



FAIRBANKS CITY COUNCIL
AGENDA NO. 2011-11
REGULAR MEETING June 06, 2011
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

PRELIMINARY MEETING

- I 6:00 PM Status of Property Clean-ups and Abatements
-

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

7. SPECIAL ORDERS

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the below-referenced **Appeals of Denied Application for new Chauffeur License**. Public Testimony will be taken and limited to five (5) minutes.
 - i. Applicant: Jacob S. Bennett
 - ii. Applicant: Stephen T. Lee

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5848 – An Ordinance to Repeal Article VI of Chapter 14 Pawnbrokers. Introduced by Mayor Cleworth. **SECOND READING AND PUBLIC HEARING.**
- b) Ordinance No. 5849 – An Ordinance Amending FGC 82-1 to Prohibit the Addition of Fluoride in Community Water Systems. Introduced by Mayor Cleworth. **SECOND READING AND PUBLIC HEARING.**
- c) Ordinance No. 5850 – An Ordinance Authorizing Conveyance of the J.P. Jones Community Development Center to the Interdenominational Ministerial Alliance of Fairbanks. Introduced by Mayor Cleworth. **SECOND READING AND PUBLIC HEARING.**

10. NEW BUSINESS

- *a) Resolution No. 4474 – A Resolution Fixing the rate of tax levy for municipal purposes for the 2011 real property tax of the City of Fairbanks, Alaska. Introduced by Mayor Cleworth.
- *b) Ordinance No. 5851 – An Ordinance to Approve the Monetary Terms of the Arbitrator's Opinion and Award in the Matter of the City of Fairbanks and the Public Safety Employees Association Local 803. Introduced by Council Members Eberhart and Matherly.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL
13. COUNCIL MEMBERS' COMMENTS
14. CITY ATTORNEY'S REPORT
15. CITY CLERK'S REPORT
16. EXECUTIVE SESSION
 - a) A Street Apartments Claim
 - b) PSEA Negotiations
17. ADJOURNMENT

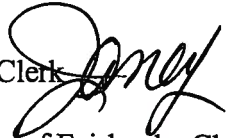
MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

Date: May 25, 2011

To: Mayor Jerry Cleworth
City Council Members

From: Janey Hovenden, CMC, City Clerk 

Re: Denial of Application for City of Fairbanks Chauffeur License
Jacob S. Bennett

Attached is a copy of Mr. Bennett's application for a City of Fairbanks Chauffeur License. The City Clerk has denied this request for license pursuant to FGC Section 86-77(6)(b) (copy attached). Please refer to page 2 of his application for licensure which indicates a positive response to "sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 – AS 11.71.190".

You will also find on page 2 of his Montana Department of Justice Criminal History, that on November 7, 2003, Mr. Bennett was convicted of Criminal Possession of Dangerous Drugs and Criminal Possession of Drug Paraphernalia.

Mr. Bennett 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

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

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

- (1) The applicant must be 21 years of age or older, and furnish proof if requested.
 - (2) The applicant must be able to read, write and speak the English language.
 - (3) The applicant must be in possession of a current Alaska State Driver's License.
 - (4) The applicant must not have had a conviction within 24 months of:
 - a. A moving traffic violation which results in suspension or revocation of the applicant's driver's license pursuant to AS 28.15.221 through 28.15.261;
 - b. Reckless or negligent driving;
 - c. Driving while license is limited, suspended or revoked;
 - (5) The applicant must not have had his driver's license suspended or revoked within two years prior to the application date.
 - (6) Except as otherwise provided in this subsection, the applicant must not have had a felony or misdemeanor conviction within ten years of:
 - a. Prostitution or promotion of prostitution;
 - b. 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 of 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 (five years);
 - i. Refusal to submit to a chemical test as defined in AS 28.35.032 (five years).
 - (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.
- (Code 1960, § 8.201(c)(1)--(6); Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5562, § 1, 3-13-2004)



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: 5-24-2011

TO: Janey Hovenden, City Clerk

FROM: Jacob S. Bennett
(Please Print)

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

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

Monday, June 6, 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 Chauffeur's License Application will be copied and provided to the Fairbanks City Council. I understand that there will be a public hearing, on the above date, at which time the Council will discuss my appeal. I understand that the public hearing may be reproduced electronically, digitally, and/or transmitted over the air waves. I understand that I have no right to expect privacy of the records or information contained in my application, or of any discussions that may occur during the public hearing.

Jacob S. Bennett

Acknowledgement by Applicant

Official Use Only: Clerk's Initials: (Signature)

Date Received: 5.24.11

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



CITY OF FAIRBANKS

CHAUFFEUR LICENSE APPLICATION

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

TYPE OF LICENSE: NEW RENEWAL FEES DUE/COLLECTED: _____

Name: <u>Jacob S. Bennett</u>	Other Name(s) Used: <u>None</u>
Physical Address: <u>588 Pleasure Dr</u>	City, State Zip: <u>North Pole AK. 99705</u>
Mailing Address: <u>588 Pleasure Dr</u>	City, State Zip: <u>North Pole AK. 99705</u>
Home Phone: <u>907) 488-4031</u>	Work/Cell Phone: <u>406) 465-5712</u>
AK Driver's License No: <u>6785557</u>	E-mail Address: <u>Jacob and Sarah Bennett @ Notmail.com</u>
Date of Birth: <u>06/08/1982</u>	Place of Birth: <u>Fairbanks AK</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 History Report With 10 Year History. *
- Current Driving Record With 5 Year History.

*If the applicant's Alaska criminal history report does not reflect a complete ten year history, an official background check from applicant's previous state of residency is required for a complete 10-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 Time in Fairbanks 1 month 0 Years 1 Months

Previous Address(es)

Previous City and State of residence, other than Fairbanks, for the past 10 years:

<u>Clancy, Montana</u>	From: <u>06/2006</u>	To: <u>04/2011</u>
<u>North Pole, Alaska</u>	From: <u>05/2005</u>	To: <u>06/2006</u>
<u>Helena, Montana</u>	From: <u>04/2003</u>	To: <u>05/2005</u>
<u>North Pole, Alaska</u>	<u>06/1982</u>	<u>04/2003</u>

Employment

Current Employer: NONE

Address: NONE

Date Employment Began: _____ Phone: _____

Previous Chauffeur License Held (City & State): NONE

Cab Company Applying for or Employed By: _____

Employment History (Past 10 Years)

Employer: Lehrkind's Inc.

Dates Employed: 9/2008-01/2009 City/State: Helena Montana

Employer: Gruber Excavating

Dates Employed: 04/2008-8/2008 City/State: Clancy Montana

Record of Conviction(s)

PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:

	YES or NO
Within the past 24 months, have you had a conviction for any of the following: <ul style="list-style-type: none"> • A moving traffic 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? 	<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">NO</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">NO</div> <div style="border: 1px solid black; padding: 2px;">NO</div>
Within the past 5 years have you received a conviction for either of the following: <ul style="list-style-type: none"> • Operating or driving a vehicle while intoxicated? • Refusing to submit to a chemical test as defined in AS 28.35.032? 	<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">NO</div> <div style="border: 1px solid black; padding: 2px;">NO</div>
Within the past 10 years, have you had a felony or misdemeanor conviction for any of the following: <ul style="list-style-type: none"> • 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 felony or misdemeanor 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? 	<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">NO</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Yes</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">NO</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">NO</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">NO</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">NO</div> <div style="border: 1px solid black; padding: 2px;">NO</div>

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 by the City Clerk as per Fairbanks General Code, Section 86.77. 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 has the right to appeal a denial by the City Clerk after submission of a completed application and payment of the application fee. Request for an Appeal Form can be obtained at the City Clerk's Office.

