



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2011-17  
**REGULAR MEETING *September 12, 2011***  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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REGULAR MEETING

I 7:00 P.M.

1. ROLL CALL

2. INVOCATION

3. FLAG SALUTATION

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

5. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6. APPROVAL OF PREVIOUS MINUTES

7. SPECIAL ORDERS

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

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

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

Transfer of Ownership:

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

- 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 34<sup>th</sup> Avenue and Van Horn Road and to vacate that portion of 35<sup>th</sup> Avenue between Leasure Street and MacArthur Street within the S ½, Section 2, T1S R1W, FM AK..

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) 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.

10. NEW BUSINESS

- \*a) Resolution No. 4486 – A Resolution in Appreciation of Festival Fairbanks’ Beautification, Cultural, and Arts Activities. Introduced by Mayor Cleworth.
- \*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.
- \*b) Ordinance No. 5858 - An Ordinance to Amend Fairbanks General Code Section 42-1 Regarding Labor Relations. Introduced by Mayor Cleworth.
- \*c) 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.

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: Firefighters’ Labor Negotiations


17. ADJOURNMENT

# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

TO: Mayor Jerry Cleworth  
City Council Members

FROM:  Janey Hovenden, CMC, City Clerk

SUBJECT: Liquor License Transfer of Ownership

DATE: September 2, 2011

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

License #: 2851  
License Type: Beverage Dispensary  
D.B.A.: Shenanigans  
Licensee/Applicant: Tiffany Andrei West  
Physical Location: 2406 S. Cushman Street, Fairbanks

Mail Address: 912 6<sup>th</sup> Avenue  
Telephone #: 907-452-1246

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corp	Good standing?
N/A				

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

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Tiffany Andrei West	02/25/1973	912 Sixth Avenue, Fairbanks, 99701	907-347-1418	Sole Proprietor

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

License #: 2851  
Current D.B.A.: Shenanigans  
Current Licensee: Tiffany Park West, Inc.  
Current Location: 2406 S. Cushman Street, Fairbanks

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

Please note that there are no Departmental protests for this transfer.

State of Alaska  
Alcoholic Beverage Control Board

Date of Notice: August 2, 2011

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

TRANSFER  
 Ownership  
 Location  
 Name Change

Governing Body: City of Fairbanks  
Community Councils: None

License #: 2851  
License Type: Beverage Dispensary  
D.B.A.\*: Shenanigan's  
Licensee/Applicant: Tiffany Andrei West  
Physical Location: 2406 S. Cushman Street, Fairbanks

Mail Address: 912 Sixth Ave., Fairbanks, AK 99701  
Telephone #: 907-452-1246  
EIN:

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Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Tiffany Andrei West	02/25/73	912 Sixth Ave. Fairbanks 99701	347-1418	Sole Proprietor

If transfer application, current license information:

License #: 2851  
Current D.B.A.: Same as above  
Current Licensee: Tiffany Park West, Inc.  
Current Location: Same as above

Additional comments:

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

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

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

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

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

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

Sincerely,

*/s/ Christine C. Lambert*  
Christine C. Lambert  
Business Registration Examiner

**Alcoholic Beverage Control Board**

**5848 E. Tudor Rd Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412**



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

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

## ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO:  FINANCE DEPT.  
 FIRE DEPARTMENT  
 POLICE DEPARTMENT

DATE: 08-08-2011

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION-TRANSFER OF OWNERSHIP

DATE NOTICE RECEIVED AT CLERKS OFFICE: 08/02/2011 60 DAY DUE DATE 10/01/2011

DATE RESPONSE DUE: **09/06/2011** for City Council Meeting of 09/12/2011

License #: 2851  
License Type: Beverage Dispensary  
D.B.A.\*: Shenanigan's  
Licensee/Applicant: Tiffany Andrei West  
Physical Location: 2406 S. Cushman Street, Fairbanks

Mail Address: 912 6<sup>th</sup> Avenue  
Telephone #: 907-452-1246

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
N/A				

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If transfer application, current license information:

License #: 2851  
Current D.B.A.: Same as Above  
Current Licensee: Tiffany Park West, Inc.  
Current Location: Same as above

NO PROTEST:  
COMMENTS

PROTEST  
REASONS:

DEPARTMENT SIGNEE:

Signature

Date

8/8/11



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REASONS:

DEPARTMENT SIGNEE:

Signature

Date





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Current Licensee: Tiffany Park West, Inc.  
Current Location: Same as above

NO PROTEST:  
COMMENTS

PROTEST  
REASONS:

DEPARTMENT SIGNEE: *Tiffany West*

Signature

1 8-10-11

Date

# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

TO: Mayor Jerry Cleworth  
City Council Members

FROM: *DF FOR* Janey Hovenden, CMC, City Clerk

SUBJECT: Liquor License Transfer of Ownership

DATE: September 2, 2011

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

License #: **1920**  
License Type: Beverage Dispensary  
D.B.A.: **Reflections**  
Licensee/Applicant: Tiffany Andrei West  
Physical Location: 2406 S. Cushman Street, Fairbanks

Mail Address: 912 6<sup>th</sup> Avenue  
Telephone #: 907-456-3748

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corp	Good standing?
N/A				

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

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Current Licensee: Lighthouse, Incorporated  
Current Location: 2406 S. Cushman Street, Fairbanks

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

Please note that there are no Departmental protests for this transfer.



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

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

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*/s/ Christine C. Lambert*  
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If transfer application, current license information:

License #: 1920  
Current D.B.A.: Reflections  
Current Licensee: Lighthouse, Incorporated  
Current Location: Same as above

NO PROTEST:  
COMMENTS

*Pub in full*

PROTEST  
REASONS:

DEPARTMENT SIGNEE: \_\_\_\_\_

Signature

Date

*8/8/11*



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Current Location: Same as above

NO PROTEST:  
COMMENTS

PROTEST  
REASONS:

DEPARTMENT SIGNEE:

 Signature  
Date: 9/02/11



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Fax (907)459-6710

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NO PROTEST:  
COMMENTS

PROTEST  
REASONS:

DEPARTMENT SIGNEE: \_\_\_\_\_

Signature

1-8-10-11

Date

## **MEMORANDUM**

**TO:** Mayor Jerry Cleworth & City Council  
**THRU:** Michael Schmetzer, City Engineer *MS* 8/31/11  
**FROM:** Richard Springer, Engineering Technician Supervisor *RTS*  
**SUBJECT:** Proposed Vacation of Portions of Braddock Street & 35<sup>th</sup> Avenue  
**DATE:** August 31, 2011

The Engineering Department has found no reason for the City Council to veto the FNSB Platting Board approval of the proposed vacations of Braddock Street and 35<sup>th</sup> Avenue as shown on the attached preliminary plat.

