 2-123 as follows:

Sec. 2-123. Limitations on the use of electronic communication devices.

(a) The following limitations on the use of electronic communication devices will be in effect during all city council meetings and will apply to all elected officials:

- (1) Cell phones must be turned off (not simply silenced) prior to the start of the meeting and remain off during the duration of the meeting;
- (2) Electronic communication devices, other than cell phones, may only be used for purposes of reading materials provided for that meeting or other materials available related to an agenda topic; and
- (3) Electronic communication devices may not be used to engage in emailing, texting, or accessing social media of any kind.

(b) As used in this section, "electronic communication" means any text, audio, static image, or video to be exchanged in real time or near real time and includes but is not limited to: email, instant messaging, chat rooms,

text messaging, social media, and blogs. An “electronic communication device” means any device capable of electronic communication.

(c) The council may grant permission for a member to have their cell phone turned on, if warranted due to special circumstances such as a family emergency. The council, in coordination with the administration and the FECC, may adopt procedures to provide for emergency contact of council members during council meetings.

(d) If council members are authorized by ordinance to attend meetings virtually, a member may use an electronic communication device to the extent necessary to allow their participation.

SECTION 2. That the effective date of this ordinance is the ___ day of June 2021.

Jim Matherly, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 6172

**AN ORDINANCE TO REPEAL AND REENACT FAIRBANKS GENERAL CODE
CHAPTER 74, TAXATION**

WHEREAS, Fairbanks General Code, Chapter 74, Taxation, sets the procedures for taxation within the City of Fairbanks; and

WHEREAS, Chapter 74 has not been thoroughly reviewed since its adoption; and

WHEREAS, the Administration, with input from the Finance Department staff, the City Clerk, and the City Attorney, is proposing revisions to this Chapter; and

WHEREAS, the City Finance Committee conducted an in-depth review of Chapter 74 at eight Finance Committee meetings and recommends the proposed revisions.

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

Section 1. The Fairbanks General Code, Chapter 74, Taxation, is hereby repealed and reenacted as follows:

Chapter 74
TAXATION

Article I. In General

Secs. 74-1—74-30. Reserved.

Article II. Property Tax

Sec. 74-31. Definitions.

Unless the context requires otherwise, all terms used in this article have the same meanings as they are given in Title 8, Division 1 of the Fairbanks North Star Borough Code of Ordinances.

Sec. 74-32. Property subject to general taxation.

All real property within the city not expressly exempted by ordinance of the city council is subject to annual taxation. The grant of an optional exemption or exclusion by the borough under AS. 29.45.050, or any other statute, will not apply to real property within

the city unless the city council concurs by ordinance. The tax must be used for municipal purposes and for such other purposes as are or may be authorized.

Sec. 74-33. Tax levy and collection.

(a) The city council shall annually determine the rate of levy by resolution adopted before June 15th. The city council by June 15th of each year shall present to the borough assembly a statement of the city's rate of levy.

(b) The real property tax levied by the city will be enforced and collected by the borough in the same manner, at the same time, and under the same procedures as provided by borough ordinance, resolution, and regulation for collection of real property taxes levied by the borough.

(c) The penalties, interest, and costs provided by borough ordinances for failure to file real property tax returns or pay real property taxes levied by the borough are adopted by reference as the penalties, interest, and cost for failure to file real property tax returns or pay property taxes levied by the city.

Sec. 74-34. Residential property tax exemption.

(a) Residential real property within the city is exempt from property tax as set forth in AS 29.45.050(a), provided that:

- (1) The property is owned and occupied as a residence by the owners of record.
- (2) The owners of record must sign a real property exemption statement and file the statement with the borough assessor prior to April 1 of the tax year. The owners of record need not file such a statement for successive tax years if there is no change in ownership and no change in occupation as a residence by the owners of record.

(b) The maximum amount of the real property tax exemption provided for under AS 29.45.050(a) and this section shall be 20 percent of the assessed value, up to a maximum of \$20,000.

Sec. 74-35. Tax revenue surpluses.

Any tax surplus arising under Charter section 6.5 lapses to the city general fund where the amount of the annually audited surplus does not exceed two percent of total tax revenues. A surplus which exceeds two percent of total tax revenues will, to the extent of the excess, be carried forward to the next fiscal year and credited to the maximum allowable estimated tax revenues established in accordance with Charter section 6.5.

Sec. 74-36. Economic development property tax exemption or deferral.

(a) The council may grant a partial or total exemption and/or deferral for economic development property only if the granting of such exemption and/or deferral will provide economic benefit to the City, and

- (1) The exemption and/or deferral will provide measurable public benefits commensurate with the level of incentive granted;
- (2) The property owner is in compliance with all state and local tax obligations;
- (3) The location of the trade, industry, or business is compatible with land use and development plans of the borough; and
- (4) The exemption and/or deferral is necessary to allow adequate time for improvements to be completed and revenue to be generated by the property.

(b) Economic development property means real property that:

- (1) Has not previously been taxed as real or personal property by the city; however, improvements on properties may be partially or wholly tax exempted or deferred under this section.
- (2) Is used in trade or city business in a way that:
 - a. creates employment in the city directly related to the use of the property that does not supplant jobs in another similar industry; or
 - b. generates sales outside of the city of goods or services produced in the city; or
 - c. materially reduces the importation of goods or services from outside the city.
- (3) Has not been used in the same trade or business in another city for at least six months before the application for deferral or exemption is filed; this limitation does not apply if the property was used in the same trade or business in an area that has been annexed to the city within six months before the application for deferral or exemption is filed; this subsection does not apply to inventories.

(c) An ordinance by the Fairbanks City Council must precede any action to authorize a tax exemption or deferral under this section.

Secs. 74-37 – 74-39. Reserved.

Article III. Sales & Excise Tax Requirements

Sec. 74-40. Definitions.

The following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buyer means, without limiting the scope thereof, any person or entity that purchases or contracts to purchase any product.

Certification of registration means the certificate issued by the chief financial officer under section 74-41.

Chief Financial Officer (CFO) means the chief financial officer of the City of Fairbanks or designee.

City means City of Fairbanks.

Consideration means anything of value, including but not limited to money, credit, rights, goods, services, and property, received by a seller from a buyer.

Direct-buying retailer means a person who is engaged in the sale of products at retail in the city, and who brings products into the city or causes products to be brought into the city.

Discount means a two percent reduction of taxes due to the city if the seller submits a sales tax return and pays the tax due pursuant to the deadline set forth in section 74-44(e).

