



FAIRBANKS CITY COUNCIL
AGENDA NO.2012-14
REGULAR MEETING July 23,2012
FAIRBANKSCITY 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

*a) Regular Meeting Minutes of July 09, 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 Liquor License

Application for Transfer and Restaurant Designation Permit. Public Testimony will be taken and limited to five (5) minutes.

Transfer of Ownership, Location and Name Change:

Type: Beverage Dispensary
License: **Gallantino's Italian Restaurant, #4720**
Licensee/Applicant: Gallantino's, Inc.
Physical Location 1446 S. Cushman Street, Fairbanks
Current DBA: Trapper's Tavern
Licensee: Taco Azteca, Inc.
Location: No Premises

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

Transfer of Ownership (Parent Company) and Name Change:

Type: Wholesale
License: **Southern Wine & Spirits of Alaska, #4858**
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location 1200 Wells Street, Bay 2, Fairbanks
Current DBA: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: 1200 Wells Street, Bay 2, Fairbanks

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

Transfer of Ownership (Parent Company) and Name Change:

Type: Wholesale
License: **Southern Wine & Spirits of Alaska, #4862**
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location 3101 Peger Road, Bay 2, Fairbanks
Current DBA: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: 3101 Peger Road, Bay 2, Fairbanks

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5886 – An Ordinance Authorizing the Public Sale of Surplus City-Owned Property Known as Old City Hall. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING. POSTPONED from the Regular Meeting of June 25, 2012.
- b) Ordinance No. 5887 – An Ordinance to Amend Fairbanks General Code Chapter 2, Article II, Division 5, to Require a Fiscal Note for Ordinances and Resolutions. Introduced by Council Member Stiver. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4536 – A Resolution Opting to Participate in the AML-JIA Loss Control Incentive Program for the City of Fairbanks. Introduced by Mayor Cleworth.
- *b) Resolution No. 4537 – A Resolution in Support of a Large Diameter Natural Gas Pipeline to Tidewater at Valdez, Alaska. Introduced by Mayor Cleworth.
- *c) Resolution No. 4538 – A Resolution Authorizing the City of Fairbanks to Apply for a Municipal Matching Grant from the Alaska Department of Environmental Conservation for a Sludge Dewatering Project at the City-Owned Wastewater Treatment Plant. Introduced by Mayor Cleworth.
- *d) Resolution No. 4539 – A Resolution Authorizing the City of Fairbanks to Request Funds from the U.S. Department of Homeland Security for the FFY2012 Staffing for Adequate Fire and Emergency Response (SAFER) Grant. Introduced by Council Member Eberhart.
- *e) Ordinance No. 5888 – An Ordinance Amending Fairbanks General Code Chapter 26 Regarding Alarms. Introduced by Mayor Cleworth.
- *f) Ordinance No. 5889 – An Ordinance Seeking Voter Approval for the City to Accept a Pass-Through Loan from the Alaska Clean Water Fund to Golden Heart Utilities of up to \$4.6256 Million for a Sludge Dewatering Project, up to \$650,623 for a Clarifier Project, and Ratifying a Loan of \$637,830 for Prior Improvements at the City-Owned Wastewater Treatment Facility. Introduced by Mayor Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Local Improvement District Committee Meeting Minutes of June 29, 2012
- *b) Local Improvement District Committee Meeting Minutes of July 9, 2012

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JULY 9, 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: Vivian Stiver, Seat A
Chad Roberts, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E
John Eberhart, Seat F

Absent: None

Also Present: Clem Clooten, Building Official
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Tony C. Shumate, Director Personnel/Purchasing/RM
Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Lance Roberts, PO Box 83449, Fairbanks – Mr. Roberts spoke in favor of the City divesting itself of surplus properties, stating his hope that the City gets fair values from sales. He cautioned that if care is not taken in those property sales, it could bring a bad reputé upon the City. **Mr. Roberts** spoke to the parking problem at the Marriott Hotel/Lavelle's Bistro. He suggested that the cut-off for downtown parking be changed from 6 P.M. to 5 P.M. in order to encourage more people to come into the City in the evening. **Mr. Roberts** spoke in support of Ordinance No. 5887.

Mr. Hilling asked for clarification on the intent of Mr. Roberts' suggestion for an earlier cut-off time for parking.

Mr. Roberts stated that parking downtown should be free after business hours.

Mayor Cleworth thanked Mr. Roberts for stepping forward and filing as a candidate for the FNSB Assembly.

Dan Gogerty, 2406 Mercier Street, Fairbanks – Mr. Gogerty addressed the Council concerning his vehicle that was impounded by the City while he was on a military deployment. He stated that a friend had driven the vehicle, which was not registered or insured. He explained that the vehicle is not worth as much as the impound fees and pleaded with the Council to reduce the fees.

Ms. Stiver asked Mr. Gogerty if he was deployed to a battle zone and what his job during the deployment entailed.

Mr. Gogerty replied that he is a civilian mechanic for the Stryker Brigade at Fort Wainwright.

Mr. Matherly asked Mr. Gogerty to clarify the value of the impounded vehicle. He stated that it is his understanding that the Mayor had already reduced the impound fees. He inquired as to the time of the impound and to Mr. Gogerty's communication with his friend while he was deployed.

Mr. Gogerty replied that the car is worth about \$500.00 and that Mayor Cleworth had reduced the fees to \$650.00. He stated that the seizure just took place about a month ago and that he was at Fort Lewis at the time. He added that he had returned to Fairbanks three days ago.

Mr. Eberhart asked for clarification on why the vehicle had Washington plates and how long the vehicle had been in Alaska. He asked Mr. Gogerty if he had driven the vehicle since he brought it to Alaska.

Mr. Gogerty explained that he brought the car here in 2008 and that he had not driven the vehicle in Alaska. He stated that his friend was taking care of his apartment while he was out of town and had access to the vehicle's keys. He stated that he'd rather not take legal action against his friend.

Frank Turney, 201 Seventh Avenue, Fairbanks – Mr. Turney spoke in support of reducing Mr. Gogerty's impound fees. He gave an update on the resolution that was passed opposing the National Defense Authorization Act (NDAA). He stated that Senator Coghill will be working on a bill to block the enforcement of the NDAA, Sections 1021 and 1022, and possibly a state nullification bill.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger apologized to the Council and stated that he wouldn't complain about the potholes on Illinois Street because he recently learned that the area is maintained by the State of Alaska, not the City. He commended whomever was responsible for the beautiful landscaping and care of the lawn in front of City Hall. He spoke to the need for public restrooms in the downtown area. Mr. Buberger spoke against the City's procurement of grant funding, stating that the money is not free and that the grants put our country deeper in debt.

David Lerman, 126 Second Avenue, #15, Fairbanks – Mr. Lerman stated his intent to run for City Council in the 2012 Municipal Election. He spoke to his website, *Renovation Fairbanks*. He recommended that the City create a mission statement promoting renovation, develop a renovation task force and draft an ordinance to waive building permit fees for dilapidated properties. He spoke to other task forces that could be created to address other issues such as DUI's, crime and air quality.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

City Clerk Hovenden read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

Regular Meeting Minutes of June 25, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Application for a New Liquor License.

License Type:	Brewery
D.B.A.:	HooDoo Brewing Company , License #5169
Licensee/Applicant:	Fairbanks Fermentation, LLC
Physical Location:	1951 Fox Avenue, Fairbanks, Alaska

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

Mayor Cleworth called for Public Testimony.

Frank Turney – Mr. Turney stated that the liquor license should be treated like others that have come before and that a Certificate of Occupancy should be required prior to the business opening.

Bobby Wilken, PO Box 71343, Fairbanks – Mr. Wilken, owner of the HooDoo Brewing Company, stated that his would be the first brewery in the City of Fairbanks since the Pioneer Brewery closed in 1942. He described the layout of his brewery and stated that its construction is about 99% complete. He explained that the front portion of the brewery will have a tap room where customers can observe the brewing process and sample beers. He stated that the tap room is roughly 85% complete, but would be finished in about a month when the beer is ready for

consumption. He asked the Council to waive protest on the liquor license so that he could begin brewing as soon as possible.

Ms. Stiver asked if the tap room is for sampling or sales. She asked for clarification on the type of liquor license for which Mr. Wilken had applied.

Mr. Wilken replied that sales and sampling will both take place in the tap room. He explained that the liquor license is a brewery license, which would allow him to brew, sell and make beer available for consumption on-site. He added that there are limitations on consumption and that they must stop serving by 8 P.M. under the regulations of a brewery license.

Ms. Stiver asked what the general response from neighboring businesses and property owners has been towards the opening of the brewery.

Mr. Wilken replied that the response has been positive.

Mr. Roberts asked when the next ABC Board Meeting would take place.

Mr. Wilken stated that their next meeting is tomorrow.

Mr. Roberts inquired as to how long Mr. Wilken would have to wait before the next ABC Board Meeting if his license was protested and did not go through at tomorrow's meeting.

Mr. Wilken guessed that it would be a couple months before their next meeting.

Mr. Matherly asked on what date Mr. Wilken would open for business if his liquor license was already approved.

Mr. Wilken replied that he would be ready to open in roughly a month if his license was approved.

Ms. Stiver asked what the capacity of the tap room is.

Mr. Wilken stated that the capacity is 68.

Mr. Gatewood asked Mr. Wilken to explain the problem with waiting for a Certificate of Occupancy before beginning brewing.

Mr. Wilken explained that he is working from a checklist and the liquor license is just one more thing to check off before opening.

Mr. Roberts asked for clarification on Mr. Wilken's plan of action if the Council votes to waive protest.

Mr. Wilken replied that his plan is to use only the brewery portion of the building until a good stock of beer is available for sale and until the tap room is finished and ready for business.

Mr. Eberhart inquired as to the significance of the Certificate of Occupancy. He asked if the certificate was only for the purpose of opening to the public.

Mr. Wilken clarified that the Certificate of Occupancy would be needed not only to open the tap room, but also to occupy the brewing space.

Mr. Eberhart asked about the likelihood of obtaining a temporary liquor license from the ABC Board.

Mr. Wilken replied that he has been told there's a good chance that the ABC Board would grant him a temporary liquor license until the next meeting.

Mayor Cleworth stated that the City Building Department is protesting the HooDoo Brewery Liquor License and that the normal procedure is for the Council to protest contingent upon the issuance of a Certificate of Occupancy. He asked Mr. Wilken what his projected timeline was for completing construction to the Building Department's satisfaction.

Mr. Wilken replied that it would take a couple more weeks to complete the brewery portion.

Mr. Hilling asked if a temporary liquor license from the ABC Board allows for both brewing and tasting.

Mr. Wilken replied that it does.

Mr. Lerman – Mr. Lerman spoke to the public's concern with the use of alcohol in the City of Fairbanks and to alcohol abuse. He spoke to the heavy alcohol content of beer manufactured in breweries and cautioned the Council on increasing the saturation level in Fairbanks.

Mr. Matherly asked Mr. Lerman if he had discussed the brewery with Mr. Wilken. He stated that Mr. Lerman had made many assumptions about the brewery business.

Mr. Lerman replied that he had not spoken with Mr. Wilken about the brewery. He stated his opinion that the brewery is a "recipe for disaster."

Victor Buberger – Mr. Buberger wished success to Mr. Wilken and suggested that he offer free beer the opening week.

Mayor Cleworth made a final call for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Eberhart requested that Mr. Wilken come forward again to discuss the alcohol content of the brewed beer.

Mr. Matherly indicated that it may not be a good idea to ask Mr. Wilken for details about the alcohol content or the brewing process. He stated that the Council doesn't question other business owners when they open a new business.

Mr. Hilling spoke in favor of having Mr. Wilken speak to the alcohol content.

Mr. Gatewood stated that he is indifferent as to what the alcohol content of the brew is.

Mr. Roberts stated that the Council routinely waives protest on liquor stores who sell liquor with 50% alcohol content.

Ms. Stiver asked Mr. Ewers and Ms. Hovenden if the discussion was inappropriate.

Mr. Ewers replied that, generally, the discussion is relevant.

Mr. Wilken stated that standard light beer is about 4.2% alcohol, standard premium beer is about 4.5% alcohol, and the average American craft beer is roughly 5% alcohol. He explained that beers brewed at small craft breweries can range up to 12% alcohol content, but that the majority of his beers will stay in line with the average craft beer as far as alcohol content is concerned. He clarified that they are classified as “craft” beers because they are not made with corn or rice. He indicated that problems with alcohol abuse are generally not associated with craft beers because they are a higher-end product.

Mr. Gatewood asked if Mr. Wilken planned to brew beers with the higher alcohol content.

Mr. Wilken replied that he would be brewing specialty beers for holidays only.

Mr. Eberhart commended Mr. Wilken on his efforts and expense toward opening a brewery in Fairbanks.

Mr. Roberts asked how the ABC Board differentiates between a Temporary and a Permanent Certificate of Occupancy. He spoke in support of waiving protest so that the liquor license could be considered by the ABC Board at tomorrow’s meeting.

Ms. Hovenden stated that they do not differentiate between the two certificates. She indicated that the Hoodoo Brewing Company’s Liquor License was not even being considered at the ABC Board’s meeting the next day.

Mayor Cleworth spoke to the City’s procedures in regards to liquor licenses and to the importance of being consistent.

Mr. Matherly spoke to the differences between a brewery license and a dispensary license.

Mr. Eberhart asked Ms. Hovenden if the Hoodoo Brewing Company’s license would not be considered by the ABC Board until their meeting a couple months away.

Ms. Hovenden stated that that is her understanding. She stated that Mr. Wilken may be able to work out a temporary agreement with the ABC Board in the meantime.

Mr. Hilling stated that he will support a motion to protest, contingent upon a Certificate of Occupancy.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE HOODOO BREWING COMPANY APPLICATION FOR A NEW LIQUOR LICENSE, AS FOLLOWS:

YEAS: Roberts
NAYS: Stiver, Matherly, Gatewood, Hilling, Eberhart
Mayor Cleworth declared the MOTION FAILED.

Mr. Eberhart, seconded by **Mr. Hilling**, moved to PROTEST the Application for a New Liquor License, contingent upon issuance of a Certificate of Occupancy from the City Building Department.

Mr. Roberts asked for clarification on how the ABC Board views Temporary versus Permanent Certificates of Occupancy.

Ms. Hovenden explained that the ABC Board sees “Protest” or “No Protest,” not Certificates of Occupancy.

Ms. Stiver spoke to consistency in the Liquor License hearing process. She stated that a protest does not mean that the Council does not support Mr. Wilkes’ business.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE HOODOO BREWING COMPANY APPLICATION FOR A NEW LIQUOR LICENSE, CONTINGENT UPON THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FROM THE CITY BUILDING DEPARTMENT, AS FOLLOWS:

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

MAYOR’S COMMENTS AND REPORT

Mayor Cleworth stated that he met with a group called the Alaska Natural Gas Pipeline Coalition. He stated that the coalition was hoping to get a resolution of support for the large-diameter pipeline from the Fairbanks City Council to take to the Governor later in the month. He stated that, unfortunately, there will not be enough time to pass a resolution and asked the Council if they would be willing to provide the coalition with a letter of support. He spoke briefly to the large-diameter pipeline project. He stated that he would prepare a draft resolution for the Council to review. **Mayor Cleworth** thanked Mr. Buberger for his comments regarding the front lawn of City Hall. He stated that Festival Fairbanks maintains all the flowers and Joe, a Public Works employee, does a great job maintaining the lawn. He spoke to the on-going construction work on Riverside Drive, Tok Street and Talkeetna Avenue. He stated that the City will be going out to bid within a couple weeks on the Graehl Subdivision in hopes of completion by winter. **Mayor Cleworth** asked the Council to address Mr. Gogerty’s impound fees during their comments. He stated that the vehicle was impounded on June 12, 2012, while Mr. Gogerty was out of state. He explained that the impound fees totaled \$1175 at the time Mr. Gogerty

protested and that he had already reduced the total to \$650. **Mayor Cleworth** stated that the reduction was not satisfactory to Mr. Gogerty and that's why he has appealed to the Council.

Ms. Stiver asked if it would be solely up to Mr. Gogerty to claim any damages against the individual who drove the vehicle.

Mayor Cleworth replied affirmatively.

Mr. Gatewood asked how Mayor Cleworth arrived at \$650 as a reduced cost.

Mayor Cleworth replied that the cost is roughly half of the original fees and that there is no other mathematical reason as to why he arrived at that number.

NEW BUSINESS

- a) Resolution No. 4534 – A Resolution Authorizing the City of Fairbanks to Request Funds from the Alaska Division of Homeland Security and Emergency Management Under the FY2012 Homeland Security Grant Program. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4535 – A Resolution Awarding a Contract to Samson Electric, Inc., for the City Hall Standby Generator & UPS System Project in the Amount of \$382,362. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Ordinance No. 5887 – An Ordinance to Amend Fairbanks General Code Chapter 2, Article II, Division 5, to Require a Fiscal Note for Ordinances and Resolutions. Introduced by Council Member Stiver.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Local Improvement District (LID) Ad-hoc Committee – Ms. Stiver gave a brief description of the Committee's purpose and a summary of the discussion at the meeting on July 6, 2012. She announced that meetings are held at 8:15 A.M. on Fridays. She shared the names of Committee members and stated that there is still one vacant seat.

