



FAIRBANKS CITY COUNCIL
AGENDA NO. 2012-23
REGULAR MEETING December 03, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

I 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

* Regular Meeting Minutes of November 05, 2012

7. SPECIAL ORDERS

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

Applicant: Julie A. McCaston

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the below-referenced Liquor License Application(s) for renewal. Public Testimony will be taken and limited to five (5) minutes.

Lic #	Establishment Name	License Type	Premise Location	Owner Name
556	International Hotel & Bar	Beverage Dispensary	122 N Turner	Dakota Ventures Inc
3687	Thai House Restaurant	Restaurant/Eating Place	412 5th Ave	ChalermponBoonprasert
4880	Geraldo's Restaurant & Pizzeria	Restaurant/Eating Place	701 College Rd	Garlic Lovers LLC
5051	Asiana Restaurant	Restaurant/Eating Place	2001 Airport Way	Young Mi Jin

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5905 – An Ordinance Amending Fairbanks General Code Sections 2-260 and 2-261 and Enacting 2-262 Regarding the Authorized Investment Selections of the City Permanent Fund Investment Policy. Introduced by Mayor Cleworth and Council Member Gatewood. SECOND READING AND PUBLIC HEARING.
- b) Ordinance No. 5906 – An Ordinance Authorizing Release of an Easement in Peger Lake Development. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.
- c) Ordinance No. 5907 – An Ordinance Adopting the 2013 Operating and Capital Budgets. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.
- d) Ordinance No. 5908 – An Ordinance Amending the 2012 General Fund Budget for the Third Time. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4551 – A Resolution Re-Designating Check Signing Authority for Banking and Investment Accounts of the City of Fairbanks, Alaska. Introduced by Mayor Cleworth.
- *b) Ordinance No. 5909 – An Ordinance to Amend FGC Sec. 74-117 Hotel/Motel Tax Purpose and Limitation, to Appropriate Funds Regarding Funding for the Community Service Patrol. Introduced by Council Member Matherly.

- *c) Ordinance No. 5910 – An Ordinance Amending the 2012 Collective Bargaining Agreement Between the City and the Fairbanks Fire Fighters Union. Introduced by Council Member Mayor Cleworth.
- *d) Ordinance No. 5911 – An Ordinance Amending the 2012 Capital Appropriations Fund Budget for the Second Time. Introduced by Council Member Mayor Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Chena Riverfront Commission Meeting Minutes of October 10, 2012
- *b) Reappointments to the Public Safety Commission
- *c) Reappointments to the Fact Finding Commission
- *d) Appointment to the Chena Riverfront Commission
- *e) Funds Available from the Alaska Department of Homeland Security

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, NOVEMBER 5, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jerry Cleworth presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A
Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E
John Eberhart, Seat F

Absent: None

Also Present: Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Ryan Rickels, IT Director
Tony Shumate, Director Personnel/Purchasing/RM

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

Mayor Cleworth asked Vivian Stiver and Chad Roberts to come forward to accept City of Fairbanks gold pans in appreciation for their six years of service on the City Council.

CITIZEN'S COMMENTS

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney welcomed new City Council Members Renee Staley and Perry Walley. He thanked the Mayor and Council for introducing the Resolution to honor “southern” Ruby Riddle who was his neighbor for about 15 years. He stated that there was an in-depth article written about Ms. Riddle by a military writer and that he would try to find it and bring copies to the next meeting. He spoke to the new work standard implemented at the Fairbanks Police Department and commented that no such standard would have gone into place without the approval of the Mayor. Mr. Turney stated that he is shocked that the City’s legal department has not looked into the supreme court’s ruling that quotas are unconstitutional. He questioned how much revenue the Downtown Association brings in for pull tabs and bingo and commented that he’d like to see some checks and balances. He spoke in

opposition to Mr. David van den Berg's continued employment at the Downtown Association. Mr. Turney stated that the photo he turned in to the News Miner of the new Council Members being sworn in was rejected. He commented that they also refused to correct an error that appeared in the article regarding Ruby Riddle. He announced that a service for Ms. Riddle would be held at 4:00 P.M. on Wednesday, November 6th at the Pioneer Park Civic Center and that she would be missed.

Mr. Hilling asked Mr. Turney if he believes there is a lack of transparency in the accounting of the Downtown Association and, if so, to speak to it.

Mr. Turney replied that he has been bringing up the issue for many years and has never seen an audit of the Downtown Association or a breakdown of wages for the employees of the organization.

Charity Gadapee, 1224 Gilmore Trail, Fairbanks – Ms. Gadapee stated that she is the Director of Visitor Services and Membership for the Fairbanks Convention and Visitor's Bureau (FCVB). She stated that the Visitor Industry's Walk for Charity held in May of 2012 raised a grand total of \$249,471.72. She recognized individuals and organizations who raised large amounts of money for the event. Ms. Gadapee recapped events and activities sponsored by FCVB for the summer of 2012. She thanked the City for supporting FCVB.

Mr. Matherly asked about projections for the 2013 tourist season.

Ms. Gadapee replied that there are no indicators yet for 2013.

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman stated that he will be running for City Council in the 2013 Municipal Election. He spoke to his website, *Renovation Fairbanks*, which has had a total of 1,483 views. He stated that he now has a second website titled *Voter Butter* which was created to "churn" good ideas. Mr. Lerman spoke to his recent conversation with the owner of the Polaris Building, Mark Marlow. He stated that Mr. Marlow will be meeting with U.S. Bank and may soon have the funds needed to renovate the building and create 117 apartments. Mr. Lerman encouraged the Council to have faith in Mr. Marlow and his renovation efforts and to grant a waiver of building permit fees the Polaris Building. He suggested that the City begin posting statistics to its website on topics such as DUI's, deteriorated properties, domestic violence and voter participation; then create task forces as necessary to help improve those statistics.

Mr. Eberhart asked when Mr. Marlow would be meeting with U.S. Bank.

Mr. Lerman replied that when he spoke with Mr. Marlow last week, the meeting was scheduled for the next day. He added that Mr. Marlow also spoke of a federal grant he would be applying for in early 2013.

Mr. Eberhart asked if Mr. Marlow indicated why he was meeting with the bank.

Mr. Lerman replied that Mr. Marlow did not give him the details.

Mr. Eberhart asked if Mr. Marlow had spoken about a timeline for the renovation.

Mr. Lerman replied that he did not.

Mr. Eberhart asked if Mr. Marlow mentioned approaching the City to ask for concessions of any type and if he talked about closing any financial gaps before renovation could begin.

Mr. Lerman stated that Mr. Marlow had not mentioned approaching the City and that he only spoke of federal funds required to perform the renovation.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger expressed his sorrow in the loss of Ms. Ruby Riddle, stating that she was an asset to the community. He congratulated the new Council Members and welcomed them. He stated that he was disappointed that the termed-out Council Members did not stick around to see the new members sworn in. Mr. Buberger thanked Public Works and Mike Schmetzer for the fine job of snow removal throughout the City. He spoke to the new work standard and commented that if traffic stops are legitimate, he sees no problem. He spoke of personal experiences with rude officers from various agencies.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Cleworth explained that Hand-carried Resolution No. 4550 in recognition of Ruby Riddle would need to be added to the agenda by unanimous consent in order to be passed.

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

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADD Hand-carried Resolution No. 4550 to the Agenda under New Business.

Mayor Cleworth called for objection to the ADDITION of Hand-carried Resolution No. 4550 to the Agenda and, hearing none, so ORDERED.

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

City Clerk Hovenden read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of October 8, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Appeal of Denied Application for new Chauffeur License.

Applicant: Michael R. Meyerkorth

Mr. Gatewood, seconded by **Mr. Matherly**, moved to GRANT the Chauffeur Appeal.

Mayor Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed (Mr. Meyerkorth was not present for the appeal).

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE CHAUFFEUR APPEAL AS FOLLOWS:

YEAS: None
NAYS: Walley, Matherly, Gatewood, Hilling, Eberhart, Staley
Mayor Cleworth declared the MOTION FAILED.

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Appeal of Denied Application for new Chauffeur License.

Applicant: Jeffrey K. Webster

Mr. Matherly, seconded by **Mr. Walley**, moved to GRANT the Chauffeur Appeal.

Mayor Cleworth called for Public Testimony.

Jeffrey Webster, 600 Winch Road, #1, Fairbanks – Mr. Webster stated that he recently moved to Alaska from Phoenix, Arizona. He stated that he does construction work in the summer, and has recently applied for a mining job. He explained that, right now, he is looking to drive cab as his primary source of income. He spoke reason for his denial, an assault conviction in 2012, and explained that it was an argument in which no one was hurt. He stated that he had letters of recommendation available if the Council wished to see them and asked the Council to grant his appeal.

Mayor Cleworth asked Mr. Webster to read the letters of recommendation into the record.

Mr. Webster read aloud letters of recommendation from Wally Wallace, manager of Arctic Taxi, and Tiffany West, local bar owner. He remarked that he offers help to individuals who are intoxicated or exposed to the elements, sometimes without compensation.

Mr. Eberhart spoke to the “grandmother” test he gives cab drivers. He asked Mr. Webster if the original charge was a felony Assault 3, Cause Injury with a Weapon. He asked Mr. Webster to speak to his plea to the charge.

Mr. Webster confirmed that the original charge was an Assault 3, but that he was arrested for an Assault 4. He explained that he pled to the Assault 4 charge in order to shorten his jail time and get back to work.

Mr. Eberhart asked Mr. Webster to speak to the incident.

Mr. Webster stated that his ex-fiancé was attempting to drink and drive and, to prevent her from doing so, he removed her from the vehicle.

Mr. Eberhart spoke to Mr. Webster's sentencing by the judge. He asked Mr. Webster if he was still on probation.

Mr. Webster replied that he is still on probation and confirmed that he spent 60 days in jail prior to entering a plea to the Assault 4.

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

Mr. Eberhart stated that Chauffeur Appeals are tough cases. He spoke to the recent changes to the Code pertaining to Chauffeurs and pointed out that Mr. Webster's conviction was in January of 2012. He read aloud a portion of FGC Section 86-95 regarding Chauffeur Appeals, which states that "...the Council may consider whether the applicant: has made significant efforts at rehabilitation; has successfully completed any period of probation; has made positive contributions to society in general." **Mr. Eberhart** stated that based on the Code and the evidence presented, he would be inclined to deny the appeal.

Mr. Hilling asked if all the cases listed under Jeffrey Webster's criminal history were, in fact, the applicant.

Ms. Hovenden explained that all the records listed on the summary page may not actually belong to the applicant. She clarified that the record was obtained by a nationwide search of all individuals named Jeffrey Webster and that the Clerk's Office has to research and verify which records belong to the applicant. She stated that not all criminal reporting agencies provide a date of birth or other unique identifier and that some cases may not have detail attached if they did not affect Mr. Webster's eligibility for a Chauffeur License.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE CHAUFFEUR APPEAL AS FOLLOWS:

YEAS: None
NAYS: Staley, Matherly, Gatewood, Hilling, Eberhart, Walley
Mayor Cleworth declared the MOTION FAILED.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth requested that Fire Chief Cummings come forward to speak to the City's new Insurance Services Office (ISO) rating, which went from a Class 3 to a Class 2.

Chief Cummings stated that the ISO rating is done about every 10 years and was last done in 2010. He explained that the 2010 mutual aid agreement with the Fort Wainwright Fire Department and the University Fire Department increased the total number of responding firefighters, but ISO would not give credit for the mutual aid until the program had been underway for a year. Chief Cummings stated that the City reapplied to the ISO after that 12-month period and was given an improved Class 2 rating. He explained that the classes range from 1 – 10, with a Class 10 being no fire protection at all. He stated that there are only two other Class 2 fire departments in the entire state and no Class 1's. Chief Cummings commented that the Dispatch Center and the City's water supply are also taken into consideration for the rating.

Mayor Cleworth stated that the mayors in the area have been asked to give a presentation at the Chamber Luncheon on November 6, 2012. He reminded the Council of the upcoming City budget meetings. He spoke to the recent complaints of a fire truck seen around the City displaying political messages. He clarified that the fire truck belongs to a fireman's union, not the City of Fairbanks. **Mayor Cleworth** spoke to Resolution No. 4549, stating that the grant funding will go towards upgrading FPD's video surveillance system. He indicated that any leftover funds would be used for surveillance cameras in the FFD parking area. He stated that while grants are helpful, they are somewhat obligatory when used for technology and encouraged the Council to be cautious in their decisions to allow the City to apply for or accept grant funding. He thanked Chief Cummings for monitoring the Homeland Security Grant Program throughout the years and commented that the City has received much-needed items from the grant funding. **Mayor Cleworth** spoke to the criminal report included in Mr. Webster's Chauffeur Appeal; he stated that only those records pertaining to the applicant should be included in the appeal packet. He apologized to Mr. Webster for the confusion.

Mr. Hilling asked if the fire truck displaying political signs around town has a label.

Chief Cummings replied that the truck is labeled, "Fairbanks Firefighter's Association."

Mr. Gatewood asked if it would be possible in the future to have the total cost to the City for the life of the grant included in the fiscal notes of resolutions pertaining to grants.

Mayor Cleworth stated that in the case of Resolution No. 4549, the total cost is unknown. He stated that he is unsure of how to include future City costs in a fiscal note for items purchased with grant funds because the choice to replace or upgrade those items would be a decision for the Council to make at that future date.

Mr. Hilling asked if the Homeland Security Grant comes from federal funds.

Mayor Cleworth replied that the grant does come from federal funds. He explained that the State of Alaska receives the federal money and serves as a pass-through in the distribution to local governments.

UNFINISHED BUSINESS

- a) Ordinance No. 5900 – An Ordinance Amending FGC Chapter 74, Taxation, Article III, Alcohol Beverage Sales Tax, Sections 74-69, 74-73(a), 74-73(d)-(e), 74-74.1(a), and 74-82(a)-(c) to Modify Factors Relating to Taxes Due and the Penalty Structure. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mayor Cleworth explained that the three tax ordinances came about due to the City’s efforts to move sales tax processing and tracking from the old AS-400 system to the MUNIS system.

Mr. Gatewood, seconded by **Mr. Hilling**, moved to ADOPT Ordinance No. 5900.

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

Ms. Staley asked how cash sales and credit card sales are tracked in reporting.

Ms. Hovenden replied that the reporting required by the City does not have anything to do with a differentiation between cash and credit card sales. She clarified that the changes proposed in Ordinance No. 5900 speak to due dates and penalties for not filing or paying in a timely manner.

Mayor Cleworth referenced Section 74-82 of Ordinance No. 5900, Penalty for Violations. He stated his belief that the proposed penalties are excessive. He informed the Council that there is an “as Amended” version of each tax ordinance included in their packets with a simplified penalty structure.

Mr. Hilling, seconded by **Mr. Walley**, moved to SUBSTITUTE Ordinance No. 5900, as Amended, for Ordinance No. 5900.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5900, AS AMENDED, FOR ORDINANCE NO. 5900 AS FOLLOWS:

YEAS: Eberhart, Gatewood, Staley, Hilling, Matherly, Walley

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5900, AS AMENDED, AS FOLLOWS:

YEAS: Hilling, Eberhart, Walley, Staley, Matherly, Gatewood

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5900, as Amended, ADOPTED.

- b) Ordinance No. 5901 – An Ordinance Amending FGC Chapter 74, Taxation, Article IV, Hotel/Motel Tax, Sections 74-121, 74-125(a), 74-125(d)-(e), 74-127(a), and 74-135(a)-(c) to Modify Factors Relating to Taxes Due and the Penalty Structure. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5901.

Mayor Cleworth called for Public Testimony.

Marnie Hazelaar, 345 Minnie Street, Fairbanks – Ms. Hazelaar stated that she is the owner of Minnie Street Bed and Breakfast. She stated that she heard “through the grapevine” that the penalty for late or unfiled taxes may be increased, although she has never had to pay a penalty. She stated that circumstances beyond an individual’s control could result in a late payment and indicated that a \$1,000 is an unfair penalty. Ms. Hazelaar stated that she did not receive any correspondence from the City as to the proposed changes in the Code regarding Hotel/Motel Tax. She spoke of a letter she received from the City about 17 years ago encouraging businesses to help beautify the City of Fairbanks in order to attract more visitors. She stated that she took that request very seriously and has been penalized through taxes for improving her property and making her business more attractive. She asked the Council when “enough is enough.”

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney spoke against the penalty changes and referred to it as another “cash cow” for City government. He requested that the Council take a serious look at Ordinance No. 5901.

