



FAIRBANKS CITY COUNCIL

AGENDA NO. 2021-18

**REGULAR MEETING – AUGUST 23, 2021**

MEETING WILL BE HELD VIA [ZOOM WEBINAR](#) AND AT

FAIRBANKS CITY COUNCIL CHAMBERS

800 CUSHMAN STREET, FAIRBANKS, ALASKA

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*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 July 26, 2021

8. SPECIAL ORDERS

- a) The Fairbanks City Council will hear interested citizens concerned with the following Liquor License Application for Transfer of Ownership and Location and DBA Change. Public testimony will be taken and limited to three minutes.

Type/License: Beverage Dispensary/License #4720  
DBA: Lefty's  
Applicant: Michael Rasmussen  
Location: 1107 College Road, Fairbanks  
From Owner: Gallantino's, Inc.  
From DBA: Gallantino's Italian Restaurant  
From Location: 1446 S. Cushman Street

9. MAYOR'S COMMENTS AND REPORT

- a) Special Reports

10. COUNCIL MEMBERS' COMMENTS

11. UNFINISHED BUSINESS

- a) Ordinance No. 6178 – An Ordinance to Amend FGC Chapter 78, Article XXII Motor Vehicle Impoundment and Forfeiture, to Remove Driving While License Suspended and No Insurance Convictions. Introduced by Council Member Gibson. POSTPONED from the Regular Meeting of August 9, 2021; Public Hearing was held at that time.

12. NEW BUSINESS

- \*a) Resolution No. 4980 – A Resolution Amending the City Schedule of Fees and Charges for Services by Reducing the Administrative Fee for City Impounds. Introduced by Council Member Therrien.
- \*b) Resolution No. 4981 – A Resolution Approving the Reading of a Land Acknowledgement at the Beginning of Regular City Council Meetings. Introduced by Council Members Kun and Therrien.

13. DISCUSSION ITEMS (Information and Reports)

- a) Committee Reports

14. WRITTEN COMMUNICATIONS TO THE CITY COUNCIL

- \*a) Permanent Fund Review Board Meeting Minutes of July 21, 2021

15. COUNCIL MEMBERS' COMMENTS

16. CITY CLERK'S REPORT

17. CITY ATTORNEY'S REPORT

18. EXECUTIVE SESSION

- a) Fairbanks Firefighters Union Labor Negotiation Strategy

19. ADJOURNMENT



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

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The City Council convened at 6:30 p.m. on the above date, following a 5:30 p.m. Work Session to discuss the Evolving Workforce, 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  
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 (remotely)  
D. Danyielle Snider, City Clerk  
Mike Meeks, Chief of Staff  
Kristi Merideth, FECC Manager  
Angela Foster-Snow, HR Director  
Ron Dupee, Police Chief  
Rick Sweet, Deputy Police Chief  
Tod Chambers, Fire Chief  
Tish Gonzales, Deputy City Attorney  
Kim Duquette, HR Administrative Assistant  
Dave Naber, FFD  
Tony Naber, FFD  
Nick Clark, FFD

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

### **INVOCATION**

The Invocation was given by City Clerk Danyielle Snider.

### **FLAG SALUTATION**

**Mayor Matherly** asked **Ms. Rogers** to lead the Flag Salutation.

### **CEREMONIAL MATTERS**

**Mayor Matherly** introduced Benno Cleveland who presented a statue to the Fairbanks Police Department (FPD) as a symbol of appreciation for their service. In addition, he gave Chief

Dupee ten prayer coins depicting St. Michael to be awarded to officers who perform above the call of duty. Chief Dupee responded by presenting four coins to Mr. Cleveland and his family.

**Mayor Matherly** asked Fire Chief Chambers to come forward to recognize Captain Dave Naber's retirement from the Fairbanks Fire Department (FFD). He gave a brief history of Captain Naber's service to the City, starting in 1996. Chief Chambers shared kind words about Captain Naber as Tony Naber, Captain Naber's son and FFD fellow firefighter, stood with him. Chief Chambers presented Captain Naber with a City gold pan.

### **CITIZENS' COMMENTS**

Victor Buberger, Fairbanks – Mr. Buberger spoke about the bridges currently under construction within the City, questioning why the process is taking so much longer to complete in Fairbanks compared to Indonesia. He went on to share his appreciation for the current Police Chief and questioned the litigation costs associated with the current pending lawsuits. He ended by asking the Council to keep the public apprised of the situation.

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

### **APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**Ms. Kun** pulled Ordinance Nos. 6176, 6177, and 6178 from the Consent Agenda.

**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.

### **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

a) Regular Meeting Minutes of June 14, 2021

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of June 28, 2021

APPROVED on the CONSENT AGENDA.

c) Regular Meeting Minutes of July 12, 2021

APPROVED on the CONSENT AGENDA.

d) Special Meeting Minutes of July 19, 2021

APPROVED on the CONSENT AGENDA.

## **MAYOR'S COMMENTS AND REPORT**

### **a) Special Reports**

Charity Gadapee, Explore Fairbanks Director of Visitor Services – Ms. Gadapee gave an update on events that had been held over the summer, including an awards ceremony recognizing local citizens and businesses. She went on to share that the annual Walk for Charity was a socially distanced success with 131 participants and raised over \$5,000 to help support local non-profit organizations. She concluded by thanking the Council for their support of tourism through the reinvestment of Hotel/Motel tax revenue.

**Mayor Matherly** shared that he would be attending a Police memorial service at the North Pole Memorial Park at 10:00 a.m. the following morning. He went on to mention the success of the Golden Days Festival and the many organizations that participated. **Mayor Matherly** shared that there were many more events to come, including an air show at Eielson Air Force Base and the Tanana Valley State Fair. He encouraged citizens to wear masks when gathering in large groups, noting the new COVID-19 virus variant. He stated that he does not plan to put mandates in place but would be keeping a close eye on the situation. He emphasized that vaccines are readily available for those who want them and that he would be receiving an update from the State on the COVID situation the following day. **Mayor Matherly** noted that the AML Summer Meeting and the Alaska Defense Forum would take place the following week. He recognized Human Resources Director Angela Foster-Snow for her work and for her presentation during the work session. **Mayor Matherly** expressed concern for the community of Two Rivers, where an arsonist is still at large and mentioned the reward for information regarding the culprit(s).

## **COUNCIL MEMBERS COMMENTS**

**Mr. Gibson** stated he had no comments.

**Mr. Marney** stated he had no comments.

**Mr. Clark** stated he had no comments.

**Ms. Kun** congratulated Captain Naber on his retirement and thanked Mr. Cleveland for his considerate gift to the FPD.

**Ms. Rogers** thanked everyone for their participation in the work session and ceremonial matters.

**Ms. Therrien** congratulated Captain Naber and offered him her best wishes. She responded to Mr. Buberger's question regarding litigation costs and asked that an Executive Session be held to discuss pending lawsuits and potential cost to the City.

## **NEW BUSINESS**

- a) Ordinance No. 6174 – An Ordinance Amending the 2021 Operating and Capital Budgets for the Third Time. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA

- b) Ordinance No. 6175 – An Ordinance Authorizing Conveyance of a Temporary Easement to the State of Alaska for the Fairbanks Cushman Street Bridge Project. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA

- c) Ordinance No. 6176 – An Ordinance to Amend Fairbanks General Code Sec. 2-233(a) to Allow the Mayor to Designate an Alternate Chairperson of the Fairbanks Diversity Council. Introduced by Council Member Therrien.