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

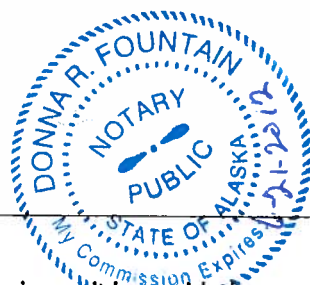
I, Jacob S. Bennett, being first duly sworn, depose and state that I am the individual making application for license and that the answers to the foregoing questions and other statements contained herein are true and complete to the best of my knowledge and belief. I understand that any materially false 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 86.76-94, and that I understand the requirements for licensure.

Jacob S. Bennett
Signature of Applicant

Sworn to before me this 24 day of May, 2011.

Donna R. Fountain
Notary Public for the State of Alaska
My Commission Expires: 6-21-2012



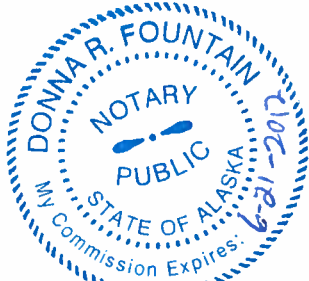
The Fairbanks General Code is attached to this application for your convenience; this is provided as a courtesy, but is the distinct responsibility of the Applicant to understand the requirements and to be compliant. The Applicant, through signing of the above Oath, acknowledges having read the Code 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 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 requires 24 hours to process all applications. 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, Sarah Bennett, so swear and affirm that I personally know Jacob Bennett (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.



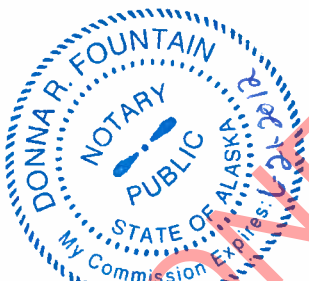
Sarah Bennett
Signature
588 Pleasure Dr
Mailing Address
North Pole AK 99705
City, State, Zip

Sworn to before me this 24 day of May, 2011.

[Signature]
Notary Public for the State of Alaska
My Commission Expires: 6-21-2012

Affidavit

I, Jeff Heber, so swear and affirm that I personally know Jacob Bennett (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.



[Signature]
Signature
1213 Dolphin Way
Mailing Address
Fairbanks AK 99709
City, State, Zip

Sworn to before me this 24 day of May, 2011.

[Signature]
Notary Public for the State of Alaska
My Commission Expires: 6-21-2012

Administrative Use Only

Approved By:	Date:
Denied By:	Date:
Reason for Denial:	

For additional information and/or forms, please visit the City of Fairbanks web site at: www.ci.fairbanks.ak.us

CONFIDENTIAL

Alaska 6785557



JACOB SCOTT BRIMETT
606 PLEASURE DR
NORTH POLE, AK 99705

COMMERCIAL DRIVER
LICENSE

Male 6'2" 300 lbs Hazel Eyes
Class - A
Endorsements - NT
Restrictions - NONE

Issue Date 06-08-2011
EXPIRES - 06-08-2016
Duplicate Number 0

06-08-1982
06-08-1982



Scott Brimett

You will need to enter the following information to view pending or previous searches.

PIN: LLqfJ

Last Name: Bennett

First Name: Jacob

Date of Birth: 06/08/1982

MONTANA PUBLIC CRIMINAL HISTORY RECORD RESPONSE AS OF 2011-05-24

Requestor: Jacob Bennett

Query On: Name: BENNETT, JACOB S

Date of Birth: 1982-06-08

Social Security Number: 574767681

THIS RECORD IS SUBJECT TO THE FOLLOWING USE AND DISSEMINATION RESTRICTIONS:

THE FOLLOWING RECORD IS PROVIDED BASED SOLELY ON THE NAME AND NUMERIC IDENTIFIERS PROVIDED AND NO ASSURANCES ARE MADE THE SUBJECT OF INQUIRY AND THE SUBJECT OF RECORD ARE ONE AND THE SAME INDIVIDUAL. IF THE INFORMATION IS USED TO DISQUALIFY AN APPLICANT, VOLUNTEER OR EMPLOYEE, THE OFFICIAL MAKING THE DETERMINATION SHALL PROVIDE THE SUBJECT OF INQUIRY THE OPPORTUNITY TO COMPLETE OR CHALLENGE THE ACCURACY OF THE INFORMATION CONTAINED IN THE MONTANA IDENTIFICATION RECORD. FURTHER, AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE DETERMINED. IF THE SUBJECT OF RECORD WISHES TO CORRECT THE RECORD AS IT APPEARS IN THE MONTANA CRIMINAL HISTORY REPOSITORY, THE INDIVIDUAL SHOULD BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE SET FORTH IN TITLE 44, SECTION 44-5-215.

THIS RECORD DOES NOT INCLUDE TRAFFIC OFFENSES, NOR DOES IT INCLUDE CRIMINAL RECORDS MAINTAINED BY OTHER STATES OR THE FBI.

=====
Record Found Using: NAM/BENNETT, JACOB S DOB/19820608

=====
THIS CRIMINAL HISTORY RECORD CONTAINS 1 CYCLE(S)

CYCLE 1 MONTANA ARREST NUMBER (MANS): 2501A0400812

ARREST INFORMATION

Subject Name: BENNETT, JACOB SCOTT

Agency: MT0250100 HELENA POLICE DEPARTMENT

Arrest Date: 2004-01-13 **Case Number:** 33580

Charge: 45-10-103 2004 CRIMINAL POSSESSION OF DRUG PARAPHERNALIA

Severity: MISDEMEANOR **Count(s):** 1

NCIC Offense Code: 3599

Charge: 45-9-102 2004 CRIMINAL POSSESSION OF DANGEROUS DRUGS

Severity: MISDEMEANOR **Count(s):** 1

NCIC Offense Code: 3599

COURT INFORMATION

Agency: MT025021J HELENA CITY COURT

Action Date: 2003-11-07 **Docket Number:** 2501A0400812

https://app.mt.gov/cgi-bin/choprs/choprsPublic.cgi?action=VIEW&session_... 5/24/2011

Charge: 45-9-102 CRIMINAL POSSESSION OF DANGEROUS DRUGS
Severity: MISDEMEANOR Count(s): 1
NCIC Offense Code: 3599
Finding: CONVICTED 2003-11-07
Sentence: \$565 FINE \$300 SUSPENDED 180 DAYS JAIL

Charge: 45-10-103 CRIMINAL POSSESSION OF DRUG PARAPHERNALIA
Severity: MISDEMEANOR Count(s): 1
NCIC Offense Code: 3599
Finding: CONVICTED 2003-11-07
Sentence: \$565 FINE \$300 SUSPENDED 180 DAYS JAIL

=====
*****RECORD PROVIDED BY*****

MONTANA DEPARTMENT OF JUSTICE
CRIMINAL RECORDS AND IDENTIFICATION SERVICES
PO BOX 201403, HELENA MT 59620-1403
406-444-3625 8 AM - 5 PM

END OF RECORD

MRI 7297818 IN: IJISC 6462 AT 24MAY2011 12:37:45 OUT: CHOPRS 252 AT 24MAY2011 12:37:45

CONFIDENTIAL

This record is based on your inquiry on Alaska State Identification #: 6785557
Because additions or deletions may be made at any time, a new copy should be
requested when needed for subsequent use.

THIS RECORD IS SUBJECT TO THE
FOLLOWING USE AND DISSEMINATION RESTRICTIONS:

Under provisions set forth in AS 12.62., Criminal Justice Information Systems Security and Privacy Act, information in this report may be used only for the purpose or activity for which it was released; it may not be disseminated to another person except as provided under 13 AAC 68.300 - 13 AAC 68.345 or as otherwise provided by state or federal law. Misuse of criminal justice information is subject to civil and criminal penalties.