Mary Richards, 763 7th Avenue, Fairbanks – Ms. Richards stated that she owns All Seasons Inn and that she, like Ms. Hazelaar, just happened to find out about the proposed changes to the City Code regarding Hotel/Motel Tax. She stated that she spent quite a bit of her day researching Ordinance No. 5901 and has found it to be unfair, unreasonable and excessive. She stated that the change doesn’t seem to have been brought about by a problem with collection, but an internal problem with a City computer system. She commented that it is unfair to punish business owners for a City problem. Ms. Richards spoke to the penalties presented in Ordinance No. 5901, comparing the proposed timeline for the execution of penalties to that of the Borough. She stated that as a small business owner, she is the only one that calculates and submits payment for her business which is difficult to do during peak summer season. Ms. Richards spoke to instances when she has filed and paid in a timely manner, but made an error in the calculation or payment. She spoke against the newly proposed Code that would disallow the postmark date to be considered for filing timely and, in her opinion, would not allow for corrections on errors of filed returns. Ms. Richards spoke to the credit card processing fees that she must pay as a business owner. She suggested that the City take the \$565,000 in bed tax revenue and pay an IT employee to “fix” the City’s computer system.

Mr. Eberhart thanked Ms. Richards for her comments. He asked her if it would be easier to make the deadline if it were pushed out from the 15th of each month till the 25th.

Ms. Richards replied that an extended due date would be very helpful. She stated that the Borough allows small businesses to report quarterly instead of monthly.

Mayor Cleworth clarified that under the proposed ordinance, the due date of City sales tax would remain the 15th of every month; however, the penalties would not be charged until after the last day of the month in which the taxes were due.

Ms. Richards stated that Mayor Cleworth's clarification was helpful. She suggested that the language of Section 74-135 be reworded to make it easier to understand.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger spoke of his efforts a number of years ago to open a 26-room motel on the Richardson Highway. He stated that after visits from numerous State, City and Borough officials, he closed the operation down and sold the building. He commented that the penalties outlined in Section 74-135 of Ordinance No. 5901 are too steep for local businesses and spoke to lowering City taxes.

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

Mr. Eberhart asked if the potential penalties outlined in Ordinance No. 5901, as Amended, may actually be lower than the penalties currently in place for late or unfiled taxes.

Mayor Cleworth indicated that the penalties outlined in Ordinance No. 5901 may be more advantageous for larger businesses. He stated that interest would still be incurred for unpaid taxes.

Mr. Hilling commented that the grace period after the due date is meant to replace the consideration for a postmark. He pointed out that the Hotel/Motel Tax revenue does not belong to the business owners, but is collected by business owners to pass along to the City. He stated that it is the customer that is being taxed, not the business owner. **Mr. Hilling** stated that he does not believe the penalties are unfair.

Mayor Cleworth pointed out that Ordinance No. 5901, as Amended, allows for an appeal process.

Mr. Matherly asked Mayor Cleworth to elaborate on the City's computer issue that instigated the changes to the Code. He stated that he does not want to public to believe that the only reason for the changes is because of a City computer problem.

Mayor Cleworth asked City Clerk Hovenden to speak to the issue.

Ms. Hovenden stated that the City is making efforts to streamline the penalization system and make it easier for business owners to understand. She stated that the proposed penalties are much simpler and work well with the City's computer system. She explained that the Finance Department currently "babysits" accounts with late payments to ensure accuracy of penalties, but indicated that the new system will automatically calculate the penalties and save time for City employees.

Mr. Gatewood, seconded by **Ms. Staley**, moved to SUBSTITUTE Ordinance No. 5901, as Amended, for Ordinance No. 5901.

Mr. Eberhart asked where the language regarding the interest penalty is found in Ordinance No. 5901, as Amended.

Mr. Ewers stated that the interest penalty language is in Section 74-134, which isn't referenced in Ordinance No. 5901, as Amended, because it remains unchanged. He read aloud the existing Code regarding interest.

Mr. Eberhart asked on which day during the delinquent period interest charges begin.

Mr. Ewers replied that he was unsure, but would assume interest charges begin on the first day of delinquency.

Mayor Cleworth stated that he would assume the interest is applied when the penalty is applied. He commented that there was no Finance staff present to answer Mr. Eberhart's question. He spoke to the City's efforts in trying to get away from a convoluted calculation system for penalties and interest.

Mr. Matherly stated that the last thing he wants to do is hurt small businesses.

Ms. Hovenden commented that the Finance Department is "hands-on." She stated that they contact businesses in a timely manner whenever there is a missed or late payment or filing. She reminded the Council that the appeal rights are still in place.

Mayor Cleworth stated that three ordinances up for second reading pertain to sales tax. He stated that some businesses have purposely avoided paying taxes in the past and have pocketed the tax revenue they've collected from customers. He spoke to a need for some severity in penalties to serve as motivation for those business owners who may take a conscious risk by not filing. He spoke to the different collection problems with the various types of sales tax and stated that the penalties outlined in the penalty section of each ordinance is the City's effort to make the consequences of non-filing or non-payment as uniform and fair as possible.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5901, AS AMENDED, FOR ORDINANCE NO. 5901 AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Gatewood, Eberhart
NAYS: None
Mayor Cleworth declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5901, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Walley, Eberhart, Matherly, Staley, Hilling
NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5901, as Amended, ADOPTED.

- c) Ordinance No. 5902 – An Ordinance Amending FGC Chapter 74, Taxation, Article V, Tobacco Products Distribution and Excise Tax, Sections 74-154(a), 74-154(d)-(e), 74-154.2(a), and 74-157(a)-(c) to Modify Factors Relating to Taxes Due and the Penalty Structure. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5902.

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

Mr. Hilling, seconded by **Mr. Matherly**, moved to SUBSTITUTE Ordinance No. 5902, as Amended, for Ordinance No. 5902.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5902, AS AMENDED, FOR ORDINANCE NO. 5902 AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Hilling, Eberhart, Walley

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5902, AS AMENDED, AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Hilling, Eberhart, Staley

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5902, as Amended, ADOPTED.

- d) Ordinance No. 5903 – An Ordinance Amending FGC Chapter 34, Article VI, Section 34-201, To Allow Replacement of Hydronic Heaters. Introduced by Council Member Stiver. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5903.

Mayor Cleworth called for Public Testimony.

David Lerman, 126 2nd Avenue, #15 – Mr. Lerman recalled witnessing heavy black smoke coming from a hydronic heating system at a pawnshop near an apartment complex in Fairbanks. He stated that he was so concerned that he called the shop owner the next day to inform her of the pollution coming from the heating system. He shared that her reply was simply that Alaskans must tolerate these systems in order to stay warm. Mr. Lerman spoke in support of Ordinance No. 5903 and expressed hope that someday hydronic heating systems could be eliminated in Fairbanks. He stated that he has suggested that the Borough do a study on air

quality so that people can see what is in the air. He indicated that pedestrians breathe in more polluted air than motorists and that people ignore the air quality issue.

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney stated that Ordinance No. 5903 speaks for itself.

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

Mayor Cleworth stated that Ms. Stiver had additional language she wanted to add as the sponsor of Ordinance No. 5903. He asked Mr. Ewers if he could distribute the proposed language to the Council since Ms. Stiver had to leave the meeting early.

Mr. Hilling, seconded by **Mr. Matherly**, moved to AMEND Ordinance No. 5903, Section 34-201 by striking the word “heater” at the end of the paragraph and replacing with, “appliance or, in the event EPA regulations do not address a particular appliance, if the replacement appliance’s emissions are improved and demonstrated as such by a certified U.S. EPA laboratory or official federal opacity assessment method.”

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5903, SECTION 34-201 BY STRIKING THE WORD “HEATER” AT THE END OF THE PARAGRAPH AND REPLACING WITH, “APPLIANCE OR, IN THE EVENT EPA REGULATIONS DO NOT ADDRESS A PARTICULAR APPLIANCE, IF THE REPLACEMENT APPLIANCE’S EMISSIONS ARE IMPROVED AND DEMONSTRATED AS SUCH BY A CERTIFIED U.S. EPA LABORATORY OR OFFICIAL FEDERAL OPACITY ASSESSMENT METHOD” AS FOLLOWS:

YEAS: Eberhart, Gatewood, Staley, Hilling, Matherly, Walley

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

Mr. Eberhart stated that he is conflicted by the ordinance. He spoke to the upgrading of hydronic heaters as being a good thing if emissions are improved. He recalled reading ordinances in 2009 from some eastern states indicating that hydronic heaters were never intended for urban use. He suggested that hydronic heaters should have never been approved for use within the City of Fairbanks. He questioned to what degree air quality would improve by upgrading these heating systems and commented that, even after upgrade, systems may still be very unhealthy in urban areas.

Mr. Hilling referred to the fifth “whereas” of Ordinance No. 5903, as Amended. He asked if the EPA emission standards take population density into consideration. He stated that he would like to know what the EPA’s language on standards is before proceeding.

Mr. Ewers stated that Ms. Stiver would likely have the information Mr. Hilling requested. He spoke briefly to those heating systems which are “grandfathered” for use within the City.

Mr. Matherly suggested that a specification of model year be made wherever “new model” is referred to within the ordinance.

Mayor Cleworth explained that in 2009, the City banned the use of hydronic heaters within City limits and only those “grandfathered” in could continue to be used. He stated that his question at that time was not knowing whether or not all hydronic heaters were bad. He commented that there has been no incentive for owners to upgrade their “grandfathered” systems and that Ordinance No. 5903, as Amended, would give those owners the incentive and would allow them to upgrade to a newer hydronic heating system. **Mayor Cleworth** stated that the technology of heating systems is a rapidly changing industry and that the City should allow owners to upgrade these systems.

Mr. Eberhart stated that if the Council does not pass Ordinance No. 5903, as Amended, and if hydronic heating systems are not efficient, people may eventually stop using them. He stated that if the ordinance is adopted and owners begin upgrading to newer hydronic heating systems, the City may never be able to get rid of the systems. **Mr. Eberhart** indicated that there isn’t enough information to make a decision.

Mr. Hilling, seconded by **Mr. Eberhart**, moved to POSTPONE Ordinance No. 5903, as Amended, until the Next Regular Meeting so that more information could be provided on the EPA’s standards in regard to the use of hydronic heaters in urban areas.

Mr. Gatewood stated that he does not have a problem with Ordinance No. 5903, as Amended, and would vote against its postponement.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 5903, AS AMENDED, AS FOLLOWS:

YEAS: Walley, Eberhart, Matherly, Hilling

NAYS: Gatewood, Staley

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5903, as Amended, POSTPONED to the Regular Meeting of November 19, 2012.

- e) Ordinance No. 5904 – An Ordinance Amending FGC Section 58-39 Regarding the Method for Property Owner Approval of Local Improvement Districts. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5904.

Mayor Cleworth called for Public Testimony.

Chris Miller, 410 2nd Avenue, Fairbanks – Mr. Miller stated that he understands the reasoning behind changing the method of property owner approval for the LID. He explained that property owners who choose not to vote on the implementation of the LID would be counted as “no” votes. Mr. Miller stated that there may be reason to delay Ordinance No. 5904 until the Mayor’s Advisory Board convened and worked out the details of the LID. He explained that there are

only about 70 owners within the LID to fund the Clean Team and Community Service Patrol (CSP) and suggested that there be as much education as possible in order to have an informed vote.

David van den Berg, 332 Slater Drive, Executive Director of Downtown Association (DTA) – Mr. van den Berg stated that he has some ideas for possible amendments to Ordinance No. 5904. He stated that the DTA does not have a position on the ordinance, but that those property owners that sit on the DTA Board of Directors are in support of Ordinance No. 5904. He offered a suggestion to change Section 58-39(b) by striking the words “concurrence with” and replacing with “approval of.” Mr. van den Berg also suggested amending Section 58-39(c), page 2, by adding the language “or objection” after the word “approval” on the third line of text. On behalf of a DTA Board Member, Mr. van den Berg proposed a third amendment to Ordinance No. 5904, Section 58-39(a) by adding the language “by certified mail” after the word “notification” on the last line of the paragraph.

Mr. Eberhart asked Mr. van den Berg to clarify his suggested amendment to Section 58-39(b).

Mr. van den Berg repeated his proposed amendment and stated that the purpose of the amendment would be to parallel the uses of the word “approved” throughout that section of Code.

Ms. Staley asked Mr. van den Berg to repeat his suggested amendment to Section 58-39(a).

Mr. van den Berg repeated his proposed amendment to Section 58-39(a).

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney asked Mayor Cleworth to explain Ordinance No. 5904 in layman’s terms.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger concurred with Mr. Turney’s request for a simplified explanation of Ordinance No. 5904. He suggested that the LID tax is being created to benefit the DTA and spoke against the taxing of only a small portion of City property owners. He accused Mr. van den Berg of lobbying for the LID tax to benefit himself and stated that Mr. van den Berg does not disclose where the DTA funds are spent.

Mr. Hilling asked Mr. Buberger to speak to the reason he believes Mr. van den Berg has not been transparent with DTA funds.

Mr. Buberger replied that the funds are probably being accounted for “somewhere along the line” but indicated that DTA revenues from grants and bingo should go towards the City.

David Lerman, 126 2nd Avenue, #15 Fairbanks – Mr. Lerman spoke to the expansion of the LID to all businesses City-wide.

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

Mr. Eberhart stated that he doesn't see any harm in the amendments Mr. van den Berg suggested other than the cost of certified mail. He expressed interest in hearing Mayor Cleworth's explanation of Ordinance No. 5904. He pointed out a typo in Section 58-39(a), line 4 which should be the word "by" instead of "be." **Mr. Eberhart** stated that while he appreciates Mr. Buberger and Mr. Lerman's comments on expanding the LID to be City-wide, the ordinance to create the LID has already been adopted with set boundaries for the downtown area.

Mayor Cleworth stated that discussion at the Finance Committee on Ordinance No. 5904 addressed the methodology of how to ascertain a majority vote of property owners within the downtown boundary. He explained that it makes more sense to count a non-response as a "no" vote instead of a "yes" vote and that the public is more familiar with a "yes or no" voting system. He spoke to the self-tax process and compared the LID process to the service district elections that the Borough conducts on a regular basis. **Mayor Cleworth** stated that the difference between the service district election and the LID election is that a minority could carry the LID vote because of the assessed value of the property. He stated that anyone can form a LID in a geographic area to self-tax if they have a majority vote of property owners within a specific area. He stated that he suggested notification to property owners be sent by certified mail to ensure receipt. **Mayor Cleworth** spoke to Mr. van den Berg's other two proposed amendments, stating that they seem fine and are only for clarification purposes.

Mr. Hilling asked for clarification on the statement, "the assessed cost of the improvements" used twice in Section 58-39(c). He stated that it was his understanding that the assessment was based only on land value, not to include the value of improvements.

Mayor Cleworth stated that when the Code on LID's was created, the Council chose to base assessments on improvements. He commented that Mr. Hilling's point was well-taken and that the LID for clean and safe services calls for an assessment on land value only. He asked Mr. Ewers to address whether or not the language in the Code should be changed to specify land value only.

Mr. Ewers stated that not all LID assessments may be performed in the same way as the LID currently being discussed. He stated that there could be cases where the assessed value of the property may be different from the equity of the mill rate an owner must pay. He recommended that the language in question remain unchanged.

Mr. Eberhart stated that he believes the word "improvements" used in Section 58-39(c) is confusing and suggested that it should be changed to "services."

Mr. Ewers explained that when the FGC Section 58-34(a) pertaining to local improvement districts for services was added in 2002, the Council also modified Section 58-34, Character of local improvements, to include public services. He stated that the FGC's definition of "local public improvement" includes structures and services.

Mr. Eberhart, seconded by **Mr. Hilling**, moved to AMEND Ordinance No. 5904 by adding the language "by certified mail" after the word "proposal" in Section 58-39(a); by striking the words "concurrence with" and replacing with "approval of" in Section 58-39(b); and, by adding the language "or rejection" after the word "approval" on the twelfth line of Section 58-39(c).

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5904 BY ADDING THE LANGUAGE “BY CERTIFIED MAIL” AFTER THE WORD “PROPOSAL” IN SECTION 58-39(a); BY STRIKING THE WORDS “CONCURRENCE WITH” AND REPLACING WITH “APPROVAL OF” IN SECTION 58-39(b); AND, BY ADDING THE LANGUAGE “OR REJECTION” AFTER THE WORD “APPROVAL” ON THE TWELFTH LINE OF SECTION 58-39(c) AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Hilling, Eberhart, Staley

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5904, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Gatewood, Eberhart

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5904, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4549 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security and Emergency Management Under the FFY2012 Homeland Security Grant Program. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4550 – A Resolution of Recognition and Appreciation for Ruby Riddle, the Official Hostess of the City of Fairbanks. Hand-carried. Introduced by Mayor Cleworth and All City Council Members.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to APPROVE Hand-carried Resolution No. 4550.