All lots adjacent to the vacated streets will retain access via existing streets. Plat notes will be required regarding driveway permitting and sewer ordinances.





# Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

www.co.fairbanks.ak.us

**RECEIVED**  
AUG 29 2011

**CITY CLERKS OFFICE**

September 12, 2011

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

RE: VACATION OF A PUBLIC RIGHT-OF-WAY (VA 001-12 / RP 002-12)

Dear Mayor Cleworth:

At its regular meeting of August 17, 2011, the Platting Board of the Fairbanks North Star Borough approved a request by CEM Leasing, et al, to vacate that portion of Braddock St between 34<sup>th</sup> Ave and Van Horn Rd and to vacate that portion of 35<sup>th</sup> Ave between Leasure St and MacArthur St within the S½, Sec 2, T1S R1W, FM AK.

Alaska Statute 29.40.140 states that no vacation of a city street may be made without the consent of the City Council. The Council shall have thirty (30) days from the date of the Board's decision in which to veto that decision. If no veto is received within the thirty-day period, the consent of the City of Fairbanks shall be deemed to have been given to the vacation.

The Department of Community Planning recommends approval (no veto) as conditioned by the Platting Board.

Sincerely,

Bernardo Hernandez, Director  
Department of Community Planning

BH/r3

Attachments: Action Letter  
Platting Board Minutes  
Staff Report  
DPO and Preliminary Maps  
Aerial photo

*Hand-delivered to City Mayor, City Surveyor, and City Clerk – 8/26/2011*



# Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

www.co.fairbanks.ak.us

August 19, 2011

Jeremy Stark  
Stutzmann Engineering Assoc., Inc  
PO Box 71429  
Fairbanks AK 99707

Re: VA 001-12 / RP 002-12

Dear Jeremy,

At its regular meeting on August 17, 2011, the Platting Board of the Fairbanks North Star Borough considered a request by CEM Leasing, et al, to vacate that portion of Braddock St between 34<sup>th</sup> Ave and Van Horn Rd; to vacate that portion of 35<sup>th</sup> Ave between Leasure St and MacArthur St; to vacate public utility easements of record; and to replat into 12 lots Blk 21-A, Lots 12-A, 14-A, 15-A and 16-A, Blk 24 and Lots 7-11, Blk 25, Leasure Subd, 4<sup>th</sup> Addn; Lot 3, Tr A in Blk 20, Leasure Subd 5<sup>th</sup> Addn; and Blk 20, Leasure Subd along with the vacated rights-of-way (within the S ½, Sec 2, T1S R1W, FM AK).

The Board gave preliminary approval to the request, subject to the following conditions:

1. Note be placed on the final plat that states that structures on lots with access to community sewer are required to connect per city ordinances
2. 25' radius corner roundings be dedicated on the final plat on the north west corner of Block 21-A-1, the south west corner of Lot 7A, and south east corner of Lot 16A-1. Any existing utility easements underlying the dedications be depicted on the final plat.
3. Braddock Street road sign be removed prior to final plat approval
4. A common driveway easement be reserved at the vacated intersection of Braddock Street and Van Horn Road for the use of Lots 11A and 12A-1.
5. Title block be corrected on the final plat to reflect the full legal descriptions of the lots as shown in the title report submitted with the preliminary plat.
6. The applicant coordinate with GVEA, ACS, FNG, and GHU to determine the location of public utility easements to be reserved on the final plat. GVEA, ACS, FNG, and GHU review and comment on the final plat.
7. Note be placed on the final plat as follows: "Preliminary digital Flood Insurance Rate Maps panel # 4379J remove this area from the special flood hazard area. Anticipated adoption is February 2012."
8. Easements of record be shown on the final plat.

Jeremy Stark, Stutzmann Engineering Assoc., Inc  
August 19, 2011  
Page 2

Alaska Statute 29.40.140 states that no vacation of a city street may be made without the consent of the City Council. The Council shall have thirty (30) days from the date of the Board's decision in which to veto that decision. If no veto is received within the thirty-day period, the consent of the City shall be deemed to have been given to the vacation.

Your request is being forwarded to the City Council. Please contact the City Clerk's office (459-6715 or FAX 459-6719) for the meeting date.

Upon non-veto by the City Council, a final plat must be prepared by a registered land surveyor and submitted to this office within 24 months of the City Council action or the preliminary approval will become void.

If you have any question regarding the matter, please contact the Fairbanks North Star Borough Department of Community Planning at 809 Pioneer Road, 459-1260, or FAX 459-1254.

Sincerely,



Loriann C. Quakenbush  
Platting Officer

LQ/r1

Enclosure to Addressee

cc: CEM Leasing  
Kenneth Henry  
Charles G. Cartier  
John Ellsworth  
Mike Motsko  
Doyle Family Limited Partnership  
Kay M. Sanders  
Timothy H. Anthony  
Luke Hopkins, FNSB Mayor  
Jeffrey Jacobson, FNSB Chief of Staff  
ADOT Planning  
Pete Eagan, ADOT ROW  
Jennifer Schmetzer, FNSB Public Works Engineer

(VA 001-12 / RP 002-12)

cc: Richard Sprunger, City of FAS  
Mike Schmetzer " "

**Maynard** stated he would recuse himself on the 3<sup>rd</sup> St Widening because of effects on his business and relationship with an aggrieved party. The board voted to excuse him.

**Woster** felt that he had a possible conflict because of his former employment with DOT when he determined boundary lines on the 3<sup>rd</sup> St. project and made recommendations that could have direct impact on future decisions.

**Klepaski** felt that there would be the appearance of impropriety if Woster were to stay on after he had had some influence in this project.

The board voted to excuse him.

**Jantz** advised that the board lacked a quorum for the 3<sup>rd</sup> St. Widening. It will be rescheduled for another meeting, and property owners will be re-notified.

