



FAIRBANKS CITY COUNCIL
AGENDA NO. 2012-05
REGULAR MEETING March 05, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

I 7:00 P.M.

1. ROLL CALL

2. INVOCATION

3. FLAG SALUTATION

4. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five (5) minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, kindly silence all cell phone, electronic and messaging devices.

5. APPROVAL OF AGENDA AND CONSENT AGENDA

(Approval of Consent Agenda passes all routine items indicated by an asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda).

6. APPROVAL OF PREVIOUS MINUTES

7. SPECIAL ORDERS

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

Applicant: Matthew Robert Hayes

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

New License:

License Type: Beverage Dispensary - Duplicate
D.B.A.*: **Lavelle's Annex, License #5125**
Licensee/Applicant: Café de Paris Catering Co.
Physical Location: 519 1st Avenue, Fairbanks

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

Transfer of Ownership:

Type: Restaurant Eating Place
License: **Alaska Salmon Bake, #1639**
Licensee/Applicant: Malemute, Inc.
Physical Location 2300 Airport Way, Fairbanks
Current DBA: Alaska Salmon Bake
Licensee: Inter Sea, Inc.
Location: 2300 Airport Way, Fairbanks

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5876 – An Ordinance to Amend Chapter 14, 46, and 78, to Repeal, Amend, and Clarify Certain Offenses. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.
- b) Ordinance No. 5877 – An Ordinance Authorizing a Land Exchange Between the Greater Fairbanks Community Hospital Foundation and the City of Fairbanks to Facilitate Vacation of 11th Avenue and to Provide Parking Adjacent to Fire Station Headquarters. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4515 – A Resolution Amending The Schedule of Fees & Charges for Services by Adjusting Refuse Collection Rates and Tow Fees. Introduced by Mayor Cleworth.

- *b) 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.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

12. COMMUNICATIONS TO COUNCIL

- a) Proposed Findings and Conclusions – Board of Adjustment Appeal
- *b) Appointment to the Board of Plumber Examiners

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT


16. EXECUTIVE SESSION – IBEW and Fire Fighters Association Labor Negotiations

17. ADJOURNMENT

CONFIDENTIAL
MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

Date: February 29, 2012
To: Mayor Jerry Cleworth
City Council Members
From: Janey Hovenden, CMC, City Clerk 
Re: Denial of Application for New City of Fairbanks Chauffeur
License –Matthew R. Hayes

Attached is a copy of **Mr. Matthew Hayes'** application for a new City of Fairbanks Chauffeur License. The City Clerk has denied this request for license pursuant to FGC Section 86-77(6)(b) (attached). Please refer to page two of his application for licensure where he did not respond to "Sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 – AS11.71.190" and page three of the State of Alaska Criminal History Report which indicates on May 7, 2008, Mr. Hayes was convicted of Possession of a Controlled Substance 6 – Class B Misdemeanor.

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

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

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

Visit us on the Web at www.fairbanksalaska.us



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

REQUEST FOR APPEAL FORM

RECEIVED
FEB 24 2012
CITY CLERKS OFFICE

DATE: 2/24/12

TO: Janey Hovenden, City Clerk

FROM: Matthew Hayes
(Please Print)

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

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

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

Monday, March 5, 2012 at 7:00 P.M.

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

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

Matthew R. Hayes
Acknowledgement by Applicant

Official Use Only: Clerk's Initials: JS Date Received: 2/24/12

Visit Us on the Web at www.fairbanksalaska.us



CITY OF FAIRBANKS

RECEIVED
FEB 24 2012
CITY CLERKS OFFICE

CHAUFFEUR LICENSE APPLICATION

APPEAL

800 Cushman Street, Fairbanks, AK 99701
(907) 459-6716

TYPE OF LICENSE: NEW RENEWAL FEES DUE/COLLECTED: 25 -

Name: <u>Matthew Hayes</u>	Other Name(s) Used:
Physical Address: [REDACTED]	City, State Zip: <u>Fairbanks, AK 99707</u>
Mailing Address: [REDACTED]	City, State Zip:
Home Phone: [REDACTED]	Work/Cell Phone: [REDACTED]
AK Driver's License No: [REDACTED]	E-mail Address:
Date of Birth: [REDACTED]	Place of Birth: [REDACTED]

Application Requirements

\$25.00 Non Refundable Application Fee for New Licenses.

\$100.00 Bi-Annual License Fee for New Applications and Renewals.

Complete Application, Including Two Notarized Affidavits (forms attached).

Copy of Current State of Alaska Driver's License.

Current Criminal Record With 8 Year History.*

Current Driving Record With 5 Year History.

Defensive Driving Certificate upon renewal OR within 24 months of new license.

*If the applicant's Alaska criminal history report does not reflect a complete eight year history, an official background check from applicant's previous state(s) of residency is required for a complete 8-year look back. Alaska reports must be dated the same date that the completed application is submitted to the Clerk's Office. All documents must be originals and submitted with the signed application, the Clerk's Office cannot accept incomplete applications.

Length of Residency

Length of Alaska Residency in Consecutive Years 10 Length of FNSB Residency in Consecutive Years 10

Previous Address(es)

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

_____ From: _____ To: _____

_____ From: _____ To: _____

_____ From: _____ To: _____

Employment

Current Employer: _____
 Address: _____
 Date Employment Began: _____ Phone: _____
 Previous Chauffeur License Held (City & State): _____
 Cab Company Applying for or Employed By: _____

Employment History (Past 8 Years)

Employer: _____
 Dates Employed: _____ City/State: _____
 Employer: _____
 Dates Employed: _____ City/State: _____

Record of Conviction(s)

PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:

	YES or NO
Within the past 24 months , have you had a conviction for any of the following:	<input type="checkbox"/>
<ul style="list-style-type: none"> • A moving violation which resulted in the suspension or revocation of your driver's license pursuant to AS 28.15.221 - AS 28.15.261? 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Reckless or negligent driving? 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Driving while license is limited, suspended, or revoked? 	<input checked="" type="checkbox"/>
Within the past 5 years (or within the past 8 years if a felony conviction) have you received a conviction for either of the following:	<input type="checkbox"/>
<ul style="list-style-type: none"> • Operating or driving a vehicle while intoxicated? 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Refusing to submit to a chemical test as defined in AS 28.35.032? 	<input checked="" type="checkbox"/>
Within the past 8 years have you had a felony or within 4 years a misdemeanor conviction for any of the following:	<input type="checkbox"/>
<ul style="list-style-type: none"> • Prostitution or promotion of prostitution? 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 - AS 11.71.190? 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Any crime which includes as an element of the offense, the use or threat of force upon a person? 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Burglary, felony larceny, fraud, or embezzlement? 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Any sexual offense? 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Any homicide or assault involving operation of a motor vehicle? 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Two separate felony convictions of any type? 	<input type="checkbox"/>
Are you subject to the registration requirements of AS 12.63 (sex offender or kidnapper)?	<input type="checkbox"/>

An Answer of **YES** to any of the above questions regarding your criminal history and/or driving record is grounds for denial of a Chauffeur License. Please explain on a separate sheet of paper any convictions that meet the look-back criteria as noted above; including charges, places, dates, and sentences imposed. An Applicant may have the right to appeal a denial by the City Clerk after submission of a completed application and payment of the application fee. An Appeal Form can be obtained at the City Clerk's Office. See FGC Section 86-95 to determine if you are eligible for an appeal.

Citizenship Status

Are you a natural born or fully naturalized citizen of the United States? yes

If not, where did you obtain a permit or visa? _____

Date of entry into the United States: _____ Alien Registration No. _____

Applicant's Statement for Chauffeur License

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

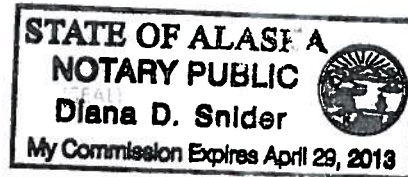
I certify that I am at least 21 years of age or older, that I can read, write, and speak the English language, that I am not addicted to the use of intoxicants or narcotics, that I am of good moral character and repute, that I have been a resident within the Fairbanks area for a minimum of 30 days immediately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

Matthew Hayes

Matthew Hayes
Signature of Applicant

Sworn to before me this 24 day of February, 2012

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



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

Please make all necessary copies for your records before submission of your application to the Clerk's Office. There will be a per page charge for any copying requested in accordance with FGC Sec. 2-775, with the exception of a request to copy criminal history reports, as State law prohibits copying of such documents.
Thank you in advance for your cooperation.

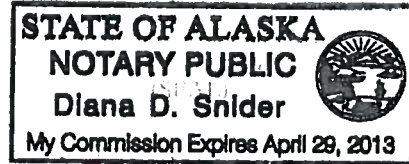
The City Clerk's Office may require 24 hours to process applications and does not accept licensing applications after 4:00 PM. Hours of operation are Monday through Friday, 8:00 AM to 5:00 PM. The City of Fairbanks observes national and state holidays.

Affidavit

I, Donald Hayes, so swear and affirm that I personally know Matthew Hayes (Applicant) to be of sound mind and body, of good moral character, and considered by me to be a respectable, upstanding citizen to the best of my knowledge and belief.

Donald Hayes
Signature
PO Box 73126
Mailing Address
Fairbanks, AK 99707
City, State, Zip

Sworn to before me this 23 day of February, 2012
Jeanine Sjiek
Notary Public for the State of Alaska
My Commission Expires: 4/29/13

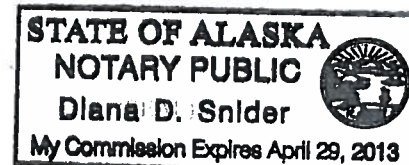


Affidavit

I, Erica Whitledge, so swear and affirm that I personally know Matthew Hayes (Applicant) to be of sound mind and body, of good moral character, and considered by me to be a respectable, upstanding citizen to the best of my knowledge and belief.

Erica Whitledge
Signature
2762 N. Goldenrod Cir.
Mailing Address
North Pole, AK 99705
City, State, Zip

Sworn to before me this 24 day of February, 2012
Jeanine Sjiek
Notary Public for the State of Alaska
My Commission Expires: 4/29/13



Administrative Use Only

Approved By: <u>Jeanine Sjiek</u>	Date: <u>2/24/12</u>
Denied By:	Date:
Reason for Denial: <u>POSS OF CONTROLLED SUBSTANCE</u>	
<u>CONV. DATE 5/7/08</u>	

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

OPERATION OPENING DOORS


Certificate of Appreciation

**MATT HAYES
GBC INC.**

in recognition of valuable contributions to

Alaska War Heroes

Signature 

Signature 



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

All applications for issuance or renewal of a chauffeur's license shall be made upon forms provided for this purpose by the city clerk, and the applications shall be submitted to the city clerk for review. The applicant shall also submit a current criminal history report obtained from the state department of public safety if a state resident or, if not, a current record obtained from the state of residency, and a current driving record. The requirements to be fulfilled prior to issuance of a chauffeur's license shall be as follows:

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


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

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: New Liquor License and Restaurant Designation Permit

DATE: March 1, 2012

Attached you will find a copy of the notification of application for a new Beverage Dispensary – Duplicate liquor license and Restaurant Designation Permit:

License #: 5125
License Type: Beverage Dispensary - Duplicate
D.B.A.*: Lavelle's Annex
Licensee/Applicant: Café de Paris Catering Co.
Physical Location: 519 First Avenue, Fairbanks

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Café de Paris Catering Co.	575 1 st Avenue, Fairbanks, AK 99701	456-1669	12/29/1999 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 (%)
Frank Eagle Secretary / Treasurer	02/11/1954	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%
Kathleen Lavelle President	03/07/1955	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%

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

Please note that the Fire Department and the Building Department have lodged protests of this new license until successful completion of work on the remodeled areas and final approval by the Departments. There are no other Departmental protests for this transfer.

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: February 2, 2012

Application Type: **NEW**

 TRANSFER
 Ownership
 Location
 Name Change

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

License #: 5125
 License Type: Beverage Dispensary - Duplicate
 D.B.A.: Lavelle's Annex
 Licensee/Applicant: Café de Paris Catering Co.
 Physical Location: 519 First Avenue, Fairbanks, AK 99701
 Mail Address: 575 First Avenue, Fairbanks, AK 99701
 Telephone #: 907-456-1669
 EIN: 92-0171171

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Café de Paris Catering Co.	575 1 st Avenue Fairbanks, AK 99701	907-456-1669	12/29/1999 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 (%)
Franklin Eagle Secretary / Treasurer	02/11/1954	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%
Kathleen Lavelle President	03/07/1955	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%

If transfer application, current license information:

License #:
 Current D.B.A.:
 Current Licensee:
 Current Location:

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

STATE OF ALASKA
 ALCOHOLIC BEVERAGE CONTROL BOARD
 APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 15 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 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (13 AAC 104.745).

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

- 1 Under AS 04.16.010(c) Bona fide restaurant/eating place.
- 2 Persons between 16 & 21 may dine unaccompanied.
- 3 Persons under 16 may dine accompanied by a person 21 years or older.
- 4 Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: Cafe de Paris Catering Co.

D/B/A: havelle's Annex

ADDRESS: 519 First Ave Fairbanks AK 99701

1. Hours of Operation: 9 am to 2:00 am Telephone # 907-456-1669

2. Have police ever been called to your premises by you or anyone else for any reason: Yes [] No
 If yes, date(s) and explanation(s). 2009 Reason not paying check -

3. Duties of employment: Cooking, cleaning

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

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

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

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

*** A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***
to be determined

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (13 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

[Signature]

Applicant(s) signature

Subscribed and sworn to before me this 29th day of NOVEMBER, 2011.

