



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2016-07  
**REGULAR MEETING APRIL 11, 2016**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, kindly silence all cell phones and electronic devices.
5. 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.
6. APPROVAL OF PREVIOUS MINUTES  

\*a) Regular Meeting Minutes of January 25, 2016

7. SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the following Liquor License Application for Renewal. Public Testimony will be taken and limited to five minutes.

Lic #	Establishment Name	License Type	Licensee	Premise Location
2565	El Dorado Bar and Grill	Beverage Dispensary	Eldorado Bar and Grill, Inc.	530 Third Ave

- b) The Fairbanks City Council will convene as a Board of Adjustment to schedule a hearing date for the appeal in the matter of the following decision of the Fairbanks North Star Borough Department of Community Planning (GR2016-082):

An administrative determination regarding grandfather rights for the property located at 1041 Pedro Street (Lot 16, Block 139, Weeks Field), owned by Dale and Marie Nielsen.

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 6007 – An Ordinance Amending Fairbanks General Code Chapter 14, Article IX Commercial Refuse Collector. Introduced by Council Members Cleworth and Matherly. **SECOND READING AND PUBLIC HEARING.**

10. NEW BUSINESS

- \*a) Ordinance No. 6008 – An Ordinance Amending the 2016 Operating and Capital Budgets for the Second Time. Introduced by Mayor Eberhart.
- \*b) Ordinance No. 6009 – An Ordinance Amending Fairbanks General Code Section 50-461(c) Political Activity, to Clarify the Prohibition on Use of City Resources to Support Proposed Legislation. Introduced by Council Member Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- \*a) Memo Regarding Public Restrooms in Downtown Fairbanks

13. COUNCIL MEMBERS' COMMENTS

14. CITY CLERK'S REPORT

15. CITY ATTORNEY'S REPORT

16. EXECUTIVE SESSION

- a) Fairbanks Firefighters Union (FFU) Labor Negotiations

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, JANUARY 25, 2016  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session for the City Permanent Fund Annual Review, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A  
Perry Walley, Seat B  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Jerry Cleworth, Seat E  
David Pruhs, Seat F

Absent: None

Also Present: Clem Clooten, Building Official  
Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Carmen Randle, Chief Financial Officer  
Ben Barrio, IT Director  
Angela Foster-Snow, HR Director  
Randall Aragon, Police Chief  
Bob Pristash, City Engineer IV  
Jeff Jacobson, Chief of Staff  
Eric Jewkes, Deputy Police Chief  
Jim Styers, Fire Chief

### **INVOCATION**

The Invocation was given by City Clerk Danyielle Snider.

### **FLAG SALUTATION**

Mayor Eberhart led the Flag Salutation.

### **CITIZEN'S COMMENTS**

Helen Renfrew, 1915 Central Avenue, Fairbanks – Ms. Renfrew shared that she is the Director of Meetings and Conventions for Explore Fairbanks and gave an update on upcoming meetings in 2016. She spoke to the estimated amount of money that will be injected into the Fairbanks community as a result of the events. Ms. Renfrew stated that the Alaska Federation of Natives (AFN) convention will be held October 17 through October 22, 2016 in Fairbanks. She stated AFN will be held in Fairbanks again in 2018.

**Ms. Huntington** asked about the involvement from community leaders in regard to the AFN convention.

Ms. Renfrew stated Fairbanks is ahead of the curve and that there have been a lot of preparation meetings this year. Ms. Renfrew stated there is a high level of commitment from the community this year in particular because it is the 50th anniversary of the AFN convention.

**Mr. Cleworth** asked Ms. Renfrew how many AFN conventions she has been a part of.

Ms. Renfrew stated she has been working with AFN since 2010 and that this will be the third convention she has worked with in her current position; she stated that prior to that she was involved with the event from the hotel industry.

**Mr. Cleworth** complimented Ms. Renfrew on her knowledge and on the hard work she has put forth for AFN.

**Mayor Eberhart** asked Ms. Renfrew if the 2017 Arctic Council Ministerial Alliance (ACMA) would be the last one held in the United States.

Ms. Renfrew stated that the ACMA event will be handed over to Finland after 2017 and that it was tentatively scheduled to take place in Anchorage. She stated that there was a big push to hold the event Fairbanks. Ms. Renfrew stated that many Alaskans helped petition for the ACMA event to be held in Fairbanks and that approval for that wish was granted.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger thanked Public Works for cleaning the sidewalks on Gilmore Street. He thanked Ms. Renfrew for all the work she has done to help bring visitors to Fairbanks but asked why she did not mention that there are no public restrooms for tourists to use. Mr. Buberger asked the Council and the Mayor for an honest explanation as to why there are no public restrooms in the City. He recommended locations for public restrooms in the downtown area and stated that the City could make a restroom look like an old style log cabin. He stated the City is not broke because he keeps hearing Council Members talk about the good standing financial position of the City. Mr. Buberger shared that he is fine using the restroom on the street but that he would prefer to use a public restroom.

**Ms. Huntington** asked Mr. Buberger if he had spoken to past Mayors or Council Members about the need for public restrooms.

Mr. Buberger stated he has spoken at City Council meetings for many years but that he has not set up private meetings with Council Members to discuss the issue. He shared that there is a public restroom down by the Cultural Center but that the hours of operation are not predictable. Mr. Buberger spoke to pay raises for City employees.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to the lack of public restrooms and to the problem with citizens letting their dogs defecate downtown without cleaning up after them. He applauded Mayor Eberhart for forming the Hartman/Fairbanks Four healing group and commented that he appreciated the discussions on race. He questioned whether police officers

take race relation training as part of their new officer training and suggested the City look for grant funding to cover the cost. Mr. Turney reported that he visited The Higher Calling and that there were about 30 people there when he went; he stated that it was the mellowest place he has ever been. He spoke to the great ventilation in the establishment because he could not smell the airborne cannabis inside the building. He stated he did not believe that the State legislature has an issue with the club; he suggested that one of the Council Members back stabbed the owner of the establishment. Mr. Turney spoke out against drugs in schools and stated far too many kids are prescribed Ritalin. He stated that he spoke to his son who lives in Virginia and that they have more snow there than in Fairbanks.

**Mr. Cleworth** shared the Council’s condolences for the loss of Mr. Turney’s mother.

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

**APPROVAL OF AGENDA AND CONSENT AGENDA**

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to APPROVE the Agenda and Consent Agenda.

**Mr. Gatewood** pulled Ordinance No. 6005 from the Consent Agenda.

**Mr. Cleworth** pulled Ordinance No. 6003 from the Consent Agenda.

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

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

**SPECIAL ORDERS**

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic #	Establishment Name	License Type	Licensee	Premises Location
54	American Legion Post #11	Club	Dorman H Baker Post #11	129 First Ave
435	Garden Island Party Store	Package Store	Market Basket, Inc.	246 Illinois St
542	Geraldo’s Restaurant	Beverage Dispensary	Garlic Lovers, LLC	701 College Rd
703	Gavora’s Liquor #1	Package Store	Market Basket, Inc.	250 Third St
704	Gavora’s Liquor #2	Package Store	Market Basket, Inc.	1255 Airport Way
710	Mecca Bar	Beverage Dispensary	JRB, Inc.	549 Second Ave
1134	Thrifty Liquors	Package Store	Market Basket, Inc.	1410 Cushman St
1639	Alaska Salmon Bake	Place-Seasonal	Malemute, Inc.	2300 Airport Way
3118	V.F.W. Post #3629	Club	VFW Golden Heart Post #3629	324 Second St
3151	Fred Meyer 485	Package Store	Fred Meyer Stores, Inc.	3755 Airport Way

Lic #	Establishment Name	License Type	Licensee	Premises Location
3997	BPO Elks Lodge #1551	Club	BPO Elks Lodge #1551	1003 Pioneer Rd
4168	Lower LA	Beverage Dispensary	Two Amigos, LLC	636 28th Ave (downstairs)
4530	Regency Fairbanks Hotel	Beverage Dispensary	Pacific Rim Associates I, Inc.	1288 Sadler Way
4720	Gallantino's Italian Restaurant	Beverage Dispensary	Gallantino's, Inc.	1446 S Cushman St
4816	Mayan Palace	Beverage Dispensary	Taco Azteca, Inc.	3401 Airport Way
4819	The Antler Room	Beverage Dispensary	The Antler Room, Inc.	1003 Pioneer Rd, A
4846	Wal-Mart Supercenter #2722	Package Store	Wal-Mart Stores, Inc.	537 Johansen Exp
4941	Seoul Gate Restaurant	Restaurant/Eating Place	Chong Pak	958 Cowles St
5169	HooDoo Brewing Company	Brewery	Fairbanks Fermentation, LLC	1951 Fox Ave

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

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

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

YEAS: Gatewood, Walley, Pruhs, Matherly, Huntington, Cleworth  
 NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Application for a New Liquor License:

Type: Distillery, License #5436  
 DBA: Hoarfrost Distilling  
 Licensee/Applicant: Hoarfrost Distilling, LLC  
 Physical Location: 3501 Lathrop Street, Unit F, Fairbanks, Alaska

**Mr. Pruhs**, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Application for a New Liquor License.

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

**Mr. Gatewood** stated that the Building Department and the Fire Department recommended protesting the license until a certificate of occupancy was issues.

**Mayor Eberhart** stated that the motion to waive protest could be withdrawn if the maker of the motion and the second did not take issue in withdrawing.

**Mr. Pruhs**, with the concurrence of **Mr. Matherly**, WITHDREW the motion to WAIVE PROTEST on the Application for a New Liquor License.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to PROTEST the Application for a New Liquor License until a Certificate of Occupancy is issued to the premises.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE APPLICATION FOR A NEW LIQUOR LICENSE UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED TO THE PREMISES AS FOLLOWS:

YEAS: Cleworth, Pruhs, Walley, Huntington, Matherly, Gatewood

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

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

**Mayor Eberhart** stated that there was a porta-potty placed downtown last summer that was heavily used by tourists and the public. He stated that the Fairbanks climate factors into not having porta-potties in Fairbanks during the winter months. He stated that there was some vandalism to the unit that was placed downtown. **Mayor Eberhart** gave a brief history of the founding of Fairbanks and announced that the Mayor of Fanano, Italy would be traveling to Fairbanks in February. He stated that the visit with the Fanano group will help strengthen the City's relationship with its sister city. He stated that Chief of Staff Jeff Jacobson and Julie Jones of Festival Fairbanks are working on an itinerary for the Fanano travelers and encouraged everyone to interact with them. **Mayor Eberhart** spoke to the Permanent Fund Annual Review Work Session that took place earlier in the evening. He spoke to the many activities that the Mayor's Office has been involved with since the last Regular City Council Meeting. **Mayor Eberhart** stated that after three rounds of interviews for the new Executive Assistant the field has been narrowed down to three applicants. He congratulated the Fairbanks Police Department (FPD) for making an arrest in the stabbing incident on Rickert Street.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 6001 – An Ordinance Amending Fairbanks General Code Chapter 14, Article X Towing Vehicles to Require Towing Company Clean Up After a Motor Vehicle Accident. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Pruhs**, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 6001.

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

**Mr. Walley** requested a staff report.

Police Chief Randall Aragon stated that Ordinance No. 6001 is a common ordinance that is designed to ensure that towing companies clean up debris after a traffic accident.



Deputy Police Chief Eric Jewkes stated he did not believe that it would be a problem and that the ordinance is just getting out ahead of any possible issues.

Chief Aragon stated the clean-up clause was included in the City's towing contract but did not make it into the ordinance.

**Mr. Cleworth** asked if Deputy Chief Jewkes and Chief Aragon have a way to contact the tow companies to notify them of the changes.