COMMUNICATIONS TO COUNCIL

Chena Riverfront Commission Meeting Minutes of May 7, 2012.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Matherly wished Mr. Wilkes the best of luck with his new business. He spoke in favor of reducing Mr. Gogerty's impound fees to the towing fee only. **Mr. Matherly** spoke to the incredible turnout at the Armed Services YMCA Father/Daughter Ball that he attends annually. He stated that it is an honor to serve on the City Council.

Mr. Matherly, seconded by **Mr. Roberts**, moved to reduce Mr. Gogerty's impound fees to \$135.

Mr. Roberts asked which fees would be waived by reducing the total to \$135.

Mayor Cleworth replied that the administrative and storage fees would be waived if the motion carried.

Mr. Gatewood stated that he would not support reducing the fees past \$650.

Mr. Eberhart spoke to maintaining consistency in all issues that are presented to the Council. He stated that Mr. Gogerty's situation is unfortunate, but that he believes the \$650 is a reasonable offer.

Mr. Eberhart, seconded by **Ms. Stiver**, moved to AMEND the motion to reduce Mr. Gogerty's impound fees by changing the total fees to \$650.

Mr. Hilling asked for clarification on the purpose of the amendment if the original offer to Mr. Gogerty was the same.

Mayor Cleworth explained that, since there was a motion to reduce fees to \$135, Mr. Eberhart's motion was appropriate.

Ms. Stiver spoke in support of the amendment, stating that the Council has addressed similar issues in the past in the same manner.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MAIN MOTION BY CHANGING THE TOTAL TO \$650, AS FOLLOWS:

YEAS: Gatewood, Eberhart, Stiver, Cleworth
NAYS: Roberts, Matherly, Hilling
Mayor Cleworth declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO REDUCE MR. GOGERTY'S IMPOUND FEES, AS AMENDED, AS FOLLOWS:

YEAS: Eberhart, Gatewood, Stiver, Hilling
NAYS: Matherly, Roberts

Mayor Cleworth declared the MOTION CARRIED and Mr. Gogerty's impound fees to total \$650.

Mr. Hilling stated that he is on the cusp of agreeing with jury nullification, but that he would like to hear more arguments against it before he decides. He spoke further to the issue of jury nullification. **Mr. Hilling** spoke to his duty as a Council Member to represent the Fairbanks citizens and the care that must be taken when considering the waiving of fees. He addressed Mr. Lerman's testimony against the HooDoo Liquor License and stated his belief that it is not the City's job to deny the brewery a license for the sake of minimizing the alcohol saturation in Fairbanks. **Mr. Hilling** commented that the Clay Street Cemetery looks very nice and commended Mr. Turney for his work. He spoke to Mr. Buberger's testimony in regards to the public restroom issue and grant funding. He stated that he will continue to look in to a solution for public restrooms. He discussed grant funding for the City and stated that he may consider voting against applying for and accepting future federal grant funding.

Mr. Eberhart expressed his sympathy for the passing of Michelle Roberts. He thanked the Mayor for his work with the Tiger Team and the movement of the F-16's from EAFB to JBER. He announced that the Public Safety Commission will meet at the Fire Department on July 10, 2012, at 11:30 A.M. He stated that only the voting members will be in attendance and they will discuss the future roles and responsibilities of the Commission.

Mr. Gatewood reminded the Mayor and Council that he will not attend the next regular meeting. He spoke in support of Ordinance No. 5887, to require a fiscal note for ordinances and resolutions.

Mr. Roberts spoke to the long deliberation on the HooDoo Liquor License. He stated that, while the Council typically protests new licenses contingent upon a Certificate of Occupancy, he believes the Council may be becoming complacent on how businesses are treated. He spoke to the high cost of building and renovating in the City of Fairbanks versus outside the City limits and cautioned the Council on keeping that in mind for future considerations. **Mr. Roberts** stated that the City of Fairbanks should be more accommodating for new businesses. He commented that he has received complaints about the Building Department and, while the Council cannot micromanage the staff, he believes there is a need to understand how important new businesses are to the community. **Mr. Roberts** addressed Chief Zager regarding a problem with youth congregating on the Wendell Street Bridge, which is causing a problem with traffic flow. He stated that the problem is compounded by the fact that Wendell Street is the main thoroughfare to downtown from the north side due to the construction on Illinois Street.

Ms. Stiver announced that the memorial for Michelle Roberts will be held at the Golden Heart Plaza on July 25 from 5:30 to 8:00 P.M. She sympathized with Mr. Gogerty's situation with the impounded vehicle, but stated that she believes the Council's decision was fair. She spoke to accommodating new businesses in the City of Fairbanks and suggested that one solution could be to look into a partial exemption in Borough taxes. **Ms. Stiver** commented on the gorgeous summer weather.

Mayor Cleworth, in response to Mr. Roberts' comments, stated that the City's Building Code Review & Appeals Commission and the Landscape Review & Appeals Commission are both

staffed by peers in the profession. He stated that the Building Code Commission sets high standards for the in the City limits. He gave Clem Clooten credit for helping eliminate the Beautification Commission. He suggested that the landscape and beautification portion of the code may need to be looked at and possibly amended because it is so restrictive. **Mayor Cleworth** spoke to the significant influence the Building Department has on annexation decisions made by the Local Boundary Commission. He stated that the Council needs to constantly look at the City's rules and regulations to ensure fairness to its citizens. He added that the City of Fairbanks' mill rate is low compared to other municipalities and the tax structure is very stable.

Mr. Roberts expressed appreciation for Mayor Cleworth's comments. He agreed that the City's tax structure is stable and that tax rates are low. He stated that the Council needs to be mindful that the cost of energy and the cost to do business in Fairbanks is much higher than in other communities.

ADJOURNMENT

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

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

Mayor Cleworth declared the Meeting adjourned at 9:00 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS

MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

TO: Mayor Jerry Cleworth
City Council Members

FROM: Janey Hovenden, CMC, City Clerk

SUBJECT: Liquor License Transfer

DATE: July 18, 2012



Attached you will find a copy of the notice of application for transfer of Owner, Location, Name Change, and Restaurant Designation Permit for the following liquor license:

License #: 4720
License Type: Beverage Dispensary
D.B.A.: Gallantino's Italian Restaurant
Licensee/Applicant: Gallantino's Inc.
Physical Location: 1446 S. Cushman Street, Fairbanks, Alaska

Corp/LLC Agent:	Address	Phone	Date and State of Ltd Partnership/Corp.	Good standing?
Gallantino's, Inc.	PO Box 74708, Fairbanks, AK 99707	907-350-6047	10/31/2011	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Wilfredo Gallo	09/29/1978	809 16 th Avenue Fairbanks, AK 99701	907-455-8226	President 100%

Current license information:

License #: 4720
Current D.B.A.: Trapper's Tavern
Current Licensee: Taco Azteca, Inc.
Current Location: No Premises

ADDITIONAL COMMENTS: *Restaurant Designation Permit is also requested*

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

Please note that the new location falls within Section 14.168 which addresses new or transferred licenses to a location which there does not then exist a license, requiring resident notifications and advertisement. Attached is the listing of area residents notified and the ad placed in the local section of the newspaper.

Please also note that the Building and Fire Departments recommended protesting the transfer contingent upon final inspection and issuance of a Certificate of Occupancy as the building is area is currently under renovation. There are no other Departmental protests for this transfer.



Google earth

feet
meters



Sec. 14-168. - New locations.

(a) If the approval by the state alcoholic beverage control board of an application for a new alcoholic beverage license or the transfer of an existing license will result in the location of a business engaged in the sale of alcoholic beverages at a place at which there does not then exist a business having a license of the type which the board proposed to approve for such place:

(1) In addition to doing as required by section 14-167, the city clerk shall place the matter of the application upon the agenda of the first regular meeting of the city council which is at least ten days after the date of receipt from the board of notice to approve the application;

(2) The city clerk shall duly advertise in a newspaper of general circulation in the Fairbanks area the date and time when and the place where the city council will consider the proposed application and, in addition, shall send copies of such advertisement by mail to all owners of record of land within 500 feet of the place where alcoholic beverages will be sold under the proposed new or transferred license; and

(3) At the date and time set for consideration of the proposed application, the city council shall hear all interested residents of the city who may wish to express their opinions as to whether or not the city council should object to the board's proposed approval of the application.

(b) After hearing the mayor and, if required by subsection (a) of this section, all interested residents of the city, the city council shall determine by motion whether to object or not object to the proposed approval by the state alcoholic beverage control board of the application for the transfer, renewal or new alcoholic beverage license which is before the city council. If the city council objects to the board's proposed approval, the mayor, with the cooperation of the city attorney, shall prepare and lodge an appropriate protest with the state alcoholic beverage control board and shall perform all other acts necessary to effectively advance the position of the city at any hearing before the board.

(c) A fee, as set forth in the city's schedule of fees & charges for services, will be charged for the city's processing of an application for a transfer, renewal or new alcoholic beverage license of any type, including an application for a temporary caterer's permit.

(Code 1960, § 4.401(c), (d); Ord. No. 5744, § 6, 7-1-2008)

State law reference— License protest by city council, AS 04.11.480.



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

June 18, 2012

City of Fairbanks
Attn: Janey Hovenden
VIA EMAIL: jihovenden@ci.fairbanks.ak.us

Fairbanks North Star Borough
Attn: Peggy Phillips
VIA EMAIL: pPhillips@co.fairbanks.ak.us

Gallantino's Inc. – License #4720

- New Application Transfer of Ownership Transfer of Location
 Restaurant Designation Permit DBA Name Change

We have received an application for the above listed licenses (see attached application documents) 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.

Alcoholic Beverage Control Board
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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. GIFFORD
Director



Maxine Andrews
Business Registration Examiner

Alcoholic Beverage Control Board
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: June 18, 2012

Application Type: NEW

- TRANSFER**
- Ownership
- Location
- Name Change

Governing Body: **City of Fairbanks**
 Community Councils: None

Fairbanks North Star Borough

License #: 4720
 License Type: Beverage Dispensary
 D.B.A.: Gallantino's Italian Restaurant
 Licensee/Applicant: Gallantino's Inc.
 Physical Location: 1446 S. Cushman. Fairbanks
 Mail Address: PO Box 74708 Fairbanks, AK 99707
 Telephone #: 907-350-6047
 EIN: 45-3708097

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Gallantino's Inc.	PO Box 74708 Fairbanks, AK 99707	907-350-6047	10/31/2011	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Wilfredo Gallo	9/29/1978	809 16 th Ave. Fairbanks, AK 99701	907-455-8226	President/0%100

If transfer application, current license information:

License #: 4720
 Current D.B.A.: Trapper's Tavern
 Current Licensee: Taco Azteca Inc. Inc.
 Current Location: No Premises

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 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Sincerely,
SHIRLEY A. GIFFORD
Director

Sincerely,



Maxine Andrews
Business Registration Examiner

Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an individual ownership): Gallantinos Inc.		Telephone Number: (907) 350-6047	Fax Number: (907) 457-1496
Corporate Mailing Address: P.O. Box 74708	City: Fairbanks 99701	State: Alaska	Zip Code: 99707
Name, Mailing Address and Telephone Number of Registered Agent: Wilfredo Gallo, P.O. Box 74708, Fairbanks, AK 99701, (907) 350-6047		Date of Incorporation OR Certification with DCED: 09/16/2011	State of Incorporation: Alaska
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Wilfredo J. Gallo	President	100%	809 16TH ave. FBX. AK 99701	(907) 455-8226	09/29/1978
		100%			
		100%			
		100%			
		100%			

NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

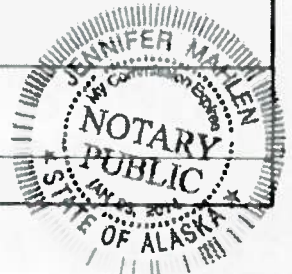
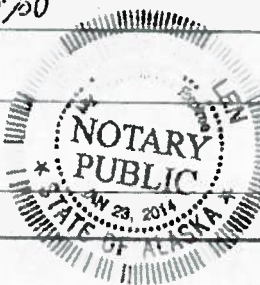
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address: Home Phone: Work Phone:	<input type="checkbox"/> Applicant <input type="checkbox"/> Affiliate	Date of Birth:	Name: Address: Home Phone: Work Phone:	<input type="checkbox"/> Applicant <input type="checkbox"/> Affiliate	Date of Birth:
Name: Address: Home Phone: Work Phone:	<input type="checkbox"/> Applicant <input type="checkbox"/> Affiliate	Date of Birth:	Name: Address: Home Phone: Work Phone:	<input type="checkbox"/> Applicant <input type="checkbox"/> Affiliate	Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s) Signature	Signature of Transferee(s) Signature
Signature	Signature
Name & Title (Please Print) President Wilfredo Gallo	Name & Title (Please Print) Wilfredo Gallo President
Subscribed and sworn to before me this 17 day of May , 2012.	Subscribed and sworn to before me this 17 day of May , 2012.
Notary Public in and for the State of Alaska <i>[Signature]</i>	Notary Public in and for the State of Alaska <i>[Signature]</i>
My commission expires: 01.23.14	My commission expires: 01.23.14



Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

Transfer Liquor License

PAGE 1 OF 2
(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

This application is for:

- Seasonal - Two 6-month periods in each year of the biennial period beginning _____ and ending _____
 Full 2-year period _____ Mo/Day _____ Mo/Day

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEEES
License Year: 2012/2013.	License Type: Beberage/ Dispensary	Statute Reference Sec. 04.11.090.	License Fee: \$ Filing Fee: \$100.00
License #: 4720.	Local Governing Body: (City, Borough or Unorganized) Fairbanks Northstar Borough City of Fairbanks.	Community Council Name(s) & Mailing Address: Ø N/A.	Fingerprint: (\$54.25 per person) Total Submitted: \$
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Gallantino's Inc.	Doing Business As (Business Name): gallantino's Italian R Restaurant	Business Telephone Number: (907) 350-6047. Fax Number: (907) 457-1496.	
Mailing Address: PO. Box 74708.	Street Address or Location of Premise: 1446 S. Cushman.	Email Address: Ø	
City, State, Zip: Fairbanks AK 99707.			

SECTION B - TRANSFER INFORMATION.	
<input checked="" type="checkbox"/> Regular Transfer	Name and Mailing Address of <i>CURRENT</i> licensee: Taco Azteca Inc. PO Box 74708 FBX AK 99707.
<input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (13 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents.	Business Name (dba) <i>BEFORE</i> transfer: Trappers Tavern.
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Street Address or Location <i>BEFORE</i> transfer: No premises.

SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.		
Closest school grounds: Lathrop High	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR 1 1/2 M. <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Closest church: Norcen Church	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR 1/2 mile <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached

Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?
 Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Wilfredo J. Gallo	Mayan Palace	Dispensary	3401 Airport Way FBX	Alaska 99709

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?
 Yes No If Yes, attach written explanation.

Date Approved	Director's Signature
---------------	----------------------

Appetizers

Italian Bread Basket: Small Basket (4) \$3- Large Basket (8) \$6- for the past 24 years, Alaskans have driven from miles around for this simply magnificent bread. Prior to that you had to be a lucky dinner guest at the Gambardella house, off Farmer's Loop Road.

Focaccia Bread: Italian flat bread, oven baked with extra virgin olive oil, fresh garlic, calamata olives and rosemary, served with virgin olive oil or marinara sauce for dipping \$ 6-

Baked Caprese Bruschetta Fresh marinated tomatoes and fresh mozzarella baked onto sliced bruschetta toast topped with fresh basil, extra virgin olive oil and balsamic reduction \$6-

Steamed Clams and Mussels whole clams and mussels cooked in a white wine garlic sauce served with garlic toast for dipping. Also available in green or red (pesto or red sauce) \$14-
Wine Suggestion: Sonoma Cutrer Chardonnay

Antipasto for Two: A selection of fine Italian style meats, cheeses, peppers and olives, on a bed of lettuce, served with fresh bread \$12-

Mozzarella Bread our homemade garlic bread covered with pesto, marinara sauce, fresh tomatoes and mozzarella cheese \$7-

Garlic Bread Italian bread toasted with fresh garlic, butter and freshly grated cheese \$6-

Sautéed Mushrooms Capsautéed in butter, garlic, white wine, and a dash of cream, served with fresh bread \$9-

Savory Meatball Sliders : two bite sized meatball patties with bleu cheese, caramelized onions, pancetta, melted provolone, served on fresh bread with marinara dipping sauce \$6-

Cheesy Baked Macaroni a blend of Italian sharp cheeses and cream tossed with little shells and baked with bread crumb topping \$7-

Pastas

All pasta served with garden fresh salad and freshly baked Italian bread.

Spaghetti with Meatball or Sausage made with our own fresh marinara sauce and freshly grated cheese \$17-

Spaghetti Marinara with grated cheese \$15-

Cheese Ravioli Covered with homemade marinara sauce and freshly grated cheese \$19- with cream sauce \$23-

Lumache giant sea shells of pasta, filled with ricotta and topped with a creamy tomato sauce and melted mozzarella cheese \$19- Wine tip: Santa Christina Sangiovese

Fettuccini Alfredo: a great Italian classic
Served with fettuccini in a sauce of fresh cream, butter, asiago cheese, exquisitely seasoned. \$19-
Add Chicken, Mushrooms or Italian Sausage (\$2.50 each item)

Seafood Alfredo Shrimp and scallops sautéed in fresh garlic, cream sauce and cheese, with fettuccini egg noodles \$28.