[Signature]
 Notary Public in and for Alaska

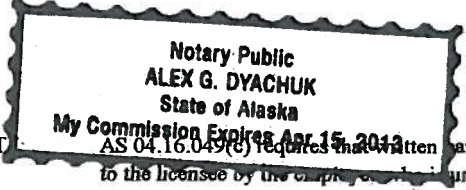
My Commission expires APR 15, 2013

Application approved (13 AAC 104.725(e))
 Governing Body Official

Date: _____

Director, ABC Board

Date: _____



NOTE: AS 04.16.049(b) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the applicant for persons under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

* Describe how food is served on back of form.

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

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

DBA: havelle's Bistro

PREMISES LOCATION: 519 1st Ave Ftks AK 99701

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

SCALE A: 1 SQ. = 1 FT.

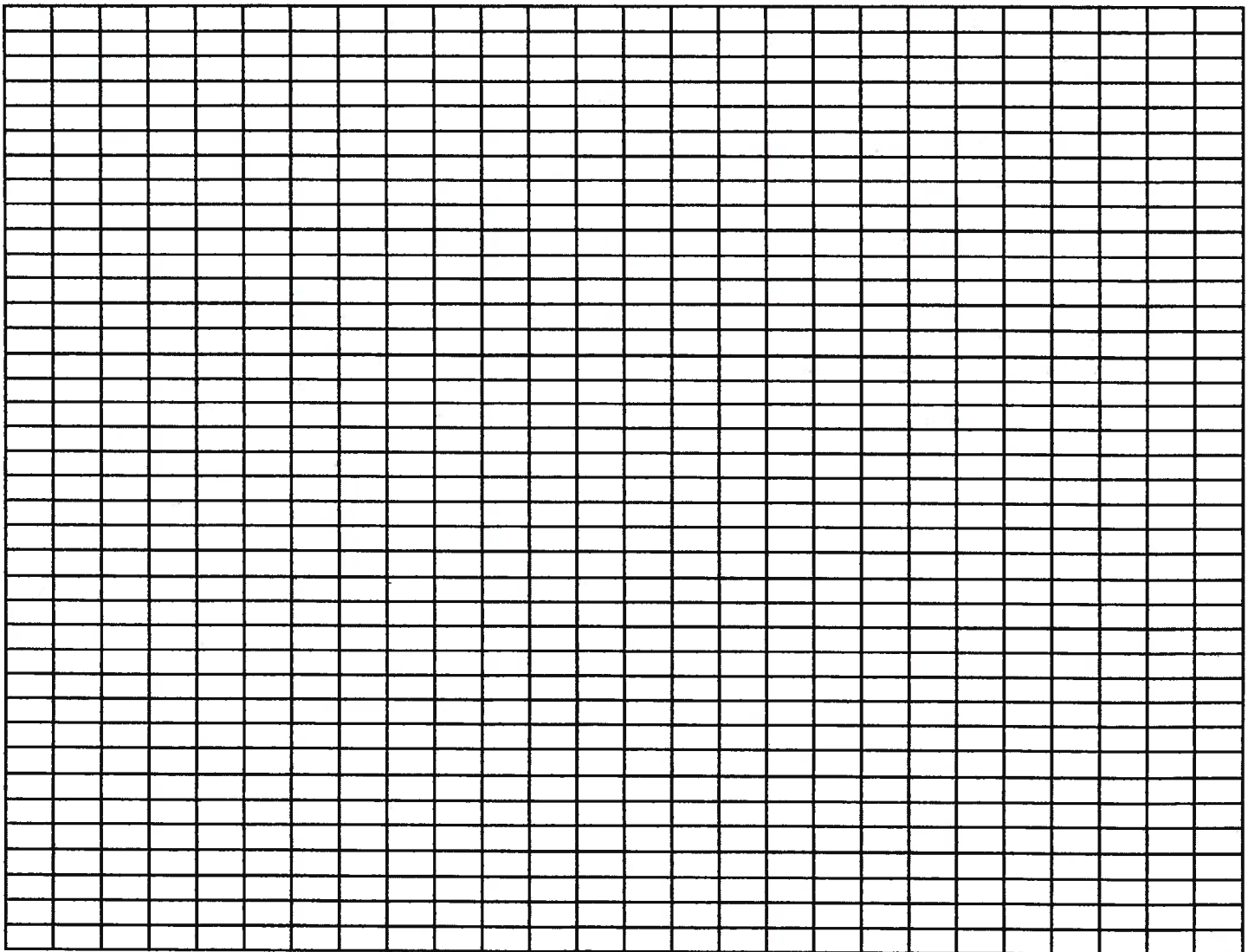
SCALE B:

Length and width of premises in feet:

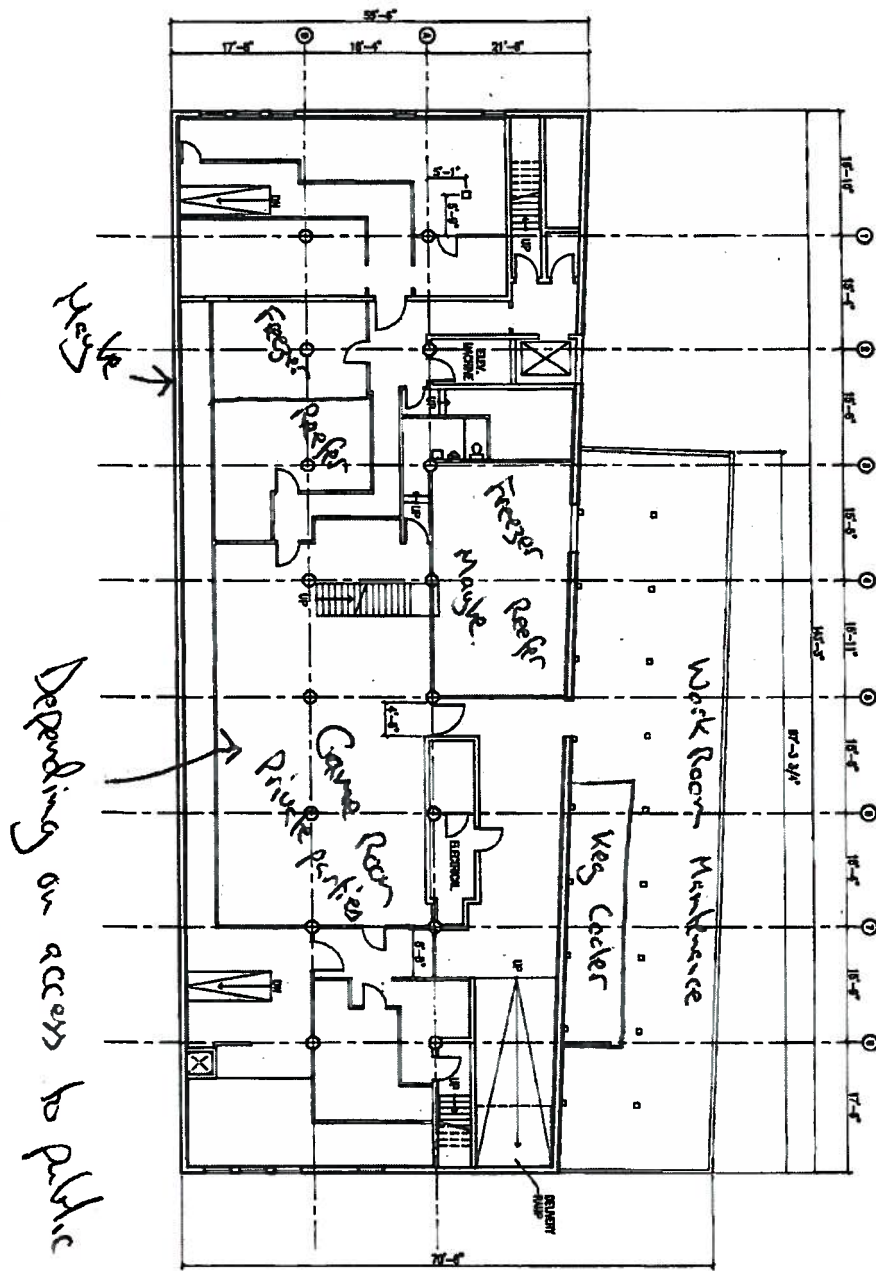
Design to be decided. See Footprint.

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

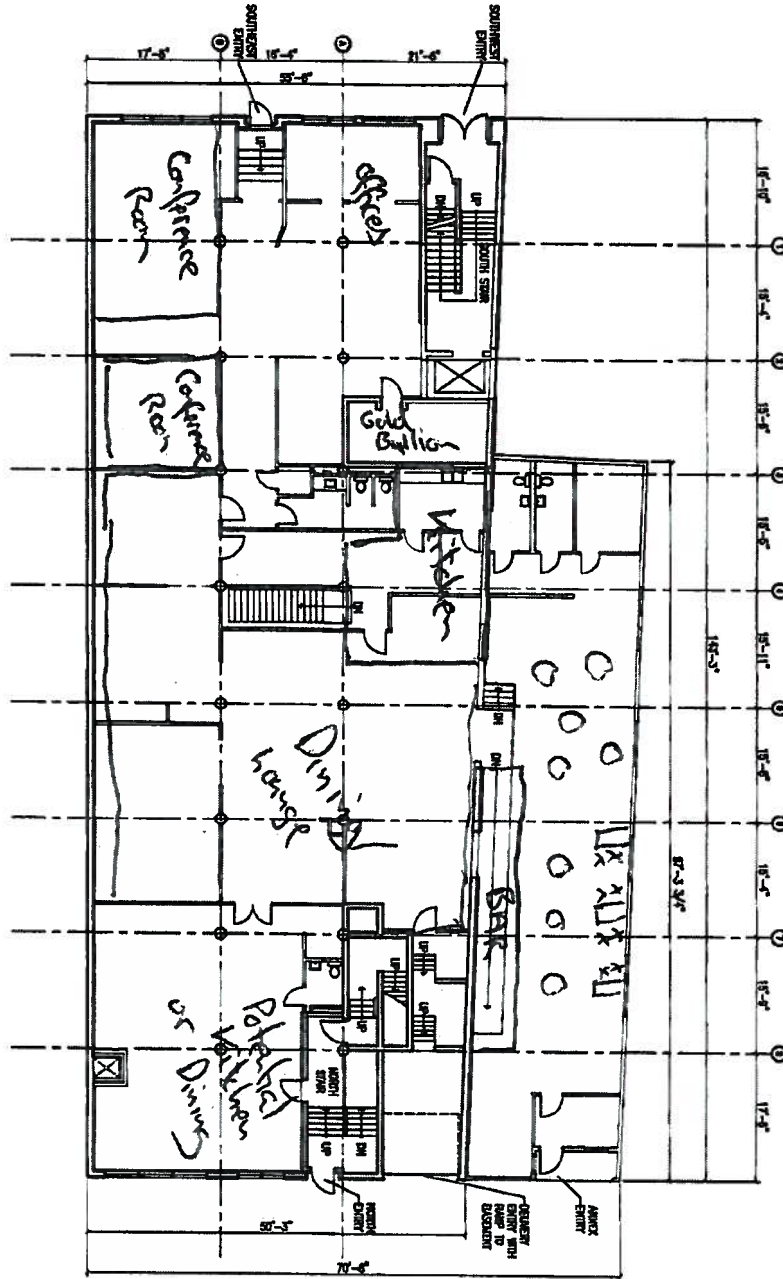
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



⑧ LATHROP BUILDING BASEMENT
 1/8" = 1'-0"



⊕ LATHROP BUILDING FIRST FLOOR
1/16" = 1'-0"



Lavelle's Special House Cocktails

Mandarin Dream

This Mixture of Absolut Mandarin Vodka and Chambord Liqueur will go down so Smooth the Rough Edges of the Day will Disappear! 7.50

Absolut Citron Lemon Drop Martini

This one drops the Lemon Bomb on the Martini World! The Key is the Freshly Squeezed Lemons with the Lemony Zest of Absolut Citron. 9.95

Appletini

The Quintessential Bar Drink! The Sweet yet Tart taste of Granny Smith Apples with our Smooth Vox Vodka! 8.50

Godiva Chocolate Martini

A Belgian delight brought right to our front door! Stoli Vanilla Vodka with Creamy Godiva Belgian Chocolate Liqueur finished with a splash of Cream. 11.95

X-rated Vacation

Wanna get away? This mix of Tropical Fruit Flavors and X-rated Fusion Vodka will send you on the exotic vacation of your wildest dreams...or at least away from your house for a couple of hours! 11.95

Mango Breeze

An Amazing Concoction of Captain Morgan Mango Rum, Pineapple Juice and Blue Caracao Liqueur served on the rocks that will take you back to your last trip to the beach! 6.95

Pineapple Upside Down Cake

MMM...a Warm Pineapple Upside Down Cake, just the way Grandma used to make...well, at least if she were bartender. A mix of the Finest Stoli Vanilla Vodka, Captain Morgan Rum, Dekuyper's Buttershots and a splash of cream. This Homemade treat is from our Family to Yours! 9.95

Thai Martini *Bartenders Choice!*

Who knew bliss could describe a martini, but bliss is exactly what this martini is! Hangar One Lime Vodka, Fresh Cilantro and Agave Nectar served in a Cayenne-Sugar rimmed Glass. 9.95

