

ASSEMBLY

Matt Cooper, Presiding Officer
Christopher Quist, Deputy Presiding Officer
Marna Sanford
Frank Tomaszewski
Mindy O'Neill
Jimi Cash
Liz Lyke
Leah Berman Williams
Aaron Lojewski



BOROUGH MAYOR
Bryce J. Ward

BOROUGH ATTORNEY
Jill S. Dolan

BOROUGH CLERK
April Trickey, CMC

FAIRBANKS NORTH STAR BOROUGH

Regular Assembly Meeting

February 27, 2020

Mona Lisa Drexler Assembly Chambers

Juanita Helms Administration Center

907 Terminal Street, Fairbanks, AK

6:00 p.m.

1. **CALL TO ORDER**
2. **NONSECTARIAN INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ANY OTHER PROCEDURAL MOTIONS.**
6. **CITIZENS' COMMENTS – Each person's comments limited to 3 minutes (Citizens' Comments shall recess at 6:50 p.m. for public hearing)**
 - a. A citizen may speak on agenda items not scheduled for public hearing (Memorandums, Bid Awards, Unfinished Business [items postponed from previous meetings, reconsideration, or notice of intent to rescind], Resolutions, or Ordinances being advanced to a public hearing on a different date). Citizens' comments on Board of Adjustment matters are not permitted.
 - b. Items that are not scheduled on the agenda.

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE DELETION OF ITEMS; OR EXECUTIVE SESSIONS, IF NEEDED.

7. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of the consent agenda passes all routine items indicated by an asterisk (*) on the agenda. Consent agenda items are not considered separately unless an Assemblymember so requests. Note: If the consent item to be removed is an ordinance up to be introduced, advanced, or referred, it takes two Assemblymembers to remove the item from the consent agenda. In the event of such a request, the item is returned to the general agenda.

8. APPROVAL OF MINUTES

- *a. Regular Assembly Meeting minutes of January 16, 2020. (**Page 6**)
- *b. Reconvened Regular Assembly Meeting minutes of January 23, 2020. (**Page 26**)
- *c. Regular Assembly Meeting minutes of January 30, 2020. (**Page 50**)

9. COMMUNICATIONS TO THE ASSEMBLY

- a. Appeal by Jay A. Baxter of Chief Financial Officer's decision regarding the assessment of penalty and interest on delinquent property tax. (**Page 66**)
- b. Memorandum from Matt Cooper, FNSB Presiding Officer, recommending the appointment of Chase A. Edstrom to the Board of Equalization. (**Page 97**)

10. MESSAGES FROM THE BOROUGH MAYOR

11. REPORTS OF STANDING AND SPECIAL COMMITTEES

12. REPORTS FROM REPRESENTATIVES

- a. Report from the City of Fairbanks Representative.
- b. Report from the City of North Pole Representative.
- c. Report from the School Board Representative.

13. SPECIAL ORDERS – Public Hearing at or after 7:00 p.m. (each person’s comments limited to 3 minutes)

- a. Marijuana License – New – Product Manufacturing Facility – License #23736 (**Page 100**)

Tundra Brewing, LLC
DBA: Tundra Brewing, LLC
1427 Karen Way
Fairbanks, AK 99709

- b. ORDINANCE NO. 2019-20-15. An Ordinance Amending The FY 2019-20 Budget By Appropriating \$61,000 From The Steese Volunteer Fire Service Area Fund Balance To The Capital Projects Fund For Replacement Of A Pick-Up Truck For The Steese Volunteer Fire Service Area. (Sponsor: Mayor Ward) (**Page 105**)

14. CONSIDERATION OF CALENDAR – Unfinished Business

- a. Memorandum from Jill S. Dolan, Borough Attorney, requesting approval of Corvias Settlement agreement. (**Page 110**)
- b. Possible executive session with the Borough Attorney, Assistant Borough Attorney, Mayor and Chief of Staff to discuss matters within the attorney client privilege concerning a settlement proposal for the ongoing litigation and payment in lieu of taxes agreement, including a candid discussion of the issues, the attorney’s assessment of settlement options, and for the Assembly to give direction regarding the handling of the matters including any settlement approval.
- c. ORDINANCE NO. 2019-49. An Ordinance Approving The Monetary Provisions Of The Agreement With Corvias Air Force Living LLC For Payment In Lieu Of Taxes (“PILOT”) For Property Leased On Eielson Air Force Base Pursuant To The Military Housing Privatization Initiative Act, And Authorizing The Mayor To Sign The Agreement. (Sponsor: Mayor Ward) (**Page 116**)

15. CITIZENS’ COMMENTS – Each person’s comments limited to 3 minutes (continuation if needed)

- a. Items that are not scheduled for public hearing – continuation.

16. CONSIDERATION OF CALENDAR – New Business – Resolutions

- *a. RESOLUTION NO. 2020-11. A Resolution Supporting The Planning And Development Of The Greater Fairbanks Recreation Area Refuge, A Recreational Trail System And Wildlife Area In The Fairbanks North Star Borough. (Sponsors: Assemblymembers Cooper, Sanford and Williams) **(Page 131)**

17. CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Referred To Committees Or Commissions

NONE

18. CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced And Advanced To Public Hearing

- *a. ORDINANCE NO. 2020-07. An Ordinance Authorizing The Mayor To Enter Into A Lease Agreement At Less Than Fair Rental Value With The Salcha Nordic Ski Club Inc. On Borough Land Identified As A Portion Of Tract E Of Salchaket Bluff Subdivision Located Within Section 16, T.5S., R.4E., F.M. (Salcha Elementary School). (Sponsor: Mayor Ward)
(Refer to the Committee of the Whole on March 5, 2020; Advance to March 12, 2020 for Public Hearing) **(Page 133)**
- *b. ORDINANCE NO. 2020-08. An Ordinance Authorizing Assignment To Far North Foundation Of Automotive Safety Training Of A Lease Previously Granted By Resolution 2013-03, A Resolution Authorizing The Mayor To Grant A Lease To Fairbanks Racing Lions, Inc. For A Motorsports Complex On A Portion Of The E ½ SE ¼ Section 31 & W ½ SW ¼ Section 32, Township 1 South, Range 2 East, F.M. (Sponsor: Mayor Ward)
(Refer to the Committee of the Whole on March 5, 2020; Advance to March 12, 2020 for Public Hearing) **(Page 138)**
- *c. ORDINANCE NO. 2020-09. An Ordinance Authorizing The Direct Sale Of A Portion Of Tract A Of Transfer Station Subdivision, According To The Plat Filed January 17, 1997 As Plat No. 97-7, Within Section 1, Township 1 North, Range 1 West, F.M., Records Of The Fairbanks Recording District, Fourth Judicial District, State Of Alaska, To An Adjoining Land Owner And Finding A Public Need For Said Portion Of Tract A No Longer Exists (Goldstream Rd/Steese Hwy). (Sponsor: Mayor Ward)
(Refer to the Committee of the Whole on March 5, 2020; Advance to March 12, 2020 for Public Hearing) **(Page 151)**

**19. CITIZENS' COMMENTS – Each person's comments limited to 3 minutes
(continuation if needed)**

- b. Items that are not scheduled on the agenda.

20. ASSEMBLYMEMBER'S COMMENTS

21. ADJOURNMENT

FAIRBANKS NORTH STAR BOROUGH
Regular Assembly Meeting
January 16, 2020
6:00 p.m.

A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, January 16, 2020, in the Mona Lisa Drexler Assembly Chambers of the Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

There were present:

Matt Cooper, Presiding Officer and

Aaron Lojewski

Mindy O'Neall

Jimi Cash

Leah Berman Williams

Frank Tomaszewski

Christopher Quist

Liz Lyke

Comprising a quorum of the Assembly, and

Bryce J. Ward, Borough Mayor

Jim Williams, Chief of Staff

Jill S. Dolan, Borough Attorney

David Gibbs, Emergency Operations Director

Melissa Harter, Library Director

David Gibbs, Emergency Operations Director

Jerry Cleworth, City of Fairbanks Representative

Aino Welch, North Pole Representative

Erin Morotti, School Board Representative

Brian Charlton, Parks Project Coordinator

Donnie Hayes, Pioneer Park Manager

Janet Smith, Public Works Deputy Director

Travis Smith, Maintenance Manager

Adena Benn, CMC, Acting Borough Clerk

Melanie Desmond, Research Assistant

Absent & Excused

Marna Sanford

NONSECTARIAN INVOCATION AND PLEDGE OF ALLEGIANCE

Track 1, 00:35

Presiding Officer Cooper gave a nonsectarian invocation and led the pledge of allegiance.

PRESENTATIONS

Track 1, 38:38

Mayor Ward read a resolution recognizing Sallie Stuvek for 21 years of exemplary service to the Fairbanks North Star Borough and expressing appreciation for her outstanding performance and dedication.

REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ANY OTHER PROCEDURAL MOTIONS

Track 1, 02:29

Assemblymember Lojewski requested removal of item 16.b. Resolution No. 2020-06 from the consent agenda:

RESOLUTION NO. 2020-06. A Resolution Authorizing The Mayor To Enter Into An Agreement With The Alaska Department Of Fish And Game And Accepting Maintenance Responsibilities For ADA-Compliant Canoe/Kayak Launches At The Tanana Lakes Recreation Area And The Chena Lake Recreation Area. (Sponsor: Mayor Ward)

CITIZEN'S COMMENTS

Track 1, 03:10

- a. A citizen may speak on agenda items not scheduled for public hearing. Memorandums, Bid Awards, Unfinished Business (items postponed from previous meetings, reconsideration, or notice of intent to rescind), Resolutions, or Ordinances being advanced to a public hearing on a different date.

Gordon Williams, resident of the borough, spoke in support of Resolution No. 2020-01, specifically that the leases do not absolve the borough's responsibility to maintain the buildings.

Patrice Lee, resident of the borough, spoke in support of the board and commission appointments and encouraged more borough residents to get involved.

John Howe, resident of the borough, spoke in support of a non-profit rehabilitation of the SS Nenana, instead of spending tax dollars.

CITIZEN'S COMMENTS – continued

b. Items other than those appearing on the agenda (this is the section to speak on anything **Not Scheduled** on the agenda).

Ray Bonnell, resident of the borough, spoke in support of saving the SS Nenana.

Kerri Mullis, resident of the borough, spoke in support of non-profits taking over projects like the SS Nenana to avoid using property tax funds.

Mike Musick, resident of the borough, spoke in support of the borough's efforts to improve air quality.

Mike Prax, resident of the borough, asked that residents consider their neighbors when they burn and urged more action towards renewable resources.

Patrice Lee, resident of the borough, spoke in support of electrostatic precipitators. Ms. Lee gave an update on legislation regarding citation authority and urged the FNSB to do everything they can to prioritize the air quality issue.

Christine Robbins, resident of the borough, spoke against FNSB's citation authority and the newly proposed Fairbanks North Star Borough School District's LGBTQ curriculum.

John Howe, resident of the borough, spoke regarding air quality.

Kerri Mullis, resident of the borough, spoke against the Fairbanks North Star Borough School District's LGBTQ curriculum.

Sandy Jamieson, resident of the borough, spoke in support of ranking and recognition of the trails projects on the Capital Improvement Project list.

Mike Sampson, resident of the borough, spoke against the Fairbanks North Star Borough School District's LGBTQ curriculum.

APPROVAL OF AGENDA AND CONSENT AGENDA

Track 1, 33:43

QUIST,
Seconded by LOJEWSKI

moved to approve the agenda and consent agenda as amended and read.

WITHOUT OBJECTION, SO ORDERED.

APPROVAL OF MINUTES

Track 1, 33:43

- a. Regular Assembly Meeting minutes of December 12, 2019.

Without objection this measure was read by title and approved under the consent agenda.

- b. Special Assembly Meeting minutes of December 19, 2019.

Without objection this measure was read by title and approved under the consent agenda.

COMMUNICATIONS TO THE ASSEMBLY

- a. Memorandum from Matt Cooper, FNSB Assembly Presiding Officer, recommending the appointment of Audrey J. Foldoe and Joel Johnson to the Board of Equalization.
Track 1, 42:28

QUIST,
Seconded by WILLIAMS

moved to appoint Audrey J. Foldoe to the Board of Equalization with a term ending December 31, 2022.

VOTE ON MOTION TO APPOINT AUDREY J. FOLDOE TO THE BOARD OF EQUALIZATION WITH A TERM ENDING DECEMBER 31, 2022.

Yeses: Tomaszewski, O’Neill, Cash, Lyke, Williams, Lojewski, Quist, Cooper

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

Assemblymember Cash declared a potential conflict of interest on the appointment of Mr. Johnson to the BOE as they are friends and do business together. The Chair ruled a conflict did not exist as Mr. Cash has no financial interest in the action.

QUIST,
Seconded by LOJEWSKI

moved to appoint Joel Johnson to the Board of Equalization with a term ending December 31, 2022.

Discussion ensued.

COMMUNICATIONS TO THE ASSEMBLY – continued

VOTE ON MOTION TO APPOINT JOEL JOHNSON TO THE BOARD OF EQUALIZATION WITH A TERM ENDING DECEMBER 31, 2022.

Yeses: O’Neill, Williams, Tomaszewski, Lojewski, Lyke, Cash, Quist, Cooper

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

REORDER OF THE AGENDA

LOJEWSKI,
Seconded by CASH moved to reorder the agenda to take up item 16 a. Resolution No. 2020-01 before public hearing.

QUIST,
Seconded by LOJEWSKI moved to amend the amendment to take up item 16 a. Resolution No. 2020-01 after item 12 Reports from Representatives and before public hearing.

WITHOUT OBJECTION, SO ORDERED.

VOTE ON MOTION TO REORDER THE AGENDA TO TAKE UP ITEM 16 A. RESOLUTION NO. 2020-01, AFTER ITEM 12 REPORTS FROM REPRESENTATIVES AND BEFORE PUBLIC HEARING, AS AMENDED.

Yeses: Cash, Lyke, Tomaszewski, Lojewski, Cooper

Noes: Williams, O’Neill, Quist

MOTION CARRIED 5 Yeses, 3 Noes

COMMUNICATIONS TO THE ASSEMBLY – continued

- b. Memorandum from Mayor Ward recommending the following appointments and/or reappointments:

Track 1, 33:43

- Thomas Swan, Jamie Marschner and Mary Ann Fortune to the Animal Control Commission
- Kelly Hegarty Lammers to the Chena Riverfront Commission
- Maida Buckley to the Library Commission
- Margaret Keiper to the Parks and Recreation Commission
- Steven Brooks and Traci Schachle to the Platting Board
- Sharon George to the Salaries and Emoluments Commission
- Seth Adams to the Trails Advisory Commission

Without objection this measure was read by title and approved under the consent agenda.

- c. Memorandum from Mayor Ward recommending the appointment of various Service Area Commissioners.

Track 1, 33:43

Without objection this measure was read by title and approved under the consent agenda.

- d. Memorandum from Mayor Ward recommending the write-off of library receivables over \$300.00.

Track 1, 33:43

Without objection this measure was read by title and approved under the consent agenda.

MESSAGES FROM THE BOROUGH MAYOR

Clerk's Note: This item will be taken up at the Reconvened Regular Assembly meeting on January 23, 2020.

REPORTS OF SPECIAL AND STANDING COMMITTEES

Clerk's Note: This item will be taken up at the Reconvened Regular Assembly meeting on January 23, 2020.

REPORTS FROM REPRESENTATIVES

Track 2, 01:29

a. Report from the City of Fairbanks Representative.

Council Member Jerry Cleworth reported on:

- HB79 which seeks to add Fire and Police back into a defined benefit program with the State of Alaska.

b. Report from the City of North Pole Representative.

Council Member Aino Welch reported on:

- Eielson AFB is expecting 968 incoming Airmen and their families beginning this month.
- City of North Pole legislative priorities.

c. Report from the School Board Representative.

School Board Member Erin Morotti reported on:

- Week of January 19 celebrations in honor of Dr. Martin Luther King, Jr.
- School is closed on Monday, January 20.
- Next School Board meeting is January 21, 2020.
- New North Star College allowing high school students to earn high school and college credits simultaneously.
- Several open house events to gather citizen input regarding new school start times.
- Upcoming budget process for FY21.
- Curriculum adoption process.

SPECIAL ORDERS – PUBLIC HEARING

- a. ORDINANCE NO. 2019-20-10. An Ordinance Amending The FY 2019-20 Budget By Appropriating \$7,365,723 In State Grant Funding And \$3,966,158 From The Facilities Maintenance Reserve To The Capital Projects Fund For Barnette Magnet School Renovation Phase IV. (Sponsor: Mayor Ward)
Track 2, 26:58

Janet Smith, Public Works Deputy Director, gave a staff report.

The presiding officer called for public testimony.

Kerri Mullis, resident of the borough, spoke in support of contributing to the maintenance reserve fund so that borough owned buildings can be maintained.

Fred Vreeman, resident of the borough spoke in support of Ordinance No. 2019-20-10, and cautioned the assembly to choose maintenance versus improvements.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

LOJEWSKI,
Seconded by QUIST

Moved to adopt Ordinance No. 2019-20-10.

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2019-20-10.

Yeses: Cash, Lyke, Lojewski, Williams,
Tomaszewski, O’Neill, Quist, Cooper

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

- b. ORDINANCE NO. 2019-20-1P. An Ordinance Amending The FY 2019-20 Budget By Appropriating \$20,000 From The Non-Areawide (NAW) Fund Fund Balance To NAW Non-Departmental For The Purpose Of Providing A Contribution To The Alaska Fire Chiefs Association (AFCA) To Assist With The Implementation Of A Voluntary Supplemental Emergency Medical Transportation (SEMT) Program. (Sponsor: Mayor Ward)
Track 2, 37:31

PUBLIC HEARING – continued

David Gibbs, Emergency Operations Director, gave a staff report.

The Presiding Officer called for public testimony.

Mike Prax, resident of the borough, spoke to his concerns on the fees associated with the SEMT program.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

QUIST, moved to adopt Ordinance No. 2019-20-1P.
Seconded by WILLIAMS

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2019-20-1P.

Yeses: Williams, Cash, Tomaszewski, O’Neill,
Lojewski, Lyke, Quist, Cooper

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

- c. ORDINANCE NO. 2020-01. An Ordinance Providing For An Exception To The Effective Date Of Ordinance 2019-01, An Ordinance Amending FNSBC Title 17 Regarding Legal And Constructed Road Access For Subdivisions.
(Sponsor: Mayor Ward)
Track 2, 22:34

Presiding Officer Cooper passed the gavel to Deputy Presiding Officer Quist and declared a potential conflict of interest regarding Ordinance No. 2020-01 because it amends Ordinance No. 2019-01, of which Mr. Cooper did have a previous conflict. The Chair ruled a conflict did not exist and passed the gavel back to Presiding Officer Cooper.

Mayor Ward gave a staff report.

The Presiding Officer called for public testimony, there being none public hearing was closed.

PUBLIC HEARING – continued

WILLIAMS,
Seconded by QUIST

moved to adopt Ordinance No. 2020-01.

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2020-01.

Yeses: O’Neill, Williams, Lyke, Lojewski, Cash,
Tomaszewski, Quist, Cooper

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

- d. RESOLUTION NO. 2019-43. A Resolution Identifying And Approving Capital Projects For Inclusion In The Capital Improvement Program. (Sponsor: Assembly Finance Committee)
Track 3, 00:32

Finance Chair Williams and Mayor Ward gave a staff report.

The Presiding Officer called for public testimony.

John Howe, resident of the borough, spoke in support of crowd funding capital improvement projects.

Lance Roberts, resident of the borough, spoke in support of funding for deferred maintenance and against new construction projects. Mr. Roberts suggested dividing the projects to distinguish capital projects from maintenance.

Mike Powers, resident of the borough, spoke in support of allocating funds to study the financial feasibility and public interest in the Big Dipper Sports and Wellness Center.

Karl Kassel, resident of the borough, spoke in support of the Carlson Center Ice Plant and recreational trail systems. Mr. Kassel also suggested sometimes building something new is more cost effective than maintaining older buildings.

Mike Musick, resident of the borough, spoke in support of recreational trail systems and library information technology upgrades. Mr. Musick spoke in support of non-profit restoration of the SS Nenana and the importance of maintaining borough owned buildings.

PUBLIC HEARING – continued

Candy Mattingly, resident of the borough and Fairbanks Women’s Hockey Association President, spoke in support of the Carlson Center Ice Plant.

Ray Bonnell, resident of the borough, spoke in support of restoring the SS Nenana.

Meredith Coats, resident of the borough, spoke in support of restoring the SS Nenana.

Jim Dodson, resident of the borough and Fairbanks Economic Development Corporation President, spoke in support of individual organization’s efforts to fund trail systems and in support of allowing volunteers to tackle projects to relieve the borough.

Rene Van Nort, resident of the borough, spoke in support of Noel Wien Library renovations.

Arlene Slocum, resident of the borough, thanked Mayor Ward for bringing forward the CIP resolution and spoke in support of restoring the SS Nenana through a partnership with the non-profit Friends of SS Nenana.

Kerri Mullis, resident of the borough, asked why trails can’t be maintained by their user groups instead of the borough, and spoke about deferred maintenance.

Kelly Boyle, resident of the borough and Fairbanks Skate Park volunteer, spoke in support of maintaining and upgrading the skate park.

Sandy Jamieson, resident of the borough, spoke in support of building a roof over the SS Nenana. Mr. Jamieson encouraged volunteer maintenance of recreational trail systems and stated outside funding is available.

John Junke, Jr., resident of the borough and Board President of Interior Alaska Trails and Parks Association, spoke in support of maintaining recreational trails.

Jeremy Holan, resident of the borough, spoke in support of maintaining both the North Pole Ice Rink Phase 1 and 2 and the Carlson Center ice rink.

Cam Webb, resident of the borough, spoke in support of maintaining recreational trails for both existing residents and newly arriving military personnel and their families.

Ritchie Musick, resident of the borough, spoke in support of restoring the SS Nenana.

PUBLIC HEARING – continued

Jeannie Creamer-Dalton, resident of the borough, thanked the Assembly, Mayor and community for their support of the non-profit organization Friends of SS Nenana.

Irene Shallock, resident of the borough, spoke in support of the South Davis sports complex.

David Akin, resident of the borough, spoke in support of upgrades and expansion to the Fairbanks Skate Park.

Joshua Poe, resident of the borough, spoke in support of much needed renovations to the Fairbanks Skate Park.

Gordon Williams, resident of the borough, spoke in support of restoring the SS Nenana.

Jane Bedford, resident of the borough, spoke in favor of Interior Youth Baseball and Interior Girls Softball and the proposed combined sports complex.

Mike Prax, resident of the borough, spoke about voluntary participation leading to peaceful coexistence and asked that the CIP project list be ordered by volunteer interest to keep costs down.

Kathy Alton, resident of the borough, spoke in support of Noel Wien Library renovations.

Matthew Sampson, resident of the borough, spoke in support of placing project labor agreements into borough contracts. Mr. Sampson urged the FNSB to break construction projects down into phases to engage smaller, local contractors.

Mike Hopper, resident of the borough, spoke in support of recreational trails.

Mark Oldmixon, resident of the borough and member of the FNSB Parks and Recreation Commission, spoke in support of the Big Dipper Health and Wellness Center. Mr. Oldmixon supports recreational trails, the Carlson Center Ice Rink and the Fairbanks Skate Park.

Ronnie Rosenberg, resident of the borough, spoke in support of replacing the animal shelter instead of spending money to maintain the aging existing structure.

PUBLIC HEARING – continued

Mark Herrmann, resident of the borough and Dean of the UAF School of Management, spoke in support of the Carlson Center Ice Plant and the Big Dipper Health and Wellness Center.

Rita St. Louis, resident of the borough, spoke in support of recreational trails, but not the Equinox Trail proposal.

Patrick Lovely, resident of the borough and President of Eclipse Soccer Club, spoke in support of upgraded turf facility and the proposed sports complex.

Fred Vreeman, resident of the borough, spoke in support of restoring the SS Nenana using public and private partnerships. Mr. Vreeman suggested a capital account for capital improvement projects.

Blake Burley, resident of the borough, spoke against building new infrastructure.

Ben Roth, resident of the borough, spoke in support of the proposed Big Dipper Health and Wellness Center.

Greg Johnson, resident of the borough, spoke in support of a feasibility study for the Big Dipper Sports and Wellness Center.

Tim Dow, resident of the borough, spoke in support of the Big Dipper Sports and Wellness Center.

Cheryl Norum-Bonar, resident of the borough, spoke in support of the North Star Athletic Complex/Big Dipper Health and Wellness Center to encourage healthy engagement and connection.

David Powers, resident of the borough, spoke in support of the Big Dipper Sports and Wellness Center.

Diane Preston, resident of the borough, spoke in support of restoring the SS Nenana and urged the Borough to consider energy efficiency when maintaining or constructing new buildings.

Alex Rosenthal, resident of the borough, spoke in support of maintaining existing borough buildings.

PUBLIC HEARING – continued

The Presiding Officer called for further public testimony, there being none public hearing was closed.

LOJEWSKI,
Seconded by TOMASZEWSKI

moved to adopt Resolution No. 2019-43.

Discussion ensued.

WILLIAMS,
Seconded by LOJEWSKI

moved to amend by removing Lines 495-499 and replacing with "SS Nenana Restoration Phase I \$4,300,000 The project would address structural damage and basic code compliance, including issues listed in the 2008-2011 USKH Sternwheeler report, to make the 1st floor safe for occupancy again. To include but not be limited to protective coverings, framing, decking, general stabilization and any items required by the City of Fairbanks as the Authority Having Jurisdiction for building safety." Amend by removing Lines 502-504 and replacing with "SS Nenana Restoration Phase 2 \$6,000,000 The project would address all other deficiencies identified in the 2008-2011 USKH Sternwheeler report to include but not be limited to protective coverings, framing, decking, and other restoration work required."

Discussion ensued.

LOJEWSKI,
Seconded by TOMASZEWSKI

moved to suspend the rules to complete the agenda.

PUBLIC HEARING – continued

VOTE ON MOTION TO SUSPEND THE RULES TO COMPLETE THE AGENDA.

Yeses: Tomaszewski, Lojewski, Williams, Cash

Noes: O’Neill, Lyke Quist, Cooper

MOTION FAILED 4 Yeses, 4 Noes

CASH,
Seconded by QUIST moved to amend the amendment by also deleting Lines 488-494.

Discussion ensued.

LOJEWSKI,
Seconded by TOMASZEWSKI moved to lay Resolution No. 2019-43 on the table.

VOTE ON MOTION TO LAY RESOLUTION NO. 2019-43 ON THE TABLE.

Yeses: Cash, Tomaszewski, Lojewski

Noes: Lyke, O’Neill, Williams, Quist, Cooper

MOTION FAILED 3 Yeses, 5 Noes

WILLIAMS,
Seconded by O’NEALL moved to adjourn to immediately following the Committee of the Whole on January 23, 2020.

VOTE ON MOTION TO ADJOURN TO IMMEDIATELY FOLLOWING THE COMMITTEE OF THE WHOLE ON JANUARY 23, 2020.

Yeses: Tomaszewski, O’Neill, Cash, Williams, Lyke, Lojewski, Quist, Cooper

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

Clerk’s Note: This item will be taken up again at the Reconvened Regular Assembly meeting on January 23, 2020.

CONSIDERATION OF CALENDAR – Unfinished Business

NONE

CITIZEN’S COMMENTS – Limited To 3 Minutes (Continuation if needed)

- a. items that are not scheduled for public hearing – continuation.

Clerk’s Note: This item will be taken up again at the Reconvened Regular Assembly meeting on January 23, 2020.

CONSIDERATION OF CALENDAR – New Business – Resolutions

- a. RESOLUTION NO. 2020-01. A Resolution Encouraging The FNSB Administration To Facilitate The Leasing And Restoration Efforts Of The Non-Profit Organization Friends Of SS Nenana.
(Sponsors: Assemblymembers Tomaszewski and Cash)
Track 2, 19:56

LOJEWSKI, moved to adopt Resolution No. 2020-01.
Seconded by CASH

Discussion ensued.

Yeses: Tomaszewski, O’Neill, Cash, Williams,
Lyke, Lojewski, Quist, Cooper

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

- b. RESOLUTION NO. 2020-02. A Resolution Terminating The Fairbanks North Star Borough Deferred Compensation Plan With Mass Mutual With An Effective Date Of June 30, 2020 And Authorizing The Mayor To Execute Agreements And Contracts Necessary To Maintain And Enhance The ICMA And Nationwide Plans.
(Sponsor: Mayor Ward)
Track 1, 33:43

Without objection this measure was read by title and approved under the consent agenda.

CONSIDERATION OF CALENDAR – New Business – Resolutions – continued

- c. RESOLUTION NO. 2020-03. A Resolution Authorizing A Utility Easement To The City Of North Pole On Borough Land Within A Portion Of Lots 8, 9, 25 And 29, Section 28, T.2S., R.3E., F.M. (Moose Creek Fire Station).
(Sponsor: Mayor Ward)
Track 1, 33:43

Without objection this measure was read by title and approved under the consent agenda.

- d. RESOLUTION NO. 2020-04. A Resolution Authorizing The Mayor To Grant A Private Access Easement On Borough Owned Land Located Within The NE ¼ Section 27 T.1S. R.1W. F.M. (Chena Lakes Flood Control Project Channel "A").
(Sponsor: Mayor Ward)
Track 1, 33:43

Without objection this measure was read by title and approved under the consent agenda.

- e. RESOLUTION NO. 2020-05. A Resolution Authorizing The Mayor To Submit To The Fairbanks Area Surface Transportation Planning Organization Multiple Applications For Congestion Mitigation And Air Quality Funding For Road Surface Upgrades And Electrical Plug-In Projects. (Sponsor: Mayor Ward)
Track 1, 33:43

Without objection this measure was read by title and approved under the consent agenda.

- f. RESOLUTION NO. 2020-06. A Resolution Authorizing The Mayor To Enter Into An Agreement With The Alaska Department Of Fish And Game And Accepting Maintenance Responsibilities For ADA-Compliant Canoe/Kayak Launches At The Tanana Lakes Recreation Area And The Chena Lake Recreation Area.
(Sponsor: Mayor Ward)

Clerk's Note: This item was removed from the consent agenda and will be taken up at the Reconvened Regular Assembly meeting on January 23, 2020.

CONSIDERATION OF CALENDAR – New Business – Resolutions – continued

- g. RESOLUTION NO. 2020-07. A Resolution Recognizing Sallie Stuvek For 21 Years Of Exemplary Service To The Fairbanks North Star Borough And Expressing Appreciation For Her Outstanding Performance And Dedication.
(Sponsors: Mayor Ward and Assemblymember Cooper)
Track 1, 33:43

Without objection this measure was read by title and approved under the consent agenda.

CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Referred To Committees Or Commissions

Track 1, 33:43

- a. ORDINANCE NO. 2020-02. An Ordinance Amending Fairbanks North Star Borough Code Of Ordinances Titles 4, 15, 17, 18, And 22 Regarding Quasi-Judicial Appeals To Add A New Board Of Appeals And New Appeals Officer Section.
(Sponsor: Mayor Ward)

Without objection the measure was read by title and referred under the consent agenda to the Planning Commission and Animal Control Commission with recommendations due back no later than April 15, 2020.

CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced And Advanced To Public Hearing

Track 1, 33:43

- a. ORDINANCE NO. 2020-03. An Ordinance Authorizing The Mayor To Enter Into A Lease Agreement At Less Than Fair Rental Value With The American Legion Dorman H Baker Post No. 11 For Use Of Portions Of Tract B Chena River Bend Subdivision Phase 1 (Arco And Marlin Fields). (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Committee of the Whole on January 23, 2019; Advanced to January 30, 2019 for Public Hearing.

CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced And Advanced To Public Hearing

- b. ORDINANCE NO. 2020-04. An Ordinance Authorizing The Mayor To Enter Into A Lease Agreement At Less Than Fair Rental Value With The Interior Girls Softball Association For Use Of Portions Of Tract G-1A, South Davis Park Subdivision (South Davis Park) And A Portion Of Tract A Growden Park Subdivision.
(Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Committee of the Whole on January 23, 2019; Advanced to January 30, 2019 for Public Hearing.

- c. ORDINANCE NO. 2020-05. An Ordinance Amending FNSBC 9.04.030 Regarding Alcohol In Borough Parks. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Committee of the Whole on January 23, 2019; Advanced to January 30, 2019 for Public Hearing.