**Ms. Therrien**, seconded by **Mr. Marney**, moved to ADVANCE Ordinance No. 6176.

**Ms. Kun** asked for a summary of the intent of and the need for the proposed ordinance.

**Mayor Matherly** noted the recent difficulties in holding FDC meetings due to lack of members and mentioned that he intends to appoint Mr. Andrew Aquino as a chairperson.

**Ms. Therrien** clarified that the intent of the ordinance is to provide more flexibility to the Mayor, who currently serves as chairperson. She explained that the change would allow a voting member to act in that capacity.

City Attorney Ewers added that the ordinance would bring the FDC in alignment with the other City boards and commissions, stating that the FDC is currently the only committee that specifically directs the Mayor to serve as the chairperson.

**Ms. Rogers** offered her assistance in contacting and recruiting individuals to serve on the Committee.

**Ms. Kun** and **Ms. Rogers** requested to co-sponsor the ordinance.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6176 AS FOLLOWS:

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

- d) Ordinance No. 6177 – An Ordinance Amending Fairbanks General Code Sec. 14-178(a)(11) Regarding Council Review of License Issuance, Renewal, or Transfer. Introduced by Council Member Gibson.

**Mr. Clark**, seconded by **Ms. Therrien**, moved to ADVANCE Ordinance No. 6177.

**Ms. Kun** asked for clarification on the purpose of the ordinance; she also asked about the definition of a “boutique” hotel. **Mr. Gibson** stated that the current ordinance does not allow for smaller hotels, with less than 30 rooms, to obtain a liquor license.

**Mayor Matherly** asked if the term “boutique hotel” applied only to those with 30 rooms or less. **Mr. Gibson** stated that the term does not necessarily mean small hotel, but he would welcome a change of language to “30 rooms or less” in its place.

**Ms. Kun** asked if this was currently a problem. **Mr. Gibson** stated that it was a measure intended to prevent issues in the future and to not hinder tourism growth.

**Ms. Rogers** shared support to change the language to “30 rooms or less” rather than “boutique.”

City Clerk Snider offered a point of clarification by stating that, in the portion of the ordinance that would be codified, the term “boutique” is not present.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6177 AS FOLLOWS:

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

- e) Ordinance No. 6178 – An Ordinance to Amend FGC Chapter 78, Article XXII Motor Vehicle Impoundment and Forfeiture, to Remove Driving While License Suspended and No Insurance Convictions. Introduced by Council Member Gibson.

**Mr. Marney**, seconded by **Mr. Clark**, moved to ADVANCE Ordinance No. 6178.

**Mayor Matherly** asked Chief of Staff Mike Meeks for a staff report.

Mr. Meeks stated that all involved departments had met to discuss the ordinance and had intended to present information to the Council at the next Finance Committee Meeting.

**Ms. Kun** asked that there be consideration to decrease the mandatory number of impoundment days under Sec. 78-963(b).

**Ms. Therrien** asked that the City Attorney go through each of the changes in the ordinance when it is brought before the Finance Committee.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6178 AS FOLLOWS:

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

### **WRITTEN COMMUNICATIONS TO COUNCIL**

- a) Permanent Fund Review Board Meeting Minutes of January 25, 2021

ACCEPTED on the CONSENT AGENDA



- b) Permanent Fund Review Board Meeting Minutes of April 28, 2021

ACCEPTED on the CONSENT AGENDA

- c) Clay Street Cemetery Commission Meeting Minutes of May 5, 2021

ACCEPTED on the CONSENT AGENDA

### **COUNCIL MEMBERS' COMMENTS & COMMITTEE REPORTS**

**Mr. Clark** stated he had no comments.

**Ms. Kun** gave a land acknowledgment and encouraged those who want to wear a mask to do so. She gave the CARE line for those who may need it, asking citizens to check on their neighbors and friends. She concluded by stating that living in such a great community is fortunate.

**Ms. Rogers** shared that she attended the change of command at Fort Wainwright, adding that the largest percentage of local community growth is attributed to retired military families. She noted that the Polaris Work Group would be meeting the following day, as well as the Suicide Prevention and Opioid working groups. She stated she was pleased to see the support for the reverse Golden Days Parade, adding that the parade is an important part of Fairbanks tradition.

**Ms. Therrien** gave an update on the Permanent Fund Review Board, stating that the Fund balance was over \$157MM as of June 30, 2021; she stated the group had a lot of discussion on diversifying investments. She added that the Board would be meeting again on August 18, 2021, at 2:00 p.m. She went on to share about her attendance at the change of command at Fort Wainwright. **Ms. Therrien** added that it was also nice to attend an outdoor concert put on by the Fairbanks Community Band, where her daughter plays the saxophone; she noted the beautiful flowers and the cleanliness of the downtown park.

**Mr. Clark** thanked Ms. Therrien for her report on the Permanent Fund.

**Mr. Marney** shared that had been the City representative at the past three Fairbanks North Star Borough (FNSB) Assembly meetings. He expressed appreciation for how the City had chosen to spend the American Rescue Plan Act (ARPA) funds by distributing a large portion back into the community. He added that the FNSB had elected to retain most of its funds, and he felt the City was doing well by its citizens to not follow suit.

**Ms. Rogers** asked when the Permanent Fund Review Board would next present to the City Council. **Ms. Therrien** replied that it would likely be in October.

### **ADJOURNMENT**

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

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

**Mayor Matherly** declared the meeting adjourned at 7:31 p.m.

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JIM MATHERLY, MAYOR

ATTEST:

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D. DANYIELLE SNIDER, MMC, CITY CLERK


Transcribed by: RR

# MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

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TO: Mayor Matherly and City Council Members  
FROM: D. Danyielle Snider, MMC, City Clerk   
SUBJECT: Transfer of Liquor License Ownership, Location and Name Change  
DATE: August 18, 2021

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An application has been received from the State of Alaska Alcohol and Marijuana Control Office (AMCO) for transfer of ownership, location, and name change for the following liquor license applicant:

License Type: Beverage Dispensary, License #**4720**  
D.B.A.: **Lefty's**  
Licensee/Applicant: Michael Rasmussen  
Physical Location: 1107 College Road, Fairbanks, Alaska  
From: Gallantino's Italian Restaurant / Gallantino's, Inc.  
Location: 1446 S. Cushman Street, Fairbanks, Alaska

Pursuant to FGC Sec. 14-178 the Council must determine whether to protest the liquor license action after holding a public hearing. The 60-day deadline for response to AMCO is September 27, 2021. Public notice requirements of FGC Sec. 14.168(2) have been met as no liquor license of this type currently exists at the location.

Currently, no structure exists at the 1107 College Road location. The Building and Fire Departments recommend no protest contingent upon the issuance of a Certificate of Occupancy; those departmental response forms are attached. There are no other departmental objections or comments on this application for transfer.



