



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2011-24  
**REGULAR MEETING December 05, 2011**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN ST REET, FAIRBANKS, ALASKA

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REGULAR MEETING

I 7:00 P.M.

1. ROLL CALL

2. INVOCATION

3. FLAG SALUTATION

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

5. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6. APPROVAL OF PREVIOUS MINUTES

7. SPECIAL ORDERS

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

A request by Wayne Sandstrom regarding a Bed and Breakfast Residence.

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

Transfer of Location and Name Change:

Type: Beverage Dispensary  
 License: **Rock N Rodeo Bar & Grill, #1377**  
 Licensee/Applicant: Scruff-N-Pork's Inc.  
 Physical Location 600 Old Steese Highway, Fairbanks  
 Current DBA: Greyhound Lounge, #1377  
 Licensee: Scruff-N-Pork's Inc.  
 Location: 1351 Cushman Street, 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(s) for renewal. Public Testimony will be taken and limited to five (5) minutes.

Lic #	Establishment Name	License Type	Premise Location	Owner Name
1639	Alaska Salmon Bake	Restaurant/Eating Place-Seasonal	2300 Airport Way	Intra-Sea Inc
3118	V.F.W. Post #3629	Club	324 2nd St	V.F.W. Golden Heart Post #3629
3151	Fred Meyer 485	Package Store	3755 Airport Way	Fred Meyer Stores Inc.
4168	Lower LA	Beverage Dispensary	636 28th Ave	Kelco Properties Inc
4772	Ajimi Restaurant	Restaurant/Eating Place	550 Third Avenue	Kwang Yul Lee
4816	Mayan Palace	Beverage Dispensary	3401 Airport Way	Taco Azteca Incorporated
4831	Wasabi Bay Restaurant	Restaurant/Eating Place	1448 S Cushman St	Chung W Pak
4846	Wal-Mart Super-center #2722	Package Store	537 Johansen Expressway	Wal-Mart Stores Inc.

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5866 – An Ordinance to Amend Fairbanks General Code by Enacting FGC Section 1-20, Code of Ethics. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.
- b) Ordinance No. 5867 – An Ordinance to Repeal Chapter 74, Article VI, of the Fairbanks General Code, Occupational Privilege Tax. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

- c) Ordinance No. 5868 – An Ordinance to Repeal Chapter 26, Article V, Section 26-201 of the Fairbanks General Code, Residential Emergency Services Tax. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- \*a) Ordinance No. 5869 – An Ordinance Amending Fairbanks General Code Chapter 66, Section 66-43, Senior Citizen Rate. Introduced by Mayor Cleworth.
- \*b) Ordinance No. 5870 – An Ordinance Authorizing Sale of Surplus Property to the Korean Community of Fairbanks, Inc. Introduced by Mayor Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

12. COMMUNICATIONS TO COUNCIL

- \*a) Appointment to the Fairbanks North Star Borough Planning Commission.
- \*b) Appointment to the Permanent Fund Review Board.

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. EXECUTIVE SESSION – Labor Negotiations: PSEA and IBEW

17. ADJOURNMENT

**MEMORANDUM**

**TO:** Mayor and Council Members

**FROM:** Paul Ewers, City Attorney 

**SUBJECT:** Board of Adjustment Appeal

**DATE:** November 29, 2011

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Attached is a memo from Borough Clerk Mona Drexler regarding a Board of Adjustment appeal filed by Wayne Sandstrom. The appeal involves property located at 341 Antoinette. The City Council sits as the Board of Adjustment for all decisions regarding land within the City of Fairbanks.

There are a number of steps remaining before the appeal will be ready for a hearing. One of the reasons for the notification is so you know the parties to the appeal. As noted in Ms. Drexler's memo, you must refrain from talking about the appeal with anyone involved.

The code allows the council to delegate these types of appeals to a hearing officer. In the past, the Deputy City Attorney has been assigned as the hearing officer.

The following is an outline of the next steps in the appeal process:

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

If the council (rather than a hearing officer) is deciding the appeal, then

6. The date is set for consideration of the appeal by the council (generally during a regularly scheduled meeting).

Please note that the City filed criminal charges against Sandstrom related to this property, so if the Council wished to delegate the appeal to a hearing officer, it would have to be assigned to someone outside the City Attorney's Office.



# Fairbanks North Star Borough

Borough Clerk's Office

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

## MEMORANDUM

**TO:** Board of Adjustment Members

**FROM:** Mona Lisa Drexler, MMC  
Municipal Borough Clerk *Mona Lisa*

**DATE:** November 15, 2011

**SUBJECT:** **BOARD OF ADJUSTMENT APPEAL REGARDING ADMINISTRATIVE DECISION filed by WAYNE SANDSTROM**

**RECEIVED**  
NOV 18 2011

CITY CLERKS OFFICE

I would like to inform you that an appeal to the Board of Adjustment has been filed regarding the attached Planning Department's administrative decision regarding a Bed and Breakfast Residence.

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

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

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

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

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



# Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

www.co.fairbanks.ak.us

October 27, 2011

Bud Sandstrom Family Trust  
Vi Sandstrom Family Trust  
341 Antoinette  
Fairbanks, Alaska 99701

Dear Mr. Sandstrom:

Thank you for your letter dated October 6, 2011. In response I would like to clarify permit requirements and I would like to address your concern of the Planning Department using Webster's Dictionary for the definition of "room."

As stated in my September 8<sup>th</sup> letter to you the Bed and Breakfast Residence is a permitted use on your property but you should remember that you are required to obtain a zoning permit and floodplain permit from the Planning Department before establishing this use. I sent you copies of those permits for your convenience.

In the same letter I wrote to you the following: "All bed and breakfast guestrooms must be within a building. Guestrooms cannot be in individual buildings. Title 18, the zoning code, states under 18.06.010.A9, that any words not defined in 18.060.010 'shall be construed according to their generally accepted meanings.' Guestroom is not defined in Title 18; however, Webster's Ninth New Collegiate Dictionary defines a "room" as 'a partitioned part of the inside of a building.' In addition, the bed and breakfast cannot be used for long term, transitional, or standard rental housing. Title 18 defines Bed and Breakfast Residence as a facility with five to nine guestrooms where lodging with or without meals is provided for compensation to transient guests on a day-to-day basis."