Distributor means any person or entity that:

- (1) brings products, has products brought, or causes products to be brought into the city and who sells or distributes products to others for resale in the city; or
- (2) ships or transports products to a retailer in the city for sale by the retailer.

Estimated tax means the tax determined under section 74-45.

Nontaxable sales mean any sale made within the city that is exempt from levied taxes.

Person includes an individual, company, partnership, limited liability partnership, joint venture, joint agreement, limited liability company, association (mutual or otherwise), corporation, estate, trust, business trust, receiver, trustee, syndicate, direct-buying retailer, distributor, or any combination acting as a unit.

Qualified dealer means a person who refines, imports, manufactures, produces, compounds, or wholesales a product.

Received means date stamped by the city clerk's office. Postmarked is not considered received.

Resale means the act of selling to any person or entity for reselling.

Retail sales mean the transfer of any product to any consumer for any consideration.

Retailer means a person in the city who is engaged in the business of selling products at retail.

Sale made within the city means any retail sale where:

- (1) the buyer takes possession of, or title to, the purchased product within the city; and/or
- (2) the seller receives consideration for the purchased product within the city.

Sales tax return means the monthly filing form provided to sellers by the city, signed and dated by the seller or their designee, detailing any gross sales, exemptions, discounts, penalties, credits, and taxes due.

Seller means any person, distributor, or any other entity that sells, rents, or contracts to sell to a buyer.

State of Alaska license means:

- (1) Alcoholic Beverage – state license or permit as required by AS 43.70 and AS 04.11
- (2) Room Rental – state license as required by AS 43.70
- (3) Tobacco Products – state license as required by AS 43.70 and AS 43.50
- (4) Marijuana – state license as required by AS 43.70 and AS 17.38
- (5) Gasoline – state license as required by AS 43.70, AS 43.40.100(3) and 15 AAC 40.600.

Tax means amount levied for alcoholic beverage, room rental, tobacco, marijuana, and gasoline sales as set forth in this chapter.

Taxable sales mean any sale made within the city that is not exempt from levied taxes.

Unremitted tax means:

- (1) Any tax not remitted to the city that a seller is required by this chapter to collect from a buyer, notwithstanding whether the seller actually collects such tax from a buyer; and
- (2) Any estimated tax not remitted to the city.

Wholesale price means the established price for which a distributor sells products to a retailer.

Sec. 74-41. Seller registration and certification.

(a) All sellers subject to this article must possess a current certificate of registration for the purpose of collecting and remitting tax prior to engaging in any sales, commencing business, or opening additional places of business within the city.

(b) All sellers requiring a certificate of registration under subsection (a) of this section must possess a current State of Alaska license(s) as defined in section 74-40 and a current City of Fairbanks business license. All sellers must provide the city with the respective business license numbers.

(c) Upon receipt of a properly executed application for the certificate of registration, on a form prescribed by the CFO, the CFO will issue, without charge to the seller, a certificate of registration. The certificate of registration must bear the name of the seller and the address of the registered place of business. The certificate must be prominently displayed at the place of business with all business licenses.

(d) The certificate of registration is neither assignable nor transferable. The seller must immediately surrender the certificate to the CFO if the seller ceases to do business at the location named on the certificate, or if the seller otherwise sells, assigns, transfers, conveys, or abandons the seller's business to any person or entity. When there is a change of address for the seller's place of business, a new certificate of registration is required bearing the same registration number but showing the new location address.

(e) A seller must submit an updated application as prescribed by the CFO upon any change in form of ownership, business name, or contact information. The CFO, after receipt of the updated application, will determine whether a new certificate of registration should be issued. If a new certificate of registration is issued, the seller must first surrender the prior certificate of registration to the CFO before taking possession of the new certificate.

(f) The CFO may revoke a certificate of registration if a seller fails to comply with any of the provisions of this article. A seller may not engage in taxable sales while the certificate of registration is revoked.

(g) Any seller who violates any requirement of this section is subject to the penalties provided under this article. The city is also entitled to injunctive relief to prevent the seller from engaging in sales until the seller complies with the requirements of this section.

(h) Any entity acquiring an ownership interest in an ongoing business or the accounts receivable of a business, whether by purchase, assignment, foreclosure, relinquishment, or otherwise, is liable for the payment of taxes, penalties, and interest

accruing and unpaid to the city on account of the operation of the business by the former owner.

(i) A person or entity issued a temporary certificate of registration is subject to this article for the month of issuance.

Sec. 74-42. Retailer not to assume tax.

No retailer may advertise, hold out, or state to the public or to any buyer, directly or indirectly, that the tax or any part of the tax imposed by this chapter will be assumed or absorbed by the retailer, that the tax will not be added to the sale, or that the tax will be refunded. No retailer may assume, absorb, or fail to add the tax or any part of the tax to a taxable sale, or refund any pretended tax to the buyer, or fail to separately state the tax to the buyer.

Sec. 74-43. Segregation of taxes collected.

Upon collection by the retailer of the taxes imposed in this chapter, title to the collected taxes vests in the city. Pending transmittal to the city, the retailer must hold the tax funds in trust for the benefit of the city.

Sec. 74-44. Sales tax returns; transmittal; and payment of taxes due.

(a) Every seller possessing a current certificate of registration must, on or before the last business day of each month, file a properly completed sales tax return for the preceding month upon forms furnished by the CFO and remit payment for taxes due. The form must provide the following:

- (1) The amount of sales made within the city as defined in section 74-40.
- (2) The amount received from nontaxable sales.
- (3) The amount received from all taxable sales.
- (4) The amount of tax.
- (5) Other information and supporting papers as the CFO may require.

(b) Every seller holding a certificate of registration in the city must sign and transmit the return together with taxes collected to the city on or before the proper date.

(c) A report must be filed by every seller possessing a current certificate of registration even if the seller has not engaged in taxable retail sales during the reporting period.

(d) All returns must be received by the city clerk's office no later than 4:00 p.m. on the last business day of the month following tax collection. Postmarks will not be considered as the receipt date.

(e) A two percent reduction in the taxes due will be applied if the sales tax return and payment in full is received by 4:00 p.m. on the 15th day of the month following tax

collection. If the 15th day of the month falls on a city-observed holiday or a weekend, the sales tax return and payment must be received by 4:00 p.m. on the last business day immediately preceding the 15th to be eligible for the two percent reduction.

Sec. 74-45. Estimated tax.