Mr. Jewkes stated that FPD can contact all of the companies on the City tow rotation list.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6001 AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Huntington, Gatewood, Pruhs

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 6001 ADOPTED.

### **NEW BUSINESS**

- a) Resolution No. 4711 – A Resolution Recommending Governor Walker Re-Appoint Brandon Emmett to the Marijuana Control Board. Introduced by Council Members Pruhs and Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4712 – A Resolution to Approve a Maintenance Agreement Between the City of Fairbanks and the State of Alaska Department of Transportation and Public Facilities for the Old Steese Highway Reconstruction Project. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4713 – A Resolution to Approve a Maintenance Agreement Between the City of Fairbanks and the State of Alaska Department of Transportation and Public Facilities for the Aurora Drive Resurfacing Project and the Aurora Drive Noyes Slough Bridge Rehabilitation or Replacement Project. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4714 – A Resolution to Approve a Maintenance Agreement Between the City of Fairbanks and the State of Alaska Department of Transportation and Public Facilities for the Wembley Avenue Pedestrian Improvements Aurora Drive to Danby Street Project. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Ordinance No. 6003 – An Ordinance Amending the 2016 Operating and Capital Budgets for the First Time. Introduced by Mayor Eberhart.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to ADVANCE Ordinance No. 6003.

**Mr. Cleworth** asked Chief Financial Officer Carmen Randle for a staff report. **Mr. Cleworth** asked Ms. Randle what consumer price index (CPI) she used when preparing the 2016 budget.

Ms. Randle stated that the CPI used in the preparation of the 2016 budget was 1.1%.

**Mr. Cleworth** asked Ms. Randle to make sure that the CPI is the most current rate; Ms. Randle stated that she would verify the rate.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6003 AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Pruhs, Cleworth, Huntington

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

- f) Ordinance No. 6004 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and IBEW Local 1547. Introduced by Council Member Pruhs.

ADVANCED on the CONSENT AGENDA.

- g) Ordinance No. 6005 – An Ordinance Establishing an Incentive Bonus Program with Fairbanks Police Department for Recruitment, Hiring and Retention. Introduced by Mayor Eberhart.

**Mr. Pruhs**, seconded by **Ms. Huntington**, moved to ADVANCE Ordinance No. 6005.

**Mr. Gatewood** requested a staff report. He asked for clarification on the third whereas of Ordinance No. 6005, commenting that the community partnership language does not seem to fit with the rest of the ordinance.

Chief Aragon spoke to the national recommendation for community policing by the President of the United States. He stated that FPD wants officers to accept the community policing partnership and one of the incentives is a signing and retention bonus. He stated the department is currently short staffed by four officer positions and that in the coming week another officer is leaving the department. Chief Aragon stated that being creative and thinking outside the box is the reason for the bonus because the department is already 13% short staffed. He spoke to the importance of signing veteran officers that do not need to go through 13 weeks of training.

**Mr. Gatewood** stated he was in favor of community policing and asked what else was being done recruitment-wise to bring in more officers.

Chief Aragon stated that officers held a clinic at the University of Alaska in hopes of recruiting new officers. He stated that the State Troopers are also having issues recruiting and retaining officers and that they are trying to recruit from out of state.

**Mr. Gatewood** asked about the section of the ordinance that offers the recruiting employee an administrative week off after a lateral hire passes field training, orientation, and all probationary requirements.

Deputy Chief Jewkes spoke to the benefits of a lateral hire versus hiring someone brand new to law enforcement. He stated that the department wants to give FPD officers an incentive to help in recruitment efforts. He stated that a lateral transfer does not need the extensive training that a new hire would and spoke to the amount of training a new hire has to go through.

**Mr. Gatewood** asked how long an officer would have to stay in order to receive the \$5,000 sign-on bonus.

Chief Aragon stated that FPD is working with Human Resources (HR) to come up with a timeline for how long an officer would have to stay in order to receive and keep the \$5,000 bonus. He stated that the timeline would have to be negotiated. He explained that FPD is not competitive with other cities around the state when it comes to salary and that he would really like to retain the officers he currently has.

**Mr. Gatewood** stated the bonuses seem to be predicated on the savings from the vacancies within the department; he asked if FPD could use funds from other departments if they ran out of incentive bonus funds.

**Mayor Eberhart** stated that it would take a Council-approved budget amendment to take funds from another City department.

Chief Aragon stated that it is not FPD's intention to use other departments' funds. Deputy Chief Jewkes stated that there is a sense of urgency to retain officers because the department is so short staffed.

Chief of Staff Jeff Jacobson stated that the third whereas should not be included in Ordinance No. 6005; he stated that the language did not get updated in the ordinance placed in the Council packet. Mr. Jacobson apologized for any confusion it may have caused and stated he would update the ordinance and distribute a new draft the following day.

**Mr. Gatewood** stated that he thought the entire department was adopting the community policing philosophy.

Chief Aragon stated that it is his goal for all officers to participate in the community policing program but that at this time there are only four officers actively working on community policing. He explained how much training is involved in community policing and that he does not have enough manpower to get everyone trained simultaneously.

**Mr. Gatewood** stated that he understands change is slow. He expressed his belief that officers should perform community policing because they believe in the idea, not just because they are getting paid to do it.

Chief Aragon stated that when a person graduates from the police academy they know how to make arrests write tickets, but they do not come out of the academy with community policing skills. He stated that there are currently four FPD officers trained in community policing and that in the next year he hopes to get two more officers trained. He stated that not all officers want to become trained in community policing and that he cannot force the training upon them.

**Mayor Eberhart** stated that community policing was President Obama's Twenty-First Century Task Force recommended plan.

Chief Aragon stated that President Obama called for law enforcement to quit using reactive policing and start training for proactive policing.

**Mr. Cleworth** stated there needs to be some clarification to the ordinance that defines how long someone receiving a bonus would have to stay at FPD and what the penalty for leaving early would be. He stated that before the second reading there also needs to be a sunset clause added to determine how long the bonus program will stay in affect. **Mr. Cleworth** asked Chief Aragon if a lateral hire would be equivalent to an officer who just graduated from the police academy.

Chief Aragon stated that a veteran officer would be considered a lateral hire. Deputy Chief Jewkes clarified that a lateral hire would be someone who is already working as a certified law enforcement officer.

**Ms. Huntington** acknowledged the crisis that FPD is in and agreed that something needs to be done about it. She expressed concern that the whole department would start fishing for applicants simply to get a bonus.

Deputy Chief Jewkes stated that it is difficult to become a police officer and that recruiting is extremely hard. He stated that there are written tests, physical tests, oral boards, comprehensive background checks, polygraph examinations, psychological tests, and medical and drug tests that an applicant must go through. He stated that becoming a police officer is time intensive and that he does not believe there would be a problem with officers trying to cheat the system just to get a bonus.

HR Director Angela Foster-Snow spoke to the integrity of the City's law enforcement officers.

Chief Financial Officer Carmen Randle shared her concern with extending the bonus time period outside of the current fiscal year.

**Mr. Cleworth** agreed with Ms. Randle's concern and commented that bonuses should not be paid out over a three-year period.

Deputy Chief Jewkes stated that the bonus could be paid in full up front with a signed contract stating that the bonus will be paid back if the officer leaves employment within three years.

**Mr. Walley** stated that the bonus would have to be done in the same fiscal year. He asked how a department would recruit from out of state when moving costs are so monumental. He agreed with Mr. Cleworth that a condition needs to be included in the bonus system to ensure officers stay with City for a certain time period after earning a bonus. **Mr. Walley** shared that in his business, he paid to relocate an employee and that he made them sign a contract agreeing that if they moved away within three years the moving costs would have to be paid back.

Chief Aragon stated that the Alaska State Troopers pay for moving costs but that the City has not approved moving costs because it could be very expensive.

Ms. Foster-Snow spoke to out-of-state recruitment City-wide and shared that they have all been dealt with on a case-by-case basis as long as they fit within the department's budget.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6005 AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly, Walley

NAYS: None

**Mayor Eberhart** declared the motion to advance Ordinance No. 6005 advanced.

### **DISCUSSION ITEMS**

FMATS Policy Committee – **Mr. Walley** stated that FMATS met and spoke about the City's resolution regarding Fairbanks' separation from the particulate matter (PM<sub>2.5</sub>) non-attainment area. He stated that he thinks it would be a good thing to divide the area because it would focus more money on the areas that have a greater need. He stated that FMATS approved an additional \$40,000.00 for the South Cushman project. **Mr. Walley** stated that the State has a new accounting system that is not working well and is causing payments to be sent out late. He stated that it is not clear whether the problems with the accounting system have been solved but indicated that the issues are being worked on. **Mr. Walley** shared that there will be an open house on the Steese Highway/Chena Hot Springs Road roundabouts on January 27 at 6:30 p.m. at Weller Elementary School. He stated that there are many concerns about the intersection.

**Mr. Cleworth** asked whether the Borough Mayor would be bringing the PM<sub>2.5</sub> issue before the Borough Assembly.

**Mr. Walley** stated that Mayor Kassel was in favor of dividing the PM 2.5 non-attainment area and that he intends to bring the issue before the Borough Assembly. He stated that North Pole Mayor Ward could not support it at this time but that he may change his mind after he receives more information.

**Mr. Cleworth** asked when the Steese Highway/Chena Hot Springs Road and Danby Street projects would begin.

**Mr. Walley** stated that he did not know the dates offhand, but that he could find the information for Mr. Cleworth.

Public Safety Commission – **Ms. Huntington** stated that she participated in the last meeting via telephone and that her connection was not very good. She stated that the Commission discussed 9-1-1 calls being routed to the Fairbanks Dispatch Center that should not be.

Permanent Fund Review Board – **Mr. Gatewood** stated that the Board met earlier that day. He referenced two of the Work Session handouts stating the current value of the Fund is \$116,500,000. He stated there is a lot of volatility in the market and that, as of recently, the fund has dipped. **Mr. Gatewood** stated that the Board discussed preparing an RFP for fund management services. He stated that it is a good thing to put the services out to bid every now and then to ensure that the City is getting the best deal available.

Polaris Building Work Group – **Mr. Pruhs** thanked Grants Administrator Margarita Bell for getting the Brownfield application for the environmental issues of the Polaris Building. He stated he would be meeting with Development Manager Pat Smith to discuss how much the owner would want for the note on the building.

**Mayor Eberhart** stated that he ran into Deb Hickey at the Chamber lunch and that she thanked Mr. Pruhs for his efforts in regard to the Polaris Building.

#### **COMMUNICATIONS TO COUNCIL**

- a) Fairbanks Diversity Council Meeting Minutes of December 8, 2015

ACCEPTED on the CONSENT AGENDA

- b) Memo to Approve “Guidelines for Citizen Participation” Pamphlet

APPROVED on the CONSENT AGENDA

#### **COUNCIL MEMBERS’ COMMENTS**

**Mr. Gatewood** requested to be EXCUSED from the Regular City Council Meeting of February 22, 2016.

**Mayor Eberhart** called for objection to Mr. Gatewood’s request to be EXCUSED for the February 22, 2016 meeting and, hearing none, so ORDERED.

**Mr. Walley** shared the news-worthy story about the 7.1 magnitude earthquake that hit near Anchorage; he stated that everyone seems to be okay but that it was a large and scary earthquake. He stated that Alaska has thousands of earthquakes every single day and mentioned the large earthquake that hit Fairbanks in 2002. **Mr. Walley** spoke to the bleak financial outlook for the State and questioned how taxes will be affected by it. He shared his concern for how the State budget crisis is going to affect the City of Fairbanks. He thanked fellow Council Members for their service.

**Ms. Huntington** stated that Mr. Jacobson has been serving for a few weeks and noted how gracefully City employees handle change. She stated that it is a pleasure to work with City staff and thanked the Mayor and staff for creating a positive work environment.