Cajun Seafood Pasta spicy sausage, scallops, shrimp and seasonal fish sautéed with a vodka, chipotle cream sauce, served over fettuccini pasta \$28. Spicy with sweet wine: Chateau St. Michelle Riesling

Pasta with Prosciutto and Figs in a light cream sauce with caramelized onions and sweet peas \$23-
Excellent with KJ Chardonnay

Italian Specialties

All dinners served with garden fresh salad and freshly baked Italian bread.

Capellini with Clams and Mussels (Cozze e Vongole)- whole clams and mussels slowly simmered in a white wine, lemon, and garlic broth, served over angel hair pasta \$28- Wine: Masi Masianco

Stuffed Flank Steak (Bistecca Ripiena) tender flank steak rolled with prosciutto, sundried tomatoes, aged provolone, basil, and spinach, baked in the brick oven with sherry butter, over mashed red potatoes and sautéed pancetta peas \$28- Wine: Copolla Claret

Salmon Amalfi - wild caught Alaskan Sockeye Salmon with marinated tomatoes and onions, fresh basil, lemon, butter, white wine & capers, baked in parchment and served with angel hair with peas and freshly grated cheese \$28-
Wine Suggestion: Estancia Pinot Noir

Italian Meatloaf (Polpettone) a mixture of lean ground beef and pork mixed with oven roasted eggplant and zucchini, sharp provolone, and fresh herbs, served with mashed red potatoes and sautéed pancetta peas \$24- Try with D'Arenburg Stump Jump Shiraz

Gnocchi a la Vodka- Gnocchi cooked in a spicy tomato and vodka cream sauce, sundried tomatoes, pancetta, and fresh basil \$24-

Chicken Cannelloni: sheets of pasta rolled and stuffed with a mixture of creamy ricotta cheese and chicken, baked with cream sauce and grated Asiago cheese \$18- Wine: Elk Cove Pinot Grigio

Lasagne-

Ten layers of delicate pasta, ricotta cheese and Gambardella's Italian sausage \$26-

Eggplant Parmesan sautéed eggplant layered with marinara sauce and Italian cheeses, served with pasta marinara \$24-
Wine: Horse Heaven Hills Merlot

Chicken in the Sun sautéed with garlic, sundried tomatoes, fresh basil in a light cream sauce with pasta \$25-

Chicken Marsala chicken sautéed with fresh garlic, mushrooms and sweet Marsala wine, served with pasta \$25-
Wine suggestion: Erath Pinot Noir

Spinach and Chicken Sauté (spa selection, approx 7 grams of carbs, gluten free) chicken breast sautéed with fresh spinach, garlic, white wine and olive oil, \$25- Wine: Elk Cove Pinot Grigio

Chicken Parmesan chicken breast coated with bread crumbs and Parmesan cheese, sautéed then topped with marinara sauce and melted mozzarella cheese, served with pasta marinara \$25- Michele Chiaro Barbera d'Asti

Chi mangia bene, vive bene!
He who eats well, lives well!
Italian Proverb

Buon Appetito!

(20% gratuity for parties of 5 or more, or separate checks, Grazie!)

6/15/12

I'm still working on the Rest of the Menu. I hope this will be ok. For now, thank you. If you have any questions please call me @ (907) 350-6047.

Gourmet Pizza

Our hand tossed pies, served with soup or salad,
additional pizza toppings: \$1.50

Napoli "red" pizza in the classic style with marinara sauce,
imported cheeses and fresh garlic and herbs \$14-

Prosciutto Pizza with ricotta, prosciutto ham,
caramelized onions, bleu cheese crumbles, sautéed
mushrooms and melted mozzarella cheese \$17-

Bianca "white" pizza with ricotta, diced tomatoes,
Italian sharp cheese, and melted
mozz with provolone \$17-

Siena "white" pizza with olive oil, garlic, spinach,
olives, tomatoes and cheese \$17-

Chicken Rosemary with tomato,
calamata olives, feta and mozzarella \$17-

Firenze marinara tomato sauce with seasoned mushrooms,
Peppers, black olives and fresh tomatoes \$19-

Milano Authentic Italian sausage, pepperoni, ham and salami
with marinara sauce and cheeses \$19-

Roma pesto pizza (basil, garlic, olive oil)
with fresh tomatoes and mushrooms \$19-
add chicken \$1.5

Low-Fat Pizza our lean marinara sauce topped with
poached veggies and fat free mozzarella \$19-

Culona - pizza turnover
filled with seasoned spinach, garlic and ricotta cheese \$16-

filled with sausage, peppers, ricotta and marinara sauce \$17-

portabella mushroom, chicken, ricotta and mozzarella \$17-

Salads

Served with our famous homemade minestrone soup and
Gambardella's bread.

Classic Caesar Salad Fresh romaine lettuce
tossed with a dressing of pureed anchovies, virgin olive oil, fresh
lemon juice, asiago cheese and fresh croutons.....\$14-

Chicken Caesar Salad with chicken breast and marinated
tomatoes and onions, topped with croutons \$18-

Blackened Salmon Caesar: Blackened Sockeye Salmon
served atop Classic Caesar with marinated tomatoes,
onions and croutons \$22-

Mediterranean Caesar: our Classic Caesar offers plus fresh marinated
tomatoes, boiled egg, calamata olives and feta cheese \$18-

Spinach Salad fresh spinach with chicken, bacon, egg, blue cheese,
fresh tomato, croutons, with warm balsamic vinaigrette \$18-

Pear, Walnut and Blue Cheese Salad with apples and chicken breast
on crisp green leaf lettuce with raspberry vinaigrette \$18-

Buon Appetito!

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Gallanino's Italian Rest.

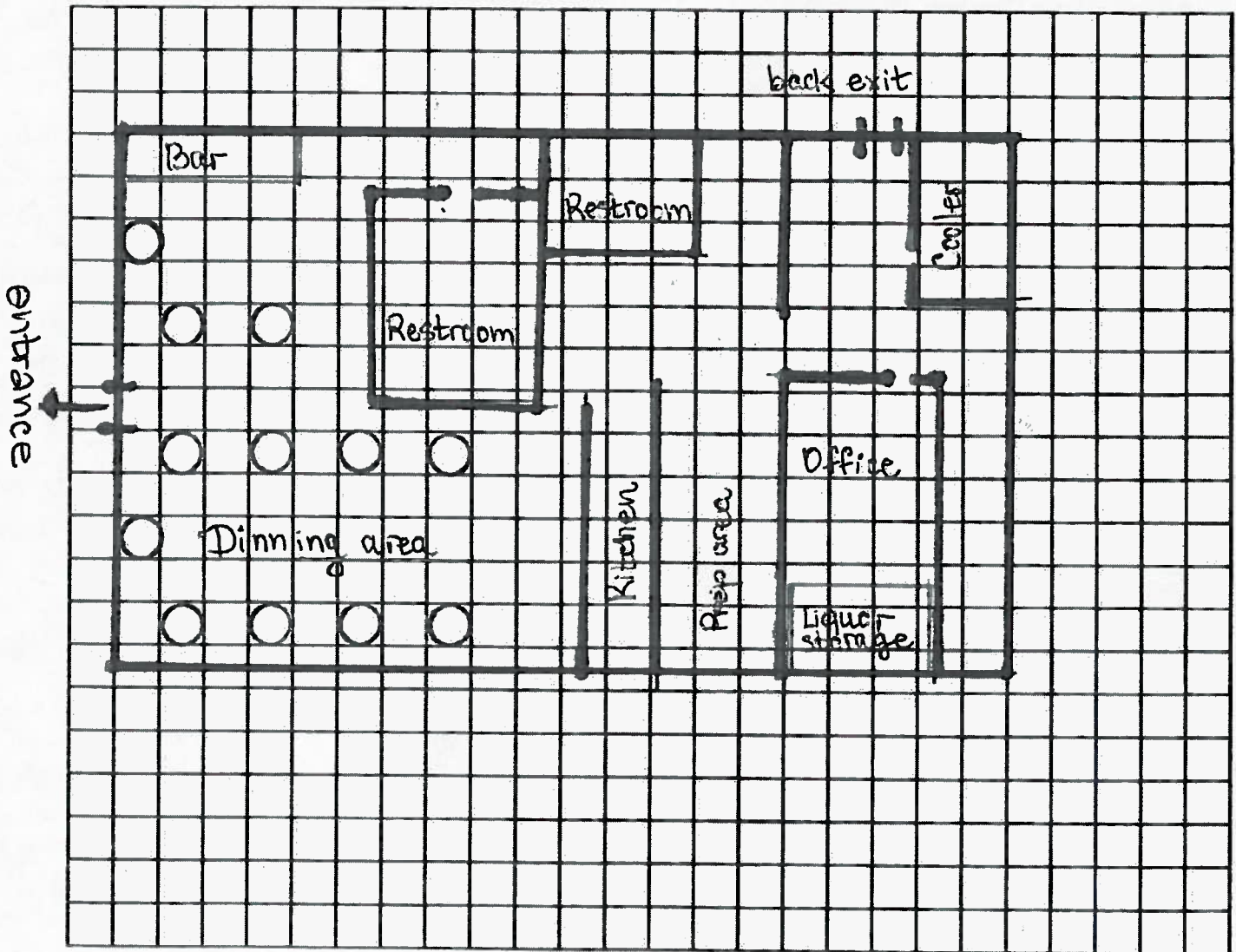
PREMISES LOCATION: 1446 S. Cushman St. Fbx AK.

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: + 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Revised 6/16/06

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 AAC 104.715-794
FEE: \$38.00

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

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

- 1 Under 13 AAC 104.305 Bona fide restaurant/eating place.
- 2 Persons age 16 to 20 may dine unaccompanied.
- 3 Persons under 16 may dine accompanied by a person 21 years or older.
- 4 Persons between 16 and 20 years of age may be employed. *(See note below).

License Number 4720

LICENSEE: gallantino's Inc.
D/B/A: gallantinos Italian Rest.
ADDRESS: 1446 S. Cushman St FBX AK 99701

1. Hours of Operation: 10 AM to 11 PM Telephone # (907) 350-6047 Cell

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

3. * Duties of employment: Busser, Dishwasher, hostess, Cashiers.

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

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

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

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

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

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

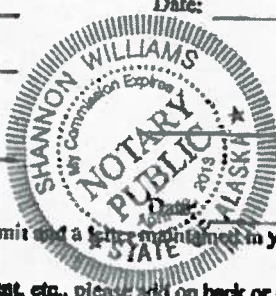
Applicant signature [Signature] 6/6/12

Local Governing Body Approval _____

Subscribed and sworn to before me this 6th day of June

Date: _____

Shannon Williams
Notary Public in and for Alaska



My Commission expires 4.22.13

Director, ABC Board

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

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

Update: 3/28/12

ABC Board
5848 E Tudor Rd
Anchorage AK 99507

PH: (907)269-0350
FX: (907)272-8412



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 04-04-2012

BUILDING DEPARTMENT

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP, LOCATION, NAME CHANGE, AND RESTAURANT DESIGNATION PERMIT

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/18/2012 - 60 DAY DUE DATE 08/17/2012

DATE RESPONSE DUE: **07/17/2012** for City Council Meeting of 07/23/2012

License #: 4720
License Type: Beverage Dispensary
D.B.A.: Gallantino's Italian Restaurant
Licensee/Applicant: Gallantino's Inc.
Physical Location: 1446 S. Cushman Street, Fairbanks, Alaska
Mail Address: PO Box 74708, Fairbanks, AK 99707
Telephone #: 907-350-6047
EIN: 945-3708097

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Gallantino's, Inc.	PO Box 74708, Fairbanks, AK 99707	907-350-6047	10/31/2011	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Wilfredo Gallo	09/29/1978	809 16 th Avenue Fairbanks, AK 99701	907-455-8226	President 100%

If transfer application, current license information:

License #: 4720
Current D.B.A.: Trapper's Tavern
Current Licensee: Taco Azteca, Inc.
Current Location: No Premises

ADDITIONAL COMMENTS: *Restaurant Designation Permit is also requested*

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE:

(Signature)

(Printed Name)

Jim Soileau



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 04-04-2012

BUILDING DEPARTMENT

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP, LOCATION, NAME CHANGE, AND RESTAURANT DESIGNATION PERMIT

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/18/2012 - 60 DAY DUE DATE 08/17/2012

DATE RESPONSE DUE: 07/17/2012 for City Council Meeting of 07/23/2012

License #: 4720
License Type: Beverage Dispensary
D.B.A.: Gallantino's Italian Restaurant
Licensee/Applicant: Gallantino's Inc.
Physical Location: 1446 S. Cushman Street, Fairbanks, Alaska
Mail Address: PO Box 74708, Fairbanks, AK 99707
Telephone #: 907-350-6047
EIN: 945-3708097

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Gallantino's, Inc.	PO Box 74708, Fairbanks, AK 99707	907-350-6047	10/31/2011	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Wilfredo Gallo	09/29/1978	809 16 th Avenue Fairbanks, AK 99701	907-455-8226	President 100%

If transfer application, current license information:

License #: 4720
Current D.B.A.: Trapper's Tavern
Current Licensee: Taco Azteca, Inc.
Current Location: No Premises

ADDITIONAL COMMENTS: *Restaurant Designation Permit is also requested*

NO PROTEST:
COMMENTS

PROTEST
REASONS:

OWNER needs to complete RENOVATIONS & Pass inspection by Fire Prevention office.

DEPARTMENT

SIGNEE:

(Signature)

Warren Commins, Fire Chief
(Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 04-04-2012

BUILDING DEPARTMENT

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP, LOCATION, NAME CHANGE, AND RESTAURANT DESIGNATION PERMIT

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/18/2012 - 60 DAY DUE DATE 08/17/2012

DATE RESPONSE DUE: **07/17/2012** for City Council Meeting of 07/23/2012

License #: 4720
License Type: Beverage Dispensary
D.B.A.: Gallantino's Italian Restaurant
Licensee/Applicant: Gallantino's Inc.
Physical Location: 1446 S. Cushman Street, Fairbanks, Alaska
Mail Address: PO Box 74708, Fairbanks, AK 99707
Telephone #: 907-350-6047
EIN: 945-3708097

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Gallantino's, Inc.	PO Box 74708, Fairbanks, AK 99707	907-350-6047	10/31/2011	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Wilfredo Gallo	09/29/1978	809 16 th Avenue Fairbanks, AK 99701	907-455-8226	President 100%

If transfer application, current license information:

License #: 4720
Current D.B.A.: Trapper's Tavern
Current Licensee: Taco Azteca, Inc.
Current Location: No Premises

ADDITIONAL COMMENTS: *Restaurant Designation Permit is also requested*

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE:

(Signature)

LARON J. ZAPPA
(Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 04-04-2012

BUILDING DEPARTMENT

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP, LOCATION, NAME CHANGE, AND RESTAURANT DESIGNATION PERMIT

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/18/2012 - 60 DAY DUE DATE 08/17/2012

DATE RESPONSE DUE: **07/17/2012** for City Council Meeting of 07/23/2012

License #: 4720
License Type: Beverage Dispensary
D.B.A.: Gallantino's Italian Restaurant
Licensee/Applicant: Gallantino's Inc.
Physical Location: 1446 S. Cushman Street, Fairbanks, Alaska
Mail Address: PO Box 74708, Fairbanks, AK 99707
Telephone #: 907-350-6047
EIN: 945-3708097

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Gallantino's, Inc.	PO Box 74708, Fairbanks, AK 99707	907-350-6047	10/31/2011	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Wilfredo Gallo	09/29/1978	809 16 th Avenue Fairbanks, AK 99701	907-455-8226	President 100%

If transfer application, current license information:

License #: 4720
Current D.B.A.: Trapper's Tavern
Current Licensee: Taco Azteca, Inc.
Current Location: No Premises

ADDITIONAL COMMENTS: *Restaurant Designation Permit is also requested*

NO PROTEST:
COMMENTS

PROTEST
REASONS:

*UNABLE TO ISSUE
CERTIFICATE OF OCCUPANCY
UNTIL CONSTRUCTION IS
COMPLETE*

DEPARTMENT
SIGNEE:

[Signature]
(Signature)

CLEMENS M. CLOOTEN
(Printed Name)



CITY OF FAIRBANKS

Public Notice

Application has been made for the Transfer of Ownership, Location and Name Change of the following Beverage Dispensary Liquor License::

TO:	Gallantino's Italian Restaurant
Licensee/Applicant:	Gallantino's, Inc.
Physical Location:	1446 S. Cushman Street
FROM:	Trapper's Tavern
Current Licensee:	Taco Azteca, Inc.
Current Location:	No Premises

The Fairbanks City Council will hear interested citizens concerned with the above-referenced Liquor License Transfer, speaking for or against said application, at the regular meeting of July 23, 2012, beginning at 7:00 PM, in Council Chambers, 800 Cushman Street, Fairbanks, Alaska. If you have any questions please call the Office of the City Clerk at 459-6774.