### Preliminary Applications

1. **VA 001-12 / RP 002-12** – A request by CEM Leasing, et al, to vacate that portion of Braddock St between 34<sup>th</sup> Ave and Van Horn Rd; to vacate that portion of 35<sup>th</sup> Ave between Leasure St and MacArthur St; to vacate public utility easements of record; and to replat into 12 lots ranging in size from approx 1.1 ac to 5.9 ac Blk 21-A, Lots 12-A, 14-A, 15-A and 16-A, Blk 24 and Lots 7-11, Blk 25, Leasure Subd, 4<sup>th</sup> Addn; Lot 3, Tr A in Blk 20, Leasure Subd 5<sup>th</sup> Addn; and Blk 20, Leasure Subd along with the vacated rights-of-way (within the S½, Sec 2, T1S R1W, FM AK) located on Leasure St, Van Horn Rd, and 34<sup>th</sup> Ave.

**Quakenbush** gave the staff report; staff recommended preliminary approval of the vacation replat with eight conditions: 1) Note be placed on the final plat that states that structures on lots with access to community sewer are required to connect per city ordinances. 2) 25' radius corner roundings be dedicated on the final plat on the north west corner of Block 21-A-1, the south west corner of Lot 7A, and south east corner of Lot 16A-1. Any existing utility easements underlying the dedications be depicted on the final plat. 3) Braddock Street road sign be removed prior to final plat approval. 4) A common driveway easement be reserved at the vacated intersection of Braddock Street and Van Horn Road for the use of Lots 11A and 12A-1. 5) Title block be corrected on the final plat to reflect the full legal descriptions of the lots as shown in the title report submitted with the preliminary plat. 6) The applicant coordinate with GVEA, ACS, FNG, and GHU to determine the location of public utility easements to be reserved on the final plat. GVEA, ACS, FNG, and GHU review and comment on the final plat. 7) Note be placed on the final plat as follows: "Preliminary digital Flood Insurance Rate Maps panel # 4379J remove this area from the special flood hazard area. Anticipated adoption is February 2012." 8) Easements of record be shown on the final plat.

Findings of fact: Staff further recommended adoption of the following findings: a) The streets proposed to be vacated only serve the adjoining lots and do not provide through-traffic. b) All adjoining lots have alternate access provisions. c) This vacation meets the applicable requirements for Vacations under Title 17.40.030.E.1. d) The replat meets the applicable requirements of Title 17.

**Woster** asked whether Emergency Services had reviewed and commented on this request. **Quakenbush** said the City of Fairbanks looked at it and had no objection; however she did not make a specific call to a fire chief in this particular case.

**Pitney** wanted to know who will get this land.

**Quakenbush** replied that the street will be divided equally and assimilated by the adjacent property owners.

*A roll call vote was taken on the motion by Mendenhall, seconded by Pitney, to approve VA 001-12/RP 002-12 with the eight conditions and four findings of fact as recommended by staff. Approval was unanimous.*

APPROVED

2. **SD 003-12 / RP 001-12 Heartland Estates** – A request by RCH Surveys on behalf of Ed and Michelle Daml to subdivide tracts A-1 and A-2, Heartland Acres, totaling 40.438 acres, into 27 lots ranging in size from 40,570 sq ft to 1.80 acres within N½ NW¼, Sec 8, T1S R2E, FM AK (located on Heartland Ave).

**Gutoski** gave the staff report; staff recommended preliminary approval of the four phase subdivision/replat with six conditions: 1) Heartland Ave be built to local 2 road standards within the existing 50' right-of-way, or additional right-of-way be obtained from Tract A, Freeman Junction to likewise meet local 2 standards from the connection with Nordale Road to Goldland Drive for phase one. 2) The dedication of the 50' wide right-of-way for Heartland Ave be extended through Lots 1, 9, 10 and 13, Block 2 be to the eastern boundary of the subdivision adjacent to the southwest corner of Tract B, Heartland Acres. 3) All lots be configured per the professional engineer's soils analysis to meet ADEC's minimum requirement of a 20,000 square foot lot size for onsite wastewater disposal systems exclusive of the 100' water setback from the river and slough, including the gravesite. 4) GVEA review and comment on final plat utility easement provisions. 5) FNSB Public Works Engineering approve septic system provisions. 6). Final plat for first phase be submitted within 24 months, and subsequent phasing be completed by eight years from preliminary approval.

**Finding of fact:** Staff further recommended adoption of the finding that as conditioned this replat meets the applicable requirements of Title 17.

**Gutoski** advised that a DPO response was received with concern to make sure monuments will be set at common angle points.

**Jantz** asked if Chuck Eckert's request would be accommodated.

**Gutoski** believes that monuments will be set in the phase adjacent to Eckert's boundary. Meanders will not be monumented except where witness to a lot line; angle points in the river will not be. To the NE, the line across the slough, angle points outside the lot line will not be monumented.

**Lanning** asked for a reminder of what local two road standards are and whether the existing driveway meets those at this time.

**Gutoski** replied that because the parent parcel for Heartland was granted a variance, the existing road for Heartland would likely not meet local one standards.