**Mr. Matherly** stated that he spoke with Mr. Marc Marlow about the Polaris Building and that his application for allocation from the National Community Trust is still in the works. He echoed Mr. Cleworth's condolences to Mr. Turney for the recent loss of his mother. He stated that Don Hoover also passed away and encouraged everyone to go to the Pioneer Home to visit the elderly residents. **Mr. Matherly** welcomed Mr. Jacobson to the City and apologized for not welcoming him at the last Regular Council Meeting. He spoke to the importance of having Mr. Jacobson's institutional knowledge from the Borough at the City. He stated he would like to see a Borough Assembly Member attend City Council meetings and asked Mr. Jacobson to extend that invitation. **Mr. Matherly** stated that it would be nice for the Council to have regular updates from the Borough. He stated it is an honor to serve on the City Council.

**Mr. Cleworth** asked Council Members if they received the spreadsheet listing all deposits into the Permanent Fund dating back to its inception. He gave a breakdown of the information that was contained in the document and explained why the Permanent Fund is protected by City Code. **Mr. Cleworth** spoke to the earthquake in South Central Alaska and stated that he heard some homes were lost due to breaks in gas lines. He stated that with gas comes an array of interesting things that can occur and shared that it is something everyone should be aware of. He spoke to the handout that was given to the Council by City Clerk Snider relating to liquor licenses and asked her to explain the table she provided. Clerk Snider provided clarification on the liquor license numbers provided in the memo. **Mr. Cleworth** stated that there has never been a good solution for providing public restrooms in Downtown Fairbanks. He stated that years ago he was part of the Interior Girls Softball Association and that neighborhood kids burned two porta-potties to the ground. He stated that restrooms made from something other than plastic may be more durable and less susceptible to vandalism. **Mr. Cleworth** shared his concern with the City's liability in regard to activities that could occur in public restrooms. He stated that maintenance to prevent vandalism is another huge concern for the City. He stated that he did not have a practical answer as to how to get Sani-cans in the park downtown on a year-round basis.

**Mr. Pruhs** stated that he would be on the radio the following morning and invited anyone with questions to call into the show. He asked Ms. Randle to provide a list of salaries of all City employees at the next Finance Committee Meeting. He thanked Mr. Gatewood for the information he shared in the Permanent Fund report. **Mr. Pruhs** stated that he is a realtor and that he received a phone call from a gentleman last year looking for potential locations to have a marijuana business. **Mr. Pruhs** stated that he gave the gentleman a few ideas but that at that time the marijuana zoning regulations had not yet been released by the Borough. He explained the situation surrounding Mr. Turney's allegations against him regarding The Higher Calling. He stated that sometimes he has to chuckle at some of the things that are said about him.

### **CITY ATTORNEY'S REPORT**

City Attorney Paul Ewers advised that there is no need for the Executive Sessions on the Agenda because there is nothing to discuss.

**Mr. Gatewood**, seconded by **Mr. Pruhs**, moved to REMOVE all Executive Session items from the Agenda.

**Mayor Eberhart** called for objection to REMOVING all Executive Session items from the Agenda.

**Mr. Cleworth** objected; he stated he feels the Council should discuss IBEW Labor Negotiations.

**Mr. Cleworth**, seconded by **Mr. Pruhs**, moved to go into Executive Session for the purpose of discussing IBEW Labor Negotiations.

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

**Mayor Eberhart** called for a ten minute recess.

### **EXECUTIVE SESSION**

a) IBEW Labor Contract Negotiations

The City Council met in Executive Session to discuss IBEW Labor Negotiations. Direction was given to staff and no action was taken.

### **ADJOURNMENT**

**Ms. Matherly**, seconded by **Ms. Huntington**, moved to ADJOURN the meeting.

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

**Mayor Eberhart** declared the meeting adjourned at 9.17 p.m.

---

JOHN EBERHART, MAYOR

ATTEST:

---

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB





# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

## MEMORANDUM

TO: Mayor John Eberhart and City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk

SUBJECT: Liquor License Renewal

DATE: April 6, 2016

Notice has been received from the State of Alaska Alcohol and Marijuana Control Office (AMCO) for the following liquor license renewal:

Lic. #	DBA	License Type	Licensee	Premises Address
2565	El Dorado Bar & Grill	Beverage Dispensary	El Dorado Bar & Grill, Inc.	530 Third Avenue

Pursuant to FGC Sec. 14-178 the Council must determine whether or not to protest liquor license renewal after holding a public hearing.

**The Fire Department has recommended a protest for renewal of license #2565 due to a failure to comply with the requirement for a sprinkler system in the basement of the establishment.** Please see the attached information provided by Chief Jim Styers and Assistant Chief Ernie Misewicz.

Please note that there are no other departmental protests. Please contact me if you need any further information.



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

## LIQUOR LICENSE RESPONSE FORM

TO:  FINANCE DEPARTMENT  
 FIRE DEPARTMENT  
 POLICE DEPARTMENT

DATE: February 19, 2016

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION – RENEWAL

DATE NOTICE RECEIVED AT CLERKS OFFICE: 02/19/2016 (60 DAY DUE DATE 04/19/2016)

DATE RESPONSE DUE: 04/05/2016 for City Council Meeting of 04/11/2016

Lic. #	DBA	License Type	Licensee	Premises Address
2565	El Dorado Bar and Grill	Beverage Dispensary	Eldorado Bar and Grill, Inc.	530 Third Avenue

NO PROTEST:  PROTEST

REASONS OR COMMENTS *Failure to comply with Requirement  
For SPRINKLER IN BSMT*

DEPARTMENT  
SIGNEE:

*James M. Stepp*  
SIGNATURE *Jim Stepps,  
Fire Chief*

*4/5/16*  
DATE



# Fairbanks Fire Department

1101 Cushman St.  
Fairbanks, AK 99701

(907) 450-6614

(907) 450-6666 {fax}



## FIRE INSPECTION REPORT

DATE: 6/20/13

Facility Name: El Dorado BAR & Grill POC: MARIO

Address: 530 Third Ave Phone #: 750-1041

Inspector's Name: Denise Misiewicz

Purpose of Inspection: Re Final

### Deficiencies requiring correction:

All items noted in 10/20/12 Inspection Rpt have been corrected except for sprinkler system in BSMT

FD HAS NO OBJECTION TO CO PROVIDED

1) BSMT NOT USED EXCEPT FOR BUDG SERVICES

2) sprinkler sys / water service install by end of SUMMER

Thanks  
*[Signature]*

**Corrections are required to begin immediately.**

A follow up visit is scheduled for (date) \_\_\_\_\_.

Any questions please give us a call.

Received By: *[Signature]*

White Copy to Inspector

Yellow Copy to Customer





CITY OF

FAIRBANKS

---

May 9, 2013

Mario Velderrain  
El Dorado Bar and Grill  
530 3<sup>rd</sup> Ave.  
Fairbanks, Alaska 99701

Re: Request for temporary certificate of occupancy, 530 3<sup>rd</sup> Ave.

Dear Mr. Velderrain,

Please find the attached letter from Mr. Dayn Cooper, Complete Service Company, plumbing/mechanical contractor for this job, requesting a Temporary Certificate of Occupancy be issued.

The City of Fairbanks will grant this request provided a final inspection is conducted by the Building and Fire Departments and all deficiencies have been corrected (except for the installation of the hydronic heating portion of the mechanical system and the installation of the sprinklers in the basement) prior to opening for the summer. Please contact the Building Department to schedule this inspection as soon as possible.

The basement will not be used for any type of storage except for the required mechanical equipment in this building until the sprinkler system is installed.

The City of Fairbanks Engineering Department requires all street digging and patching of the street must be completed by September 30<sup>th</sup>. Therefore the required water main pipe for the fire sprinkler must be installed and completed by this date.

The Temporary Certificate of Occupancy will expire on September 30, 2013. Please note we have continued to work with you to complete this project. We have granted several extensions and "Temporary Certificates of Occupancy" to allow you time to complete work and secure funding. The Temporary CO granted for the Summer of 2013 will be our FINAL. The remaining heating work and installation of the fire sprinklers must be completed and inspected before the permanent Certificate of Occupancy is issued.

If you have any questions, contact me at 459-6727.

Sincerely,

Clemens M. Clooten  
Building Official

*the GOLDEN HEART CITY ... "extremely Alaska"*

800 Cushman Street • Fairbanks, Alaska 99701-4615

Cc: Jerry Cleworth, Mayor  
Pat Cole, Chief of Staff  
Paul Ewers, City Attorney  
Ernie Misewicz, Assistant Fire Chief  
Dayn Cooper, Complete Service Company,  
Dayn@completeservicecompany.com  
Staff  
File

Encl. Copy of Complete Service Company Letter

# *Complete* Service Company, Inc.

PO Box 71911 129 Minnie St. Fairbanks, AK 99707  
(907) 456-5282 Fax: (907) 451-6975

April 22, 2013

City of Fairbanks, Building Department  
800 Cushman St.  
Fairbanks, AK 99701

Reference: Hot Tamales/Eldorado Bar & Grill  
530 3<sup>rd</sup> Ave

Attn: Dave Hughes

We are working with Holaday-Parks, Inc., Thompson Investment Company and Mario Velderrain to come up with a plan to complete the plumbing and mechanical systems for the new Eldorado Bar & Grill restaurant. We would like to outline our plan and ask if the Department would be willing to issue a Certificate of Occupancy allowing Mario to open his restaurant based on the plan.

On the plumbing side, a grease trap will be installed on the discharge of the 3-compartment sink. Additionally, the prep sink will be plumbed with an indirect waste to the existing floor sink in the kitchen. An additional 50-gallon electric water heater will be installed in the basement to provide a 100-gallon storage capacity for the hot water demands of the kitchen.

For the mechanical, the make-up air unit is being finished by Holaday-Parks to provide make-up air for the kitchen hood as well as heating and ventilation for the restaurant. We plan to utilize outside air and the warm return air to provide conditioned supply air to the restaurant during the summer months. This will allow Mario to operate his restaurant and develop the cash needed to install a steam/glycol heat exchanger for the heating coil in the make-up air unit. By waiting till fall to install the hydronic heating portion of the mechanical system, we will allow Mario to cash flow the cost for the installation.

Is this plan acceptable to the Building Department?

Thank you for your consideration. Please advise if you have any questions or need additional information.

Sincerely,

COMPLETE SERVICE COMPANY, INC.



Dayh Cooper  
President



# Fairbanks Fire Department

1101 Cushman St.

Fairbanks, AK 99701

(907) 450-6614

(907) 450-6666 (fax)



## FIRE INSPECTION REPORT

DATE: 10/20/12

Facility Name: Eldorado BAR & Grill

POC: MARIO

Address: 530 3rd AVE

Phone #: 799-3907

Inspector's Name: E. Misewicz

Purpose of Inspection: INSPECT TO OPEN whole BLDG

### Deficiencies requiring correction:

BSMT - Sprinkler system NOT INSTALLED

- Emrg. Lide needed in south end of BSMT
- Sheet Rock needs completed

MAIN FLOOR

- Emrg. Lide needed for 2nd Ave Exit Vestibule & Patio
- Fire Extinguishers need to be serviced & TAGGED
- Locations need marked w/ approved signs

Kitchen - Hood/Ventilation sys not installed

- Fire system needed for hood.

Exterior - Address needs to be contrast's colors on 3rd Ave side.

*[Signature]*

**Corrections are required to begin immediately.**

A follow up visit is scheduled for (date) \_\_\_\_\_.

Any questions please give us a call.

Received By: *[Signature]*



# Fairbanks Fire Department

1101 Cushman St., Fairbanks, AK. 99701  
(907)450-6615 Fax (907) 450-6666  
TDD / TTY (800) 770-8973 RELAYalaska

**Warren Cummings, Fire Chief**

February 20, 2009

Mario Velderrian  
530 3<sup>rd</sup> Ave.  
Fairbanks, AK 99701

] **SUBJECT:** Hot Tamale Restaurant  
530 3<sup>rd</sup> Ave.