Janey Hovenden, CMC, City Clerk

Publish Friday, July 20, 2012 Local Section

ABRAMS THOMAS E
ABRAMS SUN W
PO BOX 73141
FAIRBANKS AK 99707 3141

ALASKA STATE OF DNR
3700 AIRPORT WAY
FAIRBANKS AK 99709 4609

ALTHERR JAMES H
1440 LACEY ST
FAIRBANKS AK 99701 6208

BAKER JASON
BAKER DESEREE M
1423 LACEY ST
FAIRBANKS AK 99701 6207

BERNAL ISIDRO V
BERNAL MA LOURDES
565 SPRUCEWOOD RD
FAIRBANKS AK 99709 3619

BRADBURY COMM PROPERTY TRUST
1401 TURNER ST
FAIRBANKS AK 99701 6161

BRAND MICHAEL
BRAND CHRISTI
1521 STACIA ST
FAIRBANKS AK 99701 6135

BREAD LINE INC
PO BOX 73715
FAIRBANKS AK 99707 3715

BRENNAN KATHLEEN
1430 LACEY ST
FAIRBANKS AK 99701 6208

BURROW DAVID
BURROW TAMMY
1157 GILMORE TRL
FAIRBANKS AK 99712 2104

BY HIS GRACE INVESTMENTS LLC
503 14TH AVE
FAIRBANKS AK 99701 6236

CHAMNESS PAULINE
1411 MARY ANN ST
FAIRBANKS AK 99701 6128

CHI HYOKCHUN
CHI EUNSOOK
410 SHANNON DR
FAIRBANKS AK 99701 3291

CHRISTIE RUSSELL O
1434 LACEY ST APT A
FAIRBANKS AK 99701 6208

COIN OP LLC
431 GAFFNEY RD
FAIRBANKS AK 99701 4912

COWLES JOHN C
PO BOX 73572
FAIRBANKS AK 99707 3572

DOCTU LLC
PO BOX 80484
FAIRBANKS AK 99708 0484

DUFFY KETURI ERIKA
7829 CENTER BLVD SE
SNOQUALMIE WA 98065 9096

FAIRBANKS COMMUNITY FOOD
BANK SERVICE INC
725 26TH AVE
FAIRBANKS AK 99701 7034

FAIRBANKS NORTH STAR BOROUGH
LIONS PLAYGROUND
PO BOX 71267
FAIRBANKS AK 99707 1267

FAMILY TRUST
C/O KETURI RAYMOND C
1403 LACEY ST UNIT A
FAIRBANKS AK 99701 6207

FRIENDSHIP BAPTIST MISSION
1501 LACEY ST
FAIRBANKS AK 99701 6209

GABAYAN SUSIE K
1436 STACIA ST
FAIRBANKS AK 99701 6134

GAVORA INC
PO BOX 70021
FAIRBANKS AK 99707 0021

GRASSMAN BRIAN R
PO BOX 74312
FAIRBANKS AK 99707 4312

HAGEN ALBERT M
HAGEN PAULETTE BEA
1446 NOBLE ST
FAIRBANKS AK 99701 6223

HELMS ROY O & HOPE L FAMILY
TRUST
1452 NOBLE ST
FAIRBANKS AK 99701

HELMS VIDA
1433 LACEY ST
FAIRBANKS AK 99701 6207

HOFF MICHAEL RAY
HARRISON JUDITH A
1502 STACIA ST
FAIRBANKS AK 99701 6136

HOME MSSN BD STHRN BAPT
CNVNTN & FRNDSHIP BAPT MSSN
C/O NORTH AMERICAN MSSN BD
4200 N POINT PKWY
ALPHARETTA GA 30022 4176

INTERIOR WEATHERIZATION INC
713 15TH AVE
FAIRBANKS AK 99701 6116

JEFFERY J D
PO BOX 70273
FAIRBANKS AK 99707 0273

JOHNSON AARON T
1445 LACEY ST
FAIRBANKS AK 99701 6207

JOHNSON JOSEPHINE P TRUST
PO BOX 70563
FAIRBANKS AK 99707 0563

KUZMICH VITALI V
1464 LACEY ST
FAIRBANKS AK 99701 6208

MANNING MALINDA R
HUSAR ROBERT A
PO BOX 72746
FAIRBANKS AK 99707 2746

MARTIN BYRON M
1417 LACEY ST
FAIRBANKS AK 99701 6207

MARTTI COMPANY LLC
1422 STACIA ST APT 1
FAIRBANKS AK 99701 6101

MHB PROPERTY MANAGEMENT LLC
1521 STACIA ST
FAIRBANKS AK 99701 6135

MUNOZ JOHNNY
1511 MARY ANN ST
FAIRBANKS AK 99701 6129

N & P ENTERPRISES LLC
1255 AIRPORT WAY STE 12
FAIRBANKS AK 99701 5860

NELSON SHANNA R
1516 STACIA ST
FAIRBANKS AK 99701 6136

NIESEN GREG J
NIESEN LENORA H
PO BOX 670842
CHUGIAK AK 99567 0842

NYQUIST JOSEPH K
1255 AIRPORT WAY # 12
FAIRBANKS AK 99701 5819

OLIVER VIOLA
1453 LACEY ST
FAIRBANKS AK 99701 6207

OPES LLC
148 NILGRUB AVE
FAIRBANKS AK 99709 2405

PAPA SUGAR DADDYS LLC
PO BOX 80912
FAIRBANKS AK 99708 0912

PARSONS DAVID C
PARSONS SUSAN K
PO BOX 80467
FAIRBANKS AK 99708 0467

PATTERSON ROBERT D
PATTERSON PEGGY M
424 BARANOF AVE
FAIRBANKS AK 99701 3210

PENCE CAROLE LIFE ESTATE
1427 LACEY ST
FAIRBANKS AK 99701 6207

PLUMLEY JAMES
PETROSKE JOANNE
2750 E FALLBROOKS AVE
WASILLA AK 99654 6024

POLLO REAL ESTATE LLC
PO BOX 74708
FAIRBANKS AK 99707 4708

PRAX GLENN MICHAEL ET AL
1015 MEADOW RUE AVE
NORTH POLE AK 99705 5139

PROSPECTOR APPAREL &
SPORTING GOODS INC
1512 S CUSHMAN ST
FAIRBANKS AK 99701 6245

SCOTT CHARLES
1140 DOWNWIND DR
FAIRBANKS AK 99709 2596

SORVOJA HELENA
1422 STACIA ST
FAIRBANKS AK 99701 6101

STEWART BENJAMIN D
STEWART ELIZABETH A
1438 NOBLE ST
FAIRBANKS AK 99701 6223

TARR SHERRI G
1521 MARY ANN ST
FAIRBANKS AK 99701 6129

THREE GS CORPORATION
C/O REX GAVIN
665 10TH AVE # 205
FAIRBANKS AK 99701 4650

VENT DOROTHY B
1433 MARY ANN ST
FAIRBANKS AK 99701 6128

WAKEMAN TEDDY L
WAKEMAN MICHEL C
1458 LACEY ST
FAIRBANKS AK 99701 6208

YANG SHAUNZHAY
YANG MAY
1515 MARY ANN ST
FAIRBANKS AK 99701 6129

ZALEWSKI VICTORIA J
1421 MARY ANN ST
FAIRBANKS AK 99701 6128

MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

TO: Mayor Jerry Cleworth
City Council Members

FROM: Janey Hovenden, CMC, City Clerk

SUBJECT: Liquor License Transfer

DATE: July 18, 2012



Attached you will find a copy of the notice of application for transfer of ownership and name change for the following liquor license:

License #: 4858
License Type: Wholesale
D.B.A.: Southern Wine & Spirits of Alaska
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location: 1200 Wells Street, Bay 2, Fairbanks, Alaska

Corp/LLC Agent:	Address	Phone	Date and State of Ltd Partner/Corp	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Baker 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456- 3535	100%

If **transfer** application, current license information:

License #: 4858
Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: 1200 Wells Street, Bay 2, Fairbanks, Alaska

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

Please note there are no Departmental protests for this transfer.

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: June 21, 2012

Application Type: **NEW**_____

TRANSFER
 Ownership (parent company)
 _____ Location
 _____ Name Change

Governing Body: **City of Fairbanks**
 Community Councils: None

License #: 4858
 License Type: Wholesale
 D.B.A.: Southern Wine & Spirits of Alaska
 Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
 Physical Location: 1200 Wells Street, Bay 2, Fairbanks, AK 99701
 Mail Address: 1600 NW 163rd Street, Miami, FL 33169
 Telephone #: 305-625-4171
 EIN: 26-3425995

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Backer 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456-3535	100%

If transfer application, current license information:

License #: 4858
 Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
 Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
 Current Location: 1200 Wells Street, Bay 2, Fairbanks, AK 99701

Additional comments: Please see application for complete ownership breakdown. *

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.

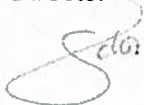
AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

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 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD
Director



Sarah D. Oates

Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
 Joseph A. Masters, Commissioner

June 21, 2012

City of Fairbanks
 Attn: Janey Hovenden, City Clerk
 VIA Email: jjhovenden@ci.fairbanks.ak.us
 Cc: pphillips@co.fairbanks.ak.us

**Southern-Odom Wine & Spirits of Alaska, LLC DBA Southern Wine & Spirits of Alaska:
 Wholesale License #4858**

(parent company)

- New Application
- Transfer of Ownership
- Transfer of Location
- Restaurant Designation Permit
- DBA Name Change

We have received an application for the above listed licenses (see attached application documents) 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.

Alcoholic Beverage Control Board
 5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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. GIFFORD
Director



Sarah D. Oates
Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356

Alcoholic Beverage Control Board
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

Transfer Liquor License

(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

License is: Full Year OR Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES
License Year: 2012	License Type: Wholesale General Liquor License	Statute Reference Sec. 04.11.160(a)	<div style="font-size: 1.5em; font-weight: bold;"># 8930</div> Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$ Fingerprint: \$ (\$51.50 per person) TOTAL \$100.00
License #: 4858	Local Governing Body: (City, Borough or Unorganized) City of Fairbanks	Community Council Name(s) & Mailing Address: n/a	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Southern-Odom Wine and Spirits of Alaska, LLC	Doing Business As (Business Name): Southern Wine & Spirits of Alaska	Business Telephone Number: 305-625-4171 Fax Number: 305-624-7735	
Mailing Address: ATTN: Steven Becker 1600 NW 163 rd St. City, State, Zip: Miami, FL 33169	Street Address or Location of Premise: 1200 Wells Street Fairbanks, AK 99701	Email Address: StevenBecker@SOUTHFRNWINE.com	
SECTION B - TRANSFER INFORMATION			
<input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (13 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Name and Mailing Address of <i>CURRENT</i> Licensee: Southern-Odom Wine and Spirits of Alaska, LLC, 1600 NW 163 rd St., Miami, FL 33169 Business Name (dba) <i>BEFORE</i> transfer: Southern-Odom Wine and Spirits of Alaska Street Address or Location <i>BEFORE</i> transfer: 1200 Wells Street, Fairbanks, AK 99701	
SECTION C - PREMISES TO BE LICENSED			
Distance to closest school grounds: Immaculate Conception Catholic School (0.4 miles)	<i>Distance measured under:</i> <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: St. Matthews Episcopal (0.25 miles)	<i>Distance measured under:</i> <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building	<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached		

Transfer Liquor License

SECTION D – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Please see attached.				

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

SECTION E – OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership):		Telephone Number:	Fax Number:
Southern-Odom Wine and Spirits of Alaska, LLC		305-625-4171	305-624-7735
Corporate Mailing Address:	City:	State:	Zip Code:
ATTN: Steven Becker, 1600 NW 163 rd St.	Miami	FL	33169
Name, Mailing Address and Telephone Number of Registered Agent:		Date of Incorporation OR Certification with DCED:	State of Incorporation:
CT Corporation Systems, 9360 Glacier Hwy., Ste. 202, Juneau, AK 99801 907-586-3340		9/24/2008	DE
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Odom-Southern Holdings, LLC ("OSH")	Member/Manager	100	10500 NE 8 th St., Ste. 200, Bellevue, WA 98004	425-456-3535	formed: 9/24/08
Wayne Chaplin	Manager of OSH	0	54 Lagorce Cir., Miami, FL 33021 305-866-1708	305-625-4171	12/26/56
Steven Becker	Manager of OSH	0	4401 Sanders St., Hollywood, FL 33021 954-966-8927	305-625-4171	03/28/52
PLEASE SEE ATTACHED					

NOTE: If you need additional space, please attach a separate sheet.

Alcoholic Beverage Control Board
 5848 E Tudor Rd
 Anchorage, AK 99507

Transfer Liquor License

(907) 269-0350
 Fax: (907) 272-9412
 www.dps.state.ak.us/abc

SECTION F -- OWNERSHIP INFORMATION -- SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate Law of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address:	Applicant <input type="checkbox"/> Affiliate Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s) Signature Signature Name & Title (Please Print) Steven Becker, co-Manager Subscribed and sworn to before me this 19 day of April, 2012. Notary Public in and for the State of Alaska Fionda My commission expires:	Signature of Transferee(s) Signature Signature Name & Title (Please Print) Steven Becker, co-Manager Subscribed and sworn to before me this 19 day of April, 2012. Notary Public in and for the State of Alaska Fionda My commission expires:
--	--

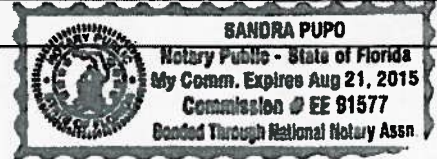
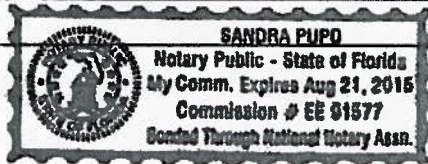
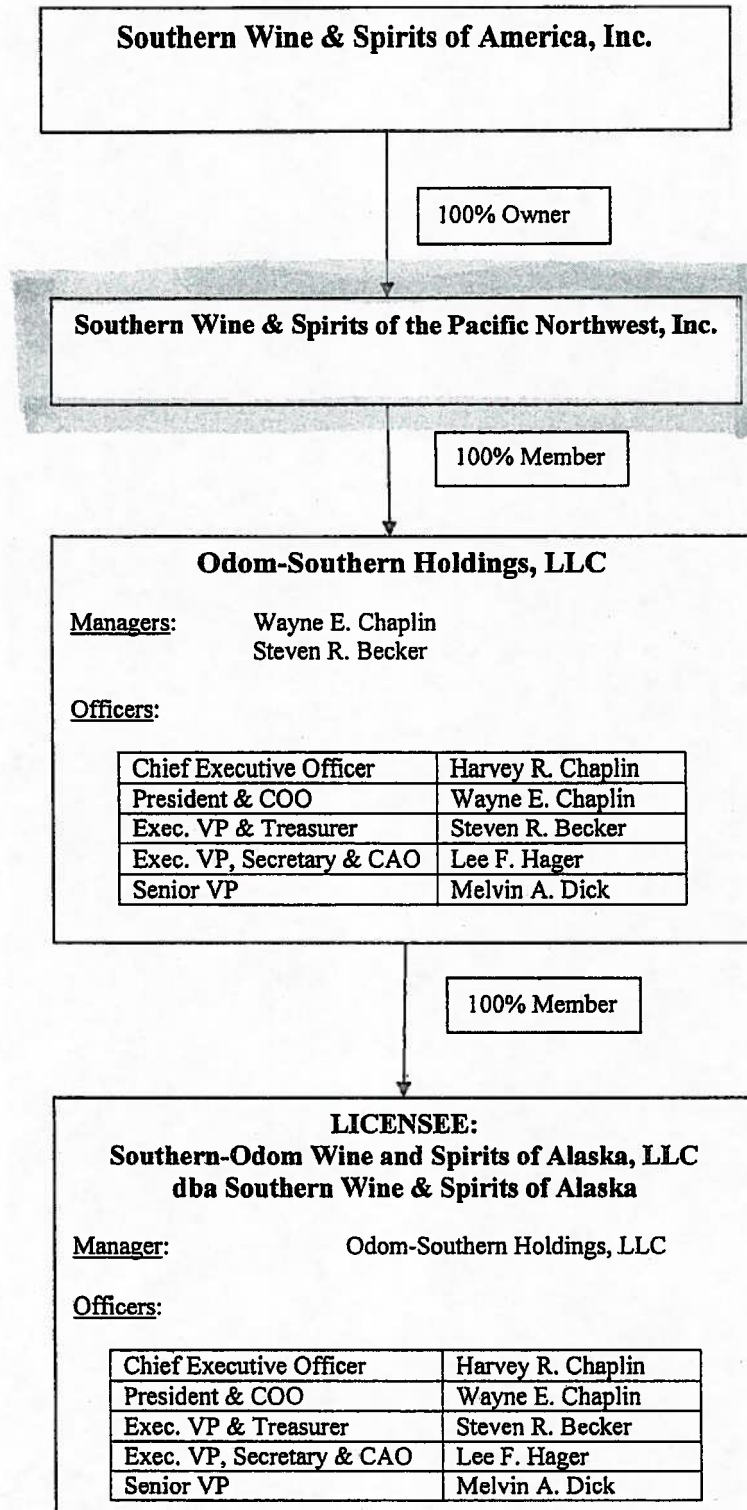


Diagram of Ownership



New parent company

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Southern Wine & Spirits of Alaska, LLC

PREMISES LOCATION: 1200 Wells St., Fairbanks, AK 99707

Indicate scale by x after appropriate statement or show length and width of premises. _____ 1 SQ. = 4 FT.

