



FAIRBANKS CITY COUNCIL
AGENDA NO. 2011-22
REGULAR MEETING November 21, 2011
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN ST REET, FAIRBANKS, ALASKA

PRELIMINARY MEETING

- I 6:15 PM Community Service Patrol Annual Presentation
-

REGULAR MEETING

- II 7:00 P.M.
1. ROLL CALL
 2. INVOCATION
 3. FLAG SALUTATION
 4. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five (5) minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, kindly silence all cell phone, electronic and messaging devices.
 5. APPROVAL OF AGENDA AND CONSENT AGENDA

(Approval of Consent Agenda passes all routine items indicated by an asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda).
 6. APPROVAL OF PREVIOUS MINUTES
 - *a) Regular Meeting Minutes of August 22, 2011
 - *b) Regular Meeting Minutes of September 12, 2011

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: Ronnie Scott Dubs

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Resolution No. 4493 – A Resolution Authorizing the City of Fairbanks to Participate in the FFY2011 Community Development Block Grant (CDBG) Program. Introduced by Mayor Cleworth. POSTPONED from the Regular Meeting of November 14, 2011.

10. NEW BUSINESS

- *a) Resolution No. 4498 – A Resolution to Apply for and Accept Funding from the National Endowment for the Humanities for the Sustaining Cultural Heritage Collections Grant. Introduced by Mayor Cleworth.
- *b) Resolution No. 4499 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security and Emergency Management Under the FFY2011 Citizen Corps Program. Introduced by Mayor Cleworth.
- *c) Resolution No. 4500 – A Resolution to Apply for and Accept Funding from the Alaska Department of Transportation & Public Facilities for the Safe Routes to School Grant. Introduced by Mayor Cleworth.
- *d) Resolution No. 4501 – A Resolution Setting Forth the Method by which the Police Station Bonds will be Legally Defeased, and Authorizing the Mayor to Act. Introduced by Mayor Cleworth.
- *e) Ordinance No. 5865 – An Ordinance Adopting the 2012 Operating and Capital Budgets. Introduced by Mayor Cleworth.
- *f) Ordinance No. 5866 – An Ordinance to Amend Fairbanks General Code by Enacting FGC Section 1-20, Code of Ethics. Introduced by Mayor Cleworth.

- *g) Ordinance No. 5867 – An Ordinance to Repeal Chapter 74, Article VI, of the Fairbanks General Code, Occupational Privilege Tax. Introduced by Mayor Cleworth.
- *h) 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.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

12. COMMUNICATIONS TO COUNCIL

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. EXECUTIVE SESSION – Labor Negotiations: FFA, PSEA, IBEW and AFL-CIO

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, AUGUST 22, 2011
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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

Council Members Present: Vivian Stiver, Seat A
Chad Roberts, Seat B
Jim Matherly, Seat D
Emily Bratcher, Seat E
John Eberhart, Seat F

Absent: Bernard Gatewood, Seat C (Excused)

Also Present: Patrick B. Cole, Chief of Staff
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
D. Danyielle Snider, Deputy City Clerk
Ryan Rickels, IT Director
Tony C. Shumate, Director Personnel/Purchasing/RM
Pat Smith, Development Manager
Jim N. Soileau, Chief Financial Officer
Laren Zager, Police Chief

INVOCATION

The Invocation was given by Deputy City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

David Pruhs, 520 Eleventh Ave, Fairbanks – Mr. Pruhs spoke to the Polaris Building issue and asked that the Council think about the whole picture before taking any action. He spoke in support of an ordinance to grant Mr. Marlow a waiver for building permit fees, but recommended setting a two-year deadline for the renovation project. He remarked that the building has been unoccupied for ten years and something needs to be done. He suggested that if the deadline was not met, the City should then start the abatement process. He shared his solution to the problem with older buildings in the downtown area that would allow owners to renovate properties without paying borough tipping fees or City building permit fees. He

mentioned the overwhelming demolition cost, should the City have to tear down the building. He stated that he foresees other older buildings in the area presenting similar problems in the near future. He concluded by recommending that the City waive the building department fees and give Mr. Marlow a chance to renovate the Polaris Building because the only alternative is demolition.

Mayor Cleworth asked Mr. Pruhs if he really believed that \$150,000 in building permit fees would really make that much difference in a \$19 million project.

Mr. Pruhs replied that he didn't believe it would, but that he believes the number shows how much engineering and cost estimation Mr. Marlow has put into the project planning.

Frank Turney, 201 Seventh Avenue, Fairbanks – Mr. Turney expressed his happiness for seeing Ms. Riddles at the meeting. He spoke to the Polaris Building dilemma, suggesting selling the property to the military to house retired/disabled veterans or destroying the building with explosives. He thanked John Morgan and the City Public Works department for helping with the upkeep of the Clay Street Cemetery while he was unable to work. He requested that the City remove the dangerous tree in the cemetery as soon as possible.

Mayor Cleworth asked Mr. Turney to meet with Mike Schmetzer after the meeting to discuss the location of the birch tree and its removal.

Amy Geiger, Fairbanks Convention and Visitor's Bureau – Ms. Geiger mentioned the quarterly e-newsletter about local activities in Fairbanks. She stated that she is the Director of Communications for the FCVB and summarized the 15 press tours scheduled this summer, including international tours. She spoke to the fantastic activities in the community throughout the summer.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that he has been in and out of the Polaris Building for 40 years. He spoke against the City getting involved with the project. He spoke in favor of an ordinance to set a timeline, but spoke against any City funding or fee waivers.

Lloyd Hilling, 1182 Nenana Street, Fairbanks – Mr. Hilling announced that he will be running for City Council, Seat E. He stated that he first came to Fairbanks in 1975 and, on his second day here, got a job in the Polaris Building. He shared his sentiments for the structure and requested that the City do anything in its power to rescue it. He commented that it would be nice to see the City's parking garage get put to good use. He stated that, for tax payers, waiving building permit fees would be a better alternative than the City taking on the cost of demolition.

Jerry Norum, former City Council Member – Mr. Norum agreed with the statements made by Mr. Pruhs. He expressed that he sees the Polaris Building as an opportunity. He spoke of the development of Fairbanks since his first visit in 1956, stating that the City has many assets, but what is lacking is vision. He challenged the City Council to have a renewal of vision and be brave.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Eberhart, seconded by **Mr. Matherly**, moved to ADD an Executive Session to the Agenda at the end of the meeting to discuss the City's Lobbyist Contract.

Mayor Cleworth explained that the item added is not on the published agenda and only be added by unanimous consent of the Council.

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

Mayor Cleworth called for objection on Approving the Agenda, as Amended and, hearing none, so ORDERED.

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

SPECIAL ORDERS

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

Transfer of Ownership, Location and Name Change:

Type:	Package Store
License:	Brown Jug , # 4076
Licensee/Applicant:	Liquor Stores USA North, Inc.
Physical Location	No Premises
Current DBA:	Lavelle's Bistro, #4076
Licensee:	Café de Paris Catering Company
Location:	575 1 st Avenue, Fairbanks

Mr. Roberts, seconded by **Mr. Matherly**, moved to WAIVE protest.

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

Mr. Roberts asked for a status report on what the transfer would do.

Mayor Cleworth explained that Lavelle's Bistro has two liquor licenses, one of which they are selling to another company.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO WAIVE PROTEST OF THE LIQUOR LICENSE TRANSFER, AS FOLLOWS:

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

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth explained to the Council the reason for the "As Amended" version of Ordinance No. 5855 on their benches. **Mayor Cleworth** spoke positively about the new Flint Hills/GVEA partnership and how this will affect space heating in Interior Alaska. He mentioned also the University's research to replace its coal-fired facility in the hopes of providing steam heat for the campus. **Mayor Cleworth** recognized Pat Cole and other staff members for their work in getting the Northwest US Managers Association Convention to come to Fairbanks in March of 2013. **Mayor Cleworth** spoke to the finalization of the summer construction projects in Fairbanks and expressed appreciation to Mike Schmetzer and his crew for their hard work. **Mayor Cleworth** suggested Council Member(s) put together an ordinance regarding the Polaris Building so that a decision could be made. **Mayor Cleworth** thanked Ms. Bratcher for inviting him to the open house of her store. He mentioned the upcoming State of the City Address and City of Fairbanks Pig Roast. **Mayor Cleworth** asked Mike Schmetzer to come forward to speak to the RFP for the Barnette/Cushman Street Project.

Mr. Schmetzer explained that FMATS has created a project called "Complete Streets" to reconstruct and improve Barnette and Cushman Streets. He stated that there is a traffic consultant looking at different options specific to improving not only the traffic flow, but also the business climate. He stated that a number of intersections are also being looked at to see if traffic signals should be removed or added. He informed Council that once the recommendations were given by the consultant, information could be presented to the community through public meetings for input, then to the Engineering Department for design. He stated that the hope is to begin construction in 2012. He stated that the winning consultant proposal was Kinney Engineering, LLC.

Mayor Cleworth informed the Council that if the Consultant RFP is more than \$250,000 it must go before the Council in the form of a resolution or memorandum. He added that the Steering Committee is already in place, but the project is still in the planning process, and nothing is in concrete. He explained that since funding is limited, Cushman Street will be the highest priority with Barnette Street in second. **Mayor Cleworth** expressed his concern of having too many road construction projects in the downtown area at once, so he'd like to see them staggered. He was hopeful that construction on the "Complete Streets" project would commence in 2012.

UNFINISHED BUSINESS

- a) Ordinance No. 5855 – An Ordinance Amending the 2011 Budget Estimate for the Second Time. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Ms. Bratcher, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5855.

Ms. Bratcher, seconded by **Mr. Matherly**, moved to SUBSTITUTE Ordinance No. 5855, as Amended for Ordinance No. 5855.

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

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5855 AS AMENDED, AS FOLLOWS:

YEAS: Roberts, Matherly, Bratcher, Eberhart, Stiver

NAYS: None

ABSENT: Gatewood

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5855, as Amended ADOPTED.

- b) Ordinance No. 5856 – An Ordinance Authorizing Prepayment of all Outstanding Revenue Bonds for the Fairbanks Transportation Center. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Bratcher**, moved to ADOPT Ordinance No. 5856.

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

Mr. Eberhart asked why the prepayment of the bonds for the Fairbanks Police Department would need the consent of the voters, while this prepayment for the Fairbanks Transportation Center needs only Council approval.

Mayor Cleworth explained that they are two different types of bonds: Revenue Bonds and General Obligation Bonds. He stated that the General Obligation Bond for the Police Department will have to go before voters because it will affect the tax cap mill rate.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5856, AS FOLLOWS:

YEAS: Stiver, Matherly, Bratcher, Eberhart, Roberts

NAYS: None

ABSENT: Gatewood

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5856 ADOPTED.

Mayor Cleworth thanked the Council for adopting Ordinance No. 5856, stating that he had never known a bond to be prepaid in the history of the City of Fairbanks.