**Lanning** stated that something would have to be done about the road, no matter what.

**Gutoski** agreed.

Prepared 7/29/11 by

**STAFF REPORT**  
FNSB PLATTING BOARD

August 17, 2011

Loriann C. Quakenbush  
Platting Officer

~~~~~  
**VA 001-12 / RP 002-12**

**Applicant/Subdivider:** CEM Leasing, et al  
c/o Stutzman Engineering  
PO Box 71429  
Fairbanks AK 99707

|                |                                                               |                                                            |
|----------------|---------------------------------------------------------------|------------------------------------------------------------|
| <b>Owners:</b> | Kenneth Henry<br>3216 Riverview Dr<br>Fairbanks AK 99709      | Mike Motsko<br>PO Box 10105<br>Fairbanks AK 99710          |
|                | Charles G. Cartier<br>210 E Van Horn Rd<br>Fairbanks AK 99701 | James C. Doyle<br>2230 Spar Ave<br>Anchorage AK 99504      |
|                | John Ellsworth<br>PO Box 224889<br>Anchorage AK 99522         | Kay M. Sanders<br>200 E Van Horn Rd<br>Fairbanks AK 99701  |
|                |                                                               | Timothy H. Anthony<br>3400 MacArthur<br>Fairbanks AK 99701 |

**Specific Request/  
Legal Description:**

To vacate that portion of Braddock St between 34<sup>th</sup> Ave and Van Horn Rd; to vacate that portion of 35<sup>th</sup> Ave between Leasure St and MacArthur St; to vacate public utility easements of record; and to replat into 12 lots ranging in size from approx 1.1 ac to 5.9 ac Blk 21-A, Lots 12-A, 14-A, 15-A and 16-A, Blk 24 and Lots 7-11, Blk 25, Leasure Subd, 4<sup>th</sup> Addn; Lot 3, Tr A in Blk 20, Leasure Subd 5<sup>th</sup> Addn; and Blk 20, Leasure Subd along with the vacated rights-of-way (within the S½, Sec 2, T1S R1W, FM AK) located on Leasure St, Van Horn Rd, and 34<sup>th</sup> Ave.

**Location/Access:** Leasure St, Van Horn Rd, and 34<sup>th</sup> Ave

**Existing Land Use:** Proposed Lot 11-A – Vacant  
Proposed Tr B-2A – Vacant  
Remaining Lots – Industrial uses

**Current Zoning:** GU-1 - General Use  
Minimum Lot Size: 40,000 sq ft / 0.92 ac  
Minimum Setbacks: 0 ft

**Comprehensive Plan:** Urban Area, Light Industrial, Urban Boundary

**Soils:** Salchaket very fine sandy loam

**Flood Zone:** A and X500

**Road Service Area:** City of Fairbanks

**History:**

12-28-78 – Plat # 78-246 created Leasure Subd., 4<sup>th</sup> Addn.

06-26-87 – Plat # 87-46 replatted Tract A, Blk 20, Leasure Subd., 5<sup>th</sup> Addn.

09-16-88 – Plat # 88-74 replatted Tract B, Blk 20, Leasure Subd., 5<sup>th</sup> Addn.

10-11-96 – Plat # 96-112 replatted Lots 12-16, Blk 24, Leasure Subd., 4<sup>th</sup> Addn.

02-23-01 – Plat # 2001-25 vacated the alley between Blks 21 and 22, Leasure Subd.

**Specific Request:** This request is to do the following:

- Vacate portions of Braddock Street and 35<sup>th</sup> Avenue
- Vacate public utility easements within Block 21-A and Block 25
- Replat the existing lots to incorporate the vacated rights-of-way
- Combine Tract B-1 and Lot 12-A, along with the adjoining vacated rights-of-way, into one lot.

**Access:** The subject lots have existing driveway access on Van Horn Road, MacArthur Street, 34<sup>th</sup> Avenue, and Leasure Street. Lot 11A will use the existing Braddock Street intersection for its physical access. A common driveway easement will be reserved on the final plat to insure permanent driveway access for Lot 11A. All lots will use existing access points.

**Vacations:** The segment of Braddock Street proposed to be vacated is partially constructed, but does not connect Van Horn Road to 34<sup>th</sup> Avenue at this time. The Braddock Street right-of-way has been used as an extension of the adjoining lots for an undisclosed number of years.

It appears that a portion of the segment of 35<sup>th</sup> Avenue east of Leasure Street is constructed. It is difficult to tell due to the fact that a significant portion of Block 21-A is a gravel pad. This right-of-way is currently occupied by the Weaver Bros. operation and is not providing access to the public. The segment of 35<sup>th</sup> Avenue between Braddock Street and MacArthur Street may have been constructed at one time, but is being used by C.E.M. Leasing and not accessible to the public.

This request meets the criteria for vacations as all parcels adjoining the streets to be vacated have other existing public, constructed access. In addition, MacArthur Street and Leasure Street provide through-traffic to the north, and 34<sup>th</sup> Avenue and Van Horn Road provide east/west corridors. The managing authorities in this area are ADOT and the City of Fairbanks. Both have reviewed the vacation/replat and have no objection.

**Variance:** None

**Soils Report:** Community sewer is available to all lots except proposed Lot 3A and Tract B-2. Community water is not available to this area. Some of the existing lots are using private septic systems. (It should be noted that City ordinances prohibit the use of individual onsite wastewater disposal systems if community sewer is available.)

Since all the proposed lots are being made larger by this replat, a soils report is not required.

**Flood Zone/Wetlands:** Current FEMA maps show portions of this property are within Flood Zone A; however, the Flood Plain Administrator commented that the new preliminary flood maps remove this entire area from the Special Flood Hazard Area.

**FNSB In-house Review:**

Transportation Planner: Not available

