



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2014-02  
**REGULAR MEETING JANUARY 20, 2014**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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PRELIMINARY MEETING

6:15 P.M. Work Session with Alaska Permanent Capital Management

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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 (5) 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 phone, electronic and messaging 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



- d) The Fairbanks City Council will convene as a Board of Adjustment to consider scheduling the appeal, and possible appointment of, a hearing officer in the matter of the following decision of the Fairbanks North Star Borough Planning Commission:

A request by Kal Kennedy for an additional lot size variance to the Multiple-Family Residential zone (MF) minimum lot size requirement of 90,000 square feet to allow for a 69,606 square foot lot on Lots 1A, 1B & 1C, Block 04 of Executive Park Subdivision.

- e) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the following Appeal of Denied Application for new Chauffeur License. Public Testimony will be taken and limited to five (5) minutes:

Applicant: Carey C. Noble

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

10. NEW BUSINESS

- a) Resolution No. 4606 – A Resolution Adding a Capital Request Project to the City's Priorities for the State 2014-15 Fiscal Year. Introduced by Mayor Eberhart.
- \*b) Resolution No. 4607 – A Resolution Accepting Agreements for Mutual Aid in Fire Protection and Emergency Medical Services. Introduced by Mayor Eberhart.
- \*c) Resolution No. 4608 – A Resolution Authorizing the Mayor to Negotiate Mutual Aid and Cooperative Agreements for Fire Aid. Introduced by Mayor Eberhart.
- \*d) Resolution No. 4609 – A Resolution Recognizing a Day of Service in Honor of Dr. Martin Luther King, Jr. Introduced by Mayor Eberhart.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- \*a) Hotel/Motel Discretionary Fund Meeting Minutes of December 13, 2013
- \*b) Appointment to the Factfinding Commission
- \*c) Recommendation for appointment to the FNSB Planning Commission

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. EXECUTIVE SESSION

- a) Labor Negotiations: IBEW, PSEA, and FFU
- b) Gavora Inc., vs. City of Fairbanks

17. ADJOURNMENT


# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

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TO: Mayor John Eberhart  
City Council Members

FROM: Janey Hovenden, CMC, City Clerk 

SUBJECT: Application for New Liquor License

DATE: January 15, 2014

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Attached you will find notification from the ABC Board of an application for a new liquor license and application for a Restaurant Designation Permit for the following applicant:

License #: **5270**  
License Type: **Restaurant/Eating Place**  
D.B.A.\*: **Friar Tuck's Hoagie House**  
Licensee/Applicant: **Stafford Roach & Joshua Roach**  
Physical Location: **427 Merhar Ave, Unit #2, Fairbanks AK**

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

FGC Section 14-168 (New Locations) Requires advertising in the newspaper and mailing notice of the date, time and place of public hearing to all owners of record of land within 500 feet of the place where alcoholic beverages will be sold. The City Clerk has complied with this provision. .

The Building and Fire Departments recommend protesting this license until such time as a Certificate of Occupancy is issued. There are no other departmental objections to the issuance of this new license.



STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 3 AAC 304.715-794  
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 20 for employment. If for employment, please state in detail, how the person will be employed, duties, etc.

This application is for designation of premises where : (please mark desired items).

- 1  Under 3 AAC 304.305 Bona fide restaurant/eating place.
- 2  Persons age 16 to 20 may dine unaccompanied.
- 3  Persons under 16 may dine accompanied by a person 21 years or older.
- 4  Persons between 16 and 20 years of age may be employed. \*(See note below).

License Number 5270

LICENSEE: STAFFORD ROACH or JOSHUA ROACH (partners)

D/B/A: Friar Tuck's Hoagie House

ADDRESS: 427 Merhar Ave Unit 2 Fairbanks AK 99701

1. Hours of Operation: 10 AM to 10 PM Telephone # 907 388 4150

2. Have police ever been called to your premises by you or anyone else for any reason: [ ] Yes [  ] No  
If yes, date(s) and explanation(s).

3. \* Duties of employment: serving tables, cooking, dishwashing, bussing tables

4. Are video games available to the public on your premises? NO

5. Do you provide entertainment: [ ] Yes [  ] No If yes, describe.

6. How is food served?  Table Service  Buffet Service  Counter Service  Other\*

7. Is the owner, manager, or assistant manager always present during business hours? [  ] Yes [ ] No

\*\*\* A MENU AND A DETAILED LICENSED PREMISE DIAGRAM MUST ACCOMPANY THIS APPLICATION \*\*\*

I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

Applicant signature [Signature]

Local Governing Body Approval \_\_\_\_\_

Subscribed and sworn to before me this 3rd day of December 2013

Date: \_\_\_\_\_

Notary Public in and for Alaska

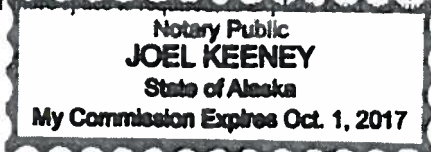
My Commission expires 10/1/17

Director, ABC Board

Date: \_\_\_\_\_

\*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

\*\* If [ ] entertainment, etc., please add on back or attach additional page(s).



Update: 6/19/2013

ABC Board  
2400 Viking Drive  
Anchorage AK 99507

Phone: 907-263-5900  
Fax: 907-263-5930


# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

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TO: Mayor John Eberhart  
City Council Members

FROM: Janey Hovenden, CMC, City Clerk 

SUBJECT: Application for New Liquor License

DATE: January 15, 2014

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Attached you will find notification from the ABC Board of an application for a new liquor license and application for a Restaurant Designation Permit for the following applicant:.

License #: **5266**  
License Type: **Restaurant/Eating Place**  
D.B.A.\*: **Fushimi Japanese Restaurant**  
Licensee/Applicant: **Fushimi LLC**  
Physical Location: **607 Old Steese Hwy, Fairbanks AK**

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

FGC Section 14-168 (New Locations) Requires advertising in the newspaper and mailing notice of the date, time and place of public hearing to all owners of record of land within 500 feet of the place where alcoholic beverages will be sold. The City Clerk has complied with this provision. .

The Building and Fire Departments recommend protesting this license until such time as a Certificate of Occupancy is issued. There are no other departmental objections to the issuance of this new license.





STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 3 AAC 304.715-794  
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 20 for employment. If for employment, please state in detail, how the person will be employed, duties, etc.

This application is for designation of premises where : (please mark desired items).

- 1  Under 3 AAC 304.305 Bona fide restaurant/eating place.
- 2  Persons age 16 to 20 may dine unaccompanied.
- 3  Persons under 16 may dine accompanied by a person 21 years or older.
- 4  Persons between 16 and 20 years of age may be employed. \*(See note below).

License Number 5266

LICENSEE: Xiu Feng Tang

D/B/A: Fushimi LLC

ADDRESS: 607 old steese Hwy #105 suite E Fairbanks AK 99701

1. Hours of Operation: 11:00 AM to 9:00 pm Telephone # 907 328 0988

2. Have police ever been called to your premises by you or anyone else for any reason:  Yes  No  
If yes, date(s) and explanation(s).

3. \* Duties of employment: servicing food and drinks

4. Are video games available to the public on your premises? NO

5. Do you provide entertainment:  Yes  No If yes, describe.

6. How is food served?  Table Service  Buffet Service  Counter Service  Other\*

7. Is the owner, manager, or assistant manager always present during business hours?  Yes  No

\*\*\* A MENU AND A DETAILED LICENSED PREMISE DIAGRAM MUST ACCOMPANY THIS APPLICATION \*\*\*

I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

Xiu Feng Tang  
Applicant signature

Local Governing Body Approval

Subscribed and sworn to before me this  
7<sup>th</sup> day of November  
[Signature]  
Notary Public in and for Alaska

Date:

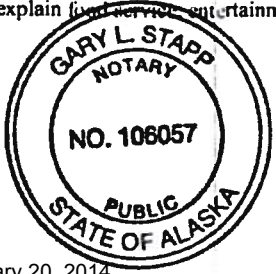
My Commission expires 03 FEB 2015

Director, ABC Board

Date:

\*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

\*\* If more space is required, to explain food service, entertainment, etc., please add on back or attach additional page(s).



Update: 6/19/2013

ABC Board  
2400 Viking Drive  
Anchorage AK 99507

Phone: 907-263-5900  
Fax: 907-263-5930



# 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: Janey Hovenden, CMC, City Clerk 

SUBJECT: Liquor License Renewals

DATE: January 15, 2014

Attached you will find the notification of liquor license renewals from the State ABC Board for the following liquor licenses.

Lic #	Establishment Name	License Type	Premise Location	Owner Name
54	American Legion Post #11	Club	129 1st Avenue	Dorman H Baker Post #11
252	Club Alaskan	Beverage Dispensary	901 Old Steese Hwy	Jerwater Inc.
710	Mecca Bar	Beverage Dispensary	549 2nd Ave	JRB Inc.
1639	Alaska Salmon Bake	Restaurant/Eating Place-Seasonal	2300 Airport Way	Malemute Inc.
3969	Boomtown Grill and Bar	Beverage Dispensary	537 Gaffney Road, Ste. #1	JSR Inc.
3997	BPO Elks Lodge #1551	Club	1003 Pioneer Road	BPO Elks Lodge #1551
4232	Kodiak Jack's	Beverage Dispensary	537 Gaffney	JSR Inc.
4247	Brewster's	Beverage Dispensary	3578 Airport Way	Restaurant Concepts LLC
4395	Boston's	Beverage Dispensary	1243 Old Steese Hwy	Goethe LLC
4819	The Antler Room	Beverage Dispensary	1003 Pioneer Rd #A	The Antler Room Inc.
4846	Wal-Mart Supercenter #2722	Package Store	537 Johansen Expressway	Wal-Mart Stores Inc.
4941	Seoul Gate Restaurant	Restaurant/Eating Place	958 Cowles Street	Chong Pak

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

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



December 20, 2013


**Renewal Application Notice**

City of Fairbanks  
Attn: Janey Hovenden  
VIA EMAIL: [jjhovenden@ci.fairbanks.ak.us](mailto:jjhovenden@ci.fairbanks.ak.us)  
cc: [pphillips@co.fairbanks.ak.us](mailto:pphillips@co.fairbanks.ak.us)

DBA	Lic Type	Lic #	Owner	Premise Address
American Legion Post #11	Club	54	Dorman H Baker Post #11	129 1st Avenue
Club Alaskan	Beverage Dispensary	252	Jerwater Inc	901 Old Steese Hwy
Mecca Bar	Beverage Dispensary	710	JRB Inc	549 2nd Ave
Alaska Salmon Bake	Restaurant/Eating Place-Seasonal	1639	Malemute Inc	2300 Airport Way
Boomtown Grill and Bar	Beverage Dispensary	3969	JSR Inc	537 Gaffney Road, Ste #1
BPO Elks Lodge #1551	Club	3997	BPO Elks Lodge #1551	1003 Pioneer Road
Kodiak Jack's	Beverage Dispensary	4232	JSR Inc	537 Gaffney
Brewster's	Beverage Dispensary	4247	Restaurant Concepts LLC	3578 Airport Way
Boston's	Beverage Dispensary	4395	Goethe LLC	1243 Old Steese Hwy
The Antler Room	Beverage Dispensary	4819	The Antler Room Inc	1003 Pioneer Rd #A
Wal-Mart Supercenter #2722	Package Store	4846	Wal-Mart Stores Inc.	537 Johansen Expressway
Seoul Gate Restaurant	Restaurant/Eating Place	4941	Chong Pak	958 Cowles Street

## MEMORANDUM

TO: Mayor and Council Members

FROM: Paul Ewers, City Attorney 

SUBJECT: Board of Adjustment Appeal (Kal Kennedy)

DATE: January 10, 2014

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Attached is a memo from Deputy Borough Clerk April Trickey regarding a Board of Adjustment appeal filed by Kal Kennedy. Kennedy is appealing a decision by the Borough Planning Commission denying his request for an additional lot size variance. The appeal involves property located at 1503 Washington Drive. The City Council sits as the Board of Adjustment to hear appeals from Planning Commission decisions regarding land within the City of Fairbanks.