If the city is unable to ascertain the tax due to be remitted by a seller by reason of the failure of the seller to keep accurate books, allow inspection, failure to file a return, or falsification of records the city may make an estimate of the tax due based on any available evidence. Notice of the city's estimate of taxes due must be mailed to the seller. Unless the seller files an accurate monthly report covering the time period subject to the city's estimate or files a written appeal within 30 days of the mailing of the city's estimate, the city's estimate becomes final for the purpose of determining the seller's tax liability.

Sec. 74-46. Administrative appeals.

(a) A seller or buyer may appeal to the mayor any estimated tax, penalties, costs, fees, or other decision under this article made by the CFO. Any appeal must be filed within 30 days after the notice of any decision is mailed to the seller or buyer. The failure to appeal a decision of the CFO renders the decision final.

(b) The appeal must state the legal and factual basis for the appeal and include all written evidence relevant to the appeal within the appellant's possession. If the appeal raises relevant questions of fact, the mayor will conduct a hearing. At the hearing, the parties have the right to present testimony and cross-examine witnesses. The mayor will then issue a written or recorded decision that includes findings of fact.

(c) An administrative appeal decision by the mayor will be enforced under this article unless stayed by court order or by agreement of the city and appellant. The mayor's final decision may be appealed to the superior court pursuant to the Alaska Rules of Appellate Procedure.

Sec. 74-47. Presumption; credit.

(a) Every sale made within the city, unless explicitly exempted, is presumed to be subject to the tax imposed under this chapter in any action to enforce the provisions of this article.

(b) A credit will be allowed for taxes erroneously collected. Such credit will be made by the CFO after receipt and review of documentation and amended return supporting such request. Upon receipt of such documentation, the CFO will examine the documentation and submit a written decision within 15 days.

Sec. 74-48. Confidential information.

(a) All returns filed with the city for the purpose of complying with the terms of this article and all data obtained from such returns are confidential, and such returns and data obtained from such returns will be kept from inspection of all persons except the CFO, the city clerk, and the city attorney. Upon the advice of the city attorney, the CFO may present to the finance committee or city council in private sessions assembled, any return or data obtained from such returns.

(b) It is unlawful for any city employee to publicly divulge any financial information obtained from any return filed with the city or from any data obtained from any such returns unless authorized by the seller or unless the person receiving such information is permitted to view such returns under the terms of this article.

(c) It is the duty of the CFO to safely keep the returns referred to in this article and all data taken from such returns secure from public and private inspection as provided in the article. The CFO may, after three years from the date any such return has been filed, destroy the return.

(d) The use of such returns in a criminal or civil action brought to enforce the terms of this chapter against any person is not a violation of this article. The city in the prosecution of any such action may allege, prove, and produce any return filed by and on behalf of the defendant, including any data obtained from such return.

(e) Nothing in this article will be construed to prohibit a seller or their duly authorized representative from receiving a copy of any return or report filed by the seller, or to prohibit the publication by the city of statistics classified to prevent the identification of particular reports or returns.

Sec. 74-49. Recordkeeping duty; investigation.

(a) A seller must keep complete and accurate books, records, and accounts showing all inventory purchases and gross receipts for all sales made within the city for a period of three years from the date of each sale. In addition to all record keeping requirements under this article, a seller must maintain all written and electronic records relating to any sale for a period of three years after such sale, including but not limited to:

- (1) All local, state, and federal tax reports and forms;
- (2) All accounting records;
- (3) All sales receipts; and
- (4) All documentary evidence supporting any exemption.

(b) Upon reasonable notice, a seller must make all records and materials specified in subsection (a) of this section available for inspection by the CFO or authorized representative during customary business hours.

(c) The CFO may conduct random audits of a seller's monthly reports by examining any of the records and materials specified in subsection (a) of this section and other data deemed necessary.

(d) For the purpose of ascertaining the correctness of a return or for the purpose of determining the amount of tax collected or which should have been collected by any person, the CFO or mayor may hold investigations and hearings concerning any matters covered by this article and may examine any relevant books, papers, records, or memoranda of any such person, and may require the attendance of such person, or any officer or employee of such person. The mayor has the power to administer oaths to such persons. The mayor will issue all formal subpoenas to compel attendance or to require production of relevant books, papers, records, or memoranda.

(e) All subpoenas issued under the terms of this article may be served by any person. The fees of witnesses for attendance and trial will be the same as the fees of witnesses before the superior court, such fees to be paid when the witness is excused from further attendance. When a witness is subpoenaed at the instance of any party to any such proceeding, the mayor may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the mayor may, at his discretion, require a deposit to cover the cost of such service and witness fees. A subpoena issued will be served in the same manner as a subpoena issued by a court of record.

(f) The superior court, upon the application of the mayor, is empowered to compel obedience to such subpoena and compel the attendance of witnesses, the production of relevant books, papers, records, or memoranda, and the giving of testimony before the city attorney or any duly authorized representative in the same manner and extent as witnesses may be compelled to obey the subpoenas and order of the court. For purposes of this section, the term "witness," in addition to any person covered under the terms of this article, includes any person or entity with knowledge or information relevant to sales made under this article.

(g) The mayor, or any party in an investigation or hearing before the mayor, may cause the deposition of witnesses residing within or outside the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state and, to that end, compel the attendance of witnesses and the production of relevant books, papers, records, or memoranda.

Sec. 74-50. Additional recordkeeping duty; distributor.

(a) In addition to the requirements in section 74-49, a distributor must keep a complete and accurate record of all products manufactured, purchased, or acquired. The records, except in the case of a manufacturer, must include:

- (1) A written statement containing the name and address of the seller and the purchaser;

- (2) The date of delivery;
- (3) The quantity and type of products;
- (4) The trade name and brand; and
- (5) The price paid for each brand of product purchased. The distributor must keep such other records as the CFO prescribes. All statements and records required by this section must be preserved for three years and must be offered for inspection upon demand by the city.

(b) A distributor may not issue or accept a written statement that falsely indicates the name of the customer, the type of merchandise, the price, the discounts, or the terms of sale.

(c) Where an invoice is given or accepted by a distributor:

- (1) A statement that makes the invoice a false record of the transaction may not be inserted in the invoice; and
- (2) A statement that should be included in the invoice may not be omitted from the invoice if the invoice does not reflect the transaction involved without the statement.

Sec. 74-51. Recovery of taxes.

(a) Taxes due but not paid may be recovered by the city by legal action against the buyer or distributor. Taxes collected or owed but not transmitted may be recovered by an action against the seller, and sales tax returns will be prima facie proof of taxes collected but not transmitted.

(b) The city may file a civil action against any seller or buyer for recovery of any tax, unremitted tax, penalties, interest, costs, and fees that have not been paid or remitted when due.