**Street Addressing:** Commented that Tract B-2 has a situs address of 332 35<sup>th</sup> Ave. Since this segment of 35<sup>th</sup> Avenue will be vacated this address will be deleted from the street address records. There is not currently a structure on Tract B-2. Street Addressing has no objection to the vacation/replat.

**Public Works Engineering / Rural Services / Service Area:** Deferred comment to the City of Fairbanks.

**Advanced Planning/Zoning:** No response, to date.

**Flood Plain Administrator:** The new flood maps, scheduled for adoption in Feb. 2012, will not show this property within Flood Zone A. Because of the nonexistent nature of any realistic flood hazard in this area, the Flood Plain Administrator is recommending the following note for the final plat in place of the standard flood zone note: "Preliminary digital Flood Insurance Rate Maps, panel # 4379J remove this area from the special flood hazard area. Anticipated adoption is February 2012."

**Trails:** ~~No response, to date.~~ *No objection*

**Land Management:** No objection.

#### **Agency and Utility Review:**

**ACS:** No objection. Requested an underground utility easement be reserved in the 35<sup>th</sup> Avenue corridor to cover an existing fiber optic cable.

**ADOT:** No objection. Commented that ADOT driveway permits are required prior to construction of new driveways or modification of any existing driving onto Van Horn Road.

**GHU:** No objection. Requested 30' public utility easements ~~be reserved~~ be reserved within the Braddock and 35<sup>th</sup> Avenue corridors. Also requested review of the final plat.

**GCI:** No objection.

**GVEA:** No objection. Requested that public utility easements be extended to new property boundaries within the vacated street corridors. Also requested the standard secondary aerial crossing note be placed on the final plat, and review of the final plat.

**City of Fairbanks:** The City of Fairbanks Engineering Division has no objection to the street vacations contingent upon City council approval. City engineering requested 25' radius corner roundings be dedicated on the SW corner of Block 25, the SE corner of Block 24, and the NW corner of Block 21-A-1 and requested that a note be added to the final plat stating that new driveway access, or modification of any existing driveway, requires a permit from the City of Fairbanks.

**FNG:** No objection. Requested easement be reserved to cover their existing gas line.

**Summary Analysis:** This request will vacate Braddock Street between 34<sup>th</sup> Avenue and Van Horn Road and 35<sup>th</sup> Avenue between Leasure Street and MacArthur Street. ADOT and the City of Fairbanks do not object to the vacations. The vacations meet the criteria of Title 17.40.030.E since the streets have never been completely constructed and therefore do not provide through-traffic, and all the adjoining lots have other access provisions. The vacated area will be replatted into the adjoining lots on the final plat.

This request will also vacate unused public utility easements within Blocks 21-A and 25, and will combine Lot 12A, Block 24 and Tract B-1, Block 20 into one parcel.



All the proposed lots will have access from existing driveways except Lot 11A. Lot 11A will use the Braddock Street intersection for driveway access. A common driveway easement will be reserved on the final plat. The Braddock Street road sign will be required to be removed prior to final plat approval.

Affected utilities, agencies, and Borough departments and divisions were given an opportunity to review the preliminary plat. The City requested dedication of 25' radius corner roundings and the utility companies requested that easements be reserved for existing facilities in the vacated streets. These requests have been incorporated into the conditions below. We did not receive any objections from the reviewing parties.

**Recommendation:** Staff recommends preliminary approval of the vacation/replat with the following conditions:

1. Note be placed on the final plat that states that structures on lots with access to community sewer are required to connect per city ordinances
2. 25' radius corner roundings be dedicated on the final plat on the north west corner of Block 21-A-1, the south west corner of Lot 7A, and south east corner of Lot 16A-1. Any existing utility easements underlying the dedications be depicted on the final plat.
3. Braddock Street road sign be removed prior to final plat approval
4. A common driveway easement be reserved at the vacated intersection of Braddock Street and Van Horn Road for the use of Lots 11A and 12A-1.
5. Title block be corrected on the final plat to reflect the full legal descriptions of the lots as shown in the title report submitted with the preliminary plat.
6. The applicant coordinate with GVEA, ACS, FNG, and GHU to determine the location of public utility easements to be reserved on the final plat. GVEA, ACS, FNG, and GHU review and comment on the final plat.
7. Note be placed on the final plat as follows: "Preliminary digital Flood Insurance Rate Maps, panel # 4379J remove this area from the special flood hazard area. Anticipated adoption is February 2012."
8. Easements of record be shown on the final plat.

**Findings of fact:** Staff further recommends adoption of the following findings:

- a) The streets proposed to be vacated only serve the adjoining lots and do not provide through-traffic.
- b) All adjoining lots have alternate access provisions
- c) This vacation meets the applicable requirements for Vacations under Title 17.40.030.E.1.
- d) The replat meets the applicable requirements of Title 17.

**Recommended Motion:**

*I move to approve VA 001-12/RP 002-12 with the eight conditions and four findings of fact as recommended by staff.*

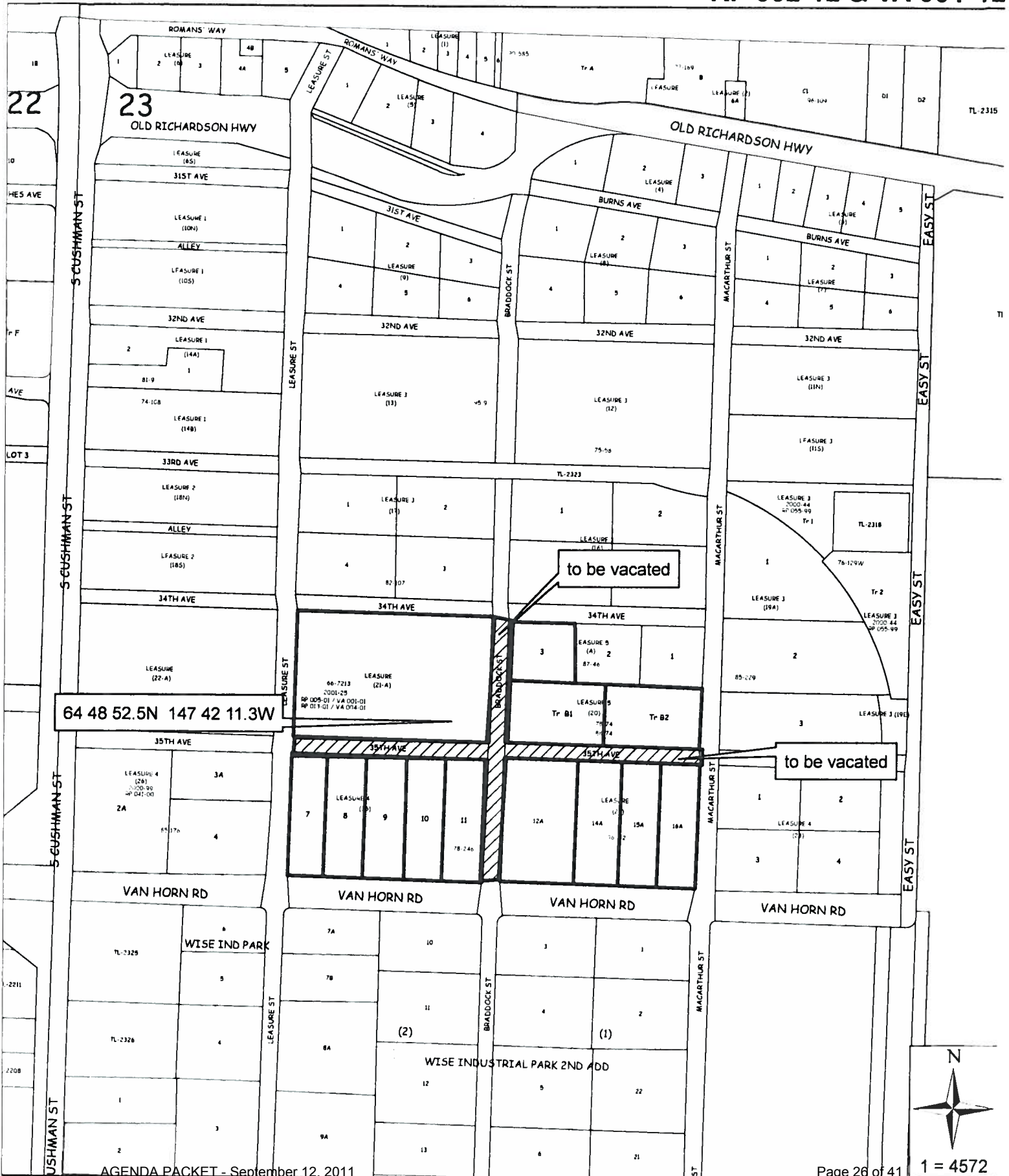
LQ/r1



# FNSB Dept. Of Community Planning Platting Board

Printed on: Jul 14, 2011

## RP 002-12 & VA 001-12

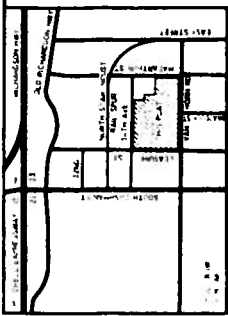