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

## ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: ☐ Finance Department  
☒ Fire Department  
☐ Police Department  
☐ Building Department

DATE: 7/29/2021

FROM: City Clerk's Office

RE: Liquor License Action – Transfer of Location and Ownership and DBA Change

Date Notice Received at Clerks Office: 07/29/2021 - 60 DAY DUE DATE 09/27/2021

DATE RESPONSE DUE: 08/17/2021 for City Council Meeting of 08/23/2021

License #: 4720  
 License Type: Beverage Dispensary  
 D.B.A.: Lefty's  
 Licensee/Applicant: Michael Rasmussen  
 Physical Location: 1107 College Road, Fairbanks  
 Mailing Address: PO Box 80910, Fairbanks, AK 99708  
 Telephone #: 907-750-1177

Owner/Sole Proprietor:	Address	Phone
Michael Rasmussen	3490 Chetana Drive Fairbanks, AK 99709	907-750-1177

Transfer from: Gallantino's, Inc. / Gallantino's Italian Restaurant / 1446 S. Cushman Street, Fairbanks

ADDITIONAL COMMENTS:

☒ NO PROTEST:

☐ PROTEST

COMMENTS: The Fire Department is  
 waiving protest contingent on the applicant  
 receiving a certificate of occupancy.

REASONS:

DEPARTMENT SIGNEE:

(Signature)

(Printed Name)



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715  
Fax (907)459-6710

## ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: ☐ Finance Department  
☐ Fire Department  
☐ Police Department  
☒ Building Department

DATE: 7/29/2021

FROM: City Clerk's Office

RE: Liquor License Action – Transfer of Location and Ownership and DBA Change

Date Notice Received at Clerks Office: 07/29/2021 - 60 DAY DUE DATE 09/27/2021

DATE RESPONSE DUE: **08/17/2021** for City Council Meeting of 08/23/2021

License #: 4720  
License Type: Beverage Dispensary  
D.B.A.: Lefty's  
Licensee/Applicant: Michael Rasmussen  
Physical Location: 1107 College Road, Fairbanks  
Mailing Address: PO Box 80910, Fairbanks, AK 99708  
Telephone #: 907-750-1177

Owner/Sole Proprietor:	Address	Phone
Michael Rasmussen	3490 Chetana Drive Fairbanks, AK 99709	907-750-1177

Transfer from: Gallantino's, Inc. / Gallantino's Italian Restaurant / 1446 S. Cushman Street, Fairbanks

ADDITIONAL COMMENTS:

☒ NO PROTEST:

☐ PROTEST

COMMENTS CONTINGENT ON REASONS:

ISSUE OF CERTIFICATE  
OF OCCUPANCY

DEPARTMENT SIGNEE:

(Signature)

(Printed Name)



Alaska Alcohol Beverage Control Board  
**Form AB-02: Premises Diagram**

Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
alcohol.licensing@alaska.gov  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

**What is this form?**

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

☐ ☒

**Section 1 - Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	MICHAEL RASMUSSEN	License Number:	4720
License Type:	BEVERAGE DISPENSARY		
Doing Business As:	LEFTY'S		
Premises Address:	1107 COLLEGE ROAD		
City:	FAIRBANKS	State:	AK
		ZIP:	99709

AMCO Received 2/2/21



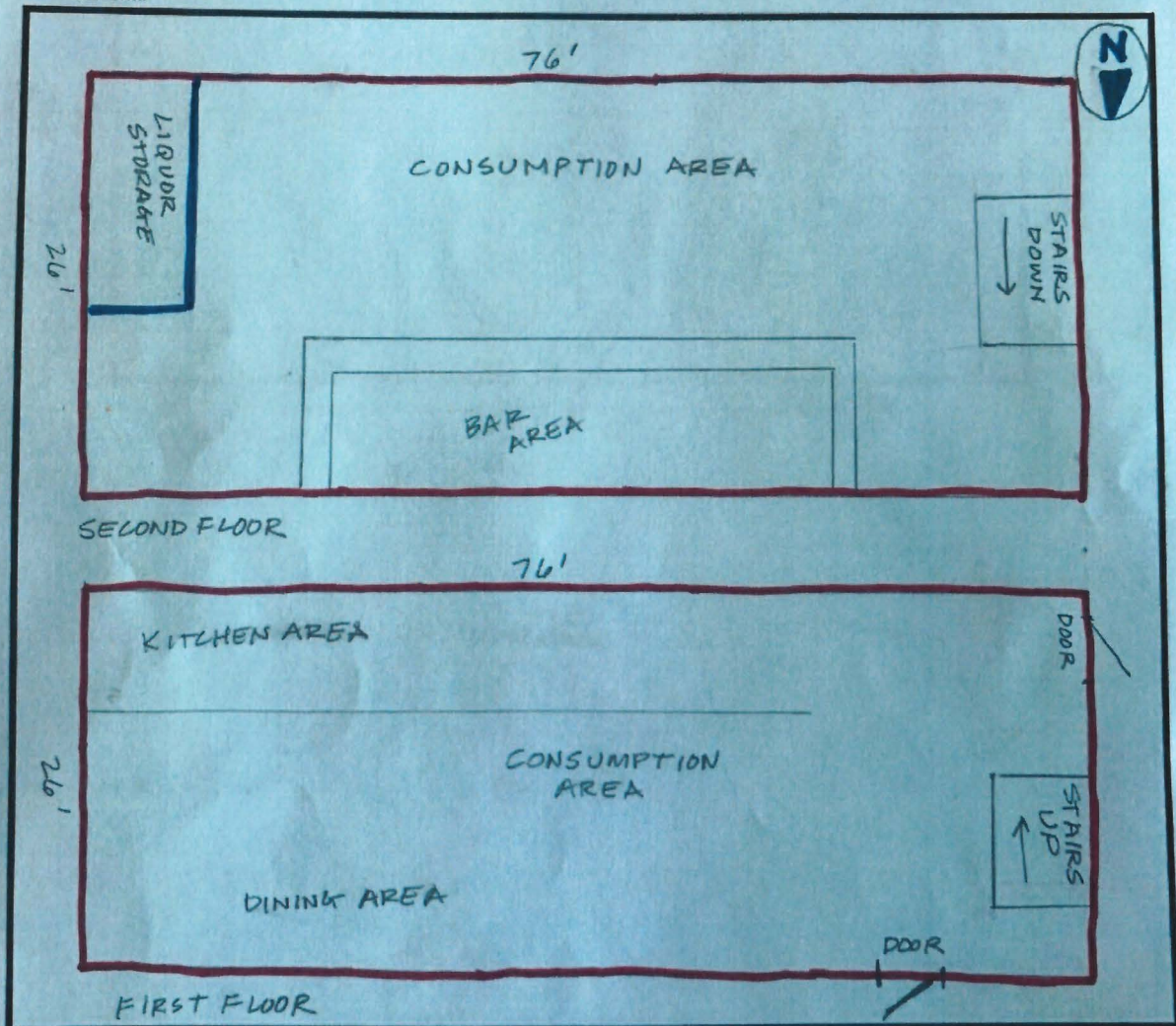


Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board  
**Form AB-02: Premises Diagram**