Strawberry Ginger Swizzle

Craft Distilled Gin with French Ginger Liqueur, Cognac and Strawberries served over ice with a squeeze of lime. This drink is one for the books! 11.95

Rum Runner

This Fruity Explosion of Tropical Malibu Rum, Blackberry Brandy and Meyer's Rum will make you stop off at Lavelle's before you cast off for the Dry Tortugas. 8.95

Tuaca Hot Apple Pie

This Warm and Inviting Mix of Tuaca and Apple Cider is a great after-dinner drink that might just have you asking for seconds. 9.95

Lavelle's Winter Warm-up

For those who can't decide between coffee or an after dinner Cocktail A delicious mix of Brandy, Kahlua, and Coffee. A perfect drink to finish a great meal! 8.95

Lavelle's Hot Buttered Rum

This will warm you up instantly! Captain Morgan's Spiced with a Homemade Hot Buttered Rum recipe, topped with a Dallop of Whipped Cream 9.95

Lavelle's Golden Dessert Nuggets

Warm Fried Banana Wontons:

A Lavelle's original Fresh bananas with roasted pecans and walnuts, served with Meyer's Rum Crème Anglaise 7.50

Mango Crème Brûlée "a new twist to an old favorite" 7.95

Black Bottom Crème Brûlée: "Cream & Chocolate; The best of both worlds" 7.95

Double Chocolate Mousse Cake. A frozen delight 7.50

Lavelle's Cheesecake:

New York Style Cheesecake served with Raspberry, Chocolate, or Caramel Sauce 8.50

Cappuccino Walnut Brownie Sundae

Triple Decker Brownies tower over Hot Lick's Vanilla Ice Cream - challenging you not to share. 8.95

George's Banana Bread Pudding

Fresh Bananas and caramel sauce!!!! Served warm. 7.50

Pedro Ice:

A Spanish Tradition! A serving of Pedro Ximenez Sherry beside a scoop of Fairbanks' own Hot Lick's Ice Cream 9.95

Hot Lick's Vanilla Ice Cream

served with Raspberry, Chocolate, or Caramel Sauce 6.50

Chocolate Kahlua Cake

Eight layers of rich chocolate Kahlua Cake and Espresso ganache 8.50

Ports

Graham's 10 Year Tawny Port (3 oz)	10.95
Graham's 20 Year Tawny Port (3 oz)	16.95
Graham's 30 Year Tawny Port (3 oz)	24.95
Graham's 40 Year Tawny Port (3oz)	39.95
100 Years of Port	49.95
(One 1.5 oz glass of 10 yr, 20yr, 30yr and 40yr Tawny)	

Graham's 2000	16.95
Graham's Late Bottled Vintage 2001	16.95
Smith Woodhouse Lodge Reserve	12.25
Townshend Port Washington	12.95
Justin Obstuse 2007	7.50
Warre's Otima 10 Year Tawny Port	10.95
Dow's Fine Ruby	6.50

Dessert Wines

	Glass	Bottle
Merryvale Antiqua Dessert Wine	12.95	60
Bin 8914		
Mondavi Moscato 2002 D'Oro 500ml	10.95	40
Bin 3116		
Inniskillin Ice Wine 2002	28.95	98
Bin 8915		
Mer Soleil Late Harvest 2000 Viognier	14.95	56
Bin 3120		
Mondavi Sauvignon Blanc Botrytis '99	16.75	65
Bin 2130		
Pedro Ximenez Gran Reserva	14.75	59
Bin 2575		
Hopler 2001 Trockenbeerenauslese	10.95	40
Bin 1605		

02/02/12

Lavelle's Discovery

Rack of Lamb

Pan Seared and then oven roasted, these chops are served with a vibrant demi glaze, kiwi lime marmalade, fresh sautéed vegetables and mashed potatoes. 36.95

Wine Recommendation: Wyndham Bin #555 Shiraz

Oven Roasted Half Duck

Finished with a Raspberry Glaze and Served with Mashed Potatoes and Fresh Sautéed Vegetables. 29.95

Wine Recommendation: Montinore Pinot Noir

Potato-Crusted Salmon

This extraordinary way of cooking produces a moist and tender filet of salmon cooked inside a crust of potatoes. Served with a lemon beurre blanc. 29.95

Wine Recommendation: Artesa Pinot Noir

Alaskan Halibut

Pan Seared Sesame Crusted Alaskan Halibut Served with a Thai Butter Sauce Accompanied with Coconut Jasmine rice and Fresh Sautéed Vegetables. 32.95

Wine Recommendation: Sonoma Cutrer Chardonnay

Wild Caught Alaskan King Crab Legs

No other shellfish in the world projects a more elegant image on your plate! One and a quarter pound of crab legs served with baked potato and fresh sautéed vegetables. 48.95

Wine Recommendation: Mer Soleil Chardonnay

Filet Mignon

Pan-seared to perfection, this tender entrée is served with a blue cheese-risotto pancake, a rich cabernet wine sauce and fresh sautéed vegetables. 35.95

Wine Recommendation: Dry Creek Cabernet Sauvignon

Grilled N.Y. Steak

Our Empire selection New York steak is served with caramelized shallots, sautéed mushrooms, fresh sautéed vegetables and a baked potato. 34.95

Wine Recommendation: J Lohr Cabernet Sauvignon



Bistro Baby Back Ribs

Louisiana Ribs with an Alaskan flair. This Alaskan sized portion of our slow cooked ribs is served with a mountain of french fries. A delightful glazed sensation. 32.95

Wine Recommendation: Bogle Petite Sirah

Lavelle's Chicken Champignon

Crispy skin breast of chicken topped with a medley of mushrooms, and a brandy cream sauce. Accompanied by long grain and wild rice and fresh sautéed vegetables. 29.95

Wine Recommendation: Rodney Strong Chardonnay

Porterhouse Pork Chop

Pan seared, this tender selection is topped with Gorgonzola cheese and sautéed Granny Smith Apples and served with mashed potatoes and fresh sautéed vegetables. 29.95

Wine Recommendation: Franciscan Merlot

Meatloaf

Twenty-five ingredients make this a good candidate for the best meat loaf you've ever had! Served with mashed potatoes and fresh sautéed vegetables. 21.95

Wine Recommendation: Glass of Milk

Vegetarian Lasagna

Fire-roasted tomatoes, spinach, fresh herbs, shaved Parmesan and fresh mozzarella cheese. 16.95

Wine Recommendation: Zaca Mesa Santa Ynez Syrah

Chef's Pasta of the Day

Our Chef's choice, using the freshest ingredients available. Please ask your server for tonight's selection, description and price.

ADD: 10 Ounces of Wild Caught Alaskan King Crab Legs to any Entree

No other shellfish in the world projects a more elegant image on your plate! 21.95

Wine Recommendation: Mer Soleil Chardonnay

2/2/2012

Lavelle's Prospects

Shrimp Cocktail

Half a dozen cold-water shrimp served with an Asian wasabi cocktail sauce. 15.95

Wine Recommendation: Kenwood Yalupa Brut Sparkling Wine

Baked Brie

Brie Cheese topped with a cranberry brandy sauce baked to perfection in flaky puff pastry dough. 15.95

Wine recommendation: Brazin Dry Creek Zinfandel

Beer Battered Halibut

From the icy depths, our halibut comes to you hot and crisp. Served on skewers with tartar sauce. 16.95
w/French fries 18.95

*Recommendation: Draft Alaskan Amber
(some things are better with beer)*

Tempura Shrimp

East Meets Southwest. Shrimp battered in a delicate tempura batter, and served with a wasabi cocktail sauce and avocado puree. 15.95

Wine Recommendation: Roederer Brut Sparkling Wine

Lavelle's Lobster Cakes

Delicious Maine Lobster Cakes served over spring greens with a remoulade sauce. 15.95

Wine Recommendation: Mer Soleil Chardonnay

Coconut Shrimp

Butterflied Shrimp encrusted with shredded coconut crumbs and fried to crispy perfection. Served with a Grand Marnier apricot marmalade. 15.95

Wine Recommendation: King Estate Pinot Gris

Lavelle's Pizza 7"

A wild combination of melted Gorgonzola cheese, fresh rosemary, slivers of sweet red onion and roasted pine nuts. 7.50

Wine Recommendation: J Lohr Cabernet Sauvignon

Arlette's Cheese Pizza 7"

Some things you can't improve! Tomato sauce topped with shredded mozzarella & cheddar cheese. 6.95

Add Pepperoni 7.95

Recommendation: Thomas Kemper Root Beer

Lavelle's Chicken Wings

One Pound of meaty chicken wings served with your choice of sauce: ranch, blue cheese, BBQ or Lavelle's Signature hot sauce. 14.95

Recommendation: Stella Artois

King Crab & Artichoke Dip

Words can't describe this rich indulgence. Served warm with Parmesan cheese, sliced almonds and fresh pita chips. 15.95

Wine Recommendation: Joseph Drouhin Chardonnay

Calamari

This tender Lavelle's appetizer is deep-fried and served with a lemon aioli—Superb! 10.95

Wine Recommendation: Mills Reef Reserve Sauvignon Blanc

Bourbon Street Shrimp

Blackened Louisiana style shrimp sautéed in a brandy cream lobster sauce finished with cheese. 15.95

Wine recommendation: Mumm Blanc de Noir Brut Rose

Shrimp in a Thai Red Curry Sauce

Sautéed shrimp in a coconut curry sauce with jasmine rice. An Asian sensation! 15.95

Wine Recommendation: Loredona Riesling

Sesame Crusted Ahi

Seared Sesame Crusted Ahi served with an Asian BBQ essence and finished with a wasabi drizzle. 14.95

Wine Recommendation: Chateau St Michelle Riesling

Lemon Scallops and Spinach

Pan seared Alaskan scallops served with fresh spinach and capers over a lemon beurre blanc 14.95

Wine Recommendation: Cambria Chardonnay

Beef Tips

Sautéed beef tips with shallots and mushrooms in a rich demi glaze sauce served with crusty old world bread. 14.95

Wine Recommendation: Bookwalter Lot 24



Mini Rack of Lamb

A half rack served with a vibrant demi glaze, kiwi lime marmalade and mashed potatoes. 18.95

Wine Recommendation: Wyndham Bin#555 Shiraz

Chinese Potstickers

A Café de Paris favorite. Minced pork and vegetables in a wonton wrapper, fried crisped and served with a sweet chili and a spiced soy sauce. 11.95

Wine Recommendation: Chateau St. Michelle Riesling

02/02 Separate checks are not permitted for parties of six or more. Lavelle's Bistro reserves the right to add 18% gratuity on parties of six or more unless prior arrangements have been made. *Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

Lavelle's Salads

French Onion Soup

Sweet onions are simmered in rich homemade stock then topped with crusty French bread and Gruyere cheese. 10.95

Classic Caesar

Crisp Romaine lettuce tossed with our herbed croutons, Parmesan cheese, and our fabulous Lavelle's Caesar dressing. 13.95

W/grilled Chicken 16.95 W/grilled shrimp 19.95

Wine recommendation: Roederer Brut Sparkling Wine

Sesame Chicken Salad

Grilled breast of chicken on a bed of field greens, with celery, green onions and toasted sliced almonds topped with a sweet sesame vinaigrette and deep fried wontons. 14.95

Wine recommendation: Chateau St. Michelle Reisling

Lavelle's Salad

A bed of field greens, topped with gorgonzola cheese, caramelized walnuts, seasonal fruit and Lavelle's house dressing. 13.95 Small: Lavelle's 7.25

Wine recommendation: Mer Soleil Chardonnay

Grilled Shrimp Spinach Salad

Fresh plus fresher equals freshest! Baby spinach greens with fresh mozzarella, tomatoes, bacon and almonds bathed in balsamic vinaigrette. Capped with grilled marinated black tiger prawns- this salad is incomparable. 18.95

Wine recommendation: Bookwalter Lot 24

Salad Teresa

Pan-seared scallops on a bed of field greens, with celery, green onions and toasted sliced almonds topped with a sweet sesame vinaigrette and deep fried wontons. 17.95

Wine recommendation: Mills Reef Sauvignon Blanc

Warm Red Cabbage Salad

Sautéed red cabbage tossed with green onions, crisp bacon, caramelized walnuts, dried cranberries and chevre. 14.95

Wine recommendation: Marietta Old Vine

House Salad

Spring Greens with tomato, cucumber, artichokes and your choice of ranch, blue cheese or Dijon vinaigrette. 12.95

Wine recommendation: Sonoma Cutrer Chardonnay

Warm Blue Cheese & Pear

Grilled chicken, a warm blue cheese medallion, toasted pecans and freshly sliced pears over fresh spring greens with our maple syrup vinaigrette dressing make this combination incomparable! 15.95