Mayor Cleworth spoke to the recent loss of Ms. Ruby Riddle. He stated that he was unable to find the documentation of when Ms. Riddle was first named the hostess of the City of Fairbanks under Mayor Hayes, but stated that he found documentation from 2001 that recognized her as the City’s official hostess. He read aloud Resolution No. 4550 in Ms. Riddle’s honor.

Mayor Cleworth called for objection to the APPROVAL of Resolution No. 4550 and, hearing none, so ORDERED.

DISCUSSION ITEMS

Committee Reports

Permanent Fund Review Board – Mr. Gatewood gave a brief report of the October 21, 2012 meeting and an update on the status of the Permanent Fund. He stated that the Permanent Fund Board is recommending a change to the Code with respect to the ranges of equities and fixed income and that Pat Cole is working on an ordinance to introduce those changes.

COMMUNICATIONS TO COUNCIL

- a) Appointment to the Hotel/Motel Discretionary Fund Committee.

APPROVED on the CONSENT AGENDA.

- b) Re-appointment to the Permanent Fund Review Board.

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Matherly expressed his condolences in the loss of Ms. Ruby Riddle and commented that she was a very close friend. He stated that he is excited for his first meeting as Chair of the Hotel/Motel Discretionary Fund Committee on Thursday. **Mr. Matherly** spoke to Mr. Webster's Chauffeur Appeal and stated that his vote on the appeal was based on the recent assault conviction. He spoke to the upcoming budget meetings and remarked at how well-managed the City's finances are. He stated that the LID discussed earlier in the meeting was brought about by downtown business owners who believe that self-taxing is an appropriate way to pay for clean and safe services. He pointed out that the property owners would be the ones to accept or reject the implementation of the LID and clarified that it is not a forced tax.

Mayor Cleworth stated that services for Ms. Ruby Riddle would be held at Pioneer Park at 4:00 PM on Wednesday, November 7, 2012.

Mr. Hilling addressed Mr. Turney's testimony on the Supreme Court's ruling in regards to quotas. He stated that he would like more information about the ruling to ensure that the City of Fairbanks' new work standard at FPD does not violate that ruling. He spoke to Mr. Turney and Mr. Buerge's comments regarding Mr. van den Berg's lack of transparency in the financials of the DTA. **Mr. Hilling** expressed his distaste for such accusations without a basis. He stated that Mr. Lerman's suggestion for including various statistics on the City's website may be a good idea and asked Mayor Cleworth to speak to the feasibility of providing the information online. He commented that Ms. Riddle would be greatly missed. **Mr. Hilling** asked if it would have been appropriate to somehow notify all hotel/bed and breakfast owners of Ordinance No. 5901 in advance.

Mr. Ewers, in response to Mr. Hilling's question regarding the work standard, stated that it is not a quota and that the new work standard does not violate any federal guidelines or laws.

Mayor Cleworth stated that typically there is an employee from the News Miner present at City Council Meetings to write about important issues that may affect the public; and that, unfortunately, there was not a journalist present at the first reading of the sales tax ordinances.

Mayor Cleworth commented that all City ordinances have an affect on City residents and spoke to the public's responsibility to stay informed. He stated that all Council agendas are posted on the City's website and are advertised regularly in the News Miner.

Mr. Eberhart spoke to his past service as Chair of the Hotel/Motel Discretionary Fund Committee and offered his help to Mr. Matherly. He commended Chief Cummings and the Fire Department for their persistent work in receiving an improved ISO rating for the City of Fairbanks. **Mr. Eberhart** announced that the Public Safety Commission will hold a special meeting on November 13, 2012, at the Fire Department at 11:00 AM. He stated that there will be a presentation on the operations and procedures of the Fire Department and discussions on the public safety officer concept. He encouraged everyone to participate in the upcoming state and Presidential election.

Mr. Gatewood supported Mr. Hilling and Mr. Lerman's suggestion of placing public safety statistics on the City's website. He stated that he does not support the City's implementation of the new FPD work standard, commenting that something about it smells "fishy." He remarked that he appreciates the Council's discussion and that the dialogue is much richer when all members are present. **Mr. Gatewood** expressed condolences for the loss of Ms. Ruby Riddle and spoke to her incredible involvement in the community throughout the years.

Mr. Walley echoed Mr. Gatewood's comments regarding Ms. Ruby Riddle. He stated that he will be attending his first FMATS Policy Committee Meeting telephonically at noon on Wednesday, November 7, 2012. He reiterated the importance of voter participation in the upcoming election. **Mr. Walley** spoke to the sound decibel level at the Carlson Center and stated that he would like to see improvements to the venue's sound system. He announced that there has been an addition to the radio family in Fairbanks, WILD 94.3 FM, making a total of six radio stations for his company.

Ms. Staley stated that she was happy to hear of FCVB's 18.5% increase in 2012. She thanked Chief Cummings for his explanation of the ISO rating and commended the Fire Department for their hard work. **Ms. Staley** stated that she will be attending the next Borough Assembly meeting as the City Representative and will also attend the AML Conference next week in Anchorage. She spoke to her interactions with Ms. Ruby Riddle and commented that she would be greatly missed. **Ms. Staley** asked to be excused for the Regular City Council Meeting of November 19, 2012, due to international travel plans.

No Members objected to Ms. Staley's request to be excused for the Regular Meeting of November 19, 2012.

ADJOURNMENT

Mr. Hilling, seconded by **Mr. Matherly**, moved to ADJOURN the meeting.

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

Mayor Cleworth declared the meeting adjourned at 10:30 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS

DRAFT

MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, CMC, City Clerk

Date: December 3, 2012
To: Mayor Jerry Cleworth
City Council Members
From: Janey Hovenden, CMC, City Clerk
Re: Denial of Application for City of Fairbanks Chauffeur License
Julie A. McCaston

Attached is a copy of Ms. McCaston's application for a City of Fairbanks Chauffeur License. The City Clerk has denied this request for license pursuant to FGC Section 86-77(a)(6)(c):

- (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:
 - (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:
 - (c) Any felony or misdemeanor which includes as an element the use or threat of force upon a person;

Page two of Ms. McCaston's application for licensure indicates a positive response to "Any crime which includes as an element of the offense, the use or threat of force upon a person." The criminal background summary attached indicates that on June 19, 2010, Ms. McCaston was convicted of Assault in the 4th Degree, a Class A misdemeanor offense.

Ms. McCaston 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.

Attachments: Application Packet
Criminal Background & Driving Record Summary
FGC Sections 86-77 and 86-95

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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

DATE: 11-19-12

TO: Janey Hovenden, City Clerk

FROM: Sulie A McCoston
(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, ~~Nov 20~~ Dec 3, 2012 at 7:00 P.M.

(Meetings are held in the Council Chambers located at 800 Cushman Street, 2nd 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.

Sulie A McCoston
Acknowledgement by Applicant

Official Use Only: Clerk's Initials: [Signature]

Date Received: 11/19/2012

Visit Us on the Web at www.fairbanksalaska.us



CITY OF FAIRBANKS

RECEIVED
NOV 19 2012
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: \$175.00 APP FEE

Name: Julie A McCoston	Other Name(s) Used: [REDACTED]
Physical Address: [REDACTED]	City, State, Zip: [REDACTED]
Mailing Address: [REDACTED]	City, State, Zip: [REDACTED]
Home Phone: [REDACTED]	Work/Cell Phone: same
AK Driver's License No: [REDACTED]	E-mail Address: [REDACTED]
Date of Birth: [REDACTED] SSN: [REDACTED]	Place of Birth: [REDACTED]

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 5 1/2 Length of FNSB Residency in Consecutive Years _____

Previous Address(es)

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

[REDACTED] From: [REDACTED] To: [REDACTED]
 [REDACTED] From: [REDACTED] To: [REDACTED]
Alaska From: now To: _____

Employment

Cab Company Applying for or Employed By: Eagle Yellow Cab
 Address: _____
 Date Employment Began or Will Begin: Asap Phone: _____
 Previous Chauffeur License Held (City & State): Fairbanks AK

Record of Conviction(s)	
PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:	
Within the past 24 months , have you had a conviction for any of the following:	YES OR NO
<ul style="list-style-type: none"> • 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? 	NO
<ul style="list-style-type: none"> • Reckless or negligent driving? 	NO
<ul style="list-style-type: none"> • Driving while license is limited, suspended, or revoked? 	NO
Within the past 5 years (or within the past 8 years if a felony conviction) have you received a conviction for either of the following:	
<ul style="list-style-type: none"> • Operating or driving a vehicle while intoxicated? 	NO
<ul style="list-style-type: none"> • Refusing to submit to a chemical test as defined in AS 28.35.032? 	NO
Within the past 8 years have you had a felony or within 4 years a misdemeanor conviction for any of the following:	
<ul style="list-style-type: none"> • Prostitution or promotion of prostitution? 	NO
<ul style="list-style-type: none"> • Sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 - AS 11.71.190? 	NO
<ul style="list-style-type: none"> • Any crime which includes as an element of the offense, the use or threat of force upon a person? 	YES
<ul style="list-style-type: none"> • Burglary, felony larceny, fraud, or embezzlement? 	NO
<ul style="list-style-type: none"> • Any sexual offense? 	NO
<ul style="list-style-type: none"> • Any homicide or assault involving operation of a motor vehicle? 	NO
<ul style="list-style-type: none"> • Two separate felony convictions of any type? 	NO
Are you subject to the registration requirements of AS 12.63 (sex offender or kidnapper)?	NO
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.	
Citizenship Status	
Are you a natural born or fully naturalized citizen of the United States? <u>Yes</u>	
If not, where did you obtain a permit or visa? _____	
Date of entry into the United States: _____	Alien Registration No. _____

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, Julie A McCoston, 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.

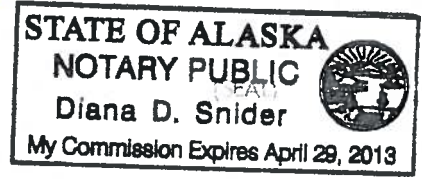
I understand that I must be truthful and, if any statement I have made is found to be false, I will be denied the license for which I am making application.

Julie A McCoston
Signature of Applicant

11-19-12
Date

Sworn to before me this 19th day of November, 20 12

Diana D Snider
Notary Public for the State of Alaska
My Commission Expires: 4/29/13



Administrative Use Only

Approved By:	Date:
Denied By: <u>D. Jamyeth Snider</u>	Date: <u>11/19/12</u>
Reason for Denial: <u>ASSAULT IN THE 4th DEGREE - RECKLESS INJURY; CONVICTION DATE OF 6/19/10 (MISDEMEANOR) CLASS A</u>	

For additional information and/or forms, please visit the City of Fairbanks web site at:
www.fairbanks.alaska.gov

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.

(Code 1960, § 8.201(c)(1)—(6); Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5562, § 1, 3-13-2004; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5875, § 1, 2-27-2012)

Sec. 86-95. - Appeals.

(a) An applicant claiming a factual or clerical error must provide any relevant document to the city clerk at which time the city clerk, upon verification, may reverse the license denial.

(b) The city council may consider appeals of an applicant whose application for a chauffeur's license has been denied by the city clerk. 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, or for refusal within the time indicated in section 86-77 or if the applicant has more than one conviction for offenses listed in section 86-77(6)(a)—(g) within the time indicated.

(c) In considering whether to grant an appeal, the council may consider whether the applicant:

(1) Has made significant efforts at rehabilitation, including successful completion of any court-ordered treatment program; applicant must provide a copy of a certificate showing completion of the recommended program. If the denial was based upon conviction for a crime involving domestic violence, as defined under Alaska Law, the applicant must provide a certificate of completion of a program for rehabilitation of perpetrators of domestic violence that is approved by the State of Alaska Department of Corrections.

(2) Has successfully completed any period of probation;

(3) Has made positive contributions to society in general.

(Ord. No. 5853, § 1, 8-13-2011)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

MEMORANDUM

TO: Mayor Jerry Cleworth
City Council Members

FROM: Janey Hovenden, CMC, City Clerk

SUBJECT: Renewal of Liquor Licenses

DATE: November 28, 2012

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
556	International Hotel & Bar	Beverage Dispensary	122 N Turner	Dakota Ventures Inc
3687	Thai House Restaurant	Restaurant/Eating Place	412 5th Ave	ChalermponBoonprasert
4880	Geraldo's Restaurant & Pizzeria	Restaurant/Eating Place	701 College Rd	Garlic Lovers LLC
5051	Asiana Restaurant	Restaurant/Eating Place	2001 Airport Way	Young Mi Jin

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.



October 29, 2012

Renewal Application Notice

City of Fairbanks
Attn: JaneyHovenden
VIA EMAIL: jjhovenden@ci.fairbanks.ak.us

DBA	Lic Type	Lic #	Owner	Premise Address
International Hotel & Bar	Beverage Dispensary	556	Dakota Ventures Inc	122 N Turner
Thai House Restaurant	Restaurant/Eating Place	3687	ChalermponBoonprasert	412 5th Ave
Geraldo's Restaurant & Pizzeria	Restaurant/Eating Place	4880	Garlic Lovers LLC	701 College Rd
Asiana Restaurant	Restaurant Eating Place	5051	Young Mi Jin	2001 Airport Way

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of

the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/Christine C. Lambert

Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov

cc: Peggy Phillips, Fairbanks North Star Borough Clerk's Office

Introduced by: Mayor Cleworth
Council Member Gatewood
Permanent Fund Review Board Approval: October 31, 2012
Introduced: November 19, 2012

ORDINANCE NO. 5905

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
SECTIONS 2-260 AND 2-261 AND ENACTING 2-262 REGARDING THE
AUTHORIZED INVESTMENT SELECTIONS OF THE CITY
PERMANENT FUND INVESTMENT POLICY**

WHEREAS, the City Council established the investment policy of the City Permanent Fund by terms codified at Fairbanks General Code Sections 2-260 and 2-261; and

WHEREAS, current policy authorizes an “International Equity” allocation class which is defined as replicating the Morgan Stanley Europe, Australasia, Far East (“EAFE”) Index; and

WHEREAS, current policy authorizes an “Emerging Markets” asset class which is defined as replicating the “MSCI Emerging Market Index;” and

WHEREAS, amending the policy to (a) replicate the International Equity allocation against the FTSE Developed ex North America Index, and (b) replicate the Emerging Market Index against the FTSE Emerging Market will not materially change performance but will help keep investment fees low; and

WHEREAS, proposed Section 2-262 will provide for a procedure to authorize interim change of indices in the future; and

WHEREAS, in addition, the City’s investment manager recommends amendment of the allocation benchmarks and allocation ranges set in FGC 2-261 to reduce the predicted volatility of the entire portfolio; and

WHEREAS, the City Permanent Fund Review Board supports and recommends these amendments.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, as follows [new text shown in **underline bold** font; deleted text in ~~strikeout~~ font]:

Sec. 2-260. Permanent fund investment policy, procedure and governance.

(a) *Purpose of fund.* The purpose of the permanent fund is to maximize income for capital and operating expenses of the city and preserve in trust

assets of the city for present and future generations of city residents. The principal goal shall be to preserve principal and maintain purchasing power.

(b) *Investment policy.* The investment policy of the city is to allow only the following investment vehicles.

(1) Obligations of or obligations insured or guaranteed by the United States or agencies or instrumentalities of the United States;

(2) Bonds or other taxable yield U.S. dollar denominated debt instruments of this state, its agencies, municipalities, any other state, or corporation which at the time of investment have an investment grade rating of a nationally recognized rating agency; if the rating of a bond becomes less than investment grade and has a maturity greater than one year, it must be sold in an orderly manner within 90 days of down grading;

(3) Bank certificates of deposit which are insured or secured as to the payment of principal and interest;

(4) Corporate obligations of investment grade quality as recognized by a nationally recognized rating organization. If, after purchase, these obligations are downgraded below investment grade, they shall be sold in an orderly manner within ninety days of down grading. In no circumstance shall any bond be purchased after January 1, 2009 with a yield to maturity that exceeds 600 basis points above a comparable duration treasury note/bond at the date of purchase.

(5) Short term investment funds (STIF) which are limited to investments set forth in subsections (b)(1)--(4) of this section or the Alaska Municipal League Investment Pool as set forth in state statute; and

(6) Domestic equities, which taken as a whole, attempt to replicate the Standard & Poor's 500 Index, including both mutual funds and exchange traded funds (ETF's).

(7) International equities, which taken as a whole, attempt to replicate the ~~Morgan Stanley Europe, Australasia, Far East (EAFE)~~ **FTSE Developed ex North America Index**, including both mutual funds and exchange traded funds (ETF's).

