



FAIRBANKS CITY COUNCIL  
AGENDA NO.2012-09  
**REGULAR MEETING May 07, 2012**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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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 March 19, 2012

\*b) Regular Meeting Minutes of April 9, 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 and Name Change:

Type: Beverage Dispensary  
License: **Boomtown Grill and Bar, #3969**  
Licensee/Applicant: JSR, Inc.  
Physical Location 537 Gaffney Road, Suite 1, Fairbanks  
Current DBA: Tony's  
Licensee: Full Moon, Inc.  
Location: 537 Gaffney Road, Suite 1, Fairbanks

- 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 (Stock):

Type: Beverage Dispensary  
License: **Kodiak Jack's, #4232**  
Licensee/Applicant: JSR, Inc.  
Physical Location 537 Gaffney Road, Suite 2, Fairbanks  
Current Information: Same

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

10. NEW BUSINESS

- \*a) Resolution No. 4523 – A Resolution Approving Purchase of Self Contained Breathing Apparatus from Mine Safety Appliances Company in the Amount of \$300,000. Introduced by Mayor Cleworth.
- \*b) Resolution No. 4524 – A Resolution to Apply for and Accept Funding from the Alaska Highway Safety Office for FFY2013 Traffic Safety Program. Introduced by Mayor Cleworth.

- \*c) Ordinance No. 5882 – An Ordinance Amending the 2012 Budget Estimate for the First Time. Introduced by Mayor Cleworth.
- \*d) Ordinance No. 5883 – An Ordinance Ratifying a Collective Bargaining Agreement Between the City and the Fairbanks Fire Fighters Association. Introduced by Mayor Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

12. COMMUNICATIONS TO COUNCIL

- \*a) Appointment to the Public Safety Commission
- b) Memo Concerning the CDBG Grant for Emergency Shelter for Homeless Youth – Additional Grant Terms Required by the State of Alaska

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. EXECUTIVE SESSION: Labor Negotiations – Fairbanks Fire Fighters Assoc.

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, MARCH 19, 2012  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, following a Work Session with the Public Safety Commission, 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 (Telephonic)  
Chad Roberts, Seat B  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Lloyd Hilling, Seat E  
John Eberhart, Seat F

Absent: None

Also Present: Pat Cole, Chief of Staff  
Warren Cummings, Fire Chief  
Paul Ewers, City Attorney  
Janey Hovenden, City Clerk  
Stephanie Johnson, Dispatch Center Manager  
Tony C. Shumate, Director Personnel/Purchasing/RM  
Laren Zager, Police Chief  
Ernie Misewicz, Assistant Fire Chief

### **INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

### **FLAG SALUTATION**

Mayor Cleworth led the Flag Salutation.

### **CITIZEN'S COMMENTS**

Greg Allison, 436 Spence Avenue, Fairbanks – Mr. Allison, Tourism Senior Sales Manager for the Fairbanks Convention & Visitors Bureau (FCVB), provided an update on the Bureau's efforts to promote Fairbanks as a tourist destination for travelers worldwide. He spoke of his recent trip to Berlin where he represented the Fairbanks community. Mr. Allison summarized upcoming plans and activities for FCVB in 2012.

**Mr. Gatewood** mentioned seeing a Japanese flight leaving the airport. He asked Mr. Allison what destinations in Japan were available from Fairbanks.

Mr. Allison explained that the flights are not direct, due to a stop in Anchorage. He stated that they mainly fly to Northern Japan, but are hoping to add destinations in Southern Japan.

**Mr. Matherly** asked what Mr. Allison pitches to airlines to solicit their service to Fairbanks. He asked if 2012 was projected to be a good tourist season.

Mr. Allison stated that he familiarizes them with members of FCVB such as local hotels and takes them above the Arctic Circle to experience fly-and-drive adventures; those are some of the best ways to solicit interest in the Interior. He commented that he believes 2012 will be a good year for tourism in the Fairbanks community.

**Mr. Eberhart** asked if Mr. Allison had noticed a decline in European tourists or a change in trend due to the problems in the European Union.

Mr. Allison replied that the German economy is strong right now and the trend is swinging towards an increase in younger crowds.

**Mr. Hilling** asked how tour operator listings are prioritized on the FCVB website with a limited amount of space. He requested a copy of the flier to which Mr. Allison had referred in his testimony.

Mr. Allison explained that the listing is free, but that there are criteria that have to be met in order to participate in the list.

David Leslie, 3020 Davis Road, Fairbanks/Chris White, 300 Howland Road, Fairbanks – Mr. Leslie, representing “Occupy Fairbanks,” stated that his group has been maintaining a 24-hour vigil in the Veteran’s Memorial Park since November. He stated that, in January, the group’s porta potty was removed under the ordinance that prohibits such use in the City of Fairbanks. He requested that the City Council make an exception to the ordinance. Mr. White spoke to the basic decency a porta potty would provide to the “Occupy Fairbanks” movement members.

**Mr. Hilling** asked Mr. Leslie and Mr. White what their objectives were in participating in the movement.

Mr. White replied that he is participating to help create a better future for his grandchildren by changing government. Mr. Leslie explained that the movement’s main objectives are to raise awareness about Occupy Wall Street, to unite the community, and to provide inspiration to people around the world who have taken notice of the “Occupy Fairbanks” movement. Mr. White stated that the movement has put together a conference at UAF that brings together concerned parties with varying political perspectives.

**Mr. Eberhart** stated that he thought the Veteran’s Memorial Park was the Borough’s responsibility.

Mr. Leslie replied that the City ordinance still applies and that the Borough had referred them to the City for the porta potty issue.

**Mr. Eberhart** asked for clarification on what the City's discretion is regarding porta potties.

**Mayor Cleworth** replied that he would address the issue during his comments.

**Mr. Matherly** stated that he has no problems with peaceable assembly, but added that providing a facility for the protesters is not appropriate.

Mr. Leslie replied that the restroom would be open to the public. He suggested that the City Code may not address this specific issue because of the unique circumstances surrounding the movement. He suggested that protesters may have different rights than normal citizens.

**Mr. Roberts** stated that, to his understanding, a porta potty could be used on a temporary basis in the City of Fairbanks. He asked how long the protesters planned to occupy.

Mr. Leslie replied that "Occupy Fairbanks" protesters intend to remain in the park indefinitely.

Amy Geiger, 4400 Stanford Drive, Fairbanks, FCVB Advertising & Public Relations – Ms. Geiger addressed plans for hosting the 2012 Outdoor Writer's Association of America Conference. She stated that, to date, there are more than 120 outdoor writers registered for the conference with the total number expected to reach 200. Ms. Geiger spoke to the unprecedented amount of press tours in the Interior at present due to various activities such as dog mushing and the Ice Alaska Art Championships.

David Lerman, 126 2<sup>nd</sup> Avenue, #15, Fairbanks – Mr. Lerman stated that he will run for candidacy in the 2012 Municipal Election. He invited the public to join the discussion on his website, *Renovation Fairbanks*. He read aloud the City of Fairbanks mission statement. He recommended that the City be more specific in their mission statement and that the Council's domain be expanded. He spoke to the need for more public participation in local government through the implementation of various task forces. He spoke briefly to the "world-class" renovation at his own residence, Smith Apartments.

**Mr. Hilling** asked Mr. Lerman to provide a specific example of how a task force would affect a decline in domestic violence or DUI's.

Mr. Lerman spoke to creating synergy with Fairbanks citizens that would bring about new ideas to reduce crime and DUI's in the City.

**Mr. Gatewood** stated that he has visited a number of apartment buildings in Alaska, none of which he would consider "world-class." He asked Mr. Lerman what makes Smith Apartments "world-class."

Mr. Lerman listed the many improvements of the property including a new roof, windows, doors, siding, cabinetry, plumbing fixtures, ventilation and more. He stated that it is "world-class" in the sense that it is a very decent and clean place to live as opposed to what it was prior to renovation. He stated that the owner of Smith Apartments is an unusually smart man.

Tim Sovde, 402 Bonnifield Street, Fairbanks – Mr. Sovde announced the upcoming Alaska Mining Association Convention at the Carlson Center and the Alaska Builders & Contractors Breakfast at Pike’s Landing. He questioned why road projects must be considered by the FNSB Planning Commission, stating that it’s just another “hoop” to jump through.

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

**Mayor Cleworth** informed the Council that the Firefighter’s Association (FFA) had replied to the City’s latest proposal in contract negotiations. He suggested adding an Executive Session to discuss the FFA Labor Contract.

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

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

**Mr. Hilling**, seconded by **Mr. Matherly**, moved to ADD and Executive Session to discuss FFA Labor Negotiations.

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

City Clerk Hovenden read the Consent Agenda into the record.

### **APPROVAL OF PREVIOUS MINUTES**

a) Regular Meeting Minutes of December 12, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of January 9, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

### **SPECIAL ORDERS**

Vacation of Public Right-of-Way (VA 006-11 Tanana Clinic 1<sup>st</sup> Addn.) – Request by Stutzmann Engineering on Behalf of the Greater Fairbanks Community Hospital Foundation to Vacate that Portion of 11<sup>th</sup> Avenue East of Noble Street and to Replat Lots 1-8, Blk 119, Lot 1-A, Blk 120, Portions of Lots 1 and 2, Blk 120, Lots 2-C-1-A, 2-C-1-B, and 2-C-1-C, Blk 120, Fairbanks Townsite, into Four Lots Ranging in Size from 22,865 Square Feet to 1.725 Acres within the SE ¼ of Sec. 10, T1S R1W, FM (Located on 10<sup>th</sup> and 11<sup>th</sup> Avenues and Noble Street).

**Mayor Cleworth** explained that by taking no action, the Council would be agreeing with the vacation. If there was an objection to the Vacation, the City would enter a protest.

No formal action was taken.

## MAYOR'S COMMENTS AND REPORT

**Mayor Cleworth** announced that Tony Shumate had won the dog sledding competition that the City Mayor is invited to participate in annually. He explained that each local mayor had sent a proxy to compete in the competition this year on their behalf; he congratulated Mr. Shumate for defeating all the competitors, including the businessmen. **Mayor Cleworth** spoke to the Open North American Champion Sled Dog Race Banquet where they thanked City Police and Public Works Departments for their help in removing a vehicle blocking the mushing trail. **Mayor Cleworth** asked Mr. Ewers to discuss and clarify the City Code governing the use of porta potties within City limits.

Mr. Ewers referenced FGC Section 82-38, which provides for the use of chemical toilets within City limits under the following circumstances:

- 1) In conjunction with an active construction project for which a building permit has been issued.
- 2) In conjunction with special events.
- 3) For outdoor recreational and sporting events.
- 4) For temporary buildings which are occupied pending construction of a new building which is under construction.
- 5) In cases of natural disasters and emergencies.
- 6) As approved by the mayor.

Mr. Ewers further quoted FGC Section 82-38 stating that porta potties shall be:

- 1) Registered with the building department and validated with a permit which shall be affixed to the facilities. No permits shall be required in the case of natural disasters or for construction project sites which have building permits.
- 2) When the operator of a food establishment provides seating for its patrons no permit shall be issued except upon proof that the applicant has received approval from the Alaska Department of Environmental Conservation that the use of chemical toilets and porta potties meets the requirements of 18AAC 31.520 (toilet facilities).
- 3) Maintained as required by the Alaska Department of Environmental Conservation and the conditions, if any, set forth in the permits, including any durational or use limitations.
- 4) May be required to be screened from public view as set forth and described in the permit.
- 5) In compliance with all accessibility requirements as set forth in the Code of Ordinances.

**Mayor Cleworth** stated that he is unclear as to the arrangements "Occupy Fairbanks" has made with the Borough. He stated that, in the past, individuals or organizations have rented the park from the Borough for events and activities and that the City has only recently become involved because of the porta potty issue. **Mayor Cleworth** indicated that this specific request for use of a porta potty does not fall under any of the City-approved uses. He stated that he was



uncomfortable approving the use of the porta potty without Council input. He asked Council Members to speak to the issue during Council Members' Comments.

**Mr. Eberhart** asked if the City Code defines a "special event."

Mr. Ewers replied that it does not. He explained that porta potty restrictions were reinstated in the City Code in 2008, but had been a part of the Code prior to that time.