Dear Mr. Velderrian;

We have reviewed the plans for the above project and provide the following comments which require a written response....

- 1) Address is required to be posted on the building visible from the street in contrasting colors.
- 2) KNOX Box (rapid entry key box) is required to be mounted on the 3<sup>rd</sup> Ave side of the building. We have standardized to the KNOX 3200 series box with a side hinge door. Box can be ordered on line at [www.knoxbox.com](http://www.knoxbox.com). Once the box arrives, we will meet with the contractor to determine best location for mounting.
- 3) Basement is required to have an approved fire sprinkler system. Please have contractor submit sprinkler plans for review and approval. NOTE: Would suggest the sprinkler system be extended to the entire building.
- 4) No details provided on trash collection receptacle (dumpster). Please provide details to include location.
- 5) No information provided on the fuel source for the kitchen appliances.
- 6) Please provide details on fire extinguishers and their locations. Please note all locations are required to be marked with approved signs.
- 7) Sprinkler system is required to be monitored by an approved central station alarm system. Plans indicate a fire alarm system in the building. Please have contractor submit plans for the fire alarm system for review and approval. Sprinkler system is required to be connected to the fire alarm system.

If you have any questions please feel free to give me a call at (907) 450-6615 or drop me an email at [edmisewicz@ci.fairbanks.ak.us](mailto:edmisewicz@ci.fairbanks.ak.us).

Sincerely,

Ernest. D. Misewicz  
Asst. Fire Chief

---

**SMOKE DETECTORS.....*Don't Stay Home Without One***



2006 IFC ADOPTED  
4/28/08

Exceptions 1. Buildings with E occupancies having an occupant load of 49 or less. 2. Day care uses not otherwise required to have automatic sprinkler systems by other provision of the code.

Day care uses that are licensed to care for more than 5 persons between the hours of 10 p.m. and 6 a.m. shall be equipped with an automatic sprinkler system designed and installed in accordance with Section 903.3.1.3, or an approved equivalent system.

**Section 903.2.10.1 Stories and basements without openings** Amend this section by deleting the first paragraph in its entirety and replace as follows:

**An automatic sprinkler system shall be installed throughout every story or basement of all buildings where there is not provided at least one of the following types of exterior wall openings:**

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1009 or an outside ramp complying with Section 1010. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.
2. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m<sup>2</sup>) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.

**903.2.12 Other hazards** Is revised by adding the following subsection:

**903.2.12.3 Pit sprinklers.** Sprinklers shall be installed in the bottom of all new and existing elevator pits below the lowest projection of the elevator car but no higher than 24" from the bottom of the pit.

**Section 903.3.1.1** is revised by adding a new Subsection:

**903.3.1.1.2 Elevator Hoist ways and Machine Rooms.** When the provisions of this code require the installation of automatic sprinkler systems, the installation in elevator hoist ways and machine rooms must occur as described in N.F.P.A. 13, (Elevator Hoist ways and Machine Rooms) and adopted by reference, and the American Society for Mechanical Engineers (A.S.M.E.) A17.1 *Safety Code for Elevators and Escalators* (2000 Edition) and adopted by reference.

Exception: Sprinklers are not required in an elevator machine room where the machine room is:


- (1) separated from the remainder of the building as described in *I.B.C.* Section 3006.4;

# MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

---

TO: Mayor John Eberhart and City Council Members  
FROM: D. Danyielle Snider, CMC, City Clerk   
SUBJECT: Setting a Date for Hearing the Board of Adjustment Appeal (GR2016-082)  
DATE: April 6, 2016

---

At the Regular Meeting of March 21, 2016, the City Council voted to hear the appeal by Dale Nielsen on an administrative determination of the Department of Community Planning, but postponed scheduling the date of the hearing to the Regular Meeting of April 11, 2016. The only action that needs to be taken at this time is to schedule the appeal hearing date.

The appeal is in regard to grandfather rights of a property on Lot 16, Block 139, Weeks Field Subdivision (located at 1041 Pedro Street). This appeal process differs from appeals concerning decisions of the FNSB Planning Commission and is outlined in FNSBC 2.21.150 and 18.56.025.

On March 24, 2016, the Borough Assembly adopted Ordinance No. 2015-74, amending FNSBC 2.21.150 regarding board and commission procedures in quasi-judicial hearings. The ordinance is attached for your reference.

1 By: Diane Hutchison  
2 Janice Golub  
3 Kathryn Dodge  
4 Referred 12/10/2015  
5 Revised for Introduction,  
6 Introduced: 03/10/2016  
7 Amended: 03/24/2016  
8 Adopted: 03/24/2016  
9

10 FAIRBANKS NORTH STAR BOROUGH

11 ORDINANCE NO. 2015-74

12  
13 AN ORDINANCE AMENDING FNSBC 2.21.150 REGARDING BOARD AND  
14 COMMISSION PROCEDURES INCLUDING PROVIDING FOR TELEPHONIC AND  
15 OTHER MEANS OF PARTICIPATION IN QUASI-JUDICIAL HEARINGS AND  
16 AMENDING TITLE 18 TO CLARIFY AND EXPRESSLY PROVIDE FOR  
17 PARTICIPATION BY INTERESTED PERSONS  
18  
19

20  
21 WHEREAS, Quasi-judicial hearings like conditional use permits and  
22 subdivision applications often involve subjects specifically impacting their neighbors and  
23 others who possess a specific property interest that is significantly affected by the  
24 proposed action in a way different than that of the general public;  
25

26 WHEREAS, Quasi-judicial hearings significantly impacting property  
27 interests require procedures providing minimum due process guarantees including  
28 requiring testimony under oath subject to cross-examination; and  
29

30 WHEREAS, Authorized hearing participants may not be able to personally  
31 attend a hearing due to scheduling or other legitimate constraints; and  
32

33 WHEREAS, Allowing affected individuals to testify telephonically or by  
34 affidavit with appropriate procedural safeguards may enable those who cannot  
35 personally attend a hearing to still participate while still maintaining due process  
36 safeguards; and  
37

38 WHEREAS, Although Title 17 includes a definition of "interested persons,"  
39 Title 18 currently does not clearly delineate or define who can testify or otherwise  
40 participate in a quasi-judicial hearing; and  
41

42 WHEREAS, There should be clear provisions, procedures and rules  
43 governing the extent to which an interested person can participate as a party in a  
44 hearing or appeal a quasi-judicial decision.

45  
46 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
47 North Star Borough:

48  
49 Section 1. This ordinance is of a general and permanent nature and shall  
50 be codified.

51  
52 Section 2. FNSBC 2.21.150 regarding procedural rules for boards and  
53 commissions is hereby amended as follows:

54 A. Notwithstanding any language to the contrary, all boards and commissions shall  
55 follow, as a minimum, the procedural rules set forth in this section. A board or  
56 commission may adopt other rules but those rules may not conflict with this section. In  
57 all matters of procedure not covered by this or other code sections or rules adopted by  
58 the board or commission, Robert's Rules of Order, as revised, shall be applicable and  
59 shall govern

60 1. Boards and commissions conducting quasi-judicial hearings shall adopt  
61 rules permitting telephonic testimony by a party or witness upon request for good cause  
62 and in the absence of substantial prejudice to opposing parties. If telephonic  
63 participation is approved, then the party requesting it shall be responsible for arranging  
64 the telephone call and for payment of associated telephone charges. Adopted rules  
65 may limit the number of individuals testifying telephonically due to technological or other  
66 valid considerations; however, if an individual's telephonic participation is denied  
67 because of these limits, the rules shall permit other reasonably available alternatives  
68 such as setting an additional or alternate date for the testimony.

69 2. Boards and commissions conducting quasi-judicial hearings shall also  
70 adopt rules permitting parties to submit their testimony by affidavit subject to the  
71 opposing parties' right of cross-examination that the chair determines to be reasonably  
72 necessary to explore any matters which tend to contradict, modify or explain the  
73 testimony.

74 3. Boards and commissions conducting quasi-judicial hearing shall establish  
75 rules providing for a determination concerning an individual's status as a party  
76 sufficiently in advance of the hearing to allow the person to timely request participation  
77 by telephonic or submit testimony by other allowable means. If an individual qualifies as  
78 an interested person, the individual may provide testimony but the chair may otherwise  
79 limit participation at the hearing unless the person possesses a significant property  
80 interest that is not adequately represented by existing parties.

81 4. Formal rules of evidence do not apply to quasi-judicial hearings; however,  
82 the chair may exclude irrelevant, immaterial or unduly repetitious evidence.

83 B. All de novo quasi-judicial hearings by a board or commission involving an appeal  
84 from an administrative determination shall be conducted according to the following  
85 procedures:

86 1. Copies of all procedural rules and any written staff report must be  
87 available at least five working days prior to the hearing and at the hearing. At least five  
88 working days prior to the hearing, [STAFF AND THE APPELLANT] the parties shall

89 exchange copies of all documents intended to be submitted to the board or commission.  
90 Staff shall also ensure that the relevant public files are available for inspection and  
91 copying by the [APPELLANT] parties.

92 2. At the beginning of the hearing, the chair shall give a brief introduction  
93 regarding the matter and inquire as to whether any member needs to make any  
94 disclosures required by the code of ethics or disclose any ex parte communications  
95 regarding the matter at issue. All parties must at this time express their objections, if  
96 any, to a member participating in the hearing.

97 3. Testimony must be taken under oath or affirmation. A group oath or  
98 affirmation, including [APPELLANT AND STAFF] all parties, may be given prior to  
99 taking any testimony. Relevant testimony and evidence may be submitted at the  
100 hearing. To the extent time limits are imposed, those time limits shall not include time  
101 spent responding to questions and shall be evenly applied to all parties.

102 4. All parties shall, unless their participation is limited by the chair as  
103 authorized in this chapter, have the right to present evidence including testimony and  
104 exhibits and the right of cross-examination of witnesses to the extent the chair  
105 determines to be reasonably necessary to explore any matters which tend to contradict,  
106 modify, or explain testimony given on direct. The party bearing the burden of proof shall  
107 have the right to first provide testimony and present all relevant witnesses and evidence  
108 and shall have the right to rebuttal.

109 5. If a party seeks to introduce a document not previously copied and  
110 exchanged with the other party and the other party objects, the document shall be  
111 admitted only if the board finds a good faith reason for its failure to be included in the  
112 documentary exchange. A “good faith reason” includes, but is not limited to, the portion  
113 of an animal behavior log for the days occurring after the required documentary  
114 exchange. If the late admission creates any prejudice to the opposing party, the chair  
115 shall provide the opposing party additional time or take other allowable measures to  
116 address any resulting prejudice.

117 C. All de novo quasi-judicial hearings by a board or commission not involving an  
118 appeal from an administrative determination shall be conducted according to the  
119 following procedures:

120 1. Copies of all procedural rules and any written staff report must be  
121 available at least five working days prior to the hearing and at the hearing. Staff shall  
122 also ensure that the relevant public files are available for inspection and copying by the  
123 [APPLICANT] parties. If additional documents or information is submitted to staff after  
124 the report is written, those documents and information shall become part of the public  
125 file. If documents or information is added to the public file after [INSPECTION BY THE  
126 PARTIES APPLICANT] the staff report is written, staff shall notify the [APPLICANT]  
127 parties who have previously inspected the file as soon as reasonably practicable and  
128 provide a copy to the [APPLICANT] parties if requested. Documents or information  
129 added to the file in compliance with this section may be provided to the board or  
130 commission.