(8) Equities, which taken as a whole, attempt to replicate the universe of domestic real-estate investment trusts, including both mutual funds and exchange traded funds (ETF's).

(9) Domestic equities, which taken as a whole, attempt to replicate the S & P 400 MidCap Index, including both mutual funds and exchange traded funds (ETF's).

(10) Commodities, which taken as a whole, attempt to replicate a broad based commodity index, such as the Dow-Jones UBS Commodity Index, including mutual funds, exchange traded funds (ETF's) and exchange traded notes (ETN's).

(11) Emerging markets equity index funds, which taken as a whole, attempt to replicate the ~~MSCI~~FTSE Emerging Market Index, including both mutual funds and (ETF's).

(12) International Bond index funds, which taken as a whole, attempt to replicate Barclays Capital Global Treasury ex-U.S. Capped Index, including both mutual funds and ETF's.

(13) U.S. Treasury Inflation Protected Securities (TIPS), and/or mutual funds or ETF's which attempt to replicate the Barclays Capital U.S. Treasury Inflation Protected Securities Index.

(c) *Limitations.* The following investment practices are prohibited and shall constitute limitations to fund investments:

(1) Options and futures may not be purchased or sold; complex derivatives and complex structured notes which provide for uncertain payment dates and amounts are prohibited without the express, written consent of the city council, as are practices which involve the use of leveraging through reverse repurchase agreements;

(2) Investments in U.S. dollar denominated obligations of corporations shall be limited to a percentage level as provided for by the city council from time to time. Investment grade to be defined by at least one nationally recognized rating service. The investment in the lowest level of investment grade securities is to be limited to no more than ten percent of the marketable debt securities;

(3) No investment shall be made in any one individual security or issuer in excess of five percent of the total investment portfolio, measured by market value, except for obligations of the U.S. government and its agencies.

(4) No investments, cumulatively, shall be made in any one industry in excess of 25 percent of the total investment portfolio except for obligations

of the U.S. and its agencies without quarterly disclosure to the Review Board for consideration.

(5) Effective January 1, 2009, no commercial residential mortgagee backed securities (MBS, etc. but not to exclude securities issued by a U.S. government agency) and no further commercial mortgage backed securities (CMBS, etc) may be purchased.

(d) *Transactional records.* The board shall maintain on file within the offices of the city, monthly reports which indicate the following:

(1) All transactions affecting the investment account, to include purchases and sales of securities, transfers of cash into and out of the account, interest or dividends received by the account; and

(2) A listing of all assets held in the investment account, including identification of the security, original purchase price, and current market price.

(e) *Fund performance evaluation.* The city council and the board may have an objective performance evaluation of the investment program every year. The board may retain a performance measurement consultant whose contractual purpose will be to provide objective measurement of the performance of investment managers and the portfolio against appropriate indices, universes and/or benchmarks as recommended by the consultant and adopted by the city council and the board. Portfolio performance may be reviewed by the consultant at least semiannually with the city council and the board. Such consultant may not manage in any capacity any portion of the portfolio.

(f) *Custodian bank.* The city council and the board shall retain a bank custodian to hold all investment cash and securities in the name of the city's permanent fund. The custodian shall render monthly reports to the city council and the board regarding assets held at both book and market values, and individual transactions which have taken place. The bank shall have adequate fidelity insurance. A written contract will be entered into between the city and the custodian bank.

(g) *Investment managers.* The city council and the board shall retain one or more professional investment managers to design portfolios and invest funds in accordance with the written investment policies adopted by the city council. The investment managers must be registered financial advisers with both the United States Securities and Exchange Commission and the state and may not serve in any multiple role as investment manager or securities broker custodian. They must agree to serve as a fiduciary to the fund and carry professional liability insurance in

the minimum amount of \$5,000,000.00. A written contract must be entered into between the fund and the investment managers.

(h) *Fiduciary status; conflict of interest.* The board shall be considered to have the responsibility of a fiduciary to the fund and shall be indemnified by the city in any action brought against them collectively or individually while acting in this capacity. No board member may act on behalf of the board in any manner involving the investments of the portfolio or its management pursuant to this policy, except as specifically authorized by the city council in writing.

(i) *Prudent investor rule.* The city council, the board, the staff, the investment managers and the bank custodians shall exercise the judgment and care under the circumstances then prevailing which an investor of ordinary prudence, discretion and intelligence exercises in the management of large investments entrusted to it, not in regard to speculation, but in regard to the long-term investment of funds considering the probable safety of capital as well as probable income.

(j) *Balance available for appropriation.* The city council may only appropriate from the permanent fund as follows: In any fiscal year, an amount not to exceed four percent of the five-year average fund market value, to be computed using the five prior years' year end audited market value, for the city operations, and an additional 0.5 percent solely for capital needs.

Sec. 2-261. Permanent fund asset allocation plan and performance measurement targets. The target for equities is 40% of the portfolio with an allowable range of 30% to ~~50~~60%. The target for fixed income is 60% of the portfolio with an allowable range of ~~50~~40% to 70%.

(a) Within the overall guidelines for equities and fixed income investments, the asset allocation targets and ranges are as follows:

Large Cap Equity	22	20 15 - 50
Mid Cap Equity	2	0 - 10
Small Cap Equity	1	0 - 10
International Equity	8	0 - 15
Emerging Markets Equity	2	0 - 5 10
Real Estate Equity	5	0 - 10
Fixed Income - Overall	60	50 40 - 70
US Bonds meeting Ordinance Criteria	45	40 30 - 70
International Bonds	5	0 - 10
U.S Treasury Inflation Protected Securities	10 5	0 - 15 10
Cash/1-3 month Treasuries	5	0 - 10
Commodities	0	0 - 10

(b) The performance of the investment advisors for the overall portfolio will be measured against the weighted blended target allocation plus 50 basis points (0.5%). Components of the portfolio will be measured as follows:

1. Performance measurement of the Domestic Equity allocation will be measured against the Target Weighting, using the Standard & Poor's 500 as the benchmark.
2. Performance measurement for the Mid/Small Cap Equity allocation will be measured against the Target Weighting, using the Standard & Poor's 400 MidCap Index as the benchmark.
3. Performance measurement for the International Equity allocation will be measured against the target weighting using the **FTSE Developed ex North America** ~~Morgan Stanley Europe, Australasia, Far East (EAFE)~~ Index for the benchmark.
4. Performance measurement for the real estate allocation will be measured against the target weighting using the Standard & Poor's REIT Index for the benchmark.
5. Performance measurement for the U.S. Bond allocation will be measured against the target weighting using the Barclays Capital U.S. Aggregate Bond Index for the benchmark. Duration should be maintained between 80 percent and 120 percent of the duration of the benchmark.

6. Performance measurement of the commodity allocation will be measured against the target weighting, using a broad based index such as the Dow Jones-UBS Commodity Index, selected by the Permanent Fund Review Board.

7. Performance measurement for the emerging markets equity allocation will be measured against the target weighting using the MSCI FTSE Emerging Market Index.

8. Performance measurement for the international bond allocation will be measured against the target weighting using the Barclays Capital Global Treasury ex. U.S. Capped Index.

9. Performance measurement for the U.S. Treasury Inflation Protected Securities (TIPS) allocation will be measured against the target weighting using the Barclays Capital U.S. Treasury Inflation Protected Securities Index.

Section 2: That Fairbanks General Code Section 2-262 is adopted:

Sec 2-262 Interim Use of Substitute Index. In the event that one of the indices specified in Sections 2-260 and 2-261 becomes, in the professional judgment of the investment manager, unavailable or inappropriate, a substitute index may be used on an interim basis with the written consent of the City Chief Financial Officer, who shall notify the Mayor and City Council and prepare an ordinance amending the investment policy accordingly for introduction at the next Council Meeting.

Section 3: That the effective date of this Ordinance shall be the ___ day of _____, 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J Ewers, City Attorney

Introduced by: Mayor Cleworth
Council Member Gatewood
Permanent Fund Review Board Approval: October 31, 2012
Introduced: November 19, 2012

ORDINANCE NO. 5905, AS AMENDED

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
SECTIONS 2-260 AND 2-261 AND ENACTING 2-262 REGARDING THE
AUTHORIZED INVESTMENT SELECTIONS OF THE CITY
PERMANENT FUND INVESTMENT POLICY**

WHEREAS, the City Council established the investment policy of the City Permanent Fund by terms codified at Fairbanks General Code Sections 2-260 and 2-261; and

WHEREAS, current policy authorizes an “International Equity” allocation class which is defined as replicating the Morgan Stanley Europe, Australasia, Far East (“EAFE”) Index; and

WHEREAS, current policy authorizes an “Emerging Markets” asset class which is defined as replicating the “MSCI Emerging Market Index;” and

WHEREAS, amending the policy to (a) replicate the International Equity allocation against the FTSE Developed ex North America Index, and (b) replicate the Emerging Market Index against the FTSE Emerging Market will not materially change performance but will help keep investment fees low; and

WHEREAS, proposed Section 2-262 will provide for a procedure to authorize interim change of indices in the future; and

WHEREAS, in addition, the City’s investment manager recommends amendment of the allocation benchmarks and allocation ranges set in FGC 2-261 to reduce the predicted volatility of the entire portfolio; and

WHEREAS, the City Permanent Fund Review Board supports and recommends these amendments;and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, as follows [new text shown in **underline bold** font; deleted text in ~~strikeout~~ font and AS AMENDED text shown in ***double underline italic*** font]:

Sec. 2-260. Permanent fund investment policy, procedure and governance.

(a) *Purpose of fund.* The purpose of the permanent fund is to maximize income for capital and operating expenses of the city and preserve in trust assets of the city for present and future generations of city residents. The principal goal shall be to preserve principal and maintain purchasing power.

(b) *Investment policy.* The investment policy of the city is to allow only the following investment vehicles.

(1) Obligations of or obligations insured or guaranteed by the United States or agencies or instrumentalities of the United States;

(2) Bonds or other taxable yield U.S. dollar denominated debt instruments of this state, its agencies, municipalities, any other state, or corporation which at the time of investment have an investment grade rating of a nationally recognized rating agency; if the rating of a bond becomes less than investment grade and has a maturity greater than one year, it must be sold in an orderly manner within 90 days of down grading;

(3) Bank certificates of deposit which are insured or secured as to the payment of principal and interest;

(4) Corporate obligations of investment grade quality as recognized by a nationally recognized rating organization. If, after purchase, these obligations are downgraded below investment grade, they shall be sold in an orderly manner within ninety days of down grading. In no circumstance shall any bond be purchased after January 1, 2009 with a yield to maturity that exceeds 600 basis points above a comparable duration treasury note/bond at the date of purchase.

(5) Short term investment funds (STIF) which are limited to investments set forth in subsections (b)(1)--(4) of this section or the Alaska Municipal League Investment Pool as set forth in state statute; and

(6) Domestic equities, which taken as a whole, attempt to replicate the Standard & Poor's 500 Index, including both mutual funds and exchange traded funds (ETF's).

(7) International equities, which taken as a whole, attempt to replicate the ~~Morgan Stanley Europe, Australasia, Far East (EAFE)~~ **FTSE Developed ex North America Index**, including both mutual funds and exchange traded funds (ETF's).

(8) Equities, which taken as a whole, attempt to replicate the universe of domestic real-estate investment trusts, including both mutual funds and exchange traded funds (ETF's).

(9) Domestic equities, which taken as a whole, attempt to replicate the S & P 400 MidCap Index, including both mutual funds and exchange traded funds (ETF's).

(10) Commodities, which taken as a whole, attempt to replicate a broad based commodity index, such as the Dow-Jones UBS Commodity Index, including mutual funds, exchange traded funds (ETF's) and exchange traded notes (ETN's).

(11) Emerging markets equity index funds, which taken as a whole, attempt to replicate the ~~MSCI~~FTSE Emerging Market Index, including both mutual funds and (ETF's).

(12) International Bond index funds, which taken as a whole, attempt to replicate Barclays Capital Global Treasury ex-U.S. Capped Index, including both mutual funds and ETF's.

(13) U.S. Treasury Inflation Protected Securities (TIPS), and/or mutual funds or ETF's which attempt to replicate the Barclays Capital U.S. Treasury Inflation Protected Securities Index.

(c) *Limitations.* The following investment practices are prohibited and shall constitute limitations to fund investments:

(1) Options and futures may not be purchased or sold; complex derivatives and complex structured notes which provide for uncertain payment dates and amounts are prohibited without the express, written consent of the city council, as are practices which involve the use of leveraging through reverse repurchase agreements;

(2) Investments in U.S. dollar denominated obligations of corporations shall be limited to a percentage level as provided for by the city council from time to time. Investment grade to be defined by at least one nationally recognized rating service. The investment in the lowest level of investment grade securities is to be limited to no more than ten percent of the marketable debt securities;

(3) No investment shall be made in any one individual security or issuer in excess of five percent of the total investment portfolio, measured by market value, except for obligations of the U.S. government and its agencies.

(4) No investments, cumulatively, shall be made in any one industry in excess of 25 percent of the total investment portfolio except for obligations of the U.S. and its agencies without quarterly disclosure to the Review Board for consideration.

(5) Effective January 1, 2009, no commercial residential mortgage backed securities (MBS, etc. but not to exclude securities issued by a U.S. government agency) and no further commercial mortgage backed securities (CMBS, etc) may be purchased.

(d) *Transactional records.* The board shall maintain on file within the offices of the city, monthly reports which indicate the following:

(1) All transactions affecting the investment account, to include purchases and sales of securities, transfers of cash into and out of the account, interest or dividends received by the account; and

(2) A listing of all assets held in the investment account, including identification of the security, original purchase price, and current market price.

(e) *Fund performance evaluation.* The city council and the board may have an objective performance evaluation of the investment program every year. The board may retain a performance measurement consultant whose contractual purpose will be to provide objective measurement of the performance of investment managers and the portfolio against appropriate indices, universes and/or benchmarks as recommended by the consultant and adopted by the city council and the board. Portfolio performance may be reviewed by the consultant at least semiannually with the city council and the board. Such consultant may not manage in any capacity any portion of the portfolio.

(f) *Custodian bank.* The city council and the board shall retain a bank custodian to hold all investment cash and securities in the name of the city's permanent fund. The custodian shall render monthly reports to the city council and the board regarding assets held at both book and market values, and individual transactions which have taken place. The bank shall have adequate fidelity insurance. A written contract will be entered into between the city and the custodian bank.

(g) *Investment managers.* The city council and the board shall retain one or more professional investment managers to design portfolios and invest funds in accordance with the written investment policies adopted by the city council. The investment managers must be registered financial advisers with both the United States Securities and Exchange

Commission and the state and may not serve in any multiple role as investment manager or securities broker custodian. They must agree to serve as a fiduciary to the fund and carry professional liability insurance in the minimum amount of \$5,000,000.00. A written contract must be entered into between the fund and the investment managers.

(h) *Fiduciary status; conflict of interest.* The board shall be considered to have the responsibility of a fiduciary to the fund and shall be indemnified by the city in any action brought against them collectively or individually while acting in this capacity. No board member may act on behalf of the board in any manner involving the investments of the portfolio or its management pursuant to this policy, except as specifically authorized by the city council in writing.

(i) *Prudent investor rule.* The city council, the board, the staff, the investment managers and the bank custodians shall exercise the judgment and care under the circumstances then prevailing which an investor of ordinary prudence, discretion and intelligence exercises in the management of large investments entrusted to it, not in regard to speculation, but in regard to the long-term investment of funds considering the probable safety of capital as well as probable income.

(j) *Balance available for appropriation.* The city council may only appropriate from the permanent fund as follows: In any fiscal year, an amount not to exceed four percent of the five-year average fund market value, to be computed using the five prior years' year end audited market value, for the city operations, and an additional 0.5 percent solely for capital needs.

Sec. 2-261. Permanent fund asset allocation plan and performance measurement targets. The target for equities is ~~40%~~45% of the portfolio with an allowable range of 30% to ~~50~~60%. The target for fixed income is ~~60%~~55% of the portfolio with an allowable range of ~~50~~40% to 70%.