CITIZEN’S COMMENTS – Limited To 3 Minutes (Continuation if needed)

- b. Items other than those appearing on the agenda (this is the section to speak on anything **Not Scheduled** on the agenda).

Clerk’s Note: This item will be taken up at the Reconvened Regular Assembly meeting on January 23, 2020.

ASSEMBLYMEMBER’S COMMENTS

Clerk’s Note: This item will be taken up at the Reconvened Regular Assembly meeting on January 23, 2020.

ADJOURNMENT

There being no further business to come before the Fairbanks North Star Borough Assembly, the meeting was adjourned at 11:20 p.m.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC, Borough Clerk by
Adena Benn, CMC, Deputy Borough Clerk

FAIRBANKS NORTH STAR BOROUGH
Reconvened Regular Assembly Meeting
January 23, 2020
7:32 p.m.

The January 16 Regular meeting of the Fairbanks North Star Borough Assembly was reconvened Thursday, January 23, 2020, in the Mona Lisa Drexler Assembly Chambers of the Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

There were present:

Matt Cooper, Presiding Officer and

Aaron Lojewski

Mindy O'Neill

Jimi Cash

Leah Berman Williams

Frank Tomaszewski

Christopher Quist

Liz Lyke

Comprising a quorum of the Assembly, and

Bryce J. Ward, Borough Mayor

Jim Williams, Chief of Staff

Jill S. Dolan, Borough Attorney

Brian Charlton, Parks Project Coordinator

Donnie Hayes, Pioneer Park Manager

Janet Smith, Public Works Deputy Director

April Trickey, CMC, Borough Clerk

Absent & Excused

Marna Sanford

SPECIAL ORDERS – PUBLIC HEARING

RESOLUTION NO. 2019-43. A Resolution Identifying And Approving Capital Projects For Inclusion In The Capital Improvement Program. (Sponsor: Assembly Finance Committee)

Clerk's Note: Public Hearing on this resolution is closed. There is a motion to adopt, motion to amend, and motion to amend the amendment on the floor from January 16, 2020 as follows:

LOJEWSKI,
Seconded by TOMASZEWSKI

moved to adopt Resolution No. 2019-43.

WILLIAMS,
Seconded by TOMASZEWSKI

moved to amend by removing Lines 495-499 and replacing with "SS Nenana Restoration Phase I \$4,300,000 The project would address structural damage and basic code, including issues listed in the 2008-2011 USKH Sternwheeler report, to make the 1st floor safe for occupancy again. To include but not be limited to protective coverings, framing, decking, general stabilization and any items required by the City of Fairbanks as the Authority Having Jurisdiction for building safety."; Amend by removing Lines 502-504 and replacing with "SS Nenana Restoration Phase 2 \$6,000,000. The project would address all other deficiencies identified in the 2008-2011 USKH Sternwheeler report to include but not be limited to protective coverings, framing, decking, and other restoration work required."

CASH,
Seconded by QUIST

moved to amend the amendment by also deleting Lines 488-494.

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.

PUBLIC HEARING – continued

Discussion ensued.

CASH,
Seconded by TOMASZEWSKI

moved to amend the amendment by changing the SS Nenana Restoration Phase 1 amount from \$4,300,00 to \$1,000,000 and by changing the SS Nenana Restoration Phase 2 amount from \$6,000,00 to \$2,000,000.

Discussion ensued.

VOTE ON MOTION TO AMEND THE AMENDMENT BY CHANGING THE SS NENANA RESTORATION PHASE 1 AMOUNT FROM \$4,300,00 TO \$1,000,000 AND BY CHANGING THE SS NENANA RESTORATION PHASE 2 AMOUNT FROM \$6,000,00 TO \$2,000,000.

Yeses: Lojewski, Cash

Noes: O’Neill, Williams, Lyke, Tomaszewski, Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

TOMASZEWSKI,
Seconded by LOJEWSKI

moved to amend the amendment to use the proposed \$4,300,000 for the SS Nenana Phase 1 as a matching grant to funds raised by the Friends of the SS Nenana.

Discussion ensued.

VOTE ON MOTION TO AMEND THE AMENDMENT BY USING THE PROPOSED \$4,300,000 FOR THE SS NENANA PHASE 1 AS A MATCHING GRANT FOR FRIENDS OF THE SS NENANA.

Yeses: Tomaszewski, Cash, Lojewski

Noes: O’Neill, Lyke, Williams, Quist, Cooper

MOTION FAILED 3 Yeses, 5 Noes

PUBLIC HEARING – continued

VOTE ON MOTION TO REPLACE LINES 495-499, REPLACE LINES 502-504, AND DELETE LINES 488-494, AS AMENDED.

Yeses: Williams, Cash, Tomaszewski, O’Neill, Lyke, Quist, Cooper

Noes: Lojewski

MOTION CARRIED 7 Yeses, 2 Noes

CASH,
Seconded by LOJEWSKI moved to amend Lines 37-38 by inserting the following after FNSBC 7.12.120 “separate the list into new capital expenditures and maintenance items including breaking up combination projects by those categories.

Discussion ensued.

VOTE ON MOTION TO AMEND LINES 37-38 BY INSERTING THE FOLLOWING AFTER FNSBC 7.12.120 “SEPARATE THE LIST INTO NEW CAPITAL EXPENDITURES AND MAINTENANCE ITEMS INCLUDING BREAKING UP COMBINATION PROJECTS BY THOSE CATEGORIES.

Yeses: Lojewski, Williams, Tomaszewski, Cash, Quist

Noes: O’Neill, Lyke, Cooper

MOTION CARRIED 5 Yeses, 3 Noes

LOJEWSKI,
Seconded by TOMASZEWSKI moved to lay Resolution No. 2019-43 on the table.

PUBLIC HEARING – continued

VOTE ON MOTION TO LAY RESOLUTION NO. 2019-43 ON THE TABLE.

Yeses: Tomaszewski, Lojewski, Williams, Cash, Quist, Cooper

Noes: O’Neill, Lyke

MOTION CARRIED 6 Yeses, 2 Noes

QUIST,
Seconded by LOJEWSKI moved to remove Resolution No. 2019-43 from the table.
Track 2, 33:30

WITHOUT OBJECTION, SO ORDERED.

CASH,
Seconded by TOMASZEWSKI moved to amend Line 37 to add “,giving priority to maintenance,” after “score and rank”.

Discussion ensued.

VOTE ON MOTION TO AMEND LINE 37 TO ADD “,GIVING PRIORITY TO MAINTENANCE,” AFTER “SCORE AND RANK”.

Yeses: None

Noes: Williams, Lyke, Lojewski, Tomaszewski, Cash, O’Neill, Quist, Cooper

MOTION FAILED 0 Yeses, 8 Noes

QUIST,
Seconded by TOMASZEWSKI moved to postpone Resolution No. 2019-43 to a Special Assembly meeting immediately following the Regular Assembly meeting on January 30, 2020.

PUBLIC HEARING – continued

VOTE ON MOTION TO POSTPONE RESOLUTION NO. 2019-43 TO A SPECIAL ASSEMBLY MEETING IMMEDIATELY FOLLOWING THE REGULAR ASSEMBLY MEETING ON JANUARY 30, 2020.

Yeses: Cash, Tomaszewski, Lojewski, Quist

Noes: Lyke, O’Neill, Williams, Cooper

MOTION FAILED 4 Yeses, 4 Noes

LOJEWSKI, moved to amend by deleting Lines 54-61
Seconded by CASH JHAC Repairs and Upgrades.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 54-61 JHAC REPAIRS AND UPGRADES.

Yeses: Tomaszewski, Cash, Lojewski

Noes: O’Neill, Williams, Lyke, Quist, Cooper

MOTION FAILED 3 Yeses, 5 Noes

LOJEWSKI, moved to amend by deleting Lines 63-70
Seconded by CASH JHAC First Floor Addition and Security Upgrades.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 63-70 JHAC FIRST FLOOR ADDITION AND SECURITY UPGRADES.

Yeses: Lojewski, Cash, Tomaszewski

Noes: Williams, O’Neill, Lyke, Quist, Cooper

MOTION FAILED 3 Yeses, 5 Noes

PUBLIC HEARING – continued

TOMASZEWSKI,
Seconded by CASH

moved to amend by adding a project for the Friends of the SS Nenana for materials and acquisition of materials specific to restoring the SS Nenana in the amount of \$2,000,000.

Discussion ensued.

VOTE ON MOTION TO AMEND BY ADDING A PROJECT FOR THE FRIENDS OF THE SS NENANA FOR MATERIALS AND ACQUISITION OF MATERIALS SPECIFIC TO RESTORING THE SS NENANA IN THE AMOUNT OF \$2,000,000.

Yeses: Tomaszewski

Noes: O’Neill, Cash, Williams, Lyke, Lojewski, Quist, Cooper

MOTION FAILED 1 Yeses, 7 Noes

LOJEWSKI,
Seconded by CASH moved to amend by deleting Lines 72-77 Noel Wien Library Upgrades and Repairs.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 72-77 NOEL WIEN LIBRARY UPGRADES AND REPAIRS.

Yeses: Lojewski, Cash

Noes: Williams, O’Neill, Lyke, Tomaszewski, Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

LOJEWSKI,
Seconded by CASH moved to amend by deleting Lines 79-84 Transit Garage Phase II.

Discussion ensued.

PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND BY DELETING LINES 79-84 TRANSIT GARAGE PHASE II.

Yeses: Lojewski, Cash
Noes: O’Neill, Lyke, Tomaszewski, Williams, Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

CASH,
Seconded by LOJEWSKI moved to amend by deleting Lines 276-290 Chena Lake Area Revitalization Phases IV, V, AND VI.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 276-290 CHENA LAKE AREA REVITALIZATION PHASES IV, V, AND VI.

Yeses: Lojewski, Tomaszewski, Cash
Noes: Lyke, Williams, O’Neill, Quist, Cooper

MOTION FAILED 3 Yeses, 5 Noes

LOJEWSKI,
Seconded by TOMASZEWSKI moved to amend by deleting Lines 92-97 Animal Shelter Replacement.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 92-97 ANIMAL SHELTER REPLACEMENT.

Yeses: Tomaszewski, Cash
Noes: O’Neill, Williams, Lojewski, Lyke, Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

PUBLIC HEARING – continued

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 113-119
North Pole Community Library Expansion.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 113-119 NORTH POLE COMMUNITY LIBRARY EXPANSION.

Yeses: Cash, Lojewski

Noes: Williams, Tomaszewski, Lyke, O’Neill,
Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 131-137
Carlson Center Remodel and Expansion.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 131-137 CARLSON CENTER REMODEL AND EXPANSION.

Yeses: Lojewski, Cash, Tomaszewski, Cooper

Noes: Lyke, O’Neill, Williams, Quist

MOTION FAILED 4 Yeses, 4 Noes

CASH,
Seconded by TOMASZEWSKI

moved to amend Line 132 by deleting
“decommission the ice plant,”

Discussion ensued.

PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND LINE 132 BY DELETING “DECOMMISSION THE ICE PLANT,”

Yeses: Cash, Tomaszewski, Williams, Lojewski

Noes: Lyke, O’Neill, Quist, Cooper

MOTION FAILED 4 Yeses, 4 Noes

LOJEWSKI,
Seconded by TOMASZEWSKI moved to amend by deleting Lines 139-144
Parks Maintenance Shop.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 139-144 PARKS MAINTENANCE SHOP.

Yeses: Cash, Tomaszewski, Lojewski

Noes: Williams, O’Neill, Lyke, Quist, Cooper

MOTION FAILED 3 Yeses, 5 Noes

LOJEWSKI,
Seconded by CASH moved to amend by deleting Lines 155-163
North Star Athletics Complex (Phased).

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 155-163 NORTH STAR ATHLETICS COMPLEX (PHASED).

Yeses: Tomaszewski, Lojewski, Cash

Noes: Lyke, O’Neill, Williams, Quist, Cooper

MOTION FAILED 4 Yeses, 4 Noes

PUBLIC HEARING – continued

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 165-168 Woodriver Elementary School Renovation Phase II, Lines 170-174 Weller Elementary School Classroom Upgrades Phase I, Lines 181-187 Tanana Middle School Classroom Upgrades Phase I, Lines 195-199 Pearl Creek Elementary School Classroom Upgrades Phase I, Lines 201-206 North Pole Middle School Classroom Upgrades Phase I, Lines 208-212 Lathrop High School Kitchen Remodel, Lines 214-219 Joy Elementary School Classroom Upgrades Phase I.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 165-168 WOODRIVER ELEMENTARY SCHOOL RENOVATION PHASE II, LINES 170-174 WELLER ELEMENTARY SCHOOL CLASSROOM UPGRADES PHASE I, LINES 181-187 TANANA MIDDLE SCHOOL CLASSROOM UPGRADES PHASE I, LINES 195-199 PEARL CREEK ELEMENTARY SCHOOL CLASSROOM UPGRADES PHASE I, LINES 201-206 NORTH POLE MIDDLE SCHOOL CLASSROOM UPGRADES PHASE I, LINES 208-212 LATHROP HIGH SCHOOL KITCHEN REMODEL, LINES 214-219 JOY ELEMENTARY SCHOOL CLASSROOM UPGRADES PHASE I.

Yeses: Lojewski, Tomaszewski

Noes: Lyke, Williams, O’Neill, Cash, Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

CASH,
Seconded by LOJEWSKI moved to amend Line 162 by deleting “physical therapy, child care”.

PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND LINE 162 BY DELETING "PHYSICAL THERAPY, CHILD CARE".

Yeses: Tomaszewski, Cash, Lojewski
Noes: O’Neill, Lyke, Williams, Quist, Cooper

MOTION FAILED 3 Yeses, 5 Noes

LOJEWSKI,
Seconded by CASH moved to amend by deleting Lines 244-254 Districtwide College and Career Centers of Excellence (C3E).

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 244-254 DISTRICTWIDE COLLEGE AND CAREER CENTERS OF EXCELLENCE (C3E).

Yeses: Lojewski, Tomaszewski, Williams, Cash, Cooper
Noes: O’Neill, Lyke, Quist

MOTION CARRIED 5 Yeses, 3 Noes

LOJEWSKI,
Seconded by CASH moved to amend by deleting Lines 256-274 Chena Lake Area Revitalization Phases I, II and III.

LOJEWSKI,
Seconded by CASH moved to amend the amendment to only delete lines 271-275 Chena Lake Area Revitalization Phase III.

PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND THE AMENDMENT TO ONLY DELETE LINES 271-275 CHENA LAKE AREA REVITALIZATION PHASE III.

Yeses: Lyke, Lojewski, Cash, O’Neill, Williams, Tomaszewski, Quist, Cooper

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 271-275 CHENA LAKE AREA REVITALIZATION PHASE III, AS AMENDED.

Yeses: Cash, Tomaszewski, Lojewski

Noes: Williams, O’Neill, Lyke, Quist, Cooper

MOTION FAILED 3 Yeses, 5 Noes

LOJEWSKI, moved to amend by deleting Lines 301-311
Seconded by CASH South Cushman Rifle Range Safety Improvements.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 301-311 SOUTH CUSHMAN RIFLE RANGE SAFETY IMPROVEMENTS.

Yeses: Lojewski, Cash

Noes: O’Neill, Lyke, Williams, Tomaszewski, Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

LOJEWSKI, moved to amend by deleting Lines 313-318
Seconded by CASH Isberg Recreation Area Master Plan Implementation.

PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND BY DELETING LINES 313-318 ISBERG RECREATION AREA MASTER PLAN IMPLEMENTATION.

Yeses: Cash, Lojewski, Tomaszewski
Noes: O’Neill, Lyke, Williams, Quist, Cooper
MOTION FAILED 3 Yeses, 5 Noes

CASH,
Seconded by LOJEWSKI moved to amend by deleting Lines 461-470 Equinox Trail Extension and Completion.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 461-470 EQUINOX TRAIL EXTENSION AND COMPLETION.

Yeses: Tomaszewski, Cash, Lojewski
Noes: O’Neill, Lyke, Williams, Quist, Cooper
MOTION FAILED 3 Yeses, 5 Noes

SUSPENSION OF THE RULES

LOJEWSKI,
Seconded by LYKE moved to suspend the rules to complete the agenda.

VOTE ON MOTION TO SUSPEND THE RULES TO COMPLETE THE AGENDA.

Yeses: Lojewski, Tomaszewski, Lyke, O’Neill, Williams, Cooper
Noes: Cash, Quist
MOTION CARRIED 6 Yeses, 2 Noes

PUBLIC HEARING – continued

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 320-327
Peede Trail Head and Trail Development.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 320-327 PEEDE TRAIL HEAD AND TRAIL DEVELOPMENT.

Yeses: Cash, Lojewski, Tomaszewski

Noes: Lyke, Williams, O’Neill, Quist, Cooper

MOTION FAILED 3 Yeses, 5 Noes

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 329-334
Baseball Consolidation at Growden Park.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 329-334 BASEBALL CONSOLIDATION AT GROWDEN PARK.

Yeses: None

Noes: Williams, Cash, Tomaszewski, O’Neill,
Lojewski, Quist, Cooper

MOTION FAILED 0 Yeses, 8 Noes

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 336-341
Chena River Park.

Discussion ensued.

PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND BY DELETING LINES 336-341 CHENA RIVER PARK.

Yeses: Tomaszewski, Cash, Lojewski, Cooper

Noes: Lyke, O’Neill, Williams, Quist

MOTION FAILED 4 Yeses, 4 Noes

TOMASZEWSKI,
Seconded by LYKE moved to amend Line 343 by increasing the amount for the John Weaver Memorial Skatepark Renovation from \$1,000,000 to \$1,250,000.

Discussion ensued.

VOTE ON MOTION TO AMEND LINE 343 BY INCREASING THE AMOUNT FOR THE JOHN WEAVER MEMORIAL SKATEPARK RENOVATION FROM \$1,000,000 TO \$1,250,000.

Yeses: O’Neill, Lyke, Tomaszewski, Quist, Cooper

Noes: Williams, Lojewski, Cash

MOTION CARRIED 5 Yeses, 3 Noes

LOJEWSKI,
Seconded by CASH moved to amend by deleting Lines 349-353 South Davis Softball Consolidation.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 349-353 SOUTH DAVID SOFTBALL CONSOLIDATION.

Yeses: None

Noes: Tomaszewski, O’Neill, Cash, Lyke,
Williams, Lojewski, Quist, Cooper

MOTION FAILED 0 Yeses, 8 Noes

PUBLIC HEARING – continued

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 355-360
Griffin Park Safety, Access, and
Rehabilitation.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 355-360 GRIFFIN PARK SAFETY,
ACCESS, AND REHABILITATION.

Yeses: Lojewski

Noes: Williams, Tomaszewski, O’Neill, Lyke,
Cash, Quist, Cooper

MOTION FAILED 1 Yeses, 7 Noes

CASH,
Seconded by LOJEWSKI

moved to amend by deleting Lines 373-377
Veteran’s Park Renovation.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 373-377 VETERAN’S PARK
RENOVATION.

Yeses: Lojewski

Noes: O’Neill, Lyke, Tomaszewski, Williams,
Cash, Quist, Cooper

MOTION FAILED 1 Yeses, 7 Noes

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 362-371
Small Park Replacement Program.

Discussion ensued.

PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND BY DELETING LINES 362-371 SMALL PARK REPLACEMENT PROGRAM.

Yeses: Lojewski, Cash
Noes: Williams, Lyke, Tomaszewski, O’Neill, Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

LOJEWSKI, moved to amend by deleting Lines 379-383
Seconded by CASH Weeks Field Park at Noel Wien Library.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 379-383 WEEKS FIELD PARK AT NOEL WIEN LIBRARY.

Yeses: Cash, Lojewski
Noes: Lyke, Tomaszewski, O’Neill, Williams, Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

LOJEWSKI, moved to amend by deleting Lines 385-389
Seconded by TOMASZEWSKI Growden Field Upgrades (Goldpanners Stadium).

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 385-389 GROWDEN FIELD UPGRADES (GOLDPANNERS STADIUM).

Yeses: None
Noes: Tomaszewski, O’Neill, Cash, Williams, Lyke, Lojewski, Quist, Cooper

MOTION FAILED 0 Yeses, 8 Noes

PUBLIC HEARING – continued

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 398-403
Fifth Avenue Park, North Pole.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 398-403 FIFTH AVENUE PARK,
NORTH POLE.

Yeses: Lojewski, Cash

Noes: Williams, O’Neill, Tomaszewski, Lyke,
Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 415-419
North Pole High School Ice Rink Phase II.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 415-419 NORTH POLE HIGH SCHOOL
ICE RINK PHASE II.

Yeses: Lojewski

Noes: Tomaszewski, O’Neill, Cash, Williams,
Lyke, Quist, Cooper

MOTION FAILED 1 Yeses, 7 Noes

LOJEWSKI,
Seconded by CASH

moved to amend by deleting Lines 429-459
Tanana Lakes Master Plan Implementation
Phases I, II, III, VI, V, AND VI.

Discussion ensued.

PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND BY DELETING LINES 429-459 TANANA LAKES MASTER PLAN IMPLEMENTATION PHASES I, II, III, VI, V, AND VI.

Yeses: Lojewski, Cash, Tomaszewski
Noes: Williams, O’Neill, Lyke, Quist, Cooper
MOTION FAILED 3 Yeses, 5 Noes

LOJEWSKI,
Seconded by TOMASZEWSKI moved to amend by deleting Lines 472-478 Pioneer Park Restroom Replacement and Office Space.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 472-478 PIONEER PARK RESTROOM REPLACEMENT AND OFFICE SPACE.

Yeses: Lojewski
Noes: O’Neill, Lyke, Tomaszewski, Williams, Cash, Quist, Cooper
MOTION FAILED 1 Yeses, 7 Noes

LOJEWSKI,
Seconded by TOMASZEWSKI moved to amend by deleting Lines 480-486 Pioneer Park Playground Upgrades and Replacement.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 480-486 PIONEER PARK PLAYGROUND UPGRADES AND REPLACEMENT.

Yeses: Lojewski, Tomaszewski, Cash
Noes: Lyke, Williams, O’Neill, Quist, Cooper
MOTION FAILED 3 Yeses, 5 Noes

PUBLIC HEARING – continued

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2019-43, AS AMENDED.

Yeses: Lyke, Williams, Tomaszewski, O’Neill, Quist, Cooper

Noes: Cash, Lojewski

MOTION FAILED 6 Yeses, 2 Noes

Presiding Officer Cooper passed the gavel to Deputy Presiding Officer Quist.

COOPER, moved to immediately reconsider
Seconded by WILLIAMS Resolution No. 2019-43.

VOTE ON MOTION TO IMMEDIATELY RECONSIDER RESOLUTION NO. 2019-43.

Yeses: Tomaszewski, Lojewski

Noes: Cash, O’Neill, Williams, Lyke, Quist, Cooper

MOTION FAILED 2 Yeses, 6 Noes

Deputy Presiding Officer Quist passed the gavel back to Presiding Officer Cooper.

CITIZEN’S COMMENTS – Limited To 3 Minutes (Continuation if needed

a. items that are not scheduled for public hearing – continuation.

None

CONSIDERATION OF CALENDAR – New Business – Resolutions

- f. RESOLUTION NO. 2020-06. A Resolution Authorizing The Mayor To Enter Into An Agreement With The Alaska Department Of Fish And Game And Accepting Maintenance Responsibilities For ADA-Compliant Canoe/Kayak Launches At The Tanana Lakes Recreation Area And The Chena Lake Recreation Area.
(Sponsor: Mayor Ward)
Track 2, 26:00

Brian Charlton, Parks Project Coordinator, provided a staff report.

WILLIAMS, moved to adopt Resolution No. 2020-06.
Seconded by QUIST

Discussion ensued.

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2020-06.

Yeses: Lyke, Cash, O’Neill, Williams,
Tomaszewski, Lojewski, Quist, Cooper

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

CITIZEN’S COMMENTS – Limited To 3 Minutes (Continuation if needed)

- b. Items that are not scheduled on the agenda.

None

MESSAGES FROM THE BOROUGH MAYOR

Mayor Ward commented on the monthly Fund Balance Report.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Assemblymember Williams reporting the Joint Climate Change Task Force is scheduled to meet next Monday, January 27.

Assemblymember Quist reported the Sustainability Commission met on January 8.

REPORTS OF STANDING AND SPECIAL COMMITTEES – continued

Assemblymember O’Neill reported the Fairbanks Economic Development Corporation did not meet due to lack of quorum.

Assemblymember Lyke reported the Regional Services Advisory Commission meeting will meet again on March 25.

Assemblymember Cash reported the Explore Fairbanks Policy Committee met regarding a buffer zone around Denali National Park & Preserve.

ASSEMBLYMEMBER’S COMMENTS

Assemblymember Lyke commented on Resolution No. 2019-43.

Assemblymember O’Neill commented on domestic violence and requested a moment of silence in remembrance of missing and indigenous women in Alaska.

Assemblymember Tomaszewski thanked the assembly for its work this evening.

Assemblymember Cooper thanked the assembly for pushing through and finishing the work on Resolution No. 2019-43 this evening.

Assembly Schedule for the week of January 27, 2020:

- Thursday, January 30: Regular Assembly Meeting at 6:00 p.m. in the Mona Lisa Drexler Assembly Chambers.

ADJOURNMENT

There being no further business to come before the Fairbanks North Star Borough Assembly, the meeting was adjourned at 12:17 a.m. on January 24, 2020.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC, Borough Clerk

FAIRBANKS NORTH STAR BOROUGH
Regular Assembly Meeting
January 30, 2020
6:00 p.m.

A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, January 30, 2020 in the Mona Lisa Drexler Assembly Chambers of the Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

There were present:

Matt Cooper, Presiding Officer and

Marna Sanford

Mindy O'Neall

Jimi Cash

Leah Berman Williams

Frank Tomaszewski

Christopher Quist

Liz Lyke

Aaron Lojewski

Comprising a quorum of the Assembly, and

Bryce J. Ward, Borough Mayor

Jim Williams, Chief of Staff

Jill S. Dolan, Borough Attorney

Jerry Cleworth, City of Fairbanks Representative

Chrya Sanderson, School Board Representative

Sandra Mota, Land Management Manager

April Trickey, CMC, Borough Clerk

Adena Benn, CMC, Deputy Clerk

Sue Ann Denny, Records Manager

Absent & Excused

None

NONSECTARIAN INVOCATION AND PLEDGE OF ALLEGIANCE

Track 1, 00:20

Assemblymember O’Neill gave a nonsectarian invocation and Presiding Officer Cooper led the pledge of allegiance.

PRESENTATIONS

NONE

REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ANY OTHER PROCEDURAL MOTIONS

NONE

CITIZEN’S COMMENTS

- a. A citizen may speak on agenda items not scheduled for public hearing. Memorandums, Bid Awards, Unfinished Business (items postponed from previous meetings, reconsideration, or notice of intent to rescind), Resolutions, or Ordinances being advanced to a public hearing on a different date.

NONE

- b. Items other than those appearing on the agenda (this is the section to speak on anything **Not Scheduled** on the agenda).

NONE

APPROVAL OF AGENDA AND CONSENT AGENDA

Track 1, 4:38

QUIST,
Seconded by WILLIAMS

moved to approve the agenda and consent agenda as read.

APPROVAL OF MINUTES

NONE

COMMUNICATIONS TO THE ASSEMBLY

Track 1, 4:38

- a. Memorandum from Aaron Lojewski, Assembly Audit Committee Chair, recommending the reappointment of Ben Shilling to the Audit Committee.

Without objection this measure was read by title and approved under the consent agenda

- b. Memorandum from Mayor Ward recommending the appointment/reappointment of Kirsten Freeman and Brenda Sadler to the Historic Preservation Commission.

Without objection this measure was read by title and approved under the consent agenda

- c. Memorandum from Mayor Ward recommending the appointment of Jacqueline Morton to the Platting Board.

Without objection this measure was read by title and approved under the consent agenda

- d. Memorandum from Mayor Ward recommending the appointment of Willard D. Vinton to the Steese Fire Service Area Commission.

Without objection this measure was read by title and approved under the consent agenda

MESSAGES FROM THE BOROUGH MAYOR

Track 1, 7:05

Mayor Ward commented on:

- Written messages are available in your yellow folder.
- Tax assessments went out today and included a letter from himself and Mr. Cooper.
- Joint Climate Change Task Force.
- His recent cancer diagnosis.

REPORTS OF SPECIAL AND STANDING COMMITTEES

Track 1, 10:19

Assemblymember Cash reported the Explore Fairbanks Board met this week and appointed new board members.

Assemblymember Quist reported the Sustainability Commission will meet February 12 at 6:30 p.m.

Assemblymember Williams reported the Joint Climate Change Task Force is meeting frequently and working on an RFP for a consultant to assist writing with a task force plan.

REPORTS FROM REPRESENTATIVES

Track 1, 12:20

- a. Report from the City of Fairbanks Representative.

Council Member Cleworth reported on:

- Expressed support for Mayor Ward and his family.
- The Public Safety Commission and Landscaping Commission were dissolved.

- b. Report from the City of North Pole Representative.

NONE

- c. Report from the School Board Representative.

School Board member Chyra Sanderson, reported on:

- Expressed support for Mayor Ward and his family.
- Thanked the Assembly for its continued positive working relationship.
- School Board approved its 2021 legislative priorities and board members will be traveling to Juneau for the 2020 Fly In.
- Upcoming open houses regarding change in school start times.

SPECIAL ORDERS – PUBLIC HEARING

- a. Liquor License – New – Brewery – License #5877

Latitude 65 Brewing Company, LLC
DBA: Lat 65 Brewing Company
150 Eagle Avenue
Fairbanks, AK 99701
Track 3, 00:35

Jim Williams, Chief of Staff, gave a staff report.

The Presiding Officer called for public testimony, there being none public hearing was closed.

WILLIAMS, moved to file no protest on Liquor License –
Seconded by QUIST New – Brewery – License #5877.

VOTE ON MOTION TO FILE NO PROTEST ON LIQUOR LICENSE – NEW – BREWERY–
LICENSE #5877.

Yeses: Cash, Lyke, Lojewski, Williams,
Tomaszewski, Sanford, O’Neill, Quist,
Cooper

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

- b. Liquor License – New – Winery – License #5878

Latitude 65 Brewing Company, LLC
DBA: Lat 65 Ciderhouse
150 Eagle Avenue
Fairbanks, AK 99701
Track 3, 2:10

Jim Williams, Chief of Staff, gave a staff report.

The Presiding Officer called for public testimony, there being none public hearing was closed.

WILLIAMS, moved to file no protest on Liquor License –
Seconded by QUIST New – Winery – License #5878.

PUBLIC HEARING – continued

VOTE ON MOTION TO FILE NO PROTEST ON LIQUOR LICENSE – NEW – WINERY–
LICENSE #5878.

Yeses: Williams, Cash, Tomaszewski, O’Neill,
Sanford, Lojewski, Lyke, Quist, Cooper

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

c. Liquor License – New – Winery – License #5879

Black Spruce Brewing Company, LLC
DBA: Black Spruce Fruit Project
3290 Peger Road, Suite B
Fairbanks, AK 99709
Track 3, 3:40

Assemblymember Quist declared a potential conflict of interest on Liquor License #5879 because he is an employer of KUAC and Black Spruce Brewing Company is an underwriter of KUAC. The Chair ruled a conflict of interest did not exist because Mr. Quist has no financial interest in the matter.

Jim Williams, Chief of Staff, gave a staff report.

The Presiding Officer called for public testimony.

Carey Fristoe, resident of the borough and applicant, spoke in support of Liquor License #5879 and thanked the assembly for its support.

Stephanie Haskins, resident of the borough and applicant, spoke in support of Liquor License #5879 and thanked the assembly for its support.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

WILLIAMS, moved to file no protest on Liquor License –
Seconded by QUIST New – Winery – License #5879.

PUBLIC HEARING – continued

VOTE ON MOTION TO FILE NO PROTEST ON LIQUOR LICENSE – NEW – WINERY–
LICENSE #5879.

Yeses: O’Neill, Williams, Lyke, Lojewski, Cash,
Tomaszewski, Sanford, Quist, Cooper

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

d. Marijuana License – New – Onsite Consumption – License #10278

GoodSinse, LLC
DBA: GoodSinse, LLC
2604 Davis Road
Fairbanks, AK 99709
Track 3, 11:05

Assemblymember Quist declared a potential conflict of interest on Marijuana License #10278 and License #23146 as his in-laws own a marijuana cultivation business. The Chair ruled a conflict did exist and Mr. Quist was excused from the dais.