There are a number of steps remaining before the appeal will be ready for a hearing. The following is an outline of the next steps in the appeal process:

1. The borough clerk prepares the record on appeal.
2. The party appealing files a written brief.
3. The borough files its written brief.
4. The party appealing may file a reply brief in response to the borough's brief.
5. The borough clerk prepares the appeal packet.

One of the reasons for the notification is so that you are aware of the parties to the appeal. As noted in Ms. Trickey's memo, *ex parte* contacts with any interested party are improper.

The code allows the council to delegate these types of appeals to a hearing officer. On past occasions, the Council has assigned the City Attorney (or the Deputy) to serve as the hearing officer for the appeal. If the council opts to conduct the appeal hearing, the matter will be put on the agenda for consideration at the first regularly scheduled council meeting following receipt of the finished appeal packet from the Borough Clerk's Office.

If you have any questions, please feel free to contact me.



# Fairbanks North Star Borough

Borough Clerk's Office

809 Pioneer Road \* PO Box 71267 \* Fairbanks, Alaska 99707-1267 \* (907)459-1401 FAX 459-1224

## MEMORANDUM

**TO:** Board of Adjustment Members

**FROM:** April Trickey, Deputy Borough Clerk  
For Nanci Ashford-Bingham, MMC  
Municipal Borough Clerk

**DATE:** December 27, 2013

**SUBJECT:** BOARD OF ADJUSTMENT APPEAL REGARDING V2014-003

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I would like to inform you that an appeal to the Board of Adjustment has been filed regarding the Planning Commission decision of December 10, 2013 denying V2014-003 request by Kal Kennedy.

V2014-003 – A request by Kal Kennedy for an additional lot size variance to the Multiple-Family Residential zone (MF) minimum lot size requirement of 90,000 square feet to allow for a 69,606 square foot lot on Lots 1A, 1B & 1C, Block 04 of Executive Park Subdivision. This variance is for the addition of 3 new dwelling units requiring 2,000 square feet of lot area for each unit for a total of 6,000 square feet of lot area. (Located at 1503 Washington Drive, east of Washington Drive and north Adams Drive.)

Per FNSB Code, the Fairbanks City Council shall be the board of adjustment for all decisions regarding land within the city of Fairbanks. The code also allows for the city council to delegate an appeal to a hearing officer if they so desire.

**Please be advised that ex parte contacts shall be prohibited.** Board members shall be impartial in all appeal matters, both in fact and in appearance. *No board member shall receive or otherwise engage in ex parte contacts with the appellant, other parties adversely affected by the appeal, or members of the public concerning the appeal.*

The meeting, in which the board deliberates and decides the appeal is open to the public, however, the board cannot hear arguments, take additional testimony or other evidence. Only the material contained in the appeal packet shall be considered.

As you are aware, the preparation process can be quite lengthy. I will continue to keep you updated on the status of the appeal. I've also attached a copy of FNSB Code 18.54.070 Appeals.

**Cc:** Rene Broker, Borough Attorney  
Janey Hovenden, City Clerk, City of Fairbanks for distribution to Board & City Attorney

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## 18.54.070 Appeals.



A. Initiation of [Appeal](#). Decisions may be appealed to the board of adjustment or a hearing officer by:

1. An applicant for a conditional [use](#) or [variance](#);
2. Any governmental agency or unit;
3. Any person aggrieved by a decision or determination made by the director of the department of community planning in the enforcement of this title, or by a decision of the planning commission concerning a request for conditional [use](#) or [variance](#). To be considered a "person aggrieved," the person must present proof of the adverse effect the decision has or could have on the [use](#), enjoyment, or value of his own property. The decision appealed from must personally affect a matter in which the person has a specific interest or property right in a way different from that of the general public. A request for [variance](#) from the terms of the land [use](#) regulations may be appealed when literal enforcement would deprive a property [owner](#) of rights commonly enjoyed by other properties in the district.

B. Appellees.

1. In the event a decision is appealed as provided in subsection (A) of this section, an appellee brief may be filed as provided in subsection (F)(2) of this section by:
  - a. The party in whose favor the lower administrative body's decision was rendered;
  - b. Any borough agency;
  - c. Any person who would be aggrieved if the decision of the lower administrative body were reversed.
2. Appellees who wish to be notified by the clerk's office of the date the record is available and of the date the appellant's brief is filed must file a notice of intent to file a brief with the clerk's office on a form prescribed by the borough clerk, within 20 days after the decision of the lower administrative body from which the [appeal](#) is taken.

C. Notice of [Appeal](#). An [appeal](#) must be perfected no later than 15 days after the decision of the administrative body from which the [appeal](#) is taken. The [appeal](#) is perfected by the filing of a notice of [appeal](#), [appeal](#) fee and cost bond in accordance with this subsection.

1. The notice of [appeal](#) must be filed with the borough clerk on a form prescribed by the borough clerk and must contain detailed and specific allegations of error.
2. The appellant shall pay a nonrefundable [appeal](#) fee of \$75.00. In addition, the appellant shall file a cost bond of \$200.00. Following completion of the record, the appellant shall pay the actual cost of the record. However, should the decision of the lower body be reversed in whole or in part, the cost bond shall be refunded in full.
3. An untimely notice of [appeal](#) or a notice of [appeal](#) which does not conform with the requirements of this subsection shall be denied. No further proceedings shall be made on a defective notice of [appeal](#) unless the defect is corrected within the period provided for an [appeal](#).

D. New Evidence – Changed Circumstances. [Appeals](#) alleging new evidence or changed circumstances shall not be heard by the board of adjustment or hearing officer but shall be remanded forthwith by the clerk to the lower administrative body, which shall determine whether to rehear the matter.

E. Preparation of Record.

1. Upon timely perfection of an [appeal](#), the borough clerk shall prepare an [appeal](#) record. The record shall contain:
  - a. A verbatim transcript of any proceedings before the administrative body from which the [appeal](#) has been taken

prepared in accordance with subsection (E)(2) of this section;

b. Copies of all documentary evidence, memoranda and exhibits, correspondence and other written material submitted to the administrative body prior to the decision from which the [appeal](#) is taken;

c. A copy of the written decision of the administrative body, including its findings and conclusions.

2. The appellant shall arrange for the preparation of the transcript by a [court](#) reporter and shall pay the cost of such preparation. The appellant shall file this transcript with the borough clerk. If the appellant fails to file the transcript within 30 days of the filing of the notice of [appeal](#), the [appeal](#) shall be automatically denied.

3. Upon completion of the record, the clerk shall notify the appellant by certified mail of the cost of its preparation. If the appellant fails to pay the costs within seven days of receiving the notice, the [appeal](#) shall be automatically denied. Upon timely payment of costs, the clerk shall, by certified mail, serve a copy of the record on the appellant. The clerk shall also notify by certified mail the appellees who have filed a notice of intent to file a brief that the record is available for pickup and the date the record was mailed to the appellant. Upon request, the clerk shall provide a copy of the record to an appellee or the public.

#### F. Written Argument.

1. Brief of the Appellant. The appellant may file a written brief of points and authorities in support of those allegations of error specified in the notice of [appeal](#) with the clerk's office not later than 15 days after mailing of the [appeal](#) record. The clerk shall deliver a copy of the appellant's brief to the borough staff assigned responsibility for the [appeal](#). The clerk shall also notify by certified mail those appellees who have filed a notice of intent to file a brief that the appellant's brief is available for pickup. Upon request, the clerk shall provide a copy of the appellant's brief to appellees.

2. Brief of Appellee. The borough staff shall prepare and submit to the clerk a written reply to the notice of [appeal](#) and any brief in support thereof no later than 30 days after mailing of the [appeal](#) record. An appellee who has filed a notice of intent to file brief may also file with the clerk's office a written reply to the notice of points on [appeal](#) and any brief in support thereof no later than 30 days after the mailing of the [appeal](#) record. The clerk shall notify the appellant by certified mail that appellee briefs have been filed.

3. Reply Brief. An appellant may file a written reply brief to the appellee briefs no later than 10 days after mailing of notice that the appellee briefs have been filed.

4. Form of Briefs. All briefs shall be typewritten on eight and one-half by 11-inch pages. The text of the brief shall be double-spaced other than quotations from the record, case law, or other applicable law or exhibits which cannot be retyped on eight and one-half by 11-inch pages. The brief of the appellant is limited to 25 pages exclusive of exhibits. The brief of appellee is limited to 25 pages exclusive of exhibits. The reply brief is limited to 10 pages exclusive of exhibits. The clerk shall not accept a brief unless it is in the form prescribed by this subsection.

5. Untimely Briefs. If a brief is not filed within the time prescribed by this section, the clerk shall notify the board of adjustment or hearing officer that the brief was filed late. The board or hearing officer shall determine whether to accept a late brief and whether to allow additional time for any qualified opposing party to file its brief.

G. Appeal Packet – Notice of Hearing. Following the time set for the receipt of written argument from the appellant, appellee and the borough staff, the clerk shall prepare and distribute to the board members or hearing officer an [appeal](#) packet containing only the notice of [appeal](#), the [appeal](#) record and any briefs filed in accordance with subsection (F) of this section. Following distribution of the packets, a date shall be set for consideration of the [appeal](#). Notice of consideration on the [appeal](#) shall be published in a newspaper of general circulation and shall be served by mail on the appellant and those appellees who have submitted briefs. [Appeal](#) packets shall be made available to the public upon demand.

H. Appeal Hearing. The meeting at which the board deliberates and decides an [appeal](#) shall be open to the public and a record of



the hearing shall be made. The board or hearing officer shall not hear arguments nor take additional testimony or other evidence. Only the material contained in the [appeal](#) packet shall be considered.

#### I. Scope of Administrative Review.

1. An [appeal](#) shall be heard solely on the basis of the record established before the lower administrative body, the notice of [appeal](#), appellant's argument and the reply thereto.
2. The board of adjustment or hearing officer may exercise its independent judgment on legal issues raised by the appellant. Legal issues as used in this subsection are those matters that relate to the interpretation or construction of ordinances or other provisions of law.
3. The board of adjustment or hearing officer shall, unless it substitutes its independent judgment pursuant to subsection (I)(4) of this section, defer to the judgment of the lower administrative body regarding disputed issues or findings of fact. Findings of fact adopted expressly or by necessary implication by the lower administrative body may be considered as true if they are supported in the record by substantial evidence. Substantial evidence for the purpose of this subsection means such relevant evidence as a reasonable mind might accept as [adequate](#) to support a conclusion. If the record affords a substantial basis of fact from which the fact in issue may be reasonably inferred, it shall be considered that the fact is supported by substantial evidence.
4. Notwithstanding the provisions of subsection (I)(3) of this section, the board of adjustment, by an affirmative vote of two-thirds of the fully constituted board, or the hearing officer, may substitute its independent judgment for that of the lower administrative body on any disputed issues or findings of fact. The judgment must be supported on the record by substantial evidence. For the purpose of this subsection, the fully constituted board of adjustment shall not include those members who do not participate in the [appeal](#).