(a) Within the overall guidelines for equities and fixed income investments, the asset allocation targets and ranges are as follows:

Asset Class	Target % Weighting	Range %
Equities - Overall	40 45	30 - 50 60
Large Cap Equity	22	20 <u>15</u> - 50
Mid Cap Equity	2 <u>3</u>	0 - 10
Small Cap Equity	1 <u>2</u>	0 - 10
International Equity	8 <u>9</u>	0 - 15
Emerging Markets Equity	2 <u>4</u>	0 - 5 <u>10</u>
Real Estate Equity	5	0 - 10
Fixed Income - Overall	60 <u>55</u>	50 <u>40</u> - 70
US Bonds meeting Ordinance Criteria	45 <u>40</u>	40 <u>30</u> - 70
International Bonds	5	0 - 10
U.S Treasury Inflation Protected Securities	10 <u>5</u>	0 - 15 <u>10</u>
<u>Cash/1-3 month Treasuries</u>	<u>5</u>	<u>0 - 10</u>
Commodities	0	0 - 10

(b) The performance of the investment advisors for the overall portfolio will be measured against the weighted blended target allocation plus 50 basis points (0.5%). Components of the portfolio will be measured as follows:

1. Performance measurement of the Domestic Equity allocation will be measured against the Target Weighting, using the Standard & Poor's 500 as the benchmark.
2. Performance measurement for the Mid/Small Cap Equity allocation will be measured against the Target Weighting, using the Standard & Poor's 400 MidCap Index as the benchmark.
3. Performance measurement for the International Equity allocation will be measured against the target weighting using the FTSE Developed ex North America ~~Morgan Stanley Europe, Australasia, Far East (EAFE)~~ Index for the benchmark.
4. Performance measurement for the real estate allocation will be measured against the target weighting using the Standard & Poor's REIT Index for the benchmark.
5. Performance measurement for the U.S. Bond allocation will be measured against the target weighting using the Barclays Capital U.S. Aggregate Bond Index for the benchmark. Duration should be maintained between 80 percent and 120 percent of the duration of the benchmark.

6. Performance measurement of the commodity allocation will be measured against the target weighting, using a broad based index such as the Dow Jones-UBS Commodity Index, selected by the Permanent Fund Review Board.

7. Performance measurement for the emerging markets equity allocation will be measured against the target weighting using the ~~MSCI~~**FTSE** Emerging Market Index.

8. Performance measurement for the international bond allocation will be measured against the target weighting using the Barclays Capital Global Treasury ex. U.S. Capped Index.

9. Performance measurement for the U.S. Treasury Inflation Protected Securities (TIPS) allocation will be measured against the target weighting using the Barclays Capital U.S. Treasury Inflation Protected Securities Index.

Section 2: That Fairbanks General Code Section 2-262 is adopted:

Sec 2-262 Interim Use of Substitute Index. In the event that one of the indices specified in Sections 2-260 and 2-261 becomes, in the professional judgment of the investment manager, unavailable or inappropriate, a substitute index may be used on an interim basis with the written consent of the City Chief Financial Officer, who shall notify the Mayor and City Council and, after receiving the input of the Permanent Fund Review Board at a regular or special meeting, prepare an ordinance amending the investment policy accordingly for introduction at the next Council Meeting.

Section 3: That the effective date of this Ordinance shall be the ___ day of _____ 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J Ewers, City Attorney

ORDINANCE NO. 5906

**AN ORDINANCE AUTHORIZING RELEASE OF AN
EASEMENT IN PEGER LAKE DEVELOPMENT.**

WHEREAS, the City of Fairbanks acquired a certain easement on May 25, 1995, the same being recorded in Book 928 at Pages 603 through 607, records of the Fairbanks Recording District ("the easement"); and

WHEREAS, said easement comprises a twenty-foot strip of land centered on the lot lines common to Lots 48 and 49, Peger Lake Development Phase II, according to the plat filed July 13, 1993 as Plat No. 93-168, as shown on attached "Exhibit A"; and

WHEREAS, the intended purpose of the easement was to allow installation of pipe into Peger Lake as a water source for a "draft" fire hydrant, because at that time, there was no public water supply for this purpose; and

WHEREAS, since acquiring the easement, sufficient water mains have been installed such that water supply for fire hydrants is now available at this location; and

WHEREAS, the owners of Lots 48 and 49 have requested that the easement be released; and

WHEREAS, the City Fire Marshall has reviewed this easement and determined that it is no longer required for fire protection and can be released; and

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

SECTION 1. DETERMINATION: That said easement is no longer necessary for municipal purposes and shall be released.

SECTION 2. MAYORS AUTHORIZATION: That the Mayor is hereby authorized and empowered to execute such documents as necessary to effect release of said easement after Council approval.

SECTION 3. That the effective date of this ordinance shall be the 8th day of December 2012.

JERRY CLEWORTH, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

JANEY HOVENDEN, CMC, City Clerk

PAUL EWERS, City Attorney

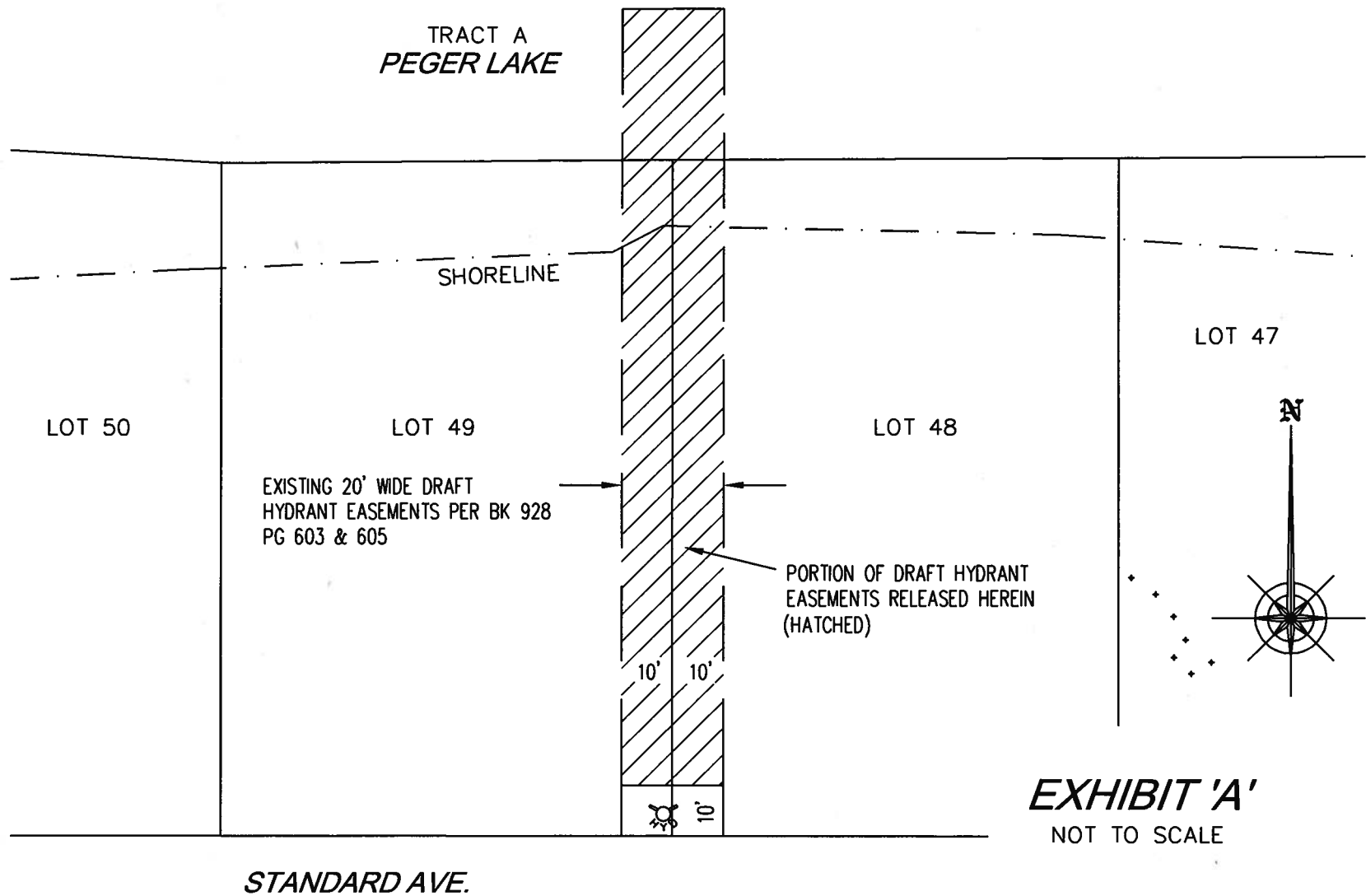


EXHIBIT 'A'
ORDINANCE No. 5906

ORDINANCE NO. 5907

**AN ORDINANCE ADOPTING THE 2013
 OPERATING AND CAPITAL BUDGETS**

WHEREAS, pursuant to City Charter Section 5.2, on October 31, 2012, Mayor Cleworth presented a recommended annual operating and capital budget estimate for 2013; and

WHEREAS, the proposed budget has been reviewed by the City Finance Committee with the active participation of City Department Directors.

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

SECTION 1. There is hereby appropriated to the 2013 General Fund budget from the following sources of revenue for the City of Fairbanks in the amount indicated to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2013 and ending December 31, 2013:

	MAYOR RECOMMENDS	COUNCIL APPROPRIATION
Taxes, (all sources)	\$ 19,495,990	\$ -
Charges for Services	4,319,431	-
Intergovernmental Revenues	3,180,122	-
Licenses & Permits	1,678,239	-
Fines, Forfeitures & Penalties	987,075	-
Interest & Penalties	142,500	-
Rental & Lease Income	157,919	-
Other Revenues	212,500	-
Other Financing Sources	3,416,592	-
Total appropriation	\$ 33,590,368	\$ -

SECTION 2. There is hereby appropriated to the 2013 budget expenditures for the City of Fairbanks in the amount indicated:

<u>DEPT</u>	<u>DESCRIPTION</u>	<u>MAYOR RECOMMENDS</u>	<u>COUNCIL APPROPRIATION</u>
10	Mayor and Council	\$ 495,271	\$ -
11	Office of the City Attorney	172,281	-
12	Office of the City Clerk	344,767	-
13	Finance Department	902,267	-
14	Information Technology	1,431,938	-
15	General Account	5,138,271	-
16	Risk Management	1,406,448	-
20	Police Department	6,838,678	-
21	Dispatch Center	1,983,336	-
30	Fire Department	6,370,513	-
50	Public Works Department	7,199,801	-
51	Engineering Department	465,775	-
60	Building Department	656,136	-
	Total appropriation	\$ 33,405,482	\$ -
	12/31/12 (estimate) general fund balance	\$ 10,562,266	\$ -
	Increase to fund balance	184,886	-
	Committed for snow removal	(250,000)	-
	(Estimate) Committed self insurance reserve	(530,000)	-
	12/31/13 Unassigned balance	\$ 9,967,152	\$ -

SECTION 3. There is hereby appropriated to the 2013 Capital Fund budget from the following sources of revenue for the City of Fairbanks in the amount indicated:

	MAYOR RECOMMENDS	COUNCIL APPROPRIATION
Transfer from Permanent Fund	\$ 482,146	\$ -
Transfer from General Fund	150,000	-
Transfer Ambulance Mileage from General Fund	65,000	-
Budgeted Garbage Equipment Replacement	225,574	-
Equipment Replacement - Public Works	250,000	-
Equipment Replacement - Building Department	10,000	-
Equipment Replacement - Police	180,000	-
Equipment Replacement - Dispatch	75,000	-
Equipment Replacement - Fire	250,000	-
Equipment Replacement - IT	105,000	-
Property Repair & Replacement	145,000	-
	<hr/>	<hr/>
Total appropriation	\$ 1,937,720	\$ -

To the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2013 and ending December 31, 2013.

SECTION 4. There is hereby appropriated to the 2013 capital budget, expenditures for the City of Fairbanks in the amount indicated:

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>MAYOR RECOMMENDS</u>	<u>COUNCIL APPROPRIATION</u>
14	Information Tech. Department	165,000	-
20	Police Department	180,000	-
21	Dispatch Department	45,000	-
30	Fire Department	618,000	-
50	Public Works Department	1,537,800	-
	Total appropriation	\$ 2,545,800	\$ -
12/31/12 (estimate) capital fund balance		4,153,928	-
Decrease to fund balance		(608,080)	-
Total Decrease to assigned fund balance		<u>3,545,848</u>	<u>-</u>

SECTION 5. All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2013 and ending December 31, 2013.

SECTION 6. The effective date of this ordinance shall be the ____ day of December 2012.

JERRY CLEWORTH, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

JaneyHovenden,CMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 5907, AS AMENDED

**AN ORDINANCE ADOPTING THE 2013
 OPERATING AND CAPITAL BUDGETS**

WHEREAS, pursuant to City Charter Section 5.2, on October 31, 2012, Mayor Cleworth presented a recommended annual operating and capital budget estimate for 2013; and

WHEREAS, the proposed budget has been reviewed by the City Finance Committee with the active participation of City Department Directors.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows [amendments shown in **bold** font]:

SECTION 1. There is hereby appropriated to the 2013 General Fund budget from the following sources of revenue for the City of Fairbanks in the amount indicated to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2013 and ending December 31, 2013:

	MAYOR RECOMMENDS	COUNCIL APPROPRIATION
Taxes, (all sources)	\$ 19,495,990	\$ -
Charges for Services	4,319,431	-
Intergovernmental Revenues	3,180,122	-
Licenses & Permits	1,678,239	-
Fines, Forfeitures & Penalties	987,075	-
Interest & Penalties	142,500	-
Rental & Lease Income	157,919	-
Other Revenues	212,500	-
Other Financing Sources	3,416,592	-
Total appropriation	\$ 33,590,368	\$ -

SECTION 2. There is hereby appropriated to the 2013 budget expenditures for the City of Fairbanks in the amount indicated:

<u>DEPT</u>	<u>DESCRIPTION</u>	<u>MAYOR RECOMMENDS</u>	<u>COUNCIL APPROPRIATION</u>
10	Mayor and Council	\$ 495,271	\$ -
11	Office of the City Attorney	172,281	-
12	Office of the City Clerk	344,767	-
13	Finance Department	902,267	-
14	Information Technology	1,431,938	-
15	General Account	5,088,271	-
16	Risk Management	1,406,448	-
20	Police Department	6,838,678	-
21	Dispatch Center	1,983,336	-
30	Fire Department	6,370,513	-
50	Public Works Department	7,199,801	-
51	Engineering Department	465,775	-
60	Building Department	656,136	-
	Total appropriation	\$ 33,355,482	\$ -
	12/31/12 (estimate) general fund balance	\$ 10,562,266	\$ -
	Increase to fund balance	234,886	-
	Committed for snow removal	(250,000)	-
	(Estimate) Committed self insurance reserve	(530,000)	-
	12/31/13 Unassigned balance	\$ 10,017,152	\$ -

SECTION 3. There is hereby appropriated to the 2013 Capital Fund budget from the following sources of revenue for the City of Fairbanks in the amount indicated:

	MAYOR RECOMMENDS	COUNCIL APPROPRIATION
Transfer from Permanent Fund	\$ 482,146	\$ -
Transfer from General Fund	150,000	-
Transfer Ambulance Mileage from General Fund	65,000	-
Budgeted Garbage Equipment Replacement	225,574	-
Equipment Replacement - Public Works	250,000	-
Equipment Replacement - Building Department	10,000	-
Equipment Replacement - Police	180,000	-
Equipment Replacement - Dispatch	75,000	-
Equipment Replacement - Fire	250,000	-
Equipment Replacement - IT	105,000	-
Property Repair & Replacement	145,000	-
	<hr/>	<hr/>
Total appropriation	\$ 1,937,720	\$ -

To the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2013 and ending December 31, 2013.

SECTION 4. There is hereby appropriated to the 2013 capital budget, expenditures for the City of Fairbanks in the amount indicated:

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>MAYOR RECOMMENDS</u>	<u>COUNCIL APPROPRIATION</u>
14	Information Tech. Department	165,000	-
20	Police Department	180,000	-
21	Dispatch Department	45,000	-
30	Fire Department	618,000	-
50	Public Works Department	1,537,800	-
	Total appropriation	\$ 2,545,800	\$ -
12/31/12 (estimate) capital fund balance		4,903,928	-
Decrease to fund balance		(608,080)	-
Total Decrease to assigned fund balance		<u>4,295,848</u>	<u>-</u>

SECTION 5. All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2013 and ending December 31, 2013.

SECTION 6. The effective date of this ordinance shall be the ____ day of December 2012.