In your letter you cite Chapter 3.58.010 for the definition of room. That code states: *"Room" means any structure or portion of a structure, permanent or temporary, fixed or mobile, in which a person, for money or other consideration, may obtain lodging, dwelling, or sleeping accommodations. This term includes hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming-houses, hostels, trailers, bed and breakfasts, dormitories, and any other facility, structure, or room of whatever name where space for lodging, dwelling, or sleeping may be secured for consideration. "Room" does not include any hospital, self-contained and powered motor home, tent or tent space, medical clinic, sanitarium, or nursing home; any student dormitory operated by the University of Alaska; or any temporary lodging within a military reservation when that lodging is operated by the United States.* You state "this definition casts a wide net around what can be deemed 'room' when it comes to B&B's and similar endeavors."

In response, Chapter 3.58 is Borough Code that pertains to Motel-Hotel Room Tax. The definition of room that you cited pertains only to Chapter 3.58 and is for the collection of taxes. The first sentence of FNSB 3.58.010, Definitions, states: "For the purposes of this chapter, the following words and phrases have the following meanings." Conversely, the use of a Bed and Breakfast on a parcel of land is a zoning issue and pertains to Chapter 18 of the zoning code. These are two separate chapters of the code with two different purposes. In administering the zoning ordinance we are obligated to follow Chapter 18 and zoning definitions. I have quoted the zoning code definitions above. Webster's Dictionary states a room is located within a building. It should also be noted that the definition of room as defined by Webster's Dictionary is not inconsistent with the definition you cite under 3.58.010.

You also quoted the zoning code definition of a building: "*Building*" means a structure for the support, shelter or enclosure of persons, animals, chattel or property of any kind. A building shall include such extended structures as attic entries, balconies, carports, decks, exterior stairways, garages, porches, warrigans and windows. Where independent units with separate entrances are not joined by a common wall and/or ceiling or floor, each unit shall be considered as a separate building. This definition does not include a fence.

"Principal building" is another zoning definition that is important. "*Principal building*" means a building in which is conducted the principal use of the lot on which it is located. Further, under 18.50.020 it states, *in the rural and agricultural through the TF, two-family residential districts, both inclusive, not more than one principal building may be located on a lot....*

Residential and bed and breakfast uses are primary uses in the Two-Family zone. Separate independent buildings that serve these uses would therefore be principal buildings. In the two-family zone, where your property is located, only one principal building is permitted. More than one principal building serving either a residential or bed and breakfast use exceeds the permitted uses of the two-family zone.

You also mention accessory buildings. Because residential and bed and breakfast uses are principal buildings, they are not accessory buildings. Accessory structures in the Two-Family zone are typically storage sheds, greenhouses, garages and similar structures.

Thus I determine that a bed and breakfast residence is a permitted use in the Two Family zone. However guestrooms must be located within one single structure in this zone. I base this determination on the following findings:

1. The property located at 341 Antoinette is located within the 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 building is permitted in the Two-Family zone.
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.

This determination can be appealed within 15 days of the date of this letter. Appeals can be made at the Borough Clerks Office at 809 Pioneer Road, Fairbanks, Alaska.

Sincerely,



Bernardo Hernandez, Director  
FNSB Department of Community Planning

cc: FNSB Mayor Luke Hopkins  
Jeff Jacobson, FNSB Chief of Staff  
Cynthia Klepaski, FNSB Asst. Borough Attorney  
Mona Drexler, FNSB Clerk  
City Mayor Jerry Cleworth  
City Attorney, Paul Ewers  
Deputy City Attorney, Dave Burglin  
Clem Clooten, Assistant Building Official  
Assembly Member Matt Want  
Assembly Member Natalie Howard  
Assembly Member Michael Dukes  
Representative Tammie Wilson  
William Satterberg, Esq  
Council Member Vivian Stiver  
Council Member Chad Roberts  
Council Member Bernard Gatewood  
Council Member Jim Matherly  
Council Member John Eberhart  
Council Member Elect Lloyd Hilling



# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

TO: Mayor Jerry Cleworth  
City Council Members

FROM: Janey Hovenden, CMC, City Clerk

SUBJECT: Liquor License Transfer

DATE: November 30, 2011



Attached you will find a copy of the notification of application for transfer of location and Name Change for the following liquor license:

License #: 1377  
License Type: **Beverage Dispensary**  
D.B.A.\*: Rock N Rodeo Bar & Grill  
Licensee/Applicant: Scruff-N-Pork's Inc.  
Physical Location: 600 Old Steese Highway, Fairbanks

Corp/LLC Agent:	Address	Phone	Date/State of Limited Partnership/Corporation	Good standing?
Scruff-N-Pork's Inc.	PO Box 80912 Fairbanks, AK 99708	907-452-6294	01/02/2002 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 (%)
Curtis Hatcher President; VP, See, Treas	06/04/1960	510 Knightsbridge Rd. Fairbanks AK 99709	907-907- 452-6294	Owner 100%

Current license information:

License #: 1377  
Current D.B.A.: **Greyhound Lounge**  
Current Licensee: Scruff-N-Pork's Inc.  
Current Location: 1351 Cushman St., Fairbanks, AK 99708

Pursuant to FCG Sec. 14-178 the Council must determine whether or not to protest the liquor license action after holding a public hearing. The public notice requirements of FGC Sec.14.168 (2) have been met.

Please note that the Building Department has lodged a protest of this transfer until completion of work on the remodeled areas. There are no other Departmental protests for this transfer.