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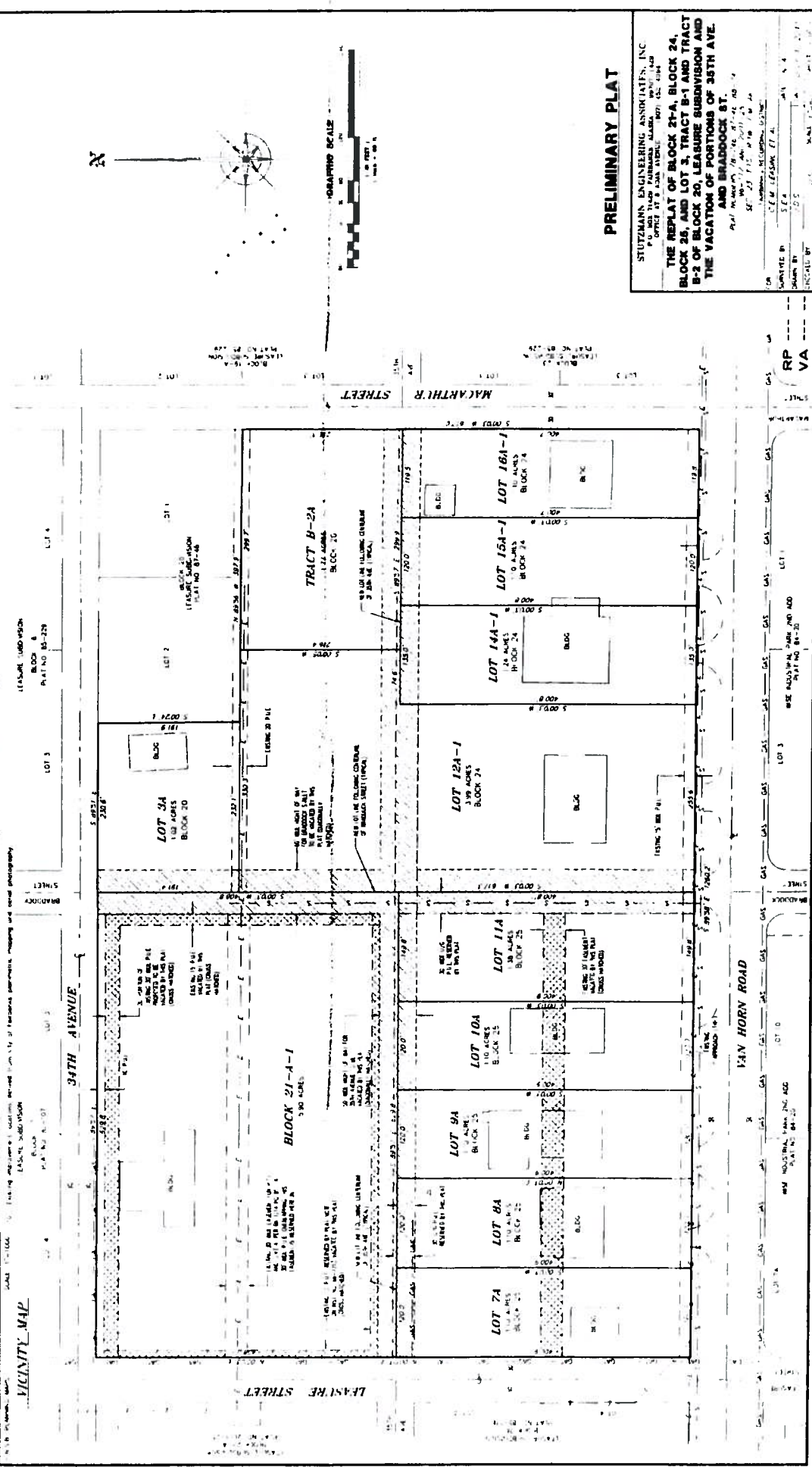
to be vacated

to be vacated





- NOTES**
1. This is a preliminary plat. It is subject to change without notice.
  2. The plat is subject to the provisions of the Virginia Uniform Statewide Map Act.
  3. The plat is subject to the provisions of the Virginia Uniform Statewide Map Act.
  4. The plat is subject to the provisions of the Virginia Uniform Statewide Map Act.
  5. The plat is subject to the provisions of the Virginia Uniform Statewide Map Act.
  6. The plat is subject to the provisions of the Virginia Uniform Statewide Map Act.
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  8. The plat is subject to the provisions of the Virginia Uniform Statewide Map Act.
  9. The plat is subject to the provisions of the Virginia Uniform Statewide Map Act.
  10. The plat is subject to the provisions of the Virginia Uniform Statewide Map Act.



34TH AVE

34TH AVE

Doyle Family Limited Partnership

LEASE  
(21-A)

66-7213  
2001-25

RP 005-01 / VA 001-01  
RP 013-01 / VA 004-01

35TH AVE

AK Elec.  
Rebuilders  
(Sanders)

7

LEASE 4  
(25)

8

AK Rubber Properties

9

Hydraulic Center (Motsko)

10

Pacific Div. Inv. (Ellsworth)

11

B-246

VAN HORN RD

VAN HORN RD

Anthony Prop.

3

LEASE 5  
(A) 2  
87-46

1

LEASE 5  
Tr B1 (20)

CEM Leasing

Tr B2

35TH AVE

Ken &  
Cynthia  
Henry

12A

CEM Leasing

LEASE  
(24)

14A

15A

16A

96-112

CEM Leasing

LEASE ST

MACARTHUR ST



**ORDINANCE NO. 5857**

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE SECTION  
74-117(g)(3) REGARDING PURPOSE OF HOTEL/MOTEL TAX  
DISCRETIONARY GRANTS**

**WHEREAS**, the City's hotel/motel tax was implemented for the primary purpose of funding services for the promotion of the tourist industry and other economic development, and for the funding of services for the general public; and

**WHEREAS**, revenue from the hotel/motel tax funds discretionary grants which are awarded by the City Council based upon the recommendations of the discretionary fund committee; and

**WHEREAS**, the primary purpose of the discretionary grants should be the promotion of tourism and other economic development; and

**WHEREAS**, the current ordinance does not specify this purpose,

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

Section 1. That Fairbanks General Code Section 74-117(g)(3) is amended as follows (new text in **bold and underlined** font, deleted text in ~~strikeout font~~).

**Sec. 74-117. – Hotel/motel tax purpose and limitation.**

(g) The city council establishes the following criteria and process for the selection and application for discretionary funds.

(3) The City of Fairbanks Discretionary Fund's **primary purpose is promotion of the tourist industry and other economic development in the City of Fairbanks**~~concentrates its resources in the areas listed in item (a).~~ ~~We~~**The Fund** cannot support requests for the following:

- (a) Loans, deficits, or debt reduction.
- (b) Endowments.
- (c) Scholarships.
- (d) Health and social services activities.**

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  
Introduced: September 12, 2011

**RESOLUTION NO. 4486**

**A RESOLUTION IN APPRECIATION OF FESTIVAL FAIRBANKS’  
BEAUTIFICATION, CULTURAL, AND ARTS ACTIVITIES**

**WHEREAS**, Festival Fairbanks has provided the Fairbanks community with celebrations and beautification projects that have enhanced both citizen and visitor experiences; and

**WHEREAS**, Festival Fairbanks has brightened our City with innumerable flower boxes, planters, and hanging baskets full of vibrant blooms, which currently adorn City Hall, the Fairbanks Police Station, the Fallen Officers Memorial, and the Downtown Transportation Center; and

**WHEREAS**, Michelle Roberts has always willingly taken on additional projects and tasks, somehow making staff hours and funds stretch to cover community needs; and

**WHEREAS**, our community is richer in historical heritage, cultural and arts events, and visual appeal thanks to the efforts of the Festival Fairbanks staff; and

**WHEREAS**, the City of Fairbanks and citizens appreciate the efforts, time, and talent this agency has invested in our community for the past 30 years.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF FAIRBANKS,**

That the Council recognizes Festival Fairbanks and Director Michelle Roberts’ service to the City and our community in their many endeavors, and

That the council extends its sincerest appreciation to the Festival Fairbanks for making our city come alive with color, music, and history.

PASSED AND APPROVED this \_\_\_\_ day of September, 2011.

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

ATTEST:

APPROVED AS TO FORM:

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

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



Introduced By: Mayor Jerry Cleworth  
Finance Committee Review: 09/06/2011  
Date: 09/12/2011

**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.**

**WHEREAS**, the City Council wishes to improve the skills and knowledge of City of Fairbanks fire officers and those of mutual aid departments; and

**WHEREAS**, a regional grant in the amount of \$120,000 for this purpose is available from the Office for Domestic Preparedness, US Department of Homeland Security; and

**WHEREAS**, this program does require a 20% match of \$30,000; and

**WHEREAS**, the required match funds are available in the Fire Department Capital Account.

**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 this funding on behalf of the City.

**BE IT FURTHER RESOLVED** that Mayor Jerry Cleworth is also authorized to execute subsequent amendments to said grant 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 \_\_\_\_\_, 2011**

\_\_\_\_\_  