131 2. At the beginning of the hearing, the chair shall give a brief introduction  
132 regarding the matter and inquire as to whether any member needs to make any

133 disclosures required by the code of ethics or disclose any ex parte communications  
134 regarding the matter at issue. All parties must at this time express their objections, if  
135 any, to a member participating in the hearing.

136 3. Testimony must be taken under oath or affirmation. A group oath or  
137 affirmation, including [APPLICANT AND STAFF] all parties, may be given prior to taking  
138 any testimony. Relevant testimony and evidence may be submitted at the hearing. To  
139 the extent time limits are imposed, those time limits shall not include time spent  
140 responding to questions and shall be evenly applied to [ALL PARTIES] staff and the  
141 applicant. Time limits for interested persons shall be set by the chair.

142 4. Staff Report. Staff may provide a report on any technical or other issues  
143 within their expertise and may make recommendations to the board or commission.  
144 Questions of staff by the decision-making body and by the applicant, if present, should  
145 be asked at this point.

146 5. Applicant. The applicant or the applicant's representative, if present, may  
147 present testimony and evidence to support the application. To the extent the applicant  
148 wishes to present expert witnesses, they should testify at this point. Questions of the  
149 applicant by the decision-making body or staff should be asked at this point. The  
150 applicant shall be provided a minimum of 10 minutes which may be extended by the  
151 chair dependent upon the complexity of the issue. In addition, if the staff report  
152 opposes the application in whole or in part, the applicant's time shall be extended if  
153 necessary to ensure the applicant receives time equivalent to that provided to staff.

154 6. [PUBLIC TESTIMONY. IF THE MATTER IS SCHEDULED FOR A  
155 PUBLIC HEARING, THE PUBLIC MAY TESTIFY. TIME LIMITS MAY BE PLACED ON  
156 INDIVIDUAL COMMENTS (EXCLUDING APPLICANT AND STAFF PRESENTATION).  
157 IF TIME LIMITS ARE PLACED, THEY SHOULD BE APPLIED IN AN EQUAL MANNER  
158 TO ALL INDIVIDUALS PROVIDING PUBLIC COMMENT. COMMENTS SHOULD BE  
159 LIMITED TO THOSE RELEVANT TO THE HEARING SUBJECT.] All parties shall,  
160 unless their participation is limited by the chair as authorized in this chapter, have the  
161 right to present evidence including testimony and exhibits and the right of cross-  
162 examination of witnesses to the extent the chair determines to be reasonably necessary  
163 to explore any matters which tend to contradict, modify, or explain testimony given on  
164 direct.

165 7. Rebuttal. The applicant shall be provided a minimum of five additional  
166 minutes to respond to any testimony presented by [the PUBLIC] interested persons.  
167 This time may be extended by the chair in consideration of lengthy or complex [PUBLIC]  
168 testimony. In addition, to the extent the decision-making body decides, after [PUBLIC]  
169 testimony, to ask any further questions [OF STAFF,] the applicant shall be given a  
170 reasonable time to respond.

171 D. All legislative hearings by a board or commission shall be conducted according to  
172 the following procedures:

173 1. Sponsor Report. If present, the sponsor(s) of the proposed legislation or  
174 the sponsor's designee(s) shall first be afforded an opportunity to provide a report on  
175 the proposed legislation. The sponsor may choose to present before or after the staff  
176 report. If time limits are applied, the sponsor and staff shall receive equivalent time.

177 Questions of the sponsor by the decision-making body concerning the proposed  
178 legislation should be asked at this point so that the members of the public wishing to  
179 comment can be reasonably informed.

180 2. Staff Report. Staff may then provide a report on any technical or other  
181 issues within their expertise. Questions of staff by the sponsor(s) or the decision-  
182 making body concerning the proposed legislation should be asked at this point so that  
183 the members of the public wishing to comment can be reasonably informed.

184 3. Public Comment. Time limits may be placed on individual comments. If  
185 time limits are placed, they should be applied in an equal manner to all individuals  
186 providing public comment. Comments may be limited to the hearing subject.

187 4. Sponsor Response. The sponsor(s) or designee(s) shall be afforded a  
188 reasonable opportunity to respond to any questions, issues or concerns raised during  
189 the staff report or public comment.

190 E. If a hearing involves both a legislative issue and a quasi-judicial matter, the  
191 quasi-judicial procedures shall apply except that if the matter is scheduled for a public  
192 hearing, the public may comment on the legislative issue. Time limits may be placed on  
193 individual comments (excluding applicant and staff presentation). If time limits are  
194 placed, they should be applied in an equal manner to all individuals providing public  
195 comment. Comments should be limited to those relevant to the hearing subject.

196 F. Definitions.

197 1. "Applicant" means any person or entity whose specific legal rights are  
198 being adjudicated in the quasi-judicial hearing.

199 2. "Staff" means borough employees who as part of their job responsibilities  
200 are tasked with providing the board or commission with technical or other relevant  
201 information or those individuals from whom the board has specifically sought, after  
202 notice to the applicant, their input or advice.

203 3. "Sponsor" means the mayor, assembly member, chairperson of  
204 committee draft, or a member of the public whose authorized application created the  
205 proposed legislation. If the authorized application involves multiple owners or multiple  
206 properties, "sponsor" only includes one owner representative for each property.

207 4. "Party" means the applicant, any appellant(s) and staff. It also includes  
208 "interested persons" or "persons aggrieved" to the extent their participation is expressly  
209 permitted by borough code in a quasi-judicial matter. It does not include members of  
210 the public testifying under public comment.

211  
212 Section 3. FNSB 18.06, Definitions, is amended to add the following  
213 definition:

214 "Interested persons" means those individuals who are required in this title to be  
215 mailed specific notice of a quasi-judicial hearing or who provide an affidavit or other  
216 adequate proof that they reside within that hearing notification area or who timely apply  
217 to participate and prove that they possess a specific property interest that may be [IS]  
218 significantly affected by the proposed action in a way different than that of the general  
219 public. For purposes of verbal testimony only, interested persons include, when the

220 applicant is a public entity (including an agency, political subdivision or other component  
221 unit of the public entity), the citizens of that public entity.

222

223 Section 4. FNSB 18.54.010 B. is amended as follows:

224 B. [PUBLIC] Hearings. The planning commission shall conduct public hearings on  
225 all proposed rezones and quasi-judicial hearings for conditional *use* permits and  
226 *variance* requests unless specifically exempted under this title. Interested persons may  
227 testify and submit other admissible evidence for the planning commission's  
228 consideration at a quasi-judicial hearing. When the applicant is the borough the public  
229 may submit written comments and general public comment may be permitted. In its  
230 rezone deliberations the planning commission shall consider all oral and written  
231 statements from the applicant, the public and the department of community planning.  
232 Public testimony on rezones shall be relevant and related to the proposed land use.

233

234 Section 5. FNSB 18.54.010 C is amended as follows:

235 Public Notification. Rezoning shall become effective only after a public hearing  
236 has been held at which all interested [PARTIES] persons and/or citizens shall have an  
237 opportunity to be heard, and approval has been granted by the borough assembly.  
238 Conditional *uses* and *variances* shall become effective only after a quasi-judicial hearing  
239 has been held and approval granted by the planning commission.

240

241 Section 6. FNSBC 18.54.010(C)(2) is hereby amended as follows:

242 2. Mailing of Notice by the Department of Community Planning. Notice of the  
243 public or quasi-judicial hearing shall be mailed to all owners, as shown by the records of  
244 the borough assessor, of property in the area to be considered for a rezoning,  
245 conditional use or variance. Notice shall be sent to owners of lots or land either within  
246 an area measured [500] 1,000 feet in all directions from the boundaries of the area  
247 being considered if the request is of land within the incorporated areas of the cities of  
248 Fairbanks and North Pole, or within an area measured [1,000] 2,000 feet in all directions  
249 from the boundaries of the area being considered if the request is of land outside of the  
250 incorporated areas of the cities of Fairbanks and North Pole. In either instance at least  
251 10 owners of lots or land outside of the area being considered shall be notified by mail,  
252 whereby these distance requirements shall be increased.

253

254 Section 7. FNSB 18.54.040(D), is hereby amended as follows:

255 D. Hearing and Decision by the Planning Commission. The planning commission  
256 shall review, hear and decide whether or not to approve a request for a *variance*. In  
257 deliberations, the planning commission shall consider all [ORAL AND WRITTEN  
258 STATEMENTS] admitted evidence from the applicant, [THE PUBLIC] interested  
259 persons and borough staff. The planning commission shall also consider and adopt  
260 findings in each of the following:

261 1. Whether or not the proposed *variance* conforms to the intent and purpose  
262 of this title and of other ordinances and state statutes;



263 2. Whether or not the denial of the proposed *variance* will deprive the  
264 applicant the *use* of his/her property in a manner equivalent to the *use* permitted to be  
265 made by the *owners* of property in the immediate area;

266 3. Whether or not the proposed *variance* will protect the public health, safety  
267 and welfare, including protection from the impact of traffic, parking conditions, and the  
268 danger of fire.

269 4. The history of the development of the property.

270 The planning commission may approve or deny a *variance* request or may  
271 approve a *variance* request with conditions upon the property benefited by the *variance*  
272 as may be necessary to comply with the standards set forth in this title to ensure  
273 consistency with the general intent of this title.

274

275 Section 8. FNSB 18.54.070 A., is hereby amended as follows:

276 A. Initiation of *Appeal*. Decisions may be appealed to the board of adjustment or a  
277 hearing officer by:

278 1. An applicant for a conditional *use* or *variance*;

279 2. The permittee or *owner* of land for which a conditional *use* has been  
280 revoked;

281 3. Any governmental agency or unit;

282 4. Any person aggrieved by a decision or determination made by the  
283 director of the department of community planning in the enforcement of this title, or by a  
284 decision of the planning commission concerning a request for conditional *use* or  
285 *variance*. To be considered a "person aggrieved," the person must [PRESENT PROOF  
286 OF THE ADVERSE EFFECT THE DECISION HAS OR COULD HAVE ON THE USE,  
287 ENJOYMENT, OR VALUE OF HIS OWN PROPERTY. THE DECISION APPEALED  
288 FROM MUST PERSONALLY AFFECT A MATTER IN WHICH THE PERSON HAS A  
289 SPECIFIC INTEREST OR PROPERTY RIGHT IN A WAY DIFFERENT FROM THAT  
290 OF THE GENERAL PUBLIC.] qualify as an interested person and if a quasi-judicial  
291 hearing was held must have participated in the hearing as a party or interested person.

292 A request for *variance* from the terms of the land use regulations may be appealed  
293 when literal enforcement would deprive a property *owner* of rights commonly enjoyed by  
294 other properties in the district.

295

296 Section 10. FNSB 18.56.025 C, is hereby amended as follows:

297

298 Within 15 days of the hearing the department shall issue an administrative  
299 determination of the *grandfather rights*. If no hearing is required the  
300 administrative determination shall be issued within 10 working days of the  
301 application. Administrative determinations granting structural-related *grandfather  
302 rights* without a hearing must be mailed to the applicant and owners of nearby  
303 lots or land as set forth in FNSBC 18.54.010(C)(2). Administrative determinations  
304 may be appealed to the board of adjustment (as designated by FNSBC  
305 18.52.030) within 15 days of the date of the determination. *Appeals* shall be


306 heard de novo. The board of adjustment shall uphold or reverse the  
307 determination and adopt specific findings of fact after considering the oral and  
308 written statements of the applicant, interested persons [THE PUBLIC], and the  
309 department of community planning. This decision is appealable to the superior  
310 court in accordance with the civil rules.

311  
312 Section 10. Effective Date. This ordinance shall be effective at 5:00 p.m. of the  
313 first Borough business day following its adoption.