A person may not be presumed to be guilty of an arrest or charge for which a disposition has not been included in the report. Information maintained by the repository is updated as information is received from other criminal justice agencies, and may not be relied upon to be complete and accurate beyond the date of this report. Questions concerning record accuracy should be addressed to the repository; questions about specific information in this report should be directed to the agency that reported the information to the repository.

CONFIDENTIAL

This record is based on your inquiry on Alaska State Identification #: 6785557

Additional information may be on file with the department's central registries of sex offenders or protective orders, the Federal Bureau of Investigation, or other criminal justice agencies in this or another state. The department will provide information, upon request, regarding procedures to request information from those sources.

PERSON NAME: JACOB SCOTT BENNETT

DOB: 06/08/1982

SEX: M

EYE COLOR: HAZ

WEIGHT: 240

HEIGHT: 6 02

HAIR: BRO

RACE: W

SKIN:

BIRTH CITY:

STATE: AK

COUNTRY:

APSIN ID: 6785557

CITIZEN:

FELON: N SOR:

FP ON FILE: Y

OCCUPATION: STUDENT

EMPLOYMENT:

PF2 MULT PERSON

MORE...

CONFIDENTIAL

PERSON NAME: JACOB SCOTT BENNETT

APSIN ID NUMBER: 6785557

* * * NO CRIMINAL HISTORY RECORDS FOR THIS PERSON * * *

PF10 RECORD REVENUE

PF11 NCIC W/W

PF12 WANT/WARRANTS

* AT END *

CONFIDENTIAL

This information provided by the Alaska Department of Public Safety is based on a name check only and not verified by fingerprints.



PDL700P TERMID: X3MU ALASKA DRIVING RECORD 05/23/11 10:40:50.5

PERSON NAME: JACOB SCOTT BENNETT PAGE 1

DOB: 06/08/1982 SEX: M ORGAN DONOR: N DATE: 03 15 2007
DL MAIL ADDR: 588 PLEASURE DR NORTH POLE AK 99705

DL RES ADDR: 588 PLEASURE DR NORTH POLE AK 99705

ID/LIC NUM: 6785557 HAZMAT END: 12-MO PTS: 0
CDL STATUS: DL STATUS: 24-MO PTS: 0
CDL ENDORSE: RESTRICTIONS: PDPS DATE: 03/06/2001
LICENSE CLASS EXPIRE DATE ISSUE DATE ORIG ISSUE
IP INSTRUCTION PERMIT 10/20/2000 10/20/1998 10/20/1998
D BASIC DRIVER 11/30/2006 08/29/2005 06/15/1999

PF2 MULT PERSON PF4 VIEW HIST PF10 TRANS HISTORY MORE...

PDL720P TERMID: X3MU ALASKA DRIVING RECORD 05/23/11 10:41:37.9

ID/LIC NUM: 6785557 PAGE 2

***** LICENSE ACTIONS *****

ACTION/DETAIL	REASON FOR ACTION	BAC	OCCURRENCE	EFFECTIVE
TICKET NO	AGENCY /COURT		CONVICTION	ENDING

*** NO LICENSE ACTIONS FOR THIS PERSON ***

PF4 VIEW HIST PF10 TRANS HISTORY MORE...

ID/LIC NUM: 6785557

PAGE 3

***** VIOLATIONS *****

NUMBER	CDL DESCRIPTION	ATN	OCCURRENCE	FINE-----SUSP
	ARREST AGENCY	CONV COURT	CONVICTION	JAIL-----SUSP

*** NO VIOLATIONS FOR THIS PERSON ***

ABOVE RECORD IS THE MOST CURRENT AVAILABLE--DOES NOT INCLUDE ANY PENDING DATA
 FEE TO COLLECT: \$10. AMT COLLECTED: 10_ PAY TYPE: ca__ FEE OVERRIDE: _

CONFIDENTIAL


MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

Date: May 25, 2011

To: Mayor Jerry Cleworth
City Council Members

From: Janey Hovenden, CMC, City Clerk 

Re: Denial of Application for City of Fairbanks Chauffeur License
Stephen T. Lee

Attached is a copy of Mr. Lee's application for a City of Fairbanks Chauffeur License. The City Clerk has denied this request for license pursuant to FGC Section 86-77(6)(b) (copy attached). Although he did not indicate a positive response on page 2 of his application for licensure to "sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 – AS 11.71.190", you will find on page 4 of his State of Alaska Criminal History Report, that on December 10, 2004, Mr. Lee was convicted of Misconduct - Controlled Substance in the Sixth Degree.

Mr. Lee 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

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 - 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.
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 - c. Any felony or misdemeanor which includes as an element the use of 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 (five years);
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- (Code 1960, § 8.201(c)(1)–(6); Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5562, § 1, 3-13-2004)



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: May 25th, 2011

TO: Janey Hovenden, City Clerk

FROM: STEPHEN LEE
(Please Print)

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

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

Monday, JUNE 6th 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 Chauffeur's License Application will be copied and provided to the Fairbanks City Council. I understand that there will be a public hearing, on the above date, at which time the Council will discuss my appeal. I understand that the public hearing may be reproduced electronically, digitally, and/or transmitted over the air waves. I understand that I have no right to expect privacy of the records or information contained in my application, or of any discussions that may occur during the public hearing.

[Signature]
Acknowledgement by Applicant

Official Use Only: Clerk's Initials: [Initials] Date Received: 5-25-11

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



CITY OF FAIRBANKS

CHAUFFEUR LICENSE APPLICATION

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

TYPE OF LICENSE: NEW RENEWAL FEES DUE/COLLECTED: _____

Name: STEPHEN LEE	Other Name(s) Used:
Physical Address: 506 SLATER DR.	City, State FAIRBANKS, ALASKA Zip: 99701
Mailing Address: PO Box 81613	City, State FAIRBANKS, ALASKA Zip: 99708
Home Phone: (907) 590-4844	Work/Cell Phone: SAME
AK Driver's License No: 7077173	E-mail Address: EEL-EVETS@HOTMAIL.COM
Date of Birth: 05/19/86	Place of Birth: FAIRBANKS, ALASKA

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 History Report With 10 Year History. *
- Current Driving Record With 5 Year History.

*If the applicant's Alaska criminal history report does not reflect a complete ten year history, an official background check from applicant's previous state of residency is required for a complete 10-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 Time in Fairbanks TWENTY-FIVE Years ZERO Months

Previous Address(es)

Previous City and State of residence, other than Fairbanks, for the past 10 years:

<u>506 SLATER DR. →</u>	From: _____	To: _____
_____	From: _____	To: _____
_____	From: _____	To: _____

Employment

Current Employer: CITY OF FAIRBANKS
 Address: _____
 Date Employment Began: 05/17/11 Phone: _____
 Previous Chauffeur License Held (City & State): _____
 Cab Company Applying for or Employed By: EAGLE CAB

Employment History (Past 10 Years)

Employer: HC CONTRACTORS
 Dates Employed: 05/2006 → 8/2010 City/State: NORTH POLE, ALASKA
 Employer: EXCLUSIVE PAVING / UNIVERSITY PEDI-MIX.
 Dates Employed: 8/2010 → 9/2010 City/State: NORTH POLE, ALASKA

Record of Conviction(s)

PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:

	YES or NO
Within the past 24 months, have you had a conviction for any of the following:	
<ul style="list-style-type: none"> A moving traffic violation which resulted in the suspension or revocation of your driver's license pursuant to AS 28.15.221 - AS 28.15.261? 	NO
<ul style="list-style-type: none"> Reckless or negligent driving? 	NO
<ul style="list-style-type: none"> Driving while license is limited, suspended, or revoked? 	NO
Within the past 5 years have you received a conviction for either of the following:	
<ul style="list-style-type: none"> Operating or driving a vehicle while intoxicated? 	NO
<ul style="list-style-type: none"> Refusing to submit to a chemical test as defined in AS 28.35.032? 	NO
Within the past 10 years, have you had a felony or misdemeanor conviction for any of the following:	
<ul style="list-style-type: none"> Prostitution or promotion of prostitution? 	NO
<ul style="list-style-type: none"> Sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 - AS 11.71.190? 	NO
<ul style="list-style-type: none"> Any felony or misdemeanor which includes as an element of the offense, the use or threat of force upon a person? 	NO
<ul style="list-style-type: none"> Burglary, felony larceny, fraud, or embezzlement? 	NO
<ul style="list-style-type: none"> Any sexual offense? 	NO
<ul style="list-style-type: none"> Any homicide or assault involving operation of a motor vehicle? 	NO
<ul style="list-style-type: none"> Two separate felony convictions of any type? 	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 by the City Clerk as per Fairbanks General Code, Section 86.77. 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 has the right to appeal a denial by the City Clerk after submission of a completed application and payment of the application fee. Request for an Appeal Form can be obtained at the City Clerk's Office.