**Mr. Eberhart** asked if, as the property owner, the Borough could demand the porta potty be removed. He inquired as to what led to the removal of the previous porta potty in the park.

**Mayor Cleworth** explained that a complaint about the porta potty was taken by the City of Fairbanks, triggering a non-compliance letter from the City Building Department to the Borough. He stated that the Borough then requested the unit be removed from the park.

**Mr. Hilling**, seconded by **Mr. Eberhart**, moved to GRANT the Mayor the discretion to allow the use of a porta potty by the "Occupy Fairbanks" protesters.

**Mr. Eberhart** stressed the importance of freedom of speech; he empathized with the protestors' request for an on-site restroom.

**Mr. Eberhart**, seconded by **Mr. Hilling**, moved to AMEND the motion to GRANT the Mayor the discretion to allow the use of a porta potty by adding the conditional language, "pursuant to Subsection 82-38(e)(2) 'in conjunction with special events.'"

**Mr. Gatewood** asked for clarification on Mr. Eberhart's proposed amendment.

**Mr. Eberhart** stated that the amendment would add a second reason by which to base the resolution instead of solely relying on the Mayor's discretion.

**Mr. Matherly** stated that he would not consider the protest a special event. He explained that his definition of a special event would be an activity that his family could attend and enjoy together.

In response to **Mr. Roberts** request, Mr. Ewers read aloud Subsection 82-38(e)(2).

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO GRANT THE MAYOR THE DISCRETION TO ALLOW THE USE OF A PORTA POTTY BY ADDING THE CONDITIONAL LANGUAGE, "PURSUANT TO SUBSECTION 82-38(e)(2) IN CONJUNCTION WITH SPECIAL EVENTS" AS FOLLOWS:

YEAS: Roberts, Hilling, Eberhart, Cleworth

NAYS: Matherly, Gatewood, Stiver

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Hilling**, seconded by **Mr. Roberts**, moved to AMEND the motion to GRANT the Mayor the discretion to allow the use of a porta potty by adding the language, "until April 30, 2012."

**Mr. Roberts** asked why Mr. Hilling would like to place a time stipulation on the use of the porta potty.

**Mr. Hilling** replied that cold weather is a factor for the occupiers, and, by April 30, the weather will be more tolerable for the protesters. He added that the tent and the porta potty may be considered unsightly and a nuisance to those wishing to enjoy the park.

**Mayor Cleworth** indicated that some organizations rent the park for use as an event staging area in the summer.

**Mr. Roberts** stated that some people may think it more convenient to have a porta potty in the park rather than a nuisance.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO GRANT THE MAYOR THE DISCRETION TO ALLOW THE USE OF A PORTA POTTY, AS AMENDED, BY ADDING THE LANGUAGE, "UNTIL APRIL 30, 2012" AS FOLLOWS:

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

**Ms. Stiver** stated that while our country was founded on the freedom of speech, she believes that protesters should manage themselves. She added that the occupiers should not receive special treatment.

**Mr. Hilling** stated that it is sometimes appropriate for the City Council to make exceptions to the City Code and it is everyone's right to appeal to the Mayor and Council. He spoke in support of allowing the porta potty to be used in the park.

**Mr. Roberts** stated that the decision is ultimately up to the Mayor, but that he supports the motion.

**Mr. Eberhart** reminded the Council that the issue at hand is only whether or not to allow the use of the porta potty.

**Mayor Cleworth** stressed the importance of being fair to all Fairbanks citizens.

**Mr. Matherly** spoke against allowing the use of the porta potty in the park.

**Mr. Gatewood** stated that his main problem with allowing use of the porta potty is that there have been no time limitations set for or by the occupiers.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE MAYOR THE DISCRETION TO ALLOW THE USE OF A PORTA POTTY BY THE "OCCUPY FAIRBANKS" PROTESTERS, AS AMENDED, AS FOLLOWS:

YEAS: Hilling, Roberts, Eberhart

NAYS: Matherly, Stiver, Gatewood, Cleworth  
**Mayor Cleworth** declared the MOTION FAILED.

**Mayor Cleworth** stated that he will permit, at his discretion, the use of a porta potty by the protesters through April 30, 2012.

**Mayor Cleworth** commended Kate Wozniak and City of Fairbanks Firefighter Craig Bryan for helping save the life of a Fairbanks citizen while off duty at Planet Fitness on March 12, 2012.

Assistant Fire Chief, Ernie Misewicz, applauded both individuals and commented on what an asset emergency training is to the Fairbanks community.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 5878 – An Ordinance to Amend Chapter 2, Article III, Division 8, Landscape Review and Beautification Commission and FGC Sections 10-436, 438, 439, and 441 of the Fairbanks Landscape Ordinance. Introduced by Mayor Cleworth.  
SECOND READING AND PUBLIC HEARING.

**Mr. Matherly**, seconded by **Mr. Roberts**, moved to ADOPT Ordinance No. 5878.

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

**Mr. Roberts** asked for an explanation as to why the ordinance had come about.

**Mayor Cleworth** stated that it had been a combined effort with the City Building Department to clean up City Code and repurpose the commission so that it may be used more effectively. He asked Clem Clooten, Building Official, to come forward.

Mr. Clooten stated that the Commission has been dormant for a number of years and that its current purpose as stated in City Code is no longer relevant. He explained that the Commission should be repurposed to revise and maintain the City's Landscape Manual and to sit as an appeals board if and when issues arise.

**Mr. Eberhart** asked if the Landscape Manual is currently complete or if revisions are needed.

Mr. Clooten replied that if revisions are needed, Ordinance No. 5878 would allow for the Commission to review and update the Landscape Manual, as necessary.

**Mayor Cleworth** added that the Commission would allow contractors the opportunity to appeal if their plans were rejected based on the Landscape Manual. He stated that landscape regulations should be revised because some are too stringent.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5878 AS FOLLOWS:

YEAS: Hilling, Eberhart, Roberts, Stiver, Matherly, Gatewood  
NAYS: None  
**Mayor Cleworth** declared the MOTION CARRIED and Ordinance No. 5878 ADOPTED.

### **NEW BUSINESS**

- a) Ordinance No. 5879 – An Ordinance Ratifying an Amendment to the Current Labor Agreement Between the City of Fairbanks and the International Brotherhood of Electrical Workers. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- b) Ordinance No. 5880 – An Ordinance Amending Fairbanks General Code Section 1-15 by Adding a Correctional Facility Surcharge. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

### **DISCUSSION ITEMS**

- a) Committee Reports

Public Safety Commission – Mr. Eberhart stated that Lt. Jewkes will continue the clean-up process of City Code in reference to violations and present his changes to the Commission for recommendation. He provided a brief summary of the last PSC meeting and spoke to the idea of cross-training police, fire and emergency personnel.

- b) Fairbanks North Star Borough Dispatch Contracts

**Mayor Cleworth** explained that, although the contract had been reviewed and approved at a previous City Council Meeting, changes have been made that require another Council approval.

**Mr. Gatewood**, seconded by **Mr. Roberts**, moved to APPROVE the Intergovernmental Agreement for 9-1-1 Call Taking Services between the City of Fairbanks and the Fairbanks North Star Borough.

**Mr. Eberhart** addressed Sections 12.0 and 13.0 of the Agreement. He suggested that the language, “terminated by the parties” is inconsistent with the withdrawal language in Section 13.0.

**Mr. Eberhart**, seconded by **Mr. Gatewood**, moved to AMEND the Agreement by striking the words “terminated by the parties” in Section 12.0 and replacing them with “a party gives notice of withdrawal” and by adding the words “at any time” to Section 13.0 after “In the event that any party...”

**Mr. Roberts** asked if the amendment to the Agreement would affect the time-sensitivity of the contract.

**Mayor Cleworth** indicated that the minor changes should not significantly delay the contract.

**Mr. Hilling** asked for clarification as to whether or not both parties would be locked into the contract for five years.

**Mr. Eberhart** explained that the reason for his amendment was to make it more apparent in Section 13.0 that either party could withdraw at *any* time.

**Mr. Hilling** commented that Section 12.0 does not clarify that either party may withdraw during the initial five-year period.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE AGREEMENT FOR 9-1-1 CALL TAKING SERVICES BY STRIKING THE WORDS “TERMINATED BY THE PARTIES” IN SECTION 12.0 AND REPLACING THEM WITH “A PARTY GIVES NOTICE OF WITHDRAWAL” AND BY ADDING THE WORDS “AT ANY TIME” TO SECTION 13.0 AFTER “IN THE EVENT THAT ANY PARTY...” AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE INTERGOVERNMENTAL AGREEMENT FOR 9-1-1 CALL TAKING SERVICES BETWEEN THE CITY OF FAIRBANKS AND THE FAIRBANKS NORTH STAR BOROUGH, AS AMENDED, AS FOLLOWS:

YEAS: Eberhart, Gatewood, Stiver, Hilling, Matherly, Roberts  
NAYS: None  
**Mayor Cleworth** declared the MOTION CARRIED and the Agreement, as Amended, APPROVED.

### **COMMUNICATIONS TO COUNCIL**

- a) Chena Riverfront Commission Meeting Minutes of February 13, 2012.

ACCEPTED on the CONSENT AGENDA.

- b) Request for Concurrence – Correcting Ordinance No. 5863.

APPROVED on the CONSENT AGENDA.

### **COUNCIL MEMBERS’ COMMENTS**

**Mr. Gatewood** congratulated all the local high schools who participated in the State basketball tournament for their intensity and for their proud representation of the Fairbanks area.

**Mr. Roberts** stated that he enjoyed watching the Open North American Championship Sled Dog Race. He commended the City's Public Works Department for transforming 2<sup>nd</sup> Avenue into a dog sledding strip and thanked the Fairbanks Police Department for rerouting the traffic around the event.

**Ms. Stiver** apologized for missing the March 5, 2012, City Council Meeting due to illness. She discontinued her telephonic attendance at 8:40 P.M., stating that she would call back to attend the Executive Session.

**Mr. Matherly** chose not to make a comment.

**Mr. Hilling** thanked whoever was responsible for getting the City's mission statement posted on the City's website. He asked Mr. Lerman to come up with a plausible explanation as to *how* the creation of a DUI Task Force would directly reduce the number of DUI's issued in the City. **Mr. Hilling** asked Mr. Ewers if FGC Section 82-38(e)(6) gave the Mayor the sole authority to grant the use of a porta potty for any reason. He asked if the "Occupy Fairbanks" tent was legal. He expressed satisfaction that the Mayor had allowed the use of the porta potty only on a temporary basis. **Mr. Hilling** asked if it was still normal City procedure for the Police and Fire Departments to give a regular report to the City Council. He spoke to the value of regular reports from the Chief of Police.

Mr. Ewers, in response to Mr. Hilling's first question, stated that the Code delegates that authority to the Mayor, provided that all other State and City requirements for placement of a porta potty are met. Mr. Ewers replied that the legality of the protesters' camp was a Borough issue.

**Mayor Cleworth** replied to Mr. Hilling's question regarding Police and Fire reporting by stating that the reports are not necessary unless there is an issue that needs to be addressed. He added that the Council may request regular reports from any City department if they so desire.

**Mr. Hilling**, seconded by **Mr. Roberts**, moved to REQUIRE monthly reports from the Fire Chief and the Chief of Police summarizing statistics and highlighted events.

**Mr. Hilling**, with the concurrence of the second, moved to AMEND the motion to require monthly reports by specifying that the reports be provided at Finance Committee Meetings.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO REQUIRE MONTHLY REPORTS FROM THE FIRE CHIEF AND THE CHIEF OF POLICE SUMMARIZING STATISTICS AND HIGHLIGHTED EVENTS, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Hilling, Roberts, Gatewood, Eberhart  
NAYS: None  
ABSENT: Stiver

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Eberhart** spoke to the annual meetings of the Fairbanks Native Association and Doyon, at which he was appointed Parliamentarian. He commented on the progress of the Weeks Field

project and expressed satisfaction in seeing that the dilapidated structures had been completely removed. **Mr. Eberhart** asked to be excused for the Regular City Council Meeting of April 9, 2012, due to international travel.

**Mr. Hilling**, seconded by **Mr. Matherly**, moved to EXCUSE Mr. Eberhart's absence for the Regular Meeting of April 9, 2012.