State of Alaska  
**Alcoholic Beverage Control Board**

Date of Notice: October 25, 2011

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

**TRANSFER**  
 Ownership  
 Location  
 Name Change

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

License #: 1377  
 License Type: Beverage Dispensary  
 D.B.A.: Rock N Rodeo Bar & Grill  
 Licensee/Applicant: Scruff-N-Pork's Inc.  
 Physical Location: 600 Old Steese Highway, Fairbanks, AK 99701  
 Mail Address: PO Box 80912, Fairbanks, AK 99708  
 Telephone #: 907-452-6294  
 EIN: 20-2854140

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Scruff-N-Pork's Inc.	PO Box 80912 Fairbanks, AK 99708	907-452-6294	01/02/2002 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 (%)
Curtis Hatcher President; VP, Sec, Treas	06/04/1960	510 Knightsbridge Rd. Fairbanks, AK 99709	907-452-6294	0%

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

License #: 1377  
 Current D.B.A.: Greyhound Lounge  
 Current Licensee: Scruff-N-Pork's Inc.  
 Current Location: 1351 Cushman St., Fairbanks, AK 99708

Additional comments:

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

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

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

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

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

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

Sincerely,

SHIRLEY A. GIFFORD  
Director

*/s/ Sarah D. Oates*

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

## Janey J. Hovenden

---

**From:** Oates, Sarah D (DPS) [sarah.oates@alaska.gov]  
**Sent:** Tuesday, October 25, 2011 3:06 PM  
**To:** Janey J. Hovenden  
**Cc:** pphillips@co.fairbanks.ak.us  
**Subject:** FW: Rock & Rodeo, Take Two

Please note that page three of the LGB Notice and page two of the Application have been changed to reflect that 100% of the shares of Scruff-N-Pork's, Inc. belong to Curtis Hatcher. Everything else is identical. Sorry for the confusion!

## *Sarah D. Oates*

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**Business Registration Examiner | Dept. of Public Safety | Alcoholic Beverage Control Board**  
5848 East Tudor Road | ☎ 907.269.0356 | 📠 907.272.9412 | ✉ sarah.oates@alaska.gov

**From:** Oates, Sarah D (DPS)  
**Sent:** Tuesday, October 25, 2011 2:43 PM  
**To:** 'luckyman@acsalaska.net'  
**Subject:** Division of Corporations

Hey Curtis,

Here's the website for the Division of Corporations search:

<http://commerce.alaska.gov/CBP/Main/CBPLSearch.aspx?mode=Corp>

If you look up Scruff-N-Porks, Inc., you'll say that they list you as a shareholder, but it says that you own 0%. That really doesn't make a whole lot of sense, in my opinion! Anyway, if you would please call their headquarters in Juneau at 907-465-2550 and get that changed to say 100%, that would be most excellent.

Thanks Curtis, and sorry again for the poor timing!

-Sarah

## *Sarah D. Oates*

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**Business Registration Examiner | Dept. of Public Safety | Alcoholic Beverage Control Board**  
5848 East Tudor Road | ☎ 907.269.0356 | 📠 907.272.9412 | ✉ sarah.oates@alaska.gov



# 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. DATE: 11-03-2011  
 FIRE DEPARTMENT  BUILDING DEPARTMENT  
 FAIRBANKS POLICE DEPT.

FROM: CITY CLERK'S OFFICE

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

DATE NOTICE RECEIVED AT CLERKS OFFICE: 10/28/2011 60 DAY DUE DATE 12/24/2011

DATE RESPONSE DUE: **11/29/2011** for City Council Meeting of 12/05/2011

License #: 1377  
 License Type: Beverage Dispensary  
 D.B.A.\*: Rock N Rodeo Bar & Grill  
 Licensee/Applicant: Scruff-N-Pork's Inc.  
 Physical Location: 600 Old Steese Highway, Fairbanks

Mail Address: PO Box 80912, Fairbanks, AK 99708  
 Telephone #: 907-452-6294  
 EIN: 20-2854140

Corp/LLC Agent:	Address	Phone	Date/State of Limited Partnership/Corporation	Good standing?
Scruff-N-Pork's Inc.	PO Box 80912 Fairbanks, AK 99708	907-452-6294	01/02/2002 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 (%)
Curtis Hatcher President; VP, Sec, Treas	06/04/1960	510 Knightsbridge Rd. Fairbanks AK 99709	907-907-452-6294	Owner 100%

If transfer application, current license information:

License #: 1377  
 Current D.B.A.: Greyhound Lounge  
 Current Licensee: Scruff-N-Pork's Inc.  
 Current Location: 1351 Cushman St., Fairbanks, AK 99708

NO PROTEST:  PROTEST

### REASONS OR COMMENTS

*BLDG PERMITS WILL BE ISSUED IN  
DEC. 2011 FOR REMODELED  
AREA*

DEPARTMENT

SIGNEE:

*Clemens M. Clooten*  
(Signature)

CLEMENS M. CLOOTEN  
(Printed Name)



# City of Fairbanks

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800 Cushman Street

Fairbanks, AK 99701

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NO PROTEST:  PROTEST

### REASONS OR COMMENTS

DEPARTMENT

SIGNEE:

*Candith E. Dyer for Jim Seiler*  
(Signature)

*Candith E. Dyer*  
(Printed Name)





# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

## ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

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EIN: 20-2854140

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Current Location: 1351 Cushman St., Fairbanks, AK 99708

NO PROTEST:

PROTEST

### REASONS OR COMMENTS

DEPARTMENT  
SIGNEE:

(Signature)

WAGNER B CUMMINGS  
(Printed Name)





# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

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Corp/LLC Agent:	Address	Phone	Date/State of Limited Partnership/Corporation	Good standing?
Scruff-N-Pork's Inc.	PO Box 80912 Fairbanks, AK 99708	907-452-6294	01/02/2002 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 (%)
Curtis Hatcher President; VP, Sec, Treas	06/04/1960	510 Knightsbridge Rd. Fairbanks AK 99709	907-907-452-6294	Owner 100%

If transfer application, current license information:

License #: 1377  
Current D.B.A.: Greyhound Lounge  
Current Licensee: Scruff-N-Pork's Inc.  
Current Location: 1351 Cushman St., Fairbanks, AK 99708

NO PROTEST:

PROTEST

### REASONS OR COMMENTS

DEPARTMENT

SIGNEE:

(Signature)

LAREN J. ZAUNOR  
(Printed Name)