NEW BUSINESS

- a) Resolution No. 4483 – A Resolution Authorizing the City of Fairbanks to Request Funds from the Office of Homeland Security for Regional Fire Department Safety Equipment and Training in an Amount of \$50,000. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4484 – A Resolution Authorizing the City of Fairbanks to Request Funds from the Office of Homeland Security for the Replacement of a 2003 Ambulance in an Amount of \$260,000. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4485 – A Resolution Authorizing the City of Fairbanks to Request Funds from the Office of Homeland Security for the Upgrade and Modernization of Fire Protection Equipment in an Amount of \$200,000. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Ordinance No. 5857 – An Ordinance to Amend Fairbanks General Code Section 74-117(g)(3) Regarding Purpose of Hotel/Motel Tax Discretionary Grants. Introduced by Council Member Stiver.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

PSEA Committee Meeting. Mr. Eberhart gave a brief report on the August 9, 2011 meeting. He mentioned the committee's discussion on changing crime statistic reporting and on shift scheduling at FPD since the new PSEA Labor Contract was signed. He added that there was a Fire Department report given by Assistant Fire Chief, Ernie Misewicz.

COMMUNICATIONS TO COUNCIL

Reappointment(s) to the Building Code Review & Appeals Commission.

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Stiver spoke to the Polaris Building issue, stating that she believes it's worth weighing the City's options and that the increase in the parking garage usage would be a huge payback for the City. She expressed her intent to draft an ordinance with the assistance of the City Attorney. She agreed with Mr. Pruhs' idea of setting a deadline for Mr. Marlow in the renovation of the

Polaris Building. **Ms. Stiver** announced the upcoming kick-off of the “Housing First” project and stated that it is a great program that helps the homeless and has expectations. She spoke of the recent Energy Fair at Chena Hot Springs and that she found the hydronic heater display particularly interesting.

Mr. Roberts stated that he was pleased to see Ordinance No. 5856 pass and that he is proud to serve on a Council striving to see the City of Fairbanks become debt-free. He added that the summer had gone by quickly and that fall was coming soon.

Mr. Eberhart announced that the City’s candidacy filing period has been closed and that he was pleased to see three candidates running for Seat E and two, including himself, for Seat F. He expressed his anticipation for an ordinance to come forward on the Polaris Building. **Mr. Eberhart** stated that he was also happy to see the “Housing First” project starting up, and that it would provide housing for homeless and a medical hotel for out-of-town visitors. **Mr. Eberhart** asked to be excused for the Regular Meeting of September 12, 2011.

Mayor Cleworth called for objection regarding **Mr. Eberhart’s** request to be excused on September 12, 2011 and, hearing none, so ORDERED.

Ms. Bratcher announced that the first FCVB Board Meeting was coming up and stated that she would do her best to make the upcoming Chamber Meeting. She expressed her excitement for the 2011 Municipal Election and thanked all candidates who registered.

Mr. Matherly expressed his excitement for the City’s opportunity to be debt-free and for the upcoming election. He encouraged the public to get more involved. He stated his intent to attend the Chamber Meeting. He thanked **Mayor Cleworth** for giving a tour of the bleacher renovation.

Mr. Matherly, seconded by **Mr. Eberhart**, moved to go into Executive Session for the purpose of discussing the City’s Lobbyist Contract.

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

Mayor Cleworth called for a five-minute recess.

EXECUTIVE SESSION

City Lobbyist Contract

The City Council met in Executive Session to discuss the City’s Lobbyist Contract and no action was taken.

Mr. Eberhart, seconded by **Ms. Bratcher**, moved to IGNORE THE RFP for a new City Lobbyist Contract.

Mr. Matherly spoke in support of the motion, stating that the lobbyists are local residents and are a great voice for the City.

Ms. Stiver stated that, from her viewpoint, it wasn't so much about the performance of the City Lobbyists, as it was the question of whether or not an RFP was necessary. She spoke in support of the motion on the floor.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO IGNORE THE RFP FOR A NEW CITY LOBBYIST CONTRACT, AS FOLLOWS:

YEAS: Roberts, Eberhart, Matherly, Stiver, Bratcher

NAYS: None

ABSENT: Gatewood

Mayor Cleworth declared the MOTION CARRIED.

ADJOURNMENT

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

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

Mayor Cleworth declared the Meeting adjourned at 8:51 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 12, 2011
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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

Council Members Present: Vivian Stiver, Seat A
Chad Roberts, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Emily Bratcher, Seat E

Absent: John Eberhart, Seat F (Excused)

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

INVOCATION

The Invocation was given by Deputy City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 201 Seventh Avenue, Fairbanks – Mr. Turney expressed his sympathy and appreciation for the victims and heroes of September 11th. He stated that it is unfortunate that, because of the terrorist attacks, Americans have had to give up some liberties for the sake of security. He spoke to the Polaris Hotel restoration project and stated his hope that the Mayor and Council be careful not to give Mr. Marlow a “government handout.” Mr. Turney mentioned that he recently handed out jury fliers in the downtown area. He reminded the Mayor and Council that the dangerous birch tree in the Clay Street Cemetery still hasn’t been removed.

Tim Sovde, 402 Bonnifield, Fairbanks Candidate for City Council, Seat F – Mr. Sovde referred to Mr. Marlow as a political entrepreneur and that, unlike other entrepreneurs, he will pursue governmental moneys for his own profit. He stated his belief that Mr. Marlow is going too far and will not limit himself when it comes to government funding. He added that the City will have to provide essential government services for the property without receiving property taxes

for the structure, thus giving the long-term benefit to Mr. Marlow. He spoke against Ordinance No. 5859.

Ms. Stiver asked Mr. Sovde what he would like to see change, given that the rules for government tax credits are already in place, and how one would propose putting a stop to these “political entrepreneurs.” She asked if it is wrong for these individuals to ask for tax credits even though they are available. She pointed out that part of Ordinance No. 5859 would require that all deadlines be met by Mr. Marlow or the tax credits will be withdrawn.

Mr. Sovde replied that his point had been missed. He stated that this instance is different in that there would be additional services provided for the property, thus burdening the tax payer. He acknowledged that he had read the ordinance.

Lloyd Hilling, 1182 Nenana Street, Fairbanks, Candidate for City Council, Seat E – Mr. Hilling spoke to the Polaris Building situation and stated that the structure is going to cost the City money no matter what the outcome. He explained that he was on the City Council when the decision was made to grant tax credits for the property and that it seemed appropriate at the time, saving money for both the tax payers and the City. Mr. Hilling commented on the healthy financial state of the City due to the prudent decisions of the Mayor and City Council.

David Lerman, 126 Second Avenue, #15, Fairbanks, Candidate for City Council, Seat E – Mr. Lerman shared his personal experience with renovation at his apartment complex and used that as an example of how renovation can improve not only a structure, but also its surrounding community by helping eliminate domestic violence and drug usage. He spoke in support of Ordinance No. 5859, but stated his belief that building fees should be waived or reduced for the renovation of all deteriorated properties in the City. Mr. Lerman suggested the City form a DUI Task Force, similar to the Fluoride Task Force. He spoke in support of FMATS’ idea of elevated bike paths on the side of the road. He commented that the City needs to improve crosswalks and suggested a Crosswalk Task Force also be formed to protect pedestrians.

Karen Lane, 101 Dunkel Street, Suite 111, Fairbanks Convention & Visitors Bureau – Ms. Lane mentioned the great success of the recent Visitor Industry Walk for Charity. She announced other upcoming events including the Visitor Industry Candidates Forum on September 19th, a luncheon on October 12th spotlighting the Outdoor Rider’s Association, and the conventions in Juneau and Anchorage that FCVB employees will attend. She remarked that FCVB will be wrapping up the summer tourist season with the last downtown shuttle tour on September 23rd.

David van den Berg, Downtown Association of Fairbanks – Mr. van den Berg announced that the Downtown Market will be wrapping up the season with its last opening on September 19th. He mentioned also that there will be a “soapbox” opportunity for the candidates running for local office to speak from 4-8 PM on the closing evening.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Ms. Stiver pulled Ordinance No. 5858 from the Consent Agenda and moved to WITHDRAW Ordinance No. 5859 from the Agenda.

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

Deputy City Clerk Snider read the Consent Agenda, as Amended, into the record.

SPECIAL ORDERS

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

Transfer of Ownership:

Type:	Beverage Dispensary
License:	Shenanigan's, #2851
Licensee/Applicant:	Tiffany Andrei West
Physical Location	2406 S. Cushman Street, Fairbanks
Current DBA:	Shenanigan's, #2851
Licensee:	Tiffany Park West, Inc.
Location:	2406 S. Cushman Street, Fairbanks

Mr. Roberts, seconded by **Ms. Bratcher** moved to WAIVE protest.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST OF THE LIQUOR LICENSE TRANSFER, AS FOLLOWS:

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

Mayor Cleworth declared the MOTION CARRIED.

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

Transfer of Ownership:

Type:	Beverage Dispensary
License:	Reflections, #1920
Licensee/Applicant:	Tiffany Andrei West
Physical Location	2406 S. Cushman Street, Fairbanks
Current DBA:	Reflections, #1920
Licensee:	Lighthouse, Incorporated
Location:	2406 S. Cushman Street, Fairbanks

Ms. Bratcher, seconded by **Mr. Roberts**, moved to WAIVE protest.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST OF THE LIQUOR LICENSE TRANSFER, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Bratcher, Stiver

NAYS: None

ABSENT: Eberhart

Mayor Cleworth declared the MOTION CARRIED.

- c) Vacation of Public Right-of-Way (VA 001-12 / RP 002-12) – Request by CEM Leasing, et al, to vacate that portion of Braddock Street between 34th Avenue and Van Horn Road and to vacate that portion of 35th Avenue between Leasure Street and MacArthur Street within the S 1/2, Section 2, T1S R1W, FM AK.

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

No formal action was taken.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth read aloud Resolution No. 4486 in Appreciation of Festival Fairbanks.

A Festival Fairbanks Representative stated that the food from the City Hall garden would be donated to the Fairbanks Rescue Mission, the Food Bank, and the Soup Kitchen.

Mayor Cleworth read aloud a Proclamation Declaring September 5, 2011 as Jury Rights Day, recognizing the role of the Jury as an institution in our legal system. **Mayor Cleworth** spoke to his excitement for the projects in the works for the Bentley Trust area of Fairbanks. He spoke to the \$5 million dollars given to FMATS for dispersal, and informed the Council that \$1 million has been unofficially allocated for preventative maintenance for the City. **Mayor Cleworth** pointed out the North Pole football jersey on his bench and stated that it was sent by Mayor Doug Isaacson in celebration of North Pole High School's recent victory over Lathrop High School in the Mayor's Bowl. **Mayor Cleworth** stated that he had challenged Mayor Isaacson to a Fast-pitch Mayor's Bowl in the spring in which the two teams would compete. He added that Mayor Isaacson had not yet accepted the challenge.

UNFINISHED BUSINESS

Ordinance No. 5857 – An Ordinance to Amend Fairbanks General Code Section 74-117(g)(3) Regarding Purpose of Hotel/Motel Tax Discretionary Grants. Introduced by Council Member Stiver. SECOND READING AND PUBLIC HEARING.

Ms. Bratcher, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5857.

Tim Sovde – Mr. Sovde spoke in support of Ordinance No. 5857.

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

Ms. Stiver stated that she had contacted all but one of the Bed Tax Committee Members and that, of those, all were in support of the proposed changes to the Code. She reiterated to the public that grant dollars for health and social service organizations are available at the borough.

Mr. Roberts asked Ms. Stiver if the reason for the exclusion of health and social service organizations from the discretionary funds was because the committee had been burdened with too many requests in the past.

Ms. Stiver explained that an attempt to get the word out to more applicants a few years back resulted in the submittal of many applications that didn't qualify under the purpose of the discretionary fund.