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

**Mayor Cleworth** commented that new sidewalks will be built in the area surrounding the new Weeks Field complex, thanks to FMATS funding.

**Mr. Matherly**, seconded by **Mr. Roberts**, moved to go into Executive Session for the purpose of discussing FFA Labor Negotiations.

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

**Mayor Cleworth** called for a five minute recess.

**EXECUTIVE SESSION**

a) Labor Contract Negotiations

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

**ADJOURNMENT**

**Mr. Roberts**, seconded by **Mr. Eberhart**, moved to ADJOURN the meeting.

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

**Mayor Cleworth** declared the Meeting adjourned at 10:00 P.M.

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JERRY CLEWORTH, MAYOR

ATTEST:

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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, APRIL 9, 2012  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, 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 (Telephonic)  
Chad Roberts, Seat B  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Lloyd Hilling, Seat E

Absent: John Eberhart, Seat F (Excused)

Also Present: Paul Ewers, City Attorney  
D. Danyielle Snider, Deputy City Clerk  
Ernie Misewicz, Assistant Fire Chief  
Tony C. Shumate, Director Personnel/Purchasing/RM  
Laren Zager, Police Chief

### **INVOCATION**

The Invocation was given by Deputy City Clerk Danyielle Snider.

### **FLAG SALUTATION**

**Mayor Cleworth** led the Flag Salutation.

### **CITIZEN'S COMMENTS**

Tim Sovde, 302 Bonnifield Street, Fairbanks – Mr. Sovde thanked the Public Works Department for keeping the street-flooding under control in his neighborhood during the winter break-up season.

David Pruhs, 324 Brandt Street, Fairbanks – Mr. Pruhs spoke to Frank Turney's role as grounds keeper of the Clay Street Cemetery. He gave a brief summary of Mr. Turney's history in maintaining the Cemetery and commended his work. He urged the City Council to keep Frank Turney's position at the Cemetery.

**Mayor Cleworth** asked Mr. Pruhs to address the funding the Commission has received to place new headstones on many of the old gravesites.

Mr. Pruhs briefed the Council on the new headstones purchased for the Cemetery with City Bed Tax Discretionary funds. He stated that the labor to install the headstones would be performed



by the Clay Street Cemetery Commission. He announced that two local mining companies, Fort Knox and Pogo Mine, have also pledged \$5,000 each towards the purchase of new headstones. Mr. Pruhs spoke highly of the members of the Clay Street Cemetery Commission and commented that his time spent serving on the Commission has been very fulfilling.

Frank Turney, 201 7<sup>th</sup> Avenue, Fairbanks – Mr. Turney thanked Mr. Pruhs for his kind words. He quoted the recent article in the Fairbanks Daily News Miner (FDNM) regarding his future employment as the grounds keeper at the Clay Street Cemetery. He clarified that the issue that has put his employment into question has nothing to do with the IRS as the article stated; rather, it was due to a PERS issue. He requested an apology from the City's Personnel Director and the FDNM for the misinformation.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger spoke on behalf of Frank Turney in regards to Mr. Turney's continued employment as the Clay Street Cemetery grounds keeper. He commented that the arrangement is likely the most cost-effective way for the City to keep the Cemetery maintained. Mr. Buberger spoke to the need for public restroom facilities in the downtown area. He thanked the Public Works Department for their hard work, but pointed out that there are some new potholes that need repaired due to the spring break-up. He specifically addressed a pothole on Illinois Street as a hazard to vehicles.

Gene Salzman, 2807 Riverview Drive, Fairbanks – Mr. Salzman vocalized his dissatisfaction with Public Works in regards to recent snow removal efforts in his neighborhood. He explained that the snow was plowed, but not removed.

David Lerman, 126 2<sup>nd</sup> Avenue, Fairbanks – Mr. Lerman stated his intent to run for candidacy in the 2012 Municipal Election. He spoke to his website, *Renovation Fairbanks*, as the nucleus of his campaign and invited the public to join the online discussion. He spoke to the "world-class" renovation at his own residence, Smith Apartments, and how renovation can reduce crime. He suggested that the City form a Renovation Task Force to develop an ordinance that would waive building permit fees for those dilapidated properties in need of renovation.

Marylee Bates, 1290 Saint Anton Drive, Fairbanks – Ms. Bates spoke in support of the Community Development Block Grant (CDBG) on behalf of Clearwater Ministries. She shared that there is a great need for an emergency shelter for runaways and homeless youth in the Fairbanks area. She provided statistics for the number of homeless youth in the Fairbanks North Star Borough School District and for the number of runaway youths reported in 2011 by the Fairbanks Police Department. She thanked the City Council for passing Resolution No. 4493 in November, 2011, which authorized the City of Fairbanks to participate in the CDBG Program. She spoke in support of Resolution No. 4518, which would authorize the City to accept the grant funding on behalf of Clearwater Ministries. She read excerpts from a letter written by Dolly Caswell, an Alaskan who speaks to the issues of human trafficking, the sexual exploitation of children, youth homelessness, and family violence.

**Mr. Hilling** asked to what time frame the statistics on homeless youth pertained and what ages the statistics included.

Ms. Bates replied that the statistics she listed were for the 2011-2012 school year and included students from Kindergarten through twelfth grade.

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

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

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

Deputy City Clerk Snider read the Consent Agenda into the record.

### **APPROVAL OF PREVIOUS MINUTES**

a) Regular Meeting Minutes of January 23, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of February 6, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

c) Regular Meeting Minutes of February 27, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

d) Regular Meeting Minutes of March 5, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

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

**Mayor Cleworth** expressed sadness for the recent passing of Judge Connelly and spoke to the many contributions that Judge Connelly made to the Fairbanks community over the years. **Mayor Cleworth** spoke to the article in the News Miner regarding the possible consolidation of City Emergency Services. He clarified that, while the idea was briefly considered, it is not the direction the City will take at this time. He commented that the Public Safety Commission will be looking into the concept more in-depth to see how other municipalities across the nation have been successful with the consolidation. He indicated that there would be many hurdles to overcome before implementation of the concept, and that it is only being explored and researched at this time. **Mayor Cleworth** announced the military parade in honor of returning soldiers that will take place on May 12, 2012 from Fort Wainwright, through downtown Fairbanks, and ending at Pioneer Park. He applauded the Police and Public Works Departments for their work in preparing for the parade. **Mayor Cleworth** shared that there is an upcoming Borough ordinance that, if adopted, could change the way property taxes are collected. He stated that there are two main parts to the ordinance: an extension of property foreclosure one year

longer than what is currently in place; and a property tax deferral for owners who qualify as low-income (as defined by the ordinance). He stated that the low-income deferral could be problematic. **Mayor Cleworth** stated that he will be meeting with General McLeod at Eielson Air Force Base (EAFB) along with the North Pole and Borough Mayors to discuss the relocation of the F-16's from EAFB to joint base Ft. Richardson/Elmendorf. He vocalized concern that standard procedures have not been followed in the process. **Mayor Cleworth** stated that this is the time of year for potholes; he asked that anyone who notices a hazardous pothole contact Public Works immediately. He commended Public Works for their quick response in repairing the roads. He spoke to the issue of Frank Turney's employment as the caretaker of the Clay Street Cemetery. He stated that PERS prefers businesses to hire employees vs. independent contractors because they benefit more from employees. He added that the City is doing everything in its power to fix the problem. **Mayor Cleworth** addressed Mr. Salzman's complaint about snow removal in the Riverview Drive area. He commented that some of the criticism may be justified.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 5879 – An Ordinance Ratifying an Amendment to the Current Labor Agreement between the City of Fairbanks and the International Brotherhood of Electrical Workers. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

**Mr. Roberts**, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5879.

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

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5879, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Hilling, Roberts  
NAYS: None  
ABSENT: Eberhart

**Mayor Cleworth** declared the MOTION CARRIED and Ordinance No. 5879 ADOPTED.

- b) Ordinance No. 5880 – An Ordinance Amending Fairbanks General Code Section 1-15 by Adding a Correctional Facility Surcharge. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5880.

David Lerman – Mr. Lerman spoke in support of Ordinance No. 5880.

**Mr. Roberts** spoke in support of Ordinance No. 5880 as a cost-saving measure for the City.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5880, AS FOLLOWS:

YEAS: Hilling, Roberts, Stiver, Matherly, Gatewood

NAYS: None

ABSENT: Eberhart

**Mayor Cleworth** declared the MOTION CARRIED and Ordinance No. 5880 ADOPTED.

### NEW BUSINESS

- a) Resolution No. 4517 – A Resolution Authorizing the City Mayor to Apply for and Accept a FFY2013 Preservation Assistance Grant for Smaller Institutions from the National Endowment for the Humanities. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4518 – A Resolution Authorizing the City of Fairbanks to Accept a FFY2011 Community Development Block Grant (CDBG) for a Homeless Shelter. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4519 – A Resolution Authorizing the City of Fairbanks to Request Funds from the Department of Homeland Security U.S. Fire Administration Assistance to Fire Fighters Grant Program for the FFY2011 Fire Prevention and Safety Grant. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4520 – A Resolution to Apply for and Accept Funding from the Bureau of Justice for the FFY2012 Edward Byrne Memorial Justice Assistance Grant (JAG). Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Resolution No. 4521 – A Resolution Expressing Our Concern and Opposition to Movement of the 18<sup>th</sup> Aggressor Squadron at Eielson Air Force Base to Joint Base Elmendorf/Richardson (JBER). Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- f) Ordinance No. 5881 – An Ordinance Amending Fairbanks General Code by Adding Section 46-329 Abuse of 911 System. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

## COMMUNICATIONS TO COUNCIL

- a) Public Safety Commission Meeting Minutes of February 14, 2012.

ACCEPTED on the CONSENT AGENDA.

- b) Chena Riverfront Commission Meeting Minutes of March 5, 2012.

ACCEPTED on the CONSENT AGENDA.

- c) Reappointment to the Landscape Review & Appeals Commission.

APPROVED on the CONSENT AGENDA.

- d) Memo Concerning Lease of Old City Hall to the Fairbanks Downtown Association.

ACCEPTED on the CONSENT AGENDA.

## COUNCIL MEMBERS' COMMENTS

**Mr. Hilling** chose not to make a comment.

**Mr. Matherly** spoke to the beautiful weather. He wished Mayor Cleworth good luck in the upcoming meetings concerning EAFB. He spoke to snow removal in the Riverview Drive area, stating that he hasn't personally noticed a poor effort by Public Works. He encouraged the public to report if something doesn't seem right with a City service. He commented on the great loss to the community with the passing of Judge Connelly. He expressed appreciation for Mr. Pruhs' testimony on behalf of Clay Street Cemetery and Frank Turney.

**Ms. Stiver** stated that she is looking forward to being home soon. She thanked Mayor Cleworth for bringing forward Ordinance No. 5880.

**Mr. Gatewood** spoke to his recent attendance at the 36<sup>th</sup> Annual Business Leader of the Year Award Ceremony put on by the School of Management at UAF. He announced that this year's recipient of the award went to Dan Gavora. He commented that Mr. Gavora's father was the very first recipient of the award, which made it more special. He congratulated Dan Gavora for his accomplishment. He spoke in support of Mr. Turney's continued role as the caretaker of the Clay Street Cemetery and added that he would be willing to help in any way he could.

**Mr. Roberts** spoke to his trip to Juneau to meet with Interior Delegates as a City Representative for the 2012 Capital requests. He shared that the meetings went well and expressed hope that the legislature would approve the City's requests. **Mr. Roberts** echoed Mr. Gatewood's comments on Frank Turney's future role as the caretaker of Clay Street Cemetery. He commented on the beautiful spring weather. He offered his condolences to the families of those who were involved in the fatal accident on Nordale Road. He asked Mayor Cleworth if the FFA Labor Negotiations were nearing an end.

**Mayor Cleworth** explained that Pat Cole is out of town, but will meet with the FFA Representative when he returns. He added that the contract negotiations should be complete by May 1, 2012. He thanked Mr. Gatewood and Mr. Roberts for representing the City in Juneau.