JERRY CLEWORTH, MAYOR

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, CMC, CITY CLERK

\_\_\_\_\_  
Paul J. Ewers, CITY ATTORNEY

**ORDINANCE NO. 5858**

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE SECTION  
42-1 REGARDING LABOR RELATIONS**

**WHEREAS**, the City's mission is to provide essential municipal services; and  
**WHEREAS**, the terms of the City's collective bargaining agreements have a large impact on the cost of providing essential municipal services; and

**WHEREAS**, it is the policy of the City to seek continuous improvements to the labor agreements in order to operate efficiently while compensating employees fairly; and

**WHEREAS**, the City's labor code is outdated in areas, and current policy needs to be set,

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

Section 1. That Fairbanks General Code Section 42-1 is amended as follows (new text in **bold and underlined** font, deleted text in ~~strikeout font~~.

**Sec. 42-1. - Labor relations.**

The mayor shall have the basic responsibility for the labor relations as set forth in this chapter, **unless the Council by majority vote selects a different spokesperson. The spokesperson** He specifically shall:

- (1)(a) Have the authority to negotiate with representatives of employee organizations representing city employees for the purpose of arriving at collective bargaining agreements as to wages, hours and terms or conditions of employment. The council by majority vote may delegate ~~the responsibility for negotiations to~~ a qualified individual or entity **to be a member of the negotiating team** without negating the authority of the mayor **to act as sole spokesperson for negotiations, provided that the Mayor may designate an alternate. The Mayor shall present any such**

**agreements as may be negotiated to the city council, along with an explanation and cost analysis, and** Any such

~~agreements as may be negotiated between the city~~ shall not be effective unless and until approved by ordinance of the city council. In negotiating contracts, the Mayor will use provisions of the personnel program, unless directed otherwise, as guidelines to be achieved. The basic goal will be to treat city employees in a similar manner as much as appropriate, and to pay similar wages for similar work.

- (b) Any amendments to a labor contract negotiated during the life of the contract shall not be effective unless and until approved by ordinance of the city council. The mayor shall convey the proposed amendment to the city council with explanation and cost analysis for the city council's consideration.
- (2) Conduct labor negotiations in a manner as follows:
  - (a) Prior to negotiations for a replacement bargaining agreement (or any part of an agreement), or at any time as the city is under a lawful obligation to bargain economic terms of employment, the mayor shall present to the city council a copy of the expired collective bargaining agreement, where applicable, and a proposed replacement agreement.
  - (b) The proposed replacement agreement shall be presented to the city council at least one month prior to the commencement of negotiations. The city council shall meet and discuss the replacement agreement and shall provide discernible direction to the mayor concerning strategies, goals, objectives, etc.
  - (c) The city council shall review and identify noneconomic bargaining items upon which the mayor may commence negotiations and reach tentative agreement. The city council shall review and identify economic bargaining items upon which the mayor may commence negotiations; however, the mayor shall

make no tentative agreement to any economic proposal which substantially deviates from the city council's approval prior to receiving further approval.

(d) The mayor shall provide the city council with ~~quarterly~~ **periodic** information reports which shall describe the status of pending negotiations.

(e) Upon completion of negotiations, the mayor shall, where applicable, present to the city council for ratification all tentatively agreed upon provisions in the replacement bargaining agreement.

(f) The provisions of section 50-83 regarding the one-year period of ineligibility for the employment of former city councilmembers shall be included in all collective bargaining agreements.

(g) The mayor shall ~~analyze all nine labor contracts and~~ look for a common policy on boiler plate language which will be consistent in each contract. This completed document shall be submitted to the different labor organizations and city council for review. A meeting shall be scheduled with all parties to establish a procedure for incorporation of the language into the contracts.

(h) **In preparing for negotiations,** ~~the mayor shall conduct a comprehensive wage and benefit survey before each contract is negotiated. This survey shall~~ incorporate **compensation** data from the public and private sector.

(i) The mayor shall negotiate **a competitive** wages and benefits **package** ~~at the average level revealed by the survey.~~ Wages and benefits which are found to be above average shall be frozen until such time as ~~the survey reveals such wages and benefits have~~ fallen below average.

(j) All **direct** labor negotiations, ~~with the exception of original negotiating strategies,~~ shall be negotiated in open sessions.

(k) **Not more than three on-duty union member employees may take part in negotiations.** ~~The negotiation teams shall consist of no more than three per side.~~