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, STEPHEN LEE, 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 86.76-94, and that I understand the requirements for licensure.

[Signature]
Signature of Applicant

Sworn to before me this 25 day of May, 2011.

[Signature]
Notary Public for the State of Alaska
My Commission Expires: W/ OFFIC



The Fairbanks General Code is attached to this application for your convenience; it is provided as a courtesy, but is the distinct 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 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 requires 24 hours to process all applications. Hours of operation are Monday through Friday, 8:00 am to 5:00 pm. The City of Fairbanks observes national and state holidays.

Affidavit

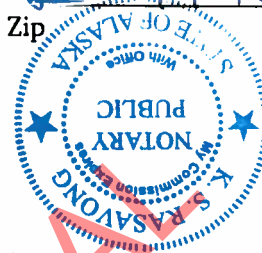
I, HELENA BYARD, so swear and affirm that I personally know STEPHEN LEE (Applicant) to be of sound mind and body, of good moral character, and considered by me to be a respectable, upstanding citizen to the best of my knowledge and belief.

[Signature]

Signature
P.O. Box 71907
Mailing Address
FBK 99707
City, State, Zip

Sworn to before me this 25 day of May, 2011

[Signature]
Notary Public for the State of Alaska
My Commission Expires: WI OFFICE



Affidavit

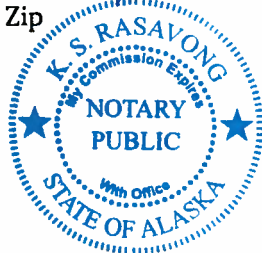
I, Jeff Whipple, so swear and affirm that I personally know Stephen Lee (Applicant) to be of sound mind and body, of good moral character, and considered by me to be a respectable, upstanding citizen to the best of my knowledge and belief.

[Signature]
Signature

441 Keeling Road
Mailing Address
North Pole AK 99705
City, State, Zip

Sworn to before me this 25 day of May, 2011

[Signature]
Notary Public for the State of Alaska
My Commission Expires: WI OFFICE



Administrative Use Only

Approved By:	Date:
Denied By:	Date:
Reason for Denial:	

For additional information and/or forms, please visit the City of Fairbanks web site at: www.ci.fairbanks.ak.us



CONFIDENTIAL

This record is based on your inquiry on Alaska State Identification #: 7131643
Because additions or deletions may be made at any time, a new copy should be
requested when needed for subsequent use.

THIS RECORD IS SUBJECT TO THE
FOLLOWING USE AND DISSEMINATION RESTRICTIONS:

Under provisions set forth in AS 12.62., Criminal Justice Information Systems Security and Privacy Act, information in this report may be used only for the purpose or activity for which it was released; it may not be disseminated to another person except as provided under 13 AAC 68.300 - 13 AAC 68.345 or as otherwise provided by state or federal law. Misuse of criminal justice information is subject to civil and criminal penalties.

A person may not be presumed to be guilty of an arrest or charge for which a disposition has not been included in the report. Information maintained by the repository is updated as information is received from other criminal justice agencies, and may not be relied upon to be complete and accurate beyond the date of this report. Questions concerning record accuracy should be addressed to the repository; questions about specific information in this report should be directed to the agency that reported the information to the repository.

CONFIDENTIAL

This record is based on your inquiry on Alaska State Identification #: 7131643

Additional information may be on file with the department's central registries of sex offenders or protective orders, the Federal Bureau of Investigation, or other criminal justice agencies in this or another state. The department will provide information, upon request, regarding procedures to request information from those sources.

PERSON NAME: STEPHEN THOMAS LEE

AKA: STEVE LEE

DOB: 05/19/1986

SEX: M

WEIGHT: 150

HEIGHT: 6 01

HAIR: BRO

EYE COLOR: BLU

RACE: W

SKIN:

BIRTH CITY: FAIRBANKS

STATE: AK

COUNTRY:

APSIN ID: 7131643

CITIZEN:

FELON: N SOR:

FP ON FILE:

OCCUPATION:

EMPLOYMENT:

MORE...

CONFIDENTIAL

PERSON NAME: STEPHEN THOMAS LEE

AKA: STEVE LEE

APSIN ID NUMBER: 7131643

ARRESTING AGENCY: DFA DATE: 09/09/2005 STATUTE: AS11.46.140

MOD: CHARGE: THEFT 3

CONVICTING COURT: DFA DATE: 06/05/2006 STATUTE: AS11.46.140

DOM VIOL: MOD: CHARGE: THEFT 3

COURT DOCKET: 4FA-05-260 POS ID: N FELONY: N DISP: CONVICTION SET-ASIDE

ATN: 109135323

CONDITION: REST JUDG 5-17-05 \$204; ORIG JUDG 9-9-05

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
SIS				09/09/2006
FINE			\$ 125.00	
RESTITUTIO			\$ 204.00	
PROBATION	1			

MORE...

CONFIDENTIAL

PERSON NAME: STEPHEN THOMAS LEE

AKA: STEVE LEE

APSIN ID NUMBER: 7131643

ARRESTING AGENCY: UOAF DATE: 10/14/2004 STATUTE: AS11.71.060

MOD: CHARGE: MISCONDUCT- CONTROLLED SUBSTANCE 6

CONVICTING COURT: DFA DATE: 12/10/2004 STATUTE: AS11.71.060

DOM VIOL: N MOD: CHARGE: MISCONDUCT- CONTROLLED SUBSTANCE 6

COURT DOCKET: 4FA-04-3777 POS ID: N FELONY: N DISP: GUILTY

ATN: 106996851

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 600.00	
FINE SUSP			\$ 400.00	
ALCOHOL SC				
PROBATION	2	150		

PF10 RECORD REVENUE

PF11 NCIC W/W

PF12 WANT/WARRANTS

* AT END *

CONFIDENTIAL

This information provided by the Alaska Department of Public Safety is based on a name check only and not verified by fingerprints.

PDL600P TERMID: X3MU ALASKA DRIVING RECORD 05/23/11 10:53:58.5
SSOLV: Y

PERSON NAME: STEPHEN THOMAS LEE PAGE 1

AKA:

DOB: 05/19/1986 SSN: 612-07-5411 SEX: M

HEIGHT: 5 10 WEIGHT: 150 HAIR: BRO EYE COLOR: BLU

BIRTH PLACE CITY: FAIRBANKS STATE: AK COUNTRY:

ORGAN-DONOR: Y ORGAN-DATE: 06 01 2005

ALCH END: IID END: HAZMAT EXPIRE

STREET/EXTRA LINE CITY/COUNTRY ST ZIP CODE

DL MAILING ADDR: PO BOX 81613 FAIRBANKS AK 99708

CHGD: 05/22/2008

DL RES ADDR: 506 SLATER DR FAIRBANKS AK 99701

CHGD: 04/18/2002

ID/LIC NUM: 7077173

DL STATUS:

CDL STATUS:

12-MO PTS: 0 24-MO PTS: 2

LICENSE COMMENT:

LAST ROAD TEST: 08/16/2003 CLASS: D

GUARDIAN NAME: MAUREEN ELIZABETH LEE

RELATIONSHIP: MOTHER

PDPS DATE: 01/11/2006

ID/LIC NUM: 0671028

STATE: AK COUNTRY:

F4 VIEW HIST PF10 TRANS HISTORY MORE...