**Mr. Hilling** asked if the partial snow removal in City neighborhoods was an oversight or deliberate.

**Mayor Cleworth** replied that he is unsure as to why only half the snow berms were removed. He stated that Mike Schmetzer would be able to answer questions regarding snow removal.

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

Mr. Ewers, in light of Judge Connelly's passing, expressed sadness in the loss of former District Court Judge Crutchfield. He commented on Judge Crutchfield's gentlemanly manner and demeanor.

### **ADJOURNMENT**

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

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

**Mayor Cleworth** declared the Meeting adjourned at 8:05 P.M.

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JERRY CLEWORTH, MAYOR

ATTEST:

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JANEY HOVENDEN, CMC, CITY CLERK

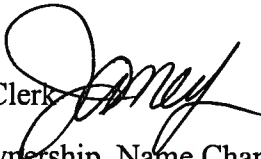
Transcribed by: DS

# 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: Transfer of Liquor License Ownership, Name Change, and Restaurant Designation Permit

DATE: May 2, 2012

Attached you will find a copy of the notification of application for transfer of ownership, name change, and Restaurant Designation Permit for the following liquor license:

License #: 3969  
License Type: Beverage Dispensary  
D.B.A.: Boomtown Grill and Bar  
Licensee/Applicant: JSR, Inc.  
Physical Location: 537 Gaffney Road, Suite 1, Fairbanks, Alaska

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
JSR, Inc.	1255 Airport Way #12 Fairbanks, AK 99701	907-451-6377	07/12/1996 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 (%)
Joseph Nyquist President	02/18/1941	1255 Airport Way, #12 Fairbanks, AK 99701	907-451-6377	33.3%
Rick Mensik Vice President	12/07/1950	PO Box 70655 Fairbanks, AK 99707	907-347-6671	33.3%
Sharon Mensik Secretary / Treasurer	11/19/1950	PO Box 73852 Fairbanks, AK 99707	907-347-3373	33.3%

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

License #: 3969  
Current D.B.A.: Tony's  
Current Licensee: Full Moon, Inc.  
Current Location: 537 Gaffney Road, Suite 1, Fairbanks, Alaska

ADDITIONAL COMMENTS: *Restaurant Designation Permit is also requested*

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

There are no Departmental objections to this transfer.

State of Alaska  
**Alcoholic Beverage Control Board**

Date of Notice: March 30, 2012

Application Type: **NEW** \_\_\_\_\_

**TRANSFER**  
 Ownership  
 Location  
 Name Change

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

License #: 3969  
 License Type: Beverage Dispensary  
 D.B.A.: Boomtown Grill and Bar  
 Licensee/Applicant: JSR, Inc.  
 Physical Location: 537 Gaffney Road, Suite 1, Fairbanks, AK 99701  
 Mail Address: PO Box 73852, Fairbanks, AK 99707  
 Telephone #: 907-457-7599  
 EIN: 98-0339665

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
JSR, Inc.	1255 Airport Way #12 Fairbanks, AK 99701	907-451-6377	07/12/1996 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.*

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

License #: 3969  
 Current D.B.A.: Tony's  
 Current Licensee: Full Moon, Inc.  
 Current Location: 537 Gaffney Road, Suite 1, Fairbanks, AK 99701

Additional comments: Restaurant Designation Permit Application attached.



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

## Transfer Liquor License

License is:       Full Year                      OR                       Seasonal      List Dates of Operation: \_\_\_\_\_

SECTION A - LICENSE INFORMATION			FEES
License Year: 2012-2013	License Type: BEVERAGE DISPENSARY	Statute Reference Sec. 04.11.090	Filing Fee:      \$100.00
License #: 3969	Local Governing Body: (City, Borough or Unorganized) FAIRBANKS CITY COUNCIL		Rest. Desig. Permit Fee:      \$
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): JSR INC.		Community Council Name(s) & Mailing Address: FAIRBANKS CITY COUNCIL CITY HALL 800 CUSHMAN FAIRBANKS, AK 99701	Fingerprint:      \$ ( <i>\$54.25 per person</i> )
Mailing Address: PO BOX 73852		Doing Business As (Business Name): BOOMTOWN GRILL AND BAR - <i>NAME CHANGE</i> <i>TONY'S SPORTS BAR + GRILL</i>	TOTAL      \$100
City, State, Zip: Fairbanks, AK 99701		Street Address or Location of Premise:  537 GAFFNEY SUITE #1 FAIRBANKS, AK 99701	Business Telephone Number: 907-457-7599 Fax Number: 907-374-7863
			Email Address:  rickmensik@yahoo.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 <b>CURRENT</b> Licensee: FULL MOON INC. PO BOX 73852 FAIRBANKS, AK 99707  Business Name (dba) <b>BEFORE</b> transfer: TONY'S SPORTS BAR AND GRILL  Street Address or Location <b>BEFORE</b> transfer: 537 GAFFNEY ROAD SUITE #1 FAIRBANKS, AK 99701	
SECTION C - PREMISES TO BE LICENSED			
Distance to closest school grounds: 1 MILE	<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: 1 MILE	<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
RICK MENSIK JOSEPH NYQUIST SHARON MENSIK	KODIAK JACK'S	BEVERAGE DISPENSARY	537 GAFFNEY ROAD SUITE #2	AK
JOSEPH NYQUIST	DROP INN	BEVERAGE DISPENSARY	1420 SOUTH CUSHMAN	AK
RICK MENSIK SHARON MENSIK	RED FOX BAR AND GRILL	BEVERAGE DISPENSARY	398 OLD CHENA PUMP	AK
RICK MENSIK SHARON MENSIK	MARLIN	BEVERAGE DISPENSARY	3412 COLLEGE RD	AK
RICK MENSIK SHARON MENSIK	TEXAS OLIVE STORE	BEER AND WINE	3412 COLLEGE RD	AK

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): JSR INC.		Telephone Number: 907-347 6671	Fax Number: 907-374-7863
Corporate Mailing Address: PO BOX 73852	City: FAIRBANKS	State: AK	Zip Code: 99707
Name, Mailing Address and Telephone Number of Registered Agent: RICK MENSIK PO BOX 70655 FAIRBANKS AK 99707		Date of Incorporation OR Certification with DCFID: 7/12 1996	State of Incorporation: AK
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="radio"/> Yes <input type="radio"/> 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
JOSEPH NYQUIST	PRES.	33 1/3	1255 AIRPORT WAY #12	907-388-1710	2/18/1941
RICK MENSIK	VP	33 1/3	PO BOX 70655 FAIRBANKS .AK 99707	907-347-6671	12/07/1950
SHARON MENSIK	SEC.TR	33 1/3	PO BOX 73852 FAIRBANKS, AK 99707	907-978-7384	11/19/1950

# Transfer Liquor License

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

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


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

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

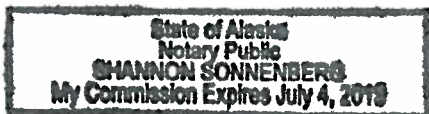
**Individual Licensees/Affiliates** (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

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

<b>Signature of Current Licensee(s)</b> Signature: <i>[Handwritten Signature]</i> Name & Title (Please Print): <i>Joseph K Nyquist</i> Subscribed and sworn to before me this <i>30th</i> day of <i>December</i> , 2011. Notary Public in and for the State of Alaska <i>[Handwritten Signature]</i> My commission expires: <i>July 4 2013</i>	<b>Signature of Transferee(s)</b> Signature: <i>[Handwritten Signature]</i> Name & Title (Please Print): <i>Rick Mensik VP</i> Subscribed and sworn to before me this <i>4th</i> day of <i>January</i> , 2012. Notary Public in and for the State of Alaska <i>[Handwritten Signature]</i> My commission expires: <i>6-25-14</i>
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STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 AAC 104.715-794

FEE: \$50.00

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

This application is for designation of premises where :

- 1  Under 13 AAC 104.305 Bona fide restaurant/eating place. License Number 3969  
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 17 years may be employed. \*(See note below).

LICENSEE: JSR INC.

D/B/A: BOOMTOWN GRILL AND BAR

ADDRESS: 537 GAFFNEY ROAD SUITE #1

1. Hours of Operation: 11:00 AM to 2:AM Telephone # 907-457-7599

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

3. \* Duties of employment: \_\_\_\_\_

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 Servi  Other\*

7. Is the owner, manager, or assistant manager always present during business hours?  yes

\*\*\* 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.

[Signature]  
Applicant signature

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

Subscribed and sworn to before me this

4th day of January 2012  
Cindy Reason  
Notary Public in and for Alaska

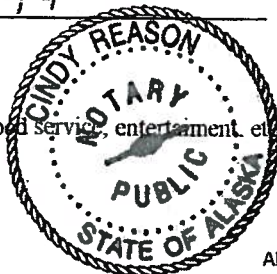
Date: \_\_\_\_\_

My Commission expires 6-25-14

\_\_\_\_\_  
Director, ABC Board

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

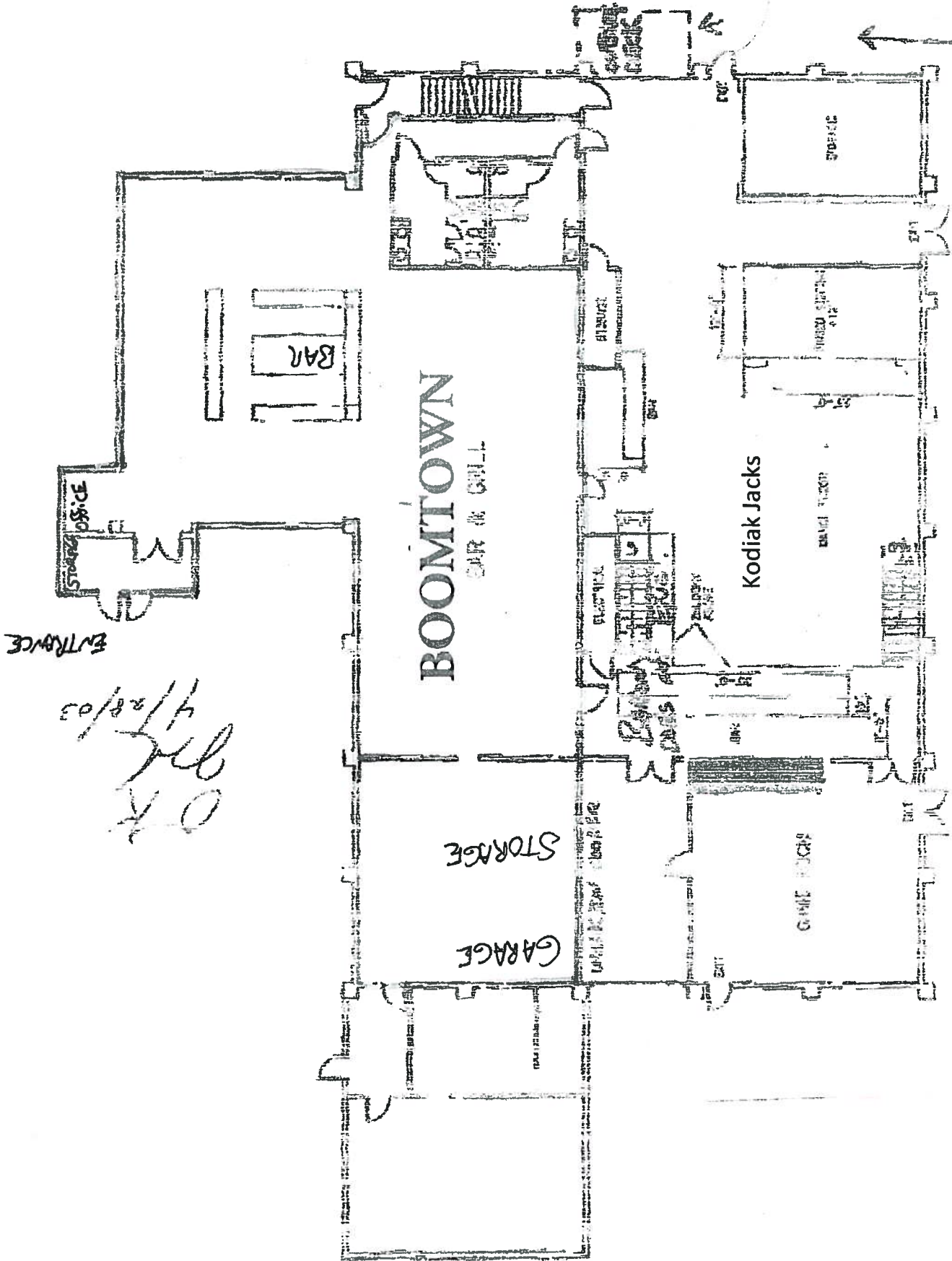
\*\* If more space is required, to explain food service, entertainment, etc., please add on back or attach additional page(s).