Assemblymember Sanford declared a potential conflict of interest on Marijuana License #10278 and License #23146 as she is part owner of a marijuana cultivation business. The Chair ruled a conflict did exist and Ms. Sanford was excused from the dais.

Jim Williams, Chief of Staff, gave a staff report.

The Presiding Officer called for public testimony.

Lance Roberts, resident of the borough, spoke against License #10278.

Dan Peters, resident of the borough and applicant, spoke in support of License #10278.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

WILLIAMS,
Seconded by O’NEALL

moved to file no protest on Marijuana License – New – Onsite Consumption – License #10278.

PUBLIC HEARING – continued

Discussion ensued.

VOTE ON MOTION TO FILE NO PROTEST ON MARIJUANA LICENSE – NEW – ONSITE CONSUMPTION – LICENSE #10278.

Yeses: O’Neill, Lyke, Williams, Cooper

Noes: Tomaszewski, Lojewski, Cash

MOTION FAILED 4 Yeses, 3 Noes

e. Marijuana License – New – Product Manufacturing Facility – License #23146

Chubby Girl Confections, Inc.
DBA: Dosed Edibles Alaska
3915 Peger Road
Fairbanks, AK 99709
Track 3, 44:44

Jim Williams, Chief of Staff, gave a staff report.

The Presiding Officer called for public testimony.

Lance Roberts, resident of the borough, spoke against License #23146.

Jessica Rhoades, resident of the borough and applicant, spoke in support of License #23146.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

PUBLIC HEARING – continued

WILLIAMS,
Seconded by O'NEALL

moved to file no protest on Marijuana License – New – Product Manufacturing Facility – License #23146.

Discussion ensued.

VOTE ON MOTION TO FILE NO PROTEST ON MARIJUANA LICENSE – NEW – PRODUCT MANUFACTURING FACILITY – LICENSE #23146.

Yeses: Williams, Lyke, Lojewski, Tomaszewski, Cash, O'Neall, Cooper

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

Assemblymembers Quist and Sanford returned to the dais.

- f. ORDINANCE NO. 2020-03. An Ordinance Authorizing The Mayor To Enter Into A Lease Agreement At Less Than Fair Rental Value With The American Legion Dorman H Baker Post No. 11 For Use Of Portions Of Tract B Chena River Bend Subdivision Phase 1 (Arco And Marlin Fields). (Sponsor: Mayor Ward)
Track 4, 00:01

Sandra Mota, Land Management Manager, gave a staff report.

QUIST,
Seconded by WILLIAMS

moved to postpone Ordinance No. 2020-03 to the Regular Assembly Meeting of February 13, 2020.

Discussion ensued.

VOTE ON MOTION TO POSTPONE TO THE REGULAR ASSEMBLY MEETING OF FEBRUARY 13, 2020.

Yeses: None

Noes: Sanford, Tomaszewski, O'Neall, Cash, Williams, Lyke, Lojewski, Quist, Cooper

MOTION FAILED 0 Yeses, 9 Noes

PUBLIC HEARING – continued

The Presiding Officer called for public testimony, there being none public hearing was closed.

QUIST,
Seconded by WILLIAMS

moved to postpone Ordinance No. 2020-03 to the Regular Assembly Meeting of February 13, 2020 for another public hearing.

Discussion ensued.

VOTE ON MOTION TO POSTPONE TO THE REGULAR ASSEMBLY MEETING OF FEBRUARY 13, 2020 FOR ANOTHER PUBLIC HEARING.

Yeses: Lojewski, Williams, Sanford, O’Neill, Cash, Tomaszewski, Lyke, Quist, Cooper

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

- g. ORDINANCE NO. 2020-04. An Ordinance Authorizing The Mayor To Enter Into A Lease Agreement At Less Than Fair Rental Value With The Interior Girls Softball Association For Use Of Portions Of Tract G-1A, South Davis Park Subdivision (South Davis Park) And A Portion Of Tract A Growden Park Subdivision. (Sponsor: Mayor Ward)

Track 4, 6:19

Sandra Mota, Land Management Manager, gave a staff report

The Presiding Officer called for public testimony, there being none public hearing was closed.

WILLIAMS,
Seconded by QUIST

moved to adopt Ordinance No. 2020-04.

Discussion ensued.

PUBLIC HEARING – continued

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2020-04.

Yeses: Tomaszewski, O’Neill, Cash, Williams, Lyke,
Lojewski, Sanford, Quist, Cooper

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

h. ORDINANCE NO. 2020-05. An Ordinance Amending FNSBC 9.04.030 Regarding Alcohol In Borough Parks. (Sponsor: Mayor Ward)
Track 4, 13:55

Mayor Ward gave a staff report.

The Presiding Officer called for public testimony, there being none public hearing was closed.

WILLIAMS, moved to adopt Ordinance No. 2020-05.
Seconded by QUIST

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2020-05.

Yeses: Sanford, Lojewski, Williams, Cash, O’Neill,
Lyke, Tomaszewski, Quist, Cooper

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

CONSIDERATION OF CALENDAR – Unfinished Business

Track 1, 20:26

- a. Memorandum from Jill S. Dolan, Borough Attorney, requesting approval of Corvias Settlement agreement.

Jill Dolan, Borough Attorney and Wendy Dau, Assistant Borough Attorney, gave a staff report.

Clerk’s Note: A motion to approve was made on January 9, 2020.

- b. Possible executive session with the Borough Attorney, Assistant Borough Attorney, Mayor and Chief of Staff to discuss matters within the attorney client privilege concerning a settlement proposal for the ongoing litigation and payment in lieu of taxes agreement, including a candid discussion of the issues, the attorney’s assessment of settlement options, and for the Assembly to give direction regarding the handling of the matters including any settlement approval.

QUIST,
Seconded by WILLIAMS

moved to go into executive session with the Borough Attorney, assistant Borough Attorney, Major and Chief of Staff to discuss matters within the attorney client privilege concerning a settlement proposal for the ongoing litigation and payment in lieu of taxes agreement, including a candid discussion of the issues, the attorney’s assessment of settlement options, and for the assembly to give direction regarding the handling of the matters including any settlement approval.

Executive session held.

QUIST,
Seconded by WILLIAMS

moved to come out of executive session.

QUIST,
Seconded by WILLIAMS

moved to postpone Item 14 a. Memorandum from Jill Dolan and Item 14 c. Ordinance No. 2019-49 to the Regular Assembly Meeting of February 13, 2020.

CONSIDERATION OF CALENDAR – Unfinished Business – continued

VOTE ON MOTION TO POSTPONE ITEM 14 A. MEMORANDUM FROM JILL DOLAN AND ITEM 14 C. ORDINANCE NO. 2019-49 TO THE REGULAR ASSEMBLY MEETING OF FEBRUARY 13, 2020.

Yeses: Williams, Cash, Lyke, Lojewski, Tomaszewski, O’Neill, Sanford, Quist, Cooper

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

- c. ORDINANCE NO. 2019-49. An Ordinance Approving The Monetary Provisions Of The Agreement With Corvias Air Force Living LLC For Payment In Lieu Of Taxes (“PILOT”) For Property Leased On Eielson Air Force Base Pursuant To The Military Housing Privatization Initiative Act, And Authorizing The Mayor To Sign The Agreement. (Sponsor: Mayor Ward)

Clerk’s Note: A motion to adopt was made on January 9, 2020.

CITIZEN’S COMMENTS – Limited To 3 Minutes (Continuation if needed)

Track 4, 21:40

- a. items that are not scheduled for public hearing – continuation.

NONE

CONSIDERATION OF CALENDAR – New Business – Resolutions

Track 1, 4:38

- a. RESOLUTION NO. 2020-08. A Resolution Revising The Borough Records Retention And Disposition Schedule (RRDS). (Sponsor: Assemblymember Cooper)

Without objection this measure was read by title and approved under the consent agenda.

CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Referred To Committees Or Commissions

Track 1, 4:38

- a. ORDINANCE NO. 2020-06. An Ordinance Amending FNSBC Title 18 Regarding The Groundwater Damage Protection (GWP) Overlay Zone And Amending Related Definitions.
(Sponsor: Mayor Ward and Assemblymember Cooper)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Planning Commission with recommendation due back no later than June 15, 2020.

CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced And Advanced To Public Hearing

Track 1, 4:38

- a. ORDINANCE NO. 2019-20-1Q. An Ordinance Amending The FY 2019-20 Budget By Lapsing \$105,061.60 From Certain Prior Appropriations To The Information Technology Infrastructure Sustainment (ITIS) Reserve Fund Balance. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on February 6, 2020; Advanced to February 13, 2020.

- b. ORDINANCE NO. 2019-20-1R. An Ordinance Amending The FY 2019-20 Budget By Reappropriating \$25,000 From The Internet GIS Upgrade Project To The GIS Data Acquisition Project Within The Multi-Year General Subfund.
(Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on February 6, 2020; Advanced to February 13, 2020.

CITIZEN’S COMMENTS – Limited To 3 Minutes (Continuation if needed)

Track 4, 21:50

- b. Items other than those appearing on the agenda (this is the section to speak on anything **Not Scheduled** on the agenda).

NONE

ASSEMBLYMEMBER'S COMMENTS

Track 4, 22:01

Assemblymember Sanford commented it was nice to be home after a trip abroad.

Assemblymember Lojewski wished Mayor Ward well.

Assemblymember Williams commented on the tentative Special Finance Committee worksession March 7, 2020.

ASSEMBLYMEMBER'S COMMENTS

Assemblymember Cash wished Mayor Ward well

Assemblymember Lyke wished Mayor Ward well.

Assemblymember Quist wished Mayor Ward well.

Assemblymember Cooper wished Mayor Ward well.

Assembly Schedule for the week of February 3, 2020:

- Thursday, February 6, Finance Committee at 5:30 p.m. in the Mona Lisa Drexler Assembly Chambers with the Committee of the Whole worksession immediately following.

ADJOURNMENT

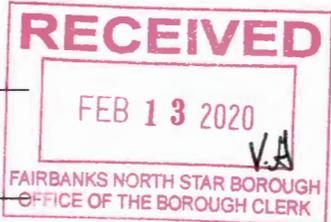
There being no further business to come before the Fairbanks North Star Borough Assembly, the meeting was adjourned at 8:28 p.m.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

NOTICE OF APPEAL OF CHIEF FINANCIAL OFFICER'S DECISION REGARDING THE ASSESSMENT OF PENALTY AND INTEREST ON DELINQUENT PROPERTY TAX



JAY A. BAXTER _____ 907-687-7079
 Print Name Contact Telephone Number

_____ 00339873, 0178063
 Email Address Parcel Account Number

4330 MURPHY DOME ROAD _____ FAIRBANKS, AK 99709
 Mailing Address City, State, Zip Code

LOT 73, COLLEGE HILLS ESTATES AND TL-1301 (SE 1/4, SE 1/4, SEC. 13, T1S R4W)
 Property Legal Description

Decisions of the chief financial officer regarding penalties and interest appeals may be appealed to the Borough Assembly. The appeal is limited to whether payment was made, postmarked or deposited prior to the payment dates specified in FNSBC 8.04.130 or whether the penalty should be waived for the circumstances specified in I am appealing because:

- Payment was made, postmarked or deposited prior to the payment dates specified in FNSBC 8.04.130.
- The penalty should be waived for the circumstances specified FNSBC 7.04.170(B), which states: "The chief financial officer may waive imposition of any penalties if:
 1. A natural catastrophe occurs which prevents the timely delivery of payment; or
 2. The late payment occurred due to extraordinary circumstances such that imposition of the penalty would result in a manifest injustice.
 'Extraordinary circumstances' for purposes of this section means any specific circumstances beyond the taxpayer's control that placed the taxpayer in a significantly different situation from a typical taxpayer making a late payment. A 'manifest injustice' for purposes of this section means something that is shocking to the conscience or obviously unfair."

Taxpayer's Statement: Please describe the circumstances which you feel are grounds that penalties and interest should not be assessed on your delinquent taxes. Attach any available evidence or witness' statements.

PLEASE SEE ATTACHED STATEMENT.

[Signature]
 Signature

Received on: V. Gregg 2-13-20 Accepted by: [Signature] Date: 2-13-20

7.04.170 APPEAL OF PENALTIES AND INTEREST CHARGES.

A. The record owner of any parcel of real property against which property tax penalty and interest charges are assessed by the borough may appeal the imposition or amounts thereof or request a waiver of penalties by filing a written notice of appeal with the borough chief financial officer not later than December 31st of the tax year in question.

B. The chief financial officer may waive imposition of any penalties if:

1. A natural catastrophe occurs which prevents the timely delivery of payment; or
2. The late payment occurred due to extraordinary circumstances such that imposition of the penalty would result in a manifest injustice.

“Extraordinary circumstances” for purposes of this section means any specific circumstances beyond the taxpayer’s control that placed the taxpayer in a significantly different situation from a typical taxpayer making a late payment. A “manifest injustice” for purposes of this section means something that is shocking to the conscience or obviously unfair.

C. The assembly may waive imposition of any penalties if the late payment occurred due to extraordinary circumstances such that the imposition of the penalty would result in a manifest injustice. For the purposes of this section, manifest injustice includes circumstances within the taxpayer’s control if the assembly finds that the taxpayer attempted in good faith to make timely payment.

D. The chief financial officer shall examine the borough records and the matters presented by the appellant and shall determine whether the appeal is within the chief financial officer’s authority or should be directly referred to the assembly. The clerk’s office and the property owner who filed the appeal shall be notified in writing of any referrals to the assembly. This notification shall include any relevant borough records. If the appeal is within the authority of the chief financial officer, the chief financial officer shall determine whether the assessment of penalty and interest is correct or whether a waiver as provided for in this section should be granted. If the appeal is within the authority of the chief financial officer, the chief financial officer shall notify the property owner in writing of their decision.

E. If the chief financial officer makes a decision on the merits of the appeal, the property owner may appeal the chief financial officer’s determination to the assembly by filing notice thereof with the borough clerk not more than 20 days following the date on which the chief financial officer’s decision was mailed. The assembly shall hear the matter de novo.

F. The appeal of the chief financial officer’s decision is limited to whether payment was made, postmarked or deposited prior to the payment dates specified in FNSBC 8.04.130 or whether the penalty should be waived for the circumstances specified in subsection (B) of this section. (Ord. 2019-09 § 2, 2019; Ord. 2014-14 § 2, 2014; Ord. 2011-11 § 3, 2011; Ord. 86-017 § 37, 1986; Ord. 85-001 § 2, 1985. 2004 Code § 3.01.100.)

8.04.130 ASSESSMENTS AND DUE DATES – INSTALLMENTS.

A. Taxes levied in any given year are due and payable July 1st of that year. Taxes may be paid in two installments. The first half installment will be considered delinquent if not paid prior to midnight on the first day of September in the year in which the taxes are levied. The second half installment will be considered delinquent

if not paid prior to midnight on the first day of November in the year in which the taxes are levied. If the annual levy is made after the first day of June, the borough assembly may by resolution establish later payment dates.

B. A payment will not be considered delinquent if postmarked by the United States Post Office or if deposited in the borough's collection drop box prior to midnight on the payment dates as stated in subsection (A) of this section. The collections drop box shall be accessible until midnight on the payment dates as stated in subsection (A) of this section.

C. The Servicemembers Civil Relief Act (SCRA), 50 USCS Appx. Section 501 et seq., as amended, shall apply to property owned and occupied for dwelling, professional, business, or agricultural purposes by a person in military service or their dependents at the commencement of their period of military service and still so occupied by their dependents or employees. Pursuant to the SCRA, whenever the real property tax on such property is not paid when due, no penalty shall attach and such tax shall bear interest until paid at the rate of six percent per year, or the applicable interest rate set forth in the SCRA as amended, from the date when such tax first became a lien until paid. Regardless of whether property is subject to the SCRA, the chief financial officer may waive interest and penalties levied upon property when the owner who is on active military service as defined in the SCRA can show by affidavit or other compelling evidence that the taxes would have been timely paid except for a delay due to mail delivery to or from a combat or war zone. An active service member shall apply for such a waiver, no later than six months after the termination of active military service.

D. If a tax notice is postmarked later than July 1st or borough records show that said tax notice was mailed after July 1st, the payment dates as shown in subsection (A) of this section become October 1st and December 1st respectively, for that taxpayer.

E. All tax notices shall include the date borough property tax payments become delinquent. The borough shall provide public notice, either by a newspaper of general circulation in the Fairbanks North Star Borough, radio, or television, of the dates borough property taxes become delinquent. (Ord. 2019-09 § 2, 2019; amended during 2016 republication; Ord. 2003-83 § 2, 2004; Ord. 2001-18 § 2, 2001; Ord. 90-024 § 2, 1990. 2004 Code § 3.08.030.)

February 11, 2020

I, Jay Baxter, hereby solemnly affirm that the following statements are true:

Sometime around 11:30 am on September 3, 2019, I visited the Borough office building at 907 Terminal Street, with the intention of leaving payment for my 1st half property taxes in the drop box. I was wearing a blue winter coat and my friend who was with me (not identified here for unrelated reasons) was also wearing a blue winter coat. On this day I brought a sealed envelope, containing check number 137 and the 1st half payment stub. This envelope had my name printed in ink in the upper left hand corner. Immediately after entering the building, I placed this sealed envelope in the drop box. At the time I approached the drop box with my payment envelope, I saw that the drop box was overflowing with other envelopes. I estimate that there were 3 or 4 envelopes sticking far enough out of the box that the greater portion of some of the envelopes was outside the box. I had to place my envelope on top of the others, sticking it in far enough that it would stay in place for the moment. I and my friend then returned to our vehicle. I was not apprised of the fact that the Borough had not received my payment, until about 2 months later when, following my 2nd half payment being made, I received a phone call from the Borough informing me they had not received my 1st half payment.

As outlined above, I assert that a good faith effort was made by me to pay my 1st half taxes on September 3, and that there were extraordinary circumstances (most likely the drop box overflowing) which resulted in my envelope being missing when the box was emptied by staff.

In this connection, I would ask the Assembly to consider the following:

1. Extraordinary circumstances. Subsection B of FNSBC 8.04.130 states that "The collections drop box shall be accessible until midnight on the payment dates as stated..." As I have noted, on September 3 the drop box was full to overflowing, with envelopes sticking out. Under these conditions, the box may have been accessible, but it was not functioning effectively. When people attempted to use the box with envelopes sticking out, envelopes could easily have been dropped on the floor, or fallen out of the slot at a later time. They could also have been subject to theft by unauthorized persons seeking to obtain personal information contained in the envelopes. Having the drop box in such a state would have been entirely preventable by Borough staff. It would be a minor use of resources to empty the box periodically before it became overfull, but this was not done. Under these circumstances, it is likely that my payment envelope, and possibly those belonging to other taxpayers, was lost after it was deposited, and therefore not counted.
2. Good faith effort. As noted in the Chief Financial Officer's letter of January 24, 2020, there had been no late payments on either parcel since I took ownership of each in 2008 and 2014 respectively. I am well aware of property tax deadlines. Would I not have made an effort consistent with that of 11 previous years, when taxes were paid on time each year?

Also, the letter of January 24th mentions that "When processing a payment received on 10/29/19, staff noticed the note in the memo line indicating 2nd half." This payment also would have included the stub which says "Return this stub with 2nd half payment." Both of these references to a 2nd half payment, as distinct from the duplicate check dated 9/3/19 with 1st half

in the memo line, suggest that I would have attempted to make a 1st half payment when the 1st half payment was due.

The letter goes on to say that "Staff reached out to let Mr. Baxter know that no previous payments had been received on his accounts." This statement, about reaching out to let me know that no previous payments had been received, correctly acknowledges the likelihood that I was in fact not aware that the payment had not been received. Staff will also recall that when they telephoned me after the 2nd half payment deadline, I stated that I was not aware of the 1st half payment not having been received. If in fact I was aware that the 1st half payment had not been received, would I have waited for over 2 months past the deadline to make the payment? Would I have then promptly made payment in the full amount, as soon as I was notified by the Borough that the original payment was not received, as the letter acknowledges that in fact I did?

Under the above circumstances, I can say with confidence that I attempted in good faith to make timely payment. It is for this reason that I consider any penalty, whatever the amount, to be obviously unfair. I am therefore asking that this penalty not be imposed.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Baxter", with a stylized flourish at the end.

Jay A. Baxter



Fairbanks North Star Borough

907 Terminal Street

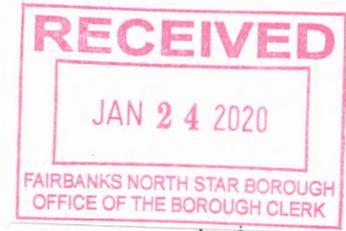
P.O. Box 71267

Fairbanks, Alaska 99707-1267

(907) 459-1000

www.fnsb.us

January 24, 2020



Appeal due: 2/13/2020

Initials:

Jay A Baxter
4330 Murphy Dome Rd
Fairbanks, AK 99709

Dear Mr. Baxter

Re: Request for Waiver of Penalty (\$19.95) and Interest (\$4.90) on Delinquent Property Taxes on PAN 00339873.
Request for Waiver of Penalty (\$12.65) and Interest (\$3.10) on Delinquent Property Taxes on PAN 0178063.

Regarding any appeal of assessment of penalty and interest on delinquent property taxes, the decision must be guided by, and comply with, the Fairbanks North Star Borough Code of Ordinances, as follows:

8.04.130 Assessments and due dates – Installments

- A. Taxes levied in any given year are due and payable July 1st of that year. Taxes may be paid in two installments. The first half installment will be considered delinquent if not paid prior to midnight on the first day of September in the year in which the taxes are levied. The second half installment will be considered delinquent if not paid prior to midnight on the first day of November in the year in which the taxes are levied. If the annual levy is made after the first day of June, the borough assembly may by resolution establish later payment dates.
- B. A payment will not be considered delinquent if postmarked by the United States Post Office or if deposited in the borough’s collection drop box prior to midnight on the payment dates as stated in subsection (A) of this section. The collections drop box shall be accessible until midnight on the payment dates as stated in subsection (A) of this section.

7.04.170 Appeal of penalties and interest charges

- A. The record owner of any parcel of real property against which property tax penalty and interest charges are assessed by the borough may appeal the imposition or amounts thereof or request a waiver of penalties by filing a written notice of appeal with the borough chief financial officer not later than December 31st of the tax year in question.
- B. The chief financial officer may waive imposition of any penalties if:
 - 1. A natural catastrophe occurs which prevents the timely delivery of payment; or
 - 2. The late payment occurred due to extraordinary circumstances such that imposition of the penalty would result in a manifest injustice. “Extraordinary circumstances” for purposes

of this section means any specific circumstances beyond the taxpayer's control that placed the taxpayer in a significantly different situation from a typical taxpayer making a late payment. A "manifest injustice" for purposes of this section means something that is shocking to the conscience or obviously unfair.

- C. The assembly may waive imposition of any penalties if the late payment occurred due to extraordinary circumstances such that the imposition of the penalty would result in a manifest injustice. For the purposes of this section, manifest injustice includes circumstances within the taxpayer's control if the assembly finds that the taxpayer attempted in good faith to make timely payment.
- D. The chief financial officer shall examine the borough records and the matters presented by the appellant and shall determine whether the appeal is within the chief financial officer's authority or should be directly referred to the assembly. The clerk's office and the property owner who filed the appeal shall be notified in writing of any referrals to the assembly. This notification shall include any relevant borough records. If the appeal is within the authority of the chief financial officer, the chief financial officer shall determine whether the assessment of penalty and interest is correct or whether a waiver as provided for in this section should be granted. If the appeal is within the authority of the chief financial officer, the chief financial officer shall notify the property owner in writing of his or her decision.
- E. If the chief financial officer makes a decision on the merits of the appeal, the property owner may appeal the chief financial officer's determination to the assembly by filing notice thereof with the borough clerk not more than 20 days following the date on which the chief financial officer's decision was mailed. The assembly shall hear the matter de novo.
- F. The appeal of the chief financial officer's decision is limited to whether payment was made, postmarked or deposited prior to the payment dates specified in FNSBC 8.04.130 or whether the penalty should be waived for the circumstances specified in subsection (B) of this section. (Ord. 2014-14 § 2, 2014; Ord. 2011-11 § 3, 2011; Ord. 86-017 § 37, 1986; Ord. 85-001 § 2, 1985. 2004 Code § 3.01.100.)

Our findings and my determination are as follows:

Findings

- 1) Was the tax bill postmarked before or after June 30, 2018? In other words, was the tax statement timely mailed to the address of record?

Yes, a tax bill was timely mailed to 4330 Murphy Dome Rd, Fairbanks, AK 99709, the address of record. Tax bill(s) and notice(s) are mailed 60 days in advance of the first-half payment due date and specify both first-half and second-half due dates.

- 2) Was the tax bill returned to the Borough as undeliverable?
No.

- 3) Was the payment postmarked or deposited in the Borough's collection drop box by the payment due date specified in the Borough's Code of Ordinances?

No, the original payment due on 09/03/19 was not received by our office in a timely manner.

- 4) If the payment was not timely received: 72

a) What date was the delinquent payment made?

Payment was received on 10/29/19 and posted on 10/31/19 using an interest date of 10/29/19.

b) How many days were the payments late?

The payment was received 10/29/19, 56 days after the due date of 09/03/19.

c) What percentage of penalty was applied to the payment?

The penalty rate was 5% for the remaining outstanding principal balance paid on 10/29/19.

5) Was there a known natural catastrophe that may have prevented the timely delivery of the payments?

No, there was no natural catastrophe affecting mail service or transportation at that time.

6) Were there extraordinary circumstances, beyond the taxpayer's control, which placed the taxpayer in a significantly different situation from a typical taxpayer making a late payment?

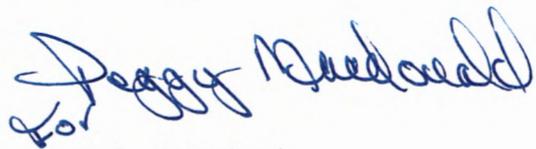
No.

Determination

The imposition of this penalty and interest does not result in a manifest injustice that is shocking to the conscience or obviously unfair.

Accordingly, and regrettably, I am unable to grant your appeal of assessment of the penalty and interest on your delinquent property tax. Should you wish to appeal my decision denying your request for a waiver of the penalty and interest, the Borough Code of Ordinances, extracted above on pages 1 and 2, provides you an opportunity to appeal my decision to the Assembly, as well as the instructions on how to do so.

Sincerely,

A handwritten signature in blue ink that reads "For Debra L. R. Brady". The signature is written in a cursive style.

Debra L. R. Brady
Chief Financial Officer

Certified Mail, Return Receipt

c: April Trickey, Borough Clerk

FAIRBANKS NORTH STAR BOROUGH

Appeal of Assessment of Penalty and Interest on Delinquent Property Tax

To: Chief Financial Officer, Room 330, Borough Administrative Center
PO Box 71320, 907 Terminal Street
Fairbanks, AK 99707-1320

Treasury & Budget

NOV 4 2019

Descriptive Information:

Name: JAY A. BAXTER

Property Legal Description: S.E. 1/4 OF S.E. 1/4 OF SECTION 15, R4W

Mailing Address: 4330 MURPHY DOME ROAD
FAIRBANKS, AK 99709

TL-1301
AND
LOT 73, COLLEGE HILLS ESTATES

Phone: 907-687-7079

Parcel Account Number:

Taxpayer's Statement: (Please describe the circumstances which you feel are grounds that penalties and interest should not be assessed on your delinquent taxes, attach any available evidence or witness' statements).

I believe that I did in fact submit my tax payment for the first half in full before the deadline. I recall going to the ENSB office on September 3rd of this year. On this day the payment drop box was overflowing with envelopes sticking out of the slot. I put my payment, a sealed envelope containing my check and the 2 stubs from the bill, into the box.

I believe it will be evident that I not only made a good faith effort, but actually placed my payment in the box. For this reason I am asking that no penalties be imposed. Thank you for considering my statement.

[Signature]

Appellant

11/4/19

Date

In the event a balance remains outstanding throughout the appeal process, all mandated actions will apply i.e. advertising (March/April), various notifications, loss of residential exemption (3/31) and filing of a judgment in early May. Additional fees and interest may be applicable.

If this appeal is denied, you have the right to present your appeal to the Assembly for a higher ruling as described on the reverse of this form. If you desire to initiate this action deliver a copy of this form to the Clerk's Office, PO Box 71267, Fairbanks, AK 99707-1267.

Fairbanks North Star Borough

(Extracts from Code of Ordinances, Title 7 – Finance & Title 8 – Revenue & Taxation)

7.04.170 Appeal of penalties and interest charges.

A. The record owner of any parcel of real property against which property tax penalty and interest charges are assessed by the borough may appeal the imposition or amounts thereof or request a waiver of penalties by filing a written notice of appeal with the borough chief financial officer not later than December 31st of the tax year in question.

B. The chief financial officer may waive imposition of any penalties if:

1. A natural catastrophe occurs which prevents the timely delivery of payment; or

2. The late payment occurred due to extraordinary circumstances such that imposition of the penalty would result in a manifest injustice. "Extraordinary circumstances" for purposes of this section means any specific circumstances beyond the taxpayer's control that placed the taxpayer in a significantly different situation from a typical taxpayer making a late payment. A "manifest injustice" for purposes of this section means something that is shocking to the conscience or obviously unfair.

C. The assembly may waive imposition of any penalties if the late payment occurred due to extraordinary circumstances such that the imposition of the penalty would result in a manifest injustice. For the purposes of this section, manifest injustice includes circumstances within the taxpayer's control if the assembly finds that the taxpayer attempted in good faith to make timely payment.

D. The chief financial officer shall examine the borough records and the matters presented by the appellant and shall determine whether the appeal is within the chief financial officer's authority or should be directly referred to the assembly. The clerk's office and the property owner who filed the appeal shall be notified in writing of any referrals to the assembly. This notification shall include any relevant borough records. If the appeal is within the authority of the chief financial officer, the chief financial officer shall determine whether the assessment of penalty and interest is correct or whether a waiver as provided for in this section should be granted. If the appeal is within the authority of the chief financial officer, the chief financial officer shall notify the property owner in writing of his or her decision.

E. If the chief financial officer makes a decision on the merits of the appeal, the property owner may appeal the chief financial officer's determination to the assembly by filing notice thereof with the borough clerk not more than 20 days following the date on which the chief financial officer's decision was mailed. The assembly shall hear the matter de novo.

F. The appeal of the chief financial officer's decision is limited to whether payment was made, postmarked or deposited prior to the payment dates specified in FNSBC 8.04.130 or whether the penalty should be waived for the circumstances specified in subsection (B) of this section. (Ord. 2014-14 § 2, 2014; Ord. 2011-11 § 3, 2011; Ord. 86-017 § 37, 1986; Ord. 85-001 § 2, 1985. 2004 Code § 3.01.100.)

8.04.130 Assessments and due dates-- Installments.

A. Taxes levied in any given year are due and payable July 1st of that year. Taxes may be paid in two installments. *The first half installment will be considered delinquent if not paid prior to midnight on the first day of September in the year in which the taxes are levied. The second half installment will be considered delinquent if not paid prior to midnight on the first day of November in the year in which the taxes are levied.* If the annual levy is made after the first day of June, the borough assembly may by resolution establish later payment dates.

B. *A payment will not be considered delinquent if postmarked by the United States Post Office or if deposited in the borough's collection drop box prior to midnight on the payment dates as stated in subsection (A) of this section.* The collections drop box shall be accessible until midnight on the payment dates as stated in subsection (A) of this section.

C. The Servicemembers Civil Relief Act (SCRA), 50 USCS Appx. Section 501 et seq., as amended, shall apply to property owned and occupied for dwelling, professional, business, or agricultural purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees. Pursuant to the SCRA, whenever the real property tax on such property is not paid when due, no penalty shall attach and such tax shall bear interest until paid at the rate of six percent per year, or the applicable interest rate set forth in the SCRA as amended, from the date when such tax first became a lien until paid. Regardless of whether property is subject to the SCRA, the chief financial officer may waive interest and penalties levied upon property when the owner who is on active military service as defined in the SCRA can show by affidavit or other compelling evidence that the taxes would have been timely paid except for a delay due to mail delivery to or from a combat or war zone. An active service member shall apply for such a waiver, no later than six months after the termination of active military service.