SCALE A: _____ 1 SQ. = 1 FT.

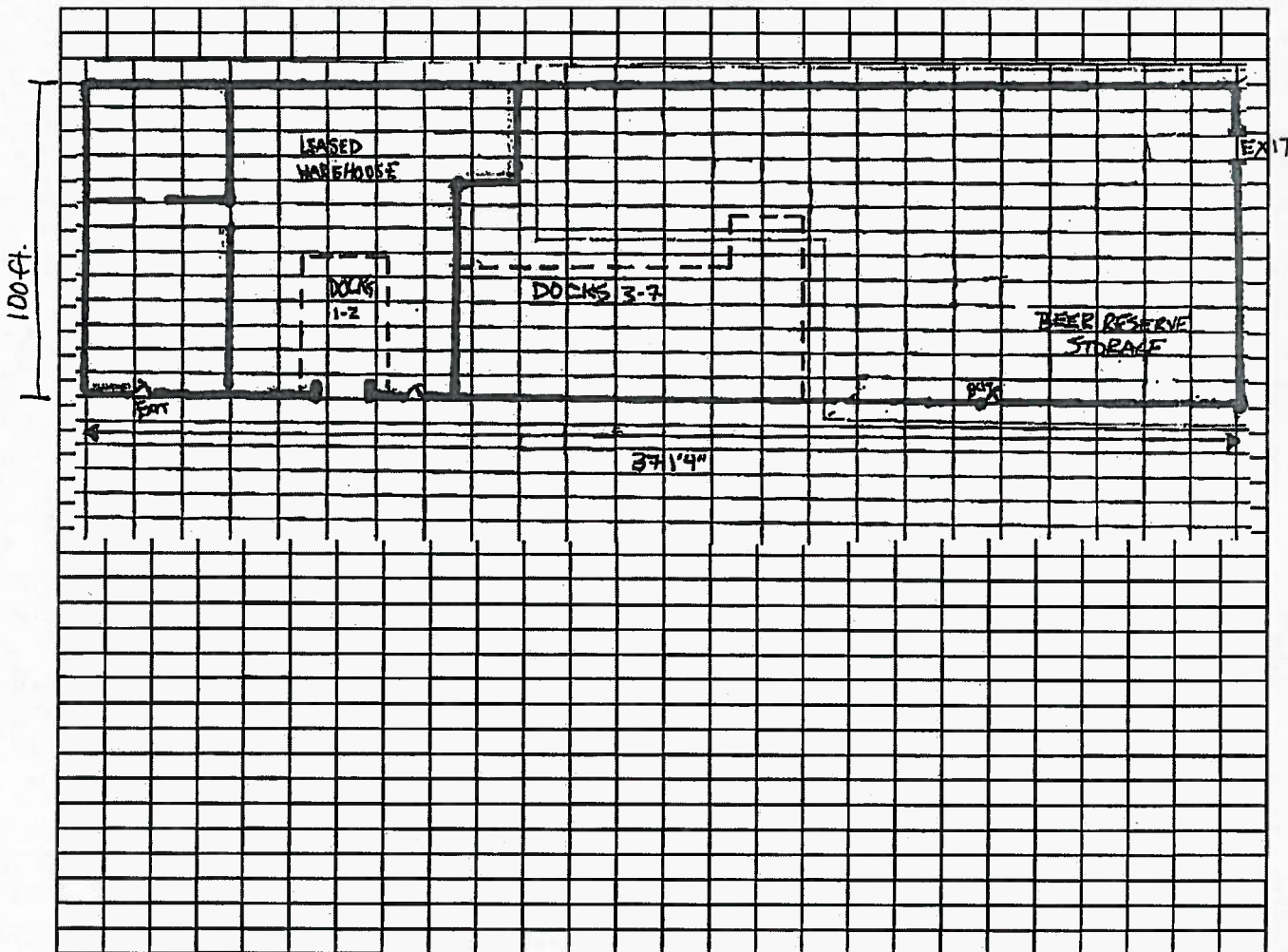
SCALE B:
Not to scale

Length and width of premises in feet:

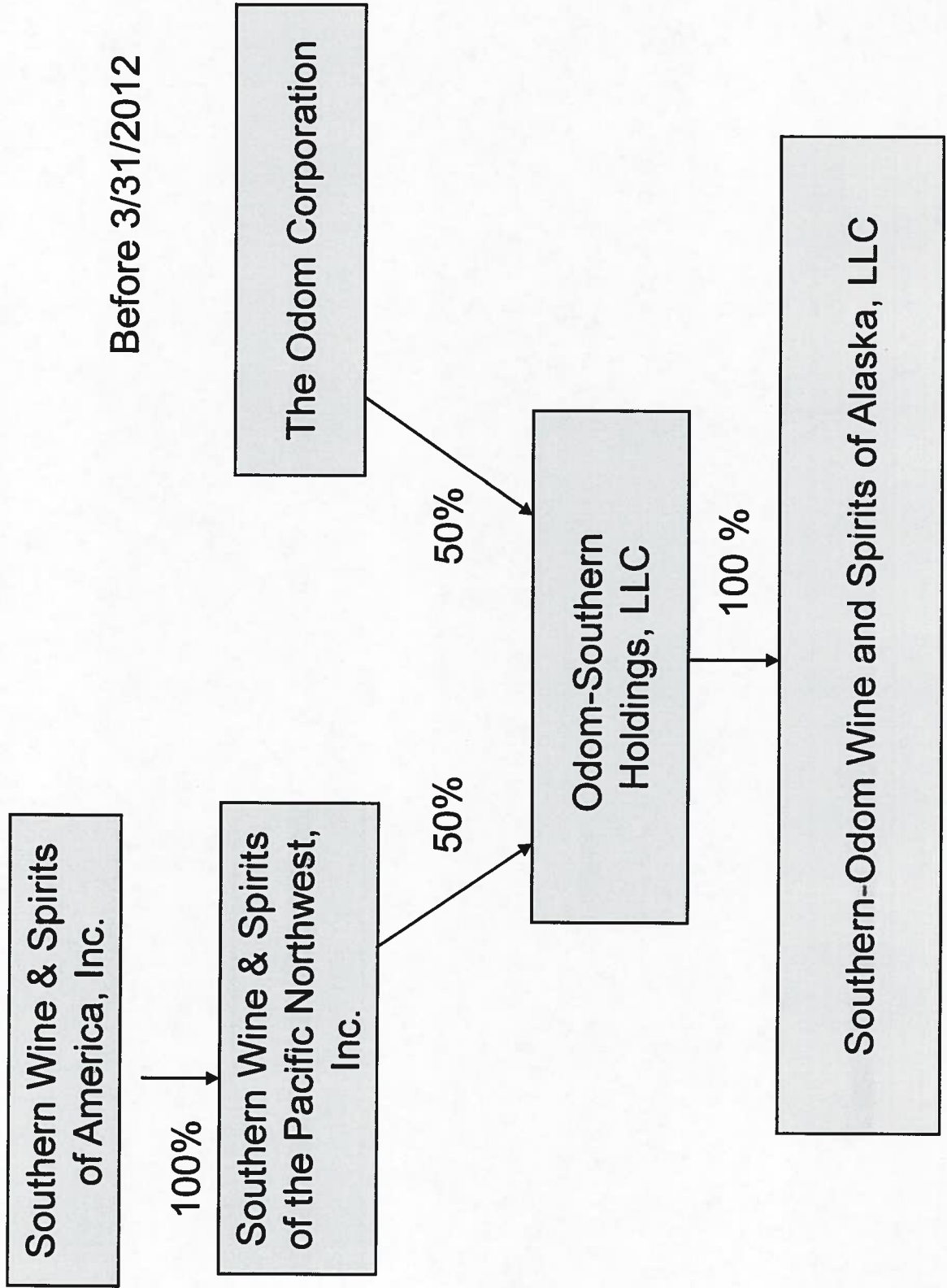
37,100 total square feet

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.

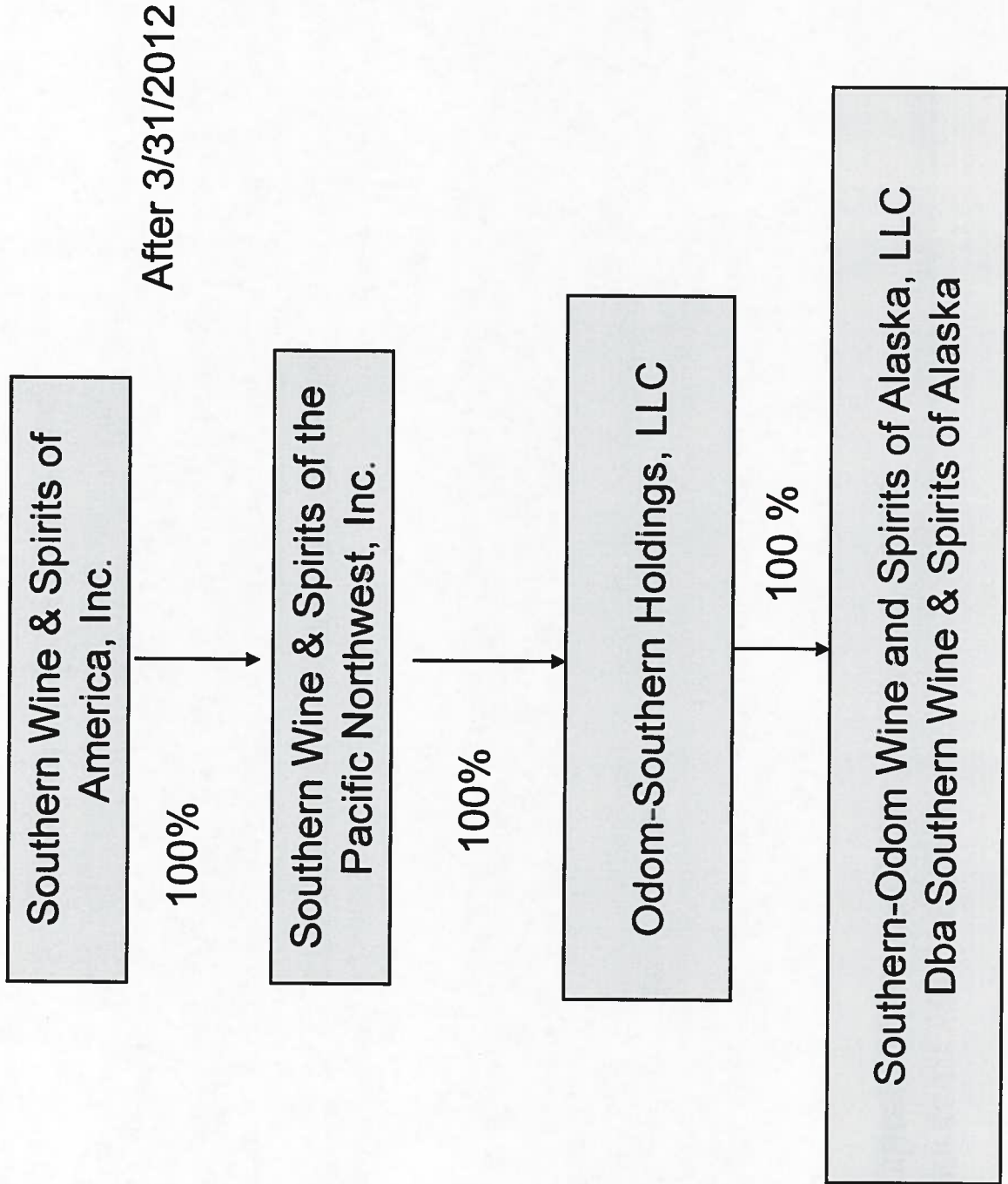
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Southern-Odom Wine and Spirits of Alaska, LLC
dba Southern Wine & Spirits of Alaska



Southern-Odom Wine and Spirits of Alaska, LLC
dba Southern Wine & Spirits of Alaska





City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 06-26-2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP AND NAME CHANGE

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/21/2012 - 60 DAY DUE DATE 08/20/12

DATE RESPONSE DUE: **07/17/2012** for City Council Meeting of 07/23/2012

License #: 4858
License Type: Wholesale
D.B.A.: Southern Wine & Spirits of Alaska
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location: 1200 Wells Street, Bay 2, Fairbanks, Alaska

Mail Address: 1600 NW 163rd Street, Miami, FL 33169
Telephone #: 305-625-4171
EIN: 26-3425995

Corp/LLC Agent:	Address	Phone	Date and State of Ltd Partner/Corp	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Baker 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456-3535	100%

If transfer application, current license information:

License #: 4858
Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: 1200 Wells Street, Bay 2, Fairbanks, Alaska

ADDITIONAL COMMENTS: Please see application for complete ownership breakdown

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE: _____

(Signature)

1 6/26/12

(Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 06-26-2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP AND NAME CHANGE

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/21/2012 - 60 DAY DUE DATE 08/20/12

DATE RESPONSE DUE: 07/17/2012 for City Council Meeting of 07/23/2012

License #: 4858
License Type: Wholesale
D.B.A.: Southern Wine & Spirits of Alaska
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location: 1200 Wells Street, Bay 2, Fairbanks, Alaska

Mail Address: 1600 NW 163rd Street, Miami, FL 33169
Telephone #: 305-625-4171
EIN: 26-3425995

Corp/LLC Agent:	Address	Phone	Date and State of Ltd Partner/Corp	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Baker 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456-3535	100%

If transfer application, current license information:

License #: 4858
Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: 1200 Wells Street, Bay 2, Fairbanks, Alaska

ADDITIONAL COMMENTS: Please see application for complete ownership breakdown

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT

SIGNEE:
(Signature)

WARNER B CUMMINGS FIRE CLERK
(Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 06-26-2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP AND NAME CHANGE

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/21/2012 - 60 DAY DUE DATE 08/20/12

DATE RESPONSE DUE: **07/17/2012** for City Council Meeting of 07/23/2012

License #: 4858
License Type: Wholesale
D.B.A.: Southern Wine & Spirits of Alaska
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location: 1200 Wells Street, Bay 2, Fairbanks, Alaska

Mail Address: 1600 NW 163rd Street, Miami, FL 33169
Telephone #: 305-625-4171
EIN: 26-3425995

Corp/LLC Agent:	Address	Phone	Date and State of Ltd Partner/Corp	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Baker 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456-3535	100%

If transfer application, current license information:

License #: 4858
Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: 1200 Wells Street, Bay 2, Fairbanks, Alaska

ADDITIONAL COMMENTS: Please see application for complete ownership breakdown

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE:


(Signature)

LARON J. ZAGER
(Printed Name)

MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

TO: Mayor Jerry Cleworth
City Council Members

FROM: Janey Hovenden, CMC, City Clerk

SUBJECT: Liquor License Transfer

DATE: July 18, 2012



Attached you will find a copy of the notice of application for transfer of ownership and name change for the following liquor license:

License #: 4862
License Type: Wholesale
D.B.A.: Southern Wine & Spirits of Alaska
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location: 3101 Peger Road, Bay 2, Fairbanks, Alaska

Corp/LLC Agent:	Address	Phone	Date and State of Ltd Partner/Corp	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Baker 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456- 3535	100%

If transfer application, current license information:

License #: 4862
Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: 3101 Peger Road, Bay 2, Fairbanks, Alaska

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

Please note there are no Departmental protests for this transfer.

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: June 22, 2012

Application Type: **NEW** _____

TRANSFER
 Ownership (parent company)
 Location
 Name Change

Governing Body: **Fairbanks North Star Borough**
 Community Councils: None

License #: 4862
 License Type: Wholesale
 D.B.A.: Southern Wine & Spirits of Alaska
 Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
 Physical Location: 3101 Peger Road, Bay 2, Fairbanks, AK 99701
 Mail Address: 1600 NW 163rd Street, Miami, FL 33169
 Telephone #: 305-625-4171
 EIN: 26-3425995

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Backer 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456-3535	100%

If transfer application, current license information:

License #: 4862
 Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
 Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
 Current Location: 3101 Peger Road, Bay 2, Fairbanks, AK 99701

Additional comments: Please see application for complete ownership breakdown.

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 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD
Director



Sarah D. Oates
Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356



State of Alaska
 Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
 Joseph A. Masters, Commissioner

June 22, 2012

Fairbanks North Star Borough
 Attn: Peggy Phillips, Borough Clerk
 VIA Email: pPhillips@co.fairbanks.ak.us

**Southern-Odom Wine & Spirits of Alaska, LLC DBA Southern Wine & Spirits of Alaska:
 Wholesale License #4862**

(parent company)

- New Application
- Transfer of Ownership
- Transfer of Location
- Restaurant Designation Permit
- DBA Name Change

We have received an application for the above listed licenses (see attached application documents) 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.