JERRY CLEWORTH, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

JaneyHovenden,CMC, City Clerk

Paul J. Ewers, City Attorney

FISCAL NOTE

ORDINANCE 5907, AS AMENDED ADOPTING THE 2013 GENERAL AND CAPITAL BUDGETS

ESTIMATED REVENUES and OTHER FINANCING SOURCES (USES)
No change

1. Taxes – No Change
2. Charges for Services – No Change
3. Intergovernmental Revenues – No Change
4. Licenses & Permits – No Change
5. Fines, Forfeitures & Penalties – No Change
6. Interest & Penalties – No Change
7. Rental & Lease Income – No Change
8. Other Revenues – No Change
9. Other Financing Sources & (Uses) – No Change

**FISCAL NOTE CONTINUED
ESTIMATED EXPENDITURES**

(\$50,000 Decrease)

1. Mayor & Council – No Change
2. City Attorney’s Office – No Change
3. City Clerk’s Office – No Change
4. Finance Department – No Change
5. Information Technology – No Change
6. General Account – (50,000) Decrease
 - Amending the original ordinance to decrease funding to FCVB by \$50,000 to correct a computation error.
7. Risk Management – No Change
8. Police Department – No Change
9. Dispatch – No Change
10. Fire Department – No Change
11. Public Works – No Change
12. Engineering – No Change
13. Building Department – No Change

ORDINANCE NO. 5908

**AN ORDINANCE AMENDING THE 2012 GENERAL FUND
BUDGET FOR THE THIRD TIME**

WHEREAS, this ordinance incorporates the changes outlined on the attached fiscal note to amend the 2012 general fund budget.

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

SECTION 1. There is hereby appropriated to the 2012 budget from the following sources of revenue for the City of Fairbanks in the amount indicated to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2012 and ending December 31, 2012:

	Approved Budget	As Amended
Taxes, (all sources)	\$ 19,425,990	\$ 19,425,990
Charges for Services	4,331,966	4,557,259
Intergovernmental Revenues	3,804,499	3,805,284
Licenses & Permits	1,891,198	1,946,370
Fines, Forfeitures & Penalties	1,115,390	1,031,533
Interest & Penalties	122,000	140,893
Rental & Lease Income	157,919	158,119
Other Revenues	482,588	518,523
Other Financing Sources	2,012,389	1,022,800
Total Appropriation	\$ 33,343,939	\$ 32,606,771

SECTION 2. There is hereby appropriated to the 2012 general fund budget expenditures for the City of Fairbanks in the amount indicated:

<u>DEPT</u>	<u>DESCRIPTION</u>	<u>Approved Budget</u>	<u>As Amended</u>
10	Mayor and Council	\$ 483,403	\$ 483,403
11	Office of the City Attorney	166,857	166,857
12	Office of the City Clerk	300,758	300,758
13	Finance Department	882,600	882,600
14	Information Technology	1,447,837	1,447,837
15	General Account	5,000,223	5,000,223
16	Risk Management	1,410,927	1,410,927
20	Police Department	6,770,347	6,770,347
21	Dispatch	1,971,025	1,971,025
30	Fire Department	6,361,380	6,361,380
50	Department of Public Works	6,990,010	6,990,010
51	Engineering Division	611,316	611,316
60	Building Department	640,741	640,741
	Total General Fund Appropriation	<u>\$ 33,037,424</u>	<u>\$ 33,037,424</u>
<hr/>			
	Total Revenues	\$ 33,343,939	\$ 32,606,771
	2011 Assigned Fund Balance for encumbrances	293,960	293,960
	Total Revenues and prior year assignments	<u>\$ 33,637,899</u>	<u>\$ 32,900,731</u>
	Total Appropriation	33,037,424	33,037,424
	Decrease to general fund unassigned fund balance	<u>\$ 600,475</u>	<u>\$ (136,693)</u>
	12/31/11 general fund balance	\$ 10,992,919	\$ 10,992,919
	Decrease to fund balance	600,475	(136,693)
	Assigned encumbrances	(293,960)	(293,960)
	12/31/12 Projected general fund balance	11,299,434	10,562,266
	Committed for snow removal	(250,000)	(250,000)
	Committed for Self Insurance Reserve	(529,273)	(529,273)
	12/31/12 Projected Unassigned balance	<u>\$ 10,520,161</u>	<u>\$ 9,782,993</u>

SECTION 3. All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2012 and ending December 31, 2012.

SECTION 4. The effective date of this Ordinance shall be the ____ day of _____ 2012.

Jerry Cleworth, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

FISCAL NOTE

ORDINANCE 5908 AMENDING 2012 GENERAL FUND BUDGET THIRD TIME

ESTIMATED REVENUES and OTHER FINANCING SOURCES (USES)
(\$737,168) Decrease

1. Taxes – No Change
2. Charges for Services – \$225,293 Increase
 - Various accounts see attachment
3. Intergovernmental Revenues – \$785 Increase
 - PILT revenue
4. Licenses & Permits – \$55,172 Increase
 - Various accounts see attachment
5. Fines, Forfeitures & Penalties – (\$83,857) Decrease
 - Various accounts see attachment
6. Interest & Penalties – \$18,893 Increase
 - Various accounts see attachment
7. Rental & Lease Income – \$200 Increase
 - Rent ETS
8. Other Revenues – \$35,935 Increase
 - Various accounts see attachment
9. Other Financing Sources & (Uses) – (\$989,589) Decrease
 - \$(750,000) Decrease for transfer to Capital Fund
 - \$(250,000) Decrease for transfer to Permanent Fund
 - \$10,411 Increase for sale of assets

**FISCAL NOTE CONTINUED
ESTIMATED EXPENDITURES**

No Change

1. Mayor & Council – No Change
2. City Attorney’s Office – No Change
3. City Clerk’s Office – No Change
4. Finance Department – No Change
5. Information Technology – No Change
6. General Account – No Change
7. Risk Management – No Change
8. Police Department – No Change
9. Dispatch – No Change
10. Fire Department – No Change
11. Public Works – No Change
12. Engineering – No Change
13. Building Department – No Change

ORDINANCE 5908ATTACHMENT

as of 11/7/12

	REVISED EST REV	ACTUAL YTD REVENUE	VARIANCE	Recommended Amendment	Amended Budget	
TAXES						
3001__	REAL PROPERTY TAXES	14,043,990	14,043,989.96	(0.04)	-	14,043,990
3002__	HOTEL MOTEL TAXES	2,462,000	2,240,976.82	(221,023.18)	-	2,462,000
3003__	ALCOHOL BEVERAGES TAXES	2,000,000	1,549,829.95	(450,170.05)	-	2,000,000
3004__	TOBACCO DISTRIBUTION TAXES	920,000	695,149.87	(224,850.13)	-	920,000
		<u>19,425,990</u>	<u>18,529,946.60</u>	<u>(896,043.40)</u>	<u>-</u>	<u>19,425,990</u>
CHARGES FOR SERVICES						
3101__	RESERVE FOR LOSSES	(50,000)	-	50,000.00	-	(50,000)
3125__	ATTORNEY FEES COURT COSTS	7,000	5,770.00	(1,230.00)	-	7,000
3126__	ELECTION FILING SERVICES	125	175.00	50.00	50	175
3140__	COPY CHARGES	19,500	20,146.90	646.90	650	20,150
3180__	ADMIN REC GRANTS	30,000	23,189.65	(6,810.35)	-	30,000
3102__	AMBULANCE	1,170,000	706,742.37	(463,257.63)	-	1,170,000
3103__	FIRE PROTECTION SERVICES	5,350	15,259.53	9,909.53	9,910	15,260
3104__	MOTOR VEH ACCIDENT REVENUE	10,000	15,514.71	5,514.71	5,515	15,515
3108__	ALARM SYSTEM BILLINGS	90,000	110,625.00	20,625.00	20,625	110,625
3110__	DISPATCH SERVICES	530,000	557,798.11	27,798.11	27,800	557,800
3112__	GARBAGE COLLECTION	1,487,180	1,492,398.89	5,218.89	5,219	1,492,399
3113__	GARBAGE EQUIPMENT RESERVE	202,800	204,387.25	1,587.25	1,587	204,387
3115__	PW WARRANTY REIMBURSEMENT	-	130.00	130.00	130	130
3123__	ENG GEN SERVICES LABOR	-	37.50	37.50	38	38
3124__	ENG MISC CHARGES & FEES	1,800	4,012.00	2,212.00	2,212	4,012
3183__	ENG RECOVERY GRANTS	800,000	797,285.48	(2,714.52)	150,000	950,000
3185__	PW RECOVERY GRANTS	25,061	25,061.26	0.26	-	25,061
3460__	STRMWATER PPP PLAN REVIEW	1,200	-	(1,200.00)	-	1,200
3461__	STRMWTR SITE REVIEW 1TO5 ACRE	250	-	(250.00)	-	250
3130__	BUILDING MISC SERVICES	1,700	3,258.00	1,558.00	1,558	3,258
		<u>4,331,966</u>	<u>3,981,791.65</u>	<u>(350,174.35)</u>	<u>225,293</u>	<u>4,557,259</u>
INTERGOVERNMENTAL						
3305__	SOA BOND REIMBURSEMENT	867,690	867,690.00	-	-	867,690
3314__	SART EXAM REIMBURSEMENT	1,800	1,800.00	-	-	1,800
3301__	SOA MUNICIPAL ASSISTANCE	2,247,507	2,247,507.00	-	-	2,247,507
3302__	SOA ELECTRIC PHONE	121,852	121,852.33	0.33	-	121,852
3303__	SOA LIQUOR LICENSE	81,950	81,950.00	-	-	81,950
3304__	FNSB PILT	8,700	9,484.94	784.94	785	9,485
3315__	FT WW NORTH HAVEN PILT	475,000	475,000.00	-	-	475,000
		<u>3,804,499</u>	<u>3,805,284.27</u>	<u>785.27</u>	<u>785</u>	<u>3,805,284</u>

ORDINANCE 5908ATTACHMENT

LICENSES AND PERMITS

3401__	BUSINESS LICENSE	834,120	846,020.00	11,900.00	11,900	846,020
3403__	TRANSIET VENDOR LICENSE	2,800	3,900.00	1,100.00	1,100	3,900
3404__	SPECIAL EVENT PERMIT	12,000	20,850.32	8,850.32	8,850	20,850
3405__	PRIVATE DETECTIVE LICENSE	2,000	1,800.00	(200.00)	-	2,000
3407__	MASSAGE PRACTITIONER LICENSE	3,500	5,250.00	1,750.00	1,750	5,250
3409__	COMMERCIAL REFUSE LICENSE	-	2,000.00	2,000.00	2,000	2,000
3410__	TOWING VEHICLE LICENSE	-	1,000.00	1,000.00	1,000	1,000
3411__	CHAUFFEUR LICENSE	29,000	32,930.00	3,930.00	3,930	32,930
3413__	COMM VEHICLE FOR HIRE PERMITS	18,500	19,500.00	1,000.00	1,000	19,500
3414__	BICYCLE LICENSE	20	12.00	(8.00)	-	20
3432__	TEMPORARY CATERERS APPL FEE	2,000	2,100.00	100.00	100	2,100
3440__	MISC PERMITS AND LICENSES	400	700.00	300.00	300	700
3105__	FIRE CODE INSPECTIONS	80,000	89,771.50	9,771.50	9,772	89,772
3423__	ALARM PERMITS	1,000	605.00	(395.00)	-	1,000
3117__	ENG PLAT SERVICES 4 OR LESS	-	400.00	400.00	400	400
3119__	ENG QUICK PLATS	-	300.00	300.00	300	300
3425__	ENG DRIVEWAY CONST PERMIT	1,500	1,250.00	(250.00)	-	1,500
3426__	ENG SDWLK ST OBSTRUCT PERMIT	1,200	1,950.00	750.00	750	1,950
3428__	RIGHT OF WAY PERMIT	18,500	19,657.80	1,157.80	1,158	19,658
3431__	ENG STREET EXCAVATION PERMIT	4,500	4,200.00	(300.00)	-	4,500
3408__	MASTER PLUMBER LICENSE/EXAMS	4,000	1,000.00	(3,000.00)	-	4,000
3415__	COMMERCIAL BUILDING PERMIT	649,558	630,977.00	(18,581.00)	-	649,558
3418__	RESIDENTIAL BUILDING PERMIT	102,600	50,957.00	(51,643.00)	(51,643)	50,957
3420__	MECHANICAL PERMIT	35,201	50,911.00	15,710.00	15,710	50,911
3421__	PLUMBING PERMIT	23,706	31,963.00	8,257.00	8,257	31,963
3422__	SIGN PERMIT	4,000	7,876.00	3,876.00	3,876	7,876
3424__	ELECTRICAL PERMIT	61,093	95,755.00	34,662.00	34,662	95,755
		<u>1,891,198</u>	<u>1,923,635.62</u>	<u>32,437.62</u>	<u>55,172</u>	<u>1,946,370</u>

FINES FORFIETURES

3109__	TRAFFIC TICKET COLLECTION FEE	37,000	37,597.57	597.57	598	37,598
3602__	PARKING VIOLATIONS	3,000	360.00	(2,640.00)	(2,640)	360
3603__	MOVING TRAFFIC VIOLATIONS	495,467	331,177.19	(164,289.81)	(100,000)	395,467
3604__	MISC VIOLATIONS	100	-	(100.00)	(100)	-
3605__	VEHICLE FORFEITURES	475,000	451,150.82	(23,849.18)	-	475,000
3608__	CITY FORFEITURES	78,748	90,466.25	11,718.25	11,718	90,466
3609__	EMS SEATBELT OPTION	75	105.00	30.00	30	105
3606__	VEH FORF TOWING STORAGE ACCESS	26,000	32,536.92	6,536.92	6,537	32,537
		<u>1,115,390</u>	<u>943,393.75</u>	<u>(171,996.25)</u>	<u>(83,857)</u>	<u>1,031,533</u>

ORDINANCE 5908ATTACHMENT

INTEREST PENALTIES

4001__	INTEREST DEMAND DEPOSITS	2,500	2,034.06	(465.94)	-	2,500
4002__	HOTEL MOTEL INT PENALTY	10,000	(23,414.68)	(33,414.68)	-	10,000
4003__	ALCOHOL INT PENALTY	16,000	13,392.85	(2,607.15)	(2,607)	13,393
4004__	TOBACCO INT PENALTY	-	500.00	500.00	500	500
4005__	PROP TAX INT PENALTY	70,000	89,510.02	19,510.02	21,000	91,000
4007__	GARBAGE INT PENALTY	22,000	46,748.89	24,748.89	-	22,000
4008__	SPEC ASSESSMENTS INT PENALTY	1,500	1,387.49	(112.51)	-	1,500
TOTAL INTEREST PENALTIES		122,000	130,158.63	8,158.63	18,893	140,893

RENTAL AND LEASES

4201__	UTILIDOR LEASES	80,000	80,000.00	-	-	80,000
4203__	RENT OLD CITY HALL	1	-	(1.00)	-	1
4205__	RENT ETS	-	200.00	200.00	200	200
4207__	RENT YOUTH COURT	3,108	2,849.00	(259.00)	-	3,108
4208__	RENT BOYS GIRLS CLUB	16,260	14,905.00	(1,355.00)	-	16,260
4209__	RENT BOXING CLUB	840	770.00	(70.00)	-	840
4212__	RENT GOLD HEART PLAZA	-	11.00	11.00	-	-
4214__	RENT FCVB	10	-	(10.00)	-	10
4216__	LEASE CELL TOWER	19,200	17,600.00	(1,600.00)	-	19,200
4202__	RENT FIRE TRAINING CENTER	38,500	30,199.20	(8,300.80)	-	38,500
		157,919	146,534.20	(11,384.80)	200	158,119

OTHER REVENUES

3801__	SPECIAL ASSESS PRINCIPAL	5,000	4,415.73	(584.27)	-	5,000
4700__	ABATEMENTS RECOVERY	-	14,360.02	14,360.02	14,360	14,360
4703__	CASH OVER AND SHORT	-	0.51	0.51	-	-
4704__	MISCELLANEOUS REVENUES	277,588	298,835.27	21,247.27	21,250	298,838
4701__	TECHITE SETTLEMENT	200,000	200,000.00	-	-	200,000
4702__	DONATIONS CONTRIBUTIONS	-	325.00	325.00	325	325
		482,588	517,936.53	35,348.53	35,935	518,523

OFS OFU

4901__	SALE OF ASSETS	198,727	209,138.47	10,411.47	10,411.47	209,138
4928__	XFER FROM PF OPERATIONS	3,922,848	1,716,246.00	(2,206,602.00)	-	3,922,848
7602__	XFER TO PF	(606,374)	(606,374.00)	-	(250,000.00)	(856,374)
7604__	XFER TO CAP FUND	(1,235,012)	(1,235,012.00)	-	(750,000.00)	(1,985,012)
7610__	XFER TO CAP FUND EQ RESERVE	(202,800)	(151,437.50)	51,362.50	-	(202,800)
7614__	XFER TO CAP FUND AMB MILAGE	(65,000)	-	65,000.00	-	(65,000)
		2,012,389	(67,439.03)	(2,079,828.03)	(989,588.53)	1,022,800

TOTAL REVENUES		33,343,939	29,911,242.22	(3,432,696.78)	(737,168.48)	32,606,770.52
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ORDINANCE NO. 5909

AN ORDINANCE TO AMEND FGC SEC. 74-117 HOTEL/MOTEL TAX PURPOSE AND LIMITATION, TO APPROPRIATE FUNDS REGARDING FUNDING FOR THE COMMUNITY SERVICE PATROL

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

SECTION 1. That Fairbanks General Code Chapter 74, Article IV, Sec. 74-117(c) is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~strikethrough~~ font]:

Sec. 74-117. Hotel/motel tax purpose and limitation.