314 PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF MARCH, 2016.

315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
  
John Davies  
Presiding Officer

325 ATTEST:

326  
327  
328  
329  
330  
331  
332  
  
Nanci Ashford-Bingham, MMC  
Borough Clerk

333 Ayes: Sattley, Hutchison, Cooper, Lawrence, Dodge, Quist, Davies  
334 Noes: None  
335 Excused: Roberts, Westlind

**ORDINANCE NO. 6007**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE CHAPTER  
14, ARTICLE IX COMMERCIAL REFUSE COLLECTOR**

**WHEREAS**, the City Clerk's Office strives to provide consistent and up-to-date services to Fairbanks residents through streamlined licensing procedures; and

**WHEREAS**, the content of Chapter 14, Article IX has not been amended for decades and is in need of updating; and

**WHEREAS**, the City Clerk reviews applications and issues licenses and permits to various types of occupations, businesses and individuals on a regular basis; and

**WHEREAS**, there is only one commercial refuse collector currently licensed with the City of Fairbanks whose license will expire on April 23, 2016; and

**WHEREAS**, the Clerk's Office is willing and able to determine whether an applicant has met the requirements for licensure or renewal without first bringing each application before the City Council for approval.

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

**SECTION 1.** That Fairbanks General Code Chapter 14, Article IX Commercial Refuse Collector is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~strikethrough~~ font]:

**Sec. 14-361. – License Rrequired; fee; duration.**

(a) ~~Required.~~No person shall operate as a commercial refuse collector in the city without first obtaining a refuse collector's license.

(b) ~~Fee, duration.~~The fee for such license shall be as **License fees are** set forth in the city's schedule of fees and charges for services.

**(c) Commercial refuse collector licenses will be valid for two years from the date of issuance unless revoked or suspended by the City Clerk's Office.**

**Sec. 14-362. - Application required.**

Any person desiring to engage in business as a commercial refuse collector ~~will~~**shall** make application for such license ~~to through~~ **to** the city clerk ~~to the city council~~ upon forms furnished by the city **clerk**.

**Sec. 14-363. - Contents of application.**

(a) The application for a refuse collector's license ~~must~~<sup>shall</sup> contain the following:

(1) The date of the application.

(2) The complete legal name and address of the company to whom the license, if granted, is to be issued.

(3) The nature of the company under which the applicant intends to do business (sole proprietorship, partnership, association, corporation).

(4) The name and address of the owner of the company if a sole proprietorship; or the names and addresses of the partners or members if the company is a partnership or association; or the names, addresses and positions of the corporate officers if the company is a corporation.

(5) The exact name which the applicant will display upon the exterior of the vehicles to be operated under the license. The distinctive color scheme which the applicant intends to apply to the exterior of each vehicle to be operated under the license, including the color scheme of any lettering or numbers to appear on the exterior.

(6) ~~The year for which the license is sought.~~ **A current copy of the company's State of Alaska and City of Fairbanks business licenses.**

(7) The location **and phone number** of the office from which the applicant intends to conduct its business ~~and also the business phone number at which said applicant can be contacted.~~

(8) The location of the garage or yard from which the vehicles **will be operated** ~~are to operate upon the granting of a license.~~

(9) The number of vehicles which will be operated under the license, and the description, including the **year, make, model** ~~(year), VIN engine or serial number, state license **plate** number, and record owner, of each vehicle, and the amount of bodily injury and property damage insurance coverage on each vehicle, the name of the insurer, and the insurance policy number.~~

**(10) The amount of bodily injury, property damage, and uninsured motorist insurance coverage on each vehicle as outlined in section 14-364, the name of the insurer and the insurance policy number.**

~~(11)~~ A statement by the applicant ~~as to experience as a commercial refuse collector and a statement by the applicant that he has complied with such~~ **applicable state** certification requirements ~~as may be required by the state by and through the public utilities commission, which are currently embodied in AS 42.05.221 et seq., along with a certified copy of the certificate issued to~~ **the** applicant by the public utilities commission.

~~(12)~~ A statement by the applicant that he agrees to submit to the city clerk ~~Finance Department~~ **Finance Department** within ten days following the issuance of a commercial refuse collector's license, **and on a quarterly basis for as long as the license remains in effect,** a report containing the names and addresses of all commercial and residential customers within the city ~~presently being served by the applicant, and thereafter shall submit within ten days following the close of each month of operations under the license, a report of any additions to or deletions from such list of customers; a statement by the applicant that he will accept responsibility for payment to the city of all sales taxes due to the city on all payments made to the licensee for the services rendered by the licensee within the city and~~ **The applicant must also affirm that it** ~~a statement that the applicant will maintain~~

adequate accounting records open to the city Finance Department for books of account pertaining to transactions conducted under and by virtue of the refuse collector's license, which books and records shall be open to the mayor for inspection, upon reasonable notification and request.

(132) A statement by the applicant that he will collect and charge such fees only for the collection and hauling of commercial garbage, rubbish and ashes as are authorized in the license; that the applicant will abide by all lawful rules, directives and orders ~~to be issued under and by virtue of this article;~~ and that the applicant will ~~use~~utilize the landfill area designated by the borough, and will pay upon such fees required as provided to dispose for purposes of disposing of all refuse collected under a refuse collector's license.

(b) The application ~~must~~shall be signedsubscribed by the applicant or, where proper, a partner or officer of the applicant; ~~shall set forth the capacity in which the subscriber acts; the name of the company for whom he acts; and, if a corporation, shall bear the corporate seal.~~

#### **Sec. 14-364. – Vehicle registration and proof of insurance.**

~~There shall be submitted with the a~~Applications for a commercial refuse collector license must include a copy of current vehicle registration and copies of policies of commercial liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence covering the ~~on the part of the owner or driver of all vehicles to be operated under the license;~~ ~~Such insurance must~~to afford coverage in an amount not less than \$50300,000.00 for all personal injuries sustained in any one accident, coverage in the amount of \$50,000.00 for property damage arising out of any one accident, and \$100,000.00 for all persons injured or who died in any one accident caused by an uninsured motorist per person for personal injury sustained, as further limited by minimum coverage of \$100,000.00 for all personal injuries sustained in any one accident, and to also provide coverage in the amount of \$25,000.00 for property damage arising out of any one accident. Each policy ~~must~~shall further contain a clause, addendum or endorsement providing that the insurer or his local agent will give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality.

#### **Sec. 14-365. – Written notice of changes requiredRecommendation to city council.**

(a) Before changing minimum insurance requirements for commercial refuse collectors within the city, the city clerk will provide written notice to all existing licensees of the action which the city council proposes to take, and give licensees a reasonable amount of time in which to voice any objections.After completing his review of the application for a commercial refuse collector license and any reports submitted to him, the city clerk shall make his recommendation to the city council.

#### **Sec. 14-366. - Approval of city council; issuance of license; non-transferability.**

~~(a)~~Upon an applicant's compliance with the requirements of this article, the city clerk will issue a commercial refuse collector license to the applicant. Commercial refuse collector licenses are not transferrable or assignable.The city council shall take final action on all applications for a commercial refuse collector license submitted for a license, and may approve, modify, limit, deny or approve with restrictions or limitations attached, including designation of

service areas, each application thus submitted to it. Where approved by the city council, the city clerk shall issue a commercial refuse collector's license to the applicant under the seal of the city.

(b) ~~Prior to approving any additional licenses for commercial refuse collection over those then in effect, or before approving any rate changes for commercial refuse collection, or before changing any of the terms and conditions respecting commercial refuse collectors~~ within the city, the city council shall provide written notice, by certified mail, to all existing licensees of the action which it proposes to take, and give such existing licensees a reasonable time in which to voice any objections, such time not to exceed 21 days.

#### **Sec. 14-367. - Effect of issuance.**

The issuance ~~securing~~ of a commercial refuse collector's license ~~by an applicant shall in itself constitutes an agreement with~~ by the applicant ~~the city to abide by this article and such license regulations as are promulgated by the city clerk and approved by the city council, and that the~~ such applicant will haul refuse for any person in the city making application, for such service upon proper payment, or upon arrangements satisfactorily made for payment or compensation as provided in this article., it being ~~the intention of this section is to make it incumbent upon all licensed commercial refuse collectors to respond to calls from any person in the city who desires the licensee's service except for just cause shown, and thereupon to perform the service requested within a reasonable period of time, which shall be construed to be not more than three days~~ period. Failure on the part of a licensee to provide ~~so call and perform any proper service as outlined~~ thus requested and authorized in this section will ~~shall be unlawful~~ grounds for suspension or revocation.

#### **Sec. 14-368. - Suspension, and revocation.**

(a) A commercial refuse collector's license may be temporarily suspended or permanently revoked, by action of the city clerk ~~council~~, for any of the following occurrences:

- ~~(1) Breach of any condition, limitation or modification imposed by the city council in approving the application for license.~~
- ~~(2) Breach by the licensee of any covenant or agreement undertaken by the licensee under a commercial refuse collector~~ such license, and the breach by the licensee or ~~of any of the terms and provisions of its currently effective tariffs on file with the city council.~~
- ~~(3) Delinquency in payment to the city of consumer sales taxes.~~
- ~~(4) Any false statement in the application.~~
- ~~(5) Violation of any of the provisions of this article, or of any applicable sections of chapter 66 or of any the license regulations.~~
- ~~(6) Failure to give regular service to customers.~~
- ~~(7) Failure to maintain minimum insurance requirements, as outlined provided in section 14-364.~~

(b) The city clerk will ~~council shall give due notice to~~ notify the licensee of a suspension or revocation of ~~and shall hold a public hearing before suspending or revoking a license by certified mail. Upon such action, the licensee must immediately cease operation of the commercial refuse collection business. A suspension or revocation of a commercial refuse~~

collector license may be appealed to the city council by filing a written appeal with the city clerk within 30 days of the date of revocation or suspension.

**Sec. 14-369. -- Transferability.**

~~A commercial refuse collector's license is nontransferable.~~

**DIVISION 3. - REGULATIONS**

**Sec. 14-391. - Hauling of refuse within city.**

(a) It ~~is shall~~ be unlawful for any licensed refuse collector or other commercial refuse collector to transport refuse upon the streets of the city except in a covered, watertight, and drip-proof vehicle equipped with a metal box with welded seams; however, non-liquids and innocuous substances may be conveyed in suitable containers with appropriate coverings to safeguard against ~~any littering of the streets.~~

(b) Refuse-hauling vehicles ~~will shall~~ be thoroughly washed or treated regularly ~~daily~~ so as to maintain ~~restore after use to~~ a reasonably sanitary condition. No person ~~will shall~~ operate a refuse collection ~~truck or refuse collection~~ vehicle within the business district of the city between the hours of 10:00 a.m. and 12:00 p.m. of each day. The business district is defined as that portion of the city encompassed and bounded on the north by First Avenue; on the east by Noble Street; on the south by Seventh Avenue; and on the west by Wickersham Street. ~~The mayor is authorized to issue to any licensed refuse collector a permit to operate within the business district when in the judgment of the mayor such authorization is deemed necessary and prudent.~~

**Sec. 14-392. - Filing of tariffs.**

Every licensee under this article ~~will shall~~ file with the city ~~clerk council~~ its complete tariff showing all rates, rentals and charges collected and all classifications, rules, regulations, and terms and conditions under which it furnishes its services and facilities to the public, together with a copy of every special contract with customers which in any way affects or relates to its rates, rentals, classifications, services or facilities. The licensee ~~will shall~~ clearly print or type its complete tariff and keep an up-to-date copy of it on file at its principal business office. Tariffs ~~will shall~~ be made available for ~~to and subject to~~ inspection by the general public on demand.