D. *If a tax notice is postmarked later than July 1st or borough records show that said tax notice was mailed after July 1st, the payment dates as shown in subsection (A) of this section become October 1st and December 1st respectively, for that taxpayer.*

E. All tax notices shall include the date borough property tax payments become delinquent. The borough shall provide public notice, either by a newspaper of general circulation in the Fairbanks North Star Borough, radio, or television, of the dates borough property taxes become delinquent. (Amended during 2016 republication; Ord. 2003-83 § 2, 2004; Ord. 2001-18 § 2, 2001; Ord. 90-024 § 2, 1990. 2004 Code § 3.08.030.)

8.04.330 Addresses--Responsibility of persons subject to taxation.

It shall be the responsibility of every person who owns or controls real or personal property subject to tax by the borough to file with the office of the borough assessor the address where that person will receive notices, bills or other correspondence regarding taxation. No person shall be excused from paying taxes, penalties or interest thereon for the reason that they did not receive a tax notice, bill or any other correspondence due to an improper mailing of assessment notice, bills or other correspondence, as a result of that person's failure to provide a current mailing address. (Ord. 89-052 § 2, 1989. 2004 Code § 3.08.151.)

Italics added for emphasis.-

04/17

January 14, 2020

BOROUGH RESEARCH FINDINGS:

The taxpayer statement is self-explanatory. Additional research is not required in regards to copies of substantiating documents, etc., unless requested by the Chief Financial Officer.

The following comment is written in response to Mr. Jay A. Baxter's application for appeal dated November 4, 2019

Our records indicate tax bills were sent to the address of 4330 Murphy Dome Rd, Fairbanks, AK 99709, the end of June. The original bill was not returned to our office.

Tax bills are mailed 60 days in advance of the first half payment due date and reflect both 1st half and 2nd half due dates. In an effort to alert the public of the pending tax due dates we advertise in the local newspaper and on various radio stations prior to and on both due dates. We also advertise that our lobby will be open until midnight to allow payments to be dropped in our drop box on the actual due dates. The due dates have been the first business day in September and November since at least 1990.

Our annual tax bills have printed on them in bold red lettering "FIRST INSTALLMENT MUST BE PAID BY and SECOND INSTALLMENT MUST BE PAID BY" with each date printed in black next to the appropriate area.

Mr. Baxter has stated placed his first half property tax payment in the drop box on September 3, 2019. When processing a payment received via the drop box on 10/29/2019 it staff noticed the note in the memo line indicating 2nd half. Staff reached out to let Mr. Baxter know no previous payments had been received on his accounts. Mr. Baxter called his bank to verify the check he had originally written had not cleared. FNSB staff reviewed all records and envelopes processed during the 1st half due date through the end of September 2019, no record or envelope pertaining to Mr. Baxter was found.

Drop box procedure – Envelopes are removed from the drop box, counted and logged on a spreadsheet. Then the count is double verified by a 2nd employee. All envelopes are date and time stamped. Then envelopes are opened, PAN and check numbers are written on the envelope. All envelopes are bound and kept for research purposes.

As per Fairbanks North Star Borough Code 8.04.130 Assessments and due dates – Installments:

“A. Taxes levied in any given year are due and payable July 1st of that year. Taxes may be paid in two installments. The first half installment will be considered delinquent if not paid prior to midnight on the first day of September in the year in which the taxes are levied. The second half installment will be considered delinquent if not paid prior to midnight on the first day of November in the year in which the taxes are levied. If the annual levy is made after the first day of June, the borough assembly may by resolution establish later payment dates.

B. A payment will not be considered delinquent if postmarked by the United States Post Office or if deposited in the borough's collection drop box prior to midnight on the payment dates as stated in subsection (A) of this section. The collections drop box shall be accessible until midnight on the payment dates as stated in subsection (A) of this section."

As per Fairbanks North Star Borough Code 7.04.170 Appeal of penalties and interest charges.

"A. The record owner of any parcel of real property against which property tax penalty and interest charges are assessed by the borough may appeal the imposition or amounts thereof or request a waiver of penalties by filing a written notice of appeal with the borough chief financial officer not later than December 31st of the tax year in question.

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C. The assembly may waive imposition of any penalties if the late payment occurred due to extraordinary circumstances such that the imposition of the penalty would result in a manifest injustice. For the purposes of this section, manifest injustice includes circumstances within the taxpayer's control if the assembly finds that the taxpayer attempted in good faith to make timely payment.

D. The chief financial officer shall examine the borough records and the matters presented by the appellant and shall determine whether the appeal is within the chief financial officer's authority or should be directly referred to the assembly. The clerk's office and the property owner who filed the appeal shall be notified in writing of any referrals to the assembly. This notification shall include any relevant borough records. If the appeal is within the authority of the chief financial officer, the chief financial officer shall determine whether the assessment of penalty and interest is correct or whether a waiver as provided for in this section should be granted. If the appeal is within the authority of the chief financial officer, the chief financial officer shall notify the property owner in writing of his or her decision.

E. If the chief financial officer makes a decision on the merits of the appeal, the property owner may appeal the chief financial officer's determination to the assembly by filing notice thereof with the borough clerk not more than 20 days following the date on which the chief financial officer's decision was mailed. The assembly shall hear the matter de novo.

F. The appeal of the chief financial officer's decision is limited to whether payment was made, postmarked or deposited prior to the payment dates specified in FNSBC 8.04.130 or whether the penalty should be waived for the circumstances specified in subsection (B) of this section. (Ord. 2014-14 § 2, 2014; Ord. 2011-11 § 3, 2011; Ord. 86-017 § 37, 1986; Ord. 85-001 § 2, 1985. 2004 Code § 3.01.100.)”

The attached print out of the history of payments on this goes back when Mr. Baxter took ownership of each PAN. PAN 0178063 goes back to tax year 2008 and reflects no late payments and PAN 0339873 goes back to tax year 2014 and reflects no late payments.

Mr. Baxter paid the amount of principle taxes billed on 10/31/19. For PAN 0339873 the payment was applied as follows: \$19.95 towards penalties, \$4.90 towards interest and \$772.95 towards principle taxes leaving \$24.85 outstanding as of 10/31/19. For PAN 0178063 the payment was applied as follows: \$12.65 towards penalties, \$3.10 towards interest and \$490.43 towards principle taxes leaving \$15.75 outstanding as of 10/31/19. As of the date of this document the 2nd half of Mr. Robert's 2019 property taxes are still due in the amount of \$26.60 and \$16.86 respectively. At this point due to being late on the 1st half payment, Mr. Baxter paid an additional \$40.60.

Based upon circumstances stated by the appellant, the imposition of this penalty and interest does not result in a manifest injustice that is shocking to the conscience or obviously unfair. This appeal does not fall outside of the chief financial officer's authority. Therefore, I believe it does not qualify to be referred to the Assembly to hear the appeal directly.



Joan Hancock Treasury Assistant II

Attachments:

- (1) Copy of the tax bills for tax year 2019
- (2) Print of account histories
- (3) Copy of Mr. Baxter's duplicate in his checkbook of check not received.
- (4) Copy of checks received 10/31/19.
- (5) Copy of receipts dated 10/31/19
- (6) Copies of the adjustments made to both accounts with transaction histories
- (7) Copy of envelope received in dropbox 10/29/19

REAL PROPERTY
OFFICIAL TAX NOTICE **2019**

FAIRBANKS NORTH STAR BOROUGH

807 TERMINAL STREET PO BOX 71320
PHONE: (907) 459-1441 FAIRBANKS ALASKA 99707-1320

TAXES ARE LEVIED FOR THE CALENDAR
YEAR JANUARY 1ST TO DECEMBER 31ST

| PARCEL ACCT NUMBER | DESCRIPTION | CURRENT TAXES LEVIED FOR | TAX RATE PER \$1000 OF VALUE | \$ AMOUNT |
|----------------------------|---------------|--------------------------|------------------------------|---------------|
| 0178063 | 1S 4W 13 1301 | | | |
| TL-1301 SECTION 13 T1S-R4W | | | | |
| | | GENERAL GOV | 6.3050 | 198.40 |
| | | EDUCATION | 5.9280 | 186.54 |
| | | SCHOOL BOND | 1.6020 | 50.41 |
| | | SWCD | 1.5990 | 50.32 |
| | | NAWP-EMS | .5320 | 16.74 |
| | | NAWP-ECODEV | .0630 | 1.98 |
| | | GENGOVT BND | .0570 | 1.79 |
| TOTAL CURRENT TAX | | | 16.086 | 506.18 |

14788*55**G50**0.762**1/1*****AUTOS-DIGIT 99702
BAXTER JAY
4330 MURPHY DOME RD
FAIRBANKS AK 99709-5951



| PENALTY & INTEREST PENALTY & INTEREST ARE CHARGED TO DELINQUENT PAYMENTS IN ACCOR- DANCE WITH BOROUGH ORDINANCE. PENALTY ON TAXES DUE 5% ANNUAL RATE OF INTEREST 8% | DELINQUENT TAXES | | | | | |
|--|------------------|------------|---------|----------|-----------|------------------|
| | YEAR | TAX | PENALTY | INTEREST | LEGAL/ADV | TOTAL |
| | PRIOR YEARS | | | | | |
| TAXES ARE DUE JULY 1 AND DELINQUENT AFTER THE DATES SHOWN | | | | | | TOTAL DUE |
| BELOW. | | | | | | 506.18 |
| | FIRST HALF | 09/03/2019 | 253.09 | | | |
| | SECOND HALF | 11/01/2019 | 253.09 | | | |

| PROPERTY TAX HISTORICAL INFORMATION | | | | | CLASSIFICATION | \$ AMOUNT |
|-------------------------------------|----------------|--------------------------------|-----------------|-----------------|--|-----------|
| YEAR | ASSESSED VALUE | TAXES WITHOUT STATE EXEMPTIONS | TOTAL MILL LEVY | MILL CHANGE +/- | ASSESSED VALUE | |
| 19 | 81,467 | 506 | 16.086 | + 1.132 | BOROUGH / CITY OF NP RESIDENTIAL EXEMPTION | 50,000 |
| 18 | 81,641 | 473 | 14.954 | + 1.120 | CITY OF FBKS / SA RESIDENTIAL EXEMPTION | 0 |
| 17 | 81,221 | 899 | 13.834 | + .507 | STATE EXEMPTION | 0 |
| 16 | 81,283 | 867 | 13.327 | - .129 | BLDG FIRE SYS EXEMPTION | 0 |
| 15 | 44,928 | 605 | 13.456 | N/A | VOLUNTEER EMS / FIRE EXEMPTION | 0 |
| | | | | | TOTAL ALL OTHER TAXABLE VALUES | 31,467 |
| | | | | | TOTAL CITY / SERVICE AREA TAXABLE VALUES | N/A |

5-14-18_v2

**FOR PAYMENTS MADE AFTER THE DUE DATES, PLEASE CALL THE
TREASURY AND BUDGET DIVISION AT 907-459-1441 FOR THE CORRECT AMOUNT.**

TAXPAYER:
MAKE ALL CHECKS PAYABLE TO
FAIRBANKS NORTH STAR BOROUGH.
YOUR CANCELLED CHECK WILL BE YOUR RECEIPT.

FAIRBANKS NORTH STAR BOROUGH
807 TERMINAL STREET PO BOX 71320
PHONE: (907) 459-1441 FAIRBANKS ALASKA 99707-1320

PARCEL ACCT. NUMBER **0178063**

FOR ONLINE PAYMENT OPTIONS
GO TO: www.fnsb.us

| | |
|------------------------------------|----------------------|
| TOTAL TAXES | 506.18 |
| PRIOR YEARS DELINQUENT | .00 |
| FIRST INSTALLMENT MUST BE PAID BY | 253.09 09/03/2019 |
| SECOND INSTALLMENT MUST BE PAID BY | 253.09 11/01/2019 |

| |
|----------------|
| ADDRESS CHANGE |
| |
| |

**RETURN THIS STUB WITH
SECOND HALF PAYMENT.**

DELINQUENT TAXES MUST BE PAID
WITH CASHIERS CHECK, MONEY
ORDER OR CASH.

BAXTER JAY

01780630000253090000506187

TAXPAYER:
MAKE ALL CHECKS PAYABLE TO
FAIRBANKS NORTH STAR BOROUGH.
YOUR CANCELLED CHECK WILL BE YOUR RECEIPT.

FAIRBANKS NORTH STAR BOROUGH
807 TERMINAL STREET PO BOX 71320
PHONE: (907) 459-1441 FAIRBANKS ALASKA 99707-1320

PARCEL ACCT. NUMBER **0178063**

FOR ONLINE PAYMENT OPTIONS
GO TO: www.fnsb.us

| | |
|------------------------------------|----------------------|
| TOTAL TAXES | 506.18 |
| PRIOR YEARS DELINQUENT | .00 |
| FIRST INSTALLMENT MUST BE PAID BY | 253.09 09/03/2019 |
| SECOND INSTALLMENT MUST BE PAID BY | 253.09 11/01/2019 |

| |
|----------------|
| ADDRESS CHANGE |
| |
| |

**RETURN THIS STUB WITH
FIRST HALF PAYMENT.**

DELINQUENT TAXES MUST BE PAID
WITH CASHIERS CHECK, MONEY
ORDER OR CASH.

BAXTER JAY



01780630000253090000506187

| PARCEL ACCT NUMBER | DESCRIPTION | CURRENT TAXES LEVIED FOR | TAX RATE PER \$1000 OF VALUE | \$ AMOUNT |
|---|---------------------|--------------------------|------------------------------|---------------|
| 0339873 | COLLEGE HILLS E1 73 | GENERAL GOV | 6.3050 | 251.90 |
| LOT 73 COLLEGE HILLS ESTATES 1ST ADDN | | EDUCATION | 5.9280 | 236.84 |
| | | SCHOOL BOND | 1.6020 | 64.00 |
| | | SWCD | 1.5990 | 63.88 |
| 14789*55**G50**0.762**1/1*****AUTOS-DIGIT 99702 BAXTER JAY A 4330 MURPHY DOME RD FAIRBANKS AK 99709-5951 | | NAWP-EMS | .5320 | 21.25 |
| | | NAWP-ECODEV | .0630 | 2.52 |
| | | GENGOVT BND | .0570 | 2.28 |
| | | COLLEGE HLS UNIV FSA | 1.0300 | 41.15 |
| | | | 2.8530 | 113.98 |
| | | TOTAL CURRENT TAX | 19.969 | 797.80 |

| PENALTY & INTEREST PENALTY & INTEREST ARE CHARGED TO DELINQUENT PAYMENTS IN ACCORDANCE WITH BOROUGH ORDINANCE. PENALTY ON TAXES DUE 5% ANNUAL RATE OF INTEREST 8% | DELINQUENT TAXES | | | | | TOTAL |
|--|------------------|-----|---------|----------|-----------|-------|
| | YEAR | TAX | PENALTY | INTEREST | LEGAL/ADV | |
| | PRIOR YEARS | | | | | |

TAXES ARE DUE JULY 1 AND DELINQUENT AFTER THE DATES SHOWN BELOW.

| | | |
|-------------|------------|--------|
| FIRST HALF | 09/03/2019 | 398.90 |
| SECOND HALF | 11/01/2019 | 398.90 |

| PROPERTY TAX HISTORICAL INFORMATION | | | | | CLASSIFICATION | \$ AMOUNT |
|-------------------------------------|----------------|--------------------------------|-----------------|-----------------|--|-----------|
| YEAR | ASSESSED VALUE | TAXES WITHOUT STATE EXEMPTIONS | TOTAL MILL LEVY | MILL CHANGE +/- | | |
| 19 | 39,952 | 798 | 19.969 | + 1.275 | ASSESSED VALUE | 39,952 |
| 18 | 39,962 | 747 | 18.694 | + 1.116 | BOROUGH / CITY OF NP RESIDENTIAL EXEMPTION | 0 |
| 17 | 39,972 | 703 | 17.578 | + .480 | CITY OF FBKS / SA RESIDENTIAL EXEMPTION | 0 |
| 16 | 38,982 | 667 | 17.098 | - .167 | STATE EXEMPTION | 0 |
| 15 | 38,982 | 673 | 17.265 | N/A | BLDG FIRE SYS EXEMPTION | 0 |
| | | | | | VOLUNTEER EMS / FIRE EXEMPTION | 0 |
| | | | | | TOTAL ALL OTHER TAXABLE VALUES | 39,952 |
| | | | | | TOTAL CITY / SERVICE AREA TAXABLE VALUES | N/A |

5-14-18_v2

FOR PAYMENTS MADE AFTER THE DUE DATES, PLEASE CALL THE TREASURY AND BUDGET DIVISION AT 907-459-1441 FOR THE CORRECT AMOUNT.

TAXPAYER: **FAIRBANKS NORTH STAR BOROUGH** PARCEL ACCT. NUMBER **0339873**
 MAKE ALL CHECKS PAYABLE TO FAIRBANKS NORTH STAR BOROUGH. 807 TERMINAL STREET PO BOX 71320
 YOUR CANCELLED CHECK WILL BE YOUR RECEIPT. PHONE: (907) 459-1441 FAIRBANKS ALASKA 99707-1320

FOR ONLINE PAYMENT OPTIONS TOTAL TAXES 797.80
 GO TO: www.fnsb.us

| |
|----------------|
| ADDRESS CHANGE |
| |
| |

RETURN THIS STUB WITH SECOND HALF PAYMENT.

DELINQUENT TAXES MUST BE PAID WITH CASHIERS CHECK, MONEY ORDER OR CASH.

| | |
|------------------------------------|----------------------|
| PRIOR YEARS DELINQUENT | .00 |
| FIRST INSTALLMENT MUST BE PAID BY | 398.90 09/03/2019 |
| SECOND INSTALLMENT MUST BE PAID BY | 398.90 11/01/2019 |

BAXTER JAY A

03398730000398900000797806

TAXPAYER: **FAIRBANKS NORTH STAR BOROUGH** PARCEL ACCT. NUMBER **0339873**
 MAKE ALL CHECKS PAYABLE TO FAIRBANKS NORTH STAR BOROUGH. 807 TERMINAL STREET PO BOX 71320
 YOUR CANCELLED CHECK WILL BE YOUR RECEIPT. PHONE: (907) 459-1441 FAIRBANKS ALASKA 99707-1320

FOR ONLINE PAYMENT OPTIONS TOTAL TAXES 797.80
 GO TO: www.fnsb.us

| |
|----------------|
| ADDRESS CHANGE |
| |
| |

RETURN THIS STUB WITH FIRST HALF PAYMENT.

DELINQUENT TAXES MUST BE PAID WITH CASHIERS CHECK, MONEY ORDER OR CASH.

| | |
|------------------------------------|----------------------|
| PRIOR YEARS DELINQUENT | .00 |
| FIRST INSTALLMENT MUST BE PAID BY | 398.90 09/03/2019 |
| SECOND INSTALLMENT MUST BE PAID BY | 398.90 11/01/2019 |

BAXTER JAY A

80
03398730000398900000797806

| | | | | | | | |
|--|-------------|------------------------|-----------|-----------|--------|--|--|
| Wed Dec 18 P R O P E R T Y T A X P R O C E S S I N G T A X B I L L | | | | | | | |
| 14:05 Production Tax Roll 06/14/19 - Fairbanks North Star Borough HISTORY | | | | | | | |
| Year Bill TypStMF | PAN 0178063 | Mill 16.086 | Group 925 | FMV | 81,467 | | |
| (19)0178063 DR Y | 1S 4W | -13 -1301 | Exempt BE | Net | 31,467 | | |
| OWNER ACCOUNT 92231 | | CURRENT YEAR TAXES | | ORIG DUE | 506.18 | | |
| BAXTER JAY | | Interest Date 01/03/20 | | Interest | 3.42 | | |
| 4330 MURPHY DOME RD | | 09/03/19 | 253.09 | NSF/Other | | | |
| FAIRBANKS AK 99709-5951 | | 11/01/19 | 253.09 | Misc | | | |
| | | Borough Exempt 50,000 | | Legal | | | |
| R'Total.....\$ | .00 | GENERAL GOV | | Penalty | 13.44 | | |
| Payment.....\$ | .00 | EDUCATION | | Title | | | |
| TOTAL DUE...\$ | .00 | NAWP-EMS | | Advertise | | | |
| Cash.....\$ | | SWCD | | Admin | | | |
| Check.....\$ | | | | Back Tax | | | |
| BALANCE.....\$ | -0.00 | | | BILL AMT | 523.04 | | |
| | | | | 10/31/19 | 506.18 | | |
| | | | | NET DUE | 16.86 | | |

12/18/19 Production Tax Roll 06/14/19 - Fairbanks North Star Borough Page 1
14:05

TAX BILL HISTORY

PAN: 0178063 OWNER: BAXTER JAY
DESC: 1S 4W -13 -1301 4330 MURPHY DOME RD
MILL GRP: 925 ALL SW & SE FAIRBANKS, AK 99709-5951
OWN ACCT: 92231

| Bill | Tax | Interest Penalty | NSF/Othe Title | Misc Advertis | Legal Admin | Total | Comment |
|------------|--------|---------------------|-------------------|------------------|----------------|--------|----------|
| 19-0178063 | 237.23 | 3.21 | .00 | .00 | .00 | 253.09 | PAYMENT |
| | | 12.65 | .00 | .00 | .00 | | 10/31/19 |
| | | P&I CALCULATED TO: | | | 10/31/19 | | |
| | 253.09 | .00 | .00 | .00 | .00 | 253.09 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 10/31/19 |
| | | P&I CALCULATED TO: | | | 10/31/19 | | |
| | 15.86 | .21 | .00 | .00 | .00 | 16.86 | NET DUE |
| | | .79 | .00 | .00 | .00 | | 11/01/19 |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY

| | | | | | | | |
|------------|--------|--------------------|-----|-----|----------|--------|----------|
| 18-0178063 | 236.58 | .00 | .00 | .00 | .00 | 236.58 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/29/18 |
| | | P&I CALCULATED TO: | | | 09/04/18 | | |
| | 236.58 | .00 | .00 | .00 | .00 | 236.58 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/31/18 |
| | | P&I CALCULATED TO: | | | 11/01/18 | | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY

Batch #: 0008

| | | | | | | | |
|------------|--------|-----|-----|-----|-----|--------|----------|
| 17-0178063 | 449.44 | .00 | .00 | .00 | .00 | 449.44 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/31/17 |

| | | | | | | | |
|--------|-----|--------------------|----------|-----|--------|------|----------|
| 449.44 | | P&I CALCULATED TO: | 09/01/17 | | | | |
| | .00 | .00 | .00 | .00 | 449.44 | PAID | |
| | .00 | .00 | .00 | .00 | | | 10/31/17 |
| | | P&I CALCULATED TO: | 11/01/17 | | | | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY
Batch #: 0004

| | | | | | | | |
|------------|--------|--------------------|----------|-----|-----|--------|----------|
| 16-0178063 | 433.31 | .00 | .00 | .00 | .00 | 433.31 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/31/16 |
| | | P&I CALCULATED TO: | 09/01/16 | | | | |
| | 433.31 | .00 | .00 | .00 | .00 | 433.31 | PAID |
| | | .00 | .00 | .00 | .00 | | 11/02/16 |
| | | P&I CALCULATED TO: | 11/01/16 | | | | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY
Batch #: 0005

| | | | | | | | |
|------------|--------|--------------------|----------|-----|-----|--------|----------|
| 15-0178063 | 302.27 | .00 | .00 | .00 | .00 | 302.27 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/13/15 |
| | | P&I CALCULATED TO: | 09/01/15 | | | | |
| | 302.27 | .00 | .00 | .00 | .00 | 302.27 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/26/15 |
| | | P&I CALCULATED TO: | 11/02/15 | | | | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY
Batch #: 0003

| | | | | | | | |
|------------|--------|--------------------|----------|-----|-----|--------|----------|
| 14-0178063 | 295.38 | .00 | .00 | .00 | .00 | 295.38 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/25/14 |
| | | P&I CALCULATED TO: | 09/02/14 | | | | |
| | 295.38 | .00 | .00 | .00 | .00 | 295.38 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/27/14 |
| | | P&I CALCULATED TO: | 11/03/14 | | | | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY
Batch #: 0009

| | | | | | | | |
|------------|--------|--------------------|----------|-----|-----|--------|----------|
| 13-0178063 | 291.38 | .00 | .00 | .00 | .00 | 291.38 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/22/13 |
| | | P&I CALCULATED TO: | 09/03/13 | | | | |
| | 291.38 | .00 | .00 | .00 | .00 | 291.38 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/21/13 |
| | | P&I CALCULATED TO: | 11/01/13 | | | | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY
Batch #: 0011

| | | | | | | | |
|------------|--------|--------------------|----------|-----|-----|--------|----------|
| 12-0178063 | 291.36 | .00 | .00 | .00 | .00 | 291.36 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/22/12 |
| | | P&I CALCULATED TO: | 09/04/12 | | | | |
| | 291.36 | .00 | .00 | .00 | .00 | 291.36 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/29/12 |
| | | P&I CALCULATED TO: | 11/01/12 | | | | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY
Batch #: 0014

| | | | | | | | |
|------------|--------|-----|-----|-----|-----|--------|----------|
| 11-0178063 | 269.55 | .00 | .00 | .00 | .00 | 269.55 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/26/11 |

| | | | | | | | | |
|--------|--|--------------------|-----|-----|-----|----------|----------|--|
| | | P&I CALCULATED TO: | | | | 09/01/11 | | |
| 269.55 | | .00 | .00 | .00 | .00 | 269.55 | PAID | |
| | | .00 | .00 | .00 | .00 | | 10/27/11 | |
| | | P&I CALCULATED TO: | | | | 11/01/11 | | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY

| | | | | | | | |
|------------|--------|--------------------|-----|-----|-----|----------|----------|
| 10-0178063 | 269.01 | .00 | .00 | .00 | .00 | 269.01 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/26/10 |
| | | P&I CALCULATED TO: | | | | 09/01/10 | |
| 269.01 | | .00 | .00 | .00 | .00 | 269.01 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/25/10 |
| | | P&I CALCULATED TO: | | | | 11/01/10 | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY
Batch #: 0007

| | | | | | | | |
|------------|--------|--------------------|-----|-----|-----|----------|----------|
| 09-0178063 | 263.34 | .00 | .00 | .00 | .00 | 263.34 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/19/09 |
| | | P&I CALCULATED TO: | | | | 09/01/09 | |
| 263.34 | | .00 | .00 | .00 | .00 | 263.34 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/15/09 |
| | | P&I CALCULATED TO: | | | | 11/02/09 | |

DEED: BAXTER JAY

TAXPAYER: BAXTER JAY
Batch #: 0007

| | | | | | | | |
|------------|--------|--------------------|-----|-----|-----|----------|----------|
| 08-0178063 | 530.42 | .00 | .00 | .00 | .00 | 530.42 | PAID |
| | | .00 | .00 | .00 | .00 | | 08/19/08 |
| | | P&I CALCULATED TO: | | | | 09/02/08 | |

DEED: BAXTER JAY

TAXPAYER: YUKON TITLE

Wed Dec 18 P R O P E R T Y T A X P R O C E S S I N G T A X B I L L
 14:06 Production Tax Roll 06/14/19 - Fairbanks North Star Borough HISTORY

| | | | | | |
|---------------------------------------|----------------------------------|--------------------|---------------------|------------|------------------|
| Year Bill TypStMF (19)0339873 DR Y | PAN 0339873 COLLEGE HILLS E1- | Mill 19.969 -73 | Group 942 Exempt | FMV Net | 39,952 39,952 |
|---------------------------------------|----------------------------------|--------------------|---------------------|------------|------------------|

| | | | | | |
|-------------------------|--|------------------------|--------|-----------|--------|
| OWNER ACCOUNT 110249 | | CURRENT YEAR TAXES | | ORIG DUE | 797.80 |
| BAXTER JAY A | | Interest Date 01/03/20 | | Interest | 5.41 |
| 4330 MURPHY DOME RD | | 09/03/19 | 398.90 | NSF/Other | |
| FAIRBANKS AK 99709-5951 | | 11/01/19 | 398.90 | Misc | |
| R'Total.....\$.00 | | GENERAL GOV | 251.90 | Legal | |
| Payment\$.00 | | EDUCATION | 236.84 | Penalty | 21.20 |
| TOTAL DUE...\$.00 | | NAWP-EMS | 21.25 | Title | |
| Cash\$.00 | | SWCD | 63.88 | Advertise | |
| Check\$.00 | | NAWP-ECODEV | 2.52 | Admin | |
| BALANCE.....\$ -0.00 | | COLLEGE HLS | 41.15 | Back Tax | |
| | | | | BILL AMT | 824.41 |
| | | | | 10/31/19 | 797.80 |
| | | | | NET DUE | 26.61 |

TAX BILL HISTORY

| | |
|-----------------------------|--------------------------|
| PAN: 0339873 | OWNER: BAXTER JAY A |
| DESC: COLLEGE HILLS E1- -73 | 4330 MURPHY DOME RD |
| MILL GRP: 942 COLLEGE HIL | FAIRBANKS, AK 99709-5951 |
| OWN ACCT: 110249 | |

| Bill | Tax | Interest Penalty | NSF/Othe Title | Misc Advertis | Legal Admin | Total | Comment |
|------------|--------|---------------------|-------------------|------------------|----------------|--------|----------|
| 19-0339873 | 373.88 | 5.07 | .00 | .00 | .00 | 398.90 | PAYMENT |
| | | 19.95 | .00 | .00 | .00 | | 10/31/19 |
| | | P&I CALCULATED TO: | | | 10/31/19 | | |
| | 398.90 | .00 | .00 | .00 | .00 | 398.90 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 10/31/19 |
| | | P&I CALCULATED TO: | | | 10/31/19 | | |
| | 25.02 | .34 | .00 | .00 | .00 | 26.61 | NET DUE |
| | | 1.25 | .00 | .00 | .00 | | 11/01/19 |

DEED: BAXTER JAY A TAXPAYER: BAXTER JAY A

| | | | | | | | |
|------------|--------|--------------------|-----|-----|----------|--------|----------|
| 18-0339873 | 373.53 | .00 | .00 | .00 | .00 | 373.53 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/29/18 |
| | | P&I CALCULATED TO: | | | 09/04/18 | | |
| | 373.53 | .00 | .00 | .00 | .00 | 373.53 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/31/18 |
| | | P&I CALCULATED TO: | | | 11/01/18 | | |

DEED: BAXTER JAY A TAXPAYER: BAXTER JAY A
 Batch #: 0008

| | | | | | | | |
|------------|--------|-----|-----|-----|-----|--------|---------|
| 17-0339873 | 351.31 | .00 | .00 | .00 | .00 | 351.31 | PAYMENT |
|------------|--------|-----|-----|-----|-----|--------|---------|

| | | | | | | |
|--------|--------------------|-----|-----|----------|--------|----------|
| | .00 | .00 | .00 | .00 | | 08/31/17 |
| | P&I CALCULATED TO: | | | 09/01/17 | | |
| 351.31 | .00 | .00 | .00 | .00 | 351.31 | PAID |
| | .00 | .00 | .00 | .00 | | 10/31/17 |
| | P&I CALCULATED TO: | | | 11/01/17 | | |

DEED: BAXTER JAY A

TAXPAYER: BAXTER JAY A
Batch #: 0004

| | | | | | | | |
|------------|--------|--------------------|-----|-----|----------|--------|----------|
| 16-0339873 | 333.26 | .00 | .00 | .00 | .00 | 333.26 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/31/16 |
| | | P&I CALCULATED TO: | | | 09/01/16 | | |
| | 333.26 | .00 | .00 | .00 | .00 | 333.26 | PAID |
| | | .00 | .00 | .00 | .00 | | 11/02/16 |
| | | P&I CALCULATED TO: | | | 11/01/16 | | |

DEED: BAXTER JAY A

TAXPAYER: BAXTER JAY A
Batch #: 0005

| | | | | | | | |
|------------|--------|--------------------|-----|-----|----------|--------|----------|
| 15-0339873 | 336.52 | .00 | .00 | .00 | .00 | 336.52 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 08/13/15 |
| | | P&I CALCULATED TO: | | | 09/01/15 | | |
| | 336.52 | .00 | .00 | .00 | .00 | 336.52 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/26/15 |
| | | P&I CALCULATED TO: | | | 11/02/15 | | |

DEED: BAXTER JAY A

TAXPAYER: BAXTER JAY A
Batch #: 0003

| | | | | | | | |
|------------|--------|--------------------|-----|-----|----------|--------|----------|
| 14-0339873 | 328.40 | .00 | .00 | .00 | .00 | 328.40 | PAYMENT |
| | | .00 | .00 | .00 | .00 | | 07/31/14 |
| | | P&I CALCULATED TO: | | | 09/02/14 | | |
| | 328.40 | .00 | .00 | .00 | .00 | 328.40 | PAID |
| | | .00 | .00 | .00 | .00 | | 10/27/14 |
| | | P&I CALCULATED TO: | | | 11/03/14 | | |

DEED: BAXTER JAY A

TAXPAYER: BAXTER JAY A
Batch #: 0009

| | | | | | | | | |
|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 2019 | | | 2020 | | | 2021 | | |
| JANUARY | FEBRUARY | MARCH | JANUARY | FEBRUARY | MARCH | JANUARY | FEBRUARY | MARCH |
| SMTWTFSS |

137

- Track Your Expenses...
- Auto/Travel
 - Business
 - Charities
 - Clothing
 - Dependent Care
 - Education
 - Entertainment
 - Food
 - Home
 - Insurance
 - Medical/Dental
 - Savings
 - Taxes
 - Utilities
 - Other

93.19

| | |
|---------|--------|
| BAL | 651.79 |
| FOR'D | |
| ITEM | |
| AMOUNT | |
| BALANCE | |
| DEPOSIT | |
| FOR'D | |

FINANCIALS MONTH: SPAR PENNACHT

SIX HUNDRED FIFTY ONE AND NO/100

Duplicate is produced using soy-based materials.
Images may appear light.