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

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

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

- (1) The City of Fairbanks will receive 22.5 percent for fund collection, administration and tourism impact.
- (2) \$400,000 will be distributed annually as follows:

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

- (3) All remaining hotel/motel tax revenues to the Fairbanks Convention and Visitors Bureau.

- (4) From the City's 22.5 percent under (1), \$50,000 annually shall be granted for the Community Service Patrol for 2011, 2012, 2013 and 2014 only.

(d) Revenue collected under this article shall be made available to the Fairbanks Convention and Visitors Bureau, the Fairbanks Economic Development Corporation, and Golden Heart Plaza and Barnette Landing Maintenance no later than the last day of the month directly following the month in which the revenues are collected.

(e) Any recipient of funding under this article shall execute a contract with the city setting forth terms and conditions deemed necessary to enable the city to assure compliance with the purposes and limitations under this section. In addition, the Fairbanks Convention and Visitors Bureau and the Fairbanks Economic Development Corporation board of directors and/or director shall remit complete and fully detailed budget documents and a plan outlining projected goals and objectives directly to the city council before November 1st of each year for presentation and review and as a condition of funding. At the same time each of these agencies shall submit a complete and detailed report of current year's progress and accomplishments. ~~The grant for the Community Service Patrol set out in (c)(4) shall require a yearly cash match of \$140,000.~~ As a further condition for the city grant, the Community Service Patrol shall engage tactical coordination with the Fairbanks Police Department and, if different, make seasonal adjustments to the patrol boundary.

(f) Organizations and agencies will be required to report to the City of Fairbanks Chief Financial Officer that funds were used exclusively for the purposes stated in the grant application. Ten percent of these appropriations will be withheld until a the complete report is filed with the chief financial officer. Prior to receiving any funding under this section, applicants must agree to reimburse the City the full amount of any grant proceeds not used for the purposes stated on the application.

Certification that funds were used as approved is due by October 31 of the year of grant funding; funds not spent or encumbered for approved purposes must be returned by that date. An organization that fails to comply with the October 31 deadline is ineligible to seek funding for the following year, but if complete reporting and repayment is made by October 31 of the following year, the organization may reapply for future funding. An organization that does not comply within one year of the deadline is ineligible to receive funding for three additional years.

(g) The city council establishes the following criteria and process for the selection and application for discretionary funds.

(1) The City of Fairbanks stipulates that applicants must provide and indicate to the committee on the appropriate forms supplied by the City of Fairbanks the following information:

a. If an applicant has the disbursement responsibility for other organizations, they must list all organizations that they represent.

b. The applicant must complete the application in its entirety and may submit financial information in their format including:

1. Balance sheet for the last fiscal year.
2. Income and expense statement for the last fiscal year.
3. Applicant's projected budget for the upcoming year.
4. Wage and salary information for employees for current and upcoming year.

c. An applicant must answer questions in the order provided but need not have the questions and answers appear on specific pages.

(2) As per subsection 74-117(f), successful applicant is required to report to the City of Fairbanks Chief Financial Officer how bed tax funds were spent. Ten percent of these appropriations will be withheld until a report is filed with the chief financial officer.

(3) The City of Fairbanks Discretionary Fund's primary purpose is promotion of the tourist industry and other economic development in the City of Fairbanks. The Fund cannot support requests for the following:

- (a) Loans, deficits, or debt reduction.
- (b) Endowments.
- (c) Scholarships.
- (d) Health and social services activities.

(4) Grant guidelines:

a. Show how use of the funds will contribute significantly to the growth and promotion of Fairbanks.

b. Show how the grant monies will be used to supplement a successful ongoing program of activities or a new program that will need initial support to accomplish its stated goals.

(5) Grant applications must be picked up or requested to be sent by mail from the office of the city clerk and must be submitted by and postmarked no later than October 31 of each year.

(6) The discretionary fund committee shall be composed of five community members and a council person who will function as the chairman, six total, all appointed by the mayor.

(7) The members of the committee shall serve a three-year term with staggered appointment with a limit of two consecutive full terms, (i.e., two members for a three-year term, two members for a two-year term and one member for a one-year term. Initially this will be decided by the committee at its first meeting by drawing lots.) Unless appointed to fill a vacancy, terms begin July 1 and terms expire June 30.

(8) Citizens desiring to be members of the committee must apply to the office of the mayor on the date specified by the mayor and city council for appointment to the committee.

(9) a. Procedures for scoring proposals from applicants shall be decided by the committee as a whole during the first organizational meeting. Members at this meeting should be made aware of procedures in place in case of conflicts of interest.

b. Members shall have a distribution meeting to review and discuss their numerical valuations and weightings assigned to each grant application. Prior to the distribution meeting committee members must submit their numerical assessments to the chief financial officer to verify that they are true and correct on the Monday of the week when the distribution will become public. Members shall disclose their numerical valuations by reading them into the record during the distribution meeting.

SECTION 2. That the effective date of this Ordinance shall be the ___ day of December 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

Introduced by: Mayor Cleworth
Date: December 3, 2012

ORDINANCE NO. 5910

**AN ORDINANCE AMENDING THE 2012 COLLECTIVE BARGAINING
AGREEMENT BETWEEN THE CITY AND THE FAIRBANKS FIRE
FIGHTERS UNION**

BE IT ORDAINED by the City Council of the City of Fairbanks,

Section 1. The City Council hereby ratifies the attached amendment to the Collective Bargaining Agreement providing for a change in employee health care plan.

Section 2. This Ordinance is effective December __, 2012.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J Ewers, City Attorney

LETTER OF AGREEMENT

The City of Fairbanks

and

Fairbanks Fire Fighters Union¹,

Health Care Plan Amendment

Concept and Purpose: Section 5.6 of the 2012 Collective Bargaining Agreement (“CBA”) provides that Union members participate in the Public Safety Employee Association (“PSEA”) health care plan; subsection 5.6F provides that a different plan may be selected by mutual agreement of the parties. The Union desires to terminate participation in the PSEA plan and enroll in the Northwest Fire Fighters Trust (“NFFT”) plan. This agreement amends the CBA to accomplish this change.

The parties agree as follows:

1. The Union’s request to terminate participation in the PSEA health care plan and enroll in the NFFT plan is not an action “attributable to the City” within the meaning of CBA Section 5.6D. The City had no role in the research or selection of the NFFT plan, and is unaware of the financial strength or future prospects of the plan. The Union agrees to waive any claims against the City that arise from the selection of the plan, including any claims that arise from the performance of the plan, including that of the plan administrator and its employees, agents and officials; and
2. The City has no control over the terms, coverage or costs of the NFFT plan; and
3. As soon as can be accomplished without a gap in coverage after mutual ratification, Members will be enrolled in the NFFT health care plan and premiums will be paid to that plan rather than the PSEA plan.
4. That CBA Section 5.6 is amended as follows [new text **underlined & bold;**; deleted text in ~~strikethrough~~ font]:

5.6 Health Insurance

A. The City shall provide the Members of the Fairbanks Fire Fighters ~~Union Association~~, Local 1324 and their dependents with a group insurance program for life insurance, health, dental, audio and visual care insurance. ~~The City will not unilaterally withdraw from the PSEA plan.~~ The current plan, administered by the Public Safety Employee Association Trust (and subject to changes that the Trust may make), or any other plan established under Section 5.6, will not be replaced without prior notice to the ~~Association~~**Union**. In the event of plan replacement, the

¹ The City has been notified of the name change from “Association” to “Union.”

parties agree to negotiate over the economic effects of the plan change and, in the event of an impasse, to utilize mediation and binding arbitration, provided that such the arbitrator will not have the authority over the City's choice of plan.

B. Starting the first month following the effective date of this agreement, the City will contribute \$1,000 per member per month towards health care plan costs, with members paying the excess premiums by monthly pre-tax payroll deduction. On August 16, 2012, the City contribution will increase to \$1,040 per member per month. The parties agree to re-open negotiations on section 5.6 in 2013 for January 1, 2014. In addition, in the event the parties agree to select a replacement health care provider or health care plan, negotiations on section 5.6 will re-open.

C. Effective 1/1/12, the employer funded IRS Section 125 plan shall be terminated. The City will continue to offer an employee-funded IRS Section 125 plan.

D. If the ~~Association~~**Union** is removed from the PSEA health care plan for reasons attributable to the City, the City shall provide members with a substantially comparable health care plan and member co-pay amounts for premiums shall not be increased beyond \$300.00 per month per employee.

E. Cost of mandated job related physical examinations, tests, and immunizations shall not be included in health care costs for purposes of establishing plan costs or billed to employee health care plans.

F. Should the City and Association choose to participate in an acceptable alternative health care plan, the parties agree to pursue the implementation of said plan if mutually agreeable.

G. All ~~Association~~**Union** members will participate in the Medical Expense Reimbursement Plan, administered thru DiMartino Associates. The City will pay \$100 a month per employee towards the plan's monthly premium.

Effective this ____ day of _____ 2012

For the City of Fairbanks:

For the Fairbanks Fire Fighters Union

Jerry Cleworth, Mayor

Dominic Lozano, President

Warren B. Cummings, Fire Chief

Scott Raygor, Vice President

Patrick Cole, Chief of Staff

Brian Davis, Negotiator

ORDINANCE NO. 5911

**AN ORDINANCE AMENDING THE 2012 CAPITAL APPROPRIATIONS
 FUND BUDGET FOR THE SECOND TIME**

WHEREAS, this ordinance incorporates the changes outlined on the attached fiscal note to amend the 2012 capital fund budget; and

WHEREAS, the proposed Capital Fund budget has been reviewed by the City Finance Committee and full City Council,

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

SECTION 1. There is hereby appropriated to the 2012 Capital Fund budget from the following sources of revenue for the City of Fairbanks in the amount indicated:

	APPROVED	AS AMENDED
Transfer from Permanent Fund	\$ 490,356	\$ 490,356
Transfer from General Fund	1,235,012	1,985,012
Transfer Ambulance Mileage from General Fund	50,000	50,000
Budgeted Garbage Equipment Replacement	202,800	202,800
Equipment Replacement - Engineering	35,000	35,000
Equipment Replacement - Public Works	210,000	210,000
Equipment Replacement - Building Department	10,000	10,000
Equipment Replacement - Police	160,000	160,000
Equipment Replacement - Dispatch	80,000	80,000
Equipment Replacement - Fire	250,000	250,000
Equipment Replacement - I/T	105,000	105,000
Property Repair & Replacement	145,000	145,000
 Total Appropriation	 \$ 2,973,168	 \$ 3,723,168

to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2012 and ending December 31, 2012.

SECTION 2. There is hereby appropriated to the 2012 budget expenditures for the City of

Fairbanks in the amount indicated:

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>APPROVED</u>	<u>AS AMENDED</u>
14	Information Technology	221,735	221,735
20	Police Department	320,000	320,000
21	Dispatch Department	5,000	5,000
30	Fire Department	636,000	101,853
50	Department of Public Works	1,858,000	1,858,000
51	Engineering Division	35,000	35,000
	Total Capital Fund Appropriation	<u>\$ 3,075,735</u>	<u>\$ 2,541,588</u>
2012 Decrease to assigned fund balance		(102,567)	1,181,580
2011 Encumbrance carryforward		<u>(712,729)</u>	<u>(712,729)</u>
Total Decrease to assigned fund balance		(815,296)	468,851
12/31/11 Assigned capital fund balance	b	<u>\$ 4,435,077</u>	b <u>\$ 4,435,077</u>
12/31/12 Assigned capital fund balance	a	<u>\$ 3,619,781</u>	a <u>\$ 4,903,928</u>

a Estimate
b Audited

SECTION 3. All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2012 and ending December 31, 2012.

SECTION 4. The effective date of this ordinance shall be the ____ day of December 2012.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J Ewers, City Attorney

**Fiscal Note Ordinance # 5911
Amend 2012 Capital Fund Budget for the Second Time**

INTERNAL TRANSFERS

No Change

EXTERNAL TRANSFERS

1. \$ 750,000 Increase to Other Financing Sources / (Uses)
 - a. \$750,000 increase to transfer from General Fund received in accordance with Ordinance 5908 amending the General Fund Budget for the second time.

REVENUES

No Change

EXPENDITURES - \$534,147 Decrease

1. Fire Department - \$534,147 decrease to adjust for 2012 estimated ending expenditures.

**Fairbanks North Star Borough / City of Fairbanks
CHENA RIVERFRONT COMMISSION
MINUTES
October 10, 2012**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, October 10, 2012 with Chair Plager presiding. The following Commission members were in attendance: Anna Plager, Kelly Hegarty-Lammers, Bob Henszey, Karen Lavery, Gordon Schlosser, Julie Engfer, Lee Wood and Buki Wright.

Also present were: Jae Hill, FNSB Community Planning; Kellen Spillman, FNSB Community Planning; Mike Schmetzer, City of Fairbanks; Donna Gardino, FMATS; Jewelz Nutter, TWWA; Barry Hooper, DOT; Laura McLean, FNSB Recording Clerk.

1. Call to Order

Plager called the meeting to order at 12:00 p.m.

2. APPROVAL OF AGENDA OF OCTOBER 10, 2012

Mr. Henszey asked that Donna Gardino talk more about the project happening on the other side of the Cushman Street Bridge in front of Immaculate Conception Church. He suggested she elaborate during item #7C, the Chena Riverwalk discussion. **Ms. Gardino** agreed to do so.

The agenda was approved with the aforementioned change after a motion by Hegarty-Lammers, seconded by Lavery. The motion carried unanimously.

3. APPROVAL OF MINUTES OF SEPTEMBER 12, 2012

Ms. Wood added that there was one small correction to a comment that she had made on Page 3 of the Minutes. She stated that the sentence should read: "Ms. Wood questioned if the Project List is still relevant to the duties of the Commission and if so, how".

Mr. Henszey added that under item number 6 on Page 4, he believes that during the discussion that Mr. Hooper was having, he brought up the issue of poor visibility on the bike path at the turn under the Barnett Street Bridge overpass.

Mr. Hooper further stated that in that same item number, 2013 should read 2012.

The September minutes were approved with the aforementioned changes and additions after a motion by Hegarty-Lammers, seconded by Lavery. The motion carried unanimously.

4. COMMUNICATIONS TO THE COMMISSION

Ms. Plager said she received a notification from the Mayor's office, through the CRFC clerk, that some commissioner positions will be coming up for renewal in December. Those affected by expiring terms are Ms. Lavery, Mr. Henszey, Ms. Freiburger and Mr. Jeffries. Letters have been mailed to Lavery, Henszey and Freiburger, however, the clerk was not aware that Jeffries had been appointed and had not sent notification. Mr. Jeffries, who represents Ft. Wainwright, will be added to the mailing and e-mailing lists for future notification of CRFC functions and a re-appointment letter will be mailed.

Mr. Henszey indicated that he did get his re-appointment papers in the mail, completed them and has placed them back in the mail to the Mayor's office. He will be serving on the Commission for another 3 year term.

Ms. Lavery indicated that she will be resigning from the Commission when her term expires in December 2012. She did state, however, that Mayor Cleworth has another appointee in mind to fill the vacancy. They are just waiting to see if that person will accept the appointment. Hegarty-Lammers and other Commission members expressed their deep appreciation for the many years of public service that Ms. Lavery has given.

5. PUBLIC COMMENTS

None

6. NEW BUSINESS

A. Election of Officers

Ms. Plager opened the discussion up to anyone wanting to nominate for the position of Chair and turned the session over to Ms. McLean. **Ms. Hegarty-Lammers** nominated Anna Plager and was seconded by **Mr. Schlosser**. Ms. Plager accepted the nomination. **Mr. Wright** moved to close nominations for chair and was seconded by **Mr. Henszey**. A vote was taken and Ms. Plager was elected unanimously.