Mr. Gatewood stated that he is unsure of what would fall outside the line of economic development and the promotion of tourism. He used Little League Football as an example of an applicant that may be excluded under the new language of the ordinance and stated that there may be other organizations left out if it is adopted as written.

Ms. Stiver explained that the committee has leeway in their decisions to grant or deny applicants and that they take many things into consideration.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5857 AS FOLLOWS:

YEAS: Bratcher, Roberts, Stiver, Matherly, Gatewood

NAYS: None

ABSENT: Eberhart

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5857 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4486 – A Resolution in Appreciation of Festival Fairbanks' Beautification, Cultural, and Arts Activities. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4487 – A Resolution Authorizing the City of Fairbanks to Request Funds from the Office of Homeland Security for Regional Fire Department Burn Prop and Training in an Amount of \$150,000. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Ordinance No. 5858 – An Ordinance to Amend Fairbanks General Code Section 42-1 Regarding Labor Relations. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Ms. Stiver**, moved to ADVANCE Ordinance No. 5858 to the next Regular Meeting of September 19, 2011.

Ms. Stiver, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5858 by Striking “the parties have reached an agreement on all issues” in Section 42-1 (2)(1) and replacing with “the ratification of the ordinance.”

Mr. Gatewood asked how this amendment would affect the ability of Council Members to communicate with the public regarding labor negotiations.

Mayor Cleworth replied that the ordinance would not interfere with freedom of speech.

Ms. Bratcher asked if Ordinance No. 5858 had been discussed by the Council in a Finance Committee Meeting.

Mayor Cleworth answered that the ordinance had not been thoroughly discussed before the Finance Committee because it did not concern City finances. He stated that it was presented at a Finance Committee Meeting a several weeks ago, but had been put on the “back burner” and slightly modified since that time. He added that most of the changes are just clean-up of the older language.

Mr. Roberts clarified when ratification of an ordinance regarding labor negotiations actually takes place. He pointed out that adoption of the ordinance is not the last step in the ratification process. He asked if “ratification” would still be the best term to use.

Mayor Cleworth stated that the City Council, by a majority vote to ratify a contract, fulfills the terms of the code. Whether or not a union accepts the contract terms is irrelevant to the ratification. He added that in cases when a union rejects the contract terms, the parties must restart the negotiation process.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5858, AS FOLLOWS:

YEAS: Gatewood, Stiver, Bratcher, Matherly, Roberts

NAYS: None

ABSENT: Eberhart

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5858, AMENDED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5858, AS AMENDED AS FOLLOWS:

YEAS: Bratcher, Roberts, Stiver, Matherly, Gatewood
NAYS: None
ABSENT: Eberhart
Mayor Cleworth declared the MOTION CARRIED and
ORDINANCE NO. 5858, ADVANCED.

- d) Ordinance No. 5859 – An Ordinance to Grant a Return of Certain Building and Fire Department Fees for the Polaris Building Project. Introduced by Council Member Stiver.

FAILED TO ADVANCE.

DISCUSSION ITEMS

Committee Reports

FCVB. **Ms. Bratcher** gave a brief report on the August 24th meeting.

COUNCIL MEMBERS' COMMENTS

Mr. Matherly stated that he has been enjoying watching his children play football over the summer. He remarked that the 9-11 celebration was a somber day but a good day to reflect on our freedoms.

Ms. Bratcher mentioned the 10-year anniversary of the September 11th attacks and complimented the Fairbanks Daily News Miner on their piece in Sunday's paper. She congratulated Bobby's Downtown for their three-year anniversary.

Mr. Gatewood thanked the local candidates running for public office and the citizens who come to City Council meetings and participate in Citizen's Comments. He added that public comments are appreciated and well-received.

Mr. Roberts stated that the fall season in Fairbanks is a great time. He mentioned that he recently went duck hunting. He expressed his anticipation for the upcoming candidate debates and thanked those running for public office.

Ms. Stiver thanked the Council for their support on the changes to the Bed Tax Code. She recognized Festival Fairbanks for their many accomplishments. She mentioned UAF's weekend film-shoot downtown and asked why the road was still closed today. She asked if City road closures were posted on the City's website. **Ms. Stiver** shared that the commander of the Chena Flood Control Project had invited the City Council to take a tour.

Mayor Cleworth, in response to **Ms. Stiver's** first question, stated that the barricades were in place for work being done by GHU between Noble and Lacey Streets and had nothing to do with the film-shoot. Secondly, he replied that City road closures can be posted on the website, but are not currently there.

Ms. Bratcher, seconded by **Mr. Matherly**, moved to go into Executive Session for the purpose of discussing Firefighters' Labor Negotiations.

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

Firefighters' Labor Negotiations

The City Council met in Executive Session to discuss the Firefighters' Labor Negotiations and no action was taken.

ADJOURNMENT

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

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

Mayor Cleworth declared the Meeting adjourned at 9:33 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

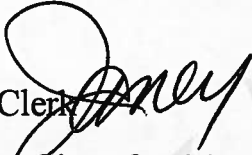
JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS

MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

Date: November 17, 2011
To: Mayor Jerry Cleworth
City Council Members
From: Janey Hovenden, CMC, City Clerk 
Re: Denial of Application for New City of Fairbanks Chauffeur License –Ronnie Scott Dubs

Attached is a copy of **Mr. Ronnie Dub's** 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)(d) (ord 5853 attached). Please refer to page 2 of his application for licensure which indicates a positive response to "Burglary, Felony Larceny, Fraud, or Embezzlement" and page two of the State of *Washington* Criminal History Report which indicates on March 17, 2004, Mr. Dubs was convicted of Burglary, Class B Felony

Mr. Dubs 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

Visit us on the Web at www.ci.fairbanks.ak.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

DATE: 11/10/11

TO: Janey Hovenden, City Clerk

FROM: Ronnie Dubs
(Please Print)

RE: Request for Appeal Hearing

Please consider this document a request for an APPEAL HEARING before the Fairbanks City Council in regards to the denial of my Occupational License Application. I can be present at the City Council Meeting scheduled for:

Monday, November 21, 2011 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 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.

[Signature]
Acknowledgement by Applicant

Official Use Only: Clerk's Initials: JC

Date Received: 11/10/11

Visit Us on the Web at www.fairbanksalaska.us



CITY OF FAIRBANKS

RECEIVED
NOV 10 2011

CITY CLERKS OFFICE

CHAUFFEUR LICENSE APPLICATION

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

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

Name: <u>Ronnie Dubs</u>	Other Name(s) Used:
Physical Address: [REDACTED]	City, State Zip: <u>Fairbank, AK 99701</u>
Mailing Address: <u>Same</u>	City, State Zip:
Home Phone: [REDACTED]	Work/Cell Phone: <u>Same</u>
AK Driver's License No: [REDACTED]	E-mail Address: [REDACTED] ^{com}
Date of Birth: [REDACTED]	Place of Birth: <u>Spokane, WA</u>

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 2 Length of FNSB Residency in Consecutive Years 2

Previous Address(es)

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

10403 67th Ave N.E Marysville WA From: 6/2003 To: 11/2009

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: City of Fairbanks
 Dates Employed: 11/2011 City/State: Fairbanks, AK
 Employer: Great Northwest
 Dates Employed: Summer 2010/2011 City/State: Fairbanks AK

Record of Conviction(s)

PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:

Within the past 24 months, have you had a conviction for any of the following:

- 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?
- Reckless or negligent driving?
- Driving while license is limited, suspended, or revoked?

YES or NO

NO
NO
NO

Within the past 5 years (or within the past 8 years if a felony conviction) have you received a conviction for either of the following:

- Operating or driving a vehicle while intoxicated?
- Refusing to submit to a chemical test as defined in AS 28.35.032?

NO
NO

Within the past 8 years have you had a felony or within 4 years a misdemeanor conviction for any of the following:

- Prostitution or promotion of prostitution?
- Sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 - AS 11.71.190?
- Any crime which includes as an element of the offense, the use or threat of force upon a person?
- Burglary, felony larceny, fraud, or embezzlement?
- Any sexual offense?
- Any homicide or assault involving operation of a motor vehicle?
- Two separate felony convictions of any type?

NO
NO
NO
NO
~~NO~~
NO
NO

Yes

Are you subject to the registration requirements of AS 12.63 (sex offender or kidnapper)?

NO

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

Citizenship Status

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

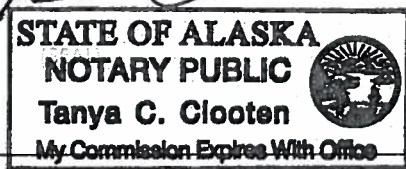
I, Ronnie Dubs, being first duly sworn, depose and state that I am the individual making application for license and that the answers to the foregoing questions and other statements contained herein are true and complete to the best of my knowledge and belief. I understand that any materially false statement 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.

[Signature]
Signature of Applicant

Sworn to before me this 8th day of November, 2011.

Tanya C. Clooten
Notary Public for the State of Alaska
My Commission Expires: with office



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.

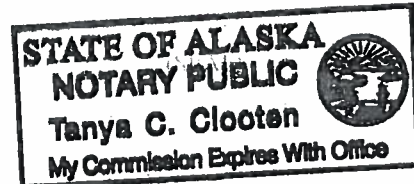
Affidavit

I, Randi Beach, so swear and affirm that I personally know Ronnie Dubois (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.

Randi Beach
Randi Beach
Signature
1456 Eielson Apt 2
Mailing Address
FAIRBANKS, AK 99701
City, State, Zip

Sworn to before me this 10th day of November, 2011.

Tanya C Clouten
Notary Public for the State of Alaska
My Commission Expires: with office



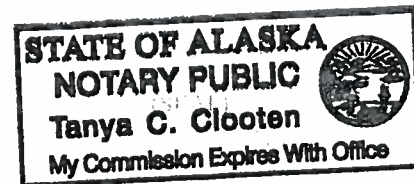
Affidavit

I, Jessica Long, so swear and affirm that I personally know Ronnie Dubs (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.

Jessica Long
Signature
1456 Eielson St #2
Mailing Address
Fairbanks, AK 99701
City, State, Zip

Sworn to before me this 10th day of November, 2011.

Tanya C Clouten
Notary Public for the State of Alaska
My Commission Expires: with office



Administrative Use Only

Approved By:

Date:

Denied By: Tanya C Clouten

Date: 11/10/11

Reason for Denial: felony burglary in 2004

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

www.fairbanks.ak.gov

**ORDINANCE NO. 5853, AS AMENDED
AN ORDINANCE AMENDING CHAPTER 86 VEHICLES FOR HIRE**

WHEREAS, numerous appeals are made to the Council as a result of the restrictions and requirements placed upon an applicant for a chauffeur's license; and

WHEREAS, the current code provisions do not provide guidance for the Council in considering such appeals; and

WHEREAS, certain restrictions and requirements are needed for protection of the public; and

WHEREAS, the changes proposed in this ordinance will provide guidance and certainty for applicants, for the administration and for the Council; and

WHEREAS, other section of this Chapter needed to be updated and clarified,

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

SECTION 1. Fairbanks General Code Chapter 86 Vehicles for Hire is amended as follows (new text in **underlined bold** font, deleted text in ~~strikeout~~ font):

Sec. 86-31. Definitions.