#### J. Decision.

1. The board of adjustment or hearing officer may affirm or reverse the decision of the lower administrative body in whole or in part. It shall decide an [appeal](#) on the basis of the record on [appeal](#) and the briefs of the parties to the [appeal](#), in accordance with the standards of subsection (I) of this section. A majority vote of the fully constituted board is required to reverse or modify the decision appealed from. For the purpose of this subsection, the fully constituted board shall not include those members who do not participate in the [appeal](#). Where an [appeal](#) has been referred to a hearing officer, the hearing officer alone shall decide the [appeal](#). A decision reversing or modifying the decision appealed from shall be in a form which finally disposes of the case on [appeal](#) except where the case is remanded in accordance with subsection (K) of this section.
2. Every decision to affirm or reverse the decision of the lower administrative body shall be based upon findings and conclusions adopted by the board or hearing officer. Such findings must be reasonably specific so as to provide the community, and where appropriate, reviewing authorities, a clear and precise understanding of the reason for the decision. The board may seek the assistance of the borough attorney in the preparation of findings.

#### K. Remedies.

1. Where the board of adjustment or hearing officer reverses or modifies a decision of the lower administrative body in whole or in part, its decision shall finally dispose of the matter on [appeal](#), except that the case shall be remanded to the lower body where it determines either:
  - a. That there is insufficient evidence in the record on an issue material to the decision of the case; or
  - b. That there has been a substantial procedural error which requires further public hearing.
2. A decision remanding a case shall describe any issue upon which further evidence should be taken, and shall set forth any further directions the board or hearing officer deems appropriate for the guidance of the lower administrative body.

3. The lower administrative body shall act on the case upon remand in accordance with the decision of the board of adjustment or hearing officer in the minimum time allowed by the circumstances.

L. Special Rules of Procedure Applicable to [Appeal](#) Hearings Before the Board of Adjustment or Hearing Officer.

1. Ex Parte Contacts Prohibited. Board members and the hearing officer shall be impartial in all [appeal](#) matters, both in fact and in appearance. No board member or hearing officer shall receive or otherwise engage in ex parte contacts with the appellant, other parties adversely affected by the [appeal](#), or members of the public concerning the [appeal](#) or issues specifically presented in the notice of [appeal](#) either before the [appeal](#) hearing or during any period of time the matter is subject to reconsideration.

2. Decisions of the board of adjustment or hearing officer may be brought up for reconsideration or rehearing only if:

- a. There was substantial procedural error in the original proceeding; or
- b. The board or hearing officer acted without jurisdiction in the original proceeding; or
- c. The original decision was based upon fraud or misrepresentation.

The appellant or appellee may seek reconsideration or a rehearing by filing a request with the borough clerk, together with materials supporting one or more of the grounds stated above, within 15 days of the original decision. The board, by majority vote, or hearing officer may schedule a rehearing only if it finds the allegations to be correct. A rehearing shall be conducted in the same manner as original proceedings.

M. Judicial Review. Either the appellant or appellee may [appeal](#) the decision of the board of adjustment or hearing officer to the superior [court](#). [Appeals](#) shall be made in accordance with the Alaska Rules of Civil Procedure. (Ord. 94-003 § 2, 1994)


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# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

---

Date: January 8, 2014  
To: Mayor John Eberhart  
City Council Members  
From: Janey Hovenden, CMC, City Clerk   
Re: Denial of Application for City of Fairbanks Chauffeur License  
– Carey C. Noble

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Attached is a copy of **Mr. Carey Noble's** application for a City of Fairbanks Chauffeur License. The City Clerk has denied this request for license pursuant to FGC Section 86-77(6)(c) (attached). Please refer to page two of his application for licensure where Mr. Noble responded affirmatively to having had a conviction of "any crime which includes as an element of the offense, the use or threat of force upon a person." Please also see the attached report generated by criminalbackgroundrecords.com which indicates that on March 24, 2011, Mr. Noble was convicted of Resisting/Interfering with Arrest by Force – Class A Misdemeanor.

This conviction is the only offense that precludes Mr. Noble from being issued a chauffeur license within the look-back period. Mr. Noble had criminal convictions and other offenses prior to 2005 but only minor offenses (moving violations) since that time with the exception of the criminal offense listed above.

Mr. Noble was informed of the option to appeal the decision of the City Clerk to the City Council, and requested to be placed on this agenda for your consideration.

If you have any questions, please call me at 459-6774

Attachments: Chauffeur Application Packet  
FGC Section 86-77(6)(c)

Visit us on the web at [www.fairbanksalaska.us](http://www.fairbanksalaska.us)

PART II - CODE OF ORDINANCES  
Chapter 86 - VEHICLES FOR HIRE  
ARTICLE II. - COMMERCIAL TRANSPORT VEHICLE

DIVISION 3. DRIVERS

**Sec. 86-77. Application for chauffeur's license.**

- (a) All applications for issuance or renewal of a chauffeur's license shall be made upon forms provided for this purpose by the city clerk, and the applications shall be submitted to the city clerk for review. The requirements to be fulfilled prior to issuance of a chauffeur's license shall be as follows:
- (1) The applicant must be 21 years of age or older and furnish proof if requested.
  - (2) The applicant must be able to read, write and speak the English language.
  - (3) The applicant must be in possession of a current Alaska State Driver's License.
  - (4) The applicant must not have had a conviction within 24 months of:
    - a. A moving traffic violation which results in suspension or revocation of the applicant's driver's license pursuant to AS 28.15.221 through 28.15.261;
    - b. Reckless or negligent driving;
    - c. Driving while license is limited, suspended or revoked;
  - (5) The applicant must not have had his driver's license suspended or revoked within two years prior to the application date.
  - (6) Except as otherwise provided in this subsection, the applicant must not have had a felony conviction within eight years or a misdemeanor conviction within four years of:
    - a. Prostitution or promotion of prostitution;
    - b. Any offense under AS Title 11, Chapter 71 Controlled Substances.
    - c. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
    - d. Burglary, felony larceny, fraud or embezzlement;
    - e. Any sexual offense;
    - f. Any homicide or assault involving operation of a motor vehicle;
    - g. Two separate felony convictions of any type;
    - h. Operation or driving a vehicle while intoxicated within five years or within eight years for a felony conviction;
    - i. Refusal to submit to a chemical test as defined in AS 28.35.032 within five years or within eight years for a felony conviction.
  - (7) The applicant must not be addicted to the use of intoxicants or narcotics.
  - (8) The applicant must be of good moral character and repute.
  - (9) The applicant must not be a sex offender or kidnapper subject to the registration requirements of AS Title 12, Chapter 63.
- (b) The city clerk's office shall procure an online criminal history report for each applicant, the cost of which will be included in the chauffeur license application fee in the city schedule of fees and charges for services.



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

## REQUEST FOR APPEAL FORM

**RECEIVED**  
JAN 07 2014  
CITY CLERKS OFFICE

**DATE:** JANUARY 7, 2014

**TO:** Janey Hovenden, City Clerk

**FROM:** CAREY C. NOBLE  
(Please Print)

**RE:** Request for Appeal Hearing (Chauffeur's License)

Please consider this document a request for an APPEAL HEARING before the Fairbanks City Council in regards to the denial of my Chauffeur's License Application. I understand that the City Council will not consider an appeal if the reason for the denial is a conviction for a sexual offense, for a felony drug offense, for driving while intoxicated, for refusal within the time indicated in Sec. 86-77, or if the applicant has more than one conviction for offenses listed in Sec. 86-77(6)(a)-(g) within the time indicated.

I can be present at the City Council Meeting scheduled for:

Monday, JANUARY 20, 2014 at 7:00 P.M.

(Meetings are held in the Council Chambers located at 800 Cushman Street, 2<sup>nd</sup> Floor)

By signing below, I understand that the information and supporting documentation contained in my Chauffeur's License Application will be copied and provided to the Fairbanks City Council. I understand that there will be a public hearing, on the above date, at which time the Council will discuss my appeal. I understand that the public hearing may be reproduced electronically, digitally, and/or transmitted over the air waves. I understand that I have no right to expect privacy of the records or information contained in my application, or of any discussions that may occur during the public hearing.

  
Acknowledgement by Applicant

**Official Use Only:** Clerk's Initials: AS

Date Received: 01/07/2014

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# CITY OF FAIRBANKS

**RECEIVED**  
JAN 07 2014

CITY CLERKS OFFICE

## CHAUFFEUR LICENSE APPLICATION

Office of the City Clerk, 800 Cushman Street  
Fairbanks, AK 99701, (907) 459-6702

TYPE OF LICENSE: NEW  RENEWAL  FEES DUE/COLLECTED: \$75<sup>00</sup>

Name: <u>Carey Charles Noble</u>		Other Name(s) Used:	Year of Name Change:
Physical Address:		Home Phone:	
City, State, Zip:		Work/Cell Phone:	
Mailing Address:		AK Driver's License No:	
City, State, Zip:		E-mail Address:	
Date of Birth:	SSN:	Place of Birth:	

**Application Requirements**

**\$75.00 Non-Refundable Application Fee for New Applications and Renewals**  
**\$100.00 Biennial License Fee for New Applications and Renewals**  
**Complete Application, Including Authorization to Obtain Criminal History Record**  
**Copy of Current State of Alaska Driver's License**

**Length of Residency**

Length of Alaska Residency in Consecutive Years 34    Length of FNSB Residency in Consecutive Years 34

**Previous Address(es)**

Previous City and State of residence, other than Fairbanks, for the past 8 years:

\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

**Employment**

Cab Company Applying for or Employed By: Eco Taxi

Address: \_\_\_\_\_

Date Employment Began or Will Begin: 01/10/14    Phone: 907-457-1111

Previous Chauffeur License Held (City & State): Fbks AK 99701

<b>Record of Conviction(s)</b>									
<b>PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:</b>									
<p>Within the past <b>24 months</b>, have you had a conviction for any of the following:</p> <ul style="list-style-type: none"> <li>• A moving violation which resulted in the suspension or revocation of your driver's license pursuant to AS 28.15.221 - AS 28.15.261?</li> <li>• Reckless or negligent driving?</li> <li>• Driving while license is limited, suspended, or revoked?</li> </ul>	<p>YES or NO</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td style="text-align: center;">NO</td></tr> <tr><td style="text-align: center;">NO</td></tr> <tr><td style="text-align: center;">NO</td></tr> </table>	NO	NO	NO					
NO									
NO									
NO									
<p>Within the past <b>5 years</b> (or within the past 8 years if a felony conviction) have you received a conviction for either of the following:</p> <ul style="list-style-type: none"> <li>• Operating or driving a vehicle while intoxicated?</li> <li>• Refusing to submit to a chemical test as defined in AS 28.35.032?</li> </ul>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td style="text-align: center;">NO</td></tr> <tr><td style="text-align: center;">NO</td></tr> </table>	NO	NO						
NO									
NO									
<p>Within the past <b>8 years</b> have you had a felony or within <b>4 years</b> a misdemeanor conviction for any of the following:</p> <ul style="list-style-type: none"> <li>• Prostitution or promotion of prostitution?</li> <li>• Any offense under AS Title 11, Chapter 71, Controlled Substances?</li> <li>• Any crime which includes as an element of the offense, the use or threat of force upon a person?</li> <li>• Burglary, felony larceny (felony theft), fraud, or embezzlement?</li> <li>• Any sexual offense?</li> <li>• Any homicide or assault involving operation of a motor vehicle?</li> <li>• Two separate felony convictions of any type?</li> </ul>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td style="text-align: center;">NO</td></tr> <tr><td style="text-align: center;">NO</td></tr> <tr><td style="text-align: center;">Yes <del>NO</del></td></tr> <tr><td style="text-align: center;">NO</td></tr> <tr><td style="text-align: center;">NO</td></tr> <tr><td style="text-align: center;">NO</td></tr> <tr><td style="text-align: center;">NO</td></tr> <tr><td style="text-align: center;">NO</td></tr> </table>	NO	NO	Yes <del>NO</del>	NO	NO	NO	NO	NO
NO									
NO									
Yes <del>NO</del>									
NO									
NO									
NO									
NO									
NO									
<p>Are you subject to the registration requirements of AS 12.63 (sex offender or kidnapper)?</p>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td style="text-align: center;">NO</td></tr> </table>	NO							
NO									
<p><small>An Answer of YES to any of the above questions regarding your criminal history and/or driving record is grounds for denial of a Chauffeur License. Please explain on a separate sheet of paper any convictions that meet the look-back criteria as noted above; including charges, places, dates, and sentences imposed. An Applicant may have the right to appeal a denial by the City Clerk after submission of a completed application and payment of the application fee. An Appeal Form can be obtained at the City Clerk's Office. See FGC Section 86-95 to determine if you are eligible for an appeal.</small></p>									
<b>Citizenship Status</b>									
<p>Are you a natural born or fully naturalized citizen of the United States? <u>Yes</u></p>									
<p>If not, where did you obtain a permit or visa? _____</p>									
<p>Date of entry into the United States: _____ Alien Registration No. _____</p>									

The Fairbanks General Code is attached to this application for your convenience; it is provided as a courtesy, but is the responsibility of the Applicant to understand the requirements and to be compliant. The Applicant, through signing of the above Oath, acknowledges having read the Code and certifies that he/she understands it. If the Applicant has any questions regarding those responsibilities, the questions should be asked prior to issuance of a license.