TAX DEDUCTIBLE ITEM

Memo: 1/14/21 TAX 15114.00 2021

For enhanced security your account number will not be printed on this copy. NOT NEGOTIABLE

check not received

88-7156A(25) 140

JAY A BAXTER
4330 MURPHY DOME RD.
FAIRBANKS, AK 99708

DATE 10/29/19

PAY TO THE ORDER OF FAIRBANKS NORTH STAR BOROUGH \$ 651.99

SIX HUNDRED FIFTY ONE AND 99/100 DOLLARS

 **Mt. McKinley Bank**
400 - 4th Avenue (307) 482-1751
Fairbanks, Alaska 99701
www.mckinleybank.com

MEMO: PROPERTY TAXES - 2ND HALF 2019 001

88-7156A(25) 141

JAY A BAXTER
4330 MURPHY DOME RD.
FAIRBANKS, AK 99708

DATE 10/31/19

PAY TO THE ORDER OF FAIRBANKS NORTH STAR BOROUGH \$ 651.99

SIX HUNDRED FIFTY ONE AND 99/100 DOLLARS

 **Mt. McKinley Bank**
400 - 4th Avenue (307) 482-1751
Fairbanks, Alaska 99701
www.mckinleybank.com

MEMO: 2019 PROPERTY TAXES - 2ND HALF 001

FAIRBANKS NORTH STAR BOROUGH
 Receipt for Payment
 P.O. Box 71320 - Fairbanks, AK 99707-1320

PAN: 0339873
 DESC: COLLEGE HILLS E1- -73
 TRANS: 05-298324 THRU 298324 PG
 DATE: 10/31/19

OWNER: BAXTER JAY A
 4330 MURPHY DOME RD
 FAIRBANKS AK 99709 5951

TOT. OWED: 822.82
 CASH: .00
 CHECK: 398.90 # 140
 BALANCE: 423.92

PAID BY: BAXTER JAY A
 COMMENT:

| TAX YR | TAX AMT | PENALTY | INTEREST | LEGAL&ADV | DEL FEES | TOTAL |
|--------|---------|---------|----------|-----------|----------|--------|
| 19 | 373.88 | 19.95 | 5.07 | .00 | .00 | 398.90 |
| | | | | | CREDIT: | .00 |
| | | | | | TOTAL: | 398.90 |

FNSB Receipt for Payment

FAIRBANKS NORTH STAR BOROUGH
 Receipt for Payment
 P.O. Box 71320 - Fairbanks, AK 99707-1320

PAN: 0339873
 DESC: COLLEGE HILLS E1- -73
 TRANS: 05-298325 THRU 298325 PG
 DATE: 10/31/19

OWNER: BAXTER JAY A
 4330 MURPHY DOME RD
 FAIRBANKS AK 99709 5951

TOT. OWED: 423.92
 CASH: .00
 CHECK: 398.90 # 140
 BALANCE: 25.02

PAID BY: BAXTER JAY A
 COMMENT:

| TAX YR | TAX AMT | PENALTY | INTEREST | LEGAL&ADV | DEL FEES | TOTAL |
|--------|---------|---------|----------|-----------|----------|--------|
| 19 | 398.90 | .00 | .00 | .00 | .00 | 398.90 |
| | | | | | CREDIT: | .00 |
| | | | | | TOTAL: | 398.90 |

FNSB Receipt for Payment

PROPERTY TAX ADJUSTMENTS

PAN #: 0339873
 Tax Year: 2019
 Property Owner 1: JAY BAXTER
 Property Owner 2:
 Payor (if different):

Request Date: 12/28/2019

| Adjustments: | Amount | Adj Description | Transaction | |
|--------------|----------|---|-------------|---------------|
| | | | Date | Interest Date |
| | (398.90) | BACK OFF PAYMENT | 10/31/19 | 10/31/19 |
| | (398.90) | BACK OFF TO REAPPLY INTEREST DATE CORRECTLY | 10/31/19 | 10/31/19 |
| | 398.90 | REAPPLY WITH CORRECT INTEREST DATE | 10/31/19 | 10/29/19 |
| | 398.90 | REAPPLY PMT | 10/31/19 | 10/31/19 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| Fees: | Amount | Fee Description |
|-------|--------|-----------------|
| | | Penalty |
| | | Interest |
| | | Legal |
| | | NSF |

- Register:
- 13: Write Offs
 - 23: Revenue Adj
 - 33: Assessing Adj
 - 43: Out of the Ordinary Adj

Justification:

BACK OFF BOTH PAYMENTS MADE ON 10/31/19, REAPPLY THE FIRST PAYMENT WITH INTEREST DATE OF 10/29/19, THE SECOND PAYMENT SHOULD HAVE THE INTEREST DATE OF 10/31/19.

Adj Date:

TACS Function Keys
 Ctrl F2: Over-ride Fees
 Ctrl F3: Post Cash Pmt
 Ctrl F6: Re-calc Interest
 Ctrl F8: Adjust Bill

Prepared by: JLH

NSF LOG:

Posted by:

Wed Nov 6 PROPERTY TAX PROCESSING TELEPHONE
 14:29 Production Tax Roll 06/14/19 - Fairbanks North Star Boroug

Year Bill TypStMF PAN 0339873 Mill 19.969 Group 942 FMV 39,952
 (19)0339873 DR Y COLLEGE HILLS E1- -73 Exempt Net 39,952

| | | | |
|-------------------------|------------------------|-------------|-----------------|
| OWNER ACCOUNT 110249 | CURRENT YEAR TAXES | ORIG DUE | 797.80 |
| | | Interest | 5.07 |
| BAXTER JAY A | Interest Date 10/31/19 | NSF/Other | |
| | | Misc | |
| 4330 MURPHY DOME RD | 09/03/19 | 398.90 | Legal |
| | 11/01/19 | 398.90 | Penalty 19.95 |
| FAIRBANKS AK 99709-5951 | | | Title |
| | GENERAL GOV | 251.90 | Advertise |
| R'Total.....\$ | .00 | EDUCATION | 236.84 |
| Payment\$ | .00 | NAWP-EMS | 21.25 |
| TOTAL DUE...\$ | .00 | SWCD | 63.88 |
| Cash\$ | | NAWP-ECODEV | 2.52 |
| Check\$ | | COLLEGE HLS | 41.15 |
| BALANCE.....\$ | -0.00 | | 10/31/19 797.80 |
| | | | NET DUE 25.02 |

Search Complete.

PERFORM: Query Next Previous View Add Update Remove Table Screen ...
 Searches the active database table. ** 1: trans table**

| | | | | | |
|--------------------|-------------------|-----------|----------|--------------------|---------------------|
| Reg Trans | Date | Time | Oper | Orig Due [| \$797.80] |
| [05][298324] | [10/31/2019] | [09:07] | [PG] | Late Fee [| \$25.02] |
| Source | Type | | Supr | Bill Amt [| \$822.82] |
| [F] FLOOR | [4] REGULAR | | [] | Previous [| \$0.00][|
| Modified | Record Number | | Pynt | NET DUE | \$423.92 |
| [|] [001752094] | | [P] | | |
| | | | | R'Total. [| \$0.00][10/31/2019] |
| Year Bill | PAN/Mill Grp | | | Payment. [| \$398.90] |
| [2019][0339873][] | [0339873] | | | Cash... [| \$0.00] |
| [D][R][] | [942] COLLEGE HIL | | | Check... [| \$398.90][|
| | | | | Change.. [| \$0.00] |
| Interest [| \$5.07] | Penalty [| \$19.95] | OverPay. [| \$0.00][|
| NSF/Other[| \$0.00] | Title [| \$0.00] | Refund.. [| \$0.00][|
| Misc [| \$0.00] | Adver [| \$0.00] | Balance. [| \$0.00] PAID |
| Legal [| \$0.00] | Admin [| \$0.00] | | |
| | | | | Tax- [BAXTER JAY A |] |
| Owner | BAXTER JAY A | | | Payer[|] |
| [110249] | | | | Cmts [|] |

PERFORM: Query Next Previous View Add Update Remove Table Screen ...
 Shows the next row in the Current List. ** 1: trans table**

| | | | | | |
|--------------------|-------------------|-----------|----------|--------------------|-----------------------|
| Reg Trans | Date | Time | Oper | Orig Due [| \$797.80] |
| [05][298325] | [10/31/2019] | [09:07] | [PG] | Late Fee [| \$25.02] |
| Source | Type | | Supr | Bill Amt [| \$822.82] |
| [F] FLOOR | [4] REGULAR | | [] | Previous [| \$398.90][10/31/2019] |
| Modified | Record Number | | Pynt | NET DUE | \$25.02 |
| [|] [001752095] | | [P] | | |
| | | | | R'Total. [| \$0.00][10/31/2019] |
| Year Bill | PAN/Mill Grp | | | Payment. [| \$398.90] |
| [2019][0339873][] | [0339873] | | | Cash... [| \$0.00] |
| [D][R][] | [942] COLLEGE HIL | | | Check... [| \$398.90][|
| | | | | Change.. [| \$0.00] |
| Interest [| \$5.07] | Penalty [| \$19.95] | OverPay. [| \$0.00][|
| NSF/Other[| \$0.00] | Title [| \$0.00] | Refund.. [| \$0.00][|
| Misc [| \$0.00] | Adver [| \$0.00] | Balance. [| \$0.00] PAID |
| Legal [| \$0.00] | Admin [| \$0.00] | | |
| | | | | Tax- [BAXTER JAY A |] |
| Owner | BAXTER JAY A | | | Payer[|] |
| [110249] | | | | Cmts [|] |

PERFORM: Query Next Previous View Add Update Remove Table Screen ...
Shows the next row in the Current List. ** 1: trans table**

| | | | | | | |
|--------------|---------------|----------|-------------|----------|-------------------------|--------------|
| Reg Trans | Date | Time | Oper | Orig Due | \$797.80 | |
| [23][000003] | [12/19/2019] | [07:03] | [TF] | Late Fee | \$25.02 | |
| Source | Type | | Supr | Bill Amt | \$822.82 | |
| [F] FLOOR | [5] EDITED | | [TF] | Previous | \$797.80 | [10/31/2019] |
| Modified | Record Number | | Pymt | NET DUE | \$423.92 | |
| [12/19/2019] | [001758981] | | [P] | | | |
| | | | | R'Total. | \$0.00 | [10/31/2019] |
| Year | Bill | PAN/Mill | Grp | Payment. | \$0.00 | |
| [2019] | [0339873] | [] | [0339873] | Cash... | \$0.00 | |
| [D][R][] | | [942] | COLLEGE HIL | Check... | \$0.00 | [0] |
| | | | | Change.. | \$0.00 | |
| Interest | \$5.07 | Penalty | \$19.95 | OverPay. | \$0.00 | [12/19/2019] |
| NSF/Other | \$0.00 | Title | \$0.00 | Refund.. | \$398.90 | [12192019] |
| Misc | \$0.00 | Adver | \$0.00 | Balance. | \$0.00 | PAID |
| Legal | \$0.00 | Admin | \$0.00 | | | |
| | | | | Tax- | [BAXTER JAY A |] |
| Owner | BAXTER JAY A | | | Payer | |] |
| [110249] | | | | Cmts | [TA RVRs PMT TO ADJ P&I |] |

PERFORM: Query Next Previous View Add Update Remove Table Screen ...
Shows the next row in the Current List. ** 1: trans table**

| | | | | | | |
|--------------|---------------|----------|-------------|----------|-------------------------|--------------|
| Reg Trans | Date | Time | Oper | Orig Due | \$797.80 | |
| [23][000004] | [12/19/2019] | [07:04] | [TF] | Late Fee | \$25.02 | |
| Source | Type | | Supr | Bill Amt | \$822.82 | |
| [F] FLOOR | [5] EDITED | | [TF] | Previous | \$398.90 | [10/31/2019] |
| Modified | Record Number | | Pymt | NET DUE | \$822.82 | |
| [12/19/2019] | [001758982] | | [P] | | | |
| | | | | R'Total. | \$0.00 | [10/31/2019] |
| Year | Bill | PAN/Mill | Grp | Payment. | \$0.00 | |
| [2019] | [0339873] | [] | [0339873] | Cash... | \$0.00 | |
| [D][R][] | | [942] | COLLEGE HIL | Check... | \$0.00 | [0] |
| | | | | Change.. | \$0.00 | |
| Interest | \$5.07 | Penalty | \$19.95 | OverPay. | \$0.00 | [12/19/2019] |
| NSF/Other | \$0.00 | Title | \$0.00 | Refund.. | \$398.90 | [12192019] |
| Misc | \$0.00 | Adver | \$0.00 | Balance. | \$0.00 | PAID |
| Legal | \$0.00 | Admin | \$0.00 | | | |
| | | | | Tax- | [BAXTER JAY A |] |
| Owner | BAXTER JAY A | | | Payer | |] |
| [110249] | | | | Cmts | [TA RVRs PMT TO ADJ P&I |] |

PERFORM: Query Next Previous View Add Update Remove Table Screen ...
Shows the next row in the Current List. ** 1: trans table**

| | | | | | | |
|--------------|---------------|----------|-------------|----------|------------------------------|--------------|
| Reg Trans | Date | Time | Oper | Orig Due | \$797.80 | |
| [23][005881] | [12/19/2019] | [08:01] | [TF] | Late Fee | \$24.84 | |
| Source | Type | | Supr | Bill Amt | \$822.64 | |
| [M] MAIL | [4] REGULAR | | [] | Previous | \$0.00 | [] |
| Modified | Record Number | | Pymt | NET DUE | \$423.74 | |
| [] | [001758985] | | [P] | | | |
| | | | | R'Total. | \$0.00 | [10/29/2019] |
| Year | Bill | PAN/Mill | Grp | Payment. | \$398.90 | |
| [2019] | [0339873] | [] | [0339873] | Cash... | \$398.90 | |
| [D][R][] | | [942] | COLLEGE HIL | Check... | \$0.00 | [0] |
| | | | | Change.. | \$0.00 | |
| Interest | \$4.89 | Penalty | \$19.95 | OverPay. | \$0.00 | [] |
| NSF/Other | \$0.00 | Title | \$0.00 | Refund.. | \$0.00 | [0] |
| Misc | \$0.00 | Adver | \$0.00 | Balance. | \$0.00 | PAID |
| Legal | \$0.00 | Admin | \$0.00 | | | |
| | | | | Tax- | [BAXTER JAY A |] |
| Owner | BAXTER JAY A | | | Payer | |] |
| [110249] | | | | Cmts | [REAPPLY PMT 102919 INT DATE |] |

PROPERTY TAX ADJUSTMENTS

PAN #: 0178063

Tax Year: 2019

Property Owner 1: JAY BAXTER

Property Owner 2:

Payor (if different):

Request Date: 12/28/2019

| Adjustments: | Amount | Adj Description | Transaction | |
|--------------|----------|---|-------------|---------------|
| | | | Date | Interest Date |
| | (253.09) | BACK OFF TO REAPPLY INTEREST DATE CORRECTLY | 10/31/19 | 10/31/19 |
| | (253.09) | BACK OFF TO REAPPLY INTEREST DATE CORRECTLY | 10/31/19 | 10/31/19 |
| | 253.09 | REAPPLY WITH CORRECT INTEREST DATE | 10/31/19 | 10/29/19 |
| | 253.09 | REAPPLY PAYMENT | 10/31/19 | 10/31/19 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| Fees: | Amount | Fee Description |
|-------|--------|-----------------|
| | | Penalty |
| | | Interest |
| | | Legal |
| | | NSF |

Register:

- 13: Write Offs
- 23: Revenue Adj
- 33: Assessing Adj
- 43: Out of the Ordinary Adj

Justification:

BACK OFF BOTH PAYMENTS MADE ON 10/31/19, REAPPLY THE FIRST PAYMENT WITH INTEREST DATE OF 10/29/19, THE SECOND PAYMENT SHOULD HAVE THE INTEREST DATE OF 10/31/19.

Adj Date:

TACS Function Keys

- Ctrl F2: Over-ride Fees
- Ctrl F3: Post Cash Pmt
- Ctrl F6: Re-calc Interest
- Ctrl F8: Adjust Bill

Prepared by: JLH

NSF LOG:

Posted by:

Wed Nov 6 PROPERTY TAX PROCESSING TELEPHONE
 14:28 Production Tax Roll 06/14/19 - Fairbanks North Star Boroug

Year Bill TypStMF PAN 0178063 Mill 16.086 Group 925 FMV 81,467
 (19)0178063 DR Y 1S 4W -13 -1301 Exempt BE Net 31,467

| | | | |
|-------------------------|------------------------|-----------|--------|
| OWNER ACCOUNT 92231 | CURRENT YEAR TAXES | ORIG DUE | 506.18 |
| | | Interest | 3.21 |
| BAXTER JAY | Interest Date 10/31/19 | NSF/Other | |
| | | Misc | |
| 4330 MURPHY DOME RD | 09/03/19 253.09 | Legal | |
| | 11/01/19 253.09 | Penalty | 12.65 |
| FAIRBANKS AK 99709-5951 | | Title | |
| | Borough Exempt 50,000 | Advertise | |
| R'Total.....\$.00 | | Admin | |
| Payment\$.00 | GENERAL GOV 198.40 | Back Tax | |
| TOTAL DUE...\$.00 | EDUCATION 186.54 | BILL AMT | 522.04 |
| Cash\$ | NAWP-EMS 16.74 | | |
| Check\$ | SWCD 50.32 | 10/31/19 | 506.18 |
| BALANCE.....\$ -0.00 | | NET DUE | 15.86 |

Search Complete.

| | | | | | |
|--------------|---------------|---------|------|----------|----------|
| Reg Trans | Date | Time | Oper | Orig Due | \$506.18 |
| [05][298326] | [10/31/2019] | [09:08] | [PG] | Late Fee | \$15.86 |
| Source | Type | | Supr | Bill Amt | \$522.04 |
| [F] FLOOR | [4] REGULAR | | [] | Previous | \$0.00 |
| Modified | Record Number | | Pymt | NET DUE | \$268.95 |
| [] | [001752096] | | [P] | | |

| | | | | |
|---------------------|--------------------|----------|----------|--------------|
| Year Bill | PAN/Mill Grp | R'Total. | \$0.00 | [10/31/2019] |
| [2019][0178063][] | [0178063] | Payment. | \$253.09 | |
| [D][R][] | [925] ALL SW & SE | Cash... | \$0.00 | |
| | | Check... | \$253.09 | [140] |
| | | Change.. | \$0.00 | |
| Interest [\$3.21] | Penalty [\$12.65] | OverPay. | \$0.00 | [] |
| NSF/Other [\$0.00] | Title [\$0.00] | Refund.. | \$0.00 | [0] |
| Misc [\$0.00] | Adver [\$0.00] | Balance. | \$0.00 | PAID |
| Legal [\$0.00] | Admin [\$0.00] | | | |

| | | | |
|---------|------------|-------|--------------|
| Owner | BAXTER JAY | Tax- | [BAXTER JAY] |
| [92231] | | Payer | [] |
| | | Cmts | [] |

| | | | | | |
|--------------|---------------|---------|------|----------|----------|
| Reg Trans | Date | Time | Oper | Orig Due | \$506.18 |
| [05][298327] | [10/31/2019] | [09:08] | [PG] | Late Fee | \$15.86 |
| Source | Type | | Supr | Bill Amt | \$522.04 |
| [F] FLOOR | [4] REGULAR | | [] | Previous | \$253.09 |
| Modified | Record Number | | Pymt | NET DUE | \$15.86 |
| [] | [001752097] | | [P] | | |

| | | | | |
|---------------------|--------------------|----------|----------|--------------|
| Year Bill | PAN/Mill Grp | R'Total. | \$0.00 | [10/31/2019] |
| [2019][0178063][] | [0178063] | Payment. | \$253.09 | |
| [D][R][] | [925] ALL SW & SE | Cash.... | \$0.00 | |
| | | Check... | \$253.09 | [141] |
| | | Change.. | \$0.00 | |
| Interest [\$3.21] | Penalty [\$12.65] | OverPay. | \$0.00 | [] |
| NSF/Other [\$0.00] | Title [\$0.00] | Refund.. | \$0.00 | [0] |
| Misc [\$0.00] | Adver [\$0.00] | Balance. | \$0.00 | PAID |
| Legal [\$0.00] | Admin [\$0.00] | | | |

| | | | |
|---------|------------|-------|--------------|
| Owner | BAXTER JAY | Tax- | [BAXTER JAY] |
| [92231] | | Payer | [] |
| | | Cmts | [] |



687-7079

PAN # 0178063
0339813
v#-140

RECEIVED

OCT 29 REC'D

Doc #



FAIRBANKS NORTH STAR BOROUGH
ATTN: COLLECTIONS
P.O. BOX 71320
FAIRBANKS AK 99707-1320

customer stated
Box was
very full

29/3/19 - Dropbox 2 #





Fairbanks North Star Borough

Assembly

907 Terminal Street * PO Box 71267 * Fairbanks, Alaska 99707-1267 * (907) 459-1401 FAX 459-1224

MEMORANDUM

TO: Fairbanks North Star Borough Assembly
FROM: Matt Cooper, FNSB Presiding Officer 
DATE: February 27, 2020
SUBJECT: APPOINTMENT TO THE BOARD OF EQUALIZATION

In accordance with FNSBC 4.28.010, Board of Equalization (BOE) members are appointed by the Assembly.

Currently the BOE has two alternate board member vacancies. The following individual has submitted an application for consideration:

- Chase A. Edstrom

Proper motion for the appointment of an Alternate Board Member: **"Move to appoint (applicant's name) to the Board of Equalization as an alternate board member with a term ending December 31, 2021/December 31, 2022."**

A copy of the application and disclosure form is attached.

For your information current members of the board are:

| <u>Board Member</u> | <u>Term Expires</u> |
|--------------------------|---------------------|
| James Mayo | December 31, 2020 |
| Terry Duszynski | December 31, 2020 |
| Cheryl Markwood | December 31, 2021 |
| Audrey Foldoe | December 31, 2022 |
| Joel Johnson | December 31, 2022 |
| Vacant, Alternate Member | December 31, 2021 |
| Vacant, Alternate Member | December 31, 2022 |

FNSBC 4.28.010 Board of Equalization.

A. Establishment. In accordance with AS 29.45, there is established the board of equalization. The board shall be composed of five regular board members and two alternate board members appointed by the assembly. The alternate board members shall be designated by the board chairman, as need arises, to serve in the absence or disability of regular members.

B. Appointment and Terms. Regular board members and alternate members shall be appointed on the basis of their expertise in property appraisals, real estate market, construction, farming, and other fields related to their functions as members of the board of equalization. Regular board members and alternate board members shall serve for three years or until their successors are appointed and qualified. Terms shall be staggered so that approximately one-third of the terms expire each year.



FAIRBANKS NORTH STAR BOROUGH
907 Terminal St. PO Box 71267 Fairbanks, AK 99707

CLERKS OFFICE (907) 459-1401
FAX (907) 459-1224

BOARD OF EQUALIZATION APPLICATION

FNSBC 4.28.010 (B) Regular board members and alternate members shall be appointed on the basis of their expertise in property appraisals, real estate market, construction, farming, and other fields related to their functions as members of the board.

Applicant's Name Chase A. Edstrom

Residence Address 2135 Richardson Hwy

City/State/Zip North Pole, Alaska 99705

Mailing Address 2135 Richardson Hwy

City/State/Zip North Pole, Alaska 99705

Work Phone 907 978 9278 Home Phone 907 488 0452

FAX 907 488 0453 E-mail chase@edstromak.com

Are you registered to vote within the Fairbanks North Star Borough [required by FNSBC 4.04.040(A)]? Yes

No

Do you currently serve on any other Borough Boards & Commission? Yes No

If yes please list which one:

Statement of Interest (use reverse side of form if necessary):

Im interested in this opportunity to become more involved in the community. I have alot of experiences in this area that I think would be benefital for involvement on this board.

Brief Personal Biography (or attach resume)

My name is Chase Edstrom. I am the sole owner to Edstrom Construction here in North Pole. I started this company when I was 22 years old. I went to school at North Pole High School. Over the last 10 years we have been in business I have went from 1 employee part time to 14 employees full time and 3 business total.

Professional Licenses/Training

APPLICANT'S SIGNATURE

DATE

2-7-2020

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.

.....
FOR OFFICE USE ONLY

Date Received _____

By _____

Note Any Attachments

RETURN TO THE OFFICE OF THE CLERK
DISCLOSURE OF PRESENT ECONOMIC INTEREST
APPOINTED PUBLIC MEMBERS OF A BOARD, COMMISSION, OR OTHER MUNICIPAL BODY

1. Chase Alan Edstrom
(YOUR NAME: LAST, FIRST, MIDDLE)

2. Board of Equalization
(BOARD, COMMISSION, OR OTHER PUBLIC BODY TO WHICH YOU ARE APPLYING.)

3. FOR TERM ENDING: 2021

4. PLEASE GIVE THE BUSINESS NAME OF YOUR EMPLOYER, TYPE OF BUSINESS, YOUR POSITION:
Edstrom Construction Co., LLC Construction Owner
(BUSINESS NAME) (TYPE OF BUSINESS) (YOUR POSITION)

5. ARE YOU SELF-EMPLOYED? YES NO

DECLARATION

I understand that I am required to disclose any interest which would cause me or an immediate family member (including all household members) to have a personal or financial interest, different than those of the public generally, in matters coming before the board, commission, or other public body of the municipality to which I have been appointed. When such matters arise, I will also inform the other members on the record, so that the potential for a conflict of interest can be addressed prior to action by the public body.

I have the following interest(s) which would cause me, an immediate family member, or household member to have a personal or financial interest, different than those of the public generally, in matters coming before the public body during my term:

(ATTACH SEPARATE SHEETS AS NECESSARY)

I have no issues that would create a conflict being on this board.

If the situation changes or I acquire new interests, I will file a supplemental disclosure with the Clerk's Office. I affirm that this DISCLOSURE is true and correct to the best of my knowledge.

Signature 

Date 2-7-2020



Fairbanks North Star Borough

Mayor's Office

907 Terminal Street P.O. Box 71267 Fairbanks, AK 99707-1267 T.(907)459-1300 F.(907)459-1102

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

FROM: Jim Williams, Chief of Staff *JW*

SUBJECT: New Marijuana License

DATE: February 27, 2020

Attached you will find copies of the application for the following:

PRODUCT MANUFACTURING FACILITY

License # 23736
Tundra Brewing, LLC
DBA: Tundra Brewing, LLC
1427 Karen Way
Fairbanks, Alaska 99709

Pursuant to FNSB 9.12.040 The Assembly is responsible for reviewing state registration applications and providing input to the state. The administration recommends no protest.

/km

cc: Concerned Licensee

MARIJUANA LICENSE

Date Notice Received: 1/3/20

60 DAY DUE DATE 3/3/20

Type of License:

NEW

TRANSFER

Transfer of location

Transfer of ownership

Transfer of stock

License Number: 23736

RENEWAL

ONSITE CONSUMPTION

Retail Store

Standard Cultivation Facility

Limited Cultivation Facility

Product manufacturing Facility

Concentrate manufacturing Facility

Testing Facility

DBA: Tundra Brewing, LLC

Licensee/Applicant: Tundra Brewing, LLC

Physical Address: 1427 Karen Way

Mailing Address: PO Box 61210 Fairbanks, AK 99706

INTERNAL REVIEW SCHEDULE

PLANNING DEPARTMENT:

Signature: 

Date: 02/05/20

- Land Use Compliance: Zone: LI. "Marijuana product manufacturing facility, limited" is a listed permitted use in the LI zoning district [FUSBC 18.72.020(A)(20)]. Zoning permit #18391 was issued on Nov. 25, 2019 to use an existing 3,399 SF structure for this use.

ASSESSING DEPARTMENT:

Signature: 

Date: 2/5/2020

- Parcel Key Number: 01167282
- Property Description: TL-727 Section 7 T1S-R1W
- Property Owner Name: OneWest Holdings LLC

TREASURY/ BUDGET:

Signature: 

Date: 2/5/2020

- Property Owner (P) Property Taxes: 2019 taxes pd.
- Business Owner (B) Property Taxes: 2019 taxes pd.

(If either party owe, give amount and attach printout)



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce,
Community,
and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

January 3, 2020

Fairbanks North Star Borough

Attn: Krista Major

VIA Email: kmajor@fnsb.us

Cc: jdolan@fnsb.us

| | |
|-----------------------------|--|
| License Number: | 23736 |
| License Type: | Marijuana Product Manufacturing Facility |
| Licensee: | Tundra Brewing, LLC |
| Doing Business As: | Tundra Brewing, LLC |
| Physical Address: | 1427 Karen Way Fairbanks, AK 99709 |
| Designated Licensee: | Brian Simpson |
| Phone Number: | 907-322-9841 |
| Email Address: | noainc@mosquitonet.com |

New Application **New Onsite Consumption Endorsement Application (Retail Only)**

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.025(d)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our January 23-24, 2020 meeting.

Sincerely,

Glen Klinkhart, Interim Director
amco.localgovernmentonly@alaska.gov

Click [here](#) for the complete application:

Tundra Brewing, LLC
DBA: Tundra Brewing, LLC
1427 Karen Way
Fairbanks, AK 99709



MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce J. Ward, Mayor *BW for BW*
David Gibbs, Director
Department of Emergency Operations

FROM: Brad Paulson, Emergency Services Administrator
Department of Emergency Operations

DATE: February 13, 2020

SUBJECT: ORDINANCE 2019-20-1S

Attached for your approval is a proposed ordinance to amend the FY 2019-20 budget by appropriating \$61,000 from the Steese Fire Service Area (FSA) fund balance for the replacement of a pick-up truck for the Steese FSA.

The Steese FSA has an aging pick-up truck that is used for snow removal in the winter months and wildland fire response in the summer months that is in need of replacement. This vehicle has served the Steese FSA well over the years and spent a significant amount of time on wildland fire assignments.

The funding for this project was approved by the Steese FSA Commission at their December 18, 2020 public meeting.

I urge the adoption of this budget amendment.