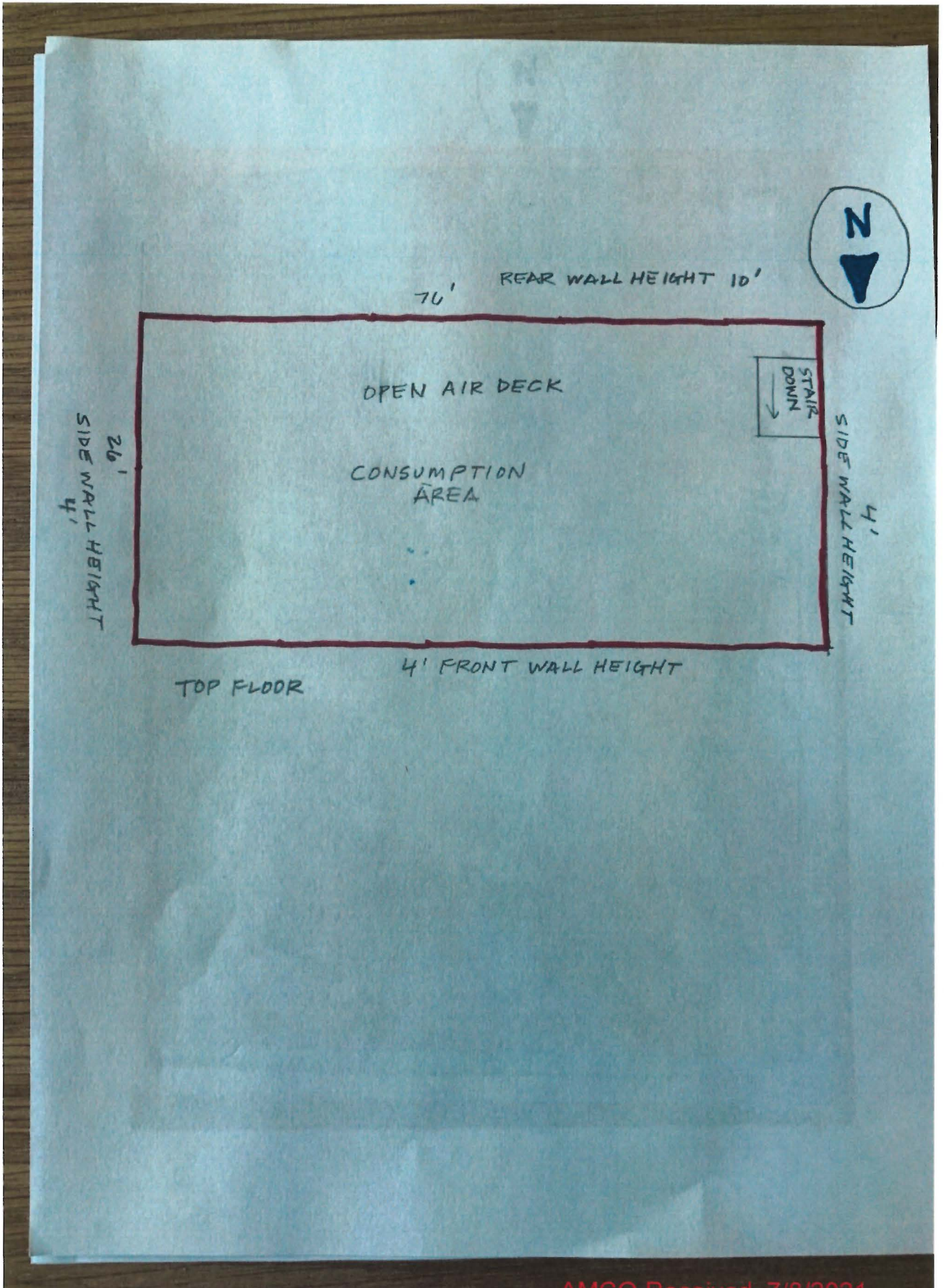
**Section 2 – Detailed Premises Diagram**

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.



AMCO Received 7/8/2021





AMCO Received 7/6/2021





AMCO Received 7/8/2021



# LEFTY'S

## Outdoor/Indoor Serving Security Plan

1. All minors must be accompanied by an adult (age over 21) while in the restricted area when any alcohol is being served/sold/consumed.
2. All new patrons are carded upon ordering alcohol.
3. All staff is trained in the identification of fake IDs.
4. **FOUR FOOT WALL \*** is around the outdoor servicing area.
5. Underaged persons will be monitored closely by our professionally trained alcohol servers.
6. Proper egress from the outdoor service area will always remain unobstructed.
7. ABC mandated posters as required by law are posted inside **LEFTY'S** and at the entrances of the outdoor seating area.
8. All entrances and exits will provide clear notice that NO ALCOHOL IS ALLOWED BEYOND THE OUTDOOR SEATING AREA.
9. Keeping outdoor seating area viable without any increased risk to minors exposed to alcohol WILL continue to be a part of our training for our staff.
10. All safety related operations for our current liquor service will additionally be enforced in the new service area.
11. Proper signage at points of entry indicating no minors without a parent or legal guardian will be posted.
12. All servers will closely monitor that only the guests that have been carded will have alcoholic beverages.
13. Our top priority continues in providing safety for all guests regarding the service of alcoholic beverages.
14. Servers will be present in the outdoor area to monitor consumption.

**\* THE OUTDOOR SERVICE AREA IS ON THE TOP OF THE BUILDING.**

AMCO Received 7/8/2021

**ORDINANCE NO. 6178**

**AN ORDINANCE TO AMEND FGC CHAPTER 78, ARTICLE XXII, MOTOR VEHICLE IMPOUNDMENT AND FORFEITURE, TO REMOVE DRIVING WHILE LICENSE SUSPENDED AND NO INSURANCE CONVICTIONS**

**WHEREAS**, Article XXII of Chapter 78 of the Fairbanks General Code, Motor Vehicle Impoundment and Forfeiture, was originally enacted in 1998 pursuant to the authority of AS 28.35.038; and

**WHEREAS**, Article XXII was amended in 2002 to add Driving While License Suspended and No Insurance to the offenses that would subject a vehicle to impoundment or forfeiture; and

**WHEREAS**, it is the sense of the Council that impoundment and forfeiture of vehicles under Article XXII should be limited to vehicles used in the commission of the crimes of driving while intoxicated and refusal, as originally enacted.

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

**Section 1.** That Fairbanks General Code Chapter 78, Article XXII, Motor Vehicle Impoundment and Forfeiture is amended as follows [new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

**ARTICLE XXII. - MOTOR VEHICLE IMPOUNDMENT AND FORFEITURE**

**Sec. 78-961. Definitions.**

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

*Assessed or appraised value* of a motor vehicle shall be based upon the **Kelley Blue** ~~Automobile Dealers Association Book (KBB Blue Book)~~ for the same or similar make and model and accessorized motor vehicle. Should there be no **KBB Blue Book** value, the value shall be \$500.00.

*Driver* means a person who drives or is in actual physical control of a vehicle.

*Motor vehicle* means a vehicle which is self-propelled except a vehicle moved by human or animal power.

*Previously convicted* means having been convicted in this or another jurisdiction **two or more times** within ten years preceding the date of the present offense, of operating a motor vehicle, aircraft or watercraft while intoxicated under AS 28.35.030 or another law or

ordinance with substantially similar elements, or a refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantial similar elements, ~~or driving a motor vehicle while license suspended, canceled, revoked, or limited under AS 28.15.291 or another law or ordinance with substantially similar elements, or driving a motor vehicle without insurance or other security under FGC section 78-929 or another law or ordinance with substantially similar elements.~~

*Registered owner* refers to the owner of the vehicle at the time of the offense as shown in the vehicle ownership records of the state division of motor vehicles or another agency with similar responsibilities in another state but may include subsequent good-faith purchases.