(c) Any person who holds an ownership interest in a seller, or any person who is an agent of the seller, is personally liable for all taxes, penalties, and interest due from such seller.

Sec. 74-52. Tax lien.

(a) Any tax, unremitted tax, penalties, interest, costs, and fees that this chapter requires a seller or buyer to pay, or remit constitutes a lien in favor of the city upon all assets, earnings, revenue, and property of the seller, other persons liable under subsection 74-51(c), or the buyer. This lien arises when any such payment or remittance is not made when due and continues until the payment or remittance is fully satisfied through execution, foreclosure sale, or any other legal means. This lien is not valid against a mortgagee, pledgee, purchaser, or judgment creditor until notice of the lien is recorded in the office of the district recorder for the fourth judicial district.

(b) When recorded, a lien authorized under this section has priority over all other liens except those for property taxes and special assessments and all liens perfected before the recording of the sales tax lien for amounts actually advanced before the recording of the sales tax lien and mechanics' and materialmen's liens which have been recorded before the recording of the sales tax lien. Upon such filing, the lien is superior to all other liens except as otherwise provided by state or federal law.

Sec. 74-53. Foreclosure.

(a) Delinquent sales tax liens on real property may be enforced by quarterly foreclosures on March 31, June 30, September 30, and December 31.

(b) Tax liens will be foreclosed in the manner provided for in sections 58-49 through 58-61.

Sec. 74-54. Interest rate; administrative costs.

(a) A simple interest rate of 1.25 percent per month, or a lesser rate if required by state law, will accrue on all unremitted taxes, not including penalty and administrative fees, from the original due date provided under this section until remitted in full.

(b) In addition to penalties imposed under this article, a seller must pay any administrative fees, outside collection agency fees, attorney fees, and other costs and fees incurred by the city or its agent(s) in connection with any collection, or attempted collection, from the seller of any unremitted tax, unpaid interest, or unpaid penalties due under this article.

(c) The city will apply a seller's payment in the following order: first to any unpaid administrative fees, outside collection agency fees, attorney fees, and other collection costs and fees; second to any unpaid penalties; third to any unpaid interest that has accrued on un-remitted taxes; and fourth, to the principal of any un-remitted taxes.

Sec. 74-55. Penalty for violations.

(a) A seller who has made sales in the city and who thereafter fails to file a sales tax return or remit the collected tax as required by this article will incur a civil penalty of \$100.00 if the return or the tax payment is received later than the due date set forth in subsection 74-44(d) and will incur a civil penalty of \$1,000.00 if the return or the tax payment is received later than the last business day of the month following the month in which it was due.

(b) A seller who does not provide required records upon request as listed in section 74-49 and 74-50 will incur a civil penalty of \$1,000.00.

(c) A seller who fails to collect taxes as required by this chapter will incur a civil penalty of double the tax which should have been collected.

(d) Any person who makes any false statement to a seller or to the CFO or mayor which is material in determining whether a sale is taxable under this chapter is guilty of a misdemeanor and will be punished as provided in section 1-15.

(e) Any seller and any officer of a corporate seller failing to file a certificate of registration or failing to furnish the data required in connection with such certificate or failing to display or surrender the certificate of registration as required by this article or attempting to assign or transfer such certificate is guilty of a misdemeanor and will be punished as provided in section 1-15.

(f) Any person who violates any provisions of this article other than those contained in subsections (a) through (c) of this section is punishable as provided in section 1-15. A separate offense will be deemed committed upon each day of a continuing violation.

Sec. 74-56. Collection policy.

It is the policy of the city that delinquent taxes will be promptly collected without offset, compromise, or time extensions for payment.

Sec. 74-57. Rules and regulations.

(a) The mayor is empowered to enact rules and regulations to implement the sales tax levied under this chapter.

(b) The CFO will take all lawful and necessary actions to administer this chapter including, but not limited to, adopting, and revising procedures, fees, and written guidelines for the determination of the taxability of sales.

(c) The CFO may also take other lawful actions to administer this chapter including, but not limited to, issuing written determinations of the taxability of specific sales upon request and contracting services for collection of delinquent accounts.

(d) With the approval of the CFO, the finance department staff will prepare, implement, and revise forms for the administration of this chapter.

Secs. 74-58 – 74-65. Reserved.

Article IV. Alcoholic Beverage Sales Tax

Sec. 74-66. Definitions.

The following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage includes but is not limited to whiskey, brandy, rum, gin, wine, ale, porter, beer, and all other spirituous, vinous, malt, and other fermented or distilled liquors intended for human consumption as a beverage and containing more than one-half of one percent alcohol by volume, whether produced commercially or privately.

Buyer means, without limiting the scope thereof, any person or entity that purchases or contracts to purchase any alcoholic beverage for consumption and not for resale.

Consideration means anything of value, including but not limited to money, credit, rights, goods, services, and property received by a seller from a buyer.

Resale (wholesale sales) means the act of selling any alcoholic beverage to any person or entity for reselling such alcoholic beverage in its original form.

Retail sales mean the transfer of any alcoholic beverage to any consumer for any consideration.

Sale made within the city means any retail sale where:

- (1) the buyer takes possession of or title to the purchased alcoholic beverage within the city; and/or
- (2) the seller receives consideration for the purchased alcoholic beverage(s) within the city.

Sales price means the price of any alcoholic beverage including all component parts. Any other fees added must be itemized on the sales slip, a copy of which must be given to the customer upon request. All fees must be conspicuously posted. These additional fees cannot be used to circumvent the normal price of the beverage.

Seller means any person or entity that sells or contracts to sell any alcoholic beverage to a buyer.

Tax means the alcoholic beverage tax as levied under this article.

Sec. 74-67. Alcoholic beverage sales tax levy.

There is levied within the corporate limits of the city a tax of five percent upon the sales price of all retail sales of alcoholic beverages made within the corporate limits of the city.

Sec. 74-68. Exemptions from alcoholic beverage tax collection.

Sales covered under a permit issued to a nonprofit entity by the Alcohol & Marijuana Control Office (AMCO) for a special event or wine auction are exempt from alcoholic beverage tax collection.

Sec. 74-69. Obligation of payment by buyer.

The obligation for the payment of the tax is upon the buyer. All taxes imposed by this article are due and payable by the buyer at the time of sale or, with respect to credit transactions, at the time of collection, and are delinquent if not paid when due.

Sec. 74-70. Obligation of seller to collect.