Attachments:

Steese FSA minutes

1 By: Bryce J. Ward, Mayor
2 Introduced: February 13, 2020
3

4 FAIRBANKS NORTH STAR BOROUGH

5
6 ORDINANCE NO. 2019-20-1S
7

8 AN ORDINANCE AMENDING THE FY 2019-20 BUDGET BY APPROPRIATING \$61,000
9 FROM THE STEESE VOLUNTEER FIRE SERVICE AREA FUND BALANCE TO THE CAPITAL
10 PROJECTS FUND FOR REPLACEMENT OF A PICK-UP TRUCK FOR THE STEESE
11 VOLUNTEER FIRE SERVICE AREA
12

13 WHEREAS, The Steese Volunteer Fire Service Area (VFSA) has identified a
14 need to replace an aging pick-up truck; and
15

16 WHEREAS, The Steese VFSA Commission has approved the expenditure of
17 \$61,000 for the replacement of a pick-up truck at their December 18, 2019 meeting; and
18

19 WHEREAS, This pick-up will have snow removal capability in the winter
20 months and wildland fire emergency response capability in the summer months.
21

22 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
23 North Star Borough:
24

25 Section 1. Classification. This ordinance is not of a general and permanent
26 nature and shall not be codified.
27

28 Section 2. Service Areas Fund Appropriation. The FY 2019-20 budget is
29 hereby amended by appropriating \$61,000 to the Steese Volunteer Fire Service Area
30 budgetary guideline entitled "Contribution to Capital Projects Fund" and by increasing
31 Contribution from Fund Balance by a like amount.
32

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

33 Section 3. Capital Project Fund Appropriation. The FY 2019-20 budget is
34 hereby amended by appropriating \$61,000 to the Capital Projects Fund budgetary
35 guideline entitled "Steese VFSA Pick-Up Replacement" and by increasing Contribution
36 from Service Areas Fund by a like amount.

37
38 Section 4. Lapse of Funds. Upon completion or abandonment of the
39 project, any unexpended, unencumbered funds will lapse to the Steese Volunteer Fire
40 Service Area fund balance.

41
42 Section 5. Effective Date. This ordinance is effective at 5:00 p.m. on the first
43 Borough business day following its adoption.

44
45 ADOPTED THE _____ DAY OF _____ 2020.

46
47
48 _____
49 Matt Cooper
50 Presiding Officer

51 ATTEST:

52 APPROVED:

53 _____
54 April Trickey, CMC
55 Borough Clerk

56 
57 _____
58 Jill S. Dolan
59 Borough Attorney

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

FAIRBANKS NORTH STAR BOROUGH
FISCAL NOTE

I. Request

Ordinance No: 2019-20-1S

Date Introduced: February 13, 2020

Abbreviated Title: Appropriate \$61,000 from the Steese Volunteer Fire Service Area Fund Balance to the Capital Projects Fund for the Replacement of a Pick-up Truck for the Steese Fire Service Area

II. Financial Detail

Department/Division Affected: Emergency Operations/Steese Volunteer Fire Service Area

| EXPENDITURE | Service Areas Fund | Capital Projects Fund | Total | |
|---------------------------------------|--------------------|-----------------------|----------|---------|
| | FY 19/20 | FY 19/20 | FY 19/20 | FY19/20 |
| Commodities/Contractual Services | | | | |
| Capital Outlay | | 61,000 | | |
| Contribution to Capital Projects Fund | 61,000 | | | |
| Total | 61,000 | 61,000 | | |

SOURCE OF FUNDING

| | | | | |
|---------------------------------|---------------|---------------|--|--|
| Contribution from Fund Balance | 61,000 | | | |
| Contribution From Service Areas | | 61,000 | | |
| Total | 61,000 | 61,000 | | |

Specify Funding Sources: Steese Volunteer FSA fund balance

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

| | | | | |
|--|--|--|--|--|
| | | | | |
|--|--|--|--|--|

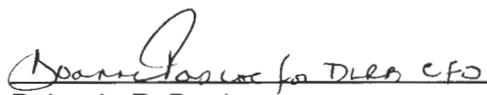
III. Project Purpose:

To replace a pick-up truck for the Steese Volunteer Fire Service Area

IV. Analysis of Future Liabilities and Funding Sources:

Routine vehicle maintenance

V. Fund Certification: I certify that funding sources are available as detailed in II above.



 Debra L. R. Brady
 Chief Financial Officer

1/21/2020
 Date

| | | | |
|----|-----|-------|---|
| mk | FA | SrGLA |  |
| | GA | CA | |
| | SpA | C | |
| | TBM | SA | |

**Fairbanks North Star Borough Fiscal
Impact Statement (FIS) (FNSBC 3.20.010 C.)**

| Check | Date |
|-----------|------|
| Version 1 | |
| Version 2 | |
| Version 3 | |
| Version 4 | |

Originator's Name: Brad Paulson **Department:** Emergency Operations

To Be Introduced/Sponsored By: Mayor

Abbreviated Ordinance Title: Steese FSA Pick-up Replacement

Department(s)/Division(s) Affected: Emergency Ops/Emergency Management/Fire Service Areas

Proposed Introduction Date: February 13, 2020 **Ordinance No.:** 2019-20-1S

Does this ordinance authorize:

- 1) a new or expansion of services which entails additional costs beyond that approved in the current adopted budget? **Yes** ___ **No** *
- 2) a project that is capital in nature and increases operational costs of the Borough in the current or any future fiscal year? **Yes** ___ **No** *

| Required Information/Estimates | FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE | | | | |
|---|---|---------------------------|---------------------------|---------------------------|---------------------------|
| | Remainder of Current FY | 1st Full FY of Operations | 2nd Full FY of Operations | 3rd Full FY of Operations | 4th Full FY of Operations |
| | FY 20__ / __ | FY 20__ / __ | FY 20__ / __ | FY 20__ / __ | FY 20__ / __ |
| 1. Timeline inclusive of all phases | | | | | |
| 2. Number and type of new positions which may be required | | | | | |
| 3. Cost of operations and maintenance | | | | | |
| 4. Future costs to complete capital assets | | | | | |
| 5. Estimated revenue impact | | | | | |
| 6. Estimated non-Borough funds that may be received: | | | | | |
| a. to fund the ordinance | | | | | |
| b. to fund future phases | | | | | |
| c. to fund future operations and maintenance costs | | | | | |
| 7. Anticipated annual tax subsidy | | | | | |

Is backup attached? **Yes** ___ **No**

Contact Person's Name, for FIS questions: Brad Paulson **Extension:** 1214

Director(s) Signature(s): *Brad Paulson* **Date:** 1/17/20

Mayor's Office or Assembly Member Signature: *Jan Oll* **Date:** 1/21/2020

Chief Financial Officer Signature: *Joanne Pascoe for DLB CFO* **Date:** 1/21/2020



MEMORANDUM

TO: Assembly
FROM: Jill S. Dolan, Borough Attorney
DATE: December 30, 2019
SUBJECT: Corvias settlement approval

The Fairbanks North Star Borough (FNSB) and Corvias Air Force Living, LLC (Corvias) have reached a tentative agreement to resolve all litigation and appeals for tax years 2015 through 2019 and to enter into a payment in lieu of taxes agreement for future tax years.

The parties attended mediation on December 6, 2019 and agreed to a settlement proposal, pending FNSB Assembly and Air Force approval, pursuant to which Corvias will pay FNSB a total of \$7 million in satisfaction of past due taxes, penalties, and interest for tax years 2015, 2016, 2017, 2018, and 2019.¹ All existing litigation and appeals, including the superior court and pending Alaska Supreme Court appeals, will be dismissed with prejudice and each party will bear its own attorneys' fees and costs. As part of the settlement, the parties agreed to enter into a payment in lieu of taxes agreement for future property taxes for the remaining term of Corvias' lease with the Air Force, a period of 44 years, in the approximate amount of \$600,000 (to be adjusted periodically to consider changes in the number of rental units and basic housing allowance amounts used to calculate rents).

Attached is a draft of the tentative settlement agreement. It is possible it will have language changes prior to the January 9, 2020 meeting.

It is respectfully requested that you approve the proposed settlement agreement.

¹ By approval of this agreement, the chief financial officer will have authority to write-off taxes, penalties and interest in excess of \$7 million that are due and owing.

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (“Settlement Agreement”) is entered into by and between Corvias Air Force Living LLC, a Delaware limited liability company (“Corvias”), and the Fairbanks North Star Borough, an Alaska municipal corporation (“FNSB”). Corvias and FNSB may be referred to jointly as the “Parties,” and each separately may be referred to as a “Party.” This Settlement Agreement is contingent upon approval by the Fairbanks North Star Borough Assembly and by the United States Air Force.

RECITALS

A. Corvias owns, manages, and maintains certain military housing units located on Eielson Air Force Base pursuant to a contract and lease with the United States of America (the “Lease Interest”), acting by and through the Secretary of the Air Force, entered into pursuant to the Military Housing Privatization Initiative codified at 10 U.S.C. §§ 2871–1885 (the “MHPI”).

B. The Alaska Legislature has enacted AS 29.45.030(a)(8), which exempts property from taxation if the taxing authority enters into an agreement for the payment in lieu of taxes (“PILOT”) for property located on a military base and leased pursuant to the MHPI.

C. There are several lawsuits currently pending in Alaska state courts between the Parties regarding the military housing units located on Eielson Air Force Based that are owned, managed, and maintained by Corvias, specifically lawsuits with case numbers 4FA-15-01906CI, consolidated with 4FA-15-02222CI and 4FA-16-01992CI; 4FA-17-02252CI; 4FA-18-02311CI; 4FA-19-1558CI; 4FA-19-02297CI; and S-17324 (collectively, the “Lawsuits”).

D. Although the claims alleged in the Lawsuits are disputed, the Parties and their respective attorneys met in Anchorage on December 6, 2019 to try to negotiate a potential compromise through a mediation facilitated by Justice Dana Fabe (*retired*). As a result of the mediation facilitated by Justice Fabe, and in consideration of the foregoing, the Parties have agreed, without any admission of liability, to settle the claims alleged in the Lawsuits under the following compromised agreement:

SETTLEMENT AND RELEASE

1. Corvias agrees that it will make a lump sum payment of \$7,000,000.00 (the “Past Taxes Settlement Payment”) to the FNSB no later than 30 calendar days from the date it receives a copy of this Settlement Agreement signed by all Parties. The FNSB agrees that the Past Taxes Settlement Payment completely and fully satisfies Corvias’ past tax liability for 2015, 2016, 2017, 2018, and 2019, including any and all penalties and interest.

2. The Parties agree that, for tax year 2020 and continuing through the term of the Agreement Providing for Payment in Lieu of Taxes, Corvias shall pay the FNSB an annual PILOT amount as set forth and described in the Agreement Providing for Payments in Lieu of

Pending Air Force and Pac Life Review and Changes

Taxes Between Corvias Air Force Living, LLC and the Fairbanks North Star Borough (the "PILOT Agreement"), attached hereto as Exhibit [redacted].

3. The FNSB agrees to provide any necessary W-9s or other IRS documentation necessary to process the Past Taxes Settlement Payment.

4. The Parties agree that within three business days of the later of the FNSB's receipt of the Past Taxes Settlement Payment or of the effective date of the PILOT Agreement, Corvias will submit the necessary dismissal paperwork for filing, dismissing all of the Lawsuits with prejudice and without costs or attorney fees to either Party.

5. The Parties acknowledge that an essential element of this Settlement Agreement is that Corvias and the FNSB shall accept and perform their obligations under the PILOT Agreement as described in Exhibit [redacted] throughout the term of that Agreement.

6. In exchange for the consideration and mutual promises set forth above, each Party, on behalf of itself and all parent companies, members, partners, shareholders, subsidiaries, subcontractors, suppliers, employees, officers, directors, affiliates, predecessors and successors in interest, agents, representatives, attorneys, or assigns, hereby releases and forever discharges the other Party and its parent companies, members, partners, shareholders, subsidiaries, subcontractors, suppliers, sureties, insurers, employees, officers, directors, affiliates, predecessors and successors in interest, agents, representatives, attorneys, or assigns (collectively, "Released Parties"), from liability for all claims raised or that could have been raised in the Lawsuits, including but not limited to all claims relating to the tax value, taxability, damages, or the PILOT Agreement for the Lease Interest.

7. The Parties to this Settlement Agreement represent that they are familiar with the decision of the Alaska Supreme Court in *Witt v. Watkins*, 579 P.2d 1065 (Alaska 1978), but state that they nevertheless intend that the release contained in paragraph 6 of this Settlement Agreement shall, except as otherwise provided herein, discharge each of the Parties from liability for damages caused or enhanced or aggravated or contributed to by any of the Released Parties which were alleged or could have been alleged in the Lawsuits, whether such damage is subsequently discovered or is different in degree or kind than is now alleged, known, anticipated, or expected. It is specifically understood and agreed by the Parties that the mutual covenants herein contained are undertaken, and the consideration herein described is provided in order to obtain the release fully, finally, and completely, except as otherwise provided herein, from whatever claims, known or unknown, which may now or hereafter result from the claims settled by this Settlement Agreement, or the matters released herein.

8. It is acknowledged by the Parties to this Settlement Agreement that they are familiar with the Alaska Supreme Court decision in *Totem Marine T & B v. Alyeska Pipeline, et al.*, 584 P.2d 15 (Alaska 1978), and they specifically acknowledge freedom of choice and represent that they understand that they did not need to agree to the terms of this Settlement Agreement and they further acknowledge the availability of other reasonable alternatives and adequate remedies but have nonetheless freely, voluntarily, and intelligently chosen not to pursue

Pending Air Force and Pac Life Review and Changes

same for purposes of making with each other a full and final compromise, adjustment, and settlement of any and all claims disputed or otherwise, arising out of or in any way connected with the matters released hereinabove in paragraph 6 of this Settlement Agreement.

9. The existence and terms of this Settlement Agreement shall not be deemed an admission of liability and shall not be used in a subsequent proceeding as evidence of fault or liability.

10. This Settlement Agreement, together with the PILOT Agreement, represents and contains the entire Settlement Agreement among and between the Parties with respect to the subject matter of this Settlement Agreement. It supersedes any and all prior oral and written agreements and understandings regarding settlement and/or compromise. No supplement, modification, amendment, waiver, or termination of this Settlement Agreement shall be binding or effective unless executed in writing and signed by both Parties.

11. This Settlement Agreement and the PILOT Agreement constitute the whole agreement of the Parties, and shall be harmonized to the extent possible. Should there be any conflict between the two agreements, this Settlement Agreement shall control over the settlement of the Lawsuits and the PILOT Agreement shall control over the Corvias' payment in lieu of taxes and the FNSB's taxation of the Lease Interest. After such construction, should conflict remain, the PILOT Agreement shall prevail.

12. The Parties represent that they freely and voluntarily enter into this Settlement Agreement, without any degree of duress or compulsion.

13. This Settlement Agreement is a negotiated settlement and shall be treated as having been jointly drafted, and will not be construed against any Party as the drafter. Each Party has experienced legal counsel who have contributed to the drafting of this Settlement Agreement, therefore the Settlement Agreement shall not be construed more strictly against one Party in comparison to another.

14. In entering into this Settlement Agreement, each Party represents and warrants that it has relied upon the legal advice of its chosen legal counsel. Each Party further represents that the terms of this Settlement Agreement have been completely read by and explained to them by their legal counsel, and that these terms are fully understood and voluntarily accepted.

15. In the event that any term or provision of this Settlement Agreement is determined to be unenforceable, the remainder of this Settlement Agreement shall continue to be valid, effective, and enforceable to the fullest extent permitted by law.

16. This Settlement Agreement shall be construed in accordance with and governed by the laws of the State of Alaska. Any civil action arising from this Settlement Agreement shall be brought in the Superior Court for the Fourth Judicial District of the State of Alaska at Fairbanks.

Pending Air Force and Pac Life Review and Changes

17. Each party represents, agrees, and affirms that all persons signing on that Party's behalf are fully authorized to do so, and have full and complete authority to settle this matter as described herein. Each Party represents that their respective signatories are fully empowered to bind the Party on whose behalf the signature or signatures is/are provided.

18. This Settlement Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original; but such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Settlement Agreement in a single document or in counterparts, to be effective beginning immediately upon signature on the day and year last signed below.

CORVIAS AIR FORCE LIVING, LLC

By: _____

Its: _____

Date: _____

STATE OF _____)

) ss

COUNTY OF _____)

Personally appeared before me, _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged upon oath that such person executed the within instrument for the purposes therein contained, and who further acknowledged that such person is the Authorized Representative of CORVIAS AIR FORCE LIVING, LLC, the within named limited liability company, and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

Witness my hand, at office, this _____ day of _____, 2019.

Notary Public in and for _____

My commission expires: _____

Pending Air Force and Pac Life Review and Changes

FAIRBANKS NORTH STAR BOROUGH

By: _____

Date: _____

STATE OF ALASKA)
) ss
FOURTH JUDICIAL DISTRICT)

THIS CERTIFIES that on the ____ day of _____, 2019, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Bryce Ward, known to me to be the Mayor of the FAIRBANKS NORTH STAR BOROUGH, named in the foregoing instrument, and acknowledged to me that he, in his official capacity, is authorized by the FAIRBANKS NORTH STAR BOROUGH to execute the foregoing instrument as the free act and deed of the said FAIRBANKS NORTH STAR BOROUGH for the uses and purposes therein stated.

WITNESS my hand and official seal the date and year first above written.

Notary Public in and for Alaska
My commission expires: _____

ATTEST:

April Trickey, CMC, Borough Clerk

Date



Fairbanks North Star Borough Mayor's Office

907 Terminal Street PO Box 71267 Fairbanks, Alaska 99707-1267 (907)459-1300 FAX (907)459-1102

MEMORANDUM

To: Fairbanks North Star Borough Assembly

From: Bryce Ward, Mayor *BW for BW*

Date: December 19, 2019

Subject: Ordinance No. 2019 – 49
Corvias Air Force Living PILOT settlement agreement

Attached is an ordinance that if adopted would approve the monetary terms of a Payment In Lieu of Taxes (PILOT) agreement with the Eielson Air Force Base privatized military housing owner Corvias Air Force Living (Corvias). This ordinance would also allow the Mayor to sign the PILOT agreement.

In 2013, military housing at Eielson Air Force Base was privatized and in 2014, Borough Administration began efforts to negotiate a PILOT agreement with Corvias. On December 6, 2019, the Administration reached a tentative PILOT agreement with Corvias – the terms of the PILOT agreement are attached.

I urge your approval of this ordinance.

Attachment: Ordinance
2019 Corvias PILOT Agreement

By: Bryce Ward, Mayor
Introduced: December 19, 2019

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 - 49

AN ORDINANCE APPROVING THE MONETARY PROVISIONS OF THE AGREEMENT WITH CORVIAS AIR FORCE LIVING LLC FOR PAYMENT IN LIEU OF TAXES ("PILOT") FOR PROPERTY LEASED ON EIELSON AIR FORCE BASE PURSUANT TO THE MILITARY HOUSING PRIVATIZATION INITIATIVE ACT, AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

WHEREAS, The Alaska Constitution and state law makes private leaseholds, contracts, or interests in land or property owned by the United States, the State, or its political subdivisions, taxable to the extent of the interests; and

WHEREAS, The Alaska Legislature enacted AS 29.45.030(a)(8) which exempts property if the taxing authority enters into an agreement for the payment in lieu of taxes ("PILOT") for property located on a military base and leased pursuant to the Military Housing Privatization Initiative Act; and

WHEREAS, A similar PILOT agreement exists involving military housing units on Fort Wainwright; and

WHEREAS, A copy of the negotiated PILOT agreement is attached as Exhibit 1.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZED]

33 Section 1. Classification. This ordinance is not of a general and permanent
34 nature and shall not be codified.

35
36 Section 2. Approval of the Monetary Terms of the PILOT. The Fairbanks
37 North Star Borough Assembly approves the monetary terms of the attached PILOT
38 agreement.

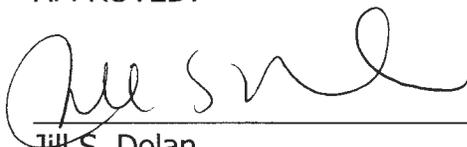
39
40 Section 3. Authorization to Sign the PILOT agreement. The Fairbanks North
41 Star Borough Assembly authorizes the Borough Mayor to sign the attached PILOT
42 agreement between the Borough and Corvias Air Force Living LLC.

43
44 Section 4. Effective date. This ordinance shall be effective at 5:00 p.m. on
45 the first Borough business day following its adoption.

46
47 ADOPTED THE _____ DAY OF _____, 2019.

48
49
50
51 _____
52 Matt Cooper
53 Presiding Officer

54 ATTEST:
55
56
57 _____
58 April Trickey, CMC
59 Borough Clerk

54 APPROVED:
55
56
57 
58 _____
59 Jill S. Dolan
Borough Attorney

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZED]

Exhibit 1 to Ordinance No. _____
PILOT Agreement with Corvias Air Force Living, LLC

**AGREEMENT
PROVIDING FOR PAYMENTS IN LIEU OF TAXES
BETWEEN
CORVIAS AIR FORCE LIVING, LLC
AND THE FAIRBANKS NORTH STAR BOROUGH**

THIS AGREEMENT PROVIDING FOR PAYMENTS IN LIEU OF TAXES ("Agreement") is made this _____ day of _____, 2019 by and between CORVIAS AIR FORCE LIVING, LLC (CORVIAS), a Delaware limited liability company ("Leaseholder"), and the FAIRBANKS NORTH STAR BOROUGH, an Alaska municipal corporation ("FNSB"). Leaseholder and FNSB may be referred to jointly as the "Parties," and each separately may be referred to as a "Party."

RECITALS

A. Whereas, Leaseholder owns, manages and maintains certain military housing units located on Eielson Air Force Base pursuant to a contract and lease with the United States of America, acting by and through the Secretary of the Air Force, entered into pursuant to the Military Housing Privatization Initiative codified at 10 U.S.C. § 2871 - 2885 (the "MHPI"); and

B. Whereas, the Alaska Legislature has enacted AS 29.45.030(a)(8), which exempts property if the taxing authority enters into an agreement for the payment in lieu of taxes ("PILOT") for property located on a military base and leased pursuant to the MHPI.

WITNESSETH:

In consideration of the mutual covenants hereinafter set forth, the Parties hereto do agree as follows:

Section 1 - DEFINITIONS

Whenever used in this Agreement, if a definition is provided below, that definition is controlling. Otherwise, terms shall have any legal definition provided by legal authorities, or their ordinary meaning. The term:

(a) "Basic Allowance for Housing" or "BAH" shall have the meaning set forth in 37 U.S.C. § 403.

(b) “Composite BAH” shall mean the weighted average BAH for the entire Project, calculated on the basis of the housing demographic matrix developed pursuant to the Lease and as shown in Appendix 1. If non-BAH rent is paid for any housing on the Project, then the Composite BAH calculation shall also include any and all such rents, as shown in Appendix 1, which is hereby incorporated by reference.

(c) “Lease” shall mean the lease agreement between the Secretary of the Air Force and CORVIAS AIR FORCE LIVING LLC, as amended, and recorded as Instrument number 2013-016511-0, dated September 6, 2013, Office of the Recorder of the State of Alaska, Fairbanks Recording District, and attached as Exhibit A to this Agreement and includes the entire Project.

(d) “Project” shall mean all interests of Leaseholder in the land, improvements, buildings, structures, fixtures, alterations and associated personal property in each case to the extent located at Eielson Air Force Base, subject to the Lease and referred to in the Lease as “Leased Premises and Leased Premises Improvements.”

(e) “Rental Unit” shall mean living quarters of one household on Eielson Air Force Base.

(f) “Taxing Body” shall mean the FAIRBANKS NORTH STAR BOROUGH, in which the property subject to the Lease is situated.

Section 2 - TERM

This Agreement shall become effective on the date it is executed by the last Party to do so (the “Effective Date”) and shall continue in force until terminated in accordance with Section 5 or the duration is changed pursuant to Section 4(d).

Section 3 - OBLIGATION OF CORVIAS AIR FORCE LIVING, LLC TO MAKE PAYMENTS IN LIEU OF TAXES

(a) So long as

(i) the land at Eielson Air Force Base that is subject to the Lease is owned by the federal government; and

(ii) the Lease remains in force and effect with respect to the applicable land and improvements at Eielson Air Force Base;

FNSB agrees that it will not levy or impose any real or personal property taxes upon the Project or upon the Leaseholder with respect to the Project on behalf of the taxing body.

During such period, the Leaseholder shall make annual payments in lieu of such taxes (herein called “Payments in Lieu of Taxes” or “PILOT”) and in payment for the public services and facilities furnished from time to time without other cost or charge for or with respect to such Project.

(b) Leaseholder shall pay FNSB an annual PILOT amount of \$600,000.00 per year as adjusted in accordance with Section 3(c). Payment of the annual PILOT amount must be made on July 1 2020, for the first year, and by July 1 in each year thereafter.

(c) By June 10, 2025 and every fifth anniversary thereafter, the annual PILOT amount payable by Leaseholder to FNSB under Section 3(b) shall be adjusted by the percentage change in (i) the Composite BAH and (ii) the number of total rental units between June 30, 2020 and the expiration of each such five-year period. The adjustment percentage shall be calculated by (i) subtracting the June 30, 2020 Composite BAH from the May 31 Composite BAH at each fifth anniversary and dividing that difference by the June 30, 2020 Composite BAH plus (ii) the result of subtracting the June 30, 2020 number of total rental units from the number of total rental units on May 31 at each fifth anniversary. The adjustment amount shall be calculated by multiplying the adjustment percentage by the \$600,000 annual PILOT amount at the Effective Date and then rounding to the nearest \$10.

For example, with the following assumptions*, at the tenth anniversary (the second fifth anniversary), the calculations would be as follow:

| | <u>June 30, 2020</u> | <u>May 31, 2030</u> |
|------------------------------|----------------------|---------------------|
| Composite BAH | \$1,970 | \$2,200 |
| Total number of rental units | 910 | 980 |

*The June 30, 2020 and May 31, 2030 values are for demonstration purposes only; note that the PILOT adjustment may increase or decrease the annual payment amount, depending on the changes to the Composite BAH and total rental units.

percentage change in Composite BAH = $(\$2,200 - \$1,970) \div \$1,970 = 11.67\%$
percentage change in total rental units = $(980 - 910) \div 910 = 7.69\%$

overall percentage adjustment = $11.67\% + 7.69\% = 19.36\%$

adjustment amount = $\$600,000 \times 19.36\% = \$116,160$
new PILOT amount = $\$600,000 + \$116,160 = \$716,160$
rounded to the nearest \$10 = $\$716,160$

Appendix 2, with the formula calculations for the five-year anniversary adjustments, is hereby incorporated by reference.

(d) Leaseholder shall certify the accuracy of the current Composite BAH and the number of total rental units relied on in subsection 3(c) for the quinquennial adjustment of the annual PILOT amounts payable by Leaseholder to FNSB.

(e) Leaseholder shall provide monthly to the FNSB Chief Financial Officer, in writing, the total number of rental units in the Project, the monthly Project occupancy of military personnel by rank and BAH, and the number of units in the Project that are being rented to tenants who are not BAH recipients (or BAH recipient dependents) and the total amount of non-BAH rents paid for any rental units in the Project. Leaseholder shall provide these monthly reports to FNSB in writing in the form reflected at Appendix 1. All occupancy, BAH, and rent data provided by Leaseholder to FNSB shall be current to within 30 days of the date that Leaseholder provides such data to FNSB.

(f) Leaseholder shall provide to the FNSB Chief Financial Officer, in writing, the data described in subsection (e) above as of June 30, 2020 and every month-end thereafter. Month-end data prior to execution of this Agreement shall be provided to FNSB within 30 days of the execution of this Agreement. Thereafter, month-end data shall be provided to FNSB within 30 days of the month-end date.

Section 4 - AMENDMENTS

(a) This Agreement shall only be amended, modified or changed by a writing, executed by authorized representatives of the Parties, with the same formality as this Agreement was executed, including approval by the Fairbanks North Star Borough Assembly if the amendment results in any monetary adjustment.

(b) The only representative of FNSB authorized to sign any amendment, modification or change to the terms and conditions of this Agreement is the Mayor of FNSB or his/her duly appointed designee. The only representative of Leaseholder authorized to sign any amendment, modification or change to the terms and conditions of this Agreement is an officer of the Leaseholder, or his/her duly appointed designee. Upon execution of this Agreement, Leaseholder shall provide to FNSB corporate documents sufficiently identifying all officers of the Leaseholder and any duly appointed designee thereof. Upon any change to its officers of the Leaseholder and any duly appointed designee thereof, Leaseholder must provide written notification to FNSB.

(c) Any attempt to amend, modify, or change this Agreement by either an unauthorized representative or unauthorized means shall be void.

(d) Any change in the duration of this Agreement must be approved in writing by FNSB and attached hereto as an amendment.

5. (e) This Agreement may be terminated in accordance with provisions of Section 5.

Section 5 - TERMINATION

This Agreement may be terminated:

- (a) By mutual consent of the Parties expressed in writing.
- (b) By FNSB if (i) the Lease is terminated; (ii) Corvias Air Force Living, LLC no longer owns or retains interest in any part of the Project; or (iii) any of the fee interest in the real property subject to the Lease is no longer owned by the United States.
- (c) For cause, by either Party where the other Party fails in any material way to perform its obligations under this Agreement. Termination under this paragraph is subject to the condition that the terminating Party notifies the other Party in writing of its intent to terminate, stating with reasonable specificity the grounds for termination, and the other Party fails to cure the default within sixty (60) days after receiving the written notice. FNSB's right to terminate this Agreement for non-payment of amounts due under this Agreement is in addition to all other rights FNSB has to collect amounts due it under this Agreement.
- (d) Automatically on September 1, 2063.

Section 6 - EFFECTS OF TERMINATION

Immediately upon the effective date of termination, the Project and the possessory interests on the federal land thereon shall become taxable to the extent otherwise provided by law, and FNSB shall assess and levy real and personal property taxes pursuant to state and local laws on the next assessment date. The annual PILOT payment due in the calendar year in which the termination is effective shall be payment for that full year. However, nothing in this Section 6 or in any other provision of this Agreement shall preclude (or be deemed or construed to preclude) the Leaseholder from contesting the validity, application, imposition, assessment or levy of real and/or personal property taxes on the Leaseholder's possessory interests on the federal land at Eielson Air Force Base pursuant to the Lease or otherwise with respect to the Project upon such termination.

Section 7 - INSPECTION AND RETENTION OF RECORDS

- (a) Leaseholder shall maintain any records to which FNSB has the right to request, inspect, and/or otherwise review relating to this Agreement for a period ending three years after the effective date of termination of this Agreement in accordance with Section 5.

(b) Upon request, and within a reasonable time, Leaseholder shall submit any documents relating to its activities under this Agreement to FNSB, in such form and at such times as FNSB may reasonably require for purposes of enforcing this Agreement. If any such documents include documents the Leaseholder considers “confidential,” Leaseholder shall mark such documents “confidential” prior to submittal to FNSB. FNSB shall keep such documents confidential, to the extent permitted by law, and will notify Leaseholder if any public records request is made that pertains to such documents so that Leaseholder may petition the court for a protective order.

(c) Upon request, and within a reasonable time, Leaseholder shall allow FNSB or any designee to inspect copies of financial reports (including any supplemental schedules) submitted to the Secretary of the Air Force. FNSB may, at its option, permit Leaseholder to submit its records to FNSB in lieu of the retention requirements of this section.

(d) If for any reason Leaseholder ceases operations under this Agreement or the Lease before the end of any record retention period provided for in such Lease, Leaseholder shall nevertheless continue to retain copies of all records described in this Section for the remainder of such record retention period.

(e) If Leaseholder fails to adequately protect relevant records and information from fire, theft, damage, deterioration or any other type of loss, or fails to submit to FNSB documents or information required by this Agreement, FNSB may, in a reasonable manner, unilaterally project the information required to calculate the PILOT under Section 3 and require payment of such PILOT in that amount.

Section 8 – ASSIGNMENTS, REVERSIONS AND OWNERSHIP

(a) The Leaseholder will notify FNSB at any time any Project property reverts to the federal government or is otherwise transferred, conveyed, or assigned to any third party. Such reversion, transfer, conveyance, or assignment to a third party (other than a full reversion to the United States) shall not release the Leaseholder of its obligations under this Agreement unless such release is consented to in writing by FNSB.

(b) If after the effective date of this Agreement, the federal government acquires ownership in the Project or in Corvias Air Force Living, LLC, or otherwise forms a joint venture between the federal government and Corvias Air Force Living, LLC that owns the Project, as expressly reflected in a duly executed document recorded in the State of Alaska, the Parties agree to reduce the PILOT amount to reflect the federal government’s express exempt ownership interest. For example, a 25 percent ownership interest obtained by the federal government would result in a 25 percent reduction in PILOT annual payment amount.