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

Commercial passenger transport vehicle (**CPTV**) means any of the following types of vehicles operation(s):

- (1) *Taxicab* – **defined as** means any motor vehicle used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.
- (2) *Motorbus or van* – **defined as** means any motor vehicle having a seating capacity of five persons or more **passengers**, according to the manufacturer's rating, operating over established and fixed routes, under private charter **or passenger for a fee** agreement, ~~or any other passenger for a fee, whether paid at the time of transport or otherwise, including transportation provided by a hotel or restaurant.~~ School buses, church buses, any transportation service provided at no charge by a nonprofit corporation, **transportation provided at no charge by an employee of a hotel, restaurant, or other business to or from their locations of operation**, and motorbuses owned or operated by the state or a political subdivision of the state shall not be governed by this article.

- (3) *Limousine* – defined as means any vehicle used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.

Operate shall mean picking up passengers in, delivering passengers to, or transporting passengers through the city.

Sec. 86-51. Required

(a) No person shall operate or cause to be operated upon the streets of the city any commercial passenger transport vehicle business unless the applicant shall first obtain, through application to the city, and thereafter hold, a commercial passenger transport vehicle permit license authorizing the operation of such business upon the streets of the city. No permit shall be issued for a period greater than two years, and an individual vehicle permit shall be required for each vehicle operated under this section. Applications for permit submitted to the city clerk must be accompanied by a current copy of the applicant's State of Alaska and city business licenses.

(b) After being given notice by the city, any person operating a vehicle or causing a vehicle to be so operated in violation of subsection (a) of this section shall be deemed guilty of a misdemeanor and upon conviction of such offense by a court shall be liable to punishment as prescribed in FGC Section 1-15.

(c) License, permit, and application fees are set forth in the city's schedule of fees and charges for services.

Sec. 86-52. Proof of insurance.

There shall be submitted with an application for a commercial passenger transport vehicle permit copies of policies of liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence covering all vehicles to be operated by virtue of the permit, such insurance to afford coverage in an amount determined to be satisfactory to the city attorney but not less than \$300,000.00 for all personal injuries sustained in any one accident, coverage in the amount of \$25,000.00 for property damage arising out of any one accident, and \$50,000.00 for all persons injured or who died in any one accident caused by an uninsured motorist. Each policy shall further contain a clause, addendum or endorsement providing that the insurer or his local agent will give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality. Any change in the city attorney's determination of what constitutes adequate insurance shall be provided in writing to each commercial passenger transport vehicle business with at least six months advance notice.

Sec. 86-53. Dispatch location; color scheme; written records.

(a) The application for a CPTV permit required in this division shall provide:

- (1) The identity of the location of the terminal or dispatch office from which the vehicles are to operate or whether they will be dispatched by cellular phone ~~upon the granting of the permit;~~

- (2) A statement by the applicant that the applicant will establish and maintain a central radio dispatch office or will operate dispatch by cellular phone, **and will** keeping a daily log of all cellular calls and providing cellular phone numbers to the owner company and the city clerk's office;
- (3) The distinctive single color scheme of the company which ~~will the applicant shall apply and which shall~~ be applied to the exterior of each vehicle to be operated under the permit, including the color scheme of any lettering or numbers to appear on the exterior;
- (4) A statement by the applicant that he agrees to maintain a written record of all dispatches of vehicles operated under the permit; a listing, maintained current, of all ~~chauffeurs or~~ drivers of vehicles operated under the foregoing permit, reflecting termination dates of ~~chauffeurs or~~ drivers who withdraw from such positions; and a record of the daily hours of ~~use~~utilization for each vehicle operated under such permit; and
- (5) Such other data as may be ~~from time to time~~ required by the **Police Chief**~~director of public safety or City Clerk.~~

(b) The information required in subsection (a) of this section shall be submitted to the **Police Chief**~~director of public safety~~ within five days after the end of the month, except insofar as expressly waived by the **Police Chief**~~director of public safety~~. All records of such information shall be preserved by the applicant for not less than two years ~~and to be~~ made available to the **Police Chief**~~director of public safety~~ upon request ~~of the latter~~.

Sec. 86-54. Revocation; suspension.

(a) A permit required in this division may be temporarily suspended or permanently revoked by action of the city clerk for any of the following occurrences:

- (1) Breach of any condition, limitation or modification imposed under this article in approving the application for permit.
- (2) Breach by the holder of the permit of any covenant or agreement undertaken by the holder in making application for such permit.
- (3) Delinquency on the part of the holder of a permit or on the part of the individual ~~chauffeurs or~~ drivers in payment to the city of any taxes or fees imposed on fares collected for the transportation of passengers in vehicles operated under the permit.

(b) Before suspending or revoking any ~~vehicle~~ permit, the city clerk shall set the time and place for a hearing and conduct the hearing.

Sec. 86-55. Transfer; assignment.

No permit **or license** required in this division shall be transferred or assigned by the holder without the approval of the city clerk. All approved transfers or assignments shall require payment of a fee, set forth in the city's schedule of fees and charges for services except that the city clerk may waive such fee where the real party in interest remains substantially unchanged.

Sec. 86-76. Chauffeur's license required.

(a) No person shall operate a commercial passenger transport vehicle upon the streets of the city until the person has been issued and thereafter holds in effect a chauffeur's license granted by the city.

(b) Any person operating or driving a vehicle in violation of subsection (a) of this section shall be deemed guilty of a misdemeanor **and upon conviction of such offense by a court shall be subject to punishment as prescribed in FGC Section 1-15(a).**

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

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 **fourteen** years of:
 - a. Prostitution or promotion of prostitution;
 - b. **Any offense under Alaska Statutes Title 11, Chapter 71 Controlled Substances** ~~Sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 through 11.71.190.~~
 - 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 Title 12, Chapter 63, of the Alaska Statutes.**

~~Sec. 86-78. Fingerprinting required.~~

~~An applicant for a chauffeur's license shall consent to fingerprinting. The set of fingerprints will thereupon be forwarded to the Federal Bureau of Investigation, Identification Division, for search and comparison purposes.~~

Sec. 86-79. Residency.

An applicant for a chauffeur's license must have resided within the Fairbanks **North Star Borough** area for a minimum of 30 days immediately prior to application. This residence requirement may be waived by the city clerk if the applicant has had a Fairbanks chauffeur's license within the last five years.

~~Sec. 86-80. Fee.~~

~~An applicant for a chauffeur's license must pay a license fee of \$25.00 at the time of application which shall not be refundable, and shall submit the fee for the chauffeur's license.~~

Sec. 86.81. Chauffeur's training required.

Within 24 months of issuance of a city chauffeur's license, each driver shall:

- (1) Attend a defensive driving school and furnish a copy of the certificate of completion to the city clerk.
- (2) If the city clerk does not receive the certificate described in subsection (1) by the end of the 24-month period, the license shall not be renewed.

Sec. 86-82. Issuance of a chauffeur's license; nontransferable; temporary license; fees; refund; expiration.

(a) Upon an applicant's compliance with the requirements of this article, the city clerk shall issue a chauffeur's license to the applicant; said license shall be carried upon that person at all times when operating a vehicle as a licensed chauffeur. No chauffeur's license shall be transferable or assignable. A temporary chauffeur's license valid for 30 days only may be issued to the applicant pending final action on the application. ~~Each chauffeur's license shall expire on the expiration date of his driver's license as issued by the state. The license fee for issuance of an initial chauffeur's license shall be submitted with the application.~~

(b) Chauffeur's license and application fees are set forth in the city's schedule of fees and charges for services. A licensed chauffeur is not required to obtain a city business license under section 14-601~~2~~ if working exclusively (as an employee or on contract) for a licensed commercial passenger transport operator who possesses a valid city business license.

Sec. 86-83. Suspensions or revocations.

The city clerk or his designee may temporarily suspend or permanently revoke a chauffeur's license for any of the following causes:

- (1) False or erroneous material statements contained in the licensee's application ~~and which were conducive to the issuance of the license.~~
- (2) **Conviction for a violation of any section of this chapter** ~~Failure of the licensee to carry the current chauffeur's license upon their person at all times when operating a vehicle as a licensed chauffeur.~~
- ~~(3) Operation within the city of a commercial passenger transport vehicle for which a vehicle permit, as provided in section 86-51, had not been issued, or has been suspended or revoked.~~
- (34) Subsequent conviction of a traffic offense which has resulted in the suspension or revocation of the licensee's state driver's license; or conviction of a traffic offense which places restrictions upon the individual's State of Alaska driver's license.
- ~~(45) Conviction of a felony, or conviction of a misdemeanor involving moral turpitude, or any conviction relating to prostitution ~~trafficking in women or children for immoral purposes.~~~~
- ~~(6) Soliciting passengers for hire; or cruising the streets of the city for the purpose of obtaining or inviting business; or attracting the attention of members of the public by word of mouth, signal, nod or other demonstration while in motion or parked.~~
- ~~(7) Parking a commercial passenger transport vehicle upon the streets of the city except for purposes of immediately loading or unloading passengers.~~

- (8) ~~Refusing to convey any orderly person upon request and tender of the proper fee unless previously engaged or unable or forbidden to do so by the provisions of this article or the laws of the state.~~
- (9) ~~Operating or remaining in physical control for purposes of operating a commercial passenger transport vehicle for a period in excess of 12 consecutive hours without six hours between shifts.~~
- (10) ~~Transporting or offering to transport in a taxicab additional passengers for a separate fare while the vehicle is occupied by a passenger and without the express permission of the latter.~~

Sec. 86-84. Regional and interstate bus drivers exempt.

Operators of motor buses are exempted from the provisions of this division provided such operators are licensed by the Interstate Commerce Commission.

Sec. 86-85. Posting of chauffeur's license.

No owner of a CPTV business may allow any driver to may operate a commercial passenger transport vehicle unless evidence, including his full name, that the operator is a licensed chauffeur is visibly posted on the dashboard in the interior of the vehicle ~~in a manner specified by the chief of police. Failure to do so will result in a citation and a fine of \$25.00.~~

Sec. 86-86. Maximum number of hours per day.

No licensed chauffeur driver may operate nor may the owner of a CPTV business allow a driver to operate a commercial passenger transport vehicle in excess of 12 consecutive hours nor perform any combination of chauffeuring and other gainful occupation, ~~whether chauffeuring or otherwise,~~ for more than 12 hours in any 24-hour period.

Sec. 86-87. Duty to serve public.

No driver of a commercial passenger transport vehicle may refuse or neglect to convey any orderly person upon request if the proper fee is tendered by such person, unless the driver is then engaged or would violate this chapter by conveying such person.

Sec. 86-88. Alcoholic beverages and controlled substances.

No driver of a commercial passenger transport vehicle may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.335.1903 ~~while on duty or for~~ eight ~~five~~ hours prior to operating a commercial passenger transport vehicle ~~taxicab~~.

Sec. 86-89. Most direct route.

Every driver of a commercial passenger transport vehicle shall follow the most direct route to the passenger's destination unless otherwise directed by the passenger.

Sec. 86-90. Exclusive use of taxicab.

A driver of a taxicab shall allow no more than one passenger or one group of passengers, except driver trainees, at any one time without the express consent of that passenger or group of passengers.

Sec. 86-91. Fares and receipts.

On request of any passenger paying a fare, a driver of a commercial passenger transport vehicle or other for-hire vehicle shall provide a receipt indicating the fare received, the date, permit number, dispatch company, and driver's legibly printed name.