Wine recommendation: Cambria Chardonnay

Lavelle's Wine by the Glass Selections

Bin	White Wines	Glass	Carafe	Bottle
1122	Mer Soleil Chardonnay	14.95	22.50	59.00
2102	Rodney Strong Chalk Hill Chardonnay	8.95	12.95	34.00
1499	Cambria Chardonnay Katherine's Vineyard	8.25	14.75	32.00
8733	Sonoma Cutrer Russian River Chardonnay	9.75	14.95	38.00
1703	Joseph Drouhin Chardonnay La Foret	8.25	13.50	32.00
3129	Mills Reef Reserve Sauvignon Blanc	7.95	11.95	30.00
3115	Chateau St. Michelle Riesling	6.95	10.50	26.00
1171	Loredona Riesling Monterey	6.95	10.50	26.00
1681	King Estates Pinot Gris	9.50	14.25	36.00
1922	Kris Pinot Grigio	7.95	11.95	31.00
3102	Roederer Estate Brut Sparkling Wine	6.50	9.75	39.00
3140	Kenwood Yulupa Brut Sparkling Wine	5.95	8.95	25.00
8988	Mumm Blanc de Noir Brut Rose	7.95	11.95	39.00
	Red Wines			
1611	Justin Cabernet Sauvignon	11.25	16.50	45.00
1562	J. Lohr Cabernet Sauvignon	8.25	13.50	32.00
1557	Dry Creek Cabernet Sauvignon	10.95	16.25	42.00
8869	Silver Palm Cabernet Sauvignon	7.95	11.95	31.00
1156	Merryvale Stramont Cabernet Sauvignon	11.25	16.50	45.00
5094	Franciscan Merlot	9.95	14.95	39.00
1137	Emmolo Merlot	12.25	18.25	49.00
8729	Ghost Pines Merlot	7.75	11.50	29.00
1132	Alexander Valley Vineyards Temptation Zinfandel	7.95	11.95	31.00
1971	Brazin Dry Creek Zinfandel	9.50	14.25	36.00
1220	Wyndham Bin #555 Shiraz	6.95	10.50	26.00
7090	Bogle Petite Syrah	6.95	10.50	26.00
1102	Zaca Mesa Santa Ynez Syrah	9.75	14.95	38.00
8780	Artessa Pinot Noir	9.95	14.95	39.00
6002	Montinore Pinot Noir	9.50	14.25	36.00
1119	Marietta Old Vine Red	7.95	11.95	30.00
9140	Bookwalter Lot 24 Red Wine	11.25	16.95	45.00
1009	Gabbianno Chianti Classico	8.25	13.50	32.00
1712	Novelty Hill Royal Slope Red	9.75	14.75	38.00
9017	Stags Leap Nine Points Meritage	8.25	13.50	32.00
1857	Santa Ema Carmenere	7.50	11.25	29.00
1583	Kaiken Malbec	8.25	13.50	32.00
3123	Bodega Elena Malbec	7.50	11.25	28.00
1435	Campo Viejo Rioja Reserva Tempranillo	8.25	13.50	32.00

The Bistro House Selections: Value wines from the Sommelier

Glass - 5.50 Carafe - 8.25 Bottle - 21.00

Chardonnay Cabernet Sauvignon Merlot White Zinfandel

The Captain's List of the **Rossi Cellar** is available from your server

Domestic Beer: Budweiser, MGD, Bud Lite, Miller Lite, Coors Lite, Michelob Ultra 4.50

Micro & Imported Beer

Guinness 6.00 Corona 5.50 Heineken 5.50 Anchor Steam 5.50 Blue Moon 5.50

Samuel Smith Oatmeal Stout 7.50 Deshuttles Mirror Pond Ale 5.50 Chimay 8.95

Deshuttles Black Butte Porter 5.50 Lindeman's Framboise 10.50

Franziskaner Hefeweizen 5.50 Pyramid Hefeweizen 5.50 Sierra Pale Ale 5.50

Alaskan Micro Brew: Alaskan Seasonal Ale, Silver Gulch Amber,
Silver Gulch Lager, Silver Gulch Pilsner 5.50

Draft Beer: Ask Your Server

Non Alcoholic Beverages

Imported N/A Beer 5.50 Sparkling Bottled Water 2.95

Thomas Kemper Root Beer or Ginger Ale 2.95

Coke, Diet Coke, & Sprite 2.50 Ice Tea, Coffee & Hot Tea 2.50

Hot Cocoa & Spiced Apple Cider 2.95

Red Bull or Sugar Free Red Bull 3.95

Lavelle's Special Cocktails, Ports, and Dessert Wines on the last page of the Dinner Menu



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: February 3, 2012

RECEIVED
FEB 10 2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-NEW APPLICATION

CITY CLERKS OFFICE

DATE NOTICE RECEIVED AT CLERKS OFFICE: 02-02-2012 (60 DAY DUE DATE 04/02/2012)

DATE RESPONSE DUE: 02/28/2012 for City Council Meeting of 03/05/2012

License #: 5125
License Type: Beverage Dispensary - Duplicate
D.B.A.*: Lavelle's Annex
Licensee/Applicant: Café de Paris Catering Co.
Physical Location: 519 First Avenue, Fairbanks

Mail Address: 575 First Avenue, Fairbanks, AK 99701
Telephone #: 907-456-1669
EIN: 92-0171171

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Café de Paris Catering Co.	575 1 st Avenue, Fairbanks, AK 99701	456-1669	12/29/1999 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 (%)
Frank Eagle Secretary / Treasurer	02/11/1954	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%
Kathleen Lavelle President	03/07/1955	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%

ADDITIONAL COMMENTS: Restaurant Designation Permit is also included for approval.

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT SIGNEE: _____

(Signature)

(Printed Name)

Jim Soileau

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

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: February 3, 2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-NEW APPLICATION

DATE NOTICE RECEIVED AT CLERKS OFFICE: 02-02-2012 (60 DAY DUE DATE 04/02/2012)

DATE RESPONSE DUE: 02/28/2012 for City Council Meeting of 03/05/2012

License #: 5125
License Type: Beverage Dispensary - Duplicate
D.B.A.*: Lavelle's Annex
Licensee/Applicant: Café de Paris Catering Co.
Physical Location: 519 First Avenue, Fairbanks

Mail Address: 575 First Avenue, Fairbanks, AK 99701
Telephone #: 907-456-1669
EIN: 92-0171171

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Café de Paris Catering Co.	575 1 st Avenue, Fairbanks, AK 99701	456-1669	12/29/1999 Alaska	Yes

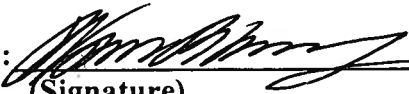
Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Frank Eagle Secretary / Treasurer	02/11/1954	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%
Kathleen Lavelle President	03/07/1955	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%

ADDITIONAL COMMENTS: Restaurant Designation Permit is also included for approval.

NO PROTEST:
COMMENTS

PROTEST
REASONS: CONTINGENT ON FIRE DEPT. & LONE INSPECTION.

DEPARTMENT SIGNEE:  (Signature) | WARREN B CUMMINS (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.



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: February 3, 2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-NEW APPLICATION

DATE NOTICE RECEIVED AT CLERKS OFFICE: 02-02-2012 (60 DAY DUE DATE 04/02/2012)

DATE RESPONSE DUE: **02/28/2012** for City Council Meeting of 03/05/2012

License #: 5125
License Type: Beverage Dispensary - Duplicate
D.B.A.*: Lavelle's Annex
Licensee/Applicant: Café de Paris Catering Co.
Physical Location: 519 First Avenue, Fairbanks

Mail Address: 575 First Avenue, Fairbanks, AK 99701
Telephone #: 907-456-1669
EIN: 92-0171171

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Café de Paris Catering Co.	575 1 st Avenue, Fairbanks, AK 99701	456-1669	12/29/1999 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 (%)
Frank Eagle Secretary / Treasurer	02/11/1954	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%
Kathleen Lavelle President	03/07/1955	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%

ADDITIONAL COMMENTS: Restaurant Designation Permit is also included for approval.

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT SIGNEE:  / DAWN J. ZAGER
(Signature) (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.
AGENDA PACKET - March 2012 ANY QUESTIONS CALL OUR OFFICE AT 459-6774. THANK YOU.



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: February 3, 2012

Building Department

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-NEW APPLICATION

DATE NOTICE RECEIVED AT CLERKS OFFICE: 02-02-2012 (60 DAY DUE DATE 04/02/2012)

DATE RESPONSE DUE: 02/28/2012 for City Council Meeting of 03/05/2012

License #: 5125
License Type: Beverage Dispensary - Duplicate
D.B.A.*: Lavelle's Annex
Licensee/Applicant: Café de Paris Catering Co.
Physical Location: 519 First Avenue, Fairbanks

Mail Address: 575 First Avenue, Fairbanks, AK 99701
Telephone #: 907-456-1669
EIN: 92-0171171

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Café de Paris Catering Co.	575 1 st Avenue, Fairbanks, AK 99701	456-1669	12/29/1999 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 (%)
Frank Eagle Secretary / Treasurer	02/11/1954	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%
Kathleen Lavelle President	03/07/1955	912 Kellum Street Fairbanks, AK 99701	907-456-1669	50%

ADDITIONAL COMMENTS: Restaurant Designation Permit is also included for approval.

NO PROTEST:
COMMENTS

PROTEST REASONS: *Contingent upon successful completion of renovation and final approval of Building Dept.*

DEPARTMENT SIGNEE: *Clemens M. Clooten* / CLEMENS M. CLOOTEN
(Signature) (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.

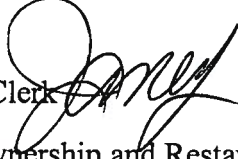
ANY QUESTIONS CALL OUR OFFICE AT 459-6774. THANK YOU.

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 and Restaurant Designation Permit

DATE: March 1, 2012

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

License #: 1639
License Type: Restaurant Eating Place (AS 04.11.100)
D.B.A.: Alaska Salmon Bake
Licensee/Applicant: Malemute, Inc.
Physical Location: 2300 Airport Way Fairbanks, AK 99701

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Malemute, Inc.	3175 College Rd. #1 Fairbanks, AK 99701	907-452- 7274	10/14/1983 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 (%)
Richard Winther	3/7/47	820 Eton Dr. Fairbanks, AK 99709	907-458- 0344	President/100%
Jeremy Richards	8/25/75	422 Carlton Dr. Fairbanks, AK 99701	907-452- 7274	Secretary/0%

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

License #: 1639
Current D.B.A.: Alaskan Salmon Bake
Current Licensee: Inter Sea, Inc.
Current Location: 2300 Airport Way Fairbanks, AK 99701

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

Please note there are no Departmental protests for this transfer.



State of Alaska
 Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
 Joseph A. Masters, Commissioner

January 25, 2012

City of Fairbanks
 Attn: Janey Hovenden and Peggy Phillips
 VIA EMAIL: jjhovenden@ci.fairbanks.ak.us; pPhillips@co.fairbanks.ak.us

Alaska Salmon Bake – License #1639

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

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

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

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

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

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

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

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

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

Sincerely,

SHIRLEY A. GIFFORD
Director



Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

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

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: January 25, 2012

Application Type: **NEW**_____

TRANSFER
 Ownership

Location

Name Change

Governing Body: **City of Fairbanks**
Fairbanks North Star Borough

License #: 1639
License Type: Restaurant Eating Place (AS 04.11.100)
D.B.A.: Alaska Salmon Bake
Licensee/Applicant: Malemute, Inc.
Physical Location: 2300 Airport Way Fairbanks, AK 99701
Mail Address: 3175 College Road #1 Fairbanks, AK 99701
Telephone #: 907-452-7274
EIN: 92-0075466

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Malemute, Inc.	3175 College Rd. #1 Fairbanks, AK 99701	907-452-7274	710/14/1983 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 (%)
Richard Winther	3/7/47	820 Eton Dr. Fairbanks, AK 99709	907-458-0344	President/100%
Jeremy Richards	8/25/75	422 Carlton Dr. Fairbanks, AK 99701	907-452-7274	Secretary/0%

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

License #: 1639
Current D.B.A.: Alaskan Salmon Bake
Current Licensee: Inter Sea, Inc.
Current Location: 2300 Airport Way Fairbanks, AK 99701

Additional comments: DBA and location remain the same

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.

SHIRLEY A. GIFFORD
Director



Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

STATE OF ALASKA
 ALCOHOLIC BEVERAGE CONTROL BOARD
 APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 15 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 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (13 AAC 104.745).

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

- 1 Under AS 04.16.010(c) Bona fide restaurant/eating place.
- 2 Persons between 16 & 21 may dine unaccompanied.
- 3 Persons under 16 may dine accompanied by a person 21 years or older.
- 4 Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: Malemute Inc.

D/B/A: Alaska Salmon Bakes

ADDRESS: 2300 Airport Way Fairbanks Alaska 99701

- 1. Hours of Operation: 5:00pm to 9:00pm Telephone # 907-452-7274
- 2. Have police ever been called to your premises by you or anyone else for any reason: Yes No
 If yes, date(s) and explanation(s).

3. Duties of employment: Empty Trash, Restock Salad Bar, Clean Bathrooms

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

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

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

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

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

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (13 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

Richard S. Schutte
 Applicant(s) signature

Subscribed and sworn to before me this _____ day of _____

[Signature]
 Notary Public in and for Alaska

My Commission expires 1/1/12

Application approved (13 AAC 104.725(e))
 Governing Body Official

Date: _____

Director, ABC Board

Date: _____



NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

* Describe how food is served on back of form.