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

## MEMORANDUM

TO: Mayor Jerry Cleworth  
City Council Members

FROM: Janey Hovenden, CMC, City Clerk

SUBJECT: Renewal of Liquor License

DATE: November 30, 2011

Attached you will find the notification of liquor license renewal from the State ABC Board for the following liquor license. You will also find responses received from the Building Department, Finance Department and Police Department:

Lic #	Establishment Name	License Type	Premise Location	Owner Name
1639	Alaska Salmon Bake	Restaurant/Eating Place-Seasonal	2300 Airport Way	Intra-Sea Inc
3118	V.F.W. Post #3629	Club	324 2nd St	V.F.W. Golden Heart Post #3629
3151	Fred Meyer 485	Package Store	3755 Airport Way	Fred Meyer Stores Inc.
4168	Lower LA	Beverage Dispensary	636 28th Ave	Kelco Properties Inc
4772	Ajimi Restaurant	Restaurant/Eating Place	550 Third Avenue	Kwang Yul Lee
4816	Mayan Palace	Beverage Dispensary	3401 Airport Way	Taco Azteca Incorporated
4831	Wasabi Bay Restaurant	Restaurant/Eating Place	1448 S Cushman St	Chung W Pak
4846	Wal-Mart Super-center #2722	Package Store	537 Johansen Expressway	Wal-Mart Stores Inc.

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

Please note that there are no departmental protests.

Please contact me if you need any further information.



# State of Alaska

## Department of Public Safety

# Alcoholic Beverage Control Board

Sean Parnell, Governor  
Joseph A. Masters, Commissioner

November 3, 2011

### Renewal Application Notice

City of Fairbanks

Attn: City & Borough Clerks

VIA EMAIL: [jjhovenden@ci.fairbanks.ak.us](mailto:jjhovenden@ci.fairbanks.ak.us) & [pphillips@co.fairbanks.ak.us](mailto:pphillips@co.fairbanks.ak.us)

DBA	Lic Type	Lic #	Owner	Premise Address
Alaska Salmon Bake	Restaurant/Eating Place-Seasonal	1639	Intra-Sea Inc	2300 Airport Way
V.F.W. Post #3629	Club	3118	V.F.W. Golden Heart Post #3629	324 2nd St
Fred Meyer 485	Package Store	3151	Fred Meyer Stores Inc.	3755 Airport Way
Lower LA	Beverage Dispensary	4168	Kelco Properties Inc	636 28th Ave
Ajimi Restaurant	Restaurant/Eating Place	4772	Kwang Yul Lee	550 Third Avenue
Mayan Palace	Beverage Dispensary	4816	Taco Azteca Incorporated	3401 Airport Way
Wasabi Bay Restaurant	Restaurant/Eating Place	4831	Chung W Pak	1448 S Cushman St
Wal-Mart Supercenter #2722	Package Store	4846	Wal-Mart Stores Inc.	537 Johansen Expressway

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

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board

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

will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

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

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

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

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

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

Sincerely,

*/s/ Christine C. Lambert*

Christine C. Lambert

Licensing & Records Supervisor

269-0359

Christine.lambert@alaska.gov

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



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

## LIQUOR LICENSE RESPONSE FORM

TO:  FINANCE DEPT.  
 FIRE DEPARTMENT  
 FAIRBANKS POLICE DEPT.

DATE: November 3, 2011

FROM: CITY CLERK'S OFFICE  
RE: LIQUOR LICENSE ACTION - RENEWALS

DATE NOTICE RECEIVED AT CLERKS OFFICE: 10/27/2011 (60 DAY DUE DATE 12/26/2011)

DATE RESPONSE DUE: 11/29/2011 for City Council Meeting of 12/05/2011

Lic #	Establishment Name	License Type	Premise Location	Owner Name	Phone
1639	Alaska Salmon Bake	Restaurant/Eating Place-Seasonal	2300 Airport Way	Intra-Sea Inc	(907)452-7274 <i>OK</i>
3118	V.F.W. Post #3629	Club	324 2nd St	V.F.W. Golden Heart Post #3629	(907)451-8810 <i>OK</i>
3151	Fred Meyer 485	Package Store	3755 Airport Way	Fred Meyer Stores Inc.	(907)474-1403 <i>OK</i>
4168	Lower LA	Beverage Dispensary	636 28th Ave	Kelco Properties Inc	(907)452-3684 <i>OK</i>
4772	Ajimi Restaurant	Restaurant/Eating Place	550 Third Avenue	Kwang Yul Lee	(907)456-1669 <i>OK</i>
4816	Mayan Palace	Beverage Dispensary	3401 Airport Way	Taco Azteca Incorporated	(907)455-8226 <i>OK</i>
4831	Wasabi Bay Restaurant	Restaurant/Eating Place	1448 S Cushman St	Chung W Pak	(907)452-0521 <i>OK</i>
4846	Wal-Mart Supercenter #2722	Package Store	537 Johansen Expressway	Wal-Mart Stores Inc.	(479)204-2344 <i>OK</i>

NO PROTEST:  PROTEST

### REASONS OR COMMENTS

DEPARTMENT  
SIGNEE:

(Signature)

Jim Soilew  
(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

## LIQUOR LICENSE RESPONSE FORM

TO:  FINANCE DEPT.  
 FIRE DEPARTMENT  
 FAIRBANKS POLICE DEPT.

DATE: November 3, 2011

FROM: CITY CLERK'S OFFICE  
RE: LIQUOR LICENSE ACTION – RENEWALS

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4846	Wal-Mart Supercenter #2722	Package Store	537 Johansen Expressway	Wal-Mart Stores Inc.	(479)204-2344

NO PROTEST:  PROTEST

### REASONS OR COMMENTS

### DEPARTMENT

SIGNEE:  WARNER B CUMMINGS  
(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.





# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

## LIQUOR LICENSE RESPONSE FORM

TO:  FINANCE DEPT.  
 FIRE DEPARTMENT  
 FAIRBANKS POLICE DEPT.