ABC Board  
5848 E Tudor Rd  
Anchorage AK 99507

PH: (907)269-0350  
FX: (907)272-9412

Update: 11/18/11



STAIRS  
DOWN

SINGLE BURGER \$5.75

Quarter pounder topped with lettuce, tomato, mayo, onion, and pickles on a fresh baked bun.

DOUBLE BURGER \$6.75

Two quarter pounders topped with lettuce, tomato, mayo, onion, and pickles on a fresh baked bun.

TRIPLE BURGER \$7.75

Three quarter pounders topped with lettuce, tomato, mayo, onion, and pickles on a fresh baked bun.

STEAK N EGG BURGER \$7.75

1/2 pound burger topped with a fried egg on a fresh baked bun.

STEAKHOUSE BURGER \$7.75

1/2 pound burger topped with bleu cheese crumbles, fried onions, and A-1 Steak sauce on a fresh baked bun.

CHILI BURGER \$7.75

1/2 pound burger topped with chili, chopped onions and cheddar cheese on a fresh baked bun.

## Boon Town Wings

Wing tips smoked, deep fried, grilled and dipped in your choice of sauce (more flavors to come)

Original Hot Sauce, Buffalo Style "Hot", Sweet/Honey BBQ, or Garlic/Parmesan.

Served with Celery and Bleu Cheese Dressing.

8 piece (choice of 1 sauce) \$ 6.75

12 piece (choice of 2 sauces) \$ 9.75

16 piece (choice of 2 sauces) \$12.75

20 piece (choice of 3 sauces) \$15.75

30 piece (choice of 4 sauces) \$38.25

Extra Bleu Cheese Dressing \$.50

Make it a basket with fries \$3 or Onion Rings \$4

All our burger meat is freshly made from ground Chuck, Beef Brisket, and Pork, lightly seasoned and mixed with minced onions. We cook the meat until an internal temperature of 155 degrees for a med-well doneness. Please allow 20 minutes cooking time for any 1/2 lb burgers.

MUSHROOM/SWISS BURGER \$7.75

1/2 pound burger seasoned and stuffed with fresh mushrooms and Swiss cheese on a fresh baked bun.

WESTERN BURGER \$7.75

1/2 pound burger seasoned and stuffed with smoked ham, grilled onions, & your choice of cheese served on a fresh baked bun.

BACON/CHEESE \$7.75

1/2 pound burger seasoned and stuffed with hickory smoked bacon and your choice of cheese on a fresh baked bun.

JUICY LUCY BURGER \$7.75

1/2 pound burger seasoned and stuffed with your choice of cheese on a fresh baked bun.

PIZZA BURGER \$7.75

1/2 pound burger seasoned and stuffed with pepperoni and Mozzarella cheese topped with pizza sauce on a fresh baked bun.

HAWAIIAN BURGER \$7.75

1/2 pound burger seasoned and stuffed with pineapple, Canadian bacon, and your choice of cheese on a fresh baked bun.

MAC N CHEESE BURGER \$7.75

1/2 pound burger seasoned and stuffed with cheesy mac n cheese on a fresh baked bun.

SOUTH OF THE BORDER BURGER \$7.75

1/2 pound burger seasoned and stuffed with jalapenos, roasted red peppers & pepperjack cheese on a fresh baked bun. Top it off with guacamole for half a buck.

BOOMTOWN CHEESE BURGER \$6.75

1/2 pound burger stuffed with bacon, mushrooms, grilled onions, cheese with a fried cheddar cheese patty on a fresh baked bun.

STUFFED TURKEY BURGER \$7.75

1/2 pound turkey burger seasoned and filled with stuffing and cranberries then topped with gravy on a fresh baked bun.

American, Swiss, Med Cheddar, Mozzarella, Pepperjack, Bleu Cheese Crumbles, Provolone

Add Fries \$3 or Onion Rings \$4

To any Burger or Dog

All our Hamburger buns are made fresh everyday!





# 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

FROM: CITY CLERK'S OFFICE

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

DATE NOTICE RECEIVED AT CLERKS OFFICE: 03/30/2012 - 60 DAY DUE DATE 05/29/2012

DATE RESPONSE DUE: **05/01/2012** for City Council Meeting of 05/07/2012

License #: 3969  
License Type: Beverage Dispensary  
D.B.A.: Boomtown Grill and Bar  
Licensee/Applicant: JSR, Inc.  
Physical Location: 537 Gaffney Road, Suite 1, Fairbanks, Alaska

Mail Address: PO Box 73852, Fairbanks, AK 99707  
Telephone #: 907-457-7599  
EIN: 98-0339665

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
JSR, Inc.	1255 Airport Way #12 Fairbanks, AK 99701	907-451-6377	07/12/1996 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 (%)
Joseph Nyquist President	02/18/1941	1255 Airport Way, #12 Fairbanks, AK 99701	907-451-6377	33.3%
Rick Mensik Vice President	12/07/1950	PO Box 70655 Fairbanks, AK 99707	907-347-6671	33.3%
Sharon Mensik Secretary / Treasurer	11/19/1950	PO Box 73852 Fairbanks, AK 99707	907-347-3373	33.3%

If transfer application, current license information:

License #: 3969  
Current D.B.A.: Tony's  
Current Licensee: Full Moon, Inc.  
Current Location: 537 Gaffney Road, Suite 1, Fairbanks, Alaska

ADDITIONAL COMMENTS: *Restaurant Designation Permit is also requested*



**Boomtown Grill and Bar – JSR, Inc.  
Transfer Ownership, Name Change, and Restaurant Designation Permi  
May 2012  
Page 2**

**NO PROTEST:  
COMMENTS**

**PROTEST  
REASONS:**

**DEPARTMENT  
SIGNEE:**

  
(Signature)

Jim Soileau  
(Printed Name)

**NOTE: THIS COMPLETED FORM MUST BE RETURNED TO THE CITY CLERK'S OFFICE BY THE DATE  
INDICATED ABOVE. YOU MAY E-MAIL OR FAX (459-6710) THE FORM.  
ANY QUESTIONS CALL OUR OFFICE AT 459-6774. THANK YOU.**



# City of Fairbanks

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**Boomtown Grill and Bar – JSR, Inc.  
Transfer Ownership, Name Change, and Restaurant Designation Permi  
May 2012  
Page 2**

**NO PROTEST:  
COMMENTS** *FINE DENT*

**PROTEST  
REASONS:**

**DEPARTMENT  
SIGNEE:**

*[Handwritten Signature]*  
(Signature)

*WARREN B CUMMINGS*  
(Printed Name)

*MAY 2 2012*

**NOTE: THIS COMPLETED FORM MUST BE RETURNED TO THE CITY CLERK'S OFFICE BY THE DATE  
INDICATED ABOVE. YOU MAY E-MAIL OR FAX (459-6710) THE FORM.  
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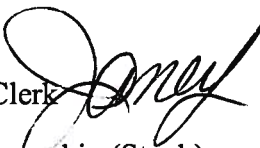


# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

TO: Mayor Jerry Cleworth  
City Council Members

FROM: Janey Hovenden, CMC, City Clerk 

SUBJECT: Transfer of Liquor License Ownership (Stock)

DATE: May 2, 2012

Attached you will find a copy of the notification of application for transfer of ownership (stock) for the following liquor license:

License #: 4232  
 License Type: Beverage Dispensary  
 D.B.A.\*: Kodiak Jack's  
 Licensee/Applicant: JSR, Inc.  
 Physical Location: 537 Gaffney Road, Suite 2, Fairbanks

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
JSR, Inc.	1255 Airport Way #12 Fairbanks, AK 99701	907-451 -6377	07/12/1996 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.*

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

License #: 4232  
 Current D.B.A.: Kodiak Jack's  
 Current Licensee: JSR, Inc.  
 Current Location: 537 Gaffney Road, Suite 2, Fairbanks, Alaska

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

There are no Departmental objections to this transfer.

State of Alaska  
**Alcoholic Beverage Control Board**

Date of Notice: March 29, 2012

Application Type: **NEW** \_\_\_\_\_

**TRANSFER**  
 Ownership (State / controlling interest)  
 \_\_\_\_\_ Location  
 \_\_\_\_\_ Name Change

Governing Body: **City of Fairbanks**

Community Councils: None

License #: 4232  
 License Type: Beverage Dispensary  
 D.B.A.: Kodiak Jack's  
 Licensee/Applicant: JSR, Inc.  
 Physical Location: 537 Gaffney Road, Suite 2, Fairbanks, AK 99701  
 Mail Address: PO Box 73852, Fairbanks, AK 99707  
 Telephone #: 907-374-3373  
 EIN: 98-0339665

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
JSR, Inc.	1255 Airport Way #12 Fairbanks, AK 99701	907-451-6377	07/12/1996 Alaska	Yes

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 Current Licensee: JSR, Inc.  
 Current Location: 537 Gaffney Road, Suite 2, Fairbanks, AK 99701

Additional comments:

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



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: 2012-2013	License Type: BEVERAGE DISPENSARY	Statute Reference	Filing Fee:     \$100.00  Rest. Desig. Permit Fee:     \$  Fingerprint:     \$ ( <i>\$54.25 per person</i> )  <b>TOTAL:</b> <b>\$100.00</b>
License #: 4232		Sec. 04.11.090	
Local Governing Body: (City, Borough or Unorganized) FAIRBANKS CITY COUNCIL		Community Council Name(s) & Mailing Address: FAIRBANKS CITY COUNCIL 800 CUSHMAN STREET FAIRBANKS, AK 99701	
Name of Applicant (Corp/L.L.C/LP/LLP/Individual/Partnership): JSR INC.		DOING BUSINESS AS: KODIAK JACKS	Business Telephone Number: 907-374-3373  Fax Number: <b>907-374-7863</b>
Mailing Address: PO BOX 73852	Street Address or Location of Premise: 537 GAFFNEY RD SUITE 2 FAIRBANKS, 99701		Email Address:  rickmensik@yahoo.com
City, State, Zip: FAIRBANKS, AK 99707			
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: JSR INC. 1255 AIRPORT WAY #12 FAIRBANKS, AK 99701  Business Name (dba) <i>BEFORE</i> transfer: KODIAK JACKS  Street Address or Location <i>BEFORE</i> transfer: 537 GAFFNEY SUITE 2 FAIRBANKS, AK 99701	
SECTION C - PREMISES TO BE LICENSED			
Distance to closest school grounds: 1 MILE	<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: 1 MILE	<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
RICK MENSIK SHARON MENSIK	THE MARLIN	BEVERAGE DISPENSARY	3412 COLLEGE ROAD	AK
" RICK MENSIK SHARON MENSIK "	RED FOX BAR AND GRILL	BEVERAGE DISPENSARY	398 OLD CHENA PUMP ROAD	AK
RICK MENSIK SHARON MENSIK	TONY'S SPORTS BAR AND GRILL	BEVERAGE DISPENSARY	537 GAFFNEY ROAD #1	AK
RICK MENSIK SHARON MENSIK	TEXAS OLIVE STORE	BEER AND WINE	2530 WEST FITZHUGH DRIPPING SPRINGS	TX
RICK MENSIK SHARON MENSIK	LIGHTHOUSE BARBQ AND GRILL	MIXED BEVERAGE	462 SLEAT DRIVE BRIARCLIFF	TX

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): JSR INC.		Telephone Number: 907-451-6377	Fax Number: 907-451-6322
Corporate Mailing Address: 1255 AIRPORT WAY #12	City: FAIRBANKS	STATE: AK	Zip Code: 99701
Name, Mailing Address and Telephone Number of Registered Agent: RICK MENSIK PO BOX 70655 FAIRBANKS AK 99707		Date of Incorporation OR Certification with DCFD: 7/12/1996	State of Incorporation: AK