**Sec. 14-393. - Terms and conditions of services, facilities.**

The terms and conditions under which each licensee ~~under this article~~ offers its services and facilities to the public ~~will shall~~ be governed ~~strictly~~ by the provisions of its currently-effective tariffs. No properly filed and effective tariff rate, charge, rental, rule, regulation or condition of service ~~will shall~~ be changed except as provided in this division. If more than one tariff rate or charge can reasonably be applied for billing purposes, the one most advantageous to the customer ~~will shall~~ be used.

**Sec. 14-394. - ~~Just, r~~Reasonable rates.**

All rates demanded or received by a licensee for a service furnished or to be furnished under this article ~~will~~shall be just and reasonable. ~~When~~If the city ~~clerk~~council, after investigation ~~and hearing~~, finds that a rate demanded, observed or collected by a licensee for commercial refuse collection, or that classification, rule, regulation, practice or contract affecting the rate, is unjust, unreasonable, unduly discriminatory or preferential, the clerk will provide a report to the city council who will~~shall~~ determine the just and reasonable rate, classification, rule, regulation, practice or contract to be observed or allowed ~~and shall establish it by ordinance.~~

**Sec. 14-395. - Fairness of rates; refunds.**

(a) No licensee under this article may, ~~as to rates,~~ grant an unreasonable preference or advantage to any of its customers or subject a customer to an unreasonable prejudice or disadvantage. No licensee may establish or maintain an unreasonable difference as to rates, either between localities or between classes of service.

(b) No licensee ~~will~~shall directly or indirectly refund, rebate or remit ~~in any manner or by any device~~ any portion of the rates and charges, or charge, demand or receive a greater or lesser compensation for its services than is specified in its effective tariff. If a licensee desires to charge all its customers in a particular class of service a lesser amount than in its current tariff, it may do so immediately but must apply the reduction to all its customers in that class of service and immediately initiate action as specified in section 14-397 to revise its tariffs.

(c) No licensee may extend to any customer any form of contract, agreement, inducement, privilege or facility, or apply any rule, regulation or condition of service except such as are extended or applied to all customers under like circumstances.

(d) No licensee may offer or pay any compensation ~~for or consideration~~ or furnish the equipment to secure ~~the installation or the adoption~~ of the use of its service unless it conforms to a tariff approved by the city ~~council~~, and unless the compensation, ~~consideration~~ or equipment is offered to all persons in the same classification using or applying for the service. In determining the reasonableness of such a tariff filed by a licensee, the city ~~will~~shall consider, among other things, evidence of ~~consideration or compensation~~ paid by a competitor of the licensee to secure ~~the installation or adoption~~ of the use of the competitor's service.

**Sec. 14-396. - Fairness in service.**

No licensee under this article may, as to service, ~~make or~~ grant an unreasonable preference or advantage to any person or subject any person to an unreasonable prejudice or disadvantage. No licensee may establish, ~~or~~ maintain or provide an unreasonable difference in ~~as to~~ service, either between locations or ~~as between classes of service,~~ but ~~Nothing~~ in this section prohibits the establishment of reasonable classifications of service, or requires unreasonable investment in facilities.

**Sec. 14-397. - Change of rates, or service; ~~notice required.~~**

(a) Except as provided in section 14-395, no licensee under this article may establish or place in effect any new or revised rates, charges, rules, regulations, conditions of service or practices



except after 45 days' notice to the public. Notice ~~will~~**shall** be given to the city ~~clerk~~**council** by filing with the ~~clerk's office~~**city council** and keeping open for public inspection the revised tariff provisions which plainly indicate the changes to be made in the schedules then in force, and the time when the changes will go into effect.

(b) The notice to be given to the public shall be published in a newspaper of general circulation in the city ~~on at least two occasions. The first publication shall be not more than ten days after filing the notice~~ **is filed** with the city ~~clerk~~**council**, and the second publication shall be not less than five days nor more than ten days before the new or revised tariff is to be considered by the city council. **If no public objection is filed within 15 days of the newspaper publication, the city clerk will approve the revised tariff provision. If any public objection is filed with the city clerk, the clerk will set a hearing date for the matter to be heard by the city council at the next regular meeting immediately following the close of the objection filing period.** No such new or revised tariff shall be effective until it has been approved by the **city clerk or the city council.**

**SECTION 2.** That the effective date of this Ordinance shall be the \_\_\_\_ day of April 2016.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**ORDINANCE NO. 6008**

**AN ORDINANCE AMENDING THE 2016 OPERATING AND  
CAPITAL BUDGETS FOR THE SECOND TIME**

**WHEREAS**, this ordinance incorporates the changes outlined on the attached fiscal note to amend the 2016 operating and capital budgets; and

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

**SECTION 1.** There is hereby appropriated to the 2016 General Fund and the Capital Fund budgets the following sources of revenue and expenditures in the amounts indicated to the departments named for the purpose of conducting the business of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2016 and ending December 31, 2016 (see pages 2 and 3) [changes shown in **bold** font]. [amendments shown in **bold underlined** font; deleted text or amounts in ~~strikethrough~~ font]:

## GENERAL FUND

<u>REVENUE</u>	2016 ADOPTED BUDGET	INCREASE (DECREASE)	AS AMENDED
Taxes, (all sources)	\$ 21,319,723	\$ -	\$ 21,319,723
Charges for Services	4,638,809	-	4,638,809
Intergovernmental Revenues	3,143,100	4,100	3,147,200
Licenses & Permits	1,863,700	-	1,863,700
Fines, Forfeitures & Penalties	787,075	-	787,075
Interest & Penalties	115,000	-	115,000
Rental & Lease Income	168,550	-	168,550
Other Revenues	222,600	-	222,600
Other Financing Sources	1,280,585	-	1,280,585
	<u>\$ 33,539,142</u>	<u>\$ 4,100</u>	<u>\$ 33,543,242</u>
 <b>EXPENDITURES</b>			
Mayor and Council	\$ 611,663	\$ 2,325	\$ 613,988
Office of the City Attorney	183,601	1,187	184,788
Office of the City Clerk	348,978	2,196	351,174
Finance Department	948,407	10,264	958,671
Information Technology	1,977,023	7,994	1,985,017
General Account	5,536,053		5,536,053
Risk Management	1,434,987	-	1,434,987
Police Department	7,024,083	7,022	7,031,105
Dispatch Center	2,160,495	1,512	2,162,007
Fire Department	6,392,577	15,122	6,407,699
Public Works Department	7,814,111	84,408	7,898,519
Engineering Department	620,780	119,814	740,594
Building Department	689,303	8,091	697,394
	<u>\$ 35,742,061</u>	<u>\$ 259,935</u>	<u>\$ 36,001,996</u>
12/31/15 estimated general fund balance	\$ 12,159,122	\$ -	\$ 12,159,122
Increase (Decrease) to fund balance	901,425	<b>(255,835)</b>	645,590
Prior Year encumbrances	(404,344)	-	(404,344)
Transfer to capital and permanent funds	(2,700,000)	-	(2,700,000)
12/31/16 Unassigned balance	<u>\$ 9,956,203</u>	<u>\$ (255,835)</u>	<u>\$ 9,700,368</u>
Minimum unassigned fund balance requirement is 20% of budgeted annual expenditures but not less than \$4,000,000.			<u>\$ 7,200,399</u>

## CAPITAL FUND

<u>REVENUE</u>	2016 ADOPTED BUDGET	INCREASE (DECREASE)	AS AMENDED
Transfer from Permanent Fund	\$ 541,254	17,883	\$ 559,137
Transfer from General Fund	1,032,509	-	1,032,509
Public Works	775,000	-	775,000
Building	10,000	-	10,000
Engineering	10,000	-	10,000
Police	240,000	-	240,000
Dispatch	140,000	-	140,000
Fire	250,000	-	250,000
IT	156,086	-	156,086
Property Repair & Replacement	145,000	-	145,000
Road Maintenance	1,000,000	-	1,000,000
Internal Transfer to Road Maintenance	2,197,830	-	2,197,830
Total revenues	<u>\$ 6,497,679</u>	<u>\$ 17,883</u>	<u>\$ 6,515,562</u>
 <u>EXPENDITURES</u>			
IT Department	\$ 247,808	\$ -	\$ 247,808
Dispatch	82,532	-	82,532
Police Department	327,896	60,000	387,896
Fire Department	462,751	56,417	519,168
Public Works Department	845,500	-	845,500
Property Repair & Replacement	1,205,191	-	1,205,191
Road Maintenance	2,297,830	1,398,256	3,696,086
Total expenditures	<u>\$ 5,469,508</u>	<u>1,514,673</u>	<u>6,984,181</u>
12/31/15 capital fund balance	\$ 4,462,080	\$ -	\$ 4,462,080
Increase (Decrease) to fund balance	1,028,171	(1,496,790)	(468,619)
12/31/16 assigned fund balance	<u>\$ 5,490,251</u>	<u>\$ (1,496,790)</u>	<u>\$ 3,993,461</u>

**SECTION 2.** All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing on January 1, 2016 and ending December 31, 2016.

**SECTION 3.** The effective date of this ordinance shall be the \_\_\_\_ day of April 2016.

\_\_\_\_\_  
**JOHN EBERHART, MAYOR**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**FISCAL NOTE**  
ORDINANCE NO. 6008  
AMENDING THE 2016 OPERATING AND CAPITAL BUDGETS  
FOR THE SECOND TIME

**General Fund – \$4,100 Change in Revenue**  
**\$259,935 Increase in Expenditures**

**Revenue – \$No Change**

1. Taxes
2. Charges for Services
3. Intergovernmental Revenues
  - \$4,100 increase in State of Alaska LicquorTax revenue sharing proceeds
4. Licenses & Permits
5. Fines, Forfeitures & Penalties
6. Interest & Penalties
7. Rental & Lease Income
8. Other Revenues
9. Other Financing Sources & (Uses)

**Expenditures-\$259,935 Increase**

1. Mayor & Council
  - **\$1,075 due to 1.3% IBEW CBA increase**
  - **\$1,250 increase to match the “Trust” Alaska Mental Health Trust Authority grant being sought by Tanana Chiefs Conference to conduct a feasibility study for a Fairbanks Sobering Center.**
2. City Attorney’s Office
  - **\$1,187 due to 1.3% IBEW CBA increase**
3. City Clerk’s Office
  - **\$2,196 due to 1.3% IBEW CBA increase**
4. Finance Department
  - **\$10,264 due to 1.3% IBEW CBA increase**
5. Information Technology
  - **\$7,994 due to 1.3% IBEW CBA increase**

6. General Account

7. Risk Management

8. Police Department

- **\$2,022 due to 1.3% IBEW CBA increase**
- **\$2,500 increase to Community Promotions to provide food and beverages for individuals volunteering for commissions and boards as well as community member lunches with the Chief of Police**
- **(\$2,500) decrease in operating supplies to establish the Community Promotions account**
- **\$5,000 increase to Uniforms & Equipment to replace rifle sights. A \$5,000 refund check will be received from EOtech for the returned sights (coded to misc revenue due to prior years' purchase).**

9. Dispatch

- **\$1,512 due to 1.3% IBEW CBA increase**
- **\$500 increase to Community Promotions to provide food and beverages for individuals volunteering for commissions and boards**
- **(\$500) decrease in operating supplies to establish the Community Promotions account**
- 

10. Fire Department

- **\$3,769 due to 1.3% IBEW CBA increase**
- **\$11,353 increase to Fire Chief benefits (5.38X2080=11,190.4\*1.45% medicare=11,352.66)**

11. Public Works

- **\$1,370 due to 1.3% IBEW CBA increase**
- **\$45,630 due to 1.1% AFLCIO CBA increase**
- **\$4,825 a 5% "Acting" increase salaries & wages to compensate the General Forman for performing PW Director duties from April 1, 2015 through April 30, 2016.**
- **\$23,453 increase to salaries and wages for 25% of the cost of a PW/City Engineer Position**

- **\$9,130 increase to benefits for 25% of the cost of a PW/City Engineer Position**