Sec. 86-92. Records.

(a) At all times, a driver shall carry in the commercial passenger transport vehicle those documents commonly known as trip sheets. For each fare charged, a driver shall record on a trip sheet the following information:

- (1) Driver's full name, vehicle number, taximeter number and date of report.
- (2) Times between which the driver operates the taxicab on the day the trip sheet is prepared.
- (3) For each request for service, the time and place of passenger pickup and delivery, the number of passengers and the amount of the fare received.

Sec. 86-93. Posting of insurance, fares and complaint procedure.

The ~~Police Chief~~~~director of public safety~~ shall designate a place in the interior of all commercial passenger transport vehicles for the posting of a notice stating the name of the insurance carrier, ~~applicability~~, fares charged for service and procedures for making complaints to the police department of ~~public safety~~. No person may provide service with a vehicle unless such notice is visible to passengers.

Sec. 86-94. Transporting alcohol without passengers.

It shall be unlawful for any driver of a commercial passenger transport vehicle to purchase, transport or deliver alcohol at the request of any individual. Any transportation of alcohol in a commercial passenger transport vehicle must be by a passenger who is actually riding in the vehicle.

Sec. 86-95. Appeals.

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

(b) The city council may consider appeals of an applicant whose application for a chauffeur's license has been denied by the city clerk. The city council will not consider an appeal if the reason for the denial is a conviction for a sexual offense, for a felony drug offense, for driving while intoxicated, or for refusal within the time indicated in 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.

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


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

Sec. 86-96. Penalties.

(a) Violations of the following sections of this chapter are misdemeanors subject to the penalties set out in FGC Sec. 1-15(a): Sec. 86-51, 86-55, 86-76, 86-82, 86-88, and 86-94.

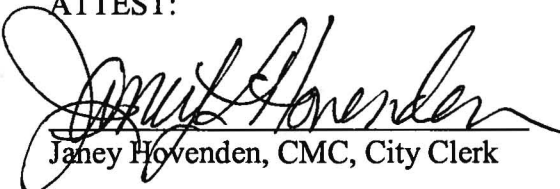
(b) Violations of the following sections of this chapter are infraction subject to a maximum fine of \$300.00 and a mandatory minimum fine of \$100.00: Sec. 86-85, 86-86, 86-87, 86-89, 86-90, 86-91, 86-92, and 86-93.

SECTION 2. That the effective date of this Ordinance shall be the 13th day of August 2011.




Jerry Cleworth, City Mayor

AYES: Eberhart, Gatewood, Stiver, Bratcher, Matherly, Roberts
NAYS: None
ABSENT: None
ADOPTED: August 8, 2011

ATTEST:


Janey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:


Paul J. Ewers, City Attorney

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

RESOLUTION 4493

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

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

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

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

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

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

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

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

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

WHEREAS, Clearwater Ministries understands that the grant requires a match of \$250,000 and is responsible for providing the match.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is hereby authorized to execute any and all documents required for granting and managing funds on behalf of this organization.

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

PASSED and APPROVED this ____ Day of November 2011.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

CITY OF FAIRBANKS
CDBG PUBLIC HEARING
OCTOBER 25, 2011
CITY COUNCIL CHAMBERS
NOON

Margarita Bell, Grants Administrator for the City of Fairbanks, opened the meeting to seek recommendations for projects to apply for funding under the Community Development Block Grant (CDBG) Program.

Margarita Bell informed attendees that the CDBG is a federal program funded by HUD and that the State of Alaska was awarded \$2.4 million in CDBG funds for FFY11. She explained that the State of Alaska is accepting applications from municipal government and second class cities for a single project with a maximum request of \$850,000 and a 25% match. She also explained that the grants are awarded on a competitive basis and must benefit low and moderate income persons. A list of eligible activities was presented from the CDBG Grant Application Handbook and it was explained that the City of Fairbanks would not seek projects involving special economic development due to the length of time it would take to accomplish the project.

Margarita Bell informed the attendees that several projects were suggested from previous meetings as follows: purchase fire engine, blight project on 20th and develop a safe haven for chronic inebriates. She stated that the purchase of a fire engine is still a priority and that the blight project on 20th was completed and the safe haven for chronic inebriates was in progress through Tanana Chiefs Conference.

Margarita Bell presented the following recommendations from emails: Donna Gardino recommended sidewalks on South Cushman from 15th to Mitchell Expressway (project scheduled for FFY15). Linda Setterberg recommended an Emergency Youth Shelter. Ann Lefavor concurred with Linda Setterberg and recommended a community needs assessment for homeless youth. Tara Tippet recommended a damp shelter for consideration pending the results of the housing first project (safe haven for chronic inebriates).

Margarita Bell requested additional recommendations. David van den Berg recommended refurbishing the Masonic Temple. It was determined that the building was not a public facility and would not be eligible for FFY11 but would be considered for future projects if the status of the facility changes. There were no other recommendations.

The attendees considered the following projects: purchase fire rescue engine, emergency youth shelter, homeless community needs assessment, refurbish Masonic Temple, South Cushman sidewalk, and damp shelter.

Linda Setterberg discussed the importance and the need for the emergency youth shelter. Warren Cummings discussed the importance of the fire rescue engine. Robyne expressed support for the emergency youth shelter and the fire rescue engine. Tara Tippet expressed concerns regarding the delay in the emergency youth shelter while the application was pending. Marylee Bates supported the emergency youth shelter but was not sure if the agency had the necessary information to apply for the funds.

It was unanimously decided that the priority for FFY11 would be the emergency youth shelter and that if the project could not meet the grant requirements the second priority would be the fire rescue engine. The attendees decided that the homeless community needs assessment could be completed using other funds and that the other projects were not ready for consideration.

Margarita Bell informed attendees that a resolution supporting the decision would have to be presented to council for approval to apply for CDBG funds.

The hearing was adjourned at 12:35 p.m.



The “Door”: Sustainable Temporary Emergency Shelter for At-Risk Youth in Fairbanks

A Concept Business Plan for Sustainability



Fairbanks Youth Advocates
PO Box 10337
Fairbanks, AK 99710

www.fairbanksyouthadvocates.org

I. Executive Summary

In Fairbanks, we see them on street corners, hanging out in the lobby of the library, and in the aisles at Walmart— at-risk, abused and homeless teens have plenty of places to go, but few are dependably safe, warm, and with hot meals, comfortable bed and caring adults. The gap in services for these teens is widely documented and inadequately addressed. For Fairbanks's most vulnerable population, Fairbanks Youth Advocates (FYA) - at The Door – will provide temporary home for today, and hope for tomorrow.

FYA is a 501c3 nonprofit organization whose mission is facilitating life's transitions for at-risk youth in the Fairbanks and greater Interior community. Its roots are deep, and lie in both the recognition of critical needs, and a strong desire to bring life-changing assistance to at-risk youth in the community. The statistics for homeless and runaway youth in the Interior are staggering. The FNSBSD expects that between 400-475 students will be homeless throughout the year; law enforcement reported 150 runaway incidences in 2010; and Anchorage's Covenant House reported that 130 youth from Fairbanks accessed their services in 2010. Few options exist for homeless young people found in dangerous and compromising situations.

Unaccompanied homeless youth are at higher risk for physical and sexual assault, abuse, and illness, including HIV/AIDS. In addition they are at a higher risk for anxiety disorders, depression, post-traumatic stress disorder and suicide. They are especially susceptible and vulnerable to exploitation – sex trafficking and the drug trade. And yet, most homeless youth remain in school.

The needs of homeless and runaway youth are complex, but safe, warm, caring shelter is a start for providing a broader continuum of support. The FYA board believes that a temporary Emergency Shelter, at a minimum, is the lynchpin in helping build more resilient youth, stronger families and safer communities. This is why FYA has purchased a building strategically located on 10th Avenue, and accessible to run-away and homeless youth. After renovation, homeless and run-away teens 12-17 years old will be able to receive food, clothing, individual or group and family counseling, family mediation and family reunification services provided by caring adults, as a start on the road to recovery.

Within the pages of this document, the FYA Board presents a sustainable Business Concept Plan for an essential new program that provides temporary emergency shelter – The Door Project – which would effectively leverage a solid city investment in the future, with strong community support, based on a sustainable, self-supporting business model.

II. The Fairbanks Youth Advocates Organization

Fairbanks Youth Advocates (FYA) is a federally recognized 501c3 tax-exempt nonprofit organization whose simple mission is facilitating life's transitions for at-risk youth in Fairbanks and the greater Interior community. While the tax-exempt status was recently granted, FYA's board and dedicated volunteers have been developing the organization since 2008. The genesis of FYA has roots in a town-hall type meeting held five years ago by then City Mayor, Terry Strle, following the tragic death of a 13 year old. Marylee Bates, a founding board member and current Program Director of FYA attended the meeting and asked: "Mayor Strle, if you could wave a magic wand and do something for homeless and at-risk youth, what would you do?" Thinking about it for just a few seconds, Mayor Strle said, "Can we provide them a bed and a blanket?" She continued, lamenting that we tend to make things complicated, and then we do nothing.

Taking those words to heart, Dave and Marylee Bates, in establishing a counseling agency, also formed a board and proposed to take the profits of the agency to help at-risk youth – that was the genesis of Fairbanks Youth Advocates. Operating under the parent name of Clearwater Ministries Inc. since its inception in 2008, the board has worked to establish a strong forward direction and a vision for the future with the goal of improving the lives of young people by facilitating life transitions for at-risk youth.

FYA's Long-Term Vision and Strategic Plan

FYA is guided by a five-year Strategic Plan, developed with the assistance of The Foraker Group. The plan provides solid focus and sets out a realistic and achievable vision for the future. At its core is a Temporary Emergency Shelter – that translates to a safe, warm place that offers stability as a building block to offering a continuum of care. "The "Door" is therefore a critical first step, and a tangible reflection of FYA's long-term vision. There is much to be done after emergency needs are met, but a temporary emergency shelter is the starting point – and currently non-existent in our community.

The Community Need Supporting Temporary Emergency Shelter

FYA proposes the following two primary reasons that clarify the need for a temporary emergency shelter in Fairbanks, for youths 12-17 years of age:

Community Need One: Fairbanks has a significant population of homeless youth age 17 and under. Homeless refers to young people who lack a fixed, regular and adequate night time residence. [From the federal McKinney-Vento Act] .

- The Fairbanks North Star Borough School District reported ~450 K-12 students as homeless in 2010-11 school year.

- Fairbanks Counseling and Adoption estimates approximately 800 homeless youth in Fairbanks.
- The percentage of unaccompanied minors is not known.
- More than 100 teens were identified as homeless who were not in school.
- 150 youth were reported as runaway in the borough.
- 130 Fairbanks youth received services in Anchorage at Covenant House, an emergency temporary shelter.
- Office of Children Services substantiated 197 reports of harm to children in the borough.

Statistically, Alaska has been ranked as one of the most dangerous places for teens to live. Homeless young people are especially susceptible and vulnerable to exploitation – sex trafficking and the drug trade.

Community Need Two: Currently, there are no temporary emergency shelter facilities for kids aged 12-17 years old – this age group falls through the cracks. Families with children and individuals 18 and older can access the Rescue Mission. Women with children escaping abuse can find shelter at the Interior Center for Nonviolent Living. Kids under 10-12 years old are generally not on the streets, primarily because of heightened interest and efforts by the state’s Office of Children’s Services.