Is the Entity in "Good Standing" with the Alaska Division of Corporations?  Yes  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
JOSEPH NYQUIST	PRES.	33 1/3	1255 AIRPORT WAY #12	907-451-6377	2/18/1941
RICK MENSIK	VP	33 1/3	PO, BOX 70655 FAIRBANKS, AK 99707	907-347-6671	12/07/1950
SHARON MENSIK	SEC. TR	33 1/3	PO BOX 73852 FAIRBANKS, AK	907-374-3373	11/19/1950

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


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

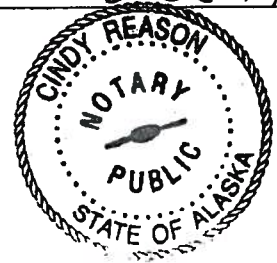
SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)			
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)			
Name: JOSEPH NYQUIST Address: 1255 AIRPORT WAY FAIRBANKS, AK 99701 Home Phone: 907-451-6377 Work Phone: 907-38-1710	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth: 2/18/1941	Name: SHARON MENSİK Address: PO BOX 73852 FAIRBANKS, AK 99707 Home Phone: 907-978-9084 Work Phone: 907-347-6671	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth: 11/19/1950
Name: RICK MENSİK Address: PO BOX 70655 FAIRBANKS, AK 99707 Home Phone: 907-347-6671 Work Phone: 907-347-6671	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth: 12/07/1950	Name: Address:  Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth:

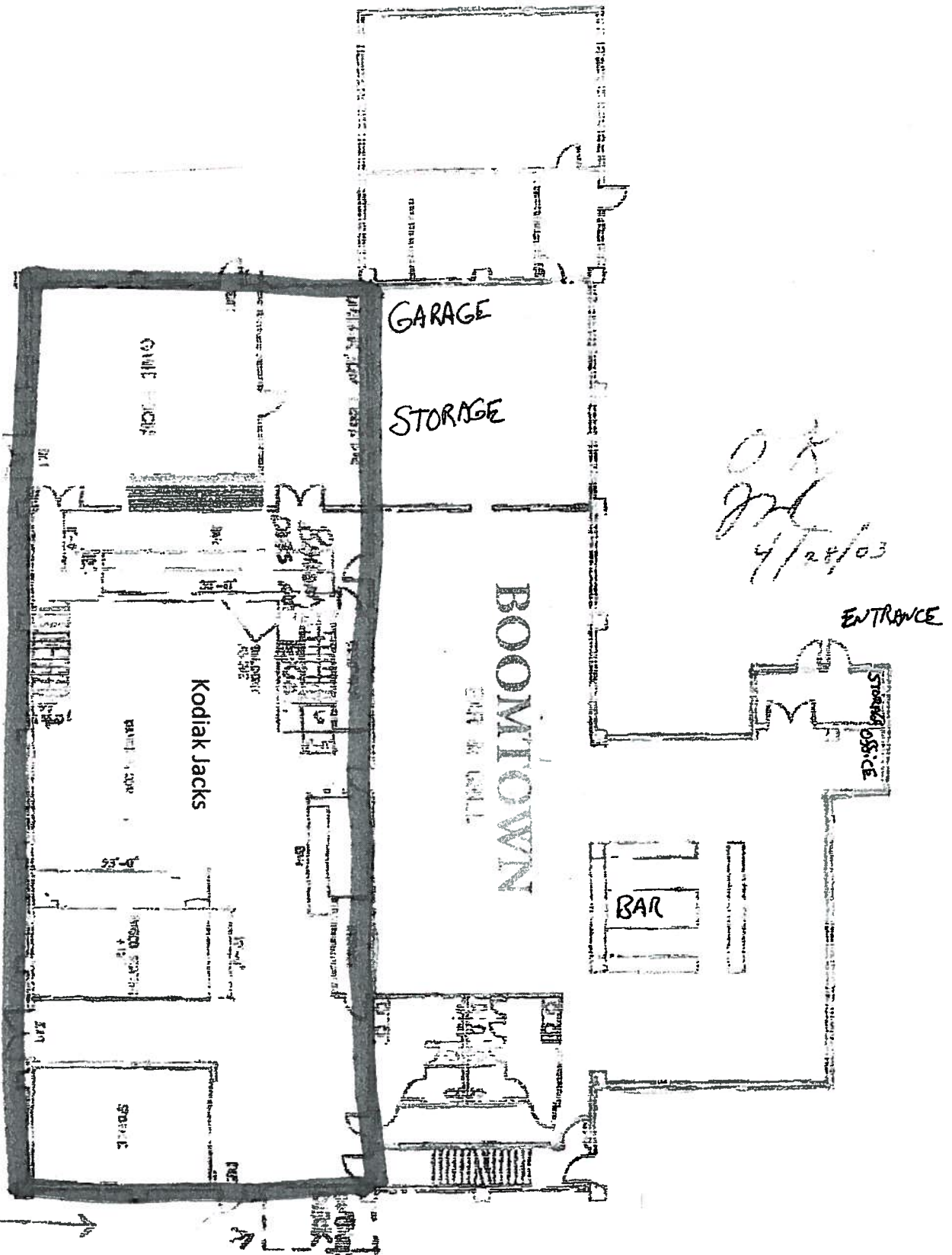
**Declaration**

- 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.

<b>Signature of Current Licensee(s)</b> Signature: <i>Joseph K Nyquist</i>	<b>Signature of Transferee(s)</b> Signature: <i>Rick Mensik</i>
Name & Title (Please Print) Joseph K Nyquist	Name & Title (Please Print) Rick Mensik VP
Subscribed and sworn to before me this 30 <sup>th</sup> day of December 2011	Subscribed and sworn to before me this 4 <sup>th</sup> day of January 2012
Notary Public in and for the State of Alaska <i>Shannon Sonnenberg</i> My commission expires: July 4, 2013	Notary Public in and for the State of Alaska <i>Cindy Reason</i> My commission expires: 6-25-14

State of Alaska  
 Notary Public  
**SHANNON SONNENBERG**  
 My Commission Expires July 4, 2013





OK  
 ml  
 4/28/03

BOOMTOWN  
 CIVIL RIGHTS PARK

P-2/P 10-1907229412

10-1907229412



# 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

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP (Stock)

DATE NOTICE RECEIVED AT CLERKS OFFICE: 03/30/2012 - 60 DAY DUE DATE 05/29/2012

DATE RESPONSE DUE: 05/01/2012 for City Council Meeting of 05/07/2012

License #: 4232  
License Type: Beverage Dispensary  
D.B.A.: Kodiak Jack's  
Licensee/Applicant: JSR, Inc.  
Physical Location: 537 Gaffney Road, Suite 2, Fairbanks, Alaska  
Mail Address: PO Box 73852, Fairbanks, AK 99707  
Telephone #: 907-374-3373  
EIN: 98-0339665

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
JSR, Inc.	1255 Airport Way #12 Fairbanks, AK 99701	907-451 -6377	07/12/1996 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 (%)
Joseph Nyquist President	02/18/1941	1255 Airport Way, #12 Fairbanks, AK 99701	907-451-6377	33.3%
Rick Mensik Vice President	12/07/1950	PO Box 70655 Fairbanks, AK 99707	907-347-6671	33.3%
Sharon Mensik Secretary / Treasurer	11/19/1950	PO Box 73852 Fairbanks, AK 99707	907-347-3373	33.3%

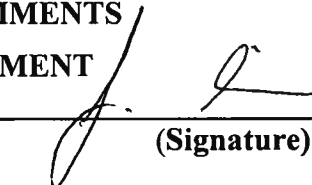
If transfer application, current license information:

License #: 4232  
Current D.B.A.: Kodiak Jack's  
Current Licensee: JSR, Inc.  
Current Location: 537 Gaffney Road, Suite 2, Fairbanks, Alaska

NO PROTEST:  
COMMENTS

PROTEST  
REASONS:

DEPARTMENT  
SIGNEE:

  
(Signature)

1 Jim Soileau  
(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

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP (Stock)

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Sharon Mensik Secretary / Treasurer	11/19/1950	PO Box 73852 Fairbanks, AK 99707	907-347-3373	33.3%

If transfer application, current license information:

License #: 4232  
Current D.B.A.: Kodiak Jack's  
Current Licensee: JSR, Inc.  
Current Location: 537 Gaffney Road, Suite 2, Fairbanks, Alaska

NO PROTEST:  
COMMENTS *FIRE DEPT*

PROTEST  
REASONS:

DEPARTMENT

SIGNEE:   
(Signature)

*WARREN B. CUMMINGS*  
(Printed Name)

*MAY 2 2012*



# 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

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP (Stock)

DATE NOTICE RECEIVED AT CLERKS OFFICE: 03/30/2012 - 60 DAY DUE DATE 05/29/2012

DATE RESPONSE DUE: **05/01/2012** for City Council Meeting of 05/07/2012

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License #: 4232  
Current D.B.A.: Kodiak Jack's  
Current Licensee: JSR, Inc.  
Current Location: 537 Gaffney Road, Suite 2, Fairbanks, Alaska

NO PROTEST:  
COMMENTS

PROTEST  
REASONS:

DEPARTMENT  
SIGNEE:

  
(Signature)

LARON J ZAGOR  
(Printed Name)

**RESOLUTION 4523**

**A RESOLUTION APPROVING PURCHASE OF SELF CONTAINED  
BREATHING APPARATUS FROM MINE SAFETY APPLIANCES  
COMPANY IN THE AMOUNT OF \$300,000**

**WHEREAS**, the Alaska Division of Community and Regional Affairs approved funding through the Designated Legislative Grant Program to replace and upgrade Self Contained Breathing Apparatus (SCBA) for the Fire Department in the amount of \$300,000; and

**WHEREAS**, in accordance with Fairbanks General Code Section 54-242, the City of Fairbanks can purchase through a pre-negotiated national Government Services Administration (GSA) contract; and

**WHEREAS**, the Fire Department's Office and the Purchasing Agent have reviewed the contract and recommend that City Council accept the quote from Mine Safety Appliances through the GSA contract;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fairbanks, Alaska, that it authorizes the City Mayor to execute the purchase with Mine Safety Appliances for Three Hundred Thousand Dollars (\$300,000.00).

**PASSED and APPROVED** this \_\_\_\_\_ Day of May 2012.

\_\_\_\_\_  
**Jerry Cleworth, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

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

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



**RESOLUTION 4524**

**A RESOLUTION TO APPLY FOR AND ACCEPT FUNDING FROM THE ALASKA  
HIGHWAY SAFETY OFFICE FOR FFY2013 TRAFFIC SAFETY PROGRAMS**

**WHEREAS**, the City of Fairbanks has received supplemental funding from the Alaska Highway Safety Office (AHSO) for local law enforcement; and

**WHEREAS**, the City has received positive citizen feedback regarding continued traffic enforcement, particularly in the apprehension of DUI offenders; and

**WHEREAS**, the City is applying to retain two dedicated DUI/Traffic Unit employee positions for wages and benefits in the amount of \$255,788 and will provide a match of currently budgeted City expenditures; and

**WHEREAS**, the City is applying for traffic safety equipment in the amount of \$93,500 and will provide a match of currently budgeted City expenditures; and

**WHEREAS**, the City is approved for overtime funding for Alaska Strategic Traffic Enforcement Partnership programs to reduce accidents and injuries by impaired drivers by conducting high-visibility seat belt and DUI enforcement and no match is required; and

**WHEREAS**, the City applies for various "mini grants" for highway safety related items including but not limited to travel and training with either no match or local match of currently budgeted City expenditures;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Mayor is hereby authorized to execute any and all documents required to apply for and accept grants on behalf of the City.

The Mayor is also authorized to execute subsequent amendments to the grant agreement to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

**PASSED and APPROVED this \_\_\_\_\_ Day of May 2012.**

\_\_\_\_\_  
**Jerry Cleworth, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

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

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

**ORDINANCE NO. 5882**

**AN ORDINANCE AMENDING THE 2012 BUDGET ESTIMATE  
 FOR THE FIRST TIME**

**WHEREAS**, this ordinance incorporates the changes outlined on the attached summary to amend the 2012 operating budget.