**Please make all necessary copies for your records before submission of your application to the Clerk's Office.** There will be a per page charge for any copying requested in accordance with FGC Sec. 2-775. Thank you in advance for your cooperation.

The City Clerk's Office may require 24 hours to process applications and does not accept licensing applications after 4:00 PM. Hours of operation are Monday through Friday, 8:00 AM to 5:00 PM. The City of Fairbanks observes national and state holidays.

### Applicant's Statement for Chauffeur License and Authorization Statement for Criminal History Record Check

I, Carey Charles Noble, being first duly sworn, depose and state that I am the individual making application for license and that the answers to the foregoing questions and other statements contained herein are true and complete to the best of my knowledge and belief. I understand that any materially false statement on this application may be subject to revocation or denial of a license.

I certify that I am at least 21 years of age or older, that I can read, write, and speak the English language, that I am not addicted to the use of intoxicants or narcotics, that I am of good moral character and repute, that I have been a resident within the Fairbanks area for a minimum of 30 days immediately prior to this application, that I am not subject to the registration requirements of AS 12.63 (sex offender or kidnapper), that I have read and understand Fairbanks General Code Sections 86-76 thru 86-96, and that I understand the requirements for licensure.

Further, I hereby authorize the City of Fairbanks to obtain information pertaining to any charges and/or convictions I may have had for violation of municipal, county, state or federal laws. This information will include, but not be limited to, allegations regarding, and convictions for, crimes committed upon minors. I understand that this information will be gathered from any law enforcement agency of this state or any state or federal government, or from third-party providers of information originally obtained from law enforcement or court records.

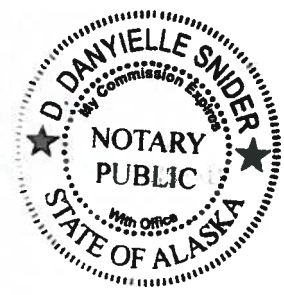
As an applicant for a chauffeur license, I hereby attest to the truthfulness of the representations I have made. Except as I have disclosed, I have not been found guilty of, or entered a plea of nolo contendere or guilty to any offense.

I understand that I must be truthful and, if any statement I have made is found to be false, I will be denied the license for which I am making application.

Charles Noble      Charles Noble      01/07/14  
Signature of Applicant      Date

Sworn to before me this 7<sup>th</sup> day of January, 2014 <sup>(23)</sup>

D. Danielle Snider  
Notary Public for the State of Alaska  
My Commission Expires: w/office



Administrative Use Only	
Approved By:	Date:
Denied By: <u>D. Danielle Snider</u>	Date: <u>01/07/2014</u>
Reason for Denial: <u>GUILTY ON 03/24/2011 - CLASS A MISDEMEANOR FOR RESISTING/INTERFERING WITH ARREST - BY FORCE</u>	

For additional information and/or forms, please visit the City of Fairbanks web site at:  
[www.fairbanks.ak.us](http://www.fairbanks.ak.us)





CRIMINALBACKGROUNDRECORDS.COM  
An Information Enterprises™ Solution

<b>PERSON INVESTIGATED</b>	
<b>Name:</b> CAREY C NOBLE	<b>Order Number:</b> 439843
<b>Date of Birth:</b>	<b>Order Date:</b> 1/7/2014
<b>SS#:</b>	<b>Member:</b> 518213
Please verify that the following record(s) are indeed the person you are investigating. If the record(s) below do not match the subject you are investigating, then there is No Records Found based on the search criteria you submitted.	
<b>Record Details</b>	
<b>Alaska Criminal</b>	
<b>Identity</b>	
<b>Name:</b> CAREY C NOBLE	
<b>Offender Record ID:</b> 4FA-1100592CR	
<b>Age:</b> 34	
<b>Eye color:</b>	
<b>Hair Color:</b>	
<b>Height:</b>	
<b>Weight:</b>	
<b>Race:</b>	
<b>Remarks:</b> DFNDT	
<b>Parties</b>	
<b>Judicial Official</b>	
<b>Cases</b>	
<b>Case Number:</b> 4FA-1100592CR	
<b>Appealed From Lower Court:</b> No	
<b>Filing Date:</b> 2011-02-20	
<b>Type:</b> CRIMINAL	
<b>Offenses</b>	
<b>Description:</b> AS11.56.700(A)(1): RESIST/INTERFERE ARREST-BY FORCE	
<b>Type:</b>	
<b>Date Committed:</b>	
<b>Date Ended:</b>	
<b>Disposition:</b> Description: G Date: 2011-03-24	
<b>Description:</b> AS11.61.110(A)(5): DISORD CONDUCT-CHALLENGE TO FIGHT	
<b>Type:</b>	
<b>Date Committed:</b>	
<b>Date Ended:</b>	
<b>Disposition:</b> Description: G Date: 2011-03-24	
<b>Description:</b> AS11.41.230(A)(1): ASSAULT IN THE 4TH DEGREE - RECKLESSLY INJURE	
<b>Type:</b>	
<b>Date Committed:</b>	
<b>Date Ended:</b>	
<b>Disposition:</b> Description: DPA Date: 2011-03-24	
<b>Charges</b>	
<b>Number:</b> AS1156700A1	
<b>Description:</b> AS11.56.700(A)(1): RESIST/INTERFERE ARREST-BY FORCE	
<b>Number:</b> AS1161110A5	
<b>Description:</b> AS11.61.110(A)(5): DISORD CONDUCT-CHALLENGE TO FIGHT	
<b>Number:</b> AS1141230A1	

**4FA-11-00592CR**

Case Type: Crim Dist Ct Misd (4FA)  
 Case Status: Closed  
 File Date: 02/20/2011  
 Case Judge: Kauvar, Jane F  
 Next Event:

All Information

**Party Information**

Noble, Carey C - Defendant

DOB 03/18/1979 Alias

Attorney/Bar Code Public Defender Agency (4FA) (PD4FA)	Phone Number (907)458-6800
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State of Alaska - Prosecution

DOB Alias

Attorney/Bar Code District Attorney (4FA) (DA4FA)	Phone Number (907)451-5996
--	-------------------------------

**Party Charge Information**

Party Name Noble, Carey C - Defendant

Charge # 1 : AS1156700a1 Class A Misdemeanor AS11.56.700(a)(1): Resist/Interfere Arrest-By Force

Original Charge AS1156700a1 AS11.56.700(a)(1): Resist/Interfere Arrest-By Force Class A Misdemeanor	ATN # 112593636
Indicted Charge Amended Charge None	Tracking # 001Place of Offense
Modifiers None	Date of Offense 02/19/2011
DV Related? 02/20/2011	

**Party Charge Disposition**

Disposition Date 03/24/2011	Disposition Guilty Conviction After Guilty Plea
--------------------------------	--

[Sentencing Information](#)

Party Name Noble, Carey C - Defendant

Charge # 2 : AS1141230A1 Class A Misdemeanor AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure

Original Charge AS1141230A1 AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure Class A Misdemeanor	ATN # 112593636
Indicted Charge Amended Charge None	Tracking # 002Place of Offense
Modifiers None	Date of Offense 02/19/2011
DV Related? 02/20/2011	

**Party Charge Disposition**

Disposition Date 03/24/2011	Disposition Dismissed by Prosecution (CrR43(a))
--------------------------------	--

[Sentencing Information](#)

Party Name Noble, Carey C - Defendant

Charge # 3 : AS1161110a5 Class B Misdemeanor AS11.61.110(a)(5): Disord Conduct-Challenge To Fight

Original Charge AS1161110a5 AS11.61.110(a)(5): Disord Conduct-Challenge To Fight Class B Misdemeanor	ATN # 112593636
Indicted Charge Amended Charge None	Tracking # 003Place of Offense
Modifiers None	Date of Offense 02/19/2011
DV Related? 02/20/2011	

**Party Charge Disposition**

Disposition Date 03/24/2011	Disposition Guilty Conviction After Guilty Plea
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[Sentencing Information](#)

**Events**

Date/Time	Location	Type	Result	Event Judge
02/20/2011 01:30 PM	Courtroom 102, Fairbanks Courthouse	Arraignment	Hearing Held	4FA Weekend/Holiday Judge
03/11/2011 01:30 PM	Courtroom 203, Fairbanks Courthouse	Bail Hearing	Hearing Held	Kauvar, Jane F
03/24/2011 03:00 PM	Courtroom 203, Fairbanks Courthouse	Change of Plea	Hearing Held	Kauvar, Jane F
03/25/2011 02:30 PM	Courtroom 203, Fairbanks Courthouse	Change of Plea	Hearing Reset	Kauvar, Jane F
04/11/2011 08:15 AM	Courtroom 201, Fairbanks Courthouse	Calendar Call	Hearing Vacated	Funk, Raymond

**Docket Information**

Date	Description	Docket Text	Amount
02/20/2011	Charging Document Pending	Charging Document Pending	
02/20/2011	Charge Filed	Charge Filed Charge #1: AS1156.700(a)(1): Resist/Interfere Arrest-By Force	
02/20/2011	Charge Filed	Charge Filed Charge #2: AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure	
02/20/2011	Charge Filed	Charge Filed Charge #3: AS11.61.110(a)(5): Disord Conduct-Challenge To Fight	
02/20/2011	Temporary Order	Temporary Order	
02/20/2011	Pretrial Order	Pretrial Order	
02/23/2011	Attorney Information	Attorney Information court appointed counsel Attorney Public Defender Agency representing Defendant Noble, Carey C as of 02/23/2011 Carey C Noble (Defendant);	
03/09/2011	Application for First Bail Review Hearing	Application for First Bail Review Hearing Attorney: Public Defender Agency (PD4FA)	
03/22/2011	Request for Hearing	Request for Hearing Attorney: Public Defender Agency (4FA) (PD4FA)	
03/24/2011	Temporary Order	Temporary Order	
03/24/2011	Case Closed	Case Closed  Case disposed with disposition of Guilty Plea After Arraignment.	
03/24/2011	Charge Disposition: Defendant Convicted on Charge	Charge Disposition: Defendant Convicted on Charge  Charge(s) 1, 3 disposed with a disposition of Charge Disposition: Defendant Convicted on Charge  Charge #1: AS11.56.700(a)(1): Resist/Interfere Arrest-By Force	
03/24/2011	Charge Dismissed by Prosecutor	Charge Dismissed by Prosecutor  Charge(s) 2 disposed with a disposition of Charge Dismissed by Prosecutor  Charge #2: AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure	
03/24/2011	Sentencing Info:	Sentencing Info: Judge Kauvar Sentence: Fine: , Susp: Costs: , Susp: , Incl: N Jail Start: , days: 110, Jail End: susp days: 100, susp time: Points: , Lic susp: , Dr Ed: N Susp start: , days: , Susp end: Clearance Date: Mod: , narr: , Lic flag: Dr sch: N, DUI sch: N, Rest: Prob type: Unsupervised Probation, start: 03/24/2011, days: 730, End:  Charge #1: AS11.56.700(a)(1): Resist/Interfere Arrest-By Force	
03/24/2011	Sentencing Info:	Sentencing Info: Judge Kauvar Sentence: Fine: , Susp: Costs: , Susp: , Incl: N Jail Start: , days: 10, Jail End: susp days: , susp time: Points: , Lic susp: , Dr Ed: N Susp start: , days: , Susp end: Clearance Date: Mod: , narr: , Lic flag: Dr sch: N, DUI sch: N, Rest: Consecutive to CTN 001. Prob type: Unsupervised Probation, start: 03/24/2011, days: 730, End:  Charge #3: AS11.61.110(a)(5): Disord Conduct-Challenge To Fight	
03/24/2011	Police Training Surcharge	Police Training Surcharge Charge #1: AS11.56.700(a)(1): Resist/Interfere Arrest-By Force	\$0.00
03/24/2011	Initial State Jail Surcharge	Initial Jail Surcharge	\$0.00
03/24/2011	Suspended State Jail Surcharge	\$100 Suspended Jail Surcharge. Court will order defendant to pay the suspended \$100 surcharge if probation is revoked and, in connection with the revocation, defendant is arrested and taken to a correctional facility or jail time is ordered served. AS 12.55.041 (c).	