(c) Except as otherwise allowed in writing by FNSB, any assignment by Leaseholder of its obligations under any part of this Agreement or any delegation of duties under this Agreement shall be void, and any attempt by Leaseholder to assign any part of its interest or delegate its duties under this Agreement shall give FNSB the right to immediately terminate this Agreement without any liability to FNSB. Notwithstanding the foregoing, Leaseholder may assign this Agreement to an affiliate in the event the affiliate enters into the Lease, provided the assignee agrees in writing to assume all of Leaseholder's duties and obligations hereunder, and FNSB approves the assignment. Such approval shall not be unreasonably withheld.

Section 9 – LITIGATION AND PAYMENT OF PAST YEARS' TAXES

The Parties acknowledge that, concurrent with execution of this Agreement and as an essential element of this Agreement, the Parties will sign and file with the courts stipulated dismissals of all currently-pending litigation with prejudice, to include case numbers 4FA-15-01906CI [Consolidated with 4FA-15-02222CI and 4FA-16-01992CI], 4FA-17-02252CI, 4FA-18-02311CI, 4FA-19-01558CI, 4FA-19-02297CI, and S-17324. The Parties agree to bear each party's own attorney's fees and litigation costs. The Parties further agree as an essential element of this Agreement that Leaseholder will bring no future claims regarding valuation or taxability of the Project, nor any related claims, and that all such claims that Leaseholder may have or later acquire are waived by virtue of entering into this Agreement for so long as this Agreement is effective.

The Parties further acknowledge that an essential element of this Agreement requires Leaseholder to make a single lump-sum payment of \$7,000,000 to FNSB within 30 days of execution of this Agreement in settlement of taxes, penalties, and interest for tax years 2015, 2016, 2017, 2018, and 2019.

Section 10 - PERMITS AND LAWS

Leaseholder shall acquire and maintain in good standing all required permits, licenses and other entitlements necessary to its performance under this Agreement.

Section 11 - NONWAIVER

The failure of FNSB at any time to enforce a provision of this Agreement shall in no way constitute a waiver of such provision, nor in any way affect the validity of this Agreement or any part hereof, or the right of FNSB thereafter to enforce each and every provision hereof.

Section 12 - JURISDICTION; CHOICE OF LAW

Any civil action arising from this Agreement shall be brought in the Superior Court

for the Fourth Judicial District of the State of Alaska at Fairbanks. The laws of the State of Alaska and the FAIRBANKS NORTH STAR BOROUGH shall govern the rights and obligations of the Parties under this Agreement.

Section 13 - SEVERABILITY

With the express exception of Leaseholder's payment obligations to FNSB under Sections 3 and 9 of this Agreement, if any provision of this Agreement shall be held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall in no way be affected or impaired thereby, and such remaining provisions shall remain in full force and effect. The invalid, illegal or unenforceable provision shall be replaced by a mutually acceptable provision, which, being valid, legal and enforceable comes closest to the intention of the Parties underlying the invalid, illegal or unenforceable provision.

Section 14 - INTEGRATION

This instrument and all appendices and amendments hereto embody the entire Agreement of the Parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either oral or written, between the Parties or their principals and agents hereto.

Section 15 – CHANGES TO THE LAW OR OTHER LEGAL CHALLENGE TO TAXABILITY OR VALUATION

Should a change to the law, whether state or federal, result in a PILOT structure that would result in Leaseholder paying an annual amount lower than required by this Agreement, the Parties agree that payment under this Agreement will be adjusted to the lower amount.

If a court other than the Alaska Supreme Court finds that the provision of 29.45.030(a)(8) authorizing this PILOT Agreement is invalid, to the extent FNSB has standing to do so, FNSB agrees to appeal such decision to a higher appellate court unless the Parties agree no appeal shall be taken. In the event the Alaska Supreme Court finds the provision of AS 29.45.030(a)(8) authorizing this PILOT Agreement is invalid or unlawful, the Parties shall seek to remedy the invalidity, if possible, and continue this Agreement in effect. If continuing the Agreement in effect is not possible under the terms of the Court's decision, then this Agreement shall terminate and the obligation of Leaseholder for future taxes shall depend upon the state of the law as it exists after termination.

A subsequent court or administrative body determination concerning taxability and/or valuation of the property or similarly situated property shall have no effect on this

Agreement or any obligation hereunder unless specifically ordered by the Court. No party to this Agreement shall request or otherwise move for such an order. The parties specifically waive any right to a refund, deduction or increase in payment which may arise from any subsequent court order.

Section 16 - NOTICES

Any notice required pertaining to the subject matter of this Agreement shall be personally delivered, sent via facsimile (FAX) or mailed* by prepaid first class registered or certified mail, return receipt requested to the following addresses. Reports required by Subsections 2(e) and 2(f) may, alternatively, be e-mailed.

Leaseholder: Name of Leaseholder: Corvias Air Force Living, LLC
By:
Title of Agent:
Mailing Address:
Physical Address:
City, State ZIP:
Phone:

And,

FNSB: Name of Agent: Bryce Ward
Title: Mayor
Physical Address: 907 Terminal Street
Mailing Address: P.O. Box 71267
City, State, ZIP: Fairbanks, Alaska 99707
Phone, FAX: (907) 459-1300/P; (907) 459-1102/F

FNSB: Name of Chief Financial Officer: Debra L.R. Brady
Title: Chief Financial Officer
Physical Address: 907 Terminal Street
Mailing Address: P.O. Box 71267
City, State, ZIP: Fairbanks, Alaska 99707
Phone, FAX: (907) 459-1376/P; (907) 459-1379/F
E-Mail Address finance@co.fairbanks.ak.us

*Notice is effective upon the earlier of receipt or five (5) days after proper posting.

STATE OF ALASKA)
) ss
FOURTH JUDICIAL DISTRICT)

THIS CERTIFIES that on the ____ day of _____, 2019, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Bryce Ward, known to me to be the Mayor of the FAIRBANKS NORTH STAR BOROUGH, named in the foregoing instrument, and acknowledged to me that he, in his official capacity, is authorized by the FAIRBANKS NORTH STAR BOROUGH to execute the foregoing instrument as the free act and deed of the said FAIRBANKS NORTH STAR BOROUGH for the uses and purposes therein stated.

WITNESS my hand and official seal the date and year first above written.

Notary Public in and for Alaska
My commission expires: _____

DRAFT

**Appendix 2 to 2019 Corvias PILOT Agreement
Eielson Air Force Base Military Housing
Five Year Anniversary Adjustments of PILOT**

| PILOT Years | PILOT Adjustment (E _n) % Calculation | PILOT Due |
|-------------|--|----------------------|
| Year 1 | n/a | 600,000 |
| Year 2 | n/a | 600,000 |
| Year 3 | n/a | 600,000 |
| Year 4 | n/a | 600,000 |
| Year 5 | n/a | 600,000 |
| Year 6 | $E1 = ((BAH5 - BAH0) / BAH0) + ((TRU5 - TRU0) / TRU0)$ | $600,000 * (1 + E1)$ |
| Year 7 | $E1 = ((BAH5 - BAH0) / BAH0) + ((TRU5 - TRU0) / TRU0)$ | $600,000 * (1 + E1)$ |
| Year 8 | $E1 = ((BAH5 - BAH0) / BAH0) + ((TRU5 - TRU0) / TRU0)$ | $600,000 * (1 + E1)$ |
| Year 9 | $E1 = ((BAH5 - BAH0) / BAH0) + ((TRU5 - TRU0) / TRU0)$ | $600,000 * (1 + E1)$ |
| Year 10 | $E1 = ((BAH5 - BAH0) / BAH0) + ((TRU5 - TRU0) / TRU0)$ | $600,000 * (1 + E1)$ |
| Year 11 | $E2 = ((BAH10 - BAH0) / BAH0) + ((TRU10 - TRU0) / TRU0)$ | $600,000 * (1 + E2)$ |
| Year 12 | $E2 = ((BAH10 - BAH0) / BAH0) + ((TRU10 - TRU0) / TRU0)$ | $600,000 * (1 + E2)$ |
| Year 13 | $E2 = ((BAH10 - BAH0) / BAH0) + ((TRU10 - TRU0) / TRU0)$ | $600,000 * (1 + E2)$ |
| Year 14 | $E2 = ((BAH10 - BAH0) / BAH0) + ((TRU10 - TRU0) / TRU0)$ | $600,000 * (1 + E2)$ |
| Year 15 | $E2 = ((BAH10 - BAH0) / BAH0) + ((TRU10 - TRU0) / TRU0)$ | $600,000 * (1 + E2)$ |
| Year 16 | $E3 = ((BAH15 - BAH0) / BAH0) + ((TRU15 - TRU0) / TRU0)$ | $600,000 * (1 + E3)$ |
| Year 17 | (c) | (c) |

- (a) Composite BAH Year 1 shall be the amount on June 30, 2020 and every successive year's Composite BAH on May 31 shall be the amount determined using Appendix 1 as the pattern
- (b) Total Rental Units (TRU) Year 1 shall be the amount on June 30, 2020 and every successive year's TRU on May 31 shall be the amount determined using Appendix 1 as the pattern
- (c) The same pattern continues for PILOT adjustment every 5 years.

1 By: Matt Cooper
2 Marna Sanford
3 Leah Berman Williams
4 Introduced: February 13, 2020
5

6 FAIRBANKS NORTH STAR BOROUGH

7
8 RESOLUTION NO. 2020 – 11
9

10 A RESOLUTION SUPPORTING THE PLANNING AND DEVELOPMENT OF THE GREATER
11 FAIRBANKS RECREATION AREA REFUGE, A RECREATIONAL TRAIL SYSTEM AND
12 WILDLIFE AREA IN THE FAIRBANKS NORTH STAR BOROUGH
13

14 WHEREAS, Fairbanks residents enjoy using trails for different recreational
15 activities, including motorized and non-motorized use; and
16

17 WHEREAS, Citizens of the Fairbanks North Star Borough have expressed
18 interest in the creation of a more comprehensively managed trail system and wildlife area
19 located between Farmer’s Loop Road, College Road and the Steese Highway; and
20

21 WHEREAS, a well-developed and comprehensively managed trail system
22 and wildlife area will provide benefits to residents of the borough both economically and
23 by enhancing the quality of life and opportunities for outdoor recreation;
24

25 WHEREAS, These citizens are seeking support from and working with the
26 Fairbanks North Star Borough Parks and Recreation Department, the State of Alaska
27 Department of Natural Resources, other Federal Land Managers, the Alaska
28 Congressional Delegation and other local user groups to solicit funding for project
29 planning and development; and
30

31 WHEREAS, Planning and Development of this trail system will be done in
32 accordance with the Borough Comprehensive Trails Master Plan.
33

34 NOW THEREFORE BE IT RESOLVED that the Assembly of the Fairbanks
35 North Star Borough supports and encourages collaboration between Borough
36 departments, other agencies, and interested citizens to create the Greater Fairbanks
37 Recreation Area Refuge, and it endorses the work of citizens to secure external funding
38 for project planning and development.

39
40 NOW THEREFORE BE IT FURTHER RESOLVED that a copy of this resolution
41 shall be sent to the Fairbanks North Star Borough Parks and Recreation Department, the
42 State of Alaska Department of Natural Resources, Federal Land Managers, and the Alaska
43 Congressional Delegation.

44
45 ADOPTED THE _____ DAY OF _____ 2020.

46
47 _____
48 Matt Cooper
49 Presiding Officer

50
51
52 ATTEST:

53
54 _____
55 April Trickey, CMC
56 Borough Clerk

M E M O R A N D U M

TO: Fairbanks North Star Borough Assembly
THROUGH: Bryce Ward, Mayor 
FROM: Sandra Mota, Land Manager 
DATE: February 27, 2020
SUBJECT: ORDINANCE NO. 2020-07

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT AT LESS THAN FAIR RENTAL VALUE WITH THE SALCHA NORDIC SKI CLUB INC. ON BOROUGH LAND IDENTIFIED AS A PORTION OF TRACT E OF SALCHAKET BLUFF SUBDIVISION LOCATED WITHIN SECTION 16, T.5 S., R.4 E., F.M. (SALCHA ELEMENTARY SCHOOL)

Salcha Nordic Ski Club Inc. (SNSC) was founded in 1972 to promote and encourage cross country skiing and running among the youth of the Salcha community. It has operated on Salcha Elementary School grounds since the 1980's, where the club holds seasonal practices and races. SNSC also stores equipment year round in facilities by them constructed and maintained on school grounds.

This Ordinance would authorize the Mayor to enter into a 4 year term lease, with 2 renewal options of 4 years each, at less than fair rental value. FNSBC 20.16.020(D) states the assembly may authorize the mayor to lease borough land for less than fair rental value only if the Ordinance authorizing the lease contains a finding that the lease is for a compelling public purpose or use and a statement of the facts on which the finding is based. SNSC meets this requirement by promoting the health and wellbeing of students at Salcha Elementary school and in the Salcha community at large through the sport of cross country skiing and running. It also assists in providing the Salcha community with an extensive system of trails, for year round use, by routinely and expertly grooming said trails with the aid of club personnel and volunteers.

We support this resolution and urge its adoption. Thank you for your consideration.

By: Bryce Ward, Mayor
Introduced: 02/27/2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020 – 07

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT AT LESS THAN FAIR RENTAL VALUE WITH THE SALCHA NORDIC SKI CLUB INC. ON BOROUGH LAND IDENTIFIED AS A PORTION OF TRACT E OF SALCHAKET BLUFF SUBDIVISION LOCATED WITHIN SECTION 16, T.5S., R.4E., F.M. (SALCHA ELEMENTARY SCHOOL)

WHEREAS, The Fairbanks North Star Borough (Borough) holds good and equitable title to Tract E Salchaket Bluff Subdivision, according to the plat filed on March 5, 1999 as Plat No. 99-20 of the Fairbanks Recording District, Fourth Judicial District, State of Alaska; and

WHEREAS, The Salcha Nordic Ski Club Inc. (SNSC) is a non-profit corporation founded in 1972 to promote and encourage the sport of cross country skiing and running among the youth of the Salcha community by providing ski lessons, holding training and conditioning sessions, and conducting races; and

WHEREAS, The SNSC has operated on Salcha school grounds since the 1980's as a key component of the school's physical education program; and

WHEREAS, The SNSC has partnered with the Borough in the maintenance of an extensive system of trails adjoining the Salcha school grounds which serves all members of the community year round; and

WHEREAS, The SNSC requests a lease at less than Fair Rental Value with an initial term of four (4) years, and two (2) renewal options of four (4) years each; and

34 WHEREAS, FNSBC 20.16.020(D) states the Assembly may authorize the
35 Mayor to grant a lease on Borough land for less than fair rental value only if the ordinance
36 authorizing the lease contains a finding that the lease is for a compelling public purpose
37 or use and a statement of the facts on which the finding is based; and

38
39 WHEREAS, Land Management has reviewed records for the property and
40 there are no existing mining claims or other third party interests known to Land
41 Management within the proposed lease area which Land Management believes impact or
42 are impacted by the proposed lease; and

43
44 WHEREAS, Those with a known land interest in adjoining land have been
45 notified of the proposed lease.

46
47 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
48 North Star Borough:

49
50 Section 1. This ordinance is not of a general and permanent nature and
51 shall not be codified.

52
53 Section 2. Determination of a compelling public purpose or need. The
54 Assembly hereby finds that granting this lease at less than fair rental value meets the
55 conditions of a compelling public purpose or need based on the following facts:

- 56 1. The SNSC promotes the health and wellbeing of students at Salcha Elementary
57 school and in the Salcha community at large through the sport of cross country
58 skiing and running.
59 2. The SNSC assists in providing the Salcha community with an extensive system
60 of trails, for year round use, by routinely and expertly grooming said trails with
61 the aid of club personnel and volunteers.

62

63 Section 3. Authorization. The Mayor or his delegate is hereby authorized to
64 take all actions and execute all documents necessary to grant the Salcha Nordic Ski Club
65 Inc. a lease for the building identified as #1 (warming hut/gathering location) and for the
66 land on which buildings identified as #2, snowmachine shed, #3 current timing booth
67 and #4 (original timing booth) are located within a portion of Tract E, Salchaket Bluff
68 Subdivision, according to the plat filed on March 5, 1999 as Plat No. 99-20 of the
69 Fairbanks Recording District, Fourth Judicial District, State of Alaska and as shown on
70 Exhibit "A" Map, at a rental rate of one (1) dollar per year, for an initial term of four (4)
71 years, with two (2) renewal options of four (4) years each.

72
73 Section 4. Effective Date. This ordinance is effective at 5:00 p.m. on the
74 first Borough business day following its adoption.

75 ADOPTED THE _____ DAY OF _____ 2020.

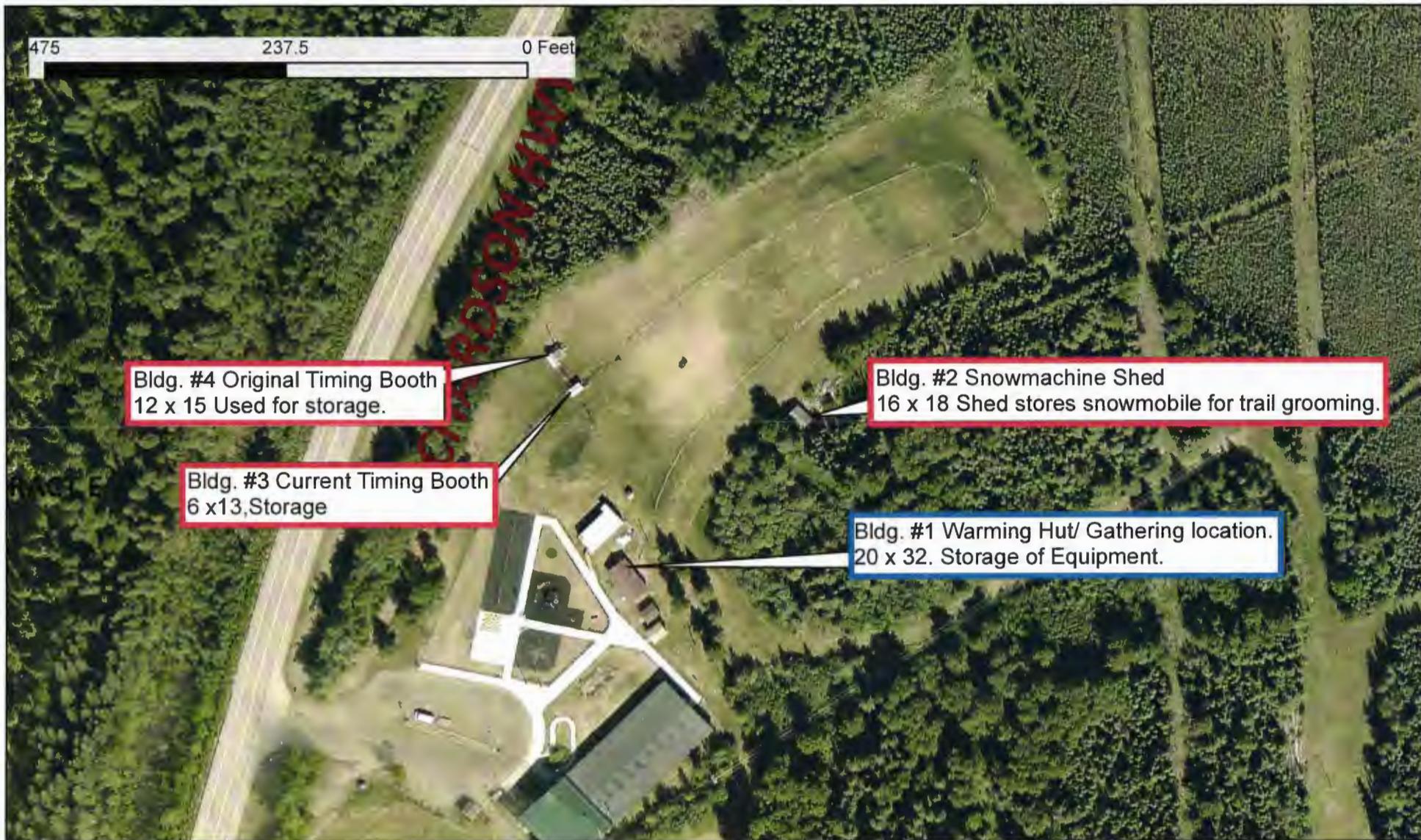
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79 _____
80 Matt Cooper
81 Presiding Officer

82 ATTEST:

83 APPROVED:

84 _____
85 April Trickey, CMC
86 Borough Clerk

87 
88 _____
89 Jill S. Dolan
90 Borough Attorney



Bldg. #4 Original Timing Booth
12 x 15 Used for storage.

Bldg. #3 Current Timing Booth
6 x 13, Storage

Bldg. #2 Snowmachine Shed
16 x 18 Shed stores snowmobile for trail grooming.

Bldg. #1 Warming Hut/ Gathering location.
20 x 32. Storage of Equipment.

EXHIBIT "A" MAP



**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A LEASE AGREEMENT WITH THE SALCHA NORDIC SKI CLUB INC .
ON BOROUGH LAND WITHIN SECTION 16, T.5 S., R.4 E.,
F.M. (SALCHA ELEMENTARY SCHOOL)**

 Leased land (building footprint)

 Leased Building





FAIRBANKS NORTH STAR BOROUGH Division of Land Management

907 Terminal St → P.O. Box 71267 → Fairbanks, Alaska 99707-1267 (907) 459-1241 → FAX (907) 459-1122

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Mayor *BW*

FROM: Sandra Mota, Land Manager *SM*

DATE: February 27, 2020

SUBJECT: Ordinance 2020-08

AN ORDINANCE AUTHORIZING ASSIGNMENT TO FAR NORTH FOUNDATION OF AUTOMOTIVE SAFETY TRAINING OF A LEASE PREVIOUSLY GRANTED BY RESOLUTION 2013-03, A RESOLUTION AUTHORIZING THE MAYOR TO GRANT A LEASE TO FAIRBANKS LIONS, INC. FOR A MOTORSPORTS COMPLEX ON A PORTION OF THE E1/2 SE1/4 SECTION 31 & W1/2 SW1/4 SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 EAST, F.M.

The attached ordinance requests authorization for concurrence with the assignment of a lease previously granted to Fairbanks Racing Lions, Inc. (FRL) by Resolution 2013-03 adopted on January 10, 2013, to their 501(c)(3) non-profit corporation, Far North Foundation of Automotive Safety Training, AK DCCED Entity No. 10038663.

Resolution 2013-03 authorized the Mayor to enter into a long term lease agreement at less than fair rental value with FRL so that the same could add to land it owned adjoining the lease area and construct a motorsports complex promoting a safe, fun and educational environment for motor sports in Interior Alaska.

FRL has to date invested in the project taking on the platting requirements under Title 17 and thereby creating the necessary legal description for the leased Tract, as well as obtaining the conditional use permit required under Title 18 Zoning regulations. Construction of the complex faces its next hurdle- Corps of Engineers permitting, which will require significant funding. In an effort to facilitate tax deductible donations by the community toward permitting and construction of the motorsports complex, FRL created a 501(c)(3) non-profit corporation, Far North Foundation of Automotive Safety Training to which it now requests authorization to transfer the lease interest. While assignment of a lease interest is not specifically addressed in Borough Code, as the resolution authorizing the lease names FRL as the lessee, it is appropriate to obtain Assembly approval for the desired assignment.

We support the ordinance and urge its adoption. Thank you.

By: Bryce J. Ward, Mayor
Introduced: 02/27/2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020 – 08

AN ORDINANCE AUTHORIZING ASSIGNMENT TO FAR NORTH FOUNDATION OF AUTOMOTIVE SAFETY TRAINING OF A LEASE PREVIOUSLY GRANTED BY RESOLUTION 2013-03, A RESOLUTION AUTHORIZING THE MAYOR TO GRANT A LEASE TO FAIRBANKS RACING LIONS, INC. FOR A MOTORSPORTS COMPLEX ON A PORTION OF THE E ½ SE ¼ SECTION 31 & W ½ SW ¼ SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 EAST, F.M.

WHEREAS, On January 10, 2013 the Assembly of the Fairbanks North Star Borough granted Fairbanks Racing Lions, Inc. a long term lease at less than fair rental value, on approximately 91 acres of land within a portion of the E ½ SE ¼ Section 31 & W ½ SW ¼ Section 32, Township 1 South, Range 2 East, F.M., to be used in the construction of a motorsports complex; and

WHEREAS, Fairbanks Racing Lions, Inc. surveyed and platted the lease area at its sole expense, thereby creating the Racing Lions Subdivision, recorded on October 15, 2015 as Plat No. 2015-36 in the Fairbanks Recording District, now more specifically describing the leased premises as Tract B, Racing Lions Subdivision; and

WHEREAS, On June 2, 2015 the Planning Commission of the Fairbanks North Star Borough granted Fairbanks Racing Lions, Inc. conditional use permit CU2014-004, approving the large scale development of a Motorsports Park within the leased area zoned as General Use-1; and

WHEREAS, Fairbanks Racing Lions, Inc., has created a 501(c)(3) non-profit corporation, Far North Foundation of Automotive Safety Training, AK DCCED Entity No. 10038663, in an effort to facilitate tax deductible donations by the community toward building said motorsports complex; and

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WHEREAS, Fairbanks Racing Lions, Inc. requests assignment of its lease to its non-profit corporation, the Far North Foundation of Automotive Safety Training; and

WHEREAS, Those compelling public purpose facts on which the lease was granted at less than fair rental value are equally applicable to the intended assignee:

1. Far North Foundation of Automotive Safety Training has the commitment to construct, operate and maintain a motorsports complex in Interior Alaska.
2. The motorsports complex will provide a safe venue for racing and will accommodate year round racing of all types and for all ages.
3. The motorsports complex will offer youth oriented programs in motor sports and instill an interest in the trades (automotive technology, welding, fabrication and machining).
4. The motorsports complex will accommodate and provide a venue for educational programs such as driver education, vehicular safety education, and emergency vehicle training.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. This ordinance is not of a general and permanent nature and shall not be codified.

Section 2. Authorization. The Fairbanks Racing Lions, Inc. is hereby authorized to assign its long term lease at less than fair rental value on Tract B of Racing Lions Subdivision, according to the plat filed October 15, 2015 as Plat No. 2015-36, Section 32, Township 1 South, Range 2 East, F.M., Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, to be used in the construction of a motorsports complex.

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65

Section 3. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

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ADOPTED THE _____ DAY OF _____ 2020.

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Matt Cooper
Presiding Officer

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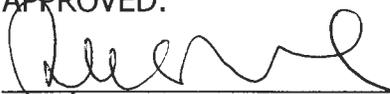
74 ATTEST:

APPROVED:

75

76

April Trickey, CMC
Borough Clerk



Jill S. Dolan
Borough Attorney

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FAIRBANKS NORTH STAR BOROUGH

809 Pioneer Road ☆ P.O. Box 71267 ☆ Fairbanks, Alaska 99707-1267

Department of Land Management

(907) 459-1241 ☆ FAX (907) 459-1122

MEMORANDUM

TO: Fairbanks North Star Borough Assembly
THRU: Luke T. Hopkins, Mayor *[Signature]*
FROM: Paul C. Costello, Director, Department of Land Management
DATE: January 10, 2013

SUBJECT: RESOLUTION NO. 2013- 03 A RESOLUTION AUTHORIZING THE MAYOR TO GRANT A LAND LEASE TO FAIRBANKS RACING LIONS, INC. FOR A MOTORSPORTS COMPLEX ON A PORTION OF THE E1/2SE1/4 SECTION 31 & W1/2SW1/4 SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 EAST, F.M. ALASKA.

The Fairbanks Racing Lions, Inc. (FRL), submitted a proposal to the Fairbanks North Star Borough (Borough) for a long-term lease of Borough owned land in North Pole for the purpose of constructing, operating, and maintaining a motorsports complex. The proposed site is situated North of the Richardson Highway and West of Badger Road as shown on the attached Exhibit "A".

FRL is a non-profit organization committed to promoting a safe, fun and educational environment for motor sports in the Interior. Incorporated in 1986, the organization has spent the past 26 years supporting racing in Fairbanks and other interior Alaska communities. Over the next 10 years, the organization plans to construct a complex that will include a community center and courses for drag racing, bike and car road races, mud and snow machine drags, snow cross, tractor pulls and possibly water/ice sports.

Safety is a major concern of the FRL, and the primary intent of the proposed motorsports complex is to provide a safe venue for all ages and all types of racing. Along with racing, the complex would also offer educational programs such as driver's education, safety education and emergency vehicle training. Youth oriented programs such as junior dragsters and high school automotive programs will also be offered to involve kids in motor sports and instill an interest in trades such as automotive technology, welding, fabrication and machining.

FRL searched for years for a flat parcel of land approximately ¾ mile in length which could accommodate the complex and drag strip. The property they found in North Pole is comprised of two private parcels purchased in 2009 and 2012 and the proposed Borough lease parcel. Preliminary review of the lease application by the Borough resulted in modifying the lease to that portion located East of the Chena Flood Control Project Channel "C" along with a 100 ft. setback from the channel top of bank. FRL will also be fencing the perimeter and installing vegetated berms to provide for noise abatement. See the attached Figure 2 Plan View.

Significant community efforts have gone into the planning and future construction of the Motorsports Complex. The Fairbanks Racing Lions and the Lions organization are providing volunteers and funding. The Laborers Union and multiple individuals have committed to construction support. Funds for the permitting and construction will come from event proceeds, sponsors, and fund raisers. This long-term, stable funding will also support the operations and maintenance of the proposed complex.

FRL applied for and obtained a wetlands permit from the Army Corps of Engineers for the project. FRL also applied for a conditional use permit from FNSB Community Planning since the project is considered a large scale development project under Title 18. And, they requested a long term, less than fair market rental lease from FNSB Land Management, for the 10 year construction phase.

The FNSB Borough Assembly may authorize the Mayor to lease Borough lands for less than fair rental value if there is a finding that the lease is for a compelling purpose or use (25.10. 030D). The proposed project not only meets this requirement as outlined in the attached resolution, but will also provide Fairbanks, North Pole and the Interior with a community facility for years to come.

I support the Fairbanks Racing Lions request and urge the adoption of this resolution. Thank you.

1 By: Luke T. Hopkins, Mayor
2 Introduced: 01/10/13
3 Adopted: 01/10/13
4

5 FAIRBANKS NORTH STAR BOROUGH

6
7 RESOLUTION NO. 2013 - 03
8

9 A RESOLUTION AUTHORIZING THE MAYOR TO GRANT A LEASE TO FAIRBANKS
10 RACING LIONS, INC. FOR A MOTORSPORTS COMPLEX ON A PORTION OF THE
11 E1/2SE1/4 SECTION 31 & W1/2SW1/4 SECTION 32, TOWNSHIP 1 SOUTH, RANGE
12 2 EAST, F.M. ALASKA
13

14 WHEREAS, the Fairbanks North Star Borough (Borough) is the owner of
15 the E1/2SE1/4 Section 31 & the W1/2SW1/4 Section 32, Township 1 South, Range 2
16 East, F.M. Alaska, and the Fairbanks Racing Lions, Inc. (FRL) has requested a long
17 term lease for the portion of these parcels situated east of the Chena Lakes Flood
18 Control Project Channel C (Borough Parcel), as shown on Exhibit "A"; and
19

20 WHEREAS, FRL is a nonprofit organization, incorporated in Alaska in
21 1986, whose mission is to promote a safe, fun and educational environment for motor
22 sports in interior Alaska; and
23

24 WHEREAS, FRL has promoted race events in the Interior over the last 26
25 years, but the use of the Fort Wainwright airstrip has been restricted by Homeland
26 Security regulations and less open land is available in Fairbanks for racing and racing
27 facilities; and
28

29 WHEREAS, FRL, since 2005, has conducted feasibility studies to locate a
30 flat parcel of land approximately three quarters of a mile in length for the motorsports
31 complex which would provide a safe venue for families in the community to participate
32 in race events; and
33

34 WHEREAS, FRL located several parcels of public and privately owned
35 land in North Pole, Alaska adjacent to the Arctic Wheels North Pole Speedway, which
36 together satisfy the requirements for the motorsports complex; and
37

38 WHEREAS, in 2009, FRL purchased a privately owned parcel adjacent to
39 the North Pole Speedway and requested a long term lease of the adjoining Borough
40 Parcel to the South, and in 2012, purchased a privately owned parcel south of the
41 Borough Parcel; and
42

43 WHEREAS, FRL submitted a wetlands permit application to the Army
44 Corps of Engineers, and the Corps completed a public notice process in December
45 2011, and issued a permit in September 2012, allowing FRL to add approximately 140
46 acres of fill to wetlands for the construction of the motorsports complex; and

47 WHEREAS, Borough departments have reviewed the request for a long
48 term lease of the Borough Parcel, along with the site plan and 10 year phased
49 construction plan, and determined that the proposed use is allowed under the current
50 zoning and comprehensive plan designation, and

51
52 WHEREAS, FRL has agreed to subdivide the described Borough Parcel
53 to conform to Title 17, Subdivision requirements, to construct the facility according to
54 the proposed ten year timeline, and provide an annual report and financial statement
55 pertaining to use of the facility.