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

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

DBA: Alaska Salmon Bake

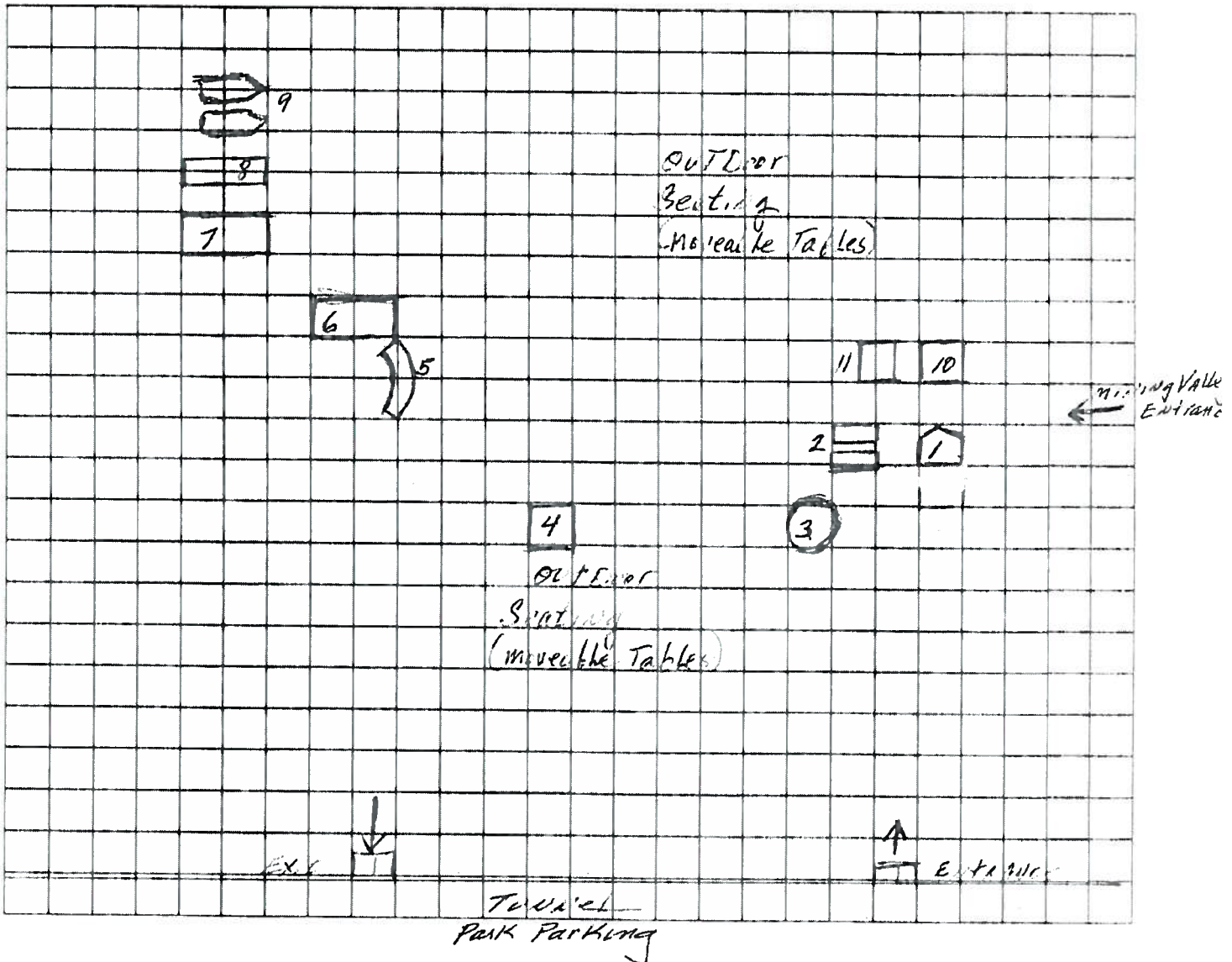
PREMISES LOCATION: 2300 Airport Way Fairbanks AK 99709

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

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

Length and width of premises in feet:

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



Revised 6/16/06

**ALASKA SALMON BAKE
PREMISES DIAGRAM LEGEND**

- 1 Welcome Center**
- 2 Salad Bars**
- 3 Beverage Booth-purchase beverages**
- 4 RC Wood indoor dining**
- 5 Grill**
- 6 Kitchen**
- 7 Connex-indoor dining**
- 8 Warming Center-indoor dining**
- 9 Tents (2)-indoor dining**
- 10 Storage cabin**
- 11 Desert Cabin**

Dinner
Nightly

5 pm
to 9 pm

ALASKA SALMON BAKE



Enjoy Slow-Roasted Prime Rib Fire-Grilled Salmon & Beer-Battered Alaskan Cod

With salad bar, baked beans, dessert,
and assorted hot and cold beverages
included with your meal.

Beer & Wine Available

*Located in
Pioneer Park
Fairbanks,
Alaska*



(907) 452-7274
1-800-354-7274

www.akvisit.com

Open mid-May to mid-September



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: 01-31-2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP

DATE NOTICE RECEIVED AT CLERKS OFFICE: 01/25/2012 - 60 DAY DUE DATE 03/25/2012

DATE RESPONSE DUE: **02/28/2012** for City Council Meeting of 03/05/2012

License #: 1639
License Type: Restaurant Eating Place (AS 04.11.100)
D.B.A.: Alaska Salmon Bake
Licensee/Applicant: Malemute, Inc.
Physical Location: 2300 Airport Way Fairbanks, AK 99701

Mail Address: 3175 College Road #1 Fairbanks, AK 99701
Telephone #: 907-452-7274
EIN: 92-0075466

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Malemute, Inc.	3175 College Rd. #1 Fairbanks, AK 99701	907-452-7274	10/14/1983 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 (%)
Richard Winther	3/7/47	820 Eton Dr. Fairbanks, AK 99709	907-458-0344	President/100%
Jeremy Richards	8/25/75	422 Carlton Dr. Fairbanks, AK 99701	907-452-7274	Secretary/0%

If transfer application, current license information:

License #: 1639
Current D.B.A.: Alaskan Salmon Bake
Current Licensee: Inter Sea, Inc.
Current Location: 2300 Airport Way Fairbanks, AK 99701

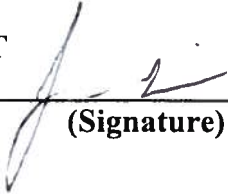
ADDITIONAL COMMENTS: Restaurant Designation Permit is also requested

Alaska Salmon Bake – Malemute, Inc.
Transfer Ownership Application
February 2012
PAGE 2

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE:


(Signature)

1 James N. 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

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: 01-31-2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP

DATE NOTICE RECEIVED AT CLERKS OFFICE: 01/25/2012 - 60 DAY DUE DATE 03/25/2012

DATE RESPONSE DUE: 02/28/2012 for City Council Meeting of 03/05/2012

License #: 1639
License Type: Restaurant Eating Place (AS 04.11.100)
D.B.A.: Alaska Salmon Bake
Licensee/Applicant: Malemute, Inc.
Physical Location: 2300 Airport Way Fairbanks, AK 99701

Mail Address: 3175 College Road #1 Fairbanks, AK 99701
Telephone #: 907-452-7274
EIN: 92-0075466

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Malemute, Inc.	3175 College Rd. #1 Fairbanks, AK 99701	907-452-7274	10/14/1983 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 (%)
Richard Winther	3/7/47	820 Eton Dr. Fairbanks, AK 99709	907-458-0344	President/100%
Jeremy Richards	8/25/75	422 Carlton Dr. Fairbanks, AK 99701	907-452-7274	Secretary/0%

If transfer application, current license information:

License #: 1639
Current D.B.A.: Alaskan Salmon Bake
Current Licensee: Inter Sea, Inc.
Current Location: 2300 Airport Way Fairbanks, AK 99701

ADDITIONAL COMMENTS: *Restaurant Designation Permit is also requested*

Alaska Salmon Bake – Malemute, Inc.
Transfer Ownership Application
February 2012
PAGE 2

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE:


(Signature)

WYBEN B CUMMINGS
(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

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: 01-31-2012

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP

DATE NOTICE RECEIVED AT CLERKS OFFICE: 01/25/2012 - 60 DAY DUE DATE 03/25/2012

DATE RESPONSE DUE: **02/28/2012** for City Council Meeting of 03/05/2012

License #: 1639
License Type: Restaurant Eating Place (AS 04.11.100)
D.B.A.: Alaska Salmon Bake
Licensee/Applicant: Malemute, Inc.
Physical Location: 2300 Airport Way Fairbanks, AK 99701

Mail Address: 3175 College Road #1 Fairbanks, AK 99701
Telephone #: 907-452-7274
EIN: 92-0075466

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Malemute, Inc.	3175 College Rd. #1 Fairbanks, AK 99701	907-452-7274	10/14/1983 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 (%)
Richard Winther	3/7/47	820 Eton Dr. Fairbanks, AK 99709	907-458-0344	President/100%
Jeremy Richards	8/25/75	422 Carlton Dr. Fairbanks, AK 99701	907-452-7274	Secretary/0%

If transfer application, current license information:

License #: 1639
Current D.B.A.: Alaskan Salmon Bake
Current Licensee: Inter Sea, Inc.
Current Location: 2300 Airport Way Fairbanks, AK 99701

ADDITIONAL COMMENTS: *Restaurant Designation Permit is also requested*

**Alaska Salmon Bake – Malemute, Inc.
Transfer Ownership Application
February 2012
PAGE 2**

**NO PROTEST:
COMMENTS**

**PROTEST
REASONS:**

**DEPARTMENT
SIGNEE:**



(Signature)

KAREN J. ZAGER

(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.

ORDINANCE NO. 5876

**AN ORDINANCE TO AMEND CHAPTERS 14, 46, AND 78 TO REPEAL,
AMEND, AND CLARIFY CERTAIN OFFENSES**

WHEREAS, certain offenses under the Fairbanks Code that are currently misdemeanors could be handled more efficiently and without any detriment to public safety as violations; and

WHEREAS, certain offenses under the Code are duplicative of offenses found in State criminal and traffic statutes; and

WHEREAS, there are certain ordinances currently in the Fairbanks Code that have become outdated or have been held unconstitutional since the time they were first enacted,

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

SECTION 1. That Fairbanks General Code Chapter 14, is amended as follows [new text is in **bold/underlined** font; deleted text is in ~~strike-out~~ font]:

Sec. 14-171. Illegal Presence

(a) A person may not knowingly enter or remain on premises:

- (1) In which alcoholic beverages are manufactured, sold, offered for sale, possessed for sale or barter, trafficked in or bartered in violation of:
 - a. AS 04.11.010;
 - b. AS 04.16.090; or
 - c. A municipal ordinance adopted under AS 04.21.010(a) or (b); or
- (2) Licensed under state law during hours in which the person's presence on the premises is a violation of a city ordinance adopted under authority of AS 04.16.010(d) providing for hours of closure that are outside the hours of closure prescribed by AS 04.16.010(c).

(b) A person who violates this section is guilty of a **violation**~~misdemeanor~~, punishable **by a maximum fine of \$500**~~as provided in section 1-15.~~ **This offense is amenable to disposition without court appearance upon payment**

and forfeiture of a bail amount of \$150, plus the surcharge imposed by the State of Alaska under AS 12.55.039.

Sec. 14-177. Indecent exposure in premises holding any alcohol license.

REPEALED.

SECTION 2. That Fairbanks General Code Chapter 46 is amended as follows [new text is in **bold/underlined** font; deleted text is in ~~strike out~~ font]:

Sec. 46-4. Penalties.

* * * * *

(c) A person convicted of any of the following offenses shall be punished by a fine only of not more than \$450.00:

- (1) ~~Section 46-43—Soliciting business on residential premises~~ **Section 46-41(a) – Disorderly Conduct.**
- (2) **Section 46-42(a) – Disturbing the peace**
- (3) Section 46-162 – Littering.
- (4) Section 46-137 – Illegal handbilling.

(d) A person convicted of any of the following offenses shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than five days or both such fine and imprisonment:

- (1) Section 46-41(**b**) – Disorderly conduct
- (2) **Section 46-42(b) – Disturbing the peace**
- (3) Section 46-80 – Drinking in public
- (3) ~~Section 46-257—Urinating in public~~

Sec. 46-41. Disorderly Conduct.

~~(a) A person commits the offense of disorderly conduct if he:~~ ~~No person may~~

- (a) **R**ecklessly blocks the entry or exit of any public or private building **or**

(b) After being informed by a police officer that his conduct is in violation of subsection (a), refuses to clear the entry or exit of the public or private building.

~~(b) No person may recklessly insult, taunt or challenge another person in a manner likely to offend or provoke a violent response.~~

Sec. 46-42. Disturbing the peace.

(a) A person commits the offense of disturbing the peace if he:

- (1) In a public place, repeatedly or continuously shouts, blows a horn, plays a musical or recording or amplifying instrument, or otherwise generates loud sound or noise with the intent to disturb or in reckless disregard of the peace and privacy of others.
- (2) In a private place, engages in the conduct described in subsection (a)(1) of this section, with the same intent or reckless disregard, after having been informed by another that the conduct is disturbing the peace and privacy of others not in the same place.
- (3) Between the hours of 11:00 p.m. and 7:00 a.m., operates or uses a pile driver, pneumatic hammer, bulldozer, road grader, loader, power shovel, derrick, backhoe, power saw, manual hammer, ~~motoreycle, snow machine~~ or other instrument, appliance or vehicle which generates loud sounds or noise, after having been informed by another that such operation or use is disturbing the peace and privacy of others.
- (4) Keeps any dog or other animal which is allowed to engage in frequent or prolonged barking or other loud noise-producing activity, after having been informed by another that such frequent or prolonged barking or noise-producing activity is disturbing the peace and privacy of others.
- (5) Repeatedly or continuously sounds any horn or other sound-producing warning device on a motor vehicle when such repeated or continued sounding is not necessary to warn of any danger.

(b) After being informed by a police officer that his conduct is in violation of subsection (a), refuses to abate the prohibited activity.