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

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

	<b>Approved Budget</b>	<b>As Amended</b>
Taxes, (all sources)	\$ 19,476,971	\$ 19,476,971
Charges for Services	4,123,905	<b>4,086,905</b>
Intergovernmental Revenues	3,213,390	<b>3,132,326</b>
Licenses & Permits	1,796,078	<b>1,807,078</b>
Fines, Forfeitures & Penalties	959,175	<b>1,051,642</b>
Interest & Penalties	122,000	122,000
Rental & Lease Income	157,919	157,919
Other Revenues	212,500	<b>482,588</b>
Other Financing Sources	2,925,129	<b>2,684,960</b>
<b>Total Appropriation</b>	<b>\$ 32,987,067</b>	<b>\$ 33,002,389</b>

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

<b>DEPT</b>	<b>DESCRIPTION</b>	<b>Approved Budget</b>	<b>As Amended</b>
10	Mayor and Council	\$ 480,919	\$ 483,403
11	Office of the City Attorney	164,771	166,857
12	Office of the City Clerk	291,943	300,758
13	Finance Department	863,867	882,600
14	Information Technology	1,401,750	1,417,837
15	General Account	4,947,120	4,980,223
16	Risk Management	1,371,112	1,371,112
20	Police Department	6,552,634	6,770,347
21	Dispatch	1,933,941	1,971,025
30	Fire Department	6,098,719	6,118,118
50	Department of Public Works	6,774,611	6,990,010
51	Engineering Division	582,191	611,316
60	Building Department	627,037	640,741
Total General Fund Appropriation		<u>\$ 32,090,615</u>	<u>\$ 32,704,347</u>
12/31/11 general fund balance		\$ 9,512,734	\$ 10,992,919
Increase to fund balance		896,452	298,042
Committed for snow removal		(250,000)	(250,000)
Committed for Self Insurance Reserve		(500,000)	(529,273)
Assigned for encumbrances		(200,000)	(293,960)
12/31/12 Projected Unassigned balance		<u>\$ 9,459,186</u>	<u>\$ 10,217,728</u>

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

**SECTION 4.** The effective date of this ordinance shall be the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
**Jerry Cleworth, MAYOR**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM

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

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

**SUMMARY OF ORDINANCE 5882**

**AMENDING 2012 GENERAL FUND BUDGET 1<sup>st</sup> Time**

**ESTIMATED REVENUES**

\$15,322 Increase

1. Taxes – No Change
2. Charges for Services – \$37,000 Decrease - reclassify to fines
3. Intergovernmental Revenues – \$81,064 Decrease for revenue sharing
4. Licenses & Permits – \$11,000 Increase for chauffeur licenses
- a) Fines, Forfeitures, & Penalties – \$92,467 Increase
  - a. \$ 55,467 increase to moving traffic violations – Commercial Enforcement Officer
  - b. \$ 37,000 reclassify from charges for services
5. Interest & Penalties – No Change
6. Rental & Lease Income – No Change
7. Other Revenues – \$270,088 Increase for Bentley property agreement
8. Other Financing Sources & Uses – \$240,169 Decrease
  - a. \$ 270,088 decrease for transfer to the Permanent Fund – Bentley Property
  - b. \$ 29,919 increase for transfer from Permanent Fund – annual draw.

## ESTIMATED EXPENDITURES

\$613,732 INCREASE

1. Mayor & Council – \$2,484 Increase
  - a. \$ 1,655 increase to salaries – IBEW CBA
  - b. \$ 757 increase to benefits – IBEW CBA
  - c. \$ 72 increase to leave – IBEW CBA
  
2. City Attorney’s Office – \$2,086 Increase
  - a. \$ 1,827 increase to salaries – IBEW CBA
  - b. \$ 27 increase to benefits – IBEW CBA
  - c. \$ 232 increase to leave – IBEW CBA
  
3. City Clerk’s Office – \$8,815 increase
  - a. \$ 3,201 increase to salaries – IBEW CBA
  - b. \$ 46 increase to benefits – IBEW CBA
  - c. \$ 68 increase to leave – IBEW CBA
  - d. \$ 5,500 increase to other outside contracts
  
4. Finance Department – \$18,733 increase
  - a. \$ 15,748 increase to salaries – IBEW CBA
  - b. \$ 228 increase to benefits – IBEW CBA
  - c. \$ 2,757 increase to leave – IBEW CBA
  
5. Information Technology – \$16,087 increase
  - a. \$ 12,132 increase to salaries – IBEW CBA
  - b. \$ 176 increase to benefits – IBEW CBA
  - c. \$ 1,020 increase to leave – IBEW CBA
  - d. \$ 2,759 increase for 2011 encumbrances

6. General Account – \$33,103
  - a. \$33,103 increase for 2011 encumbrances
  
7. Risk Management – No Change
  
8. Police Department - \$217,713 Increase
  - a. \$ 57,976 increase to salaries – IBEW/PSEA CBA
  - b. \$ 38,651 increase to salaries – Commercial Enforcement Officer
  - c. \$ 22,211 increase to benefits – IBEW/PSEA CBA
  - d. \$ 16,816 increase to benefits - Commercial Enforcement Officer
  - e. \$ 6,467 increase to OT – PSEA CBA
  - f. \$ 22,689 increase to leave – IBEW/PSEA CBA
  - g. \$ 52,903 increase for 2011 encumbrances
  
9. Dispatch - \$37,084 Increase
  - a. \$ 16,351 increase to salaries – IBEW/PSEA CBA
  - b. \$ 6,381 increase to benefits – IBEW CBA
  - c. \$ 3,090 increase to OT – PSEA CBA
  - d. \$ 6,462 increase to leave – IBEW CBA
  - e. \$ 4,800 Increase for 2011 encumbrances
  
10. Fire Department – \$19,399 Increase
  - a. \$ 5,265 increase to salaries – IBEW CBA
  - b. \$ 76 increase to benefits – IBEW CBA
  - c. \$ 1,061 increase to leave – IBEW CBA
  - d. \$ 12,997 increase for 2011 encumbrances
  
11. Public Works – \$ 215,399 Increase
  - a. \$ 4,749 increase to salaries – IBEW CBA
  - b. \$ 69 increase to benefits – IBEW CBA
  - c. \$ 433 increase to leave – IBEW CBA

- d. \$ 187,398 Increase for 2011 encumbrances
- e. \$ 22,750 Increase for towing charges

12. Engineering – \$29,125 Increase

- a. \$24,808 increase to salaries – IBEW CBA
- b. \$ 360 increase to benefits – IBEW CBA
- c. \$ 3,957 increase to leave – IBEW CBA

13. Building Department – \$13,704 Increase

- a. \$12,466 increase to salaries – IBEW CBA
- b. \$ 181 increase to benefits – IBEW CBA
- c. \$ 1,057 increase to leave – IBEW CBA



Introduced by: Mayor Cleworth  
Date: May 7, 2012

**ORDINANCE NO. 5883**

**AN ORDINANCE RATIFYING A COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE CITY AND THE FAIRBANKS FIRE FIGHTERS  
ASSOCIATION**

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

Section 1. The City Council hereby ratifies the attached Collective Bargaining Agreement.

Section 2. This ordinance is effective May \_\_\_\_, 2012.

**Passed and Approved this \_\_\_\_ 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*



**MEMORANDUM**

To: City Council Members  
From: Jerry Cleworth, City Mayor   
Subj: Request for Concurrence – Public Safety Commission  
Date: May 7, 2012

---

In order to fill the vacancy of Seat E on the Public Safety Commission left by the resignation of Frank Eagle, I request your concurrence to the nomination of the following member:

Mr. Robert Fox – permanent member. Term to Expire: December 31, 2012

Thank you.

DDS/



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

RECEIVED  
 MAY 01 2012  
 CITY CLERKS OFFICE

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: April 30, 2012  
 NAME: Robert P. Fox  
 BOARD: Public Safety

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

RESIDENCE ADDRESS: 843 5<sup>th</sup> Ave, Fls 99701

MAILING ADDRESS: Same

BUSINESS ADDRESS: \_\_\_\_\_

CELL PHONE: 907 388 1222

WORK PHONE: ( ) \_\_\_\_\_

HOME PHONE: 907 479 2028

E-MAIL: rob.fox@alaska.com

**Statement of Interest:**

I am a strong advocate of public safety, with a great appreciation for the work of our police.

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

Retired Realtor. Home builder

**Professional Licenses/Training:**

Realtor & Broker 30+ years.

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


FOR INTERNAL USE ONLY

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

**MEMORANDUM**

**TO:** Council Members

**CC:** Mayor Cleworth, Margarita Bell, James Soileau

**FROM:** Paul Ewers, City Attorney 

**SUBJECT:** CDBG Grant for Emergency Shelter for Homeless Youth –  
Additional terms required by the State of Alaska

**DATE:** May 2, 2012

---

I am writing to inform the council that the State of Alaska is requiring a modification of the terms of the Memorandum of Understanding between Clearwater Ministries, Inc., and the City of Fairbanks. The change is explained below. For your convenience, I have attached the following:

1. Resolution No. 4493, as Amended
2. MOU between the City and Clearwater Ministries
3. Letter of Guarantee from the Rescue Mission
4. E-mail from Judy Haymaker to Margarita Bell
5. Letter to Mayor/Council from Clearwater Ministries

The Council previously approved acceptance of a CDBG grant to be passed through to Clearwater Ministries, Inc., for renovation of its building to serve as an emergency shelter for homeless youth (Resolution No. 4493, as Amended)(attached). The City and Clearwater Ministries entered into a Memorandum of Understanding (MOU)(attached), and the Fairbanks Rescue Mission issued a letter of guarantee (attached).

The parties were under the assumption that there was a minimum period (5 years) during which the Clearwater building must be used as an emergency shelter for homeless youth. If this five year period was not met, the grant money would have to be repaid to the State of Alaska. This understanding is reflected in the “whereases” of Resolution No. 4493, as Amended, and the MOU, as well as the Rescue Mission’s letter of guarantee.

The State of Alaska is now requiring a modification of the terms of the MOU between the City and Clearwater to clarify that Clearwater’s building must be used as an emergency shelter for the “useful life” of the facility (see e-mail from Judy Haymaker, State grants administrator, to Margarita Bell, City grant administrator)(attached). Ms. Haymaker’s e-mail does not specify exactly how long the “useful life” of the facility is – only that it

would be more than five years. Ms. Haymaker has told Ms. Bell that “useful life” is generally considered to be 20 years.

This is a significant change to a basic assumption made by the parties. I have spoken with the Mayor, and we agree that in light of this significant change, the Council (1) needed to be informed and (2) needed to reaffirm its approval of the grant acceptance.

The attached letter from Clearwater to the Mayor dated April 30, 2012, recognizes and accepts the change from a 5-year commitment to a commitment for the “useful life of the building.” The Fairbanks Rescue Mission will also need to revise its letter of guarantee to reflect and accept this change. Our initial information is that the Rescue Mission would only want to extend beyond five years if required to do so by the Council, as it believes its present guarantee is sufficient to meet the minimum requirements.