(l) Individual members of the city council shall not enter into separate negotiations with any union **representative or member** organization. **From the date of the Mayor's transmittal as provided in sub-section 2(b) until the parties have reached an agreement on all issues, all communication, both written and oral, from the union should be addressed to members of the City's negotiating team and not to individual council members.**

(m) The city negotiating team shall be solely embodied to negotiate on behalf of the city council.

(n) The city council ~~shall be~~ **remains** committed to the following goals during the negotiating process:

1. **Reward superior employees with merit pay increases in lieu of** ~~Elimination of~~ **increases based solely on** ~~longevity pay for new hires.~~
2. Fair and reasonable deductibles in medical insurance.
3. Analyze possible alternatives to the state public employees retirement system plan.
4. **Limiting personal leave to reasonable levels** ~~The use of accumulated leave time in a year by the end of the year with balances forfeited to the city.~~
5. **Consistency between bargaining units, as well as between union and non-union employees.**
6. **Negotiate contracts with annual wage & benefit reopeners if future sources of funding are not secured.**

**7. Seek to eliminate terms with complex pay premiums, work rules that reduce productivity, or other terms that impede accountability.**

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

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

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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

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

**ORDINANCE NO. 5859**

**AN ORDINANCE TO GRANT A RETURN OF CERTAIN BUILDING AND  
FIRE DEPARTMENT FEES FOR THE POLARIS BUILDING PROJECT**

**WHEREAS**, the Polaris Building, vacant and unheated for years, is a deteriorated property that significantly impairs our community; and

**WHEREAS**, the building is one of five of this type of structure built in Alaska, all five of which have posed similar problems in other communities; and

**WHEREAS**, one of these buildings, the McKinley Tower in Anchorage, was successfully rehabilitated by the same developer; and

**WHEREAS**, the developer has expressed his commitment to rehabilitate this piece of private property; and

**WHEREAS**, the development plan would provide for both commercial use (30%) and residential use (70%); and

**WHEREAS**, development of this property would positively impact use and occupancy of the Fairbanks parking garage which has operated at a loss since it opened; and

**WHEREAS**, the financing for this project is complicated with the current shortfall of approximately \$500,000; and

**WHEREAS**, the developer has agreed to pay all building and fire department fees up front with the return of such fees conditioned upon the issuance of a certificate of occupancy within four years; and

**WHEREAS**, since the Polaris is private property, foreclosure would be subject to legal challenges, costs, and delays; and

**WHEREAS**, in the event of foreclosure and abandonment, the community faces the possibility of expensive abatement and demolition of this property; the cost of the demolition was estimated at \$3.4 million, an amount far in excess of the resale value of the property; and

**WHEREAS**, there are no identified funds for the demolition of this structure and no identifiable funds for such a demolition in the foreseeable future; and

**WHEREAS**, if demolished, the impact on the Borough landfill would be significant; and

**WHEREAS**, the Fairbanks North Star Borough Assembly has designated the Polaris Building as a deteriorated property, and both the Borough and the City have granted a ten year partial tax exemption and subsequent five year tax deferral if successfully and fully redeveloped; and

**WHEREAS**, an agreement to return certain Building and Fire Department fees will help make the redevelopment project viable; and

**WHEREAS**, economic development in the downtown area has been a long-term goal of the City Council, and

**WHEREAS**, the rehabilitation of this building by a private business entity does not obligate the City in any manner as to the construction and financing of the project; and

**WHEREAS**, the insertion of certain safeguards and deadline provisions in this ordinance will protect the City's interests,

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

Section 1. That the City Council hereby agrees to the following with respect to certain Building and Fire Department fees and charges in regard to the Polaris Building project, designated as the rehabilitation project currently proposed by Developer Marc Marlow for the structure located at 1st Avenue and Lacey Street, Parcel Account Number 041811:

1. The property must comply with the requirements of Chapters 3.10 and 3.11 of the Fairbanks North Star Borough Code of Ordinances.
2. The Developer agrees to pay all Building and Fire Department fees and charges associated with the Polaris Building rehabilitation project when they would normally be due and owing.
3. The City agrees to return all Building and Fire Department fees and charges paid by the Developer in connection with this project if and when the City Building Official issues a certificate of occupancy for the structure.



4. In order to qualify for this return of fees and charges, the Developer must commence work on the building no later than January 1, 2013, and must receive a certificate of occupancy no later than July 1, 2015.
5. As a further condition of the return of building and fire department fees, the prior waiver and deferral of property taxes (Ordinance No. 5645, As Amended), will be rescinded if the deadlines in part # 4 above are not met.

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