PDL600P TERMID: X3MU ALASKA DRIVING RECORD 05/23/11 10:54:03.9
SSOLV: Y

PERSON NAME: STEPHEN THOMAS LEE PAGE 2

AKA:

ID/LIC NUM: 7077173 STATUS: RESTRICTION:

PREV LICENSE NO: STATE: COUNTRY:

DATE SURRENDER: LIC RETURN: STATE:

CDL ENDORSE: CDL STATUS:

ROAD TEST

CL	ORIG DATE	EXPIRE DATE	ISSUE DATE	OFFICE	DUP	OFFICE	DATE
IP	04/18/2002	04/18/2004	04/18/2002	529			
D	08/18/2003	05/19/2013	05/22/2008	529		529	08/16/2003

F4 VIEW HIST PF10 TRANS HISTORY MORE...

ID/LIC NUM: 7077173 PAGE 3

***** LICENSE ACTIONS *****

ACTION/DETAIL	REASON FOR ACTION	BAC	OCCURRENCE	EFFECTIVE
TICKET NO	AGENCY	COURT	CONVICTION	ENDING

*** NO LICENSE ACTIONS FOR THIS PERSON ***

PF10 TRANS HISTORY MORE...

ID/LIC NUM: 7077173 PAGE 4

***** VIOLATIONS *****

NUMBER	CDL DESCRIPTION	ATN	OCCURRENCE	FINE-----SUSP
	ARREST AGENCY	CONV COURT	CONVICTION	JAIL-----SUSP
	DRIVER IMPRVE COURSE		09/12/2005	
	DIVISION OF MOT /			
FAI F0448457	IMP/NO SAFETY BELT		09/05/2004	\$60
L	FAIRBANKS POLIC / DISTRICT COUR		02/23/2006	
FAIE T1329714	IMP/NO SAFETY BELT		05/23/2007	\$15
L	FAIRBANKS AST E / DISTRICT COUR		08/22/2007	
FAIE T1329715	FT SHOW INSUR CERT		05/23/2007	\$150
L	FAIRBANKS AST E / DISTRICT COUR		08/22/2007	
FAIE 00032656	FT SHOW INSUR CERT		08/01/2009	\$500
P	FAIRBANKS AST E / DISTRICT COUR		09/24/2009	

ABOVE RECORD IS THE MOST CURRENT AVAILABLE--DOES NOT INCLUDE ANY PENDING DATA
 PF4 VIEW HIST PF10 TRANS HISTORY

ID/LIC NUM: 7077173

PAGE 3

***** VIOLATIONS *****

NUMBER	CDL DESCRIPTION	ATN	OCCURRENCE	FINE-----SUSP
	ARREST AGENCY CONV COURT		CONVICTION	JAIL-----SUSP
FAIE 00032656	FT SHOW INSUR CERT		08/01/2009	\$500
P	FAIRBANKS AST E / DISTRICT COUR		09/24/2009	

ABOVE RECORD IS THE MOST CURRENT AVAILABLE--DOES NOT INCLUDE ANY PENDING DATA
 FEE TO COLLECT: \$10. AMT COLLECTED: 10_ PAY TYPE: ca_ FEE OVERRIDE: _

CONFIDENTIAL

Introduced by: Mayor Cleworth
Introduced: May 23, 2011

ORDINANCE NO. 5848

**AN ORDINANCE TO REPEAL ARTICLE VI OF CHAPTER 14
PAWNBROKERS**

WHEREAS, the State of Alaska enacted legislation relating to the registration and operation of pawnbrokers, the provisions of which take effect on July 1, 2011; and

WHEREAS, that legislation specifically stated that any ordinance of a municipality related to the regulation of pawnbrokers that does not comply with the provisions of state law is void; and

WHEREAS, the City currently only licenses two pawnbrokers under the provisions of FGC Sec. 14-211 – 14.221; and

WHEREAS, state law now provides for uniform licensing and regulation of pawnbrokers throughout the state,

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

Section 1. Article VI of Chapter 14 of the Fairbanks General Code (Sections 14-211 through 14-221) is hereby repealed.

Section 2. That the effective date of this ordinance shall be the 1st day of July 2011.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

JANEY HOVENDEN, CMC, City Clerk

PAUL EWERS, City Attorney

ORDINANCE NO. 5849

**AN ORDINANCE AMENDING FGC 82-1 TO PROHIBIT THE
ADDITION OF FLUORIDE TO COMMUNITY WATER SYSTEMS**

WHEREAS, City Code has required the addition of fluoride to the community water system since 1959; and

WHEREAS, in response to questions about the benefits and risks of fluoride, the City Council created the Fairbanks Fluoride Task Force to study the issue and make recommendations; and

WHEREAS, the members of the Fluoride Task Force had advanced degrees and knowledge in the fields of chemistry, geochemistry, microbiology, medicine and dentistry; and

WHEREAS, after an exhaustive inquiry and over a year of public hearings, research and analysis, the Task Force issued a report with recommendations as follows:

The Fairbanks Fluoride Task Force makes a set of four recommendations. We anticipate that the community's focus will be on Recommendation #1, but as a committee we feel strongly that Recommendations 2, 3, and 4 should be implemented along with Recommendation #1 as part of a cohesive plan to address dental health issues in our community.

1. Primarily because (1) the ground water used for Fairbanks public water contains an average of 0.3 ppm fluoride, and (2) higher concentrations of fluoride put non-nursing infants at risk, the task force recommends that supplemental fluoridation of the Fairbanks public water supply be terminated. The task force further recommends that the Fairbanks community be informed of possible dental health implications from not fluoridating the water.

Rationale: Not fluoridating Fairbanks water will reduce the fluoride content from 0.7 ppm to 0.3 ppm, which is the fluoride concentration of the raw water used by Golden Heart Utilities (GHU). This will reduce, but not eliminate, the risk of significant incidence and severity of fluorosis, especially fluorosis associated with the use of GHU water to prepare infant formula. Doing so will also address ethical concerns raised during the task force's public testimony. However, the effect of this reduction in fluoride concentration on the caries rate in the Fairbanks community, while most likely small, is unknown and unpredictable. Those who depend on 0.7 ppm fluoride in tap water for their dental health need to be informed of the possible adverse consequences to their dental health caused by reducing the fluoride content of Fairbanks tap water from 0.7 ppm to 0.3 ppm and of the measures that can be taken to address these possible adverse consequences.

The task force has made this recommendation to terminate fluoridation of GHU water with full knowledge of and respect for the positions of the American Dental Association (ADA), the Centers for Disease Control and Prevention (CDC; part of the U.S. Department of Health and Human Services), the World Health Organization, and the Alaska Department of Public Health in support of fluoridation of public water supplies. While the task force members agree that water fluoridation may be an important element of an effective dental health program in many communities, the majority of members are not convinced that it is necessary in Fairbanks because of the fluoride content of the city's ground water and the alternate sources of fluoride available in the community.

Five task force members, with various degrees of conviction, support this recommendation, while one member (Dr. Taylor) supports continuing fluoridation at 0.7 ppm.

2. The Fairbanks City Council's decision-making process on fluoridation should involve representatives of the Fairbanks North Star Borough government.

Rationale: At least 25% of area residents who receive GHU water reside outside the city limits.

3. Local dentists and physicians should be encouraged to provide their patients with up-to-date information on the benefits and risks associated with fluoride.