*Regulated lienholder* means an entity whose lien on the vehicle is a result of lending activities that are subject to regulation by any federal or state agency, commission or department.

*Vehicle* means a device in, upon or by which a person or property may be transported or driven upon immediately over a highway, road or other public right-of-way.

#### **Sec. 78-962. Purpose; public nuisance.**

A motor vehicle that is operated, driven or in actual physical control of an individual arrested for or charged with a violation of AS 28.35.030, pertaining to driving while intoxicated, ~~or; a violation of AS 28.35.032, pertaining to refusal to submit to chemical tests; or a violation of AS 28.15.291, pertaining to driving while license canceled, suspended, revoked, or limited; or a violation of FGC section 78-929, pertaining to insurance or other security requirements,~~ may be impounded and may be forfeited to the city in accordance with this article. The purpose of this article is to protect the public by removing public nuisances and deterring driving while intoxicated. A vehicle operated in violation of the afore-stated statutes is declared to be a public nuisance for which the registered owners shall be legally responsible subject only to defenses set forth by law.

#### **Sec. 78-963. Presumptions; vehicle seizure.**

(a) It shall be presumed that a vehicle operated by or driven by or in the actual physical control of an individual arrested for or charged with a violation of AS 28.35.030 or AS 28.35.032, ~~or AS 28.15.291, or FGC section 78-929~~ has been so operated by the registered owner or has been operated by another person with the knowledge and consent of the registered owner.

(b) A vehicle used in the alleged violation of AS 28.35.030 or AS 28.35.032, ~~or AS 28.15.291, or FGC section 78-929~~ shall be impounded for 30 days if the person driving, operating, or in the actual physical control of the vehicle has not been previously convicted, and shall be forfeited to the city if the person **driving, operating, or in the actual physical control of the vehicle** has been previously convicted.

(c) Impoundment may occur through a seizure of the vehicle incident to an arrest at the discretion of the arresting officer or **by** a court order.

**Sec. 78-964. Jurisdiction; hearings; costs.**

(a) Civil impoundment or forfeiture cases may be heard and decided by ~~either the district court, an administrative hearing officer, or the parking authority,~~ which throughout this article may be referred to as "the court" or "a court." ~~Hearings before an administrative hearing officer shall take place no less than seven days and no more than 30 days after the registered owner or lienholder requests a hearing.~~ At the request of the city or a claimant, a civil proceeding under this section **may** ~~shall~~ be postponed until the conclusion of any pending criminal charges arising out of the incident giving rise to the proceeding under AS 28.35.030 **or** AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929.~~

(b) The court shall award the prevailing party in an impoundment or forfeiture case ~~its~~ reasonable attorney's fees and costs **pursuant to Rule 82, Alaska Rules of Civil Procedure.** ~~Costs shall include but are not limited to filing costs, advertising costs, police officer time required for testimony, prosecution costs, and other costs incurred in processing the case.~~

**Sec. 78-965. Notice to lienholders and parties of record; service by publication; failure to appear.**

(a) A lienholder and any party having an interest in the vehicle as shown by the vehicle ownership records **of** ~~by~~ the division of motor vehicles or any agency in any state where the vehicle is registered shall be served with notice of the civil action by certified mail sent to the address of record as shown in the ownership records. In a forfeiture action, the city may serve a party of record personally or by publication if mail service is unsuccessful.

(b) Service by publication in a forfeiture proceeding shall describe the vehicle, the date and place of impoundment and a contact person and shall be published once per week for two consecutive weeks in a newspaper of general circulation.

(c) Any party who fails to appear within 30 days of service of notice of an impoundment or forfeiture waives the right to object to impoundment or forfeiture. Any party who requests a hearing in a civil action shall be deemed served. For actions filed in district court, district court civil rules ~~shall~~ apply. Requests for release of a vehicle made by a person or entity not charged with a violation of AS 28.35.030 **or** AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ must be brought in the forum of the civil action.

**Sec. 78-966. Avoidance of impoundment or forfeiture by owners and lienholders; defenses.**

(a) An owner or lienholder of record may avoid impoundment or forfeiture of that person's interest if **they** ~~the claimant~~ can establish by a preponderance of the evidence that:

- (1) The owner or lienholder ~~claimant~~ had an interest in the motor vehicle at the time of the alleged violation or which was acquired in good faith after the violation and not to avoid impoundment or forfeiture;
- (2) A person other than the owner or lienholder ~~claimant~~ was in possession of the vehicle and was responsible for the act which resulted in impoundment or forfeiture; and
- (3) Before permitting the operator to gain custody or control of the vehicle, the owner or lienholder ~~claimant~~ did not know or have reasonable cause to believe that the vehicle would be operated in violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929.~~

(b) A regulated lienholder may meet the requirements of this section by filing with the court a copy of the vehicle's certificate of title or other security instrument reflecting the lien, with an affidavit stating the amount of the lien, ~~and~~ that the lienholder is a regulated lienholder, and that the lienholder was not in possession of the vehicle at the time of the act which resulted in the seizure of the vehicle.

(c) A regulated lienholder ~~has~~ shall have no duty to inquire into the driving record of any loan applicant or any member of the loan applicant's family or household, and failure to do so ~~may~~ shall not be ~~used~~ admissible as evidence against the regulated lienholder in any forfeiture proceeding or other civil action.

(d) A regulated lienholder's interest in a vehicle ~~is~~ shall not be subject to forfeiture in any case where:

- (1) The individual who allegedly used the vehicle in violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ is not the person whose dealings with the lienholder gave rise to the lien; or
- (2) The vehicle which the individual was driving, operating or was in actual physical control of at the time of the violation was not the vehicle involved in a prior conviction.

(e) An acquittal in a criminal proceeding under AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ ~~shall~~ constitutes a defense against impoundment or forfeiture of a vehicle if the civil proceeding is based on the same conduct that forms the basis for the criminal charge.

~~(f) A person convicted under FGC section 78-929(b) for the first time may avoid the 30-day impoundment under this article: (1) by presenting proof of insurance in effect no later than 30 days after the date of the offense; (2) by paying the applicable fine under section 78-929; (3) by paying the applicable charges for towing and storage; and (4) by paying an administrative fee of \$140.00.~~



### **Sec. 78-967. Presumptions; knowledge of violation.**

~~(a) When a person other than the claimant was in possession of the vehicle and was driving with a suspended, revoked or canceled license, or without a valid driver's license, or in violation of a limited license, it shall be presumed that the claimant had reasonable cause to believe that the vehicle would be used in violation of AS 28.35.030, AS 28.35.032, AS 28.15.291 or FGC section 78-929. This subsection shall not apply to regulated lienholders.~~

~~-(b) When the owner claimant and driver are not the same person but and have a familial relationship, such as husband/wife, father/daughter, mother/stepson, etc., it shall be presumed that the owner claimant is responsible and that the vehicle was operated by the driver with the knowledge and consent of the owner claimant.~~

### **Sec. 78-968. Hearing notification.**

Upon notification from the court of the time and place for a hearing in a civil action, the city shall provide to every person, unless such person was notified by the court, who has an ascertainable ownership or security interest in the vehicle written notice that includes:

- (1) A description of the motor vehicle;
- (2) The time and place of the forfeiture or impound hearing;
- (3) The legal authority under which the vehicle may be impounded or forfeited; and
- (4) Notice of the right to intervene to protect the interest in the motor vehicle.