Ms. Plager opened the discussion up to anyone wanting to nominate for the position of Vice Chair. **Ms. Lavery** nominated Kelly Hegarty-Lammers and was seconded by **Mr. Henszey**. Ms. Hegarty-Lammers accepted the nomination. **Mr. Wright** moved to close the nominations for vice chair and **Ms. Wood** seconded the motion. A vote was taken and Ms. Hegarty-Lammers was elected unanimously.

7. UNFINISHED BUSINESS

A. Design Committee Report – Project Review Guidelines

The Commission reviewed the latest draft Project Review Guidelines. The draft contains the latest revisions based on discussions at prior meetings. **Ms. Plager** stated that the Project Review Process is designed to fit within a 30 day window but that is just a goal of the process, not a requirement.

Ms. Hegarty-Lammers suggested that an edit be made to the document under Step 3. She suggested that "*of interested commissioners and CRFC staff and liaisons*" be inserted following "*working group*".

Mr. Wright questioned what is the definition of a working group. It was clarified further that a working group meeting requires public notification. Any time more than two people meet regarding an issue, it is considered a meeting and public notification is required.

Mr. Schlosser questioned that when one of the commissioners wants to hold a working group meeting, to whom does that commissioner direct their request. **Ms. Plager** replied that the request should be directed to the clerk.

Mr. Wright expressed concern regarding Step 3. He asked would it not be advisable to perhaps contact the Chair or Vice-Chair prior to contacting the clerk to determine if the issue at hand is even worthy of assembling for a working group meeting. **Ms. Plager** stated that this question had been brought up at a previous meeting and suggested this step could violate the Open Meetings Act.

Mr. Schlosser asked if this process will happen every time an application is submitted. **Ms. Plager** clarified that every time an application for an action is received for a property that is within the river corridor, the CRFC will receive an e-mail notification. It was earlier estimated that there would probably be less than 5 such instances per year. Furthermore, if this Project Review Process is followed, it will eliminate the Chair or Vice-Chair from being the "gatekeepers".

Ms. Wood stated that perhaps both concerns could be addressed. If a member of the Commission feels, after speaking with either Ms. Plager or Ms. Hegarty-Lammers, then that member would still be able to contact the clerk and schedule a working group session.

Jae Hill, after excusing himself and going to the FNSB Legal Department, stated that according to the Borough Assistant Attorney, Cynthia Klepaski, the Commission cannot decide the merits of a project and send the issue to a committee for a meeting unless the determining meeting is made open to the public. He further stated that there cannot be any kind of debate to determine if an issue should or should not go to a working group regardless of the application content. The merits of any application cannot be debated. He went on to state that typically the action to send something to a committee is taken by the Commission as a whole, not made via phone calls, e-mails or some other form of communication.

Ms. Plager commented that the wording for Step 3 seems to be appropriate. **Jae Hill** replied that in fact the wording, as written, is not appropriate. He reiterated that there cannot be any debate about whether or not a proposed project should or should not go to a working group. Some sort of a policy needs to be developed to make that determination regardless of the application content.

Ms. Plager commented that the intent of Step 3 is that the meeting requestor is not urged to speak with the Chair or Vice-Chair prior to scheduling the working group meeting but rather prior to the working group meeting.

Ms. Wood had a question regarding Step 5. She asked if there would be any special notification, other than public notification, to the applicant to let them know that their application will be being presented to the CRFC meeting. As a result, the wording for the last line of Step 5 will read "The applicant shall be notified and invited to a commission meeting".

Mr. Henszey had a question regarding timing. He asked what if the meeting was scheduled in such a way that the next CRFC meeting is actually close to 30 days later. How would that work as far as doing a resolution? Will the resolution happen at the work session? **Ms. Plager** responded that the resolution would ideally be prepared as a result of the working group meeting.

Mr. Henszey further questioned if the CRFC could request the Planning Commission to delay their decision to the commission. **Ms. Plager** and **Ms. Hegarty-Lammers** both replied "Yes".

Mr. Wright requested clarification to the first sentence of Step 7. He questioned if the wording should read "...certain CRFC members may be designated by the Commission to attend the Planning Commission meeting and may be available to discuss the CRFC concerns. All agreed that that is how the sentence should read. **Ms. Plager** suggested the wording be changed to read "...one or two CRFC members may be asked by the Chair or Vice-Chair to attend the appropriate Planning Commission meeting...".

Ms. Plager stated that she will work with everyone's suggestions and will come up with another draft of the CRFC Process for Project Review.

B. Ice Alaska Site Visit Report

Ms. Wood gave a brief summarization of what happened for the tour at Ice Alaska. She stated that Mr. Brickley and Mr. Bartos met everyone who attended at the main entrance and provided a van to accommodate all who attended. One of the main things that was discussed during the tour was the view shed. They stated that there would be lots of planting of trees and other landscaping projects to enhance the view. They also informed the commission that the "museums" would now be built as two-story buildings. They have reduced the number of "museums" from 240 to 196. The lower level of each structure will be the museum for each country and the upper level will be the residential quarters.

Ms. Plager added that Ice Alaska agreed to make changes in their Design Plan that will accompany their request for the rezone. Phasing was also discussed and **Ms. Plager** stated that there was lukewarm but mixed response to that suggestion.

Jae Hill informed the commission that Ice Alaska has indeed submitted their Design Plan and they have reduced the number of "museums" from 196 to 139.

Ms. Plager added that one of the things that did come up is that Ice Alaska admits that their original design plan was "written on the back of a napkin".

Ms. Wood asked if it is possible to have a piece of property in the borough that doesn't have legal access to it. **Jae Hill** replied "Yes" and invited Ms. Wood to come to the next Assembly meeting as that is a subject that will be discussed.

Ms. Plager asked if anyone had a suggestion for setting a date for the working group meeting to discuss this issue further. It was agreed that October 24, 2012 would be good. The clerk will check the availability of a conference room and reserve it for the meeting. She will also take care of getting the public notice in the paper and posting the date to the Borough web site.

Mr. Schlosser questioned that the CRFC is only interested in the property that falls within the 200' river corridor. **Ms. Lavery** confirmed that the CRFC is only interested in the first 200' from the center of the river.

Mr. Henszey questioned if the 200' included Noyes Slough. **Ms. Plager** confirmed that the river corridor includes the Chena River and its tributaries. **Ms. Plager** further stated that the Plan does not define how far from the tributaries the Plans influence extends.

Ms. Hegarty-Lammers proposed that the CRFC move its regular monthly meeting from the 14th of November to the 7th of November so that the commission will have a chance to review the proposed Ice Alaska rezone and decide if there are any issues that they would like to take to the Planning Commission meeting on the 13th of November. The group accepted that proposal.

C. Chena Riverwalk

Ms. Plager stated that her understanding of Ms. Engfers comments and Ms. Nutters comments at the last meeting was that planning was still going on for the bike path from downtown to the Elks Club.

Ms. Nutter recommended that Mr. Henszey talk about culverts per green infrastructure. The phase that Ms. Nutter was speaking of is actually Phase III according to Festival Fairbanks. **Ms. Engfer** further clarified that Festival Fairbanks has already completed Phases I and II, which is the south side of the river, on their books. Phase III is the northern expansion of the river walk. **Ms. Engfer** commented that she has nothing to report this week as she has been out of town and has not had a chance to meet with her people yet.

Ms. Nutter spoke to the commission regarding the City of Fairbanks "culvert" project recommending that the culvert be removed from the riverbank. **Mr. Henszey** responded that it should not be called a "culvert" project. Rather, it is a project that Mr. Jackson may have spoken about last month at the commission meeting. It is a bike/ped path that goes under the Cushman Street Bridge and terminates in the parking lot of Immaculate Conception Church. As the bike/ped path terminates in the parking lot, users are required to walk through the parking lot and then the bike/ped path resumes over the Centennial Bridge. Mr. Jackson was to look into ways to connect the two bike/ped paths together. **Mr. Henszey** reported that Ms. Gardino probably knows more about this project. **Ms. Gardino** replied that the issue is to be brought up to the FMATS Policy Committee on Wednesday, October 17, 2012. They should know more after said meeting.

Ms. Hegarty-Lammers asked a direct question of Mr. Hooper. She wanted to know if DOT intended to replace the concrete pillar that was erected approximately ten years ago recognizing the various groups and organizations that were instrumental in rescuing the park. **Mr. Hooper** replied that he will check with the DOT construction department and forward her request.

D. FMATS Arts Selection Report

Ms. Gardino stated that the selection committee is down to five finalists. FMATS has issued a request for proposals and proposals are to be submitted by October 31, 2012. Interviews with the artists are planned for November 9, 2012. They hope to make the final selection on November 9, 2012. There will be a public hearing on safety and maintenance on November 16, 2012.

Ms. Nutter also added that she did pass along TVWA suggestion to volunteer to do a public open house display of the finalists art work. The committee has delegated all public display involvement responsibilities to Ms. Gardino.

E. Chena River Wayside bike/ped pathway

Ms. Plager commented that Mr. Hellenthal was not present at today's meeting. She did talk to the Chena River Wayside Park Manager and he is fully supportive of Mr. Hellenthal's idea. Discussion on this subject will be continued at a future meeting.

F. Project List Review

Discussion on this subject will be deferred to the next CRFC meeting.

8. **STAFF and LIAISON COMMENTS**

Ms. Nutter reported that on September 29, 2012, TVWA and partners held their demonstration project for bioengineering. She thanked Mr. Schlosser and Great Northwest as well as Mr. Henszey for their support. Also instrumental in the success of this project was the Laborers 942. Ms. Nutter will put together a slideshow presentation for this project and present it at a later date.

Ms. Gardino commented that the Cushman Street bridge project will be commencing this year. **Ms. Plager** questioned if there has been any discussion of connecting the Complete Streets project with the Illinois Street project as far as sidewalks, etc. are concerned. **Ms. Gardino** replied "Yes".

Mr. Schmetzer reported that next year there are two large projects planned. Slaterville Park, north of Minnie Street, is going to be completely re-constructed so there will be a lot of changes regarding storm water drainage into the Noyes Slough. Further downstream on the Noyes Slough, Lemeta is being re-constructed. All of Lemeta drains into the Noyes Slough as well.

Ms. Plager had comments regarding the Wendell Street bridge project and pedestrian access. It is her understanding that there might not be enough money in the project to address this issue. She questioned if perhaps a field trip should be planned to Graehl Park before it snows. The CRFC will defer this item to the next meeting to check and see if the pathway from Graehl landing is being incorporated into one of the design ideas being considered by DOT.

9. COMMISSIONERS COMMENTS

Mr. Schlosser commented that bio-filtration systems are great places for examples and ways to educate how some of the techniques are available for both hard surfaces and vegetative areas for filtering water before it goes into the river.

Mr. Henszey again asked if it isn't too late to do something about the sight visibility issue on the bike/ped path under the Barnett Street Bridge. The sight visibility is very poor and accidents are inevitable. **Ms. Gardino** commented that DOT Maintenance does not want to put mirrors up on corners such as this because they will just get broken.

10. AGENDA SETTING FOR November 14, 2012 COMMISSION MEETING

- A. Design Committee Report – Project Review Guidelines
- B. Ice Alaska request for rezone
- C. Chena Riverwalk
- D. Chena River Wayside bike/ped pathway
- E. Project List Review
- F. Wendell Street Bridge project

11. ADJOURNMENT

Ms. Lavery moved to adjourn the meeting and was seconded by **Ms. Hegarty-Lammers**.
Ms. Plager adjourned the meeting at 1:30 p.m.

//

City Of Fairbanks

MEMORANDUM



To: City Council Members

From: Jerry Cleworth, City Mayor

A handwritten signature in blue ink, appearing to be "JC", is written over the name "Jerry Cleworth".

Subj: Public Safety Commission

Date: December 3, 2012

The following members of the Public Safety Commission have terms that expire at the end of this month. I thereby request your concurrence to the reappointment of the following citizens:

Seat B: Mr. Bill Satterberg – Reappointment. Term to expire: December 31, 2015

Seat E: Mr. Robert Fox – Reappointment. Term to expire: December 31, 2015

Thank you.

ABC/

City Of Fairbanks

MEMORANDUM



To: City Council Members
From: Jerry Cleworth, City Mayor
Subj: Fact Finding Commission
Date: December 3, 2012

JC

Terms for the following members of the Fact Finding Commission are expiring this month.

I request your concurrence to the re-appointments of the following citizens:

Mr. Wally Carlo – reappointment. Term to expire: December 31, 2013
Ms. Cynthia Henry – reappointment. Term to expire: December 31, 2014
Mr. Cole Hollister – reappointment. Term to expire: December 31, 2014
Mr. Clifford Benshoof – reappointment (Alternate). Term to expire: December 31, 2015

All nominees are previous members of this committee.


Thank you.

ABC/

City of Fairbanks



MEMORANDUM

To: City Council Members
From: Jerry Cleworth, City Mayor 
Subj: Chena Riverfront Commission
Date: December 3, 2012

Ms. Karen Lavery's appointment to the Chena Riverfront Commission expires on December 31, 2012. To fill the vacant City-appointed seat on this commission, I hereby request your concurrence to the following:

The appointment of Mr. John Jackovich for a three-year term:

Mr. Jackovich – appointment.

Term to Expire: December 31, 2015.

Thank you.

DDS/



CITY OF FAIRBANKS
 Clerk's Office
 800 Cushman Street
 Fairbanks, Alaska 99701-4615
 Office: 907 459-6774
jjhovenden@ci.fairbanks.ak.us

**BOARDS AND COMMISSIONS
 APPLICATION FORM**

DATE: 11/27/12
 NAME: John M. Jackovich
 BOARD: Chena Riverfront 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, please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

- RESIDENCE ADDRESS: 2824 Chief Alexander Dr. Fairbanks, Alaska 99709
- MAILING ADDRESS: 2824 Chief Alexander Dr. Fairbanks, Alaska 99709
- BUSINESS ADDRESS: 122 N. Turner St. Fairbanks, Alaska 99701
- CELL PHONE: (907) 978-7711
- WORK PHONE: (907) 456-6437
- HOME PHONE: (907) 452- 8760
- E-MAIL: john@bigifairbanks.com

Statement of Interest:

My interest is to provide input and discussion for a better Chena River front which is an asset to our town and community. Help assist in the development of our public and private uses while helping to secure a resource for our fish habitat that currently inhabit our waters along the banks of the Chena River. Better understand and support public opinion towards the desire and development of the historical and cultural heritage of the Chena River. Communicate and provide a service to the City of Fairbanks and the Fairbanks North Star Borough.

Brief Personal Biography (or attach resume):

Born Fairbanks Alaska 1954, graduated 1975, currently owner operator of International Hotel & Bar aka: Big-I. Member of the Pioneer of Alaska Pioneers Association. Worked to completion of the Red Dog zinc and iron mine, Lead buyer & purchasing agent while working in Fairbanks for Alyeska Pipeline Svc Co.

Professional Licenses/Training:

Board member for Fairbanks CHARR (Alaska Cabaret, Hotel, Restaurant & Retailers Association), TAPS (Training for Alcohol Professionals & Alcohol Server Education), Legal Aspects of Purchasing, Profit & Cash flow management seminar, First National Bank Financial Analysis seminar, Dale Carnegie Management Seminar, Dale Carnegie Effective Speaking & Human Relations seminar, Dale Carnegie Sales Course, Past board member for Boy Scouts of America, Former member AMA (American management Association).

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

Fairbanks Fire Department

1101 Cushman St., Fairbanks, AK. 99701

(907) 450-6600 Fax (907) 450-6666

fire@ci.fairbanks.ak.us

MEMORANDUM

DATE: December 3, 2012
TO: Council Members
THRU: Mayor Cleworth
FROM: Warren B. Cumming, Fire Chief
SUBJECT: Additional SHSP Funds #2

The City has been notified by the Alaska Department of Homeland Security that additional funds are available in the amount of \$25,191 (no match required) for the Trench Rescue Equipment. The Trench Rescue Equipment was submitted with our 2010 SHSP Application that was approved with Resolution 4428. The Council approved acceptance of the grant with Resolution 4441 but this project was not initially funded. A memorandum was submitted to Council on May 21, 2012 that additional funds were allocated for this project.

In addition, the City is de-obligating \$27,218.69 of funds allocated for the 2012 Alaska Shield Exercise. The City will be requesting portions of these funds to be reallocated for five engineers to attend a Post Disaster Damage Assessment (PDDA) course in Anchorage, Alaska (\$4,550) and to conduct a Point of Distribution (POD) training (\$13,612). There is no match required. The POD training was submitted with our 2011 SHSP Application that was approved with Resolution 4534. The Council approved acceptance of the grant with Resolution 4549 but this project was not initially funded.

The additional funds would allow the City to enhance its capabilities to observe, measure, and enhance mass care capabilities and to respond during natural disasters.