DATE: November 3, 2011

FROM: CITY CLERK'S OFFICE  
RE: LIQUOR LICENSE ACTION – RENEWALS

DATE NOTICE RECEIVED AT CLERKS OFFICE: 10/27/2011 (60 DAY DUE DATE 12/26/2011)

DATE RESPONSE DUE: **11/29/2011** for City Council Meeting of 12/05/2011

Lic #	Establishment Name	License Type	Premise Location	Owner Name	Phone
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4846	Wal-Mart Supercenter #2722	Package Store	537 Johansen Expressway	Wal-Mart Stores Inc.	(479)204-2344

NO PROTEST:  PROTEST

### REASONS OR COMMENTS

DEPARTMENT  
SIGNEE:

(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.



**ORDINANCE NO. 5866**

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE BY  
ENACTING FGC SECTION 1-20, CODE OF ETHICS**

**WHEREAS**, high moral and ethical standards among City officials and employees are essential to assure the trust, respect, and confidence of citizens of this City; and

**WHEREAS**, holding public office or employment is a public trust and as one safeguard of that trust, the people require officials and employees to adhere to a code of ethics; and

**WHEREAS**, while certain sections of the City Charter and City Code address ethical behavior, it is important to address the subject in one specific section;

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

Section 1. That Fairbanks General Code is amended by adding a new Section 1-20 Code of Ethics as follows:

**Section 1-20. Code of Ethics**

(a) Applicability. This Code applies to all elected officials, all appointed officials, and all employees of the City of Fairbanks.

(b) Provisions.

1. Everyone subject to this Code shall avoid impropriety and the appearance of impropriety and act in a manner that promotes public confidence in the integrity and the impartiality of City government.
2. All City business must be conducted in a manner that preserves the integrity of the governmental process and avoids conflicts of interest and ethical concerns.
3. Any potential conflict of interest must be disclosed at the earliest possible time to the appropriate authority.
5. The City will look to the following provisions of the Alaska Executive Branch Ethics Act as guidance in interpreting the provisions of this Code and in determining if specific conduct is a violation of the standard set by this Code:

- AS 39.52.120. Misuse of official position.
- AS 39.52.130. Improper Gifts.
- AS 39.52.140. Improper use or disclosure of information.
- AS 39.52.150. Improper influence in [state] grants, contracts, leases, or loans.
- AS 39.52.160. Improper representation.
- AS 39.52.170. Outside employment restricted.
- AS 39.52.180. Restriction on employment after leaving [state] service.
- AS 39.52.190. Aiding a violation.

Section 2. That the effective date of this ordinance shall be the \_\_\_\_ day of \_\_\_\_\_ 2011.

---

Jerry Cleworth, Mayor

AYES:  
 NAYS:  
 ABSENT:  
 ADOPTED:

ATTEST:

APPROVED AS TO FORM:

---

Janey Hovenden, CMC, City Clerk

---

Paul Ewers, City Attorney

**Sec. 39.52.120. Misuse of official position.**

(a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

(5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or

(6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of state aircraft or the communications equipment in the governor's residence so long as there is no charge to the state for the use; in this paragraph, "for partisan political purposes"

(A) means having the intent to differentially benefit or harm a

(i) candidate or potential candidate for elective office; or

(ii) political party or group;

(B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.

(c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.

(d) In this section, when determining whether a public officer is considered to be performing a task on government time, the attorney general and personnel board shall consider the public officer's work schedule as set by the public officer's immediate supervisor, if any. A public officer other than the governor and lieutenant governor who, during the work days, engages in

political campaign activities other than minor, inconsequential, and unavoidable campaign activities shall take approved leave for the period of campaigning.

(e) Except for supplying information requested by the hearing officer or the entity with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a public officer may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board, or commission with authority to make the final decision in the case assigned to the hearing officer unless the

(1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or

(2) fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made a part of the record.

(f) Use of state aircraft for partisan political purposes is permitted under (b) of this section only when the use is collateral or incidental to the normal performance of official duties and does not exceed 10 percent of the total of the use of the aircraft for official purposes and partisan political purposes, combined, on a single trip. A public officer who authorizes or makes any partisan political use of a state aircraft under (b) of this section shall disclose the authorization and use under AS 39.52.210 or 39.52.220 for each trip, and the person who uses the aircraft shall reimburse the state for the proportionate share of the actual cost of the use.

### **Sec. 39.52.130. Improper gifts.**

(a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. A gift from a person required to register as a lobbyist under AS 24.45.041 to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.

(b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt

(1) if the public officer may take or withhold official action that affects the giver; or

(2) if the gift is connected to the public officer's governmental status.

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.

(d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

(e) A public officer who, on behalf of the state, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.

(f) A public officer who knows or reasonably ought to know that a family member has received a gift because of the family member's connection with the public office held by the public officer shall report the receipt of the gift by the family member to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section.

**Sec. 39.52.140. Improper use or disclosure of information.**

(a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated to the public.

(b) A current or former public officer may not disclose or use, without appropriate authorization, information acquired in the course of official duties that is confidential by law.

**Sec. 39.52.150. Improper influence in state grants, contracts, leases, or loans.**

(a) A public officer, or an immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects the award, execution, or administration of the state grant, contract, lease, or loan.

(b) The prohibition in (a) of this section does not apply to a state grant, contract, or lease competitively solicited unless the officer

(1) is employed by the administrative unit awarding the grant, contract, or lease or is employed by the administrative unit for which the grant, contract, or lease is let; or

(2) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

(c) The prohibition in (a) of this section does not apply to a state loan if



(1) the public officer does not take or withhold official action that affects the award, execution, or administration of the loan held by the officer, or an immediate family member;

(2) the loan is generally available to members of the public; and

(3) the loan is subject to fixed eligibility standards.

(d) A public officer shall report in writing to the designated supervisor a personal or financial interest held by the officer, or an immediate family member, in a state grant, contract, lease, or loan that is awarded, executed, or administered by the agency the officer serves.

**Sec. 39.52.160. Improper representation.**

(a) A public officer may not represent, advise, or assist a person in any matter pending before the administrative unit that the officer serves, if the representation, advice, or assistance is

(1) for compensation, unless the representation, advice, assistance, and compensation are required by statute, regulation, or court rule, or is otherwise customary; or

(2) without compensation, but rendered to benefit a personal or financial interest of the public officer.