(c) As used in subsections (a)(1) and (a)(2) of this section:

- (1) “Loud sound” in a public place means sound which is loud enough to inhibit the ability of a not unduly sensitive person in the same place to speak freely without leaving the same place.
- (2) “Loud sound” in a private place means sound which is loud enough to awaken a not unduly sensitive person in another private place.
- (3) The inside and outside of buildings and separate residences within an apartment house, and separate rooms within a hotel are different places.

(d) As used in subsections (a)(3) and (a)(4) of this section, loud sound or loud noise is sound or noise which would awaken, or cause difficulty in sleeping for, the average, not unduly sensitive individual attempting to sleep in any house, apartment, hotel, motel or other residence in the vicinity of the sound or noise-producing activity.

(e) The following sound or noise is not prohibited by this section:

- (1) Noise of safety signals, warning devices and emergency pressure relief valves when used for their warning of emergency purposes.
- (2) Noise produced by any authorized emergency vehicle when responding to an emergency call or when otherwise authorized by law or ordinance to activate its sirens or other warning devices.
- (3) Noises necessarily produced in the course of work required to protect persons or property from an imminent peril.
- (4) Noise produced by any activity for which a permit has been issued pursuant to subsection (ef) of this section.

(f) Applications for a permit for relief from the application of this section to any activity on the basis of undue hardship may be made to the mayor or his duly authorized representative. A non-refundable application fee and a permit fee, as set forth in the city’s schedule of fees and charges for services, will be charged for the city’s processing of an application. Any permit granted by the mayor under this subsection shall contain all conditions upon which such permit has been granted and shall specify a reasonable time that the permit shall be effective. The mayor or duly authorized representative may grant the relief as applied for if he finds that:

- (1) Additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or

- (2) The activity, operation or noise source will be of a temporary duration; and cannot be done in a manner that would comply with other paragraphs of this section; and
- (3) No other reasonable alternative is available to the applicant.

However, the mayor may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

Sec. 46-43. Soliciting business on residential premises.

REPEALED.

Sec. 46-76. Sale or transfer of prohibited weapons to minors.

REPEALED.

Sec. 46-78. Issuing a bad check.

REPEALED.

Sec. 46-83. Administrative surcharge, minor misconduct.

REPEALED.

Sec. 46-186. Use of electronically amplified sound systems in motor vehicles.

Is hereby moved from Chapter 46 to Chapter 78, renumbered as FGC Sec. 78-652 and amended as follows:

Sec. 78-652. Use of electronically amplified sound systems in motor vehicles.

(a) No person operating or in control of a parked or moving motor vehicle shall operate or permit the operation of an electronically amplified sound system in or on the motor vehicle so as to produce sound that is clearly audible more than 50 feet from the motor vehicle.

(b) Any person violating the provisions of this section shall pay a **fine** ~~civil penalty~~ of \$50.00 for the first violation ~~or date of violation,~~ **and** \$300.00 for the second **and any subsequent** violations ~~within six months of the first violation,~~ and \$1,000.00 for the third violation ~~within one year of the first violation.~~

~~(c) Any authorized police officer may issue a citation for any violation under this section, except they may arrest for instances when the alleged violator refuses to provide the officer with such person's name and address and any proof as may be reasonably available to the alleged violator.~~

~~(d) The following sound or noise is not prohibited by this section:~~

- ~~(1) Noise of safety signals, warning devices and emergency pressure relief valves when used for their warning of emergency purposes.~~
- ~~(2) Noise produced by any authorized emergency vehicle when responding to an emergency call or when otherwise authorized by law or ordinance to activate its sirens or other warning devices.~~
- ~~(3) Noises produced by vehicles for the purpose of advertising commercial or political messages.~~

Sec. 46-257. Urinating in public.

(a) A person commits the offense of urinating in public if he urinates on any portion of a public place not existing for the purpose of receiving urine.

(b) A person convicted under this section shall be punished by a fine only if the person has not been previously convicted under this section or has only been convicted once. The fine for a first or second offense is \$150.00.

(c) A person convicted more than two times under this section shall be punished by a fine of not more than \$500, by imprisonment of not more than five days, or both such fine and imprisonment.

Sec. 46-258. Loitering for prostitution.

REPEALED.

Sec. 46-292. Failing to maintain firearm transaction record.

REPEALED.

Sec. 46-294. Possession of a dangerous weapon on school grounds.

REPEALED.

Sec. 46-327. Making a false report of need for emergency assistance.

REPEALED.

SECTION 3. That Fairbanks General Code Chapter 78, is amended as follows [new text is in **bold/underlined** font; deleted text is in ~~strike-out~~ font]:

Sec. 78-611. Reckless driving.

REPEALED.

Sec. 78-613. Failure to yield to police officer.

REPEALED.

Sec. 78-614, 615, 616. Notice of accident.

REPEALED.

Sec. 78-893. Unlawful use of license.

REPEALED.

SECTION 4. That the effective date of this Ordinance shall be the ____ day of March 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 5877

**AN ORDINANCE AUTHORIZING A LAND EXCHANGE BETWEEN THE
GREATER FAIRBANKS COMMUNITY HOSPITAL FOUNDATION AND
THE CITY OF FAIRBANKS TO FACILITATE VACATION OF 11TH
AVENUE AND TO PROVIDE PARKING ADJACENT TO FIRE STATION
HEADQUARTERS**

WHEREAS, the City owns the land underlying the streets within the original Townsite of Fairbanks by virtue of Deed from the Townsite Trustee; and

WHEREAS, The Greater Fairbanks Community Hospital Foundation, Inc. (GFCHF), seeks to vacate a portion of a City-owned right of way, comprising that portion of 11th Avenue lying east of the Noble Street, for the purpose of increased traffic safety and parking expansion as shown on "Exhibit A" (attached); and

WHEREAS, the City seeks to acquire additional land adjacent to the Fire Station Headquarters at 1101 Cushman to satisfy a parking shortfall; and

WHEREAS, GFCHF owns vacant Lot 6A, Block 122, adjoining the Fire Station Headquarters; and

WHEREAS, GFCHF and the City have agreed to a like-kind exchange of lands, in which the vacated portion of 11th Avenue will be exchange for a portion of Lot 6A, to be created by subdivision, as shown on "Exhibit B" (attached); and

WHEREAS, the Administration has determined that the exchange parcels each has a value of approximately \$60,000; and

WHEREAS, each party will bear its own costs of survey and administration as may be required to effect this exchange; and

WHEREAS, real estate exchange is unique by nature and not subject to public offering; and

WHEREAS, Fairbanks General Code Section 70-45 Property Exchanges authorizes the Council to approve such exchanges when in the judgment of the Council it is advantageous for the City to do so,

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

SECTION 1. That a Real Estate Purchase and Sale Agreement approved by the City Attorney shall be used to set forth the particulars in this real estate exchange.

SECTION 2. That the Mayor is hereby authorized to execute said Agreement and all such other legal documents as may be necessary to complete the transaction on behalf of the City.

SECTION 3. That conveyance of the property shall be subject to a thirty-day permissive referendum period as required under Fairbanks General Code of Ordinances Section 70-42, and the City Charter.

SECTION 4. That the effective date of this Ordinance shall be the 12th Day of March 2012.

JERRY CLEWORTH, Mayor

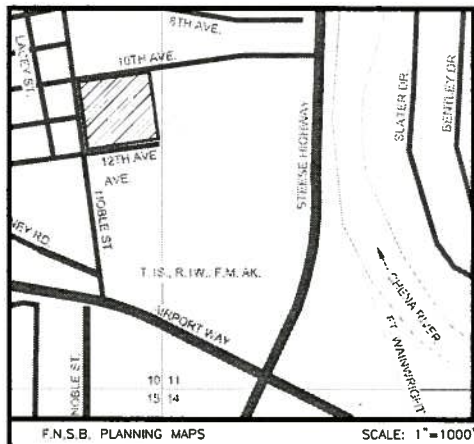
AYES:
NAYS:
ABSTAIN:
ABSENT:
ADOPTED:

ATTEST:

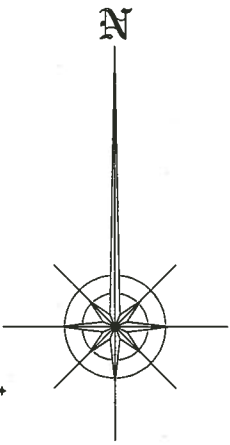
APPROVED AS TO FORM:

JANEY HOVENDEN, CMC, City Clerk

PAUL EWERS, City Attorney



VICINITY MAP

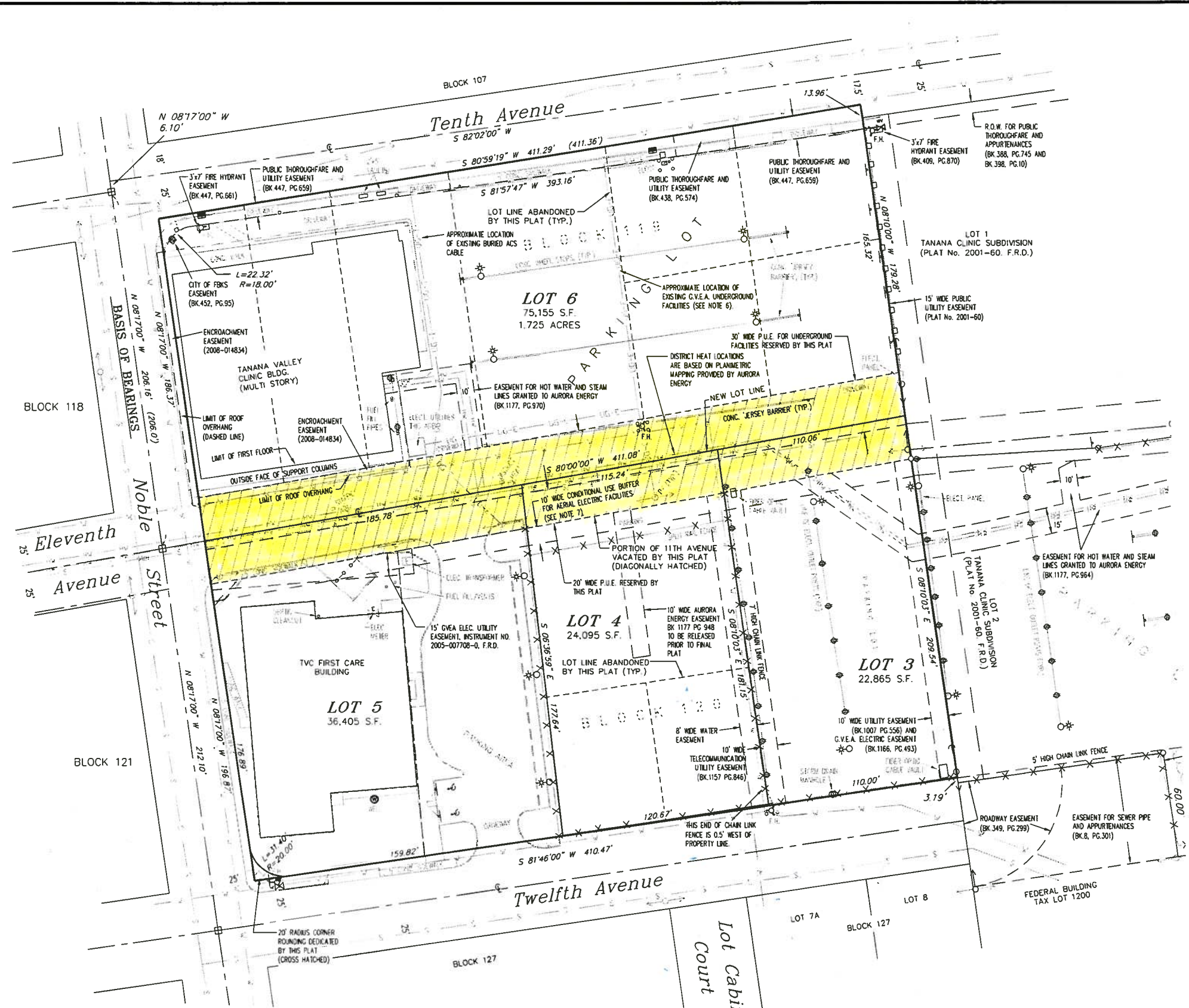


LEGEND

- UG-E UNDERGROUND ELECTRIC
- UG-T UNDERGROUND TELEPHONE
- S BURIED SEWER LINE
- W BURIED WATER LINE
- HV BURIED HOT WATER LINE
- UTILITY POLE
- ▽ FH FIRE HYDRANT
- FENCE
- FENCE GATE

NOTES

- 1.) This property lies within Flood Zone "X" per Federal Emergency Mapping Agency Flood Insurance Rate Map No. 025009 0182C dated January 2, 1992.
- 2.) This area is not covered by USDA soils mapping.
- 3.) The purpose of this plat is to vacate a portion of 11th Avenue and replat existing lots into larger parcels.
- 4.) This property is served by Golden Heart Utilities sewer and water.
- 5.) Buried utility locations shown hereon are a compilation of field locations and utility company mapping. Buried facilities will be field located as necessary prior to final plat approval.
- 6.) A 15' wide easement for buried electric facilities will be reserved centered on the as-built location of buried G.V.E.A. facilities.