Alcoholic Beverage Control Board
 5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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,

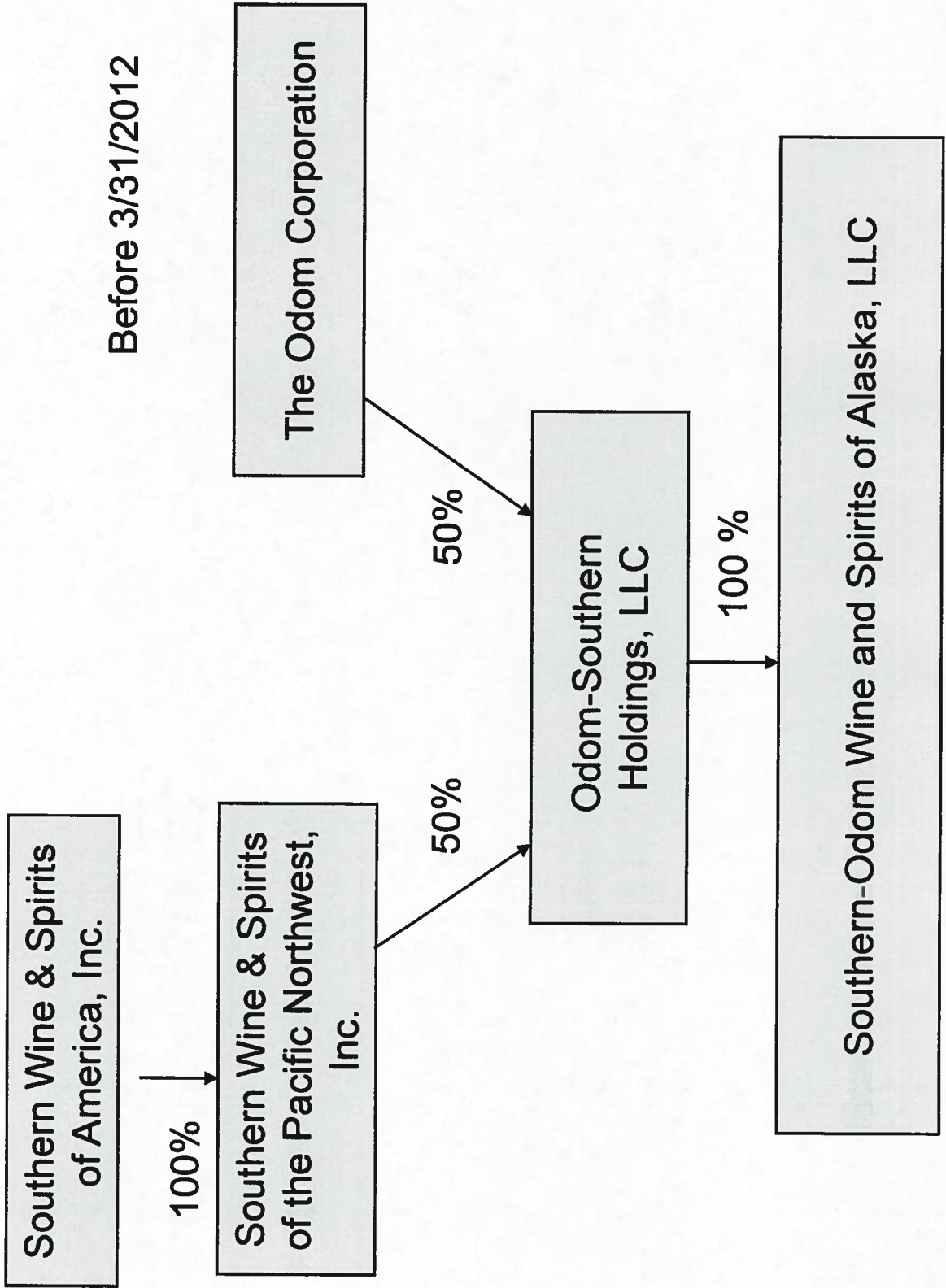
SHIRLEY A. GIFFORD
Director



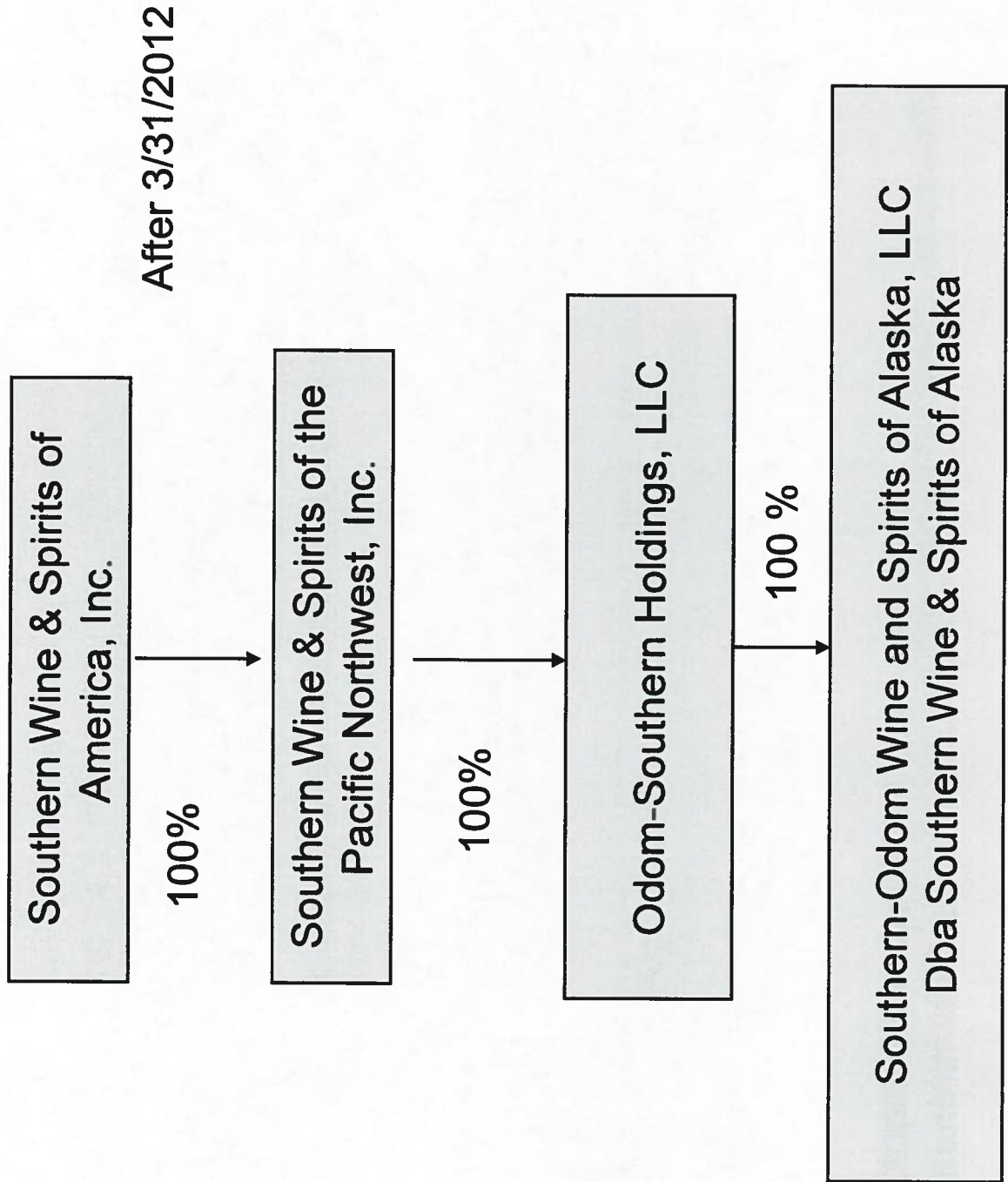
Sarah D. Oates
Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356

Alcoholic Beverage Control Board
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

Southern-Odom Wine and Spirits of Alaska, LLC
dba Southern Wine & Spirits of Alaska



Southern-Odom Wine and Spirits of Alaska, LLC
dba Southern Wine & Spirits of Alaska





City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 06-26-2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP AND NAME CHANGE

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/25/2012 - 60 DAY DUE DATE 08/24/12

DATE RESPONSE DUE: **07/17/2012** for City Council Meeting of 07/23/2012

License #: 4862
License Type: Wholesale
D.B.A.: Southern Wine & Spirits of Alaska
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location: 3101 Peger Road, Bay 2, Fairbanks, Alaska

Mail Address: 1600 NW 163rd Street, Miami, FL 33169
Telephone #: 305-625-4171
EIN: 26-3425995

Corp/LLC Agent:	Address	Phone	Date and State of Ltd Partner/Corp	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Baker 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456-3535	100%

If transfer application, current license information:

License #: 4862
Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: ~~1200 Wells Street~~, Bay 2, Fairbanks, Alaska
3101 Peger

ADDITIONAL COMMENTS: Please see application for complete ownership breakdown

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE:

(Signature)

(Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 06-26-2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP AND NAME CHANGE

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/25/2012 - 60 DAY DUE DATE 08/24/12

DATE RESPONSE DUE: 07/17/2012 for City Council Meeting of 07/23/2012

License #: 4862
License Type: Wholesale
D.B.A.: Southern Wine & Spirits of Alaska
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location: 3101 Peger Road, Bay 2, Fairbanks, Alaska

Mail Address: 1600 NW 163rd Street, Miami, FL 33169
Telephone #: 305-625-4171
EIN: 26-3425995

Corp/LLC Agent:	Address	Phone	Date and State of Ltd Partner/Corp	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Baker 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456-3535	100%

If transfer application, current license information:

License #: 4862
Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: ~~1200 Wells Street~~, Bay 2, Fairbanks, Alaska
3101 Peger

ADDITIONAL COMMENTS: Please see application for complete ownership breakdown

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT

SIGNEE: _____

(Signature)

1 WARREN B CUMMINGS FIRE CHIEF
(Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 FIRE DEPARTMENT
 FAIRBANKS POLICE DEPT.

DATE: 06-26-2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP AND NAME CHANGE

DATE NOTICE RECEIVED AT CLERKS OFFICE: 06/25/2012 - 60 DAY DUE DATE 08/24/12

DATE RESPONSE DUE: 07/17/2012 for City Council Meeting of 07/23/2012

License #: 4862
License Type: Wholesale
D.B.A.: Southern Wine & Spirits of Alaska
Licensee/Applicant: Southern-Odom Wine & Spirits of Alaska, LLC
Physical Location: 3101 Peger Road, Bay 2, Fairbanks, Alaska

Mail Address: 1600 NW 163rd Street, Miami, FL 33169
Telephone #: 305-625-4171
EIN: 26-3425995

Corp/LLC Agent:	Address	Phone	Date and State of Ltd Partner/Corp	Good standing?
Southern-Odom Wine & Spirits of Alaska, LLC	Attn: Steven Baker 1600 NW 163 rd Street Miami, FL 33169	305-625-4171	09/29/2008 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares
Odom-Southern Holdings, LLC Shareholder / Member	Formed: 09/24/2008	10500 NE 8 th St, Ste 200 Bellevue, WA 98004	425-456-3535	100%

If transfer application, current license information:

License #: 4862
Current D.B.A.: Southern-Odom Wine & Spirits of Alaska
Current Licensee: Southern-Odom Wine & Spirits of Alaska, LLC
Current Location: ~~1200 Wells Street~~, Bay 2, Fairbanks, Alaska
3101 Peger

ADDITIONAL COMMENTS: Please see application for complete ownership breakdown

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE:

(Signature)

(Printed Name)

Introduced By: Mayor Jerry Cleworth
Date: June 25, 2012

ORDINANCE NO. 5886

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF SURPLUS
CITY-OWNED PROPERTY KNOWN AS OLD CITY HALL**

WHEREAS, the City is vested with title to that certain building located at 410 Cushman Street, commonly known as the "Old City Hall," comprising a portion of lot 4, Block 66A, Fairbanks Townsite, as shown on attached "Exhibit A"; and

WHEREAS, the City administration has reviewed said property and determined that it is no longer needed for municipal purposes and should be sold; and

WHEREAS, the City administration, through valuation by an independent real estate appraiser, has estimated the market value of the property at a minimum of \$180,000, and recommends that amount as the asking price; and

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

SECTION 1. DETERMINATION: That said property is excess to the present and future needs of the City and should be sold as herein provided.

SECTION 2 PERMISSIVE REFERENDUM: Any conveyance of real property is subject to the right of the voters, within thirty-days of sale, to reject a sale by permissive referendum under FGC Sec. 70-42, and the City Charter.

SECTION 3. METHOD OF SALE: That the provisions of FGC Sections 70-52 through 70-54 shall be complied with in this sale. Offers shall be presented in writing to the Clerk for consideration by the City Council.

SECTION 4. TERMS OF SALE: That said property is for sale on a sealed bid, cash basis, as-is, where is, for any bids received by the published date of sale. If unsold after the published date of sale, the City Council may entertain negotiated offers, including "owner financing".

SECTION 5. MAYORS AUTHORIZATION: That the Mayor is hereby authorized and empowered to execute a deed and such instruments as necessary to complete the sale of said property after Council approval.

SECTION 6: That the effective date of this ordinance shall be the 14th day of July 2012.

JERRY CLEWORTH, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

JANEY HOVENDEN, City Clerk

PAUL EWERS, City Attorney

5TH AVENUE



Old City Hall

CUSHMAN STREET

ORDINANCE 5886
'EXHIBIT A'

ORDINANCE NO. 5887

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE
CHAPTER 2, ARTICLE II, DIVISION 5, TO REQUIRE A FISCAL NOTE
FOR ORDINANCE AND RESOLUTIONS**

WHEREAS, the State of Alaska and many municipalities require fiscal notes to accompany proposed legislation; and

WHEREAS, fiscal notes are a great aid to a legislative body considering legislation that has financial consequences; and

WHEREAS, fiscal notes provide the public with valuable information and promote open and responsible government;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, AS FOLLOWS:

Section 1. That Fairbanks General Code Chapter 2, Article II, Division 5, is hereby amended to add Section 2-149 as follows:

Sec. 2-149. Fiscal note on ordinances and resolutions.

(a) A summary of the financial effects of an ordinance or a resolution, if adopted, in the form set out in subsection (b), must be submitted to the council when a proposed ordinance or resolution is before the council for final consideration.

(b) The fiscal note of an ordinance or a resolution includes:

- (1) changes in expenditures;
- (2) changes in revenue;
- (3) the source of funds to be used;
- (4) the number of new positions which may be required, identified as full-time, part-time, or temporary; and
- (5) any additional fiscal information that may be useful to the council in its deliberations.

(c) The fiscal note should cover the financial effects for the full term of the contract or grant.

(d) A fiscal note is not required if the proposed ordinance or resolution has no budgetary effect.

(e) The city council may waive the requirements of this section, and failure to comply with this section does not invalidate any action taken by the council.

Section 2. That 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 Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: _____

Abbreviated Title: _____

Does the adoption of this ordinance or resolution authorize:

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

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

If yes, what is the estimate? _____

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

If yes, how many positions? _____

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

II. FINANCIAL DETAIL:

ESTIMATED EXPENDITURES	Current FY	Second FY	Third FY	Beyond	Total
Personnel Wages					
Personnel Benefits					
Supplies					
Contractual					
Equipment					
Administration					
Other					
TOTAL					

ESTIMATED FUNDING SOURCES	Current FY	Second FY	Third FY	Beyond	Total
General Fund					
Capital Fund					
Federal Grant					
State Grant					
Local Contract					
Cash Match					
In-Kind Match					
Other					
TOTAL					

Reviewed by Finance Department:

Initial _____

Date _____

RESOLUTION NO. 4536

A RESOLUTION OPTING TO PARTICIPATE IN THE AML-JIA LOSS CONTROL INCENTIVE PROGRAM FOR THE CITY OF FAIRBANKS

WHEREAS, the City of Fairbanks is a member of the Alaska Municipal League Joint Insurance Association (hereinafter “AMLJIA”); and

WHEREAS, the AMLJIA provides comprehensive risk management assistance and provides workers’ compensation, liability and property coverage for the City of Fairbanks; and

WHEREAS, the AMLJIA developed the Loss Control Incentive Program to help reduce member losses individually and pool wide; and

WHEREAS, the AMLJIA will provide all written program materials necessary; and offer assistance to participants; and

WHEREAS, pool members that participate in the Loss Control Incentive Program and complete the required activities will have the opportunity to earn a discount on their contribution; and

WHEREAS, it is the City of Fairbanks’ policy to provide a safe environment for its employees, citizens, and the visiting public; and

WHEREAS, the Loss Control Incentive Program will enhance such an environment.

NOW, THEREFORE BE IT RESOLVED BY THE by the City Council of the City of Fairbanks to elect to participate in the AML/JIA Loss Control Incentive Program for the 2012-2013 policy year.

PASSED and APPROVED on the 23rd Day of July, 2012.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

Janey Hovenden, City Clerk, CMC

Paul J. Ewers, City Attorney

RESOLUTION NO. 4537

**A RESOLUTION IN SUPPORT OF A LARGE DIAMETER NATURAL
GAS PIPELINE TO TIDEWATER AT VALDEZ, ALASKA**

WHEREAS, a large-diameter gas pipeline has been discussed for over forty years and should be a fundamental part of the infrastructure of the State of Alaska; the North Slope to Valdez line has been researched extensively and takes advantage of the existing corridor; and

WHEREAS, the decline in dependence on both nuclear and coal energy sources has resulted in a significant increase in demand for natural gas; and

WHEREAS, this corridor encompasses a larger population and user base, including Fairbanks, Fort Wainwright, and Eielson AFB, than other potential routes; and

WHEREAS, energy costs for residents in the interior and rural Alaska are staggering and severely limit economic growth; and

WHEREAS, the only realistic answer for achieving air quality standards in Fairbanks would be rapid conversion to natural gas; and

WHEREAS, because an all Alaskan route is strategically desirable, the City of Fairbanks joins with the numerous other communities who have submitted Resolutions,

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks City Council supports the construction of a large-diameter natural gas pipeline from the North Slope to Valdez, with various take-off points where needed, to further the development of our natural resources.