Introduced By: Mayor Jerry B. Cleworth  
Finance Committee Review: November 4, 2011  
Introduced: November 14, 2011

**RESOLUTION NO. 4493, AS AMENDED**

**A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO PARTICIPATE IN THE FFY2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

**WHEREAS**, a required public hearing was held by the City of Fairbanks on October 25, 2011 for the proposed use of CDBG funds, attached is a record of that meeting; and

**WHEREAS**, community members identified an emergency homeless shelter for youth as a priority; and

**WHEREAS**, the City of Fairbanks is eligible to apply for a grant in the amount of up to \$750,000 from the Alaska Department of Commerce, Community, and Economic Development, under the CDBG program on behalf of Clearwater Ministries, a non-profit organization, for the renovation of their facility to provide emergency shelter for homeless youth; and

**WHEREAS**, the City of Fairbanks and Clearwater Ministries agrees to cooperate in the submission of an application for CDBG funds and agree to cooperate in the implementation of the submitted CDBG project as approved by the Alaska Department of Commerce, Community, and Economic Development; and

**WHEREAS**, the City of Fairbanks and Clearwater Ministries will enter into a written agreement to participate in the CDBG program; and

**WHEREAS**, Clearwater Ministries understands that the City of Fairbanks will act as the applicant and will have the ultimate responsibility to assume all obligations under the terms of the grant including assuring compliance with all applicable laws and program regulations and performance of all work in accordance with the contract; and

**WHEREAS**, Clearwater Ministries understands that the City of Fairbanks and Alaska Department of Commerce, Community, and Economic Development will have access to all grant records and authority to monitor all activities; and

**WHEREAS**, that the building must serve as a homeless youth shelter for at least five years or all CDBG funds must be returned; in the event Clearwater Ministries was unable to make the payment(s), the City would face potential liability; and

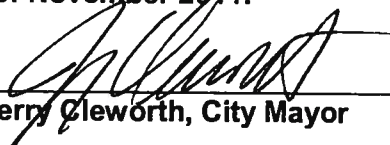
**WHEREAS**, Clearwater Ministries understands that the grant requires a match of up to \$250,000 **(25% minimum)** and is responsible for providing the match.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Mayor is hereby authorized to execute any and all documents required for granting and managing funds on behalf of this organization **provided that Clearwater Ministries agrees to the following conditions which are designed to limit the City's liability for grant repayment in the event of any default of grant requirements.**

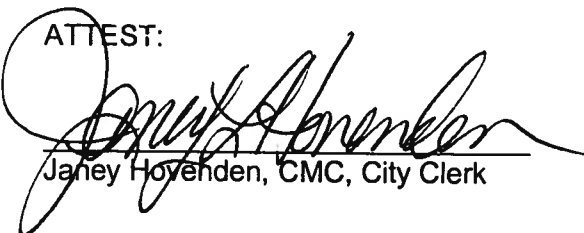
1. The design and construction of the project building shall be managed by City Engineering staff to ensure compliance with the grant conditions and all provisions of law and building codes. All time expended by City staff for construction and grant management will be reimbursed, including benefits.
2. The Owner of the project real property shall execute a conditional promissory note, secured by a senior deed of trust naming the City as beneficiary for all sums, together with penalty, interest and costs, which may become due upon any default of the terms of the grant. Upon successful operation of the project in accord with the terms of the grant, the City will issue a deed of full reconveyance to the project property owner.
3. Clearwater Ministries will provide the City with a letter of guarantee from the Fairbanks Rescue Mission Inc. that the project real property will be used for purposes in accord with the terms of the grant if Clearwater Ministries defaults on grant performance standards. This letter of guarantee shall be in a form approved by the City Attorney.
4. Clearwater Ministries agrees that it will not sell or lease the project premises or assign its responsibilities under the grant to others without City approval.
5. Liability and casualty insurance in amounts and upon terms approved by the City Attorney must be maintained at all times with the City named as an additional insured. A copy of Clearwater's financial statements prepared by an independent accountant will be provided to the City annually.

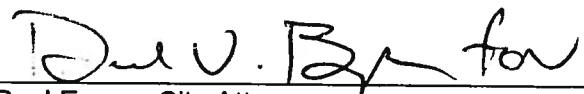
The Mayor is also authorized to execute subsequent amendments to said grant agreement to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

**PASSED and APPROVED this 21st Day of November 2011.**

  
 Jerry Cleworth, City Mayor

AYES: Gatewood, Roberts, Eberhart, Matherly, Stiver, Hilling  
 NAYS: None  
 ABSENT: None  
 APPROVED: November 21, 2011

ATTEST:  
  
 Janey Hoyehden, CMC, City Clerk

APPROVED AS TO FORM:  
  
 Paul Ewers, City Attorney

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF FAIRBANKS  
AND  
CLEARWATER MINISTRIES, INC**

**WHEREAS**, the City of Fairbanks is eligible to accept a grant in the amount of \$720,000 from the Alaska Department of Commerce, Community, and Economic Development, under the CDBG program on behalf of Clearwater Ministries, a non-profit organization, for the renovation of its facility so as to provide emergency shelter for homeless youth; and

**WHEREAS**, Clearwater Ministries agrees to cooperate in the implementation of the submitted CDBG project as approved by the Alaska Department of Commerce, Community, and Economic Development; and

**WHEREAS**, Clearwater Ministries understands that the City of Fairbanks will have the ultimate responsibility to assume all obligations under the terms of the grant including assuring compliance with all applicable laws and program regulations and performance of all work in accordance with the grant agreement; and

**WHEREAS**, Clearwater Ministries understands that the building must serve as a homeless youth shelter for at least five years or CDBG funds must be returned; and

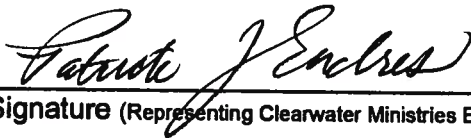
**WHEREAS**, Clearwater Ministries understands that the grant requires a match of 25% and that it is responsible for providing the match;

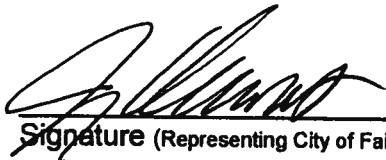
**NOW, THEREFORE**, it is mutually agreed that:

1. Clearwater Ministries will execute a conditional promissory note, secured by a senior deed of trust naming the City as beneficiary for all sums, together with penalty, interest and costs, which may become due upon any default of the terms of the grant. Upon successful operation of the project in accord with the terms of the grant, the City will issue a deed of full re-conveyance.
2. Clearwater Ministries will provide a letter of guarantee from the Fairbanks Rescue Mission, Inc., in a form approved by the City Attorney, that the project real property will be used for purposes in accord with the terms of the grant should Clearwater Ministries default on any grant performance standard.
3. Clearwater Ministries agrees that it will not sell or lease the project premises or assign its responsibilities under the grant to others without City approval.
4. Clearwater Ministries will maintain at all times general liability and casualty insurance in the amount of \$1,000,000 and motor vehicle insurance coverage in the amount of \$1,000,000, with the City named as an additional insured.



5. Clearwater Ministries will provide financial statements prepared by an independent accountant to the City annually beginning Fiscal Year 2013.
6. Clearwater Ministries agrees that the design and construction of the project building will be managed by the City Engineering staff to ensure compliance with the grant conditions and all provisions of law and all applicable building codes. Clearwater Ministries agrees that the cost (including benefits) of all time expended by City staff for construction and grant management will be reimbursed through grant funds.
7. Clearwater Ministries is responsible for the operation and maintenance of any facility improvements, equipment, or other items acquired under the grant.

	<u>President</u>	<u>3-20-2012</u>
Signature (Representing Clearwater Ministries Board)	Title	Date

	<u>MAYOR</u>	<u>4-19-12</u>
Signature (Representing City of Fairbanks)	Title	Date



March 29, 2012

Jerry Cleworth, Mayor  
City of Fairbanks  
800 Cushman Street  
Fairbanks, AK 99701

Re: Community Development Block Grant – Clearwater Ministries  
**Letter of Guarantee**

Dear Mayor Cleworth:

The Fairbanks City Council, by Resolution No. 4493, as amended, authorized you to execute any and all documents required for granting and managing funds through a Community Development Block Grant (the “Grant”) of the State of Alaska Department of Commerce, Community, and Economic Development. The Grant was awarded to the City on behalf of Clearwater Ministries to fund the renovation of Clearwater’s facility to provide emergency shelter for homeless youth.

As a condition of receiving grant funds, Clearwater Ministries is required to provide the City with a letter of guarantee from the Fairbanks Rescue Mission, Inc. Please accept this letter as a statement of guarantee for Clearwater Ministries.

By signing below, I hereby affirm as follows:

1. I am the Executive Director of Fairbanks Rescue Mission, Inc. and have authority to execute this Letter of Guarantee; and
2. I have reviewed Resolution No. 4493, as amended, the grant documents, and the Memorandum of Understanding (MOU) between the City and Clearwater Ministries, Inc.

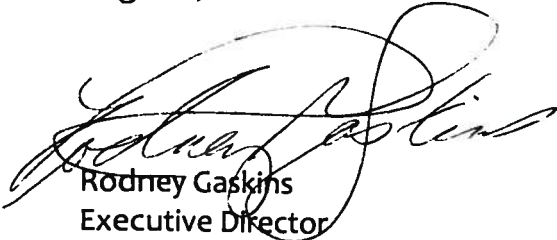
Should Clearwater Ministries, Inc., default on the performance standards under the terms of the Grant or under the MOU with the City of Fairbanks, Fairbanks Rescue Mission, Inc., guarantees

723 27th Avenue  
PO Box 73250  
Fairbanks, AK 99707

Phone: 907-452-5343  
Fax: 907-451-7058

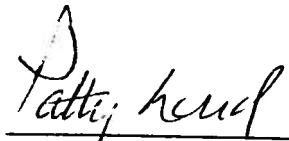
that emergency shelter services for homeless youth will continue to be provided at 138 Tenth Avenue, Fairbanks, Alaska, under the terms and conditions set out in Resolution No. 4493, as Amended, and in the MOU for the five-year minimum term specified by the Grant.

Regards,




Rodney Gaskins  
Executive Director  
Fairbanks Rescue Mission

ATTEST:



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Patty Loud  
Secretary, Board of Directors  
Fairbanks Rescue Mission



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Timbo Erickson  
President, Board of Directors  
Fairbanks Rescue Mission

## Paul J. Ewers

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**From:** Margarita R. Bell  
**Sent:** Tuesday, May 01, 2012 10:09 AM  
**To:** Paul J. Ewers  
**Subject:** City of Fairbanks CDBG Award  
**Attachments:** 4-29-2012-letter to city council.pdf

Paul:

Please see letter below and attached letter from Clearwater Ministries.

Margarita

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**From:** Haymaker, Judy L (CED) [mailto:judy.haymaker@alaska.gov]  
**Sent:** Tuesday, April 24, 2012 2:33 PM  
**To:** Margarita R. Bell  
**Subject:** City of Fairbanks CDBG Award

Margarita

Recent discussion about the City's CDBG award for the Emergency Youth Shelter Renovation (construction) project has developed regarding the length of years for the use of a facility. The MOU that was signed and completed by the City of Fairbanks and Clearwater Ministries, Inc for the Emergency Youth Shelter Renovation states "the building must serve as a homeless shelter for at least five years or CDBG funds must be returned;"

Per regulation 570.489(j) the minimum requirements for compliance is for a period of five years after closeout of the CDBG grant with the state. However, per our CDBG grant agreement we stipulate in Attachment C – Standard Provisions under Article 31. Public Purposes that the "Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life." By signing the grant agreement the City is agreeing that the facility will be used for a public purpose for the useful life of the facility, which would be more than the five years.

By reviewing both of these stipulations (the CDBG regulation found in 570.489(j), and Article 31 in the grant agreement), the City would need to assure that the facility was used for a public purpose for a period beyond the 5 years you have stipulated in the current MOU.

Please let me know if you have further questions. Thank you.

Judy Haymaker, Grants Administrator  
Dept. of Commerce, Community, and Economic Development  
Division of Community and Regional Affairs  
211 Cushman Street  
Fairbanks, AK 99701  
[judy.haymaker@alaska.gov](mailto:judy.haymaker@alaska.gov)  
(907) 451-2731  
Fax: (907) 451-2742

# Clearwater Ministries, Inc.

SERVING THE FAIRBANKS AND INTERIOR ALASKA COMMUNITIES



April 30, 2012,

To: Mayor Clayworth and the Fairbanks City Council members,

The Clearwater Ministries Board of Directors collectively confirms that the language change in the CDBG MOU stating that the *"Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to limited clientele for its useful life of the building."* is in accord with our intent of being a long-term, lasting organization that seeks to serve at-risk youth in substantive, practical and meaningful ways, and therefore, presents no conflict with our initial mission statement or future goals.

We are growing stronger as a board and as an organization and look forward to providing a much needed service to the at-risk youth of the greater Fairbanks Community. Your support is part of our future success.

Sincerely,  
Executive Director and FYA Board

Marylee Bates: Executive Director  
Danny Bramer  
Dave Miller  
Sarah Finnell  
Patrick J Endres: President  
Brad Johnston: Treasurer  
Kathryn Birch  
Barb Tyndall: Vice President/Secretary

Marylee Bates

Danny Bramer

Dave Miller

Sarah Finnell

Patrick J Endres

Brad Johnston

Kathryn Birch