Every seller making sales taxable under this article must collect the taxes from the buyer at the time of sale, or with respect to credit transactions at the time of collection of sales price and must deliver the same to the City of Fairbanks in accordance with the requirements in Article III (Sales & Excise Tax Requirements).

Secs. 74-71 – 74-115. Reserved.

Article V. Room Rental Tax

Sec. 74-116. Definitions.

The following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief Financial Officer (CFO) means the chief financial officer of the City of Fairbanks or designee.

Consideration means anything of value, including but not limited to, money, credit, rights, goods, services, and property received by a seller from a buyer.

Guest or renter means an individual, firm, partnership, joint venture, club, fraternal organization, association, corporation, estate, trust, receiver, or any other entity or group who pays rent for a room for 30 consecutive days or less.

Permanent resident means any natural person who has or will have the right of occupancy of any room or rooms for more than 30 consecutive days.

Rent means the consideration charged for occupancy of a room, including all receipts, cash, credits, and property or services of any kind, and includes charges for any equipment such as rollaway beds and cribs.

Room means any structure or portion of a structure, permanent or temporary, fixed, or mobile, in which a person, for money or other consideration, may obtain lodging, dwelling, or sleeping accommodations. This term includes hotels, apartment hotels, motels, tourist homes, houses, courts, lodging houses, inns, rooming-houses, hostels, trailers, bed and breakfasts, dormitories, third party rentals, and any other facility, structure, or room of whatever name where space for lodging, dwelling, or sleeping may

be secured for consideration. "Room" does not include any hospital, self-contained and powered motor home, tent or tent space, medical clinic, sanitarium, nursing home, any student dormitory operated by the University of Alaska, or any temporary lodging within a military installation when that lodging is operated by the United States.

Seller means any person or entity that furnishes, offers for rent, or otherwise makes available a room, whether acting directly or through an agent or employee.

Tax means the room tax as levied under this article.

Sec. 74-117. Room rental tax purpose and limitation.

(a) The tax on the daily rental of rooms levied by this article is for the primary purpose of funding services for the promotion of the tourist industry and other economic development, and for the funding of services for the general public.

(b) Subject to annual appropriation, revenues collected under this article will be allocated as follows:

(1) The City of Fairbanks will receive 22.5 percent for fund collection, administration, and tourism impact.

(2) \$400,000.00 will be distributed annually as follows:

Fairbanks Economic Development Corporation	\$100,000.00
Golden Heart Plaza and Barnette Landing Maintenance	\$ 30,000.00
Discretionary Grants	\$270,000.00

(3) All remaining room rental tax revenues will be distributed to the Fairbanks Convention and Visitors Bureau dba Explore Fairbanks (hereinafter "Explore Fairbanks").

(c) Revenue collected under this article will be made available to Explore Fairbanks, the Fairbanks Economic Development Corporation, and Golden Heart Plaza and Barnette Landing Maintenance no later than the last day of the month directly following the month in which the revenues are collected by the city.

(d) Any organization, public or private, or any person may submit a discretionary grant application and proposal to the city no later than October 31st for distribution in the next calendar year. The city council will establish standards and criteria for selection and publish them for a reasonable period before the applications are to be submitted. The mayor will appoint a committee, with city council concurrence, to review the proposals and make recommendations to the city council no later than the first regular meeting in January.

(e) Any recipient of funding under this article must execute a contract with the city setting forth terms and conditions deemed necessary to enable the city to assure compliance with the purposes and limitations under this section. In addition, Explore Fairbanks and the Fairbanks Economic Development Corporation board of directors and/or director must remit complete and fully detailed budget documents and a plan outlining projected goals and objectives directly to the city council before November 1st of each year for presentation and review as a condition of funding. At the same time each of these agencies must submit a complete and detailed report of current year's progress and accomplishments.

(f) Discretionary grant recipients will be required to report to the CFO that funds were used exclusively for the purposes stated in the grant application. Ten percent of these appropriations will be withheld until the complete report is filed with the CFO. Prior to receiving any funding under this section, applicants must agree to reimburse the city the full amount of any grant funds not used for the purposes stated on the application. Certification that funds were used as approved is due by October 31 of the year of grant funding; funds not spent or encumbered for approved purposes must be returned by that date. An organization that fails to comply with the October 31 deadline is ineligible to seek funding for the following year, but if complete reporting and repayment is made by October 31 of the following year, the organization may reapply for future funding. An organization that does not comply within one year of the deadline is ineligible to receive funding for three additional years.

(g) The city council establishes the following criteria and process for discretionary grants.

- (1) The primary purpose of discretionary grants is the promotion of the tourism industry and other economic development in the City of Fairbanks. Discretionary grants cannot support the following:
 - a. Loans, deficits, or debt reduction.
 - b. Endowments.
 - c. Scholarships.
 - d. Health and social services activities.
- (2) A discretionary fund committee will be composed of five community members and a council person, who will function as the chair, all appointed by the mayor. The members of the committee will serve three-year terms with a limit of two consecutive full terms. Unless appointed to fill a vacancy, terms begin July 1 and expire June 30.
- (3) Grant guidelines:
 - a. The applicant must complete the application in its entirety and may submit financial information in their format including:
 1. Balance sheet for the last fiscal year.

2. Income and expense statement for the last fiscal year.
 3. Applicant's projected budget for the upcoming year.
 4. Wage and salary information for employees for current and upcoming year.
- b. If an applicant has the disbursement responsibility for other organizations, they must list all organizations that they represent.
 - c. The applicant must explain how use of the funds will contribute significantly to the growth and promotion of Fairbanks.
 - d. The applicant must explain how the funds will be used to supplement a successful ongoing program of activities or a new program that will need initial support to accomplish its stated goals.
 - e. The applicant must answer questions in the order provided but need not have the questions and answers appear on specific pages.
- (4) Grant applications approved by the discretionary fund committee will be available from the office of the city clerk and must be submitted or postmarked no later than October 31 of each year.
 - (5) Procedures for scoring proposals from applicants will be decided by the committee during its first organizational meeting. Members at this meeting will be made aware of procedures in place in case of conflicts of interest.
 - (6) A distribution meeting will be held for members to present their award for each eligible grant application. Prior to the distribution meeting, committee members must submit their award amounts to the CFO. Members will disclose their award amounts by reading them into the record during the distribution meeting. An award will be made for each eligible grant applicant by averaging the award amounts. Awards are subject to city council approval.
 - (7) Successful applicants are required to report to the CFO as stated in section 74-117 (f). Ten percent of these appropriations will be withheld until a report is filed with the CFO.

Sec. 74-118. Room rental tax levy and collection.