Rationale: If nothing else, the recent notice that the secretary of the U.S. Department of Health and Human Services has proposed a new recommendation on fluoridation of public water supplies indicates that the citizenry should be informed about the state of contemporary research findings and analysis related to the role of fluoride in dental health. All of the members of the task force went into this project with incomplete and in some cases incorrect information about the issue. We suspect that we are not unique in that respect.

4. The Fairbanks City Council should encourage the local school system to review and modify, as appropriate, its approach to promoting good dental health practices.

Rationale: The local schools have an excellent opportunity to help all families in the community to learn about and to implement good dental health practices, which can include optional opportunities at school for topical fluoride treatment (in the form of rinses and tooth brushing, for example) as well as techniques for minimizing unnecessary and/or unwanted exposure to fluoride.

WHEREAS, the Fairbanks North Star Borough Assembly has been notified of the Task Force report.

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

Section 1. Fairbanks General Code Sections 82-1 is amended as follows (new text in **underlined bold font**, deleted text in ~~strikeout font~~):

Sec. 82-1. City Community water systems fluoridated.

~~A source of fluoride ion, approved by the state department of health, shall be added to the water supply of the city under the rules and regulations of the state department of health, such addition to be administered by Golden Heart Utilities, Inc. in a manner approved by the environmental coordinator of the city~~

- a. **Water utilities that own or operate community water distribution systems in the City shall not add fluoride, in any form, to the water system.**
- b. **The operators of community water distribution systems within the City of Fairbanks shall provide a copy of the annual water quality report, called the Consumer Confidence Report, to the City. The report shall be filed with the City Clerk and available for public inspection.**

Section 2. A display advertisement shall be published providing information about the Fluoride Task Force recommendations, including information about where a full copy of the report can be obtained. In addition, information shall be sent to the Fairbanks North Star Borough School District.

Section 3. The City recognizes that the Golden Heart Utilities, the operator of the community water system providing water in the City, will need regulatory approval from the State of Alaska for the water treatment process changes before discontinuing fluoridation. It is expected that this approval can be obtained by the end of 2011. Therefore, while GHU is encouraged to implement the change as soon as possible, this ordinance shall be effective the 1st day of January 2012.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSTAIN:
ABSENT:
ADOPTION:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 5850

**AN ORDINANCE AUTHORIZING CONVEYANCE OF THE J.P. JONES
COMMUNITY DEVELOPMENT CENTER TO THE
INTERDENOMINATIONAL MINISTERIAL ALLIANCE OF FAIRBANKS**

WHEREAS, the City of Fairbanks is owner of the land and building located at 2400 Rickert Street, known as the J.P. Jones Community Development Center, situated on the Ease ½, Block 32, Bjerremark Subdivision, as shown on attached "Exhibit A", and;

WHEREAS, said property has historically required management, maintenance and repair by the City with no offsetting lease revenues; and

WHEREAS, the City desires to divest facilities which are not part of the City's core mission; and

WHEREAS, the facility has been leased to the Interdenominational Ministerial Alliance of Fairbanks since June, 1985, which lease expires January 31, 2014; and

WHEREAS, the Interdenominational Ministerial Alliance of Fairbanks has expressed a desire to assume ownership of the land and building; and

WHEREAS, Fairbanks General Code of Ordinances Section 70-44 provides that the City may sell, donate or exchange with the United States, the state, any political subdivision, or a nonprofit organization, city-owned real property without a public sale and for less than the fair market value, whenever in the judgment of the City Council it is advantageous to the City to make the conveyance; and

WHEREAS, it is the finding of the City Council that the J.P. Jones Community Development Center shall be conveyed to the Interdenominational Ministerial Alliance of Fairbanks, subject to certain conditions.

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

SECTION 1. That the City Attorney is directed to prepare a Warranty Deed from the City of Fairbanks to the Interdenominational Ministerial Alliance of Fairbanks for purposes stated above.

SECTION 2. That said Warranty Deed shall restrict the use of the property to community services, events and programs primarily for the benefit of the south Fairbanks community; that the facility shall be operated on a non-profit basis and shall not be sold without the prior

approval of the City Council, and shall be operated in a manner that encourages equal opportunity use within the community, in perpetuity.

SECTION 3. That the guidelines and requirements of the Transfer Agreement attached as "Exhibit A" are hereby approved for these purposes.

SECTION 4. That the Mayor is hereby authorized and directed to execute said Deed on behalf of the City, and the City Clerk is authorized to attest and affix the City Seal to said instrument, the execution of which shall take place not less than thirty (30) days after the effective date of this ordinance, as prescribed by section 8.3 of the City Charter and Sec. 7-56 of the Fairbanks General Code.

SECTION 5. That the effective date of this ordinance shall be the 11th day of June, 2011.

JERRY CLEWORTH, Mayor

AYES:
NAYS:
ABSTAIN:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

JANEY HOVENDEN, CMC, City Clerk

PAUL EWERS, City Attorney



CITY OF
FAIRBANKS

EXHIBIT "A" TO ORDINANCE No. 5850

**AGREEMENT FOR TRANSFER OF THE
J.P. JONES COMMUNITY DEVELOPMENT CENTER**

**FROM THE
CITY OF FAIRBANKS**

**TO THE
INTERDENOMINATIONAL MINISTERIAL ALLIANCE OF FAIRBANKS,
ALASKA**

WHEREAS, the City desires to divest itself of facilities which are not part of the City's core mission, and which draw upon City resources; and

WHEREAS, the Interdenominational Ministerial Alliance of Fairbanks (the "IMA") has leased the J.P. Jones Community Development Center from the City since 1985, and is familiar with use and operation of the facility; and

WHEREAS, the IMA has expressed its desire to assume ownership of said facility, including land and building; and

WHEREAS, the City Council, by Ordinance 5850, with effective date of June 11th, 2011, has authorized conveyance the facility to the IMA, subject to certain conditions.

NOW THEREFORE, the City of Fairbanks ("City") and the IMA hereby agree to the following conditions of transfer:

- a. Conveyance of the property will be made by Warranty Deed, which will contain the use conditions stated in Ordinance 5850.
- b. Time of conveyance: The City will issue the deed to the property as soon as practical upon expenditure of remaining grant funds, but not later than December 31, 2011.
- c. Existing grant funds. Two funding sources are available for further improvements to the facility.
 1. HUD grant funds in the approximate balance of \$80,543
 2. Energy grant funds in approximate balance of \$5,100

These grant funds are obligated to the City and cannot be transferred to the IMA. Therefore, the City, in cooperation with the IMA, shall identify improvements to the facility, administer and construct the improvements, and expend the grant funds to the extent practical before transfer of the property.

- d. Enterprise Fund: The City holds a cash account for the benefit of the J.P. Jones Community Development Center in the approximate balance of **\$137,282**. These funds will be transferred to the IMA upon conveyance of the facility.
- e. The City will turn over any keys or key cards in its possession, together with such documents and information related to the facility available.
- f. The City will provide technical support and training to the IMA for facility systems prior to the conveyance.
- g. Transfer of the property shall be "as-is, where is", as exists on the date of conveyance.
- h. After transfer is complete, the IMA shall assume all responsibility and liability for ownership and operation of the facility, without further assistance from the City, and without limitation.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date shown below.