Nearly a decade ago the only existing facility providing temporary emergency shelter for 12-17 year olds – Family Focus – closed down. The model being pursued by FYA is completely different than that model, and much better positioned for long-term sustainability.

Services for 12-17 year olds who need safe shelter are not available in Fairbanks. According to Covenant House, the national nonprofit providing services in Anchorage and the MatSu Valley, 10% of the homeless kids they work with are from Fairbanks. By its nature, to be effective temporary emergency shelter must be highly accessible.

III. Programs and Services – The “Door” – Temporary Emergency Shelter

FYA will provide temporary emergency shelter for youth 17 and under (depending on state regulations) for up to 21 days of care. The goal is meeting immediate physical needs including food and shelter, and facilitating access to health care. FYA will also provide individual, family, and group counseling, including family mediation, as appropriate. These services will be offered to all runaway, homeless, and street youth with the goal of increasing their safety, well-being, resilience and self-sufficiency, and helping them build permanent connections with caring adults. Youth will also be connected to our wide-range of

partner agencies that will help with the continuum of care. The program model is dynamic, and able to meet the changing needs of the community.

Benefit to the Community – Social Return on Investment in FYA

“The Door,” by providing temporary emergency shelter and associated services, is a catalyst for positive change in the lives of at-risk young people, their families, the community generally, and the City of Fairbanks specifically:

- **For At-Risk Youth**
 - As a gateway to safety, decreasing sickness, injury or death.
 - A safe shelter with basic core needs offers youth the time and space to think and plan for subsequent decisions.
 - They can re-connect with families if appropriate, or transition to the next step with the help of caring adults who can assist.
 - Through counseling, they will learn how to communicate effectively, identify their own issues, and learn to set appropriate boundaries that will help prevent them from short term and long term consequences that will negatively impact their lives.

- **For Families *with an emphasis on reunification if possible***
 - Families will have a reprieve from ongoing conflict that may prevent further damage in their relationship with their child.
 - Families will feel relief knowing their child is safe and not on the street.
 - Through counseling or mediation, families can learn communication skills and in a non-judgmental environment, begin to pick up the pieces and learn how to strengthen ties and bonds.
 - Families can get help finding and accessing resources for further help – a first step.

- **For the Community**
 - If kids are helped now, they are much less likely to become offenders who require police action and incarceration.
 - If at-risk youth don’t get timely help, their circumstances can result in the need for additional and often expensive services – police, correctional institutions, and pressure on the existing social services infrastructure.
 - Homeless young people are off the street, with a decreased likelihood of engaging in criminal behavior requiring public safety and legal response.
 - They are less likely to be part of the homeless adult population in the future.
 - Supporting the “Door” provides an opportunity for the

- community to show its socially responsible and caring side.
- A safer community means a decreased tax burden for residents.

- **For the City of Fairbanks**
 - Increases opportunity for city to receive CDBG funding:
 - “Supports activities which provide a substantial or direct benefit to low and moderate income residents.”
 - “Supports activities that eliminate clear and imminent threats to public health and safety.”
 - “Supports activities which demonstrate the potential for long term positive impact.”
 - “Supports activities which encourage local community efforts and combines and coordinates CDBG funds with other available private and public sources.”
 - Improves community resources to the homeless population at large, which has increased during current economic stresses.
 - When police spend less time on crimes and reports involving 12-17 year old homeless kids and runaways, they can spend more time dealing with higher priority criminal activities.
 - Decreased number and severity of property crimes.
 - Health services keep kids from going to ER for minor illnesses.
 - Safer streets encourage a better business environment.
 - City government is better able to leverage valuable tax dollars, which in turn could help keep the mil rate low.

There are many other positive benefits that will accrue from the programs and services provided by “The Door.” These and other positive outcomes have already led to a solid outpouring of community and stakeholder support for a temporary emergency shelter.

Community and Stakeholder Support

The list below reflects the broad support enjoyed by the FYA in general and in particular the need for a temporary emergency shelter for at-risk youth:

- Fairbanks Native Association
- Fairbanks North Star Borough School District
- Joel’s Place & Safe Place (and Wellsprings Ministries)
- Fairbanks Counseling and Adoption’s & S.O.A.P.
- Presbyterian Hospitality House
- Access Alaska
- Landmark Inc., Construction
- The Fairbanks Housing and Homeless Coalition
- Fairbanks Rescue Mission
- Interior Center for Nonviolent Living

IV. “The Door” Project Description and Facility Operations Plan

Fairbanks Youth Advocates owns a three-story house on 10th Avenue in

Fairbanks Youth Advocates: A Concept Business Plan
November 7, 2011

Fairbanks, across from the Regency Hotel. The facility was chosen for its accessibility to the target population and for proper zoning. Unlike Family Focus' shelter, it is not in the heart of a residential area. In addition, the building is centrally located near major transportation arteries and is on a bus line. Prior to purchase, several partner agencies were consulted regarding location. There is complete agreement that downtown is the right place, for reasons expressed but also accessibility to health care, and other social services.

The project identified in this Business Plan will involve renovation of the 10th Avenue house, turning it into a Residential Youth Facility with a specialization in Emergency Shelter, meeting all state and local licensing requirements. While there is still work to be done in finalizing plans for renovation, it is expected to cost roughly \$650,000 – that includes design, building, equipment acquisition, and specifically administration and project management activities pursuant to the grant. The estimated Capital Construction Budget is presented below:

Table A: Capital Construction Budget for the “Door”

Design / Permitting	Budget	Actual	Difference (\$)	Difference (%)
Design Fees	\$40,000		(\$40,000)	0.0%
City Building Permit	5,000		(5,000)	0.0%
Energy Rating	1,500		(1,500)	0.0%
Leeds Rating	20,000		(20,000)	0.0%
Construction	Budget	Actual	Difference (\$)	Difference (%)
Contract Administration	\$80,000		(\$80,000)	0.0%
Utilities	12,000		(12,000)	0.0%
Dumpster/Tipping Fees	9,000		(9,000)	0.0%
Demoliton Labor	24,000		(24,000)	0.0%
Windows/Exterior Doors	32,000		(32,000)	0.0%
Heating System	46,000		(46,000)	0.0%
Electrical System	46,000		(46,000)	0.0%

Fairbanks Youth Advocates: A Concept Business Plan
November 7, 2011

Ventilation System	20,000		(20,000)	0.0%
Sprinkler System	20,000		(20,000)	0.0%
Interior Framing	18,000		(18,000)	0.0%
Interior Doors / Trim	26,000		(26,000)	0.0%
Cabinets / Countertops	38,000		(38,000)	0.0%
Plumbing Fixtures	10,000		(10,000)	0.0%
Lighting Fixtures	15,000		(15,000)	0.0%
Flooring	38,000		(38,000)	0.0%
Insulation	33,000		(33,000)	0.0%
Drywall / Painting	39,000		(39,000)	0.0%
Appliances	22,000		(22,000)	0.0%
Hardware / Bath Acc.	9,000		(9,000)	0.0%
Exterior Siding / Paint	68,000		(68,000)	0.0%
Other				0.0%
Total Expenses	Budget	Actual	Difference (\$)	Difference (%)
	\$671,500		(\$671,500)	0.0%

As part of sustainability through minimized operation costs, the shelter capital project will be LEED certified, and highly energy efficient. Dave Miller, Landmark Inc., also on the board for the Cold Climate Housing Research Center, estimates that renovations and upgrades will result in as much as an 80% reduction in energy usage, with significant potential savings in fuel costs.

Project Management

The FYA board is solidly committed to having a fully qualified, professional Project Construction Manager to lead all aspects of the renovation. There has been significant local interest by professional builders/contractors to take on this essential role. This step is part of a larger effort to ensure the development and maintenance of a sustainable human resource infrastructure for FYA and the

shelter.

Limiting City Exposure

Building a sustainable revenue stream that does not rely on City funds for operations is one of the most important tools for limiting the City's exposure. Recognizing the documented community need, staying focused on mission, and keeping operating costs low translates to a solid, sustainable and creative way to run a nonprofit business, which means a much increased likelihood of success. Project success is what will most effectively limit the city's exposure, and best leverage its important investment.

The FYA board understands that the City of Fairbanks is concerned about potential liability related to funding the shelter project. To mitigate these concerns, FYA offers these thoughts and ideas:

- FYA board members are people of integrity.
- FYA board members are long term Fairbanksans, desiring to make a long term positive impact in the community.
- Our children's children are here and we want to be successful for them.
- Other well established community agencies are not just in support of a shelter, but they are in support of us running it. They believe in us.
- We have a Vista AmeriCorps volunteer arriving 11/17/11, provided by the borough, to help develop capacity building.
- We have already received extensive community donations for house contents, new bunk beds, kitchen supplies, towels, blankets, 3 sets of living room furniture, computers, and all we did was ask.
- Since FYA is taking on the construction management responsibilities, this will be covered by the CDBG funds, minimizing cities costs.

V. Sustainable Human Resources, Leadership and Management Plan

The Door project, under the auspices of Fairbanks Youth Advocates, is directed by a Governance Board, with the following members:

- Patrick Endres, Business Owner, Alaska Photographics
- Barry Berner, Business Owner, Felix's Golden Touch
- Barb Tyndall, Alaska Juvenile Justice Advisory Commission, high school teacher
- Marylee Bates, FYA Program Director, former AmeriCorps Program Director at Joel's Place, Elementary School teacher for 14 years
- Rhema Demoski, Safe Place Coordinator, AmeriCorps/VISTA at Joel's Place

Sustainable Staffing Plan

Developing a sustainable human resources infrastructure is essential to the ability of FYA to meet the needs of at-risk homeless youth in Fairbanks. The staffing plan is based initially on a combination of in-kind support from the FYA board, as well as AmeriCorps and VISTA positions. All positions are full-time equivalents, with each position described briefly below:

- **Program Director** (1FTE) – during the initial three years of shelter operations, the Program Director will be a volunteer position – the plan is to gradually begin compensating the position in year three as funds allow.
- **VISTA Volunteer** (1 FTE) – Arriving 11/17/2011 and primarily focused on developing funding streams, including broad based community support. Because Vistas are compensated by another organization, there is virtually no fiscal impact on FYA operating funds.
- **AmeriCorps Youth Advocates** (4 FTEs) – these positions will live at the shelter and work directly with the youth. AmeriCorps volunteers are part of a federal grant program, overseen by Joel's Place, but working at the shelter. Joel's Place charges an annual administrative fee to place AmeriCorps Volunteers of \$6,000/position, but covers everything else connected with their employment. There will a savings of over \$125,000 each year by using sustainable AmeriCorps volunteers, rather than staff who are fully compensated by FYA.