56
57 NOW, THEREFORE, BE IT RESOLVED that the Assembly of the
58 Fairbanks North Star Borough recognizes the importance of the proposed Fairbanks
59 Racing Lions motorsports complex in terms of education, economic development and
60 public safety and hereby determines that a lease at less than fair market rental for the
61 construction, operation, and maintenance of the facility is a compelling public purpose
62 based on the following facts:

63 1. Fairbanks Racing Lions has an established record of holding
64 successful racing events for Borough residents.

65 2. Fairbanks Racing Lions, under District 49B Lions (Northern Alaska
66 & Canada), and under the Lions Club International, has the commitment to construct,
67 operate and maintain a motorsports complex in interior Alaska.

68 3. The motorsports complex will provide a safe venue for racing and
69 will accommodate year round racing of all types and for all ages.

70 4. The motorsports complex will offer youth oriented programs to
71 involve kids in motor sports and instill an interest in the trades (automotive technology,
72 welding, fabrication and machining), thereby training our youth for jobs in Alaska.

73 5. The motorsports complex will accommodate and provide a venue
74 for educational programs such as driver education, safety education, emergency
75 vehicle training, etc. critical for the continued safety of Borough residents.

76
77 BE IT FURTHER RESOLVED that the Assembly of the Fairbanks North
78 Star Borough authorizes the Mayor or his designee to take any and all actions
79 necessary to grant a long term lease at less than fair market rental to the Fairbanks
80 Racing Lions, Inc. (FRL) for approximately 91 acres, described as that portion of that
81 portion of the E1/2SW1/4 Section 31 and the W1/2SW1/4 Section 32, Township 1
82 South, Range 2 East, Fairbanks Meridian, situated East of the Chena Lakes Flood
83 Control Project Channel C subject to the following conditions:

84
85 1. FRL will be responsible for the survey and subdivision of the leased
86 lands according to Title 17 Subdivision requirements.

87 2. FRL will provide an annual report and financial statement for the
88 development, permitting, and use of the motorsports complex.

89 3. FRL's facility must be open to the public and all proceeds used for
90 the upkeep and management of the motorsports complex.

91
92

PASSED AND APPROVED THIS 10th DAY OF JANUARY, 2013.

Diane L. Hutchison
Diane Hutchison
Presiding Officer

ATTEST:

Nanci Ashford-Bingham
Nanci Ashford-Bingham, CMC, Deputy
For Mona Lisa Drexler, MMC
Municipal Borough Clerk

94

95 Ayes: Davies, Howard, Dukes, Roberts, Lawrence, Dodge, Kassel, Hutchison

96 Noes: None

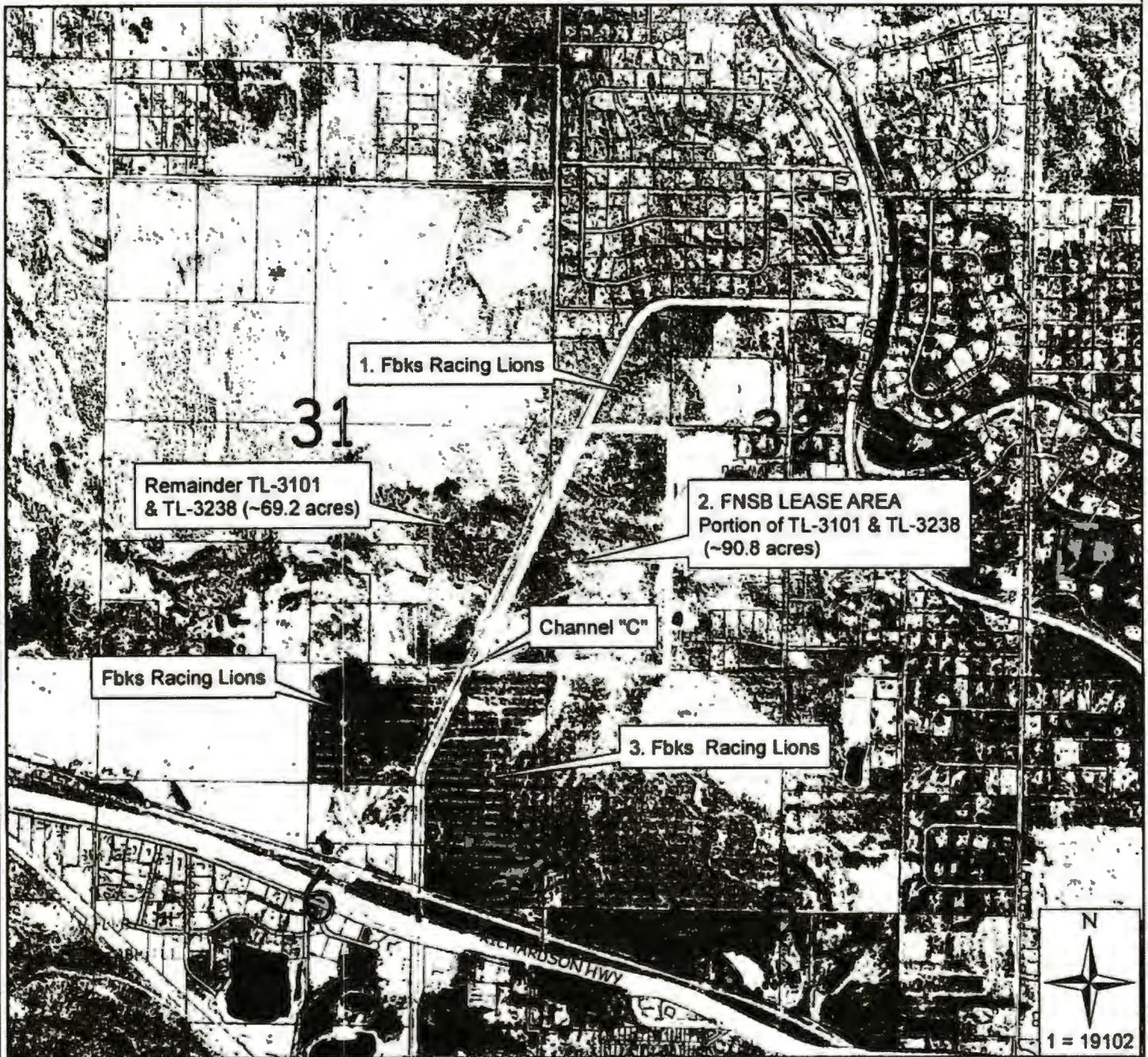
97 Excused: Sattley



Fairbanks North Star Borough

EXHIBIT "A"

12/12/2012



FAIRBANKS RACING LIONS PROPOSED MOTORSPORTS COMPLEX

**A 3/4 mile long area is needed for the drag strip/race track
(Parcels #1, #2, and #3).**

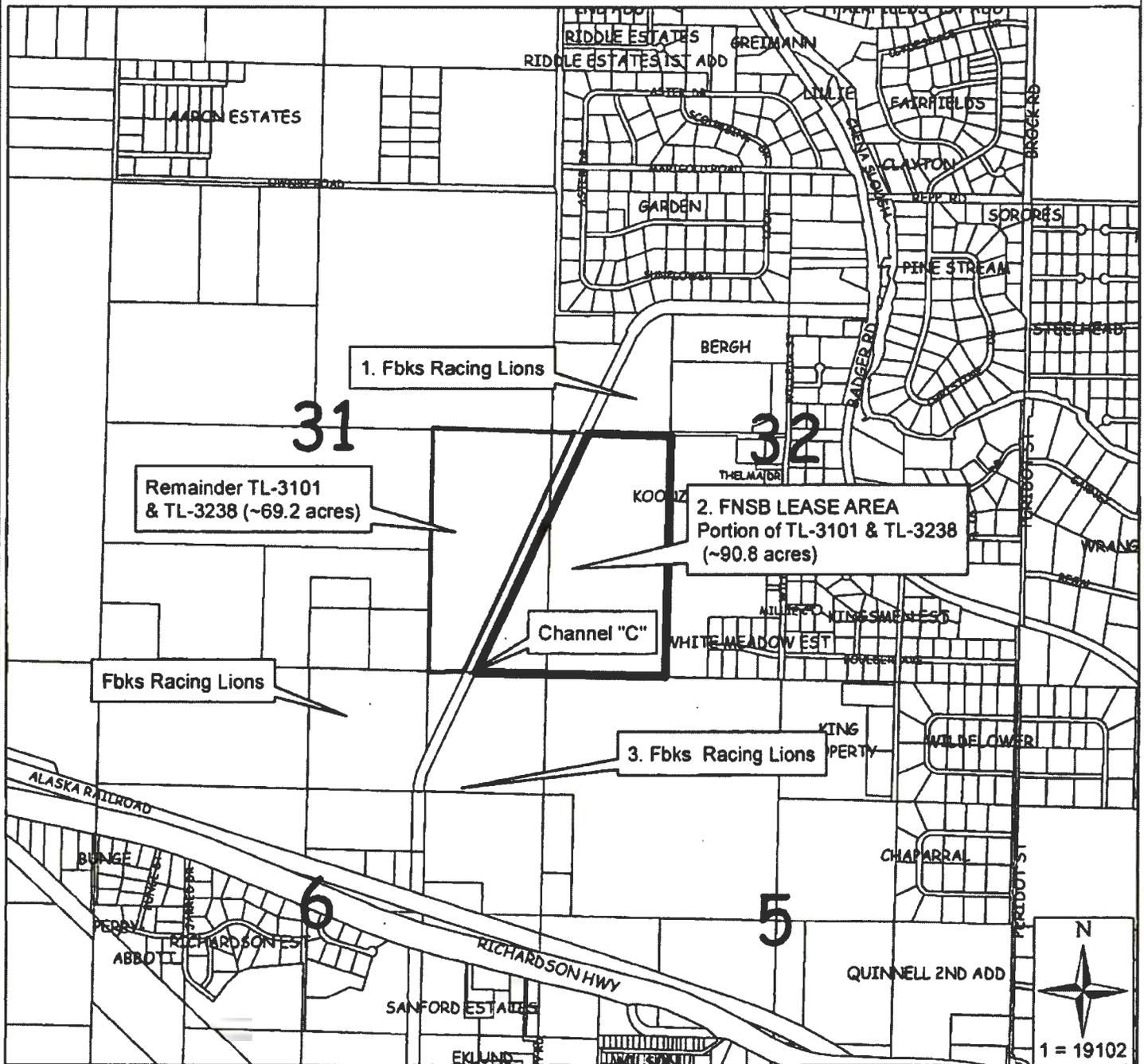
**The main access will be from Badger & Lions Road
with limited access from the Richardson Highway.**



Fairbanks North Star Borough

EXHIBIT "A"

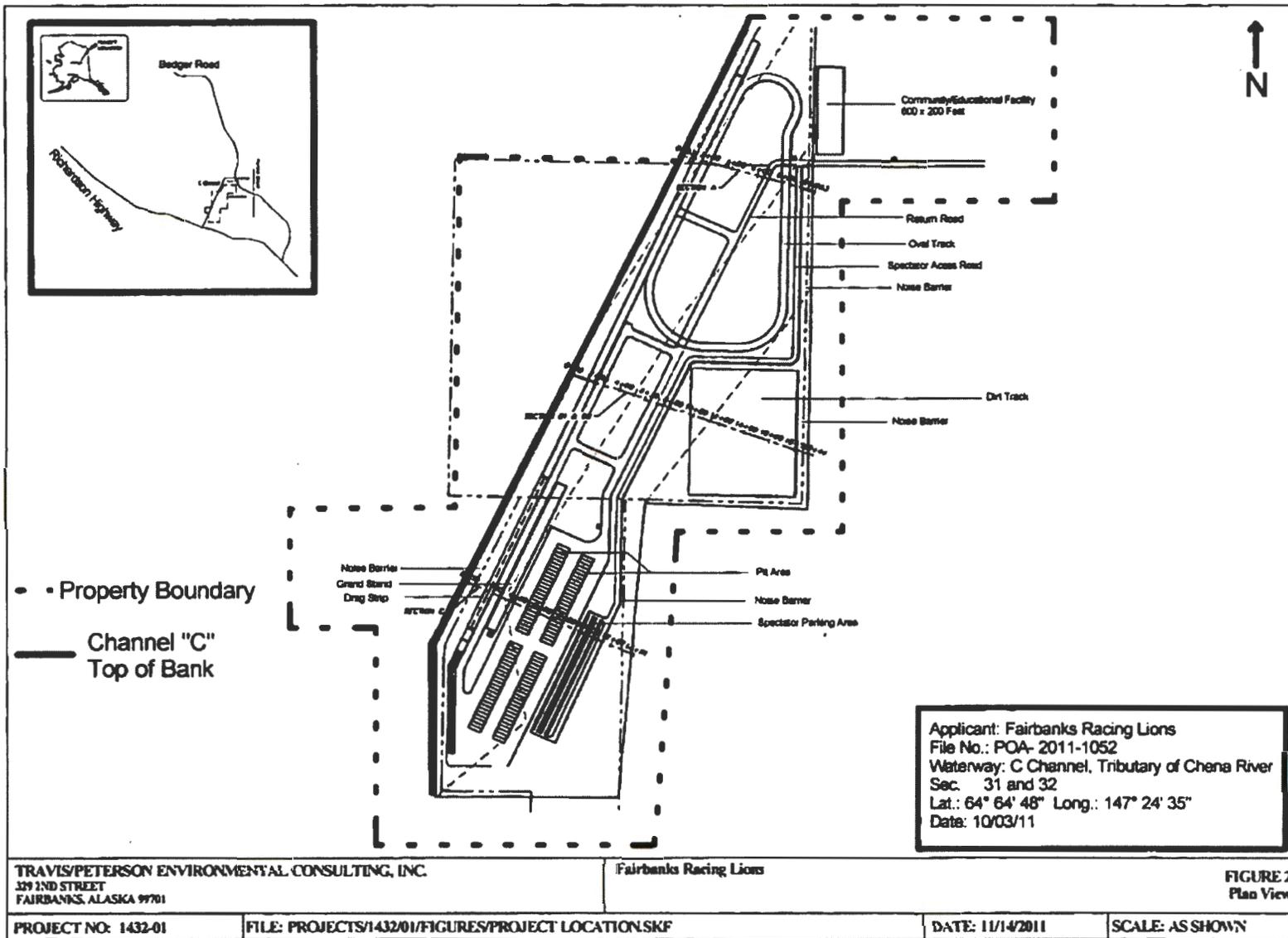
12/12/2012



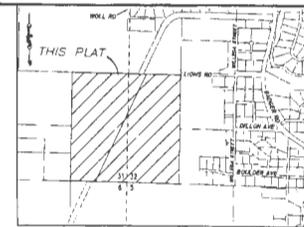
FAIRBANKS RACING LIONS PROPOSED MOTORSPORTS COMPLEX

A 3/4 mile long area is needed for the drag strip/race track
(Parcels #1, #2, and #3).

The main access will be from Badger & Lions Road
with limited access from the Richardson Highway.



This came from the computer of Sandra Motz



AREA SUMMARY

| | |
|---------|-------------|
| TRACT A | 74.184 AC. |
| TRACT B | 86.013 AC. |
| TOTAL | 160.197 AC. |

CERTIFICATE OF CORPORATE OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT THE FAIRBANKS NORTH STAR BOROUGH IS THE OWNER OF THE HEREIN SPECIFIED PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER DESIGNATED PUBLIC SPACES TO PUBLIC USE.

I FURTHER CERTIFY THAT ALL REQUIRED IMPROVEMENTS COMPLY WITH THE STANDARDS ESTABLISHED IN TITLE 17, SUBDIVISIONS, FAIRBANKS NORTH STAR BOROUGH CODE.

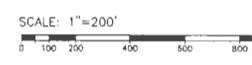
DATE June 15, 2015

Sandra Wagner
SANDRA WAGNER, Mayor
FAIRBANKS NORTH STAR BOROUGH
DIVISION OF LAND MANAGEMENT

UNITED STATES OF AMERICA)
STATE OF ALASKA)
FOURTH JUDICIAL DISTRICT)

THIS IS TO CERTIFY THAT ON THIS 15th DAY OF JUNE, 2015, BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED *Sandra Wagner* TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL IDENTIFIED AND WHO EXECUTED THE WITHIN PLAN, AND HE ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED IN HIS CAPACITY AS Mayor OF THE FAIRBANKS NORTH STAR BOROUGH AND THAT AT THE TIME HE PRESENTED THIS PLAN HE WAS CLOADED WITH THE POWER AND AUTHORITY TO SIGN THIS PLAN ON BEHALF OF SAID BOROUGH WITHIN MY HAND AND NOTORIAL SEAL THIS DAY AND YEAR THIS CERTIFICATE FIRST HEREIN WRITTEN.

Hayden J. De...
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES with 11/16



RACING LIONS SUBDIVISION

LOCATION: WITHIN E1/2 SEC1/4 SEC. 31 & W1/2 SW1/4 SEC. 32 T1S, R2E, F.M. AC.

OWNER: FAIRBANKS NORTH STAR BOROUGH
P.O. BOX 71267
FAIRBANKS, AK 99707

SURVEYOR: NORTLAND SURVEYING & CONSULTING LLC
(907) 328 DRIVEWAY STREET STE 102
FAIRBANKS, ALASKA 99701

FAIRBANKS RECORDING DISTRICT
F.N.S.B. #: SD 009-14 DESIGNED: TWH CHECKED: *RFB*
SCALE: 1" = 200' DRAWN: TWH/PJH DATE: 5-11-2015

Fairbanks Racing Lions Final.dwg

- LEGEND
- ⊗ GLO/BLM BRASS CAP ON AN IRON PIPE, RECORD
 - ⊕ PRIMARY MONUMENT FOUND, STAMPED AS NOTED.
 - ⊙ PRIMARY MONUMENT SET, STAMPED 4473-S UNLESS NOTED OTHERWISE
 - 5/8" REBAR WITH A 1 1/2" ALUM. CAP. FOUND, STAMPED 4473-S UNLESS NOTED OTHERWISE
 - 5/8" REBAR WITH A 1 1/2" ALUM. CAP. SET, STAMPED 4473-S UNLESS NOTED OTHERWISE
 - () RECORD INFORMATION
 - P.U.E. PUBLIC UTILITY EASEMENT
 - F.R.D. FAIRBANKS RECORDING DISTRICT

NOTES

1. SOILS FOR THIS SUBDIVISION ARE NORTH POLE NOOKMU COMPLEX AND USICM-NOOKMU COMPLEX PER WEB SOIL SURVEY, (2011)
2. THIS AREA IS WITHIN FLOOD ZONE "X", PER FEMA FLOODPLAIN MAP 500804448 DATED 3-17-14.
3. A SEPTIC TANK AND ITS SOIL ADSORPTION SYSTEM MAY NOT BE PLACED WITHIN 100' MEASURED HORIZONTALLY, OF ANY NATURAL OR MAN-MADE LAKE, RIVER, STREAM, CREEK OR CONATAL WATER IN THE STATE.
4. THE SOIL ADSORPTION SYSTEM MUST BE A MINIMUM OF 4 FEET ABOVE THE SEASONALLY HIGH GROUND WATER TABLE. SOILS HAVE BEEN FOUND TO BE SUITABLE FOR CONVENTIONAL ON-SITE WASTEWATER DISPOSAL SYSTEMS.
5. ALL ON-SITE WASTEWATER DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
6. THE PURPOSE OF THIS PLAT IS TO REPLAT TAX LOTS 3113 AND 3238 IN ORDER TO REFLECT THE AREA BEING LEASED TO FAIRBANKS RACING LIONS PER FINR RESOLUTION #2013-03.
7. WITNESS POINTS SET ON LINE IN ORDER TO WITNESS A 60' OFFSET FROM THE EASTERLY R.O.W. OF SHOWN C-CHANNEL, ACTUAL BOUNDARY LINE BETWEEN TRACTS IS CONTROLLED BY SET PRIMARY MONUMENTS.
8. THE LOCATION OF DRAINAGE CHANNEL "C" AS SHOWN ON THIS SURVEY WAS DETERMINED BY AN AS-BUILT SURVEY OF THE EXISTING CHANNEL.
9. THE TRACTS CREATED BY THIS SUBDIVISION MAY NOT BE FURTHER SUBDIVIDED UNTIL SUCH TIME AS LEGAL CONTRIBUTED ROAD ACCESS IS AVAILABLE TO THE BOUNDARY OF THE LOT PROPOSED TO BE SUBDIVIDED.

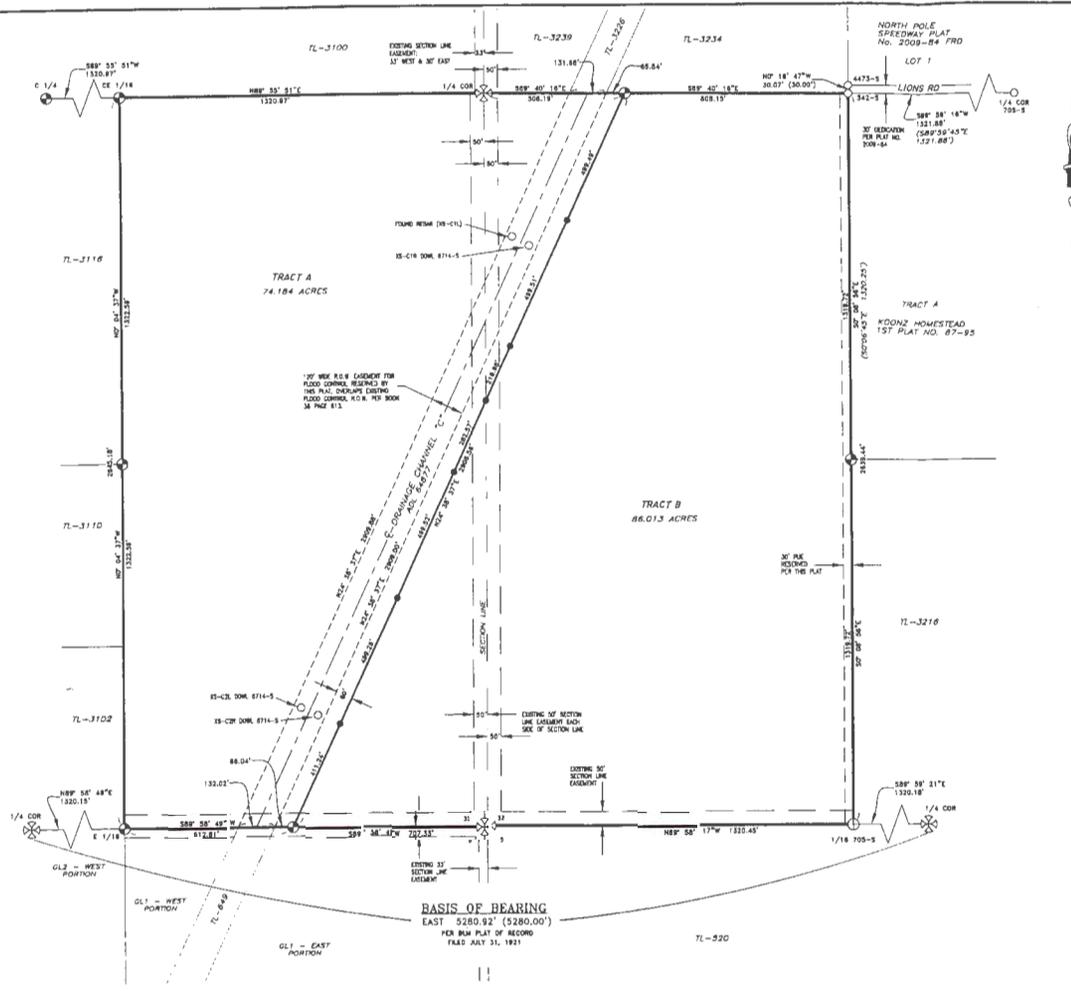
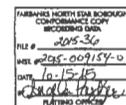
CERTIFICATE OF APPROVAL BY THE PLATING AUTHORITY

I HEREBY CERTIFY THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF CHAPTER 17.00, FINAL PLATS, OF THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES, AND THAT SAID PLAT HAS BEEN APPROVED.



CERTIFICATE OF REGISTERED LAND SURVEYOR

I, RICHARD C. HEDREN, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, DO HEREBY CERTIFY THIS PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF LANDS ACTUALLY SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION, ACCORDING TO THE STANDARDS OF TITLE 17, SUBDIVISIONS, FAIRBANKS NORTH STAR BOROUGH CODE, AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THAT ALL MONUMENTS REQUIRED HAVE BEEN SET.



CERTIFICATE OF PAYMENT OF TAXES

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED TAX COLLECTOR FOR THE FAIRBANKS NORTH STAR BOROUGH, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE FAIRBANKS NORTH STAR BOROUGH, THE FOLLOWING DESCRIBED PROPERTY IS CHARGED ON THE TAX RECORDS IN THE NAME OF Fairbanks North Star Borough

DESCRIPTION: Tracts 31 & 32 T1S R2E
TL-3238 Section 32 T1S R2E

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AND DUE AGAINST SAID LAND AND IN FAVOR OF THE FAIRBANKS NORTH STAR BOROUGH ARE NOT DELINQUENT. DATED AT FAIRBANKS, ALASKA, THIS 15th DAY OF June, 2015.

Richard C. Hedren
TAX COLLECTOR
FAIRBANKS NORTH STAR BOROUGH

RECORD COORDINATES*

| NAME | NORTHING | EASTING |
|--------|-------------|-------------|
| XS-CL1 | 1,392,778.0 | 1,420,527.0 |
| XS-CL2 | 1,392,812.0 | 1,420,527.0 |
| XS-CL3 | 1,391,288.0 | 1,419,786.2 |
| XS-CL4 | 1,391,287.0 | 1,419,786.0 |

*THE COORDINATES LISTED ABOVE ARE FROM THE RECORD OF SURVEY OF THE TAHANA RIVER LEVEL, PLAT #2010-12.
ALSO THE FOLLOWING NOTE ON SHEET ONE OF RECORD OF SURVEY PLAT #2010-12:
THE PURPOSE OF THIS RECORD OF SURVEY IS TO PROVIDE COORDINATES AND ELEVATIONS FOR MONUMENTS FOUND AND/OR SET DURING THE COURSE OF THE AFORESAID SURVEY. THIS RECORD OF SURVEY IS NOT INTENDED TO PROVIDE A CENTRAL LINE ALIGNMENT OF THE TAHANA RIVER LEVEL, FROM WHICH THE RIGHT-OF-WAY LIMITS CAN BE DEFINED.



FAIRBANKS NORTH STAR BOROUGH Division of Land Management

907 Terminal St → P.O. Box 71267 → Fairbanks, Alaska 99707-1267 (907) 459-1241 → FAX (907) 459-1122

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Mayor

FROM: Sandra Mota, Land Manager *SM*

DATE: February 27, 2020

SUBJECT: Ordinance 2020-09

AN ORDINANCE AUTHORIZING THE DIRECT SALE OF A PORTION OF TRACT A OF TRANSFER STATION SUBDIVISION, ACCORDING TO THE PLAT FILED JANUARY 17, 1997 AS PLAT NO. 97-7, WITHIN SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST, F.M., RECORDS OF THE FAIRBANKS RECORDING DISTRICT, FOURTH JUDICIAL DISTRICT, STATE OF ALASKA, TO AN ADJOINING LAND OWNER AND FINDING A PUBLIC NEED FOR SAID PORTION OF TRACT A NO LONGER EXISTS (GOLDSTREAM RD/ STEESE HWY).

The attached ordinance requests authorization for the direct sale of a portion of Borough owned land to an adjoining landowner, AJ Properties LLC. The proposed 6.49 acre sale parcel is a portion of property containing a solid waste transfer station and a fire station in the Fox area. Tract A, approximately 17.36 acres, is located just west of the Goldstream Road and the Old Steese Highway intersection. Having requested the sale as a means of continuing tailings sales and operations from adjacent lands, AJ Properties LLC foresees this approved sale as an opportunity for growth of their existing business. All adjacent landowners to Tract A have been notified of the potential direct land sale having declined to competitively bid for its purchase.

The property was conveyed to the Borough in fee simple by deed recorded on 18 November 1970 in Book 251, Page 337 of the Fairbanks Recording District. No resolution was found concerning this acquisition, however, other records indicate the parcel was intended to provide a site for the Fox School. The parcel was later referred for use as both a solid waste transfer station and emergency fire services station. Resolution No. 95-034 confirms this change in use allowing for the acquisition of additional private property to "provide access for the transfer station in Fox." Resolution No. 95-034 initiated a platting action that created the subject parcel, Tract A, of this proposed ordinance for direct sale as shown on Plat No. 97-7 F.R.D.

FNSBC 20.20.090(A) allows the sale of borough land directly to those holding a land interest in borough land or land adjoining borough land. AJ Properties LLC owns land adjoining this borough land.

The sale price will reflect the appraised fair market value (FMV) with an added ten percent of FMV as required by FNSBC 20.20.090(A). The sale would be contingent on surveying and platting of the property as required by FNSBC Title 17, at the buyer's sole expense, to establish an acceptable legal description for purposes of conveyance.

As required by FNSBC 20.20.020(A), Land Management has reviewed records for the property and there are no existing mining claims or other third-party interests known to Land Management within the proposed sale property which Land Management believes impact or are impacted by the proposed sale.

We support the ordinance and urge its adoption. Thank you.

By: Bryce Ward, Mayor
Introduced: 02/27/2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020 – 09

AN ORDINANCE AUTHORIZING THE DIRECT SALE OF A PORTION OF TRACT A OF TRANSFER STATION SUBDIVISION, ACCORDING TO THE PLAT FILED JANUARY 17, 1997 AS PLAT NO. 97-7, WITHIN SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST, F.M., RECORDS OF THE FAIRBANKS RECORDING DISTRICT, FOURTH JUDICIAL DISTRICT, STATE OF ALASKA, TO AN ADJOINING LAND OWNER AND FINDING A PUBLIC NEED FOR SAID PORTION OF TRACT A NO LONGER EXISTS (GOLDSTREAM RD/ STEESE HWY)

WHEREAS, The Fairbanks North Star Borough (Borough) holds good and equitable title to the property known as Tract A, Transfer Station Subdivision, according to the plat filed on January 17, 1997 as Plat No. 97-7, records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska; and

WHEREAS, FNSBC 20.20.090(A) states that the Assembly may, by ordinance, authorize the Mayor to sell Borough land directly to those holding a land interest in land adjoining Borough land; and

WHEREAS, AJ Properties LLC, wishes to purchase from the Borough an approximate 6.49 acre portion of Tract A, Transfer Station Subdivision; and

WHEREAS, AJ Properties LLC, owns two parcels of land adjoining the intended sale parcel, more specifically described as Tract B, Transfer Station Subdivision, according to the plat filed January 17, 1997 as Plat No. 97-7, Records of the Fairbanks Recording District, and Parcel II: The certain portion of No. 17 Below Discovery First Tier Left Limit Placer, U.S. Mineral Survey No. 1763, situated in Section 1, Township 1 North, Range 1 West, Fairbanks Meridian, Alaska, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described by Warranty Deed

35 executed on April 18, 2018, Instrument No. 2018-005625-0 recorded in the Fairbanks
36 Recording District on April 19, 2018, as shown on Exhibit Map "A" attached hereto; and
37

38 WHEREAS, Landowners of other adjoining parcels have been notified of the
39 request for sale of a portion of Tract A, Transfer Station Subdivision and given an
40 opportunity to competitively bid for acquisition of the sale parcel as provided by FNSBC
41 20.20.090(A), having declined to do so; and
42

43 WHEREAS, Tract A, Transfer Station Subdivision has no locatable document
44 retaining the land for public purpose, however, the property houses the Fox solid waste
45 transfer station, in use by the public since 1981, and the Steese Volunteer Fire
46 Department's Station No. 63; and
47

48 WHEREAS, The Borough coordinated with the Steese Fire Service Area
49 Commission at its regular meeting on December 18, 2019 