TOTAL AREA = 3.54 ACRES

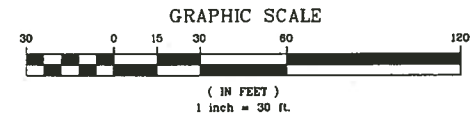


EXHIBIT 'A'
ORDINANCE 5877

STUTZMANN ENGINEERING ASSOCIATES, INC.
P.O. BOX 71429, FAIRBANKS, ALASKA 99707-1429
OFFICE AT 9 ADAK AVENUE (907) 452-4084

**TANANA VALLEY CLINIC SUBDIVISION
1ST ADDITION**

THE REPLAT OF BLOCKS 119 AND 120 FAIRBANKS TOWNSHIP
AND THE VACATION OF A PORTION OF 11TH AVENUE
WITHIN THE SE1/4 OF SECTION 10, T.1S., R.1W., F.M. AK.
FAIRBANKS RECORDING DISTRICT

FOR: THE GREATER FAIRBANKS COMMUNITY HOSPITAL FOUNDATION
SURVEYED BY: S.E.A. DATE: 2008
DRAWN BY: J.D.S. Page 52 of 68

Navigation:

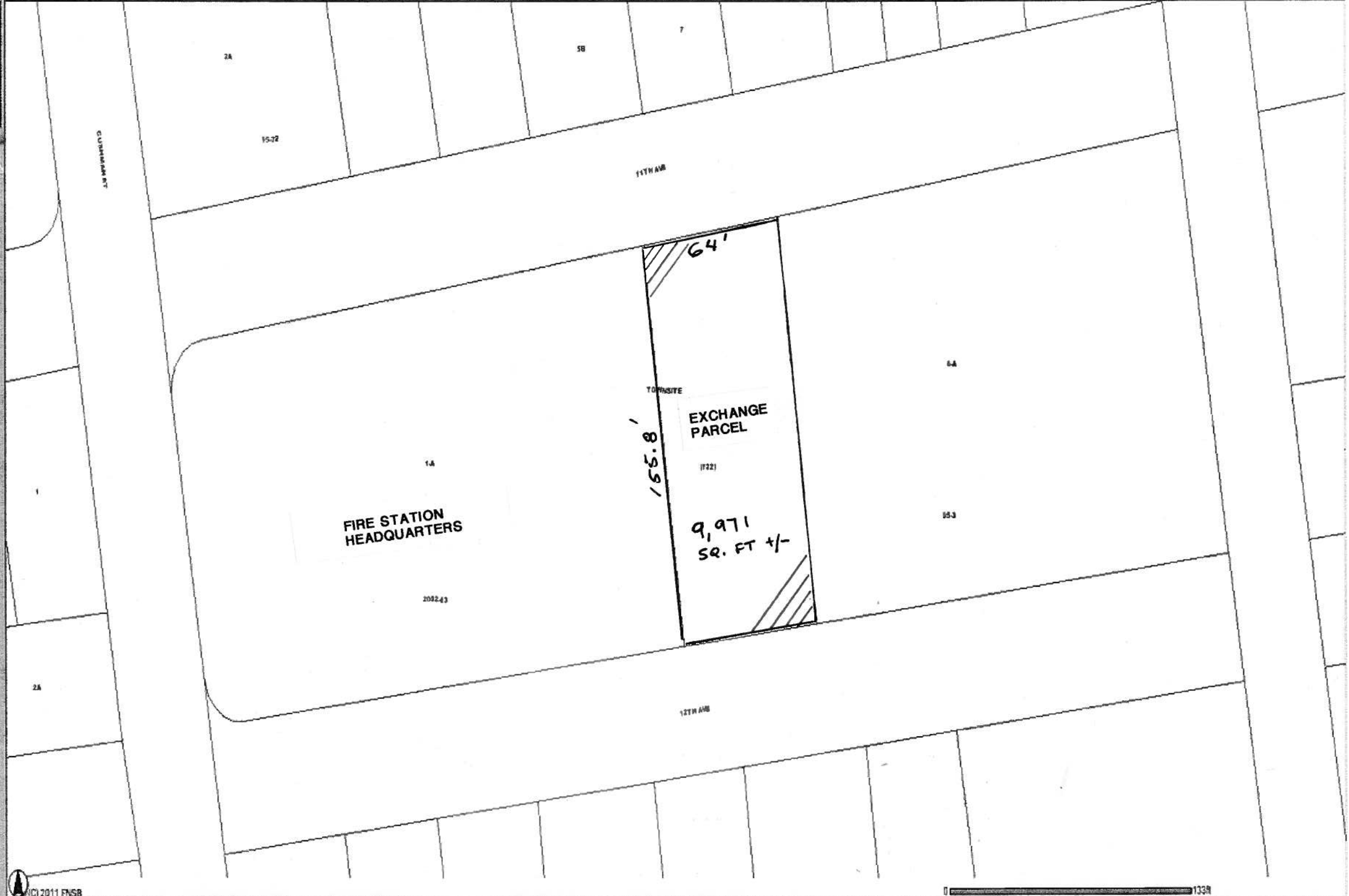
Data:

Select:

Tools:

Zoom In
Layers Legend Refresh

- Visible Active Layers
- Labels
 - Parcels
 - Road Lines
 - Sections
 - Boundaries
 - Borough Functions
 - Topo & Physical Info
 - Aerial Photos



To zoom in, specify a map extent by clicking on the map and dragging a rectangle.

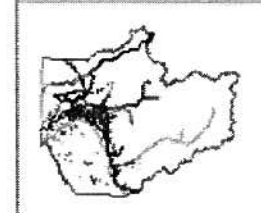


EXHIBIT 'B'
ORDINANCE 5877

RESOLUTION NO. 4515

**A RESOLUTION AMENDING THE SCHEDULE OF FEES & CHARGES
FOR SERVICES BY ADJUSTING REFUSE COLLECTION RATES AND
TOW FEES**

WHEREAS, Ordinance 5744 adopted the City *Schedule of Fees & Charges for Services* to be amended by resolution; section 37 of Ordinance 5744 provided that refuse collection rates be adjusted each year to reflect the annual change in the Anchorage Consumer Price Index as well as changes in the cost of fuel and tipping fees charged by the Fairbanks North Star Borough landfill; and

WHEREAS, the change in the annual consumer price index for 2011 was 3.2 percent; in addition, landfill tipping fees increased by \$7.00/ton, and other costs were reviewed and set in 2008; and

WHEREAS, the new towing contract increases the City's towing expenses for vehicle impoundments; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, to approve the attached amended version of the *Schedule of Fees and Charges for Services* amending the refuse collection rates (rounded to the nearest dollar) effective April 1, 2012 and tow fees effective upon approval of this Resolution.

PASSED and APPROVED this _____ day of _____ 2012.

Jerry Cleworth, MAYOR

AYES:
NAYS:
ABSENT
APPROVED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

City of Fairbanks Fee Schedule

Resolution 4515

Category	Code Sec.	Topic	Current Fee	Resolution 4515	Unit
Refuse Collection	66-42	Refuse Collection Rates*	\$ 66.00	\$ 70.00	<i>Per Quarter Rounded from \$70.47</i>
	66-43	Senior <i>Discounted</i> Rate*	\$ 49.00	\$ 52.00	<i>Per Quarter Rounded from \$52.12</i>
	66-42 66-69	Oversized Refuse Pickup	\$ 28.00	\$ 30.00	Per Trip Rounded from \$30.49

*Current Fee changed from monthly to quarterly for comparability in Resolution 4515

Vehicle Impound Fees	78-972	Tow Fee	\$ 100.00	\$ 135.00	Flat tow charge
----------------------	--------	---------	-----------	------------------	-----------------

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**

WHEREAS, The Landscape Review and Beautification Commission was established by Ordinance No. 5566 in 2004; and

WHEREAS, that ordinance also created the Landscape Review Board from within the Commission's membership; and

WHEREAS, the Commission has fulfilled its role in preparing a Landscape Manual for use by the Building Department; and

WHEREAS, during Fairbanks' short construction season, review of landscaping plans by the Commission is often not practicable; and

WHEREAS, the functions of the Landscape Review Board are still valuable and are retained within this ordinance under the new name of the Fairbanks Landscape Review and Appeals Commission; and

WHEREAS, the proposed changes to Chapter 2, Art. III, Div. 8 will require amendments to related sections of the Fairbanks Landscape Ordinance (FGC Sections 10-435 – 441),

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

SECTION 1. That Fairbanks General Code Chapter 2, Article III, Division 8 Landscape Review and Beautification Commission is amended as follows [new text is in **bold/underlined** font; deleted text is in ~~strike-out~~ font]:

ARTICLE III. Boards and Commissions

DIVISION 8. LANDSCAPE REVIEW AND **APPEALS** BEAUTIFICATION COMMISSION

Sec. 2-371. Created.

(a) There is created a landscape review and **appeals** ~~beautification~~ commission consisting of **five**~~nine~~ members, serving without compensation, to be appointed by the mayor subject to confirmation by the city council.

(b) At least **three**~~five~~ members of the commission shall be residents of the city or own property or operate a business within the city limits. The membership of

the commission shall consist of a minimum of ~~one~~^{three} architects or landscape architects and a maximum of ~~four~~^{six} lay members interested in civic improvements. The chair shall be elected by and from the commission subject to approval by the city council and shall serve in this capacity for one year. ~~Of the nine members first appointed, three shall be appointed for one year, three for two years, and three for three years; thereafter, A~~appointments to the commission shall be for three years except where an interim appointment is necessary to complete the term of a commissioner who resigns or dies while in office.

(c) The city building official shall be an ex officio members of the commission without vote. A secretary, who need not be a commission member, shall also be appointed by the members of the commission.

~~(d) Five members of the commission shall be appointed to serve as the landscape review board with no more than one architect or landscape architect. Two alternates shall be appointed. The landscape review board shall be nominated by the city mayor and confirmed by the city council. The landscape review board shall be available to meet in public upon five days public notice to any matter and render a decision.~~

Sec. 2-372. Meetings.

~~(a) The landscape review and beautification commission shall establish rules of procedure. There shall be regular meetings of the commission not less than once each calendar quarter which shall be open to the public. The chair is authorized to call special meetings, or a majority of the members may require a special meeting to be called.~~

~~(a)~~ A majority of the commission shall constitute a quorum for the transaction of business, and ~~three~~^{five} affirmative votes shall be necessary to carry any question.

~~(b)~~ The physical attendance of four members of the landscape review board constitutes a quorum and ~~three~~ affirmative votes shall be necessary to carry any question. An applicant's appeal to the landscape review and appeals commission board is deemed granted if the commission landscape review board does not deny the appeal within ten city working days of submission of the matter to the commission landscape review board by the building official.

Sec. 2-373. Records.

Permanent records, or minutes of meetings of the landscape review and appeals beautification commission (“LRBC”), as well as the landscape review board, (“LRB”), shall be kept. The minutes shall promptly be filed in the office of the city clerk and shall be open to inspection by any person.

Sec. 2-374. Powers and duties.

The landscape review and appeals beautification commission shall have the duties and be empowered to:

- (1) ~~Act when requested in an advisory capacity to the city council on urban beautification matters. The landscape review board is granted powers and duties as provided at FGC Sec. 2-375, subject to the applicant's right of appeal to the city council.~~
- (2) ~~Review the proposed plans of federal, state, borough and city governments concerning structures, appurtenances or other improvements in, upon or adjacent to city property, including city streets and sidewalks, in order to make recommendations which will make the proposed structures, appurtenances or improvements compatible with city beautification plans and aesthetics.~~
- (3) ~~Advise owners of private property in relation to beautification of such property when anyone contemplating the erection of any building or the making of any improvement submits the plans and designs or sketches thereof to the commission for advice and suggestions for which no charge shall be made by the commission.~~
- (4) ~~Investigate and make recommendations to the city administration and the city council concerning the abatement of public nuisances in the city.~~
- (5) ~~Cooperate with other city boards and commissions and the borough planning commission to promote plans and programs aesthetically compatible with policies and programs of the commission.~~
- (6) ~~Help unite citizens toward common goals of civic pride in urban beautification.~~
- (7) ~~Submit quarterly reports to the city council concerning its activities.~~

Sec. 2-375. Review.

(a) ~~Landscape review board.~~ The landscape review and appeals commission shall, within ten city working days of submission, review any disputes arising from the building official's application of the prescriptive design method (FGC Sec. 10-438(C)(1)), an applicant's election to use the professional design method (FGC Sec. 10-438(C)(2)), or an applicant's election to use the alternative compliance method (FGC Sec. 10-438(C)(3)). Applicants may appeal an adverse decision of the landscape review and appeals commission to the city council at the next regular meeting of the city council that occurs at least

~~seven~~three calendar days after a denial by the ~~commission~~landscape review board.