Consulting and Support Services

In order to most effectively leverage its operating resources, FYA will rely on other organizations and individuals:

- Covenant House has been providing valuable program expertise, as well as policies and procedures for the operation of temporary emergency shelter.
- The Foraker Group is providing low-cost Business Planning services to FYA as well as other support services.
- Lyndsay McClintock, Essential Accounting, for accounting and financial management services.
- Landmark Inc. has been providing critical and directive advice on renovation estimates and developing an energy efficient building with appropriate energy ratings.
- AlaskaPhotoGraphics has offered graphic design, website and public information assistance.
- Drenda Tigner, Presbyterian Hospitality House, has provided technical assistance regarding providing housing for youth and navigating state regulations.
- Access Alaska is providing mentoring oversight directly to Marylee as

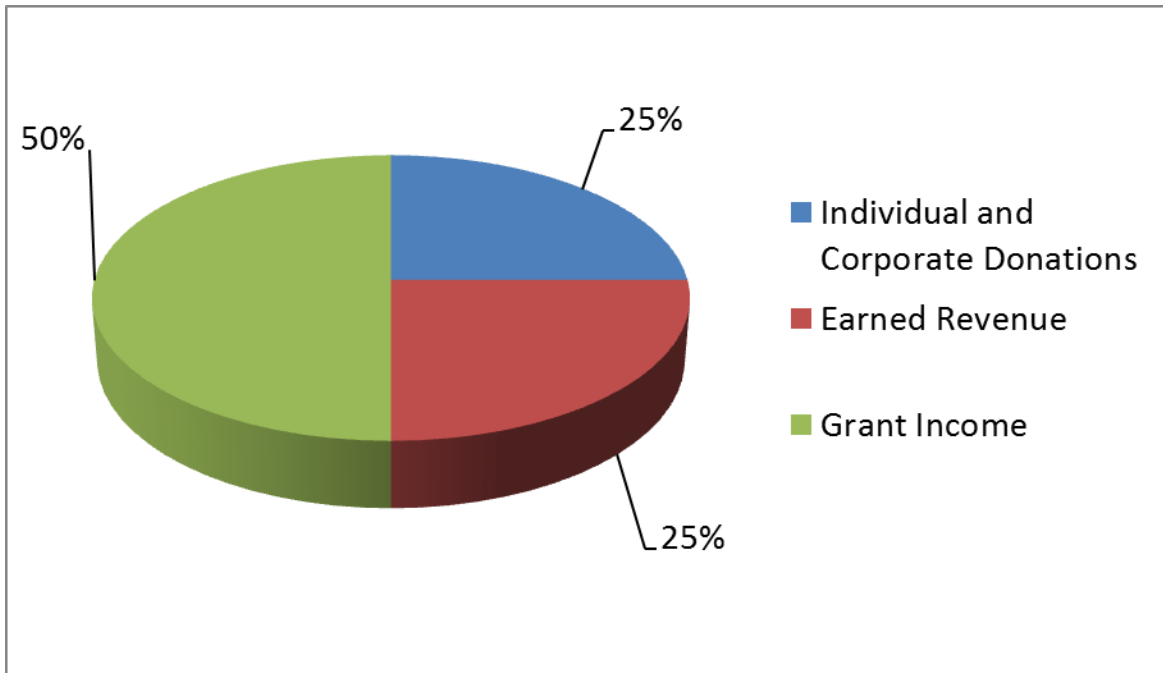
well as housing donated items and sharing staff time to help aspects of the project.

VI. Sustainable Income Plan

At the heart of any sustainable nonprofit organization is a sustainable revenue stream. In addition to most effectively leveraging resources on the expense side, the FYA board is actively pursuing development of a sustainable revenue stream that relies on a variety of sources, and specifically **does not rely on any city dollars to cover operating expenses.**

A sustainable revenue stream will consist of several sources which constitute both restricted and unrestricted revenue, coming from grant sources, earned revenue, individual charitable and corporate donations. The percentage of each as a proportion of the total is presented in the chart below:

Figure A: Projected Revenue Source by Type and Proportion of the Total



Each of the revenue sources is described in more detail below:

- Individual and Corporate Donations
 - Board Giving
 - 100% of the FYA Board has made a financial gift to the project
 - Donations from Individuals
 - Corporate Sponsorship
- Earned Revenue
 - AmeriCorps Utility Fee assessed against each AmeriCorps member, who will be housed at the shelter - \$200/month x 5 AmeriCorps = \$1,000/month.
 - State of AK Food Reimbursement – 35 youth at \$12/night = \$420 estimated minimum, per month.
 - Counseling revenue from Clearwater Counseling, at roughly \$30k annually. (This can be expanded with additional counselors)
 - Sliding Fee Scale – for families that are making arrangements for short term ‘time-out’ placements.
 - State’s Office of Children’s Services Bed Nights (~ \$30/night).
- Government Grants
 - State’s Mental Health Trust Authority
 - State Division of Juvenile Justice
 - Federal Administration for Children and Families, Basic Center Program
 - Federal Housing and Urban Development
Basic Homeless Assistance Program
Emergency Shelter Grant

VII. Concluding Thoughts

As a Concept Business Plan, this document lays out the basic foundation for providing an essential service to one of the Interior’s most vulnerable populations. There is still work to be done, and the nonprofit Fairbanks Youth Advocates organization continues to develop a full Business Plan for Sustainable Temporary Emergency Shelter. With a solid business plan in place, the FYA will build upon the city’s investment, based on a robust business model leading to a 100% self-supporting program.

The FYA appreciates the opportunity to present this Concept Business Plan to the members of the Fairbanks City Council and Mayor Jerry Cleworth...

Introduced By: Mayor Jerry B. Cleworth
Finance Committee Review: November 15, 2011
Introduced: November 21, 2011

RESOLUTION NO. 4498

A RESOLUTION TO APPLY FOR AND ACCEPT FUNDING FROM THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR THE SUSTAINING CULTURAL HERITAGE COLLECTIONS GRANT

WHEREAS, the National Endowment for the Humanities is accepting applications for the Sustaining Cultural Heritage Collections Grant to meet the complex challenges of preserving large and diverse holdings of humanities materials; and

WHEREAS, the long term protection of ordinances and resolutions as well as contracts and related official documents is a statutory duty of the Clerk's Office; and

WHEREAS, the City's historical records are a unique informational resource and an important link to the past that provides public access to the history of the City and without proper care, these irreplaceable records could be lost due to the ravages of time, usage, temperature fluctuations and imperfect storage conditions; and

WHEREAS, the City was awarded a non-matching grant of \$6,000 in 2010 to provide funds for a consultant to visit the City of Fairbanks to assess the conditions affecting the care and preservation of City documents and prepare a report that would summarize the findings and prioritize recommendations for future preservation action; and

WHEREAS, the consultant recommends the City of Fairbanks to seek funding to address climate control, fire protection, and other sustainability factors related to the preservation environment; and

WHEREAS, the City of Fairbanks plans to request \$40,000 (a match is not required) to begin the planning phase to preserve City documents.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor is authorized to apply for and accept funding from the National Endowment For The Humanities For The Sustaining Cultural Heritage Collections Grant in the amount of \$40,000 and to execute any and all documents required for requesting and expending funds on behalf of the City for this project.

BE IT FURTHER RESOLVED that the Mayor is also authorized to execute subsequent amendments to said grant request to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

PASSED and APPROVED this ____ Day of November 2011.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

Introduced by: Mayor Jerry B. Cleworth
Finance Committee Review: November 15, 2011
Date: November 21, 2011

RESOLUTION NO. 4499

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO ACCEPT FUNDS FROM THE ALASKA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT UNDER THE FFY2011 CITIZEN CORPS PROGRAM

WHEREAS, the Fairbanks City Council wishes to bring community and government leaders together to coordinate the involvement of community members and organizations in emergency preparedness, planning, mitigation, response and recovery; and

WHEREAS, the City of Fairbanks wishes to accept a grant in the amount of **\$22,243** under the State Homeland Security Program for the Citizen Corps Program to provide this service; and

WHEREAS, this program does not require a match;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, that Mayor Jerry Cleworth is hereby authorized to accept and execute any and all documents required for requesting funding on behalf of this organization.

BE IT FURTHER RESOLVED that Mayor Jerry Cleworth is also authorized to execute subsequent amendments to said grant request to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

PASSED and APPROVED this ____ Day of November, 2011.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

Introduced By: Mayor Jerry B. Cleworth
Introduced: November 21, 2011

RESOLUTION NO. 4500

**A RESOLUTION TO APPLY FOR AND ACCEPT FUNDING FROM THE
ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES FOR THE
SAFE ROUTES TO SCHOOL GRANT**

WHEREAS, the Alaska Department of Transportation & Public Facilities is accepting applications for the Safe Routes to School Grant for projects to help address planning, design, and construction improvements in the vicinity of schools; and

WHEREAS, the Fairbanks Metropolitan Area Transportation System (FMATS) has conducted a Safe Routes to School Plan and identified the lack of sidewalk on the east side of Hamilton Avenue between Farewell Avenue and Eureka Avenue as a major deficiency for children walking to and from Nordale School; and

WHEREAS, the City of Fairbanks plans to request \$35,000 under a Safe Routes to School Grant to construct approximately 250 linear feet of new sidewalk, curb and gutter; and

WHEREAS, the Safe Routes to School Grant does not require a City match.

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

BE IT FURTHER RESOLVED that the Mayor is also authorized to execute subsequent amendments to said grant request to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

PASSED and APPROVED this ____ Day of November 2011.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

By: Mayor Cleworth
Introduced: November 21, 2011

RESOLUTION NO. 4501

**A RESOLUTION SETTING FORTH THE METHOD BY WHICH THE
POLICE STATION BONDS WILL BE LEGALLY DEFEASED, AND
AUTHORIZING THE MAYOR TO ACT**

WHEREAS, on March 14, 2000, to finance costs of constructing and equipping a new public safety building, as authorized by Ordinance Nos. 5392 and 5405, and Resolution No. 3855 of the City Council (collectively, the "Bond Legislation"), following approval by the City's voters at an election held in the City on October 5, 1999, the City issued its General Obligation Bond, Series 2000, in the principal amount of \$7,000,000 (the "2000 Bond"); and

WHEREAS, in accordance with the Bond Legislation, the 2000 Bond was sold to the Alaska Municipal Bond Bank (the "Bond Bank") pursuant to a Loan Agreement dated as of March 1, 2000, between the City and the Bond Bank (the "Loan Agreement"); and

WHEREAS, as permitted by the Loan Agreement, the City refinanced its obligation to the Bond Bank by amending the Loan Agreement and issuing to the Bond Bank on March 22, 2005, its General Obligation Refunding Bond, 2005 (amending the 2000 Bond), in the principal amount of \$5,435,000 (the "2005 Bond"); and

WHEREAS, the 2005 Bond remains outstanding in the principal amount of \$1,890,000, payable in installments of principal and bearing interest at rates, as follows:

Principal Installment Payment Year (October 1)	Principal Installment Amount	Interest Rate
2012	\$ 600,000	5.00%
2013	630,000	5.00
2014	660,000	5.00

; and

WHEREAS, at an election held in the City on October 4, 2011, the City's voters approved a proposition (approved by the City Council in Ordinance No. 5846, as amended), that authorizes the City to pay off the debt incurred to finance construction of the public safety building, and

WHEREAS, Ordinance No. 5863, passed on November 14, 2011, approved a budget amendment appropriating funds for paying off the public safety building debt; and

WHEREAS, the Bond Bank has agreed to accept payment from the City to pay in full the City's obligation under the Loan Agreement, as amended, which will result in cancellation of the 2005 Bond;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks, Alaska, as follows:

Section 1. Providing for Payment in Full. From funds appropriated therefor, the City shall provide for payment to the Bond Bank of an amount sufficient to pay in full the City's obligations under the 2005 Bond and the amended Loan Agreement relating thereto. The City acknowledges and agrees that the Bond Bank will use this payment to (i) defease a portion of the Bond Bank's General Obligation Refunding Bonds, 2005 Series A, which were issued to provide funds to refinance the City's obligations under the Loan Agreement, and (ii) pay the Bond Bank's costs associated with the defeasance. The City is also authorized to pay costs of its legal counsel in connection with completing the transaction authorized by this resolution. Upon the Bond Bank's defeasance of its bonds, the City will receive the cancelled 2005 Bond as evidence that the City has fully satisfied its obligations to the Bond Bank under the Loan Agreement, as amended.