(b) This section does not prohibit activities related to collective bargaining.

(c) This section does not preclude a nonsalaried member of a board or commission from representing, advising, or assisting in any matter in which the member has a personal or financial interest regulated by the board or commission on which the member serves, except that the member must act in accordance with AS 39.52.220.

**Sec. 39.52.170. Outside employment restricted.**

(a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.

(b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report by July 1 of each year the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.

(c) The head of a principal executive department of the state may not accept employment for compensation outside the agency that the executive head serves.

**Sec. 39.52.180. Restrictions on employment after leaving state service.**

(a) A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measure, or proposal, consideration, or adoption of an administrative regulation.

(b) This section does not prohibit an agency from contracting with a former public officer to act on a matter on behalf of the state.

(c) The head of an agency may waive application of (a) of this section after determining that representation by a former public officer is not adverse to the public interest. The waiver must be in writing and a copy of the waiver must be provided to the attorney general for approval or disapproval.

(d) An individual who formerly held a position listed in this subsection may not engage in activity as a lobbyist under AS 24.45 for a period of one year after leaving that position. This subsection does not prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission. This subsection applies to the position of

(1) governor;

(2) lieutenant governor;

(3) head or deputy head of a principal department in the executive branch;

(4) director of a division or legislative liaison within a principal department in the executive branch;

(5) legislative liaison, administrative assistant, or other employee of the Office of the Governor or Office of the Lieutenant Governor in a policy-making position;

(6) member of a state board or commission that has the authority to adopt regulations, other than a board or commission named in AS 08.01.010;

(7) member of the governing board and executive officer of a state public corporation.

(e) A former head of a principal department in the executive branch may not, for a period of one year after leaving service as the head of that department, serve on the governing board of a company, organization, or other entity that was regulated by that department or with which the former department head worked as part of an official duty as the department head. A former employee of the Office of the Governor in a policy-making position may not, for a period of one



year after leaving employment in that office, serve on the governing board of a company, organization, or other entity with which the former employee worked as part of an official duty for the Office of the Governor.

(f) In this section, "employee of the Office of the Governor in a policy-making position" means a person who is an employee required, because of the person's position in the Office of the Governor, to file a statement under AS 39.50.020.

**Sec. 39.52.190. Aiding a violation prohibited.**

It is a violation of this chapter for a public officer to knowingly aid another public officer in a violation of this chapter.

Introduced by: Mayor Cleworth  
Date: November 21, 2011

**ORDINANCE NO. 5867**

**AN ORDINANCE TO REPEAL CHAPTER 74, ARTICLE VI, OF THE  
FAIRBANKS GENERAL CODE, OCCUPATIONAL PRIVILEGE TAX**

**WHEREAS**, the City Council enacted F.G.C. Sections 74-200 through 74-222 in 2006,  
providing for an occupational privilege tax; and

**WHEREAS**, the tax has never been collected since the Council suspended levy of the tax  
prior to enforcement,

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

**Section 1.** That Fairbanks General Code Chapter 74, Article VI, (Sections 74-  
200 through 74-222), Occupational Privilege Tax, is hereby repealed.

**Section 2.** That the effective date of this ordinance shall be the \_\_\_\_ day of  
\_\_\_\_\_ 2011.

\_\_\_\_\_  
Jerry Cleworth, Mayor

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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

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

**ORDINANCE NO. 5868**

**AN ORDINANCE TO REPEAL CHAPTER 26, ARTICLE V, SECTION 26-201 OF THE FAIRBANKS GENERAL CODE, RESIDENTIAL EMERGENCY SERVICES TAX**

**WHEREAS**, the City Council enacted F.G.C. 26-201 in 2007, providing for a residential emergency services tax; and

**WHEREAS**, the tax has never been collected since the Council suspended levy of the tax prior to enforcement,

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

**Section 1.** Fairbanks General Code Chapter 26, Article V, Section 26-201, Residential emergency services tax, is hereby repealed.

**Section 2.** That the effective date of this ordinance shall be the \_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Jerry Cleworth, Mayor

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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

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

**ORDINANCE NO. 5869**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
CHAPTER 66, SECTION 66-43, SENIOR CITIZEN RATE**

**WHEREAS**, the Finance Department staff and City Finance Committee have reviewed the provisions of the Senior citizen rate and its administration and made suggestions to increase efficiency and improve the process for the City's senior citizens,

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

**Sec. 66-43. - Senior citizen rate.**

(a) A qualified senior citizen may apply to the office of the city clerk or the city finance department for the senior citizen rate. The senior citizen rate ~~will~~ shall be as provided in the city's schedule of fees and charges for services and will become effective the first billing quarter following a qualified filing.

(b) The term "qualified senior citizen" as used in this section is defined as a person at least 65 years of age or a person at least 60 years of age who is the widow or widower of a person who was receiving the senior citizen rate at the time of his/her death. The widow or widower must file a new application for the senior citizen rate and must meet the requirements of subsection (c).

~~(b)~~ (c) To receive the senior citizen rate of fees under this section a qualified senior citizen the applicant must:

(1) ~~Be a property owner and refuse customer.~~ Be an owner of record of the property receiving the refuse service.

(2) ~~Reside at the residence of exemption.~~ Occupy the property as a permanent place of abode. If the qualified senior citizen owns multiple properties, only the primary residence will be eligible for the senior rate.

(3) File for the senior citizen rate with the city clerk or the city finance department, provide proof of age, and have the application signature notarized. A qualified senior citizen need not file such an

**application for successive years if there is no change in ownership, no change in permanent place of abode, and no change as to the owner of record.**

(4) ~~Verify annually that the senior rate still applies.~~ **Maintain all City accounts in current status. The senior rate will be revoked if a City account(s) is delinquent. The senior rate will be reinstated without requiring a new filling for the senior rate when the account(s) are brought into current status.**

(5) If living in a residence provided service pursuant to section 66-41(a)(2), all residents must be qualified.