PASSED and APPROVED this ___ Day of July, 2012.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, City Clerk CMC

Paul Ewers, City Attorney

RESOLUTION NO 4538

**A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO APPLY FOR
A MUNICIPAL MATCHING GRANT FROM THE ALASKA DEPARTMENT OF
ENVIRONMENTAL CONSERVATION FOR A SLUDGE DEWATERING
PROJECT AT THE CITY-OWNED WASTEWATER TREATMENT PLANT**

WHEREAS, under terms of the 1997 sale of the City utility system, the City retains ownership of the Peger Road wastewater treatment plant (the “plant”); and

WHEREAS, Golden Heart Utilities (“GHU”) operates the wastewater treatment facility in accordance with the terms of a lease with the City; and

WHEREAS, grant funding is available from the Alaska Department of Environmental Conservation Municipal Matching Grant Program for rehabilitation of a part of the plant known as the Sludge Dewatering Facility; and

WHEREAS, the total project cost is \$4,635,600 with an available grant of \$2,775,360; and

WHEREAS, the grant will reduce the amount of a loan to rehabilitate the sludge dewatering facility thus reducing the expense to rate payers; and

WHEREAS, the City of Fairbanks, by resolution, must formally apply for the grant and agree to the terms and conditions of the grant, and adhere to any governing state regulations; and

WHEREAS, GHU has agreed to be responsible for any and all project expenses, to operate and maintain the completed project constructed with said grant, and to fully reimburse the City for expenses incurred under this grant, including staff time for accounting, grant administration and the audit process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, that the City Council approves application to the Alaska Department of Environmental Conservation Municipal Matching Grant Program in an amount that will not exceed \$2,775,360. The Mayor is authorized to enter into an agreement with GHU under which GHU will be responsible for (a) all costs of the project, (b) proper use of grant funds, (c) operation and maintenance of the completed project constructed with said grant in accordance with law and regulation, and (c) reimbursement of the full costs of any City staff time in connection with this grant.

BE IT FURTHER RESOLVED that the Mayor is also authorized to execute those documents necessary to implement the grant funded project and for adjustments to the project within the scope of the grant program.

PASSED and APPROVED this ____ day of _____ 2012.

JERRY CLEWORTH, MAYOR

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

JANEY HOVENDEN, CMC, City Clerk

PAUL J. EWERS, City Attorney

RESOLUTION NO 4539

**A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO
REQUEST FUNDS FROM THE U.S. DEPARTMENT OF HOMELAND
SECURITY FOR THE FFY2012 STAFFING FOR ADEQUATE FIRE AND
EMERGENCY RESPONSE (SAFER) GRANT**

WHEREAS, the City of Fairbanks Fire Department has requested an increase in staffing for a number of years; and

WHEREAS, the SAFER Grant Program will provide funding for new fire fighters for a period of two years and no match or retention of staff is required; and

WHEREAS, the cost for a new fire fighter for the two year period, including all benefits, is \$198,385; and

WHEREAS, the City of Fairbanks wishes to increase its overall staffing by two fire fighter positions per shift, a total of six fire fighters, for a grant request total of \$1,190,310.00;

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

PASSED AND APPROVED AND EFFECTIVE THIS _____ DAY OF JULY 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4539

Abbreviated Title: FFY2012 SAFER Grant

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the adopted budget for 2013? Yes x No _____

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

If yes, what is the estimate? _____

3) additional positions beyond the adopted budget for 2013? Yes x No _____

If yes, how many positions? 6

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

II. FINANCIAL DETAIL:

ESTIMATED EXPENDITURES	2013	2014	Third FY	Beyond	Total
Personnel Wages	\$365,970	\$441,270			\$807,240
Personnel Benefits	\$182,700	\$200,370			\$383,070
Supplies	\$3,360	\$3,360			\$6,720
Contractual	\$13,656	\$10,656			\$24,312
Equipment	\$34,194	\$3,600			\$37,794
Administration					\$0
Other (Training)	\$6,000	\$6,000			\$12,000
TOTAL	\$605,880	\$665,256	\$0	\$0	\$1,271,136

ESTIMATED FUNDING SOURCES	2013	2014	Third FY	Beyond	Total
General Fund	\$57,210	\$23,616			\$80,826
Capital Fund					\$0
Federal Grant	\$548,670	\$641,640			\$1,190,310
State Grant					\$0
Local Contract					\$0
Cash Match					\$0
In-Kind Match					\$0
Other					\$0
TOTAL	\$605,880	\$665,256	\$0	\$0	\$1,271,136

Reviewed by Finance Department:

Initial mb

Date 7/18/2012

ORDINANCE NO. 5888

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE CHAPTER
26 REGARDING ALARMS**

WHEREAS, in Chapter 26, Article II, of the Fairbanks General Code, the City adopted regulations governing the connection of private alarm systems to the City's alarm circuit; and

WHEREAS, since the adoption of this section of the code, changes have been made to the standards for such alarms; and

WHEREAS, the different requirements for fire alarms versus security alarms need to be clarified,

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

SECTION 1. That Fairbanks General Code Chapter 26, Article II, is amended as follows [new text is in **bold/underlined** font; deleted text is in ~~strike-out~~ font]:

DIVISION 2. PERMIT

Sec. 26-51. Private connection permit.

(a) ~~*Connection Required.*~~ A person having a private **fire or security** alarm system may connect the **alarm** system to the ~~city alarm circuit~~ **Fairbanks Emergency Communication Center (FECC)** upon obtaining a permit for the connection from the **FECC Manager** ~~director of public safety.~~

(b) ~~*Application.*~~ ~~Any person owning or possessing an alarm shall, within 48 hours of installation,~~ **Fire and security alarm connection permits may be obtained by** submitting an application to the ~~department of public safety~~ **FECC** ~~for an alarm permit.~~ The application shall ~~require~~ **must include** the identity of the owner, location of the alarm, and the name and telephone number of the person responsible for the alarm.

(c) ~~*Standards.*~~ ~~The director of public safety shall issue a~~ **A connection permit for the connection may be issued if the alarm system for which a permit is sought** ~~it is found that the connection:~~

- (1) ~~Will be~~ **Is** compatible with the ~~city~~ **FECC** alarm ~~circuit or~~ **monitoring** system;
- (2) ~~Will connect an adequate and~~ **Is/will be** properly installed and maintained ~~private alarm system;~~ and

- (3) Will ~~substantially benefit the city fire prevention and police procedures.~~

(d) *Restrictions.* The permit may be issued subject to reasonable requirements, terms and conditions as the ~~director of public safety~~ **Fire Chief, Police Chief or FECC Manager** may require ~~to provide the connection of an adequate private system and to maintain the permit standards.~~

(e) *Currency of information.* Any person owning an **fire or security** alarm shall be under a continuing obligation to keep the information on its application current by ~~prompt~~ notification to the ~~department of public safety~~ **FECC** of any change **within no later than five business days of such change.**

(f) *Revocation.* A permit may be revoked by the mayor for noncompliance with the permits standards and restrictions. ~~Regardless of any other provision of this section, the permit may be revoked by the city council at any time if the city council in its discretion finds that the disconnection of the private security alarm system is in the best interests of the city, and T~~ the prior granting of the permit or the expenditure of ~~fundsmoneys~~ by the permit holder in reliance on the permit shall not create any vested rights in the permit holder or any estoppel against the city. **Notice of the revocation shall be made by a police or fire official in person or in a writing mailed to the address listed on the permit.**

Sec. 26-52. ~~Permit display; s~~Street address; messages.

(a) ~~A permit issued under this division shall be displayed at or near the main entrance of the permitted location with the permit number clearly visible and readable from the exterior of the premises.~~

(~~a~~b) The permittee shall have a clearly visible **its** street address number, displayed **in contrasting colors, clearly visible from the street** ~~at or near the front the premises and at other places where access is available.~~

(~~b~~e) All alarm system messages to the **FECC** ~~department of public safety~~ shall **must** include the permit number except as exempted by the **FECC** ~~department of public safety.~~

Sec. 26-53. Connection.

The **permit** holder shall pay the city for the cost of the initial hookup. The permit holder shall provide, install, and maintain ~~his~~ **its** own **private fire or security alarm** system up to but not including the alarm console circuits, all without expense to the city. ~~The maintenance of the private system must be by a qualified person approved by the director of public safety engaged in the business of installing and maintaining a supervisory fire alarm system who shall use Pacific Fire Rating Bureau and National Fire Protection Association standards.~~

Sec. 26-53.1. Installation/Maintenance – Fire Alarms.

The installation and maintenance of a fire alarm system must be by a qualified person who holds a permit issued by the State Fire Marshal’s Office and meets the standards set out in NFPA 72 (National Fire Protection Association).

Sec. 26-53.2. Installation/Maintenance – Security Alarms.

The installation and maintenance of a security alarm system must be by a qualified person using recognized installation practices.

Sec. 26-54. Disconnection of system.

It shall be unlawful for any person, except a person authorized by the **Fire Chief, Police Chief, or FECC Manager** ~~director of public safety to connect or disconnect, temporarily or otherwise, a private~~ **fire or security** alarm system, ~~or other wires or conduits, to a city alarm system~~ **from the FECC.**

Sec. 26-55. Fees.

The permit holder shall pay a fee to the city for the connection of the ~~private~~ **fire or security** alarm system to the city alarm **monitoring** system and a monthly ~~circuit use~~ **monitoring** fee. Fees for this service will be set forth in the city schedule of fees and charges for services.

DIVISION 3. FALSE/NUISANCE ALARMS

Sec. 26-76. Definitions.

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

Alarm means any operable assembly of equipment and devices or a single device, ~~except an official municipal fire or police alarm, but~~ including without limitation automatic dialing devices which telephone a prerecorded message or transmit a signal or message to the **FECC** ~~department of public safety~~ and devices that produce an audible or visible signal which is intended to alert the police or some other person that a criminal act, fire or other emergency exists and requires assistance. Devices commonly known as single-station smoke alarms intended primarily for private residential use and designed to emit a local signal from the

device upon the detection of smoke, fumes or heat shall not be considered alarms for purposes of this article.

False/Nuisance alarm means an alarm signal that the **Police Chief, Fire Chief, or FECC Manager** ~~director of public safety~~ determines ~~was~~ caused by a reason other than **(1) the** condition which the alarm is designed or intended to detect or **(2) by** a natural phenomenon beyond the control of the owner.

Owner means any person responsible for the proper operation of an alarm ~~and in possession of a permit issued by the director of public safety.~~

Sec. 26-77. Prohibited acts.

It shall be unlawful for any person to:

- (1) Intentionally cause, permit or allow a false/**nuisance** alarm signal to be emitted from an alarm.
- ~~(2)~~ ~~Own, install, connect, operate or possess an alarm except as provided under this article.~~
- ~~(23)~~ Own, operate, connect, install or possess an audible **security** alarm unless that alarm automatically ceases to emit an audible sound after 15 minutes and does not repeat the audible sound thereafter.
- ~~(34)~~ Own, operate, connect, install or possess an audible alarm system that emits a sound similar to that of any civil defense warning system.
- ~~(45)~~ Operate or use a robbery alarm system for any purpose other than detecting and reporting robberies or other crimes involving potential serious bodily injury or death.
- ~~(56)~~ Operate or use a burglary system for any other purpose other than detecting and reporting an unauthorized entry upon the premises protected by such system.
- ~~(67)~~ Operate or use an alarm system which has been disapproved by the **Police Chief, Fire Chief, or FECC Manager** ~~department of public safety.~~
- ~~(78)~~ Install, connect, own or possess an automatic direct dial alarm or any alarm device in such a fashion as to ring any telephone number at the **police department, fire department or FECC** ~~of public safety.~~

- (89) Fail to cooperate with employees of the **police and fire departments or the FECC** of public safety when the permittee's alarm system is the subject of an official investigation.

Sec. 26-78. Alarm response.

Any person in possession of a permit ~~issued~~^{required} pursuant to division 2 of this article shall respond to an alarm activation at its premises as soon as possible after being requested to do so by ~~the police~~ department **or fire department** of ~~public safety~~ officials at the scene **or by the FECC**. Officials will not be required to stand by pending arrival of the permittee.

Sec. 26-79. False/nuisance alarm service charge.

(a) The owner of an alarm **is subject to** ~~shall pay a progressive false/~~**nuisance** alarm charge in accordance with the city schedule of fees and charges for services.

Sec. 26-80. Permit revocation.

(a) The **Police Chief, Fire Chief or FECC Manager** ~~director of public safety~~ may revoke a permit issued pursuant to division 2 of this article if:

- (1) Service charges are not paid within 60 days of the billing date.
- (2) False/**nuisance** alarms exceed ten within a 12-month period.
- (3) The owner has violated any provisions of this article.

(b) Police ~~and fire~~ response for **security** alarms may be terminated to any location without a valid permit or at which the permit has been revoked.

(c) A permit revocation or a response termination made under this section may be appealed to the mayor within 15 days from the time written notice of revocation is received by the permittee. The appeal must be in writing and clearly state what action has been taken to correct the situation. Written notice of revocation shall be deemed received when delivered to the permittee personally or upon proof of mail delivery.

Sec. 26-81. Service charge reversal.

The **Police Chief, Fire Chief, or FECC Manager** ~~director of public safety~~ shall reverse any service charge when a determination is made that such charge was erroneously made or upon verifiable evidence submitted by the permittee within 30 days of the alarm debt that a crime or fire **did** ~~has~~ occurred. **Reversal of the service charge may also be made at the discretion of the Police Chief, Fire**

Chief, or FECC Manager if the cause of the alarm was outside the control of the permittee. The decision of the **Police Chief, Fire Chief or FECC Manager** ~~director of public safety~~ may be appealed to the mayor within 15 days of notice ~~by the director of public safety~~ of denial of a service charge reversal request.

Section 2. That the effective date of this Ordinance shall be the _____ day of August 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 5889

AN ORDINANCE SEEKING VOTER APPROVAL FOR THE CITY TO ACCEPT A PASS-THROUGH LOAN FROM THE ALASKA CLEAN WATER FUND TO GOLDEN HEART UTILITIES OF UP TO \$4.6256 MILLION FOR A SLUDGE DEWATERING PROJECT, UP TO \$650,623 FOR A CLARIFIER PROJECT, AND RATIFYING A LOAN OF \$637,830 FOR PRIOR IMPROVEMENTS AT THE CITY OWNED WASTEWATER TREATMENT FACILITY

WHEREAS, in 1997 the City sold its utility system to a consortium of buyers in exchange for \$87.5 million in cash, payoff of \$47.6 million in utility debt and other consideration; of the total proceeds, the City received \$2 million cash from the water/wastewater purchasers; and

WHEREAS, since the sale, the Peger Road wastewater treatment plant has been operated by Golden Heart Utilities (“GHU”) under the terms of a lease-purchase agreement paying \$33,075 per month to the City Permanent Fund; to-date the City has received over \$5.6 million in lease payments; and

WHEREAS, GHU has not exercised its option to purchase the treatment plant, opting to continue leasing the facility from the City; and

WHEREAS, as owner of the wastewater treatment plant, the City is eligible to borrow money at a low interest rate (1.5%) from the Alaska Clean Water Fund (“ACWF”), a fund administered by the State of Alaska, Department of Environmental Conservation, to assist eligible recipients in wastewater treatment; and

WHEREAS, a component of the plant known as the sludge dewatering system is nearing the end of its useful life, and GHU proposes to replace the current system with a new, upgraded dewatering facility. The new dewatering facility would be in its own building, which would reduce the air handling requirements on the main plant. The new facility would increase the amount of water removed from the sludge, thereby reducing the total sludge volume and the plant’s operating expenses; and

WHEREAS, the total cost of this project is \$4.6256 million, and the City is eligible to borrow up to that amount from the ACWF with repayment over 15 years at 1.5% interest; the City has applied for a project grant of \$2,775,360.00 that would reduce the amount of the loan accordingly; and

WHEREAS, loan proceeds would be passed through to GHU, and GHU would be responsible for repayment of the loan; and

WHEREAS, all costs incurred by GHU during the construction of the project will be submitted to the City for approval and payment; and

WHEREAS, the City and GHU have entered into the attached agreement whereby GHU provided assurances and remedies to protect the City from having to repay the loan; as part of the agreement, GHU would pay a loan origination fee of 0.5% of the actual loan amount to the City at loan inception, pay the full cost of City employee wage and overhead for time spent administering loans and grants, provide an annual financial audit as required by the City, and obtain a loan repayment guarantee from GHU's parent company, Fairbanks Sewer and Water, Inc.; and

WHEREAS, building this project with funds from a low interest loan from the ACWF will reduce the total cost of the project and will ultimately be a benefit to GHU's rate payers as follows: without any grant funds and using conventional financing, the project would result in an approximate rate increase of 2.89%. With the maximum grant funds and 1.5% loan, the project's approximate rate increase would be 0.56%; and

WHEREAS, in addition to the sludge dewatering project, GHU proposes to rehabilitate the plant clarifier at a total project cost of \$1,626,558; a grant of \$975,935 has been awarded, and a 1.5% pass-through ACWF loan of \$650,623 is available; and

WHEREAS, the City previously accepted a pass through loan from the State to improve the wastewater treatment plant by the installation of a sodium hypochlorite system to replace the use of dangerous chlorine gas. The current balance of the loan is \$637,830. While voter approval of that loan should have been obtained previously, the voters have the chance now to ratify the loan so that ratepayers benefit from the low interest rate. If not ratified, the loan will need to be re-financed at higher rates.