Section 2. General Authorization. The Mayor, Chief Financial Officer, City Clerk and any other appropriate officers, agents, attorneys and employees of the City are each hereby authorized and directed to cooperate with the Bond Bank and to take such steps, to do such other acts and things, and to execute such letters, certificates, agreements, papers, financing statements, assignments or instruments as in their judgment may be necessary, appropriate or desirable to carry out the terms and provisions of, and complete the transactions contemplated by, this resolution.

Section 3. Prior Acts. Any and all acts heretofore taken by officers, agents, attorneys and employees of the City in connection with refinancing the Bond are hereby ratified and confirmed.

Section 4. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED and APPROVED this 21st Day of November 2011.

Jerry Cleworth
City of Fairbanks

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC
City Clerk

Paul Ewers
City Attorney

SOURCES AND USES OF FUNDS

Alaska Municipal Bond Bank
City of Fairbanks 2011 Defeasance

Sources:

Bond Proceeds:	
Par Amount	2,085,000.00
	<hr/>
	2,085,000.00
	<hr/> <hr/>

Uses:

Refunding Escrow Deposits:	
Cash Deposit	0.87
SLGS Purchases	2,072,878.00
	<hr/>
	2,072,878.87

Cost of Issuance:

AMBB Bond Counsel	3,500.00
AMBB Financial Advisor	2,500.00
Verification Agent	2,000.00
Escrow Agent	1,500.00
	<hr/>
	9,500.00

Other Uses of Funds:

Additional Proceeds	2,621.13
	<hr/>
	2,085,000.00
	<hr/> <hr/>

SUMMARY OF BONDS REFUNDED

Alaska Municipal Bond Bank
City of Fairbanks 2011 Defeasance

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
City of Fairbanks Series 2005 Bonds, FRBNKS05:					
05BONDS	10/01/2012	5.000%	600,000.00		
	10/01/2013	5.000%	630,000.00		
	10/01/2014	5.000%	660,000.00		
			1,890,000.00		

PRIOR BOND DEBT SERVICE

Alaska Municipal Bond Bank
City of Fairbanks 2011 Defeasance

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
04/01/2012			47,250	47,250	
10/01/2012	600,000	5.000%	47,250	647,250	694,500
04/01/2013			32,250	32,250	
10/01/2013	630,000	5.000%	32,250	662,250	694,500
04/01/2014			16,500	16,500	
10/01/2014	660,000	5.000%	16,500	676,500	693,000
	1,890,000		192,000	2,082,000	2,082,000

ESCROW REQUIREMENTS

Alaska Municipal Bond Bank
City of Fairbanks 2011 Defeasance

Period Ending	Principal	Interest	Total
04/01/2012		47,250.00	47,250.00
10/01/2012	600,000.00	47,250.00	647,250.00
04/01/2013		32,250.00	32,250.00
10/01/2013	630,000.00	32,250.00	662,250.00
04/01/2014		16,500.00	16,500.00
10/01/2014	660,000.00	16,500.00	676,500.00
	1,890,000.00	192,000.00	2,082,000.00

ESCROW DESCRIPTIONS

Alaska Municipal Bond Bank
City of Fairbanks 2011 Defeasance

Type of Security	Type of SLGS	Maturity Date	First Int Pmt Date	Par Amount	Rate	Max Rate
Dec 15, 2011:						
SLGS	Certificate	04/01/2012	04/01/2012	46,178		
SLGS	Certificate	10/01/2012	10/01/2012	645,127	0.060%	0.060%
SLGS	Note	04/01/2013	04/01/2012	30,435	0.130%	0.130%
SLGS	Note	10/01/2013	04/01/2012	660,455	0.190%	0.190%
SLGS	Note	04/01/2014	04/01/2012	15,332	0.260%	0.260%
SLGS	Note	10/01/2014	04/01/2012	675,351	0.340%	0.340%
				2,072,878		

SLGS Summary

SLGS Rates File	14NOV11
Total Certificates of Indebtedness	691,305.00
Total Notes	1,381,573.00
Total original SLGS	2,072,878.00

ESCROW COST

Alaska Municipal Bond Bank
City of Fairbanks 2011 Defeasance

Type of Security	Maturity Date	Par Amount	Rate	Total Cost
SLGS	04/01/2012	46,178		46,178.00
SLGS	10/01/2012	645,127	0.060%	645,127.00
SLGS	04/01/2013	30,435	0.130%	30,435.00
SLGS	10/01/2013	660,455	0.190%	660,455.00
SLGS	04/01/2014	15,332	0.260%	15,332.00
SLGS	10/01/2014	675,351	0.340%	675,351.00
		2,072,878		2,072,878.00

Purchase Date	Cost of Securities	Cash Deposit	Total Escrow Cost	Yield
12/15/2011	2,072,878	0.87	2,072,878.87	0.248235%
	2,072,878	0.87	2,072,878.87	

ESCROW CASH FLOW

Alaska Municipal Bond Bank
City of Fairbanks 2011 Defeasance

Date	Principal	Interest	Net Escrow Receipts	Present Value to 12/15/2011 @ 0.2482354%
04/01/2012	46,178.00	1,071.30	47,249.30	47,214.80
10/01/2012	645,127.00	2,123.00	647,250.00	645,975.61
04/01/2013	30,435.00	1,815.24	32,250.24	32,146.84
10/01/2013	660,455.00	1,795.46	662,250.46	659,308.88
04/01/2014	15,332.00	1,168.03	16,500.03	16,406.38
10/01/2014	675,351.00	1,148.10	676,499.10	671,825.49
	2,072,878.00	9,121.13	2,081,999.13	2,072,878.00

Escrow Cost Summary

Purchase date	12/15/2011
Purchase cost of securities	2,072,878.00

Target for yield calculation	2,072,878.00

ESCROW SUFFICIENCY

Alaska Municipal Bond Bank
City of Fairbanks 2011 Defeasance

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
12/15/2011		0.87	0.87	0.87
04/01/2012	47,250.00	47,249.30	-0.70	0.17
10/01/2012	647,250.00	647,250.00		0.17
04/01/2013	32,250.00	32,250.24	0.24	0.41
10/01/2013	662,250.00	662,250.46	0.46	0.87
04/01/2014	16,500.00	16,500.03	0.03	0.90
10/01/2014	676,500.00	676,499.10	-0.90	
	2,082,000.00	2,082,000.00	0.00	

ESCROW STATISTICS

Alaska Municipal Bond Bank
City of Fairbanks 2011 Defeasance

Total Escrow Cost	Modified Duration (years)	Yield to Receipt Date	Yield to Disbursement Date	Perfect Escrow Cost	Value of Negative Arbitrage	Cost of Dead Time
Global Proceeds Escrow:						
2,072,878.87	1.767	0.248235%	0.248235%	1,975,624.84	97,253.99	0.04
2,072,878.87				1,975,624.84	97,253.99	0.04

Delivery date 12/15/2011
Arbitrage yield 3.001481%

Introduced By: Mayor Cleworth
Finance Committee Review: November 15 - 18, 2011
Introduced: November 21, 2011

ORDINANCE NO. 5865

**AN ORDINANCE ADOPTING THE 2012
OPERATING AND CAPITAL BUDGETS**

WHEREAS, pursuant to City Charter Section 5.2, on October 31, 2011 Mayor Cleworth presented a recommended annual operating and capital budget estimate for 2012; and

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

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

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

	MAYOR RECOMMENDS	COUNCIL APPROPRIATION
Taxes, (all sources)	\$ 19,476,971	\$ -
Charges for Services	4,123,905	-
Intergovernmental Revenues	3,213,390	-
Licenses & Permits	1,796,078	-
Fines, Forfeitures & Penalties	959,175	-
Interest & Penalties	122,000	-
Rental & Lease Income	157,919	-
Other Revenues	212,500	-
Other Financing Sources	2,925,129	-
Total Appropriation	\$ 32,987,067	\$ -

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

<u>DEPT</u>	<u>DESCRIPTION</u>	<u>MAYOR RECOMMENDS</u>	<u>COUNCIL APPROPRIATION</u>
10	Mayor and Council	\$ 473,250	\$ -
11	Office of the City Attorney	162,906	-
12	Office of the City Clerk	289,336	-
13	Finance Department	863,867	-
14	Information Technology	1,401,750	-
15	General Account	4,947,120	-
16	Risk Management	1,367,748	-
20	Police Department	6,503,934	-
21	Dispatch	1,933,941	-
30	Fire Department	6,098,719	-
50	Department of Public Works	6,689,020	-
51	Engineering Division	582,116	-
60	Building Department	627,037	-
	Total general fund appropriation	\$ 31,940,744	\$ -
	12/31/11 (estimate) general fund balance	\$ 9,512,734	\$ -
	Increase to fund balance	1,046,323	-
	(Estimate) Committed for 2011 encumbrances	(200,000)	-
	Committed for snow removal	(250,000)	-
	(Estimate) Committed self insurance reserve	(500,000)	-
	12/31/12 Unassigned balance	\$ 9,609,057	\$ -

SECTION 3. There is hereby appropriated to the 2012 Capital Fund budget from the following sources of revenue for the City of Fairbanks in the amount indicated:

	MAYOR RECOMMENDS	COUNCIL APPROPRIATION
Transfer from Permanent Fund	\$ 486,615	\$ -
Transfer from General Fund	700,000	-
Transfer Ambulance Mileage from General Fund	50,000	-
Budgeted Garbage Equipment Replacement	202,800	-
Equipment Replacement - Engineering	35,000	-
Equipment Replacement - Public Works	210,000	-
Equipment Replacement - Building Department	10,000	-
Equipment Replacement - Police	160,000	-
Equipment Replacement - Dispatch	80,000	-
Equipment Replacement - Fire	250,000	-
Equipment Replacement - IT	105,000	-
Property Repair & Replacement	145,000	-
	<hr/>	<hr/>
Total Appropriation	\$ 2,434,415	\$ -

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

SECTION 4. There is hereby appropriated to the 2012 capital budget, expenditures for the City of Fairbanks in the amount indicated:

DEPARTMENT	DESCRIPTION	MAYOR RECOMMENDS	COUNCIL APPROPRIATION
14	Information Technology	\$ 289,331	\$ -
20	Police Department	320,000	-
21	Dispatch Department	5,000	-
30	Fire Department	636,000	-
50	Department of Public Works	2,270,625	-
51	Engineering Division	35,000	-
	Total capital fund appropriation	\$ 3,555,956	\$ -
	12/31/11 (estimate) capital fund balance	3,500,710	-
	Decrease to fund balance	(1,121,541)	-
	12/31/12 Restricted fund balance	\$ 2,379,169	\$ -

SECTION 5. All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2012 and ending December 31, 2012.

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

JERRY CLEWORTH, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

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

Introduced by: Mayor Cleworth
Date: November 21, 2011

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