Interdenominational Ministerial Alliance

City of Fairbanks

 By:
 Title:
 Date: _____

 By: Jerry Cleworth
 Title: Mayor
 Date: _____

ORDINANCE NO. 5850, As Amended

**AN ORDINANCE AUTHORIZING CONVEYANCE OF THE J.P. JONES
COMMUNITY DEVELOPMENT CENTER TO THE
INTERDENOMINATIONAL MINISTERIAL ALLIANCE OF FAIRBANKS**

WHEREAS, the City of Fairbanks is owner of the land and building located at 2400 Rickert Street, known as the J.P. Jones Community Development Center, situated on the Ease ½, Block 32, Bjerremark Subdivision, as shown on attached "Exhibit A", and;

WHEREAS, said property has historically required management, maintenance and repair by the City with no offsetting lease revenues; and

WHEREAS, the City desires to divest facilities which are not part of the City's core mission; and

WHEREAS, the facility has been leased to the Interdenominational Ministerial Alliance of Fairbanks since June, 1985, which lease expires January 31, 2014; and

WHEREAS, the Interdenominational Ministerial Alliance of Fairbanks has expressed a desire to assume ownership of the land and building; and

WHEREAS, Fairbanks General Code of Ordinances Section 70-44 provides that the City may sell, donate or exchange with the United States, the state, any political subdivision, or a nonprofit organization, city-owned real property without a public sale and for less than the fair market value, whenever in the judgment of the City Council it is advantageous to the City to make the conveyance; and

WHEREAS, it is the finding of the City Council that the J.P. Jones Community Development Center shall be conveyed to the Interdenominational Ministerial Alliance of Fairbanks, subject to certain conditions.

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

SECTION 1. That the City Attorney is directed to prepare a Warranty Deed from the City of Fairbanks to the Interdenominational Ministerial Alliance of Fairbanks for purposes stated above.

SECTION 2. That said Warranty Deed shall restrict the use of the property to community services, events and programs primarily for the benefit of the south Fairbanks community; that the facility shall be operated on a non-profit basis and shall not be sold without the prior

approval of the City Council, and shall be operated in a manner that encourages equal opportunity use within the community, in perpetuity.

SECTION 3. That the guidelines and requirements of the Transfer Agreement attached as "Exhibit A" are hereby approved for these purposes.

SECTION 4. That the Mayor is hereby authorized and directed to execute said Deed on behalf of the City, and the City Clerk is authorized to attest and affix the City Seal to said instrument, the execution of which shall take place not less than thirty (30) days after the effective date of this ordinance, as prescribed by section 8.3 of the City Charter and Sec. 7-56 of the Fairbanks General Code.

SECTION 5. That the effective date of this ordinance shall be the 11th day of June, 2011.

JERRY CLEWORTH, Mayor

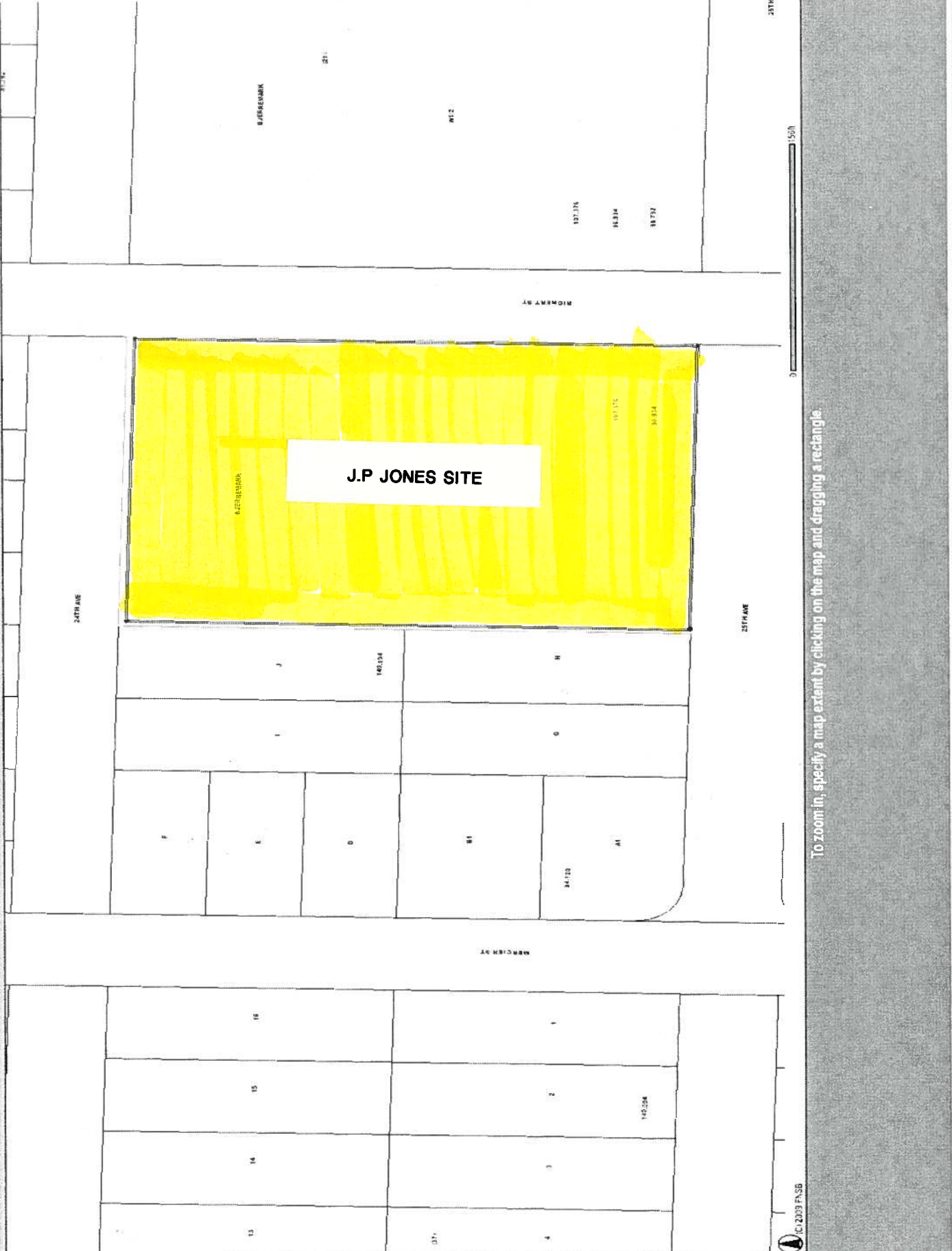
AYES:
NAYS:
ABSTAIN:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

JANEY HOVENDEN, CMC, City Clerk

PAUL EWERS, City Attorney



J.P. JONES SITE

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

Navigation:

Layers:

Labels:

Parcels:

Road Lines:

Sections:

Boundaries:

Borough Functions:

Topo & Physical Info:

Aerial Photos:

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

EXHIBIT 'A' TO ORDINANCE No. 5850





**CITY OF
— FAIRBANKS —**

EXHIBIT “B” TO ORDINANCE No. 5850

**AGREEMENT FOR TRANSFER OF THE
J.P. JONES COMMUNITY DEVELOPMENT CENTER**

**FROM THE
CITY OF FAIRBANKS**

**TO THE
INTERDENOMINATIONAL MINISTERIAL ALLIANCE OF FAIRBANKS,
ALASKA**

WHEREAS, the City desires to divest itself of facilities which are not part of the City’s core mission, and which draw upon City resources; and

WHEREAS, the Interdenominational Ministerial Alliance of Fairbanks (the “IMA”) has leased the J.P. Jones Community Development Center from the City since 1985, and is familiar with use and operation of the facility; and

WHEREAS, the IMA has expressed its desire to assume ownership of said facility, including land and building; and

WHEREAS, the City Council, by Ordinance 5850, with effective date of June 11th, 2011, has authorized conveyance the facility to the IMA, subject to certain conditions.

NOW THEREFORE, the City of Fairbanks (“City”) and the IMA hereby agree to the following conditions of transfer:

- a. Conveyance of the property will be made by Warranty Deed, which will contain the use conditions stated in Ordinance 5850, specifically, that use of the property shall be for community services, events and programs primarily for the benefit of the south Fairbanks community, that the facility be operated on a non-profit basis and in a manner that encourages equal opportunity use with the community, and that the property not be sold without the prior approval of the City Council.
- b. Time of conveyance: The City will issue the deed to the property as soon as practical upon expenditure of remaining grant funds and closure of the grant.
- c. Existing funds. Two funding sources are available for further improvements to the facility.