### **Sec. 78-969. Seizure; evidence; burden of proof.**

(a) A seizure of a vehicle under this Article is legally unjustified only if there was:

- (1) No reasonable suspicion for the stop of the vehicle leading to an arrest for driving while intoxicated based on the operation, driving, or actual physical control of the vehicle; or
- (2) No probable cause for the arrest of an individual for driving while intoxicated based on the individual's operation, driving, or actual physical control of the vehicle.

(b) For purposes of proceedings in an administrative forum, the police report, which may include the narrative, accompanying documents, computer printouts from data bases operated by police agencies and/or government agencies regulating motor vehicles showing the ownership of the vehicle, the driver's license status, and the record of criminal convictions of the driver, and/or tape recordings, is admissible evidence so long as it is

signed with either the name, initials, badge number, or other identifying mark of an employee of the city in a statement made under oath.

(c) The burden of proof for an action under this article is preponderance of the evidence.

**Sec. 78-970. Resolution agreement between city and owner/lienholder.**

(a) The city may enter into an agreement with the registered owner or lienholder of the vehicle to resolve a civil impound or forfeiture action and permit release of the vehicle. Any such agreement shall include:

- (1) Acceptance by the owner or lienholder of responsibility for meeting the requirements of this section;
- (2) Agreement that the owner or lienholder will take reasonable steps to prevent the person arrested for or charged with a violation of AS 28.35.030, or AS 28.35.032, ~~or AS 28.15.291 or FGC section 78-929~~ from operating the vehicle until properly licensed; and
- (3) Agreement by the owner or lienholder that failure to fulfill the obligations under the agreement may result in forfeiture of the vehicle at the option of the city unless the lienholder is regulated and is required by law or the terms of the security agreement to relinquish possession of the vehicle upon payment of the lien or cure of any default.

**Sec. 78-971. Release of motor vehicle.**

A person seeking to redeem a vehicle must obtain an order from the court authorizing release of the vehicle, unless the release is made under an agreement with the city or if the underlying criminal case is dismissed or resolved in a manner whereby the defendant is not convicted under AS 28.35.030 or 28.35.032. A release will ~~shall~~ not be granted unless the person can:

- (1) Provide proof of ownership or, if a lienholder, a legal right to repossess the vehicle; and
- (2) Pay or provide proof of payment of any costs imposed, including the impound fees, storage fees, and any court costs imposed. The impound fee ~~is shall be~~ the actual cost of impound plus an administrative charge to offset the city's processing costs. If the city agrees or the court finds that seizure of a vehicle was not legally ~~un~~justified, or if the underlying criminal case is dismissed or resolved in a manner whereby the defendant is not convicted under AS 28.35.030 or 28.35.032, the vehicle will ~~shall~~ be released at no cost. ~~If the person seeking to reclaim the vehicle does so within five days after the court's finding. A vehicle not claimed it within ten five days after the court's decision, the vehicle is subject to the daily~~



storage fee, as provided in the City's Schedule of Fees and Charges for Services, for every day thereafter until the vehicle is reclaimed  
~~provisions of AS 28.10.502, relating to towing and storage liens.~~

**Sec. 78-972. Bail release of motor vehicle; vehicle bond; amount of bond; costs; retrieval of personal items.**

~~(a) A person not charged with a violation of AS 28.35.030, AS 28.35.032, AS 28.15.291 or FGC section 78-929 may petition the court for a bail release of a motor vehicle before a civil action is filed.~~

~~(b)~~ A vehicle return bond will ~~shall~~ be set for each vehicle alleged in the complaint to have been used in an alleged violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~. The bond must ~~may~~ be posted in cash ~~only~~. The purpose of this bond is to secure the presence of the vehicle and to provide security to be forfeited if the vehicle is sold, transferred, or encumbered after the vehicle has been released pending hearing. If a vehicle is not returned on a return bond, the city may forfeit the bond funds and seize the vehicle to implement the impoundment or forfeiture ordered by the court. The court may not modify the bond requirement or release a posted bond for a vehicle which has been impounded for a period less than the vehicle would have been impounded for if the person was convicted.

~~(be)~~ If a person charged with a violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ has no previous convictions for those statutes, the minimum vehicle return bond is ~~shall be~~ \$500.00. Where the person charged has been previously convicted of either ~~any~~ of the offenses above, the minimum vehicle bond will ~~shall~~ be specified in the City's Schedule of Fees and Charges for Services, which may be amended by city council resolution. A vehicle return bond may be set above the minimum if the vehicle appears to have unusually high value for its age but not to exceed twice the minimum amount.

~~(cd)~~ A vehicle under this section may be released pending hearing upon proof of ownership of the vehicle, payment of the vehicle return bond, and payment of towing and storage fees, including the administrative fee as set forth in the City's Schedule of Fees and Charges for Services, to offset the city's processing costs.

~~(de)~~ The court may order all or any part of the vehicle return bond to be forfeited to the city and may also order that the proceeds of any sale, transfer, or encumbrance be forfeited if the vehicle has been sold, transferred, or encumbered while subject to a vehicle return bond, if the vehicle is not returned in accordance with an order entered in the case requiring impoundment or forfeiture.

(e) The vehicle owner, or a person with the owner's written permission, may retrieve personal items from the impounded vehicle upon payment of the access fee as set forth in the City's Schedule of Fees and Charges for Services.

**Sec. 78-973. Impoundment; seizure incident to arrest; impoundment period; abandoned vehicle disposal; personal property in vehicles.**

(a) A motor vehicle that is operated, driven, or in the actual physical control of a person arrested for or charged with a violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ may be ordered impounded either upon conviction of the person for the offense or upon the decision of the court in a separate civil proceeding. To obtain an order for the impoundment in a contested proceeding, the city must establish by a preponderance of the evidence that the vehicle was operated, driven, or in the actual physical control of a person who was acting in violation of AS 28.35.030 or AS 28.35.032; ~~AS 28.15.291 or FGC section 78-929.~~

(b) If the motor vehicle is seized incident to an arrest or otherwise prior to a conviction or court-ordered impoundment, the vehicle may not be held more than two days without a court order obtained to continue its detention. For purpose of computing the two-day period, Saturdays, Sundays and city legal holidays are not ~~to be~~ included.

(c) A vehicle which is ordered impounded under this section will ~~shall~~ be held for a period of 30 days. An impoundment order may be made either upon conviction of the person of a violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~, or upon decision of a court in a separate civil action.