(a) There is levied and imposed upon the use and privilege of renting a room within the city a tax equal to eight percent on the daily rate charged for each such room rented for each 24-hour period or any portion of such period. This tax is imposed upon all room rentals unless the rental is specifically exempted herein or by other applicable law. The tax will not be levied and imposed upon a permanent resident of a room.

(b) The ultimate incident of and liability for payment of the tax will be borne by the person who occupies the room, and such person is referred to as a guest or renter.

(c) The tax levied in this section is paid in addition to any and all other taxes and charges. It is the duty of the seller providing rentals taxable under this article to act as trustee for and on account of the city and to secure the tax from the guest or renter of the room and remit the tax as provided in this article.

(d) Every seller required to collect the tax levied by this article must secure the tax from the guest or renter at the time of rental payment for the room. Upon the invoice, receipt, or other statement or memorandum of the rent given to the guest or renter at the time of payment, the amount due under the tax provided in this article must be stated separately on the documents.

(e) Accurate records of all taxes levied and collected must be maintained by the person required to collect the tax levied by this article.

(f) Any seller seeking an exemption under section 74-119(4) or 74-119(5) must keep on file, available for inspection, a lease, contract, or other document detailing the terms of the occupancy.

Sec. 74-119. Exemptions from room rental tax collection.

A seller who is exempt from federal income taxation under 26 USC 501(c)(3) and whose income from room rentals is not an unrelated business taxable income under 26 USC 512, is exempt from collecting the tax levied by this article. This exemption, however, is not effective until the seller registers with the Fairbanks North Star Borough under FNSBC 8.48.030. The following rents are exempt from the room tax levied in this article and may require an exemption form approved by the CFO:

- (1) Rent paid directly to the seller using a purchase order or other means of direct payment by a federal, state, or local government. Government employees traveling on a reimbursement basis are not exempt from taxation and will be charged the eight percent tax.
- (2) Rent paid by a foreign government which is exempt from taxation by law or by treaty on behalf of a guest or renter who is an officer or employee of the foreign government.
- (3) Rentals by religious or charitable organizations as defined in subsections 501(c)(1), (3) or (4) of the Internal Revenue Code that are rented for the conduct of regular religious or charitable functions and activities and not for the support or maintenance of the general membership or for communal living. Applications for this exemption must include an exemption certificate issued by the Internal Revenue Service.
- (4) Rent paid by a permanent resident as defined in section 74-116.

- (5) Rent paid directly by an employer for a room to be used or occupied by its employee or employees on a rotating basis for 90 consecutive days or more.

Sec. 74-120. Obligation of payment by guest or renter.

The obligation for the payment of the tax is upon the guest or renter. All taxes imposed by this article are due and payable by the guest or renter at the time of rental and are delinquent if not paid when due.

Sec. 74-121. Obligation of seller to collect.

Every seller providing rentals that are taxable under this article must collect the taxes from the guest at the time of rental and must deliver the same to the City of Fairbanks in accordance with the requirements in Article III (Sales & Excise Tax Requirements).

Secs. 74-122 – 74-150. Reserved.

Article VI. Tobacco Products Distribution and Excise Tax

Sec. 74-151. Definitions.

The following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Direct-buying retailer means a person who is engaged in the sale of tobacco products at retail in the city, and who brings tobacco products into the city or causes tobacco products to be brought into the city.

Distributor means a person or entity that:

- (1) Brings tobacco products into the city, or has tobacco products brought into the city, or causes tobacco products to be brought into the city, and who sells or distributes tobacco products to others for resale in the city; or
- (2) Ships or transports a tobacco product to a retailer in the city for sale by the retailer.

Person includes an individual, company, partnership, limited liability partnership, joint venture, joint agreement, association (mutual or otherwise), corporation, estate, trust, business trust, receiver, trustee, syndicate, a direct-buying retailer, or distributor, or any combination acting as a unit.

Retailer means a person in the city who is engaged in the business of selling tobacco products at retail.

Sale includes a sale, barter, exchange, and every other manner of transferring the ownership of tobacco products for any consideration.

Tax means the tobacco products distribution and excise tax as levied under this article.

Tobacco product means:

- (1) A cigarette, which is a roll for smoking of any size or shape, made wholly or partly of tobacco, whether the tobacco is flavored, adulterated or mixed with another ingredient, if the wrapper or cover of the roll is made of paper or a material other than tobacco;
- (2) A cigar;
- (3) A cheroot;
- (4) A stogie;
- (5) A perique;
- (6) Snuff and snuff flour;
- (7) Smoking tobacco, including granulated, plug-out, crimp-out, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or cigarette;
- (8) Chewing tobacco, including Cavendish, twist, plug, scrap, and tobacco suitable for chewing;
- (9) An article or product made wholly or in part of tobacco or a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute, prescribed by a licensed physician or a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose; or
- (10) An electronic smoking device which can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. An electronic smoking device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any nicotine substance intended to be aerosolized or vaporized during the use of the device, whether or not it contains nicotine. An electronic smoking device does not include any battery or battery charger when sold separately or smoking cessation products.

Wholesale price means the established price for which a distributor sells a tobacco product to a retailer.

Sec. 74-152. Tobacco products excise tax and collection.

(a) The city hereby levies an excise tax on the distribution of tobacco products brought into the city, measured at the rate of eight percent times the wholesale price of such tobacco products.

(b) It is the intent and purpose of this article to provide for the collection of the excise tax from the person who brings tobacco products into the city or causes tobacco products to be brought into the city.

(c) The excise tax is levied when:

- (1) A person brings tobacco products into the city or causes tobacco products to be brought into the city from outside the city for sale; or
- (2) A person ships or transports tobacco products to a retailer in the city for sale by a retailer.

Sec. 74-153. Exemptions from tobacco products excise tax.

The tax imposed under this article does not apply to:

- (1) Tobacco products brought into the city by an exchange, commissary, or ship's stores operated by one of the uniformed services of the United States, as defined in § 5 USC 2101, if the tobacco products are sold to and for the sole use of authorized personnel according to current military regulations.
- (2) Tobacco products that the city is prohibited from taxing under the United States Constitution or other federal or state laws.
- (3) Tobacco products brought into the city for sale outside the city.

Sec. 74-154. Obligation of payment by distributor.

The obligation for the payment of the tax is upon the distributor. All taxes imposed by this article become a liability to the distributor at the time of sale and are delinquent if not paid when due. Payments are made to the City of Fairbanks in accordance with the requirements in Article III (Sales & Excise Tax Requirements).

Sec. 74-155. Unlawful possession or sale.