~~(b) Full landscape review and beautification commission. The landscape review and beautification commission may review:~~

~~(1) Any proposed design and location of any structure, appurtenance or other improvements erected, or to be erected by the city upon property belonging to the city, including the city streets and sidewalks.~~

~~(2) Any proposed city plan or program which may have an effect on the aesthetics of the city. Any person proposing to extend or alter any structure, appurtenance, sign or other device over or upon any city street or sidewalk shall submit to the commission for review and approval design drawings and plans of the proposal.~~

~~(c) The design of traffic signal or control device need not be submitted if the design is determined by state law and cannot be altered or varied consistent with such law.~~

~~(d) The commission shall decide any matters submitted to it within 30 days after submission unless the commission shall by resolution declare the nature and complexity of the proposal submitted requires an additional period of time for decision and shall set forth in the resolution the additional period of time needed.~~

~~(e) If the commission fails to decide within the required period of time, its recommendations shall be considered unnecessary.~~

~~(f) The commission shall submit all proposed recommendations, plans and programs to the mayor for administrative action prior to any city council action recommended by the commission.~~

~~(g) The city mayor, with the concurrence of the city council, may remove any commission member who has three unexcused absences in any calendar year. An unexcused absence is an absence of which the chair is not notified in advance.~~

Section 2. Fairbanks General Code Sections 10-438, 439, and 441 are amended as follows [new text **bold and underlined** font; deleted text in ~~strikeout~~ font]:

ARTICLE XV. FAIRBANKS LANDSCAPE ORDINANCE

Sec. 10-436. Scope and applicability

A. *[Minimum requirements.]* The minimum requirements and standards set forth in this section shall apply to all public and private, commercial, industrial, religious, educational, institutional and multi family uses that are developed or expanded after

January 1, 2004. For the purpose of this section, a building which undergoes a change of use as defined by the building code, shall comply with this ordinance. If a building covered by this ordinance expands its floor area, compliance with this ordinance is required on a pro-rata percentage basis, with a 15% minimum compliance, under the alternative design method (FGC 10-438(C)(3)). The Fairbanks Landscape Ordinance shall apply to the construction of a new parking lot, expansion of an existing parking lot or a surface improvement to an existing parking lot. The intent of the landscape ordinance is to apply to provided parking, whether required by zoning ordinances, or provided for any other reason. Multiple residential buildings located on one lot shall also comply with all provisions of the Landscape Ordinance.

B. *Exemptions*

- (1) Property with one, two, and three family dwelling units located on individual lots are exempt from the provisions of the Fairbanks Landscape Ordinance.
- (2) Property of which the principle use is the sale of vehicles is not required to comply with the prescriptive method FGC I 0-438(C)(1).
- (3) Property located within the area specified by Borough Code section 18.50.060(C)(12) (presently described as: First Avenue to Fifth Avenue, Noble Street to Barnette Street, and First Avenue to Third Avenue, Barnette Street to Wickersham Street, and as may be subsequently expanded), provided that, if a new parking lot is constructed within said area, compliance shall be with the alternative design method or the professional design method (FGC 10-438(C)(2) and (C)(3)). The City Landscape Manual will provide a map of this region of the City.

C. *Landscape Plan* Where a landscape plan is required under this section, the plan shall include:

1. The common name of each plant used;
2. The number, height and diameter of each plant;
3. The locations where different plant types will be used;
4. The locations, size and type of vegetation to be preserved in their natural state;
5. Location of any retaining walls and fences;
6. Location of existing or proposed utilities and easements of record;
7. Location of all property lines including all streets which border the lot;
8. Location of any existing or proposed structures or parking areas;
9. North arrow and scale;
10. Site drainage and drainage patterns; unless shown on civil drawings

D. *Approved Plant Materials.* ~~The Landscape Review and Beautification Commission will adopt and publish a Landscape Manual, which shall include~~ A list of approved plant and ground cover materials, a map of the area described in Section 10-436(B)(3), and general landscaping information, will be set out in a Landscape Manual. The Manual,

which will be revised as needed **by the Landscape Review and Appeals Commission, will be** made available at the Building Department and on the Building Department web site.

Sec. 10-438. Landscape design standards.

* * * * *

C. Technical design standards. One of the following three design methods shall be used to comply with the Fairbanks Landscape Ordinance.

* * * * *

2. *Professional Design Method.* A landscape plan, prepared and sealed by a licensed landscape architect registered in the State of Alaska, which is equivalent to the criteria set forth in section 10-438(C)(1), shall be considered as meeting the intent of the landscape ordinance. All Landscape plans which utilize the Professional Design Method shall be reviewed and approved by the City of Fairbanks Landscape Review **and Appeals Commission** ~~Board~~, **as needed.**
3. *Alternative Compliance Method.* Project conditions associated with individual sites may justify approval of alternative methods of compliance with the landscape design requirements. Conditions may arise where normal compliance is impractical or impossible, such as facilities that sell vehicles, or where maximum achievement of the City's objectives and goals can only be obtained through alternative compliance. Such Landscape Plans shall be reviewed and approved by the Landscape Review **and Appeals Commission** ~~Board~~ on a case-by-case basis.

Sec. 10-439. Plan submittal and inspection requirements.

A preliminary landscape plan shall be submitted to the building department in conjunction with the required building permit application and related construction documents. A final and complete landscape plan shall be submitted to the building department for review and approval before the final inspection is conducted. A certificate of occupancy shall not be issued until all landscaping has been completed by the contractor or developer and inspected and approved by the building department or Landscape Review **and Appeals Commission** ~~Board~~. In the event landscaping is not completed due to planting season restrictions, a temporary certificate may be issued but shall expire within one year of such certificate. If a temporary certificate of occupancy is issued, a performance bond or suitable guaranty shall be posted with the City of Fairbanks until such time as the landscaping is completed and approved. The amount of the bond or guaranty shall be equivalent to one percent of the total cost of the construction project up to one million dollars or shall be equal to one half of one percent of the total construction cost if the total construction costs exceed one million dollars.

Sec. 10-441. Enforcement, appeals and penalties

1. The City of Fairbanks Building Department in conjunction with the Landscape Review ~~and Appeals Commission~~**Board** shall enforce the requirements of this section and shall be responsible for performing the necessary inspections to determine if the required landscaping has been installed according to the approved landscape design.

2. A Certificate of Occupancy shall not be issued until the landscape requirements are met as shown on the approved landscape design plans and given final approval by either the building department or Landscape Review ~~and Appeals Commission~~**Board** unless a performance bond is secured in the amount of the estimated cost of the landscaping as approved by the Landscape Review ~~and Appeals Commission~~**Board** or in accordance with section 10-439. Occupancy of any building prior to the issuance of a temporary or final Certificate of Occupancy shall be unlawful.

3. Any applicant denied a building permit or issued a stop work order due to non compliance of the landscape ordinance or who wishes to appeal a decision of the building official may appeal to the Landscape Review ~~and Appeals Commission~~**Board**. The appeal shall be made in writing and submitted within one week upon rejection from the building official. If an applicant, owner or developer wishes to appeal a decision of the Landscape Review ~~and Appeals Commission~~**Board**, they shall appeal to the City Council acting as a Board of Adjustment. The appeal shall be in writing and fully state the reason or reasons for the appeal. The appeal shall be accompanied by a copy of the landscape design submitted to the Landscape Review ~~and Appeals Commission~~**Board**.

SECTION 3. That the effective date of this Ordinance shall be the ____ day of March 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk


Paul J. Ewers, City Attorney

City of Fairbanks

**From the
Office of the City Attorney**

MEMORANDUM

TO: Mayor and Council Members

FROM: Paul Ewers, City Attorney 

SUBJECT: Decision (with proposed Findings and Conclusions)
Board of Adjustment Appeal (Sandstrom)

DATE: March 1, 2012

The Board of Adjustment Appeal in the Sandstrom matter was heard at the February 27 Council meeting. The appeal was denied.

Attached for your review is the "Decision" document which includes "Findings and Conclusions." The FNSB Code Sec. 18.54.070(J)(2) requires that every decision of the Board of Adjustment be based upon "findings and conclusions adopted by the board." The Decision document will be on the March 5 meeting agenda under communications to council. A motion to approve the "findings and conclusions" will be needed.

IN THE MATTER OF:

Board of Adjustment Appeal of
Administrative Decision Related to
341 Antoinette Avenue (Sandstrom)

DECISION

Wayne Sandstrom, as trustee of the Bud Sandstrom Family Trust and the Vi Sandstrom Family Trust (hereinafter referred to as “Sandstrom”), filed an appeal to the Fairbanks City Council, sitting as the Board of Adjustment pursuant to FNSB Code Sec. 18.52.030, appealing a zoning decision by the Director of the Borough Department of Community Planning. [See Hearing Packet at page 1-4; references to the record will hereinafter be cited as “HP at ____”]. The Borough determined that Sandstrom’s use of the property at 341 Antoinette Avenue violated the provisions of the Two-Family Residential zoning district [HP at 2-4]. Sandstrom appeals from this determination.

Summary of Facts

Sandstrom is the owner of real property located at 341 Antoinette Avenue in the City of Fairbanks. Sandstrom built and located at least nine structures¹ on the property. The record is not clear as to when this activity on the property began, but the record shows that a complaint was filed with the Borough on July 9, 2010 [HP at 109]. A “stop work order” was issued by the City of Fairbanks Building Official on August 20, 2010. According to the Building Official, in his letter to Sandstrom dated May 26, 2011, the stop work order was issued because:

- 1) required plans for the cabins had not been submitted for review and approval;
- 2) required permits had not been secured;

¹ While these structures look like small cabins [HP at 10-13], Sandstrom objects to that characterization. He refers to them as “sleeping-only rooms” [HP at 131] or as “accessory buildings for sleeping rooms” [HP at 178].

- 3) required inspections had not been conducted;
- 4) required water and sewer facilities had not been provided for each of the residential cabins; and
- 5) the multiple cabins are in violation of current zoning regulations” [HP at 109].

The Building Official also noted subsequent to the original posting of the stop work order, “construction has continued” [HP at 109].²

In a letter to the Borough dated November 22, 2010, Sandstrom described the structures on his lot as follows:

I have two bona fide dwellings on my lot. One is a small one bedroom dwelling that I and my companion live in and the other is a bed and breakfast compendium that is comprised of a log dwelling with one (1) bedroom, a kitchen, a general purpose room, and an expanded bath area; supplemented with seven (7) sleeping-only rooms (no cooking or toilet facilities). [HP at 131].

Summary of Argument

Sandstrom’s position is that he established a bed and breakfast operation on the property, which is allowed in the Two-Family Residential zone. He argues that the nine structures are accessory buildings for sleeping rooms. The Borough Department of Community Planning held that while a “bed & breakfast residence” was a permitted use in the Two-Family Residential zone, the guestrooms must be located within a single structure for the following reasons:

1. The property locate at 341 Antoinette is located within Two-Family Residential zoning district.
2. Residential use and bed and breakfast uses are permitted uses in the Two-Family zone.
3. Only one principle [sic] building is permitted in the Two-Family zone.

² The violation of the stop work order was also reported in a letter to Mayor Hopkins from Sandstrom’s neighbor Terry Cochrane (“Thirty minutes after the order was served, work continued on the laundry building. At the time of the complaint, there were six (6) dry cabins. There are now nine (9) cabins. The cabins are fabricated in the large shop then rolled out and placed on gravel pads around the property”) [HP at 107].

4. Residential use or a bed and breakfast residence use makes the building a principal building;
5. More than one principal building on a lot within the Two-Family zone is not permitted;
6. Residential sleeping quarters either for residential or bed and breakfast uses in individual buildings are not accessory buildings because they are principal buildings [HP at 3-4].

Findings and Conclusions

The Two-Family Residential zoning district provides for “medium density residential development and other uses which maintain the medium density residential nature of the district in areas where community sewer and water systems are available” [FNSB Code Sec. 18.24.010; HP at 42]. In this zoning district, not more than one principal building may be located on one lot [FNSB Code Sec. 18.50.020A; HP at 44].

Located on the property at 341 Antoinette Avenue Street were: a one bedroom dwelling (Sandstrom’s residence), a one bedroom dwelling (that included a kitchen, a general purpose room, and an expanded bath area), nine³ cabins, and a garage (where the cabins were constructed). The Borough correctly determined that these cabin/buildings were not “rooms.” The Borough was also correct in rejecting Sandstrom’s attempt to label these structures “accessory buildings” in order to avoid the building limit of the FNSB Code Sec. 18.50.020A.


After consideration of the record on appeal and for the reasons stated above, the Council, acting as the Board of Adjustment, finds that Sandstrom’s use of the property located at 341 Antoinette Avenue violated the restrictions of the Two-Family Residential zone, and therefore, his appeal is denied.

³ Sandstrom’s brief [HP at 181] indicates that he moved all but four of these structures from the property.

City Of Fairbanks



MEMORANDUM

To: City Council Members
From: Jerry Cleworth, City Mayor 
Subj: Board of Plumber Examiners
Date: March 5, 2012

One seat on the Plumber Examiners Board, Seat E, has been vacant for a number of years. In order to fill the vacant seat, I request your concurrence to the **appointment** of the following citizen:

Mr. Kraig Hogenson – Term to expire: June 30, 2015

Mr. Hogenson's application is attached for your consideration.

Thank you.

ABC/



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

**BOARDS AND COMMISSIONS
 APPLICATION FORM**

DATE: 2-27-12
 NAME: Kraig L. Hogenson
 BOARD: Plumbers Examining Board

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: 3254 Adams Dr. Fairbanks, Alaska 99709
- MAILING ADDRESS: 3307 International St. Fairbanks, Alaska 99701
- BUSINESS ADDRESS: Patrick Mechanical LLC - 3307 International St. Fairbanks Alaska 99701
- CELL PHONE: (907) 322 - 1805 WORK PHONE: (907) 452 - 3334
- HOME PHONE: (907) 456 - 7299 E-MAIL: khogenson@patrickmechanical.com

Statement of Interest:

Brief Personal Biography (or attach resume):

1992-1997 - Apprentice, 1997-2009 Plumbing/Mechanical jobsite Foreman, 2009-current ^{Estimator/} Project Manager
- 20 years of experience in the plumbing/mechanical field -

Professional Licenses/Training:

State of Alaska Certificate of Fitness (plumbing) - 5 year apprenticeship through Local 375
Medical Gas Installer/Brazer Certification

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