(d) The owner of a vehicle ordered impounded under this section must pay any fees owed and must retrieve the vehicle within 30 days after the completion of the 30-day impoundment. ~~which are not claimed at the end of the 30-day court-ordered period of impoundment may be disposed of pursuant to the provisions of AS 28.10.502. Daily impound fees will cease accruing after the completion of the 30-day impoundment but will start accruing if the vehicle has not been retrieved within 30 days after the completion of the impoundment. Vehicles not retrieved within 90 days of the completion of the 30-day impoundment will be considered abandoned and may be disposed of without further notice to the owner.~~ If the contents of the vehicle have not been recovered before such disposal, the contents may be disposed of with the vehicle. ~~Charges for towing, access to the impounded vehicle and storage fees are as set forth in the city's schedule of fees and charges for services.~~

**Sec. 78-974. Forfeiture process.**

(a) A motor vehicle that is operated, driven, or in the actual physical control of a person arrested or charged with a violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ may be forfeited to the city either upon conviction of either ~~any~~ of the offenses listed above or upon decision of a court in a separate civil proceeding. To obtain an order of forfeiture in a contested proceeding, the city must establish by a preponderance of the evidence that the vehicle was operated, driven, or in the physical control of the person acting in violation of either offense and that the individual has been previously convicted.

(b) A motor vehicle may be seized and towed to a secure location by a police officer or a police officer's designee upon an order issued by a court having jurisdiction over the motor vehicle upon a showing of probable cause that the motor vehicle may be forfeited or impounded under this section. Seizure without a court order may be made if:

- (1) The impoundment is incident to an arrest;
- (2) The motor vehicle has been ordered impounded or forfeited and that order has not yet been executed; or
- (3) There is probable cause to believe that the motor vehicle was operated, driven or in the actual physical control of a person in violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929.~~

~~(c) A court may order impoundment of a motor vehicle subject to forfeiture in a civil action for a minimum of 30 consecutive days.~~

**Sec. 78-975. Custody of vehicle; police department; inventory; retrieval of ignition interlock devices.**

(a) A motor vehicle seized for the purpose of forfeiture or impoundment will ~~should~~ be held in the custody of the city or a private impound yard authorized by the city to retain custody of the vehicle, subject only to the orders and decrees of the court having jurisdiction over any forfeiture or impoundment proceedings. When a motor vehicle is seized, the city ~~police chief or an authorized designee~~ may:

- (1) Remove the motor vehicle and any contents in the vehicle to a place designated by the court; or
- (2) Take custody of the motor vehicle and any contents of the vehicle and remove it to an appropriate location for disposition; and
- (3) Allow the owner of an ignition interlock device installed in a vehicle held pending forfeiture to retrieve the device upon a showing of proof of ownership and execution of a written agreement to assume liability for damage caused during retrieval. The city will cross check impounded vehicles against a data base provided by ignition interlock owners and notify device owners of vehicle impound. The fee for this service and access shall be as provided in the Ccity's Schedule of Fees and Charges for Services.

(b) Following a forfeiture, the police department shall make an inventory of the contents of any motor vehicle seized. Personal property can be recovered from the vehicle in the same manner as set forth in section 78-9723(e).

(c) A person in a forfeiture action claiming an interest in the property shall file, within 30 days after service or completion of publication, a notice of claim setting out the nature of the interest, the date it was acquired, the consideration paid, and an answer to the city's allegations. If a claim and answer is not filed within the required time, the motor vehicle may ~~must~~ be forfeited to the city without further proceedings. For a regulated lienholder, the notice of claim and answer is met by the filing of information required in section 78-966 and by adding to the affidavit a statement of the original amount of the loan giving rise to the lien and the current balance due on that loan.

(d) A claimant may petition the court for sale of a motor vehicle before final disposition of court proceedings. The court shall grant a petition for sale upon a finding that the sale is in the best interest of the city. Proceeds from the sale plus interest to the date of final disposition of the court proceedings become the subject of the forfeiture action.

**Sec. 78-976. Disposition of forfeited property; return to claimant.**

(a) Property forfeited under this article will ~~shall~~ be disposed of by the city ~~police department~~ in accordance with this section. Property forfeited includes both the vehicle and its contents if those contents have not been recovered before the date of disposal. The city ~~police department~~ may:

- (1) Sell the property in a manner that will yield the best price and use the proceeds for payment of all expenses of seizure, custody, court costs, and attorney's fees;
- (2) Take custody of the property and use it in the enforcement of city and state criminal codes or for other public purpose; or
- (3) Destroy the property.

(b) When a claimant to a motor vehicle is entitled to its possession, the court shall order that:

- (1) The vehicle be delivered to the claimant immediately subject to costs as described in section 78-971; or
- (2) If the claimant is entitled to some value less than the total value of the motor vehicle, the claimant is entitled to receive either the value of the claimant's interest after the sale of the vehicle or upon request and payment of the difference in value by the claimant, the motor vehicle itself.

(c) When a vehicle is sold and lienholder interest exceeds the sale price, the owner may be held responsible for the difference and the city's cost.

**Sec. 78-977. - Multiple ownership on certificate of title.**

In a contested forfeiture proceeding concerning a vehicle titled in the names of more than one owner on the certificate of title, the court shall proceed as follows:

- (1) If one owner does not avoid forfeiture, the court may order the forfeiture of the entire interest of all the owners in a vehicle which is titled in the names of more than one owner in the disjunctive, which is signified by the word "or."
- (2) If **one** ~~such~~ owner does not avoid forfeiture, the court shall order the forfeiture of the interest of any owner in a vehicle which is titled in the names of more than one owner in the conjunctive which is signified by the word "and." Owners of a vehicle titled in the names of more than one owner in the conjunctive are presumed to own the vehicle in equal shares. Under this subsection, the court shall order that the vehicle be sold at public auction and further order that the proceeds from the sale of the vehicle be held by the city's department of finance. After deduction of the reasonable costs of the auction, the amount of the proceeds of the auction for the sale of that vehicle which is equal to the interests of the owners whose interests have not been forfeited **will** ~~shall~~ be returned to those owners if those owners apply to the department of finance within 60 days of the auction. If the owners whose interests have not been forfeited do not apply within that period, those funds become the property of the city subject to the rights of any other claimant to those funds.

**Section 2.** That the effective date of this ordinance is the \_\_\_\_\_ day of August 2021.

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**Jim Matherly, Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk

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Paul Ewers, City Attorney

**RESOLUTION NO. 4980**

**A RESOLUTION AMENDING THE CITY SCHEDULE OF FEES  
AND CHARGES FOR SERVICES BY REDUCING THE  
ADMINISTRATIVE FEE FOR CITY IMPOUNDS**

**WHEREAS**, the City Council is considering Ordinance No. 6178 that would amend Chapter 78, Article XXII, Motor Vehicle Impoundment and Forfeiture; and

**WHEREAS**, in discussing changes to Chapter 78, Article XXII, the Council considered changes to the current fee schedule.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, to approve the attached version of the *Schedule of Fees and Charges for Services* amending the administrative fee for City impounds, effective August 23, 2021.