~~(c) The term "qualified senior citizen" as applied in this section shall be defined as a person 65 years and older.~~

~~(d) The applicant will be required to show proof of age at time of filing.~~ **Annually, the city finance department will review a minimum of 10 percent of the accounts receiving the senior rate to determine eligibility and compliance with this section.**

~~(e) The applicant~~ **qualified senior citizen receiving a senior rate or their designated representative** is responsible for notifying the **city clerk** ~~City of Fairbanks or Finance Office~~ department of any changes in ownership, residency, or permanent place of abode. ~~to their eligibility for the senior citizen rate.~~ **Any account that is receiving the senior rate for any period during which it is not eligible will be billed for the ineligible period at the regular refuse collection rate and charged interest at the current rate for delinquent refuse accounts.**

Section 4. That the effective date of this ordinance shall be the \_\_\_\_ day of December 2011.

\_\_\_\_\_  
Jerry Cleworth, Mayor

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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

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

**ORDINANCE NO. 5870**

**AN ORDINANCE AUTHORIZING SALE OF SURPLUS PROPERTY TO  
THE KOREAN COMMUNITY OF FAIRBANKS, INC.**

**WHEREAS**, the City of Fairbanks is the owner of Lots 13, 14, 15, & 16, Block 31, Bjerremark Subdivision (the "Property"), located at 24<sup>th</sup> Avenue and Rickert Street, as shown on attached "Exhibit A"; and

**WHEREAS**, the Korean Community of Fairbanks, Inc, an Alaska non-profit corporation, has respectfully requested permission to purchase the Property at less than full value, with tender offer of \$30,000 by letter of October 28, 2011, attached as "Exhibit B", including a cash down payment of \$10,000; and

**WHEREAS**, Fairbanks General Code of Ordinances Section 70-44 provides that the City may sell to a non-profit organization without public sale and for less than market value, whenever in the judgment of the City Council it is advantageous to do so; and

**WHEREAS**, the Korean Community of Fairbanks intends to construct an English language learning center for students and seniors on the Property, a non-profit purpose beneficial to the community; and

**WHEREAS**, the City administration has reviewed said Property and determined that same is not required for municipal purposes and can be sold to others; and

**WHEREAS**, it is the sense of the City Council that sale of the Property described above for the purposes stated is in the best interest of the community.

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

**SECTION 1. DETERMINATION:** That the terms and conditions expressed in the Korean Community of Fairbanks offer letter of October 28, 2011 are hereby agreed to and accepted, provided that 6% interest compounded monthly apply to the remaining balance, secured by Deed of Trust and Promissory Note, and that all associated costs be paid by purchaser.

**SECTION 2. PURCHASE AGREEMENT:** That a Real Estate Purchase Agreement as approved by the City Attorney be prepared and executed for the purposes herein.

**SECTION 3. RECISION:** Any and all prior acts by the City Council which may affect sale of this property are hereby rescinded.

SECTION 4. PERMISSIVE REFERENDUM: This conveyance of real property is subject to the right of the voters, within thirty-days of sale, to reject a sale by permissive referendum under FGC Sec. 70-42, and the City Charter.

SECTION 5. FORM OF CONVEYANCE: That said property shall be conveyed by Statutory Quit Claim Deed.

SECTION 6. CONDITIONS OF CONVEYANCE: That said Deed shall contain a condition limiting the Property to non-profit use, and that the construction of the proposed facility on the Property be commenced within five years of years of conveyance.

SECTION 7. PENALTY FOR DEFAULT: If construction of the facility is not commenced within five years of conveyance, title to the property shall revert to the City. In such event, monies paid to the City shall be returned to purchasers, except that the City shall be entitled to retain interest paid as penalty for default.

SECTION 8. MAYORS AUTHORIZATION: That the Mayor is hereby authorized and empowered to execute such agreements, deeds and instruments as necessary to complete sale of said property after Council approval.

SECTION 9. That the effective date of this ordinance shall be the 17<sup>th</sup> day of December 2011.

\_\_\_\_\_  
**JERRY CLEWORTH, Mayor**

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
PAUL EWERS, City Attorney





~ ~ ~ ~ ~  
Korean Community of Fairbanks

한국 사회

1500 Airport Way #C  
Fairbanks, Alaska 99701



October 28, 2011

Honorable Mayor Jerry Cleworth  
Esteemed Council Members  
800 Cushman Street  
Fairbanks, Alaska 99701

**Subject: Request to Purchase City-owned Lots  
Korean Learning Center**

**Dear Mayor Cleworth and Council Members:**

For several years the Fairbanks Korean Community has been in need of a site for construction of a Senior College and English learning center.

We have found that the City owns four vacant lots at the corner of 25<sup>th</sup> Avenue and Rickert Street. This land is large enough to allow space for the Learning Center, with adequate parking for teachers, seniors and students.

We are aware of your great generosity to the JP Jones Community Center located across the street from your land. We do not asking for a same free contribution. However, we humbly request part assistance to us in making this purchase. It is our hope and request that we be granted to purchase the property for \$30,000. We can make a \$10,000 cash down payment, and would like five years to pay off the balance, and will make all efforts to pay it off sooner.

We recently received a personal commitment from South Korean President Lee Myung-bak to assist with our Fairbanks Learning Center building fund on a matching basis. This is a great step in making our dream a reality. We promise that the land and the planned building will never be used for any purpose but bringing services and education to the Fairbanks Korean Community and only for non-profit uses.

We hope for your kind consideration of our request.

Please contact me at 456-1200 if you would like to meet and discuss our exciting project.

Respectfully,

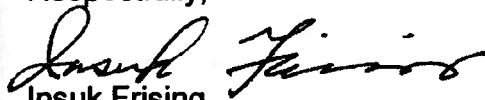

  
Insuk Frising  
Board President

EXHIBIT 'B'  
ORDINANCE 5870



## MEMORANDUM

To: City Council Members  
From: Jerry Cleworth, City Mayor   
Subject: Request for Concurrence – FNSB Planning Commission  
Date: December 5, 2011

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In order to ensure proportional jurisdictional representation on the Fairbanks North Star Borough Planning Commission, a third resident of the City of Fairbanks shall be appointed to that Commission. I request your concurrence to the nomination of:

- Timothy Sovde

Once there is concurrence of nomination for the member listed above, Mr. Sovde's name will be forwarded to the Fairbanks North Star Borough for appointment to the Planning Commission.