Financial Summary

Cost Type	Amount Owed	Amount Paid	Amount Adjusted	Amount Outstanding
Jail Surcharge	\$50.00	\$0.00	\$50.00	\$0.00
Surcharge	\$50.00	\$0.00	\$50.00	\$0.00
	<b>\$100.00</b>	<b>\$0.00</b>	<b>\$100.00</b>	<b>\$0.00</b>

**Docket Information**

Date	Description	Owed	Adjusted	Paid	Due	Due Date
03/24/2011	Police Training Surcharge	\$50.00	\$50.00	\$0.00	\$0.00	04/03/2011
03/24/2011	Initial State Jail Surcharge	\$50.00	\$50.00	\$0.00	\$0.00	03/24/2011
		<b>\$100.00</b>	<b>\$100.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	

**RESOLUTION NO. 4606**

**A RESOLUTION ADDING A CAPITAL REQUEST PROJECT TO THE  
CITY'S PRIORITIES FOR THE STATE 2014-15 FISCAL YEAR**

**WHEREAS**, the City's focus is on public safety, and an emergency service patrol is an essential component in providing safe transportation services to incapacitated persons and/or chronic inebriates; and

**WHEREAS**, the services provided by the emergency service patrol frees police officer resources and increases the City's ability to be responsive to public safety issues; and

**WHEREAS**, the City has identified, as an additional priority, the need to expand the emergency service patrol service beyond the City core area to include areas noted as being high response zones, and the public had the opportunity to speak to this Resolution at the January 20, 2014, City Council meeting,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAIRBANKS  
RESOLVES AS FOLLOWS:**

The legislative priorities of the City of Fairbanks are stated on the below list, in order of priority, with the following additional legislative capital request:

Emergency Service Patrol Funding \$150,000

Projects previously voted on and approved by City Council under Resolution No. 4597, As Amended, are also on the below list. The emergency service patrol funding request is hereby ranked as Number \_\_\_\_ on the priority list.

\_\_\_\_ Emergency Service Patrol Funding \$150,000

- \_\_\_\_ (1) Ambulance Replacement to Include Cardiac Emergency Equipment Upgrades \$269,000
- \_\_\_\_ (2) Microwave Communications: Police-Fire-Public Works Departments \$195,000
- \_\_\_\_ (3) Heavy Duty Dump Trucks \$275,000
- \_\_\_\_ (4) Voice Over Internet Protocol (VoIP) \$600,000
- \_\_\_\_ (5) Continuity of Operations (COOP): Data Back-Up and Server Room \$1,400,000
- \_\_\_\_ (6) Rickert Subdivision Street Reconstruction \$3,570,750
- \_\_\_\_ (7) Downtown Parking Garage Repairs \$675,900

Project requests total: \$7,135,650

**PASSED and APPROVED this 20th day of January 2014.**

---

John Eberhart Mayor  
City of Fairbanks

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

---

Janey Hovenden, CMC  
City Clerk

---

Paul Ewers  
City Attorney

Introduced By: Mayor John Eberhart  
Introduced: January 20, 2014

**RESOLUTION NO. 4607**

**A RESOLUTION ACCEPTING AGREEMENTS FOR MUTUAL AID IN  
FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES**

**WHEREAS**, the City of Fairbanks wishes to continue participating in agreements for mutual aid in fire protection and other emergencies; and

**WHEREAS**, local fire and EMS agencies have developed an agreement for mutual aid in fire protection and EMS through the Fairbanks North Star Borough,

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

1. That the Mayor is given authority to sign the attached “MUTUAL AID AGREEMENT FOR FIRE PROTECTION SERVICES” and “EMERGENCY MEDICAL SERVICES MUTUAL AID AGREEMENT BETWEEN THE FAIRBANKS NORTH STAR BOROUGH AND ITS EMS CONTRACTORS AND ADJACENT ENTITIES PROVIDING LIKE SERVICES”; and

2. That the Mayor is given authority to sign any and all revised extensions of these agreements that may contain minor changes; and

3. That any major modifications to these agreements will be brought back to the Council for approval.

**Passed and Approved and Effective this 20th Day of January 2013.**

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

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

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

# **EMERGENCY MEDICAL SERVICES MUTUAL AID AGREEMENT BETWEEN THE FAIRBANKS NORTH STAR BOROUGH AND ITS EMS CONTRACTORS, AND ADJACENT ENTITIES PROVIDING LIKE SERVICES**

THIS AGREEMENT is made and entered into effect, by the Fairbanks North Star Borough (FNSB) and its EMS contractors (Chena - Goldstream Fire and Rescue, Ester Volunteer Fire Department, North Star Volunteer Fire Department, Salcha Fire and Rescue, Steese Volunteer Fire Department, University Fire Department), and the City of Fairbanks, the City of North Pole, the City of Nenana, Fairbanks International Airport, US Army-Fort Wainwright Post, and US Air Force-Eielson AFB (referred to hereafter as “the adjacent entities”) who have duly executed this Agreement.

NOW THEREFORE,

WHEREAS, the Fairbanks North Star Borough and its contractors, and the adjacent entities recognize the necessity to cooperate and work together to provide for emergency medical service mutual aid and contingency assistance; and

WHEREAS, all parties further recognize the need to provide for a legal means to go to the aid of another emergency medical service within or outside its service area, and to receive aid from another emergency medical service within or outside of its service area, during multiple casualty incidents or other situations as defined in this agreement; and

WHEREAS, pursuant to 7 AAC 26.285, a state-certified emergency medical service may enter into a mutual aid agreement with another state-certified emergency medical service by written agreement of the officers in charge of the services, and the Fairbanks North Star Borough Assembly authorized an emergency medical service mutual aid agreement through the passage of Resolution No. 2010-11 .

WHEREAS, the City of Fairbanks, the City of North Pole, and the City of Nenana have authorized an emergency service mutual aid agreement through the passage of resolutions or ordinances by their respective governing body.

**IT IS HEREBY AGREED AS FOLLOWS:**

## **SECTION 1. Definitions:**

As used herein:

- a. “Requesting Entity,” shall mean the Entity requesting aid, and
- b. “Responding Entity,” shall mean the Entity affording or responding to a call for aid.

## **SECTION 2. Mutual Aid and Contingency Agreement**

a. The FNSB, its contractors, and the adjacent entities mutually agree to provide emergency medical service (EMS) mutual aid and contingency service (move-ups) to each other when requested as personnel and equipment will allow. Each entity that is a party to this agreement agrees to maintain its state certification to provide EMS services.



b. Each entity represents that it owns and maintains the equipment and retains the personnel sufficient to provide services to its primary response area, and this Agreement is intended to provide for unexpected and emergency needs only.

### **SECTION 3. Authority to Request to Provide Assistance**

a. The authority to make requests for assistance or to provide aid under this agreement shall reside with the requesting entity's command personnel or the command personnel's designee. For purposes of this agreement, the "requesting entity" shall mean the incident commander or the incident commander's designee asking for assistance and the "responding entity" shall mean an officer/supervisor or designee sending assistance. Any entity shall have the right to request assistance from the other entities subject to the terms and conditions of this Agreement.

b. The Emergency Communications Center will dispatch mutual aid entities as requested by command personnel when necessary. All parties are empowered to set up automatic aid protocols in the Emergency Communications Center as needed.

### **SECTION 4. Requesting Assistance**

An entity may request assistance from any other entity if confronted with an emergency situation at which the requesting entity has need for equipment or personnel in excess of that available at the requesting entity's facilities. It is further understood that this aid is mutual and that the requesting entity is initiating a response to the incident unless extenuating circumstances preclude such a response.

### **SECTION 5. Responses to Request**

a. Upon request, a responding entity, upon determination that an emergency exists and subject to the availability of personnel and equipment resources, shall dispatch EMS personnel and equipment to aid the requesting entity.

b. Upon receipt of a request as provided for in Section 4 of this Agreement, the Commanding Officer of the entity receiving the request (also known as the responding entity) shall immediately take the following action:

- (1) Determine if the responding entity has equipment and personnel available to respond to the request of the requesting entity and determine the type of the equipment and number of personnel available.
- (2) Determine what available equipment and what available personnel should be dispatched in accordance with the plans and procedures established by the parties.
- (3) In the event the requested equipment and personnel are available, then the Commanding Officer shall dispatch such equipment and personnel to the scene of the emergency with proper operating instructions.
- (4) In the event the requested equipment or personnel are not available, then the Commanding Officer shall immediately advise the requesting entity of such fact.

## **SECTION 6. Personnel and Equipment Provided**

a. The requesting entity shall include in its request for assistance the amount and type of equipment, and shall specify the location where the personnel and equipment are needed.

b. The final decision on the amount and type of equipment to be sent shall be solely that of the responding entity.

c. No entity shall make any claim whatsoever against another entity for refusal to send the requested personnel or equipment where such refusal is based on the judgment of the responding entity that such personnel and equipment are either not available or are needed to provide service in the entity's response area.

## **SECTION 7. Command and Control at the Emergency Scene**

a. All entities have established NIMS Incident Command System (ICS) standard operating procedures or similar, and will implement them on all incidents involving mutual aid or contingency responses.

b. The responding entity's personnel and equipment shall report to the incident commander or other appropriate officer of the requesting entity. The person in charge of the responding entity shall meet with the incident commander or appropriate officer of the requesting entity for a briefing and assignment.

c. The person in charge of the responding entity shall retain control of the responding entity's personnel and equipment resources and shall direct them to meet the needs and tasks assigned by the incident commander or officer.

d. The responding entity's personnel and equipment shall be released by the requesting entity when the services of the responding entity are no longer required or when the responding entity's resources are needed in their primary response area. Responding entity personnel and equipment may withdraw from the EMS scene upon giving notice to the incident commander or appropriate officer that they are needed in the entity's primary response area.

e. It is understood that the purpose of this section is to maintain order at the emergency scene and shall not be construed to establish an employer/employee relationship.

## **SECTION 8. Reporting and Record keeping**

All entities shall maintain records regarding the frequency of the use of this agreement and shall share said records upon request with the other parties to this agreement. Each entity shall maintain individual patient care reports for all responses when generated.