**PASSED** and **APPROVED** this 23rd day of August 2021.

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**Jim Matherly, Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk

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Paul J. Ewers, City Attorney

## City of Fairbanks Schedule of Fees and Charges for Services

As of Resolution No. 4980 - Effective August 23, 2021

Category	Code Sec.	Topic	Current Fee	Proposed Fee	Description
<b>Garbage Collection</b>	66-22	Single Family Dwelling	\$ 88.00		Per quarter (rounded from \$88.13)
		Duplex	\$ 176.00		
		Triplex	\$ 264.00		
		Fourplex	\$ 352.00		
	66-23	Senior Rate	\$ 68.00		Per quarter (rounded from \$68.35)
	66-42	Improper containment or disposal of household medical wastes (sharps)	\$ 200.00		Employee health risk exposure and work loss time
	66-42	Improper containment or disposal of hazardous wastes	\$ 25.00		
	66-42	Improper containment or disposal of ashes	\$ 25.00		
	66-62	Container/receptacle abatement	\$ 25.00		
	66-24	Oversized Garbage Pickup (no freezers or refrigerators)	\$ 85.00		Per trip, pre-paid
<b>Vehicle Impound Fees</b>	78-972	Admin Fee	<del>\$ 1,000.00</del>	<b>\$ 500.00</b>	
		Vehicle Bail Schedule (1st offense)	\$ 500.00		Note: Set by 78-972(c)
		Vehicle Bail Schedule (previously convicted)			
		Vehicle Age:			
		20 years or older	\$ 1,000.00		
		15 - 19 years	\$ 2,000.00		
		10 - 14 years	\$ 3,000.00		
		5 - 9 years	\$ 4,000.00		
		0 - 4 years	\$ 10,000.00		
		Tow Fee	\$ 135.00		Flat tow charge
		Storage fees	\$ 20.00		Per day
		Access Fee	\$ 75.00		Per hour, one-hour minimum per trip
<b>Public Works</b>		Public Works Hourly Staff Rate	\$ 80.00		Per hour for specialty, non-fire mechanic Public Works staff time (1-hour minimum)
		Public Works Fire Bay Rate	\$ 50.00		Per hour; max of \$250 per day (1-hour minimum)
		Public Works Fire Bay Mechanic(s) Rate	\$ 190.00		\$95 per hour rate for 2 specialty fire mechanics (2 mechanics for safety; 1-hour minimum)
		Public Works Mechanic, Contract Rate	Negotiated		Per MOA with outside agency

**RESOLUTION NO. 4981**

**A RESOLUTION APPROVING THE READING OF A LAND  
ACKNOWLEDGEMENT AT THE BEGINNING OF REGULAR CITY  
COUNCIL MEETINGS**

**WHEREAS**, the esteemed Denakkanaaga Elders have crafted and approved of the Land Acknowledgement set out below to be used in various publications, on appropriate signage, prior to meetings and conferences, as well as other suitable uses; and

**WHEREAS**, a Land Acknowledgement can function as a living celebration of Indigenous communities; and

**WHEREAS**, a Land Acknowledgement, by itself, is a small gesture, but it becomes meaningful when coupled with authentic relationships and informed action.

**NOW, THEREFORE, BE IT RESOLVED** that the Fairbanks City Council directs that the following Land Acknowledgement be read at the beginning of Regular City Council meetings:

We respectfully acknowledge the Dena people upon whose traditional lands we reside. We honor the Dena who have been the stewards of Interior lands and waters for centuries, the Elders who lived here before, the Dena people of today, and future generations to come. We also recognize that Alaskan Native people would traditionally gather here and harvest Native foods.

**PASSED** and **APPROVED** this 23rd day of August 2021.

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**Jim Matherly, Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk

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Paul Ewers, City Attorney



City of Fairbanks  
Permanent Fund Review Board  
Quarterly Meeting Minutes  
July 21, 2021

The Permanent Fund Review Board (PFRB) convened at 1:30 p.m. in the City Council Chambers to conduct a quarterly meeting with the following board members in attendance.

Board Members Present: Council Member Valerie Therrien  
Patty Mongold  
Bernard Gatewood  
Dave Owen  
Jennifer Imus

Also Present: Margarita Bell, Chief Financial Officer  
Brandy Niclai, Chief Investment Officer – APCM  
Blake Phillips, Director of Institutional Solutions – APCM  
Richard Cochinos, Senior Portfolio Manager - APCM  
Mickela Covieo, Client Relationship Manager - APCM

Jennifer Imus moved, and Bernard Gatewood seconded to approve the minutes from the April 28, 2021 meeting. The PFRB unanimously agreed.

Margarita Bell reviewed the account's performance through June 30, 2021:

- \$157,143,779 - Balance including accrued income
- \$ 1,054,739 - Dividend and interest earnings
- \$ 3,807,022 - Realized gain
- \$ 7,601,850 - Unrealized gain
- \$ (53,700) - Management and custodial fees
- \$ 12,409,911 - Earnings, net of expenses

The City received \$411,612 in deposits as of June 30, 2021. The 2021 draw is scheduled for December 2021 in the amount of \$5,833,254 to the general fund (\$5,185,115) and capital fund (\$648,139).

Brandy Niclai reported that the balance of the fund was \$155,225,483 on July 19, 2021.

APCM provided an investment review report for the second quarter. Brandy Niclai reported that the combined equity allocation returned 6.10% and the combined fixed income allocation returned 1.59% for the quarter. She also reported that the compliance report was updated to include derivative use and leverage limitations.

Portfolio Summary							
2nd Quarter		Year to Date		Last 12 Months		Inception to Date	
Account	Benchmark	Account	Benchmark	Account	Benchmark	Account	Benchmark
4.47%	4.40%	8.76%	8.04%	24.91%	24.36%	6.11%	5.90%
	0.13% <sup>1</sup>		0.25% <sup>2</sup>		0.50% <sup>3</sup>		
4.47%	4.53%	8.76%	8.29%	24.91%	24.86%	6.11%	5.90%
<p>1 - 12.5 bps - per quarter rounded</p> <p>2 - 50 bps hurdle -annual (YTD = 12.5 basis pts X # quarters)</p> <p>3 - 50 bps hurdle codified in March 2009. Inception performance begins January 31, 1998.</p>							

Brandy Niclai reported that with a 2% inflation rate assumption, the current portfolio will not provide the full 4.5% distribution rate while preserving purchasing power. She stated that additional asset classes such as Private Equity will need to be explored to achieve the primary goal of the permanent fund to preserve principal and maintain purchasing power.

Richard Cochinos presented information about Private Equity. Private equity is a private investment that refer to a wide range of debt and equity strategies for securities that are not available on a public exchange. There are four primary types as follows: venture capital, buyouts, mezzanine debt, and distressed debt. Private market investing relies heavily on manager skill to produce returns. These investments are usually characterized by illiquidity and long investment horizons of five to ten years. Returns are usually negative in the early stages of the investment cycle but turn positive later in the investment horizon; however, Private Equity outperforms Public Assets.

Brandy Niclai presented a model for expected ranges including Private Equity at 5% (equivalent to \$7,850,000). She also stated that the City could adopt a Model 6 which would increase the amount in Equities. Richard Cochinos also presented information about municipalities that invest in Private Equity and the Government Finance Officer Association (GFOA) best practices for investing in Private Equity.

PFRB members inquired about the impacts of Private Equity with rising inflation; the fees associated with this new asset class; and the legal review for this type of asset class. APCM responded that the fee will remain the same and the City would have to sign legal documents as a partnership with the Private Equity company.

A special meeting will be held on August 18, 2021 to discuss Private Equity and the Request for Proposal for Permanent Fund Services.

The next quarterly meeting will be held on October 13, 2021 in the City Council Chambers.

The meeting adjourned at 2:45 p.m.