ABC



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

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: 11/23/11  
 NAME: Tim Sorde  
 BOARD: Planning Commission

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

- RESIDENCE ADDRESS: 402 Bonnitfield St. Fairbanks AK 99701
- MAILING ADDRESS: Same
- BUSINESS ADDRESS: Same
- CELL PHONE: ( ) \_\_\_\_\_
- HOME PHONE: (907) 458-8196
- WORK PHONE: (907) 458-8196
- E-MAIL: so-v-de@hotmail.com

**Statement of Interest:**

I have spent the last few years educating myself on the issues confronting our City and Borough. Serving on the Planning Commission will further my education on how government works.

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

Farmer boy from Minnesota. Came to Alaska early 80's. Worked in construction. Active in IACC and Interior Taxpayers Association. Regularly attend City and Borough meeting including Planning Commission.

**Professional Licenses/Training:**

BS in Chemistry

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

*City Of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: Jerry Cleworth, City Mayor   
Subj: Permanent Fund Committee  
Date: November 30, 2011

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One position on the Permanent Fund Review Board will expire on December 31, 2011. To fill the vacancy that will result, previously held by Mr. Jeff Johnson, I request your concurrence to the appointment of:

Mr. Ron Woolf – permanent member. Term to expire: December 31, 2014

Mr. Woolf brings complete historical knowledge of City of Fairbanks finances as well as the Permanent Fund Review Board. Please see his attached resume and application.

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](mailto:jjhovenden@ci.fairbanks.ak.us)

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: 11/29/2011  
 NAME: Ron Wolf  
 BOARD: Permanent Fund Review 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: 1703 Alaska Way, Fairbanks 99709
- MAILING ADDRESS: PO Box 81215, Fairbanks 99708
- BUSINESS ADDRESS: GUEA - Illinois Street
- CELL PHONE: (907) 322-3248       WORK PHONE: (907) 458-5803
- HOME PHONE: (907) 457-2263       E-MAIL: rewoolf@guea.com

**Statement of Interest:**  
I worked at the City for 7 years and had responsibility for the permanent fund.

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

**Professional Licenses/Training:**  
CPA / Finance Officer  
 \_\_\_\_\_  
 \_\_\_\_\_

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

## **RON WOOLF, CPA**

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P.O. Box 81215 - Fairbanks, Alaska 99708 – H: 907.457.2263 W: 907-458-5803

**EDUCATION:** Bachelor of Business Administration in Accounting  
University of Alaska, Fairbanks

### **SKILLS**

#### ***ADMINISTRATION AND SUPERVISION:***

- ✓ Facilitate management and governance of organizations via timely and accurate provision of financial statements reflecting the state of the organization to the Board Members to determine appropriate course of action. Ensure proper and legal use of funds by establishing internal fiscal controls and monitoring expenditures of program cost centers.
- ✓ Ensure smooth, efficient, and legal functioning of the Finance Department through adoption of management practices and procedures which promote efficiency with accountability in billing, purchasing, payroll, and cash management.
- ✓ Ensure protection and cost efficient use of capital assets by establishing systems for inventory, maintenance, and purchasing.
- ✓ Promote development of a motivated, efficient work-force in the Finance Department through participation in the recruitment, hiring, supervision, and training of personnel working in the unit.
- ✓ Promote intra-agency coordination through participation in the City's management team.
- ✓ Enhance relationships with funding agencies by timely and accurate submission of required fiscal reports.

#### ***PUBLIC ACCOUNTING:***

- ✓ Planned, implemented, and responsible for non-profit and corporate financial statement audits.
- ✓ Prepared monthly, quarterly and annual financial statements.
- ✓ Prepared computerized payroll, including quarterly state and federal payroll reports.
- ✓ Prepared individual, corporate, non-profit and partnership tax returns.
- ✓ Converted manual bookkeeping systems to computerized systems.

#### ***COMPUTER:***

- ✓ Supervised IT Department
- ✓ Reviewed and selected appropriate software for agencies. Implemented agency-wide use of programs and oversaw transition trouble-shooting.
- ✓ Proficient in: Many Accounting Programs                      Microsoft Office Products  
Lotus 1-2-3    Various other Programs



**SUMMARY:**

- 03/08 – present      *Controller, Golden Valley Electric Association*  
Fairbanks, AK  
Responsible for operations of the Finance Department. Work Closely with other divisions, Vice Presidents and the company President.
- 05/01 – 03/08      *Chief Financial Officer, City of Fairbanks*  
Fairbanks, AK  
Responsible for all operations of the Finance Department. Work closely with department heads and elected officials. Work under scrutiny of press and public.
- 10/91 – 05/01      *Finance Officer, Fairbanks Community Mental Health Center*  
Fairbanks, AK  
Managed business operations of nonprofit business with over 100 employees. Supervised Finance and IT Departments.
- 05/88 – 10/91      *Senior Accountant, Kohler, Schmitt & Hutchison*  
Fairbanks, AK  
Accountant in charge of audits. Prepared personal and corporate taxes. Performed computer conversions. Completed financial statements.
- 1983 – 1988      *Operations Manager, Fairbanks Moving and Storage Freight.*  
Fairbanks, AK  
Oversaw office and trucking operations of freight deliveries to Fairbanks.
- 1982 – 1983      *Insurance Agent, Prudential Insurance*  
Danvers, MA  
Licensed in Property & Casualty, Health and Life Insurance.
- 1978 - 1983      *Assistant Purchaser, Arnold's Stationery*  
City, State  
Worked in wholesale and retail sales of office supplies



**AWARDS AND ORGANIZATIONS:**

President Elect of Alaska Government Finance Officers Association  
Board Member of Alaska Municipal League Joint Insurance Association  
Board Member of Alaska Municipal Leagues Investment Pool  
Fairbanks Sunrisers Rotary  
Member of Municipal Advisory Group for Alaska Gas Pipeline  
Member of Advisory Board to UAF Accounting Program  
Past President of UAF Accounting Club  
Wall Street Journal Award in recognition of outstanding academic achievement