A person who offers to sell or dispose of tobacco products to others for the purpose of resale without being registered to do so is considered to have possession of the tobacco products as a distributor and is personally liable for the tax, plus a penalty of 25 percent.

Secs. 74-156 – 74-199. Reserved.

Article VII. Marijuana Sales Tax

Sec. 74-200. Definitions.

The following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buyer means, without limiting the scope thereof, any person or entity that purchases or contracts to purchase marijuana.

Consideration means anything of value, including but not limited to, money, credit, rights, goods, services, and property received by a seller from a buyer.

Marijuana means all parts of the plant (genus) Cannabis, whether growing or not, the seed thereof, the resin extracted from any part of the plant, and any compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; marijuana does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Retail sale means the transfer of any marijuana from a marijuana retail establishment to any person or entity, for any consideration. If state law is amended to allow other marijuana establishments to conduct sales of marijuana directly to buyers who are not licensed marijuana establishments, such sales will also be considered retail sales subject to taxation under this article.

Sale made within the city means any retail sale where:

- (1) The buyer takes possession of or title to the purchased marijuana within the city; and/or
- (2) The seller receives consideration for the purchased marijuana within the city.

Sales price means the price of any marijuana.

Seller means any person or any other entity that sells or contracts to sell any marijuana to a buyer.

Tax means the marijuana sales tax as levied under this article.

Sec. 74-201. Marijuana sales tax levy.

There is levied within the corporate limits of the city a tax of five percent upon the sales price of all retail sales of marijuana made within the corporate limits of the city.

Sec. 74-202. Obligation of payment by buyer.

The obligation for the payment of the tax is upon the buyer. All taxes imposed by this article are due and payable by the buyer at the time of sale or, with respect to credit transactions, at the time of collection and are delinquent if not paid when due.

Sec. 74-203. Obligation of seller to collect.

Every seller making sales taxable under this article must collect the taxes from the buyer at the time of sale or, with respect to credit transactions, at the time of collection of sales price, and must deliver the same to the City of Fairbanks in accordance with the requirements in Article III (Sales & Excise Tax Requirements).

Secs. 74-204 – 74-299. Reserved.

Article VIII. Gasoline Excise Tax

Sec. 74-300. Definitions.

The following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any words, terms, and phrases not defined in this section will have the meaning given in AS 43.40.100 or regulations adopted by the state to implement its motor fuel tax pursuant to AS 43.40:

Certificate of use means the certificate provided to the State of Alaska Department of Revenue, Tax Division, that is obtained by the dealer from a gasoline purchaser at the time of the first sale or transfer of the gasoline to that purchaser stating the gasoline that has been or will be purchased or received is not intended for use as taxable gasoline.

Common storage tank means a storage tank serving taxable and exempt uses, or multiple taxable uses to which various tax rates apply.

Direct-buying retailer means a person who is engaged in the sale of gasoline at retail in the city and who brings or causes gasoline to be brought into the city.

Distributor means a person who:

- (1) Brings gasoline, or has gasoline brought, or causes gasoline to be brought, into the city and who sells or distributes gasoline to others for resale in the city; or
- (2) Ships or transports gasoline to a retailer in the city for sale by the retailer; and
- (3) Includes qualified dealers.

Export means the transport of gasoline as cargo out of the city by or for the seller or purchaser and intended for use or resale outside city limits.

Gasoline means a liquid substance refined, compounded, or produced primarily for the purpose of use in an engine. This does not include aviation fuel or diesel fuel.

Official use means use by a federal, state, or local government agency but does not include: (1) consumption by a contractor who purchases gasoline either for its own account or as the agent of a governmental agency for use in the performance of a contract with that agency; (2) use in a private vehicle; or (3) sales of gasoline.

Person includes an individual, company, partnership, limited liability partnership, joint venture, joint agreement, limited liability company, association (mutual or otherwise), corporation, estate, trust, business trust, receiver, trustee, syndicate, a direct buying retailer, distributor, or any combination acting as a unit.

Qualified dealer means a person who refines, imports, manufactures, produces, compounds, or wholesales gasoline.

Retailer means a person in the city who is engaged in the business of selling gasoline at retail.

Tax means the gasoline excise tax as levied under this article.

Wholesale price means the established price for which a distributor sells gasoline to a retailer.

Sec. 74-301. Gasoline excise tax and collection.

(a) The city hereby levies an excise tax on the distribution of gasoline brought into the city in the amount of five cents per gallon.

(b) It is the intent and purpose of this article to provide for the collection of the excise tax from the person who brings or causes gasoline to be brought into the city.

(c) The excise tax is levied when:

- (1) A person brings, or causes gasoline to be brought into the city from outside the city for sale; or
- (2) A person ships or transports gasoline to a retailer in the city for sale by a retailer.

Sec. 74-302. Exemptions from gasoline excise tax.

(a) The following transactions are exempt from the tax levied by section 74-301:

- (1) Gasoline that is sold or transferred between distributors;
- (2) Gasoline that is sold or transferred to a person obtaining gasoline with a valid certificate of use;
- (3) Gasoline that is exported outside city limits;
- (4) Gasoline that is purchased for use by federal, state, or local government agencies, unless the gasoline is purchased for the purpose of resale; and
- (5) Loss of volume of gasoline that occurs during handling, transportation, and storage, including loss of volume due to temperature changes of gasoline.

(b) The election to defer payment of gasoline tax provided by the state to certain persons pursuant to 15 AAC 40.320 for sales or transfers for mixed uses is not provided by the city. A sale or transfer of gasoline for mixed use purposes to a common storage tank will be fully taxed, and after resale or use for an exempt purpose the purchaser may apply for a credit with appropriate documentation in accordance with sections 74-47.

Sec. 74-303. Obligation of payment by distributor.

The obligation for the payment of the tax is upon the distributor. All taxes imposed by this article become a liability to the distributor at the time of sale and are delinquent if not paid when due. Payments are made to the City of Fairbanks in accordance with the requirements in Article III (Sales & Excise Tax Requirements).

Sec. 74-304. Unlawful possession or sale.

A person who offers to sell or dispose of gasoline to others for the purpose of resale without being registered to do so is considered to have possession of gasoline as a distributor and is personally liable for the tax, plus a penalty of 25 percent.

Section 2. That the effective date of this Ordinance is July 1, 2021.