## **SECTION 9. No Reimbursement for Costs**

No entity shall be required to reimburse any other entity for the cost of providing the services set forth in this Agreement for mutual aid services. Each entity shall pay its own costs (e.g. salaries, repairs, materials, compensation, insurance, etc.) for responding to requests for mutual aid or contingency response.

## **SECTION 10. Fees for Ambulance Service**

Entities providing ambulance transport or other services normally billed for will be entitled to their normal fees for service and are responsible for their own billing, insurance filing and collection activity.

## **SECTION 11. Liability**

a. Each responding entity hereby waives all claims against each requesting entity for compensation for any property loss or damage and/or personal injury or death occurring as a consequence of the performance of this agreement.

b. A responding entity assumes all liability and/or cost of damage to its equipment and the injury or death of its personnel when responding or performing under this agreement.

## **SECTION 12. Insurance**

Each entity shall procure and maintain such insurance as required by applicable federal and state law and as may be appropriate and reasonable to cover its staff, equipment, vehicles, and property, including but not limited to liability insurance, workers' compensation, unemployment insurance, automobile liability, and property damage. Entities may self-insure when appropriate.

## **SECTION 13. Conflict Resolution**

From time to time, personnel from one entity or another may have some concerns or questions regarding this agreement or the working relationship of the parties. Should any such issues arise, they should be first dealt with by the entity's chain of command to provide answers or resolution.

## **SECTION 14. Term of Agreement**

This agreement shall be in full force and effect upon execution by all entities hereto. This agreement shall remain indefinitely, provided, however, that any entity may terminate its participation in this agreement, at any time and for any reason, by giving thirty days written notice to all parties to this agreement. The agreement will remain in full force with the remaining agencies. The agreement may be amended by agreement of all of the entities if needed.

**SECTION 15. Counterparts**

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

Fairbanks North Star Borough (FNSB):	_____	Date: _____
	Mayor	
Chena Goldstream Fire&Rescue:	_____	Date: _____
	President	
Ester Vol. Fire Department:	_____	Date: _____
	President	
North Star Vol. Fire Department:	_____	Date: _____
	President	
Salcha Fire & Rescue:	_____	Date: _____
	President	
Steese Area Vol. Fire Dept.:	_____	Date: _____
	President	
University of Alaska Fairbanks:	_____	Date: _____
	Vice Chancellor	
Fairbanks International Airport	_____	Date: _____
	Airport Manager or delegate	
US Army-Fort Wainwright	_____	Date: _____
	Post Commander or delegate	
USAF-Eielson AFB	_____	Date: _____
	Base Commander or delegate	
City of Fairbanks:	_____	Date: _____
	Mayor	
City of North Pole:	_____	Date: _____
	Mayor	
City of Nenana:	_____	Date: _____
	Mayor	

# MUTUAL AID AGREEMENT FOR FIRE PROTECTION SERVICES

THIS AGREEMENT is made by and between the City of Fairbanks, City of North Pole, Fort Wainwright, Eielson Air Force Base (acting pursuant to the authority of 42 U.S.C. 1856a), Fairbanks International Airport, the Fairbanks North Star Borough fire service areas, Steese Volunteer Fire Department, Ester Volunteer Fire Department, Chena-Goldstream Fire & Rescue, North Star Volunteer Fire Department, University Fire Department, and Salcha Fire & Rescue.

NOW, THEREFORE,

WHEREAS, each of the parties hereto has an interest in fire protection; and

WHEREAS, each of the parties owns and maintains equipment and retains personnel who are trained to provide various levels of service in order to provide fire protection services; and

WHEREAS, in the event of a fire or other emergency, a party may need the assistance of another party to this Agreement to provide supplemental fire equipment and/or personnel support; and

WHEREAS, each of the parties may have the necessary equipment and personnel available to enable it to provide such services to the other party to this Agreement in the event of such a fire, or other emergency; and

WHEREAS, the equipment and personnel of each party are located in such a manner as to enable each party to render mutual assistance to the other; and

WHEREAS, each of the parties to this Agreement has determined that it is in the best interests of each party to set forth guidelines for providing mutual assistance to each other in the case of a request for mutual aid; now, therefore,

## IT IS HEREBY AGREED AS FOLLOWS:

1. **PURPOSE** The stated purpose of the Mutual Aid Agreement is to provide mutual assistance to the parties for fire protection services outside the normal scope of what each party regularly provides.
2. **GENERAL TERMS** In order to be a participant in this agreement, a fire department must be registered with the State of Alaska Fire Marshal's office. The parties agree that the President of the Interior Fire Chief's Association is designated as a coordinator for all parties to this Agreement.
3. **REQUEST FOR ASSISTANCE** The Incident Commander of the party at an emergency within the boundaries of that party's geographical jurisdiction (also known as the Requesting Party) is authorized to request assistance from another party to this Agreement if confronted with an emergency situation at which the Requesting Party has need for equipment or personnel in excess of that available to the Requesting Party.
4. **RESPONSE TO REQUEST** Upon receipt of a request as provided for in Paragraph No. 3 of this Agreement the Chief Officer of the party receiving the request (also known as the Responding Party) shall immediately take the following action:

- A. Determine if the Responding Party has equipment and personnel available to respond to the request of the Requesting Party and determine the type of the equipment and number of personnel available.
  - B. Determine what available equipment and what available personnel should be dispatched in accordance with the plans and procedures established by the parties.
  - C. In the event the requested equipment and/or personnel are available, then the Chief Officer may dispatch such equipment and personnel to the scene of the emergency with proper operating instructions.
  - D. In the event the requested equipment and/or personnel are not available, then the Chief Officer shall immediately advise the Requesting Party of such fact.
5. **COMMAND RESPONSIBILITY AT EMERGENCY SCENE** All parties agree to implement the National Incident Management System during mutual aid responses and to follow the area-wide accountability and area-wide communications plans. The Incident Commander of the Requesting Party at the scene of the emergency to which the response is made, shall be in command of the operations under which the equipment and personnel sent by the Responding Party shall serve; provided, however, that the responding equipment and personnel shall be under the immediate supervision of the officer in charge of the responding apparatus. If the Incident Commander specifically requests a senior officer of the Responding Party to assume command, then the Incident Commander shall not, by relinquishing command, be relieved of responsibility for the operation. If an emergency in the Responding Party's own jurisdiction occurs during a response to a request, the Responding Party must be released by the Incident Commander prior to departing the scene. The Incident Commander will not unreasonably withhold consent to release a Responding Party in the event of an emergency.
6. **LIABILITY** Each responding entity hereby waives all claims against each requesting entity for compensation for any property loss or damage and/or personal injury or death occurring as a consequence of the performance of this agreement.
- A responding entity assumes all liability and/or cost of damage to its equipment and the injury or death of its personnel when responding or performing under this agreement.
7. **POST RESPONSE RESPONSIBILITY** Upon completion of the rendering of assistance, such assistance and help as is necessary will be given by the parties to locate and return any items of equipment to the fire department owning said equipment. All equipment and personnel used under the terms of this Agreement shall be returned to the Responding Party upon being released by the Requesting Party, or upon demand being made by the Responding Party for return of said equipment and personnel. All entities shall maintain records regarding the frequency of the use of this agreement and shall share said records upon request with the other parties to this agreement.
8. **COMPENSATION** Each party agrees that it will not seek from the other party compensation for services rendered under this Agreement. Each party hereto shall at all times be responsible to its own employees for the payment of wages and other compensation and for carrying worker's compensation insurance upon said employees; and

each party shall be responsible for its own equipment and shall bear the risk of loss therefore, irrespective of whether or not said personnel and equipment are being used within the area of primary responsibility of that party. Nothing in this section prevents a party from filing claims for firefighting costs and losses under 15 U.S.C. §2210 and 44 C.F.R. Part 151.

9. **INSURANCE** Each party agrees to maintain adequate insurance coverage for its own equipment and personnel.
10. **PRE-INCIDENT PLANNING** The Chief Officers of the parties may, from time to time, mutually establish pre-incident plans which shall indicate the types of and locations of potential problems areas where emergency assistance may be needed, the type of equipment that should be dispatched under such circumstances, the number of personnel that should be dispatched under such circumstances and the training to be conducted to ensure efficient operations. Such plans shall take into consideration the proper protection by the Responding Party of its own geographical jurisdiction. The parties hereto agree to take such steps as are feasible to standardize equipment such as couplings, hose, and apparatus, so that said equipment can be fully utilized by either of the parties hereto.
11. **SHARED PURCHASING** This agreement creates no obligation for joint or cooperative acquiring, holding and/or disposal of real or personal property.
12. **ADMINISTRATION AND FINANCE** There is not hereby created any separate or legal administrative entity by this agreement. Each party hereto shall be responsible for and financing their separate obligations hereunder, including, if applicable, establishing and/or maintaining budgets therefore. Further, the administration of this Agreement shall be performed by each entity separately through their Chief Officers.
13. **TERMINATION AND AMENDMENT**
  - A. This Agreement shall remain in full force and effect unless terminated. A party desiring to terminate this Agreement shall serve written notice upon the other parties of its intention to terminate this Agreement. Such notice shall be served not less than thirty calendar days prior to the termination date set forth in said written notice. Said written notice shall automatically terminate the party's participation in this Agreement on the date specified therein unless rescinded prior in writing.
  - B. Review, re-negotiation or amendment of this agreement may be initiated at any time upon written request of any party hereto. Amendments must be approved by all parties hereto, and will be attached to and become part of this Agreement only upon execution by all parties.
14. **AGREEMENT NOT EXCLUSIVE** This agreement is not intended to be exclusive as between parties hereto. Each of the parties may, as that party deems necessary or expedient, enter into a separate Mutual Aid Agreement or Agreements with any other party or parties. Entry into such separate Agreements shall not change any relationship or covenant herein contained unless the parties hereto mutually agree in writing to such change.

15. **COUNTERPARTS** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

Fairbanks North Star Borough (FNSB): \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor

Chena Goldstream Fire&Rescue: \_\_\_\_\_ Date: \_\_\_\_\_  
President

Ester Vol. Fire Department: \_\_\_\_\_ Date: \_\_\_\_\_  
President

North Star Vol. Fire Department: \_\_\_\_\_ Date: \_\_\_\_\_  
President

Salcha Fire and Rescue \_\_\_\_\_ Date: \_\_\_\_\_  
President

Steese Area Vol. Fire Dept.: \_\_\_\_\_ Date: \_\_\_\_\_  
President

University of Alaska Fairbanks: \_\_\_\_\_ Date: \_\_\_\_\_  
Vice Chancellor

City of Fairbanks: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor

City of North Pole: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor

US Army-Fort Wainwright \_\_\_\_\_ Date: \_\_\_\_\_  
Post Commander or delegate

USAF-Eielson AFB \_\_\_\_\_ Date: \_\_\_\_\_  
Base Commander or delegate

Fairbanks International Airport \_\_\_\_\_ Date: \_\_\_\_\_  
Airport Manager or delegate



Introduced By: Mayor John Eberhart  
Introduced: January 20, 2014

**RESOLUTION NO. 4608**

**A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE  
MUTUAL AID AND COOPERATIVE AGREEMENTS FOR FIRE AID**

**WHEREAS**, Alaska Statutes Section 18.70.150, Adoption of Mutual Fire Aid Agreements, authorizes cities, other incorporated entities, and other fire protection groups to make mutual aid agreements for fire protection purposes; and

**WHEREAS**, the City Fire Department is currently operating under the authority granted by Resolution No. 3815, passed and approved on May 3, 1999; and

**WHEREAS**, Resolution No. 3815 is in need of updating to encompass updated mutual aid agreements and to acknowledge the provisions of Resolution No. 4507 that allowed the City to enter contracts for extraterritorial extension of fire suppression services,

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

1. That the Mayor is given authority to negotiate and prepare for submission to the City Council for approval any agreement that will provide mutual fire protection aid; and

2. That in the absence of such an agreement or in the absence of a contract for the extraterritorial extension of fire suppression services, no city fire equipment or personnel may respond to any alarm or fire outside of the City limits, except when a fire outside the City limits is endangering city property, government agencies at any level, hospitals, or schools, as shall be determined by the City Fire Chief or any person acting on his/her behalf.