12. Engineering

- **\$7,064 due to 1.3% IBEW CBA increase**
- **\$493 due to 1.1% AFLCIO CBA increase**
- **\$70,357 increase to salaries and wages for 75% the cost of a PW/City Engineer Position**
- **\$27,391 increase to benefits for 75% the cost of a PW/City Engineer Position**
- **\$14,302 increase salaries and wages (20%) to attract a level 3 Surveyor**
- **\$207 increase to benefits to attract a level 3 Surveyor**

13. Building Department

- **\$8,091 due to 1.3% IBEW CBA increase**



**Capital Fund - \$17,883 Increase in Revenues  
\$1,514,673 Increase in Expenditures**

1. REVENUES

- **\$17,883 Increase in Permanent Fund transfer**

2. OTHER FINANCING SOURCES (USES)

3. INTERNAL TRANSFER

4. EXPENDITURES

- **\$56,417 increase in Fire expenditures for HLS grant match (approved in 2015 Resolution 4687)**
- **\$60,000 increase for an additional police vehicle**
- **\$1,398,256 increase for the Gateway and Rickert projects**

**2016 Summary GENERAL FUND Budget Changes**

<b>Date</b>	<b>Account</b>	<b>Description</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Net Income</b>
12/07/15		Ord. 5998 Adopting the 2016 Operating and Capital Budget	\$ 36,250,394	\$ (35,260,917)	\$ 989,477
02/01/16	Wages	Ord. 6003* Amending the 2016 Budget for the first time *Includes fund balance transfer of \$2,700,000 and \$404,344 for prior year encumbrances, \$754,903 of nonspendable inventory, and an \$178,750 decrease in self-insurance assignments	(11,252)	(76,800)	(88,052)
03/25/16		Ord 6008	4,100	(259,935)	(255,835)

<u>\$ 36,243,242</u>	<u>\$ (35,597,652)</u>	<u>\$ 645,590</u>
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**Note:** Does not include encumbrances which are funded by prior year Fund Balance or interfund transfers subsequent to the original budget.

**2016 Summary CAPITAL FUND Budget Changes**

<b>Date</b>	<b>Account</b>	<b>Description</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Net Income</b>
12/07/15		Ord. 5998 Adopting the 2016 Operating and Capital Budget	\$ 2,099,849	\$ (1,676,586)	\$ 423,263
		Ord. 6003* Amending the 2016 Budget for the first time *Includes fund balance changes of \$1,545,092 for prior year encumbrances and \$2,197,830 commitment to the Rickert St. project and \$50,000 for Fire Chief vehicle	4,397,830	(3,792,922)	604,908
03/25/16		Ord 6008	17,883	(1,514,673)	(1,496,790)
			<u>\$ 6,515,562</u>	<u>\$ (6,984,181)</u>	<u>\$ (468,619)</u>

**Note:** Does not include encumbrances which are funded by prior year Fund Balance.

**ORDINANCE NO. 6009**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE SECTION 50-461(c) POLITICAL ACTIVITY, TO CLARIFY THE PROHIBITION ON USE OF CITY RESOURCES TO SUPPORT PROPOSED LEGISLATION**

**WHEREAS**, Fairbanks General Code Chapter 50, Article XIII, Section 50-461 regulates political activity by city employees and elected officials; and

**WHEREAS**, as currently written, FGC Sec. 50-461(c) prohibits city employees and elected officials from using city property, material, or resource on behalf of any political organization or candidate; and

**WHEREAS**, Sec. 50-461(c) allows the city council to adopt a motion or resolution in support of a change of law, a ballot proposition, or other issue; and

**WHEREAS**, as currently written, Sec. 50-461(c) leaves open the possibility of an employee or elected official using city property, material, or resource to support a change of law, a ballot proposition, or other issues; and

**WHEREAS**, the current wording of Sec. 50-461(c) does not comport to the spirit of the ordinance; and

**WHEREAS**, the proposed amendment does not inhibit the free speech rights of employees and elected officials;

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

**Section 1.** Fairbanks General Code Chapter 50, Article XIII, PROHIBITIONS, Section 50.461. Political activity, subsection (c), is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~strikethrough~~ font]:

**ARTICLE XIII. PROHIBITIONS**

**Sec. 50-461. Political activity.**

\* \* \* \* \*

(c) No city employee or elected official shall use any city property, material, or resource on behalf of any political organization or candidate **or to take a position on any change of law, ballot proposition, or any other issue.** ~~provided that~~ ~~†~~The city council may by adopted motion or resolution direct that a position be taken on a change of law, a ballot proposition, or any other issue. However, no public funds will be spent to advocate a

position in an attempt to influence an election. Nothing in this section limits the free speech rights of employees or elected officials.

\* \* \* \* \*

**Section 2.** That the effective date of this ordinance shall be the \_\_\_\_ day of April 2016.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney

800 Cushman Street  
Fairbanks, AK 99701Telephone (907) 459-6770  
Fax (907) 452-5913**MEMORANDUM****TO:** John Eberhart, Mayor; Jeff Jacobson, Chief of Staff**FROM:** Jackson Fox, Planning & Permitting Manager **DATE:** March 18, 2016**SUBJECT:** Public Restrooms in Downtown

The subject of public restrooms has been brought before City Council multiple times over the years. Some residents have remarked that downtown lacks an adequate amount of public restrooms. This memorandum provides a summary of the existing restrooms in downtown, discusses the lack of restrooms, and provides options (with costs) for increasing the number and availability of restrooms for residents and visitors alike.

**Existing Restrooms**

In the downtown core area the following public facilities have restrooms open to the public:

- Cultural & Visitors Center (7 days a week, Winter 8am to 5pm, Summer 8am to 9pm)
- Downtown Parking Garage (M-F, 8am to 6pm)
- Bus Transit Center (M-F, 6am to 6:30pm)
- City Hall (M-F, 8am to 5pm)
- State Regional Office Building (M-F, 8am to 5pm)
- Borough Administrative Center (M-F, 8am to 5pm)
- Borough School District Headquarters (M-F, 8am to 5pm)

The only permanent outdoor public restroom is located at Griffin Park adjacent to the Cultural & Visitors Center. This restroom is closed during winter months. Chemical toilets (aka "porta-potties") are provided during the summer months at Golden Heart Plaza and Graehl Park. During events in downtown, vendors also temporarily provide additional chemical toilets. All other restrooms in the downtown core area are located within privately-owned facilities and/or are generally not advertised for public use.

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*The GOLDEN HEART CITY ~ "Extremely Alaska"*

Some of the main issues with this arrangement are as follows:

- There are few public restrooms open in the evenings after government offices close.
- People are reluctant to use restrooms located within establishments (i.e. restaurants, hotels, shops, etc.) unless they are patrons of those establishments.
- Chemical toilets are highly susceptible to vandalism.

### **Lack of Restrooms**

In researching dozens of other Cities in the U.S. facing the same problem, one theme was common with all of the Cities – the lack of restrooms available to the public leads to public urination, often in alleyways. This has been a prevalent problem for Anchorage in recent years. In Fairbanks, however, public urination has not been a large complaint by downtown business owners, though it does happen on occasion. The Downtown Association, Explore Fairbanks, Festival Fairbanks, and Borough Parks & Recreation were asked their opinion, and none of them chimed in with a perceived lack of restrooms available to the public. Deb Hickok of Explore Fairbanks offered the following:

*“Jim Matherly is an ex-officio on the Explore Fairbanks Board of Directors. He brought this up at the last Board Meeting on March 2nd. No one on our Board indicated a need for public restrooms downtown. Here is the draft of the minutes: ‘He (Matherly) asked for feedback on any complaints we hear from visitors on a lack of public bathrooms downtown. There is an individual at council meetings who is requesting the city to build a public restroom downtown. They already provide port-a-john in the Golden Heart Plaza. Hickok said we have public bathrooms here at the MTCVC, restaurants have bathrooms and the motorcoaches have bathrooms on board. Dobrovolny said their vans don’t have bathrooms on board but has never seen this as a problem. Others expressed the same that the industry doesn’t see this as a problem.’ Attendees at the Board meeting including these businesses: Holland America-Princess Alaska Yukon, Premier Alaska Tours, Fairbanks Regency Hotel, Riverboat Discovery, 1st Alaska Outdoor School, Northern Alaska Tour Company, Westmark Hotel & Conference Center, Alaska Railroad, GoNorth, Taste of Alaska Lodge, and UAF Community and Technical College.”*

Provided this information, there may or may not be a problem the amount of restrooms available to the public. However, some improvements could certainly be made to offer more and better opportunities for people seeking restrooms in downtown.

### **Option A – Additional Permanent Outdoor Restrooms**

Installation of additional permanent outdoor restrooms would cost approximately \$100,000 to \$150,000 each depending on size, style, and distance to connect to sewer and water mains in the street. Looking at the locations of existing public restrooms in downtown and where residents and visitors tend to congregate, the location with the greatest need for a new permanent outdoor restroom would be

Golden Heart Plaza. The second location with the greatest need would be Graehl Park. Other good locations would be Shoreway Park and Veterans Park.

As for the type of restroom, the Borough uses the Alaska DOT&PF's and DNR's standard prefab design for waysides and state parks. However, the new gold standard for public restrooms in the U.S. is the Portland Loo (as shown in picture). This design has become well-liked because the restroom is compact enough to fit in a parking space, there are slatted openings that vent the restroom and keep the user's legs in view to discourage mischief, and it has an anti-graffiti clear coating, hand wash station, and hose for daily cleaning. The cost to install a Portland Loo is roughly the same cost to install the type of prefab units used by the Borough and State of Alaska. A number of Portland Loos have been installed in Washington, Oregon, California, and British Columbia. There is one currently installed in Alaska, in Ketchikan.



John Hass with Borough Parks & Recreation commented that the prefab restroom currently installed at Griffin Park is also fairly bombproof and has lasted through the years in fairly good shape. However, the City should be aware that these types of facilities require cleaning twice a day during peak use in mid-summer.

### Option B – Additional Chemical Toilets

The Borough has a contract with a local company to rent dozens of chemical toilets each summer for their park facilities. Their contract runs about \$250 per month for each toilet. Therefore, if the City chose to rent additional chemical toilets, a good estimate would be \$1,000 per toilet per location each summer. Since chemical toilets are already being provided at Golden Heart Plaza and Graehl Park, good candidate locations for new toilets would be Shoreway Park and Veterans Park.

### Option C – Visitor Restroom Program

A number of Cities across the U.S. have tackled the problem with the lack of public restrooms by implementing a Visitor Restroom Program. The program creates partnerships between the Cities and business owners to make their private restrooms more available to visitors. The Cities pay the business owners a monthly stipend (typically \$500 to \$1,000) to cover their maintenance costs. In turn, the business posts a sign outside their building indicating a "Visitor Restroom" is inside, and encourages people to use their





restrooms even if they are not patrons of those businesses. Some logical businesses to approach with this arrangement would be:

- Co-op Plaza
- Lathrop Building
- Springhill Suites
- Key Bank Building
- Courthouse Square
- Bachner Building (between 3<sup>rd</sup> & 4<sup>th</sup> Ave)
- Sadler's

Cities that have instituted this type of program have generally adopted two criteria for participants – (1) the businesses must have extended hours of operation, and (2) the restroom facilities must be ADA compliant.

#### **Option D – Public Restroom Wayfinding Signage**

Another low-cost option is to install wayfinding signs to help people find restrooms in downtown. Especially with new visitors to our community, people simply do not know where restrooms are located. The City's Public Works Department could make signs (similar to the picture on the right) and install them on posts within the street right-of-way, or even on the face of buildings to help guide people to existing "Public Restrooms" and/or "Visitor Restrooms" if a Visitor Restroom Program was implemented.