Jim Matherly, Mayor

AYES:
 NAYS:
 ABSENT:
 ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 6173

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
CHAPTER 46 BY ADDING THEFT AS A MINOR OFFENSE**

WHEREAS, theft offenses are currently enforced through state statutes as misdemeanor and felony level offenses; and

WHEREAS, the City of Fairbanks believes instances of minor thefts, which fall on the lower end of the State's theft in the 4th degree statute, AS 11.46.150(a), could in most cases be more efficiently and effectively handled as a violation enforced by City ordinance.

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

SECTION 1. Fairbanks General Code Chapter 46, Offenses, is amended by adding the following Section 46-76:

FGC Sec. 46-76. Minor Offense Theft

(a) A person commits a minor offense theft if they obtain property of another with the intent to deprive the owner of the property or to appropriate the property to themselves or a third person and the value of the property is less than \$250.

(b) Disposition of an offense under this section may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the fine amount of \$200 and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines established for this offense may not be judicially reduced.

SECTION 2. That the effective date of this Ordinance is the 1st day of August 2021.

Jim Matherly, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Danielle Snider, MMC, City Clerk

Paul J Ewers, City Attorney

RESOLUTION NO. 4976

**A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO
ACCEPT FUNDING FROM THE BUREAU OF JUSTICE ASSISTANCE
FOR THE FFY2021 EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT**

WHEREAS, the City of Fairbanks received notification of funding through the Bureau of Justice Assistance for the FFY2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$27,228 to support a range of program areas including law enforcement; and

WHEREAS, the City of Fairbanks will use the funds to update tasers and move towards meeting NIBRS (National Incident-Based Reporting System) compliance; and

WHEREAS, the City of Fairbanks is not required to provide a match.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor or his designee is authorized to execute any and all documents required for accepting funds on behalf of the City for this grant.

PASSED and APPROVED this 28th Day of June 2021.

Jim Matherly, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4976

Abbreviated Title: FFY2021 JUSTICE ASSISTANCE GRANT (JAG) FEDERAL PROGRAM

Department(s): POLICE

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No X

2) additional support or maintenance costs? Yes _____ No X

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No X

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

PROJECTS:	Equipment	Training	Personnel	Total
Tasers	\$25,000			\$25,000
NIBRS Compliance (Overtime)			\$2,228	\$2,228
TOTAL	\$25,000	\$0	\$2,228	\$27,228

FUNDING SOURCE:	Equipment	Training	Personnel	Total
Grant Fund (Federal)	\$25,000	\$0	\$2,228	\$27,228
TOTAL	\$25,000	\$0	\$2,228	\$27,228

The operations and maintenance costs associated with this equipment will be incorporated in the annual general fund budget.

Reviewed by Finance Department: Initial cp Date 6/14/2021

Introduced by: Mayor Jim Matherly
Finance Committee Review: June 15 & June 22, 2021
Introduced: June 28, 2021

RESOLUTION NO. 4977

**A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO
DISTRIBUTE CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS**

WHEREAS, the City of Fairbanks approved Resolution No. 4971 accepting funds from the United States Department of Treasury for the Coronavirus Local Fiscal Recovery Funds through the American Rescue Plan Act of 2021; and

WHEREAS, the City of Fairbanks was awarded \$5,551,822.00 to support urgent COVID-19 response efforts, replace lost public sector revenue, support immediate economic stabilization, and address systemic public health and economic challenges; and

WHEREAS, finance committee members made a recommendation to allocate \$1,521,822.00 to address negative economic impacts by providing grants to small businesses in tourism, travel, and hospitality sectors and \$4,030,000.00 to replace loss of public sector revenue.

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

Section 1. The Council approves the finance committee's recommendation to distribute up to \$1,521,822.00 in grants to small businesses in tourism, travel, and hospitality sectors, and to appropriate \$4,030,000.00 to replace losses of City revenue.

Section 2. The Mayor is authorized to execute any and all documents required for distribution of Coronavirus Local Fiscal Recovery Funds.

Section 3. The Mayor is authorized to adjust the distribution amount if, by the deadline for funds distribution, there are remaining funds.

PASSED and APPROVED this 28th Day of June 2021.

Jim Matherly, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4977

Abbreviated Title: CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS AWARD

Department(s): ALL

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No X

2) additional support or maintenance costs? Yes _____ No X

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No X

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

EXPENDITURES:	2021	2022	2023	Total
SMALL BUSINESS GRANTS	\$1,521,822	\$0	\$0	\$1,521,822
REPLACE REVENUE LOSS	\$1,254,089	\$2,775,911	\$0	\$4,030,000
TOTAL	\$2,775,911	\$2,775,911	\$0	\$5,551,822

FUNDING SOURCE:	2021	2022	2023	Total
GRANT FUND (FEDERAL)	\$2,775,911	\$2,775,911	\$0	\$5,551,822
TOTAL	\$2,775,911	\$2,775,911	\$0	\$5,551,822

The Coronavirus Local Fiscal Relief Funds will be used to address negative economic impacts by providing grants to small businesses in tourism, travel, and hospitality sectors (\$1,521,822) and to replace public sector revenue loss (\$4,030,000).

Reviewed by Finance Department: Initial mb Date 6/22/2021

RESOLUTION NO. 4978

A RESOLUTION REQUESTING FUNDS FOR DEMOLITION OF THE POLARIS BUILDING FROM FEDERAL INFRASTRUCTURE APPROPRIATIONS

WHEREAS, the Polaris Building has been vacant and deteriorating in downtown Fairbanks for nearly 20 years; and

WHEREAS, the building was condemned by Notice and Order to Abate issued by the City of Fairbanks Building Official in August of 2012; and

WHEREAS, the Polaris Building is a blight upon the City's downtown and is blocking redevelopment of that area of the City; and

WHEREAS, it is estimated that the cost of the Polaris Building demolition, including environmental remediation, will be approximately \$10 million; and

WHEREAS, Congress is considering legislation to fund infrastructure needs throughout the United States; and

WHEREAS, demolition of the Polaris Building is one of the top infrastructure priorities in the City of Fairbanks; and

WHEREAS, the City Administration salutes the work of the Polaris Group, an organization of community-minded individuals who came together with the goal of removing the Polaris Building so as to clear the way for renovation of that portion of downtown; and

WHEREAS, the Administration and members of the Polaris Group have briefed Senators Murkowski and Sullivan and Representative Young on the importance of the Polaris Building demolition and thank them for their support.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks, that the City of Fairbanks strongly supports appropriation of federal infrastructure funds in the amount of \$10 million for the specific purpose of demolition and environmental remediation of the Polaris Building; and

PASSED and APPROVED this 28th Day of June 2021.

Jim Matherly, Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Paul J. Ewers, City Attorney