**Passed and Approved and Effective this 20th Day of January 2013.**

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

AYES:  
NAYS:  
ABSENT:  
APPROVED:

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

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

Introduced By: Mayor John Eberhart  
Date: January 20, 2014

**RESOLUTION NO. 4609**

**A RESOLUTION RECOGNIZING A DAY OF SERVICE IN HONOR OF  
DR. MARTIN LUTHER KING, JR.**

**WHEREAS**, the Reverend Dr. Martin Luther King, Jr. devoted his life to the struggle for justice and equality; and

**WHEREAS**, the third Monday in January is recognized as a federal holiday and a holiday in all fifty states;

**WHEREAS**, all across the country, Dr. King's legacy is honored with a national day of service; and

**WHEREAS**, by dedicating this day to service, we move closer to Dr. King's vision of all Americans living and working together as one beloved community,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS**, that the third Monday in January is recognized as a day of service in honor of Dr. Martin Luther King, Jr. On this day, the Mayor is authorized to modify City operations so employees may use part of their on-duty day to attend approved in-service training on diversity or cultural awareness and/or engage in approved volunteer activities to help those in need.

**PASSED and APPROVED** this 20th day of January 2014.

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

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JANEY HOVENDEN, CMC, City Clerk

\_\_\_\_\_  
PAUL J. EWERS, City Attorney



HOTEL/MOTEL DISCRETIONARY FUND COMMITTEE  
MEETING MINUTES, DECEMBER 13, 2013  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The Bed Tax Discretionary Fund Committee convened at 12:00 P.M. on the above date to conduct a Distribution Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Council Member Matherly presiding and with the following members in attendance:

Members Present: Karen Fox  
Carter Crawford  
Vivian Stiver  
Randi Carnahan  
Carole Newcomer

Absent: None

Also Present: D. Danyielle Snider, Deputy City Clerk  
Margarita Bell, Grants Administrator

**APPROVAL OF PREVIOUS MINUTES**

a) Meeting Minutes of December 11, 2013.

**Ms. Stiver**, seconded by **Ms. Crawford**, moved to APPROVE the meeting minutes.

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

**Mr. Matherly** thanked the Committee for their work and wished everyone a Merry Christmas. He commented on the efficiency of the Presentation Meeting and confirmed with the Committee that the presentation time limits would remain the same for next year's presentations. **Mr. Matherly** instructed Members to read their individual allocations into the record after he calls out the name of each applicant. He explained that the Committee's allocations are not official until the City Council approves them at the next City Council Meeting in January.

**Ms. Stiver** commented that the City Council typically abides by the Committee's allocation recommendation. She asked if there is a reason to anticipate that the Council might not approve the Committee's recommendation.

Deputy Clerk Snider explained that Mayor Eberhart inquired about the late application of World Eskimo-Indian Olympics (WEIO). She stated that the Mayor's Office was contacted by the applicant.

**Mr. Matherly** stated that he has also been contacted by a representative from WEIO. He stated that he explained to the individual that the Committee made a unanimous decision to eliminate

the late application from consideration. **Mr. Matherly** asked Ms. Stiver if the Council had amended the recommendation of the Committee in the past for an appeal.

**Ms. Stiver** replied that the Council did not amend the Committee's allocation recommendation. She stated that they pulled the funds from another source when they granted the appeal. She indicated that Committee Members should be notified of the appeal process if an appeal is filed with the City Council. She spoke to the competitive process of the Discretionary Fund Grant.

**Mr. Matherly** stated that the Council takes the Committee's recommendation seriously. He stated that he will keep the Committee informed if anything should change.

## **NEW BUSINESS**

### a) Announcement of Discretionary Funds for 2014 Distribution

Members read their individual allocations into the record for each of the twenty-one organizations.

Ms. Bell distributed to Members the spreadsheet with each member's allocation and the averaged total allocation to each organization.

**Mr. Matherly** read the Committee's total recommended allocation for each applicant into the record. He stated that a resolution to approve the Committee's recommendation would go before the City Council at the Regular Meeting of January 6, 2014. **Mr. Matherly** again thanked Members for their time and service on the Commission.

## **NEXT MEETING**

Members discussed the possibility of holding a closing meeting in February, 2014.

**Ms. Stiver** indicated that when she was Chair, the Committee would convene in the middle of the year only if there were problems that needed to be addressed, such as issues with the Fairbanks General Code (FGC) pertaining to discretionary funds. She commented that she does not believe those problems still exist and that a closing meeting is not necessary.

Deputy Clerk Snider stated that she wanted to give the Committee the opportunity to set the meeting in case there were issues. She spoke to the recommendation of the Committee at the Preliminary Meeting for Mr. Matherly to introduce an ordinance regarding the allocation of Members who were absent or tardy for presentations. She quoted a section of the FGC that read, "Procedures for scoring proposals from applicants shall be decided by the committee as a whole during the first organizational meeting." She explained that the Committee has the power to set its own policy on late and tardy Members and their ability to score applications.

**Ms. Stiver** stated that the Committee voted and passed the recommendation for the ordinance. She stated that if Mr. Matherly is inclined to introduce an ordinance he could email a draft of it to Members.

Ms. Bell stated it may be good for the Committee to meet prior to the opening of next year's application season to address any possible changes to the application or requirements.

**Mr. Matherly** asked Members if there were any concerns or reasons to convene prior to next year's application season.

No Members indicated a need for another meeting.

**Mr. Matherly** reminded applicants to have a back-up person in case of an emergency.

Marti Steury, Yukon Quest International Ltd. – Ms. Steury commented that the application clearly states that no new information may be presented to the Committee after the application period ends. She questioned whether or not a slide show is considered additional information.

**Mr. Matherly** stated that electronic media presentations have been permitted in the past and will continue to be permitted as long as the applicant stays within the presentation time limit.

**Ms. Fox** clarified that hard copies of information are not allowed to be distributed to Committee Members on the night of presentation because Members cannot read the information and listen to presentations at the same time.

Friends of the Tanana Valley Railroad, Inc. – A representative of the Friends of the Tanana Valley Railroad commented that there is no place on the Income and Expense form that would accommodate the expenses of operating a steam engine. He stated that he has been told that he cannot use any other form or modify the form.

Ms. Bell stated that the application now states that an applicant may use any financial statement they choose as long as it is limited to one page. She indicated that the Committee changed the application to allow for that in 2012.

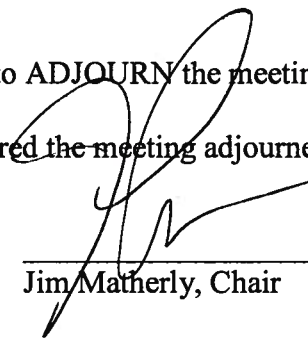
**Ms. Stiver** stated that the change happened while she was Chair and that the Committee held informational meetings for applicants at that time.

Julie Jones, Festival Fairbanks, Inc. – Ms. Jones stated that she appreciated the process this year and commented on how quickly and smoothly the presentations went. She commended the Committee and Ms. Bell for their hard work in making the process easier.

## **ADJOURNMENT**

**Ms. Stiver**, seconded by **Ms. Fox**, moved to ADJOURN the meeting.

Hearing no objection, **Mr. Matherly** declared the meeting adjourned at 12:28 P.M.



\_\_\_\_\_  
Jim Matherly, Chair

Transcribed by: DS

*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor *JME*  
Subject: Request for Concurrence – Factfinding Commission  
Date: January 13, 2014

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Seat C on the Factfinding Commission, previously filled by Walley Carlo, expired on December 31, 2013. Mr. Carlo does not wish to continue serving on the Commission. I request your concurrence to the nomination of the following member to fill the seat:

Seat C: Mr. Sean Reilly Term to expire: December 31, 2015

Mr. Reilly's application and resume are attached.

Thank you.

DDS/



CITY OF FAIRBANKS  
 Office of the City Clerk  
 800 Cushman Street  
 Fairbanks, Alaska 99701-4615  
 Office: 907 459-6771  
 cityclerk@ci.fairbanks.ak.us

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: December 17, 2013  
 NAME: SEAN REILLY  
 BOARD: Fact Finding Commission

The information provided below will be made available to the public. The Clerk's Office will provide a mailing address, at least one phone contact, and an e-mail address, so please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

- RESIDENCE ADDRESS: 1507 21ST Ave Apt C Fairbanks AK 9970
- MAILING ADDRESS: \_\_\_\_\_
- BUSINESS ADDRESS: \_\_\_\_\_
- CELL PHONE: (907) 799-6634       WORK PHONE: ( ) \_\_\_\_\_
- HOME PHONE: ( ) \_\_\_\_\_       E-MAIL: Reilly.sean@yahoo.com

**Statement of Interest:**

I would like to become a board/ commission member so that I may use my education and skills to help continue growing the Fairbanks community.

**Brief Personal Biography (or attach resume):**

Resume Attached

**Professional Licenses/Training:**

MS - Human Resource Training and Development  
 Certificate of Completion - HR Management

Please return this application to the City Clerk's Office.

**FOR INTERNAL USE ONLY**

Date Seated on Board	Date of Resolution or Council Action	Term Dates

**Sean P. Reilly**  
1507 21<sup>st</sup> Avenue  
Apartment C  
Fairbanks, Alaska 99701  
907.799.6634

**Position Sought:** City of Fairbanks Boards and Commissions

**Highlights of Qualifications:**

- Familiar with human resources policies and procedures
- Understand sensitive and diverse cultures and lifestyles
- Skill in establishing and maintaining cooperative working relationships with other employees
- Ability to work independently as well as with teams
- Excellent knowledge of community resources
- Able to think creatively to give the greatest benefit to the consumer
- Strong communication skills to include public speaking and community interaction

**Summary of Qualifications:**

- Analyzed training needs to develop new training programs or modify and improve existing programs.
- Implemented organizational training manuals, multimedia visual aids, and educational materials.
- Ability to maintain confidentiality of all records information.
- Prepared affidavits or other documents, such as legal correspondence, and organize and maintain documents in paper or electronic filing system.
- Investigated facts and law of cases and search pertinent sources, such as public records, to determine causes of action and to prepare cases.
- Gathered and analyzed data, such as statutes, decisions, and legal articles, and codes.
- Skilled in operating personal computer utilizing a variety of computer software.
- Skilled in managing multiple priorities and tasks concurrently and meet deadlines.
- Knowledge of customer service concepts and practices.

**Education:**

Amberton University Garland, Texas	MS Human Resource Training and Development
Rhode Island College Providence, Rhode Island	BA Psychology
Horry G'town Tech. College Conway, South Carolina	APS - Paralegal Studies

**Employment:**

Independent HR Consultant,	Myrtle Beach South, Carolina	1/2011 – 3/2012
Paralegal Intern,	Family Court of Horry County	3/2009 – 9/2009
BCBS of SC, Surfside, SC	Customer Service Representative	7/2006 – 1/2007
Metglas, Conway, SC	Quality Assurance Technician	1/2006 – 7/2006
UMS, Wilmington, NC	Warehouse Manager	7/2005 – 1/2006
Lowes, Wilmington, NC	Customer Service Representative	11/2004 – 7/2005



*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor *JME*  
Subject: Request for Concurrence – FNSB Planning Commission  
Date: January 13, 2014

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One of the three City-recommended seats on the FNSB Planning Commission expired on December 31, 2013.