WHEREAS, this ordinance does not take effect until it is ratified by a vote of eligible city voters,

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

Section 1. The Mayor is hereby authorized to

(a) execute any documents necessary to apply for and accept loans through the ACWF for up to \$4.6256 million for the wastewater treatment plant sludge dewatering plant project and up to \$650,623 for the clarifier project, and

(b) enter into the attached agreement with Golden Heart Utilities regarding the terms and conditions for repayment of the sludge dewatering loan and ratification of the 2008 sodium hypochlorite project loan.

Section 2. The City Clerk is directed to put this ordinance on the ballot for ratification by the voters of the City of Fairbanks at the 2012 general election.

Proposition __:

INFORMATION: In 1997, the City sold its utility system to a consortium of buyers in exchange for \$87.5 million in cash, payoff of \$47.6 million in utility debt and other consideration; of the total proceeds, the City received \$2 million from the water/wastewater purchasers. As part of the overall utility sale, the Peger Road wastewater treatment plant has been operated by Golden Heart Utilities (“GHU”) subject to a lease-purchase agreement paying \$33,075 per month to the City Permanent Fund. GHU has not exercised its option to purchase the treatment plant, opting to continue leasing the facility from the City. Over \$5.6 million has been received in lease payments to date.

The City is eligible to borrow funds from the Alaska Clean Water Fund at 1.5% interest and proposes to borrow \$4.6256 million for the sludge dewatering system replacement project. GHU has agreed to repay this loan and interest in full, plus pay the City a 0.5% loan origination fee and other costs. If successful in obtaining grants to offset the loan amount, GHU estimates that ratepayers will see an increase of approximately 0.56% to pay for this project. Using conventional financing sources, the increase would be approximately 2.89%.

In addition to the sludge dewatering project, an ACWF loan of up to \$650,623 at 1.5% interest for a plant clarifier is available to complete the project. GHU has agreed to repay this loan and interest in full, plus pay the City a 0.5% loan origination fee and other costs.

In addition, a loan for a prior wastewater improvement project, the installation of a sodium hypochlorite system, with a current balance of \$637,830, was not approved in advance by the City voters. Ratification of the loan at this time will allow GHU ratepayers to continue the benefit of the 1.5% low interest loan.

Ballot Question No __:

Should City of Fairbanks Ordinance No. 5889 be ratified?

A “yes” vote ratifies Ordinance No. 5889, which would authorize the Mayor to enter into agreements with the State of Alaska and Golden Heart Utilities to borrow up to \$4,625,600.00 at 1.5% interest to construct a sludge dewatering system at the Peger Road Wastewater Treatment Plant and to borrow up to \$650,623.00 at 1.5% interest for the clarifier system project at the Wastewater Treatment Plant, both loans to be paid in full by Golden Heart Utilities, and which would ratify the 2008 loan (current balance of \$637,830.00) for construction of the sodium hypochlorite system at the Wastewater Treatment Plant.

A “no” vote rejects Ordinance No. 5889.

YES _____

NO _____

Section 3. That this ordinance was passed by this Council on the ____ day of August, 2012 but will not become effective until ratified by the voters of the City of Fairbanks.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

LOAN REIMBURSEMENT AGREEMENT

BETWEEN

City of Fairbanks, Alaska

And

Golden Heart Utilities, Inc.

RECITALS

Whereas, the Wastewater Treatment Plant, located at 4247 Peger Road, Fairbanks, Alaska, is owned by the City of Fairbanks and leased and operated by Golden Heart Utilities, Inc., and more particularly described on attached “EXHIBIT A”; and

Whereas, the City of Fairbanks has applied for a loan from the Alaska Clean Water Fund FY12 in the amount of \$4,625,600, with an interest rate of 1.5 percent; and

Whereas, the loan proceeds would be passed on to Golden Heart Utilities, Inc., and used to fund Alaska Clean Water Fund Project Number 339091, which would demolish the current sludge dewatering system, which is nearing the end of its useful life, and replace it with new dewatering facilities, equipment and mixing trucks; and

Whereas, this upgrade to the Wastewater Treatment Plant will increase its efficiency and extend the life of the Plant; and

Whereas, financing this project by way of a low-interest loan from the Alaska Clean Water Fund will reduce the cost of the project which will ultimately benefit water and sewer rate payers; and

Whereas, this project is also eligible for grant funds through the State of Alaska, which could reduce the amount of loan by as much as \$2.77536 million; and

Whereas, under the terms of this Loan Reimbursement Agreement, Golden Heart Utilities, Inc., will be responsible for repayment of the loan proceeds; and

Whereas, in addition to other assurances set out below, Golden Heart Utilities’ parent company, Fairbanks Sewer and Water, Inc., will guarantee the repayment of the loan.

TERMS AND CONDITIONS

1. Golden Heart Utilities, Inc. (“GHU”), whose address is 3691 Cameron Street, #201, Fairbanks, Alaska, 99709, promises to pay to the order of the City of Fairbanks (“the City”), whose address is 800 Cushman Street, Fairbanks, Alaska, 99701, the principal sum of

FOUR MILLION, SIX HUNDRED TWENTY-FIVE THOUSAND, SIX HUNDRED and 00/100 DOLLARS (\$4,625,600.00), representing the loan proceeds from the Alaska Clean Water Fund FY12 loan for Project Number 339091 received by the City, together with interest on the unpaid balance from time to time remaining, accruing at the rate of ONE AND ONE HALF PERCENT (1.5%) per annum, compounded monthly on the balance remaining from time to time unpaid. The principal and interest shall be payable to the City at 800 Cushman Street, Fairbanks, Alaska, 99701 or at such other place as the City shall designate in writing, in annual installments of approximately THREE HUNDRED FORTY-SIX THOUSAND SIX HUNDRED SIXTY-THREE and 00/100 DOLLARS (\$346,663. 00), with the exact amount of the annual payment to be determined by the State of Alaska. The first payment will be due on the ___ day of _____ 201____. Subsequent annual loan payments by GHU to the City will be due six months before the date that the yearly payment is due and owing to the State of Alaska and shall continue on the same basis until such time as the principal and interest are paid in full. GHU has the right to prepay the annual payment or the entire loan balance at anytime without penalty.

2. GHU agrees to pay to the City a loan origination fee of 0.5% of the loan amount, due and payable at the time the loan proceeds are received by the City and agrees to pay the full cost of City employee wage and overhead, in the same manner as currently calculated by the Alaska State Department of Transportation & Public Facilities for engineering reimbursement and subject to upward annual adjustments, for any time spent administering the ACWF loan, this loan repayment agreement, or any grants associated with this project.

3. GHU shall comply with all present and future contractual requirements of the contract between the City and the State Department of Environmental Conservation for Project

Loan Reimbursement Agreement

Page 2 of 8

#339091, including any demand for loan repayment in full by the State in the event of violation of the terms of the loan or for any other reason, as well as any regulatory requirements of the State of Alaska regarding use of these loan funds.

4. Any and all structures and/or equipment constructed or purchased as part of Project Number 339091 with funds from the above-referenced Loan will not be considered “betterments or improvements” under the terms of the Lease Agreement between the City and GHU dated October 6, 1997, and will remain the property of the City.

5. GHU shall list the City as a lienholder on the title of any equipment or vehicles purchased with funds from the loan that are required to be registered under the laws of the State of Alaska, and GHU further agrees that the City will have the right to secure its interest in all property acquired with loan proceeds by any legal means available.

6. In the event of partial prepayment of this obligation, the payment funds will be applied towards the satisfaction of those payments next falling due hereunder. Payment proceeds will be applied first to the satisfaction of accrued interest up to the actual date of such payment, with the excess to be applied in reduction of outstanding principal.

7. In the event that any payment falling due hereunder is not paid within thirty (30) days after the due date thereof, the City may, at any time while such delinquency continues, declare the entire unpaid balance of this obligation, to include the outstanding principal balance, accrued interest, and all other amounts payable, immediately due and owing. Each party signing or endorsing this Agreement hereby waives presentment, demand, protest and notice of non-payment.

8. GHU agrees to execute an assignment of income to secure repayment of loan

Loan Reimbursement Agreement

Page 3 of 8

funds due under this agreement, to become effective in the case of a default as described in the above paragraph.

9. The City may delay or forgo enforcing any of its rights or remedies under this Agreement without losing them. GHU and any other person who signs or endorses this Agreement, to the extent allowed by law, waive presentment, demand for payment, protest and notice of default.

10. GHU may not assign or transfer any of its rights or obligations under this Agreement without the express written consent of the City. Should GHU exercise its purchase option under the Lease Agreement between the City and GHU dated October 6, 1997, the City has the right to declare the entire unpaid balance of GHU's obligation, to include the outstanding principal balance, accrued interest, and all other amounts payable, immediately due and owing.

11. GHU shall indemnify, defend, protect, and hold the City and each of the City's employees, officers and agents free and harmless from and against any and all claims liabilities, penalties, losses, or expenses (including attorney's fees) or death of or injury to any person or damage to any property whatsoever, arising from or caused in whole or part, directly or indirectly, by GHU's undertaking in regards to Project Number 339091 or in regards to this Agreement.

12. By signing below, GHU's parent, Fairbanks Sewer and Water, Inc., agrees to guarantee the loan repayment obligations of GHU in the event of default by GHU.

13. The benefits of this Agreement shall inure to and the burdens shall be binding upon the lawful successors and assigns of the respective parties.

14. This Agreement shall be governed by and construed in accordance with the laws of the State of Alaska, with all disputes over the terms of this agreement to be adjudicated by the Alaska Superior Court, Fourth Judicial District, Fairbanks, Alaska.

THE CITY OF FAIRBANKS

Date: _____

By: Jerry Cleworth, Mayor

State of Alaska)
) ss
Fourth Judicial District)

ACKNOWLEDGMENT

THIS IS TO CERTIFY that on this _____ day of _____ 2012, before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, personally appeared Jerry Cleworth, the Mayor of the City of Fairbanks, and that he acknowledged before me that he executed the same on behalf of said City with authority so to do.

IN WITNESS WHEREOF, my hand and official seal.

Notary Public for the State of Alaska
My Commission Expires: _____

GOLDEN HEART UTILITIES, INC.

Date: _____

By: _____
Its: President

State of Alaska)
) ss
Fourth Judicial District)

ACKNOWLEDGMENT

THIS IS TO CERTIFY that on this _____ day of _____ 2012, before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, personally appeared _____, the President of Golden Heart Utilities, Inc., and that she/he acknowledged before me that she/he executed the same on behalf of said corporation with authority so to do.

IN WITNESS WHEREOF, my hand and official seal.

Notary Public for the State of Alaska
My Commission Expires: _____

FAIRBANKS SEWER AND WATER, INC.

Date: _____

By: _____
Its: _____

State of Alaska)
) ss
Fourth Judicial District)

ACKNOWLEDGMENT

THIS IS TO CERTIFY that on this _____ day of _____ 2012, before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, personally appeared _____, the President of Fairbanks Sewer and Water, Inc., and that she/he acknowledged before me that she/he executed the same on behalf of said corporation with authority so to do.

IN WITNESS WHEREOF, my hand and official seal.

Notary Public for the State of Alaska
My Commission Expires: _____

“EXHIBIT A”

A tract of ground described by three separate deeds filed in the Fairbanks District Recorder’s Office in Book 272 at Page 647, and in Book 380 at Page 688, and in Book 275 at Page 349, situated within the NW ¼ of the W ¼ and Government Lot 1, Section 28, T.1S., R.1W., Fairbanks Meridian, consolidated below without changing the intent of any of three said deeds, and more particularly described as follow:

Commencing at the Section corner common the Sections 20, 21, 28 and 29, T.1S., R.1W. F.M.; thence southerly 990 feet along the section line common to Sections 28 and 29 T.1S., R.1W. F.M. to the S-N-N 1/256 corner common to Sections 28 and 29 T.1S., R.1W. F.M, the TRUE POINT OF BEGINNING of this consolidation of descriptions of a contiguous tract; thence easterly 330 feet to the SW-NW-NW 1/256 corner of Section 28, T.1S., R.1W. F.M.; thence northerly 330 feet to the CW-NW-NW 1/256 corner of Section 28, T.1S., R.1W. F.M.; thence continuing along the northerly extension of the same line 30.00 feet to a point; thence easterly 990 feet to a point on the westernmost north-south 1/16 line of Section 28 T.1S., R.1W. F.M.; thence southerly 30.00 feet along the westernmost 1/16 line of Section 28 T.1S., R.1W. F.M., to the C-N-NW 1/64 corner on the westernmost N-S line of Section 28 T.1S., R.1W. F.M; thence southerly 660 feet along the westernmost N-S 1/16 line to the NW 1/16 corner of Section 28 T.1S., R.1W. F.M.; thence continuing along the southerly extension of the same line 102.63 feet to a point lying offset 100.00 feet north of the centerline of the Chena Lakes Flood Control Project; thence South 82° 42’ 37” West parallel to and offset 100.00 feet north of said centerline a distance of 814.57 feet to a point; thence continuing parallel and offset 100.00 feet north of said centerline along a tangent curve to the right, said curve having a radius of 1809.86 feet and a delta angle of 16° 14’ 40” through an arc length of 513.13 feet to a point on the section line common to Sections 28 and 29, T.1S., R.1W. F.M.; thence northerly along said section line to the S-N-N 1/256 corner common to sections 28 and 29, T.1S., R.1W. F.M., the TRUE POINT OF BEGINNING of this consolidated description of a contiguous tract, said description containing an area of 23.6 acres, more or less.



LOCAL IMPROVEMENT DISTRICT AD HOC COMMITTEE
MEETING MINUTES, JUNE 29, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

Members Present: Vivian Stiver, Chair
Trevor Eller
Chris Miller
Patty Mongold
Jewelz Nutter

Absent: Monty Rostad (Excused)
Karen Lavery

Also Present: D. Danyielle Snider, Deputy City Clerk
David van den Berg, Fairbanks Downtown Association

NEW BUSINESS

- a) Roll Call
- b) Discussion

Members introduced themselves and gave a brief summary of their past and current roles in the community.

Ms. Stiver summarized the purpose and mission of the Committee. She indicated that, in order for downtown businesses to present themselves in the best way, they may need more services than what is currently provided. She stated that the Committee will look at different ways to provide and pay for those additional services. Ms. Stiver listed some of the challenges ahead: implementing another tax during difficult economic times, working with other organizations (including non-profits) to make the district successful, setting district boundaries and scope.


Members discussed their options concerning scope, services, boundaries and zones to be included.

NEXT MEETINGS

LID Committee members agreed to change the regular meeting time from 8:30 AM to 8:00 AM every Friday, with the next meeting taking place on Friday, July 6, 2012.

ADJOURNMENT

Ms. Stiver declared the meeting adjourned at 9:40 AM.



Vivian Stiver, Chair

Transcribed by: DS



LOCAL IMPROVEMENT DISTRICT AD HOC COMMITTEE
MEETING MINUTES, JULY 6, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

Members Present: Vivian Stiver, Chair
Chris Miller
Patty Mongold
Jewelz Nutter (Telephonic)
Karen Lavery
Monty Rostad

Absent: Trevor Eller

Also Present: D. Danyielle Snider, Deputy City Clerk
David van den Berg, Fairbanks Downtown Association

NEW BUSINESS

- a) Roll Call
- b) Discussion

Ms. Lavery distributed copies of the 2002 City of Fairbanks Ordinance No. 5481, amending the F.G.C. on Local Improvement Districts. Members discussed the scope of core services that should be provided in the district. Members discussed funding for the Clean Team and the Community Service Patrol (CSP) and consulted Mr. van den Berg for financial information. Members spoke to limiting the scope and making the boundaries consistent for all services. Three maps of the downtown area with varying boundaries were distributed for members' review. Discussion was given to the pros and cons of including residential properties in the district and the possibilities of fundraising/grant funding.

- c) Assignments/Topics for Next Meeting

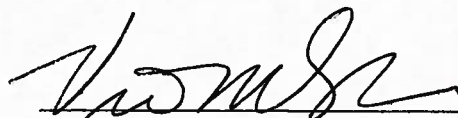
Members were asked to contemplate district lifespan, scope and boundaries; LID contribution to services; fundraising/grants; and what specific services they would like to see in the district.

NEXT MEETINGS

Regular Meeting on Friday, July 13, 2012, at 8:15 A.M. in City Council Chambers.

ADJOURNMENT

Ms. Stiver declared the meeting adjourned at 9:07 AM.



Vivian Stiver, Chair

Transcribed by: DS