- 1. State grant funds in balance of \$80,543
- 2. Energy grant funds in approximate balance of \$5,100

These grant funds are obligated to the City and cannot be transferred to the IMA. Therefore, the City, in cooperation with the IMA, shall identify improvements to the facility, administer and construct the improvements, and expend the funds before transfer of the property.

- d. Enterprise Fund: The City holds a cash account for the benefit of the J.P. Jones Community Development Center in the approximate balance of **\$137,282**. These funds will be transferred to the IMA upon conveyance of the facility.
- e. The City will turn over any keys or key cards in its possession, together with such documents and information related to the facility available.
- f. Transfer of the property shall be "as-is, where is".
- g. After transfer is complete, the IMA shall assume all responsibility and liability for ownership and operation of the facility and will operate and maintain the facility for the practical life of the building and will not look to the City of Fairbanks or the State of Alaska to operate or maintain the facility or pay for its operation or maintenance.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date shown below.

Interdenominational Ministerial Alliance

City of Fairbanks

 By:
 Title:
 Date: _____

 By: Jerry Cleworth
 Title: Mayor
 Date: _____

RESOLUTION NO. 4474

**A RESOLUTION FIXING THE RATE OF TAX LEVY FOR
MUNICIPAL PURPOSES FOR THE 2011 REAL PROPERTY
TAX OF THE CITY OF FAIRBANKS, ALASKA.**

WHEREAS, the real property assessment rolls have been completed and the Fairbanks North Star Borough Assessor's Office has advised the City Mayor that the net taxable value of real property as defined by AS 29.71.800 within the City of Fairbanks, Alaska, is estimated at \$2,412,601,885.

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

Section 1. That the rate of levy on the net assessed value of taxable real property is hereby fixed at 5.843 mills for municipal purposes within the City of Fairbanks. The 5.843 mill rate as provided in Fairbanks Charter Section 6.5 is comprised of three parts:

General Fund Expenditures:	4.900 mills
Police Station Bond Payments:	0.288 mills
Claims & Judgments:	0.655 mills

Section 2. That taxes levied hereby are due, delinquent and subject to penalties and interest as provided by FGC Chapter 74, Article II, City of Fairbanks, Alaska.

Section 3. Taxes in any given year may be paid in two equal installments. The first half of taxes thus levied shall be due on the first day of September in the year in which the taxes are levied and are delinquent if not paid prior to the close of business on that day. The second half of taxes thus levied shall be due on the first day of November in the year in which the taxes are levied and are delinquent if not paid prior to the close of business on that day.

Section 4. The sections, paragraphs, sentences and clauses and phrases of this Resolution are severable. Should any part of this Resolution be declared unconstitutional or otherwise unlawful by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unlawfulness shall not affect any of the remaining sections, clauses, sentences, paragraphs and phrases of this Resolution.

Passed and Approved this _____ day of June, 2011.

Jerry Cleworth,
CITY MAYOR

AYES:
NAYS:
ABSENT
APPROVED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

City of Fairbanks
Property Tax Computation for Mill Levy

PREPARED 05/31/2011

City Charter Sec. 6.6 A. Formula for the computation of the maximum allowable tax is: **(A-B)+D+F=G**

	2010	2011	
A Total Amount of City Tax Levied in Prior Year	\$ 17,129,154	\$ 18,623,562	19,008,513
B Equals the amount of the actual payment of principal and interest on bonds made in prior year	696,530	692,880	<u>384,951</u>
Amount levied for judgments in prior year	<u>1,530,070</u>	<u>1,493,193</u>	18,623,562
(A-B)	14,902,554	16,437,489	
D The percentage change in the CPI-U for Anchorage, AK during prior year multiplied by the net taxes levied in prior year. 1.20% 1.80%	178,831	295,875	
F The total amount of all exclusions under City of Fairbanks Charter	3,927,128	2,743,171	
G Total taxes calculated: G=(A-B)+D+F	19,008,513	19,476,535	
Current Year Hotel/Motel Tax Budgeted	2,233,308	2,233,308	
Current Year Alcohol Tax Budgeted	1,620,000	1,900,000	
Current Year Tobacco Tax Budgeted	<u>725,000</u>	<u>850,000</u>	
Total other taxes allowed by tax cap:	14,430,205	14,493,227	
FGC Sec. 74-35 Surplus which exceeds 2% of prior year Revenue Cap	-	-	
	<u>14,430,205</u>	<u>14,493,227</u>	
Total net taxable value of Land and Improvements	\$ 2,420,240,995	\$ 2,412,601,885	

	2010	2011	
Calculated mill levy	5.962	6.007	
Amount for Bonds, Judgements and Claims Mitigation Insurance	0.903	\$ 2,186,073	\$ 2,274,507
4.9 mills allowed by Charter change	4.900	11,859,181	11,821,749
2010/2011 Property tax	5.803	\$ 14,045,254	\$ 14,096,256
Other Taxes that can be levied	0.159	\$384,951	\$396,971

2011 Mill Levy Break Down	
Allowed by Charter	4.900
Police Station Bonds	0.288
Judgments	0.655
Other taxes that can be levied	0.164
Calculated mill levy	6.007

* Calculation of F: The total amount of all exclusions under City of Fairbanks Charter section 6.5(B).

f.1 The taxes on new construction or property improvements equals the projected tax revenue from the value of that new construction or property improvements, computed by multiplying the tax rate applied to properties in the City during the current fiscal year by the assessed value of the new construction and property improvements:

New construction & improvements from Bldg Dept & Annexation:	80,762,443	\$ 48,372,142.00	Building Department
Year 2010 mill rate:	5.803	32,390,301.00	Annexation
	<u>468,664</u>	<u>80,762,443.00</u>	

f.2 The principal and interest due in the next fiscal year on bonds:	695,380
f.3 Taxes to provide additional voter-approved services:	0
f.4 Taxes for new judgments & claims mitigation insurance:	1,579,127
f.5 Special appropriations necessary on an emergency basis:	0
f.6 Any taxes approved by the voters:	0
	<u>2,743,171</u> *

19,008,513	Allowed 2010
<u>384,951</u>	Lost revenue
18,623,562	Levied in prior year

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ORDINANCE NO. 5851

**AN ORDINANCE TO APPROVE THE MONETARY TERMS OF THE
ARBITRATOR'S OPINION AND AWARD IN THE MATTER OF THE
CITY OF FAIRBANKS AND THE PUBLIC SAFETY EMPLOYEES
ASSOCIATION LOCAL 803**

WHEREAS, the City and the Public Safety Employees Association Local 803 were signatories to a Collective Bargaining Agreement (CBA) that expired in December of 2008; and

WHEREAS, through negotiations the parties were able to agree upon numerous terms of the replacement CBA; and

WHEREAS, the parties were not able to agree upon all terms, and pursuant to the terms of the CBA, the parties submitted the matter to binding arbitration held before Arbitrator Alan Krebs on October 18, 19, and 20, 2010; and

WHEREAS, the arbitrator issued an Opinion and Award on January 24, 2011; and

WHEREAS, the monetary terms of the arbitrator's Opinion and Award are subject to funding by the Council pursuant to AS 23.40.215(a); and

WHEREAS, funding of the monetary terms requires Council approval and amendment of the 2011 City budget to fund the awarded increases for 2011;

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

Section 1. That the monetary terms of the arbitrator's Opinion and Award, as set out below, are hereby approved, and the 2011 City budget shall be amended to reflect these changes:

WAGES:

- 3.5% increase to base wages (effective 7/1/10)
- 2.5% increase to base wages (effective 7/1/11)

HEALTH BENEFITS:

\$150.00 increase to the monthly health insurance premium
(effective 1/1/11)

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