FNSB Code of Ordinances Section 2.40.011(A) states:

*Members (of the Planning Commission) shall be appointed by the borough mayor, subject to confirmation by the assembly. The appointments of members from the cities shall be selected from a list of recommendations submitted to the borough mayor by the city councils.*

I request your concurrence to submitting the following list of recommendations for appointment to the FNSB Planning Commission:

- 1) Ms. Angela Major
- 2) Mr. Mark Billingsley
- 3) Mr. Sean Reilly

The applicants' resumes and applications are attached.

Thank you.

DDS/



CITY OF FAIRBANKS  
 Office of the City Clerk  
 800 Cushman Street  
 Fairbanks, Alaska 99701-4615  
 Office: 907 459-6771  
[cityclerk@ci.fairbanks.ak.us](mailto:cityclerk@ci.fairbanks.ak.us)

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: 31 December 2013

NAME: Angela M. Major

BOARD: Planning Commission

The information provided below will be made available to the public. The Clerk's Office will provide a mailing address, at least one phone contact, and an e-mail address, so please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

- RESIDENCE ADDRESS: 101 Chief Evan Drive; Fairbanks, AK 99709
- MAILING ADDRESS: 101 Chief Evan Drive; Fairbanks, AK 99709
- BUSINESS ADDRESS: \_\_\_\_\_
- CELL PHONE: (763) 442 - 5658                       WORK PHONE: (907) 353 - 7623
- HOME PHONE: (907) 479 - 2888                       E-MAIL: angela.marie.major@gmail.com

**Statement of Interest:**

I am deeply committed to public service and believe that my personal and professional skills could be well utilized on the Planning Commission as we work to meet and sustain the current and emerging needs of the City and Borough.

**Brief Personal Biography (or attach resume):**

See attached.

**Professional Licenses/Training:**

Masters of Public Administration (in-progress)

Graduate Certificate in Cost Management

Please return this application to the City Clerk's Office.

FOR INTERNAL USE ONLY

Date Seated on Board	Date of Resolution or Council Action	Term Dates



## **Name: Angela M. Major**

**Chief, Plans, Analysis & Integration Office (PAIO)  
United States Army Garrison, Fort Wainwright  
Since: May 2008**

**Email Address: [angela.m.major.civ@mail.mil](mailto:angela.m.major.civ@mail.mil)**

In April 2008, Ms. Major was selected to be the Director of Plans, Analysis & Integration where she is charged with overseeing the Installation Strategic and Sustainability Planning Process, championing business and continuous process improvement initiatives throughout the Garrison, ensuring Garrison leadership maintains visibility of overall Garrison success in achieving world class customer service, and provides leadership and oversight for the Installation's readiness and resiliency processes. She serves as a member of the Fairbanks North Star Borough's Joint Land Use Study Policy Committee and is the garrison's liaison to the Borough for the establishment of Intergovernmental Support Agreements.

Her volunteer activities include serving as the Chapter President for the Polar Bear Chapter of the Association of the United States Army, Board Member for the Farthest North Girl Scout Council, and member of the UAF Northern Leadership Center's Advisory Committee. In 2013, Ms. Major was recognized by the Alaska Journal of Commerce as one of Alaska's Top 40 Under 40.

### **RELATED EXPERIENCE:**

- As Lean Six Sigma Deputy Deployment Director, oversaw a \$20 Million financial benefits portfolio and provided support and mentorship to 13 Black and Green Belt practitioners
- Championed the garrison's Customer Management Services Program, resulting in an increase in Customer Satisfaction from 84% in 2008 to a steady 94% in 2010, 2011, and 2012
- Represented the installation as part of the joint Army/Air Force strategy team that developed US Army Alaska's Family Flagship Comprehensive Soldier and Family Fitness Strategy
- Served as a founding member of the garrison's Cost Management Team; championed the development of a local Cost and Performance Reporting Tool
- Re-engineered the garrison's Community Health Promotion Council and Resiliency processes synchronizing program and service functions with the Army's deployment cycle and achieving quantum improvements in the availability and reliability of data to support decision making
- Developed a Program Assessment methodology to measure the efficiency and effectiveness of garrison programs.

**ACCOMPLISHMENTS/SKILLS:**

- Served as a Mentor, Installation Management Command-Pacific Region Mentoring Program (Mentor), 2011 and 2012
- Championed the installation's first garrison-wide Earth Day event that was attended by multiple distinguished visitors and 200+ personnel and received coverage in at least 3 media outlets
- Recognized by stakeholders as a skilled collaborator with an ability to build and sustain relationships among multiple stakeholder groups

**CAREER CHRONOLOGY:**

- May 08 Present GS14, PAIO, USAG, Fort Wainwright, AK
- Feb 06 May 08 GS13, PAIO, USAG, Fort Greely, AK
- Oct 05 Feb 06 Government Contractor, PAIO, USAG Fort Greely, AK
- Aug 04 Aug 05 Operations Project Coordinator, Monster Worldwide, Minneapolis, MN

**SIGNIFICANT TRAINING:**

- Continuing Education for Senior Leaders, 2011
- Army Cost Management Certificate Course, 2010
- Civilian Education System, Advanced Course, 2009
- Headquarters Centralized Mentoring Program (Mentee), 2008
- Army Communities of Excellence Examiner Training, 2007

**EDUCATIONAL DEGREES:**

- Master of Public Administration, University of Alaska, Southeast (*in-progress*)
- Bachelor of Science, Applied Studies, University of Minnesota, Crookston

**AWARDS AND HONORS:**

- Meritorious Service Medal
- Certification, Lean Six Sigma Green Belt

**PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS:**

- Member, American Society for Public Administration
- Member, Association of the United States Army
- Member, Fairbanks Young Professionals Council

FAIRBANKS NORTH STAR BOROUGH  
809 Pioneer Road PO Box 71267 Fairbanks, AK 99707

(907) 459-1300  
FAX (907) 459-1102

**BOARDS/COMMISSIONS APPLICATION FORM**

Name of Board/Commission **Planning Commission**

Applicant's Name **Mark Billingsley**

Residence Address **943 Gilmore Street**

City/State/Zip **Fairbanks, Alaska 99701**

Mailing Address **943 Gilmore Street**

City/State/Zip **Fairbanks, Alaska 99701**

Work Phone **503-705-5170**

Home Phone **503-705-5170**

FAX \_\_\_\_\_ E-mail **billingsleymark@yahoo.com**



Are you registered to vote within the Fairbanks North Star Borough [required by FNSB 2.21.040(A)]?

Yes  No

Do you currently serve on any other Borough Boards & Commission? Yes  No

If yes please list which one:

Statement of Interest (use reverse side of form if necessary):

Please see attached.

Brief Personal Biography (or attach resume)

Please see attached.

Professional Licenses/Training

college degree in engineering; graduate degree in law.

APPLICANT'S SIGNATURE

DATE

12/13/13

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.

.....  
**FOR OFFICE USE ONLY**

Date Received \_\_\_\_\_

By \_\_\_\_\_

## **STATEMENT OF INTEREST**

I'm interested in contributing to my community by serving as a planning commissioner. I'm building a life defined by public service: working first as an engineer in the construction of university research facilities, and now as an attorney representing poor people accused of crimes. Serving as a planning commissioner is a good fit for my skills and interests and will allow me to continue to give back to my community.

I'd like to get involved in local government and take advantage of the opportunity to devote my skills and time. My experience building a house in Fairbanks and then working on large construction projects—combined with my legal education and experience as an attorney—give me an ideal background for serving as a planning commissioner. I would have a unique perspective and valuable insight into matters commonly brought before the committee.

For these reasons, I request the honor of contributing to my community by serving as a planning commissioner.

## **BRIEF PERSONAL BIOGRAPHY**

I attended college at the University of Florida, where I earned a degree in engineering. Upon graduation in 2004, I moved to Fairbanks to help my sister and brother-in-law build their house on Parks Ridge Road. As we were finishing the house, I took a job as an engineer for Kiewit Construction Company. I started as a field engineer and progressed to the position of project engineer. I worked on the construction of large science research facilities for the University of Alaska. Next I went back to school to earn my juris doctorate from Lewis and Clark Law School in Portland, Oregon. After law school, I moved back to Fairbanks, passed the Alaska bar exam, and clerked for Fairbanks Superior Court Judge Blankenship. About six months later, I accepted a job working for the State of Alaska Public Defender Agency, which remains my employer today.

I am thirty-two years old and married to Annmarie Billingsley. We have a young daughter and own a house in downtown Fairbanks.



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 Fairbanks, Alaska 99701-4615  
 Office: 907 459-6771  
[cityclerk@ci.fairbanks.ak.us](mailto:cityclerk@ci.fairbanks.ak.us)

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: December 17, 2013  
 NAME: SEAN REILLY  
 BOARD: FNSB Planning Commission

The information provided below will be made available to the public. The Clerk's Office will provide a mailing address, at least one phone contact, and an e-mail address, so please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

- RESIDENCE ADDRESS: 1507 21ST Ave Apt C Fairbanks AK 9970
- MAILING ADDRESS: \_\_\_\_\_
- BUSINESS ADDRESS: \_\_\_\_\_
- CELL PHONE: (907) 799-6634       WORK PHONE: ( ) \_\_\_\_\_
- HOME PHONE: ( ) \_\_\_\_\_       E-MAIL: Reilly.seanp@yahoo.co

**Statement of Interest:**

I would like to become a board/ commission member so that I may use my education and skills to help continue growing the Fairbanks community.

**Brief Personal Biography (or attach resume):**

Resume Attached

**Professional Licenses/Training:**

MS - Human Resource Training and Development Certificate of Completion - HR Management

Please return this application to the City Clerk's Office.

**FOR INTERNAL USE ONLY**

Date Seated on Board	Date of Resolution or Council Action	Term Dates

**Sean P. Reilly**  
1507 21<sup>st</sup> Avenue  
Apartment C  
Fairbanks, Alaska 99701  
907.799.6634

**Position Sought:** City of Fairbanks Boards and Commissions

**Highlights of Qualifications:**

- Familiar with human resources policies and procedures
- Understand sensitive and diverse cultures and lifestyles
- Skill in establishing and maintaining cooperative working relationships with other employees
- Ability to work independently as well as with teams
- Excellent knowledge of community resources
- Able to think creatively to give the greatest benefit to the consumer
- Strong communication skills to include public speaking and community interaction

**Summary of Qualifications:**

- Analyzed training needs to develop new training programs or modify and improve existing programs.
- Implemented organizational training manuals, multimedia visual aids, and educational materials.
- Ability to maintain confidentiality of all records information.
- Prepared affidavits or other documents, such as legal correspondence, and organize and maintain documents in paper or electronic filing system.
- Investigated facts and law of cases and search pertinent sources, such as public records, to determine causes of action and to prepare cases.
- Gathered and analyzed data, such as statutes, decisions, and legal articles, and codes.
- Skilled in operating personal computer utilizing a variety of computer software.
- Skilled in managing multiple priorities and tasks concurrently and meet deadlines.
- Knowledge of customer service concepts and practices.

**Education:**

Amberton University Garland, Texas	MS Human Resource Training and Development
Rhode Island College Providence, Rhode Island	BA Psychology
Horry G'town Tech. College Conway, South Carolina	APS - Paralegal Studies

**Employment:**

Independent HR Consultant,	Myrtle Beach South, Carolina	1/2011 – 3/2012
Paralegal Intern,	Family Court of Horry County	3/2009 – 9/2009
BCBS of SC, Surfside, SC	Customer Service Representative	7/2006 – 1/2007
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UMS, Wilmington, NC	Warehouse Manager	7/2005 – 1/2006
Lowe's, Wilmington, NC	Customer Service Representative	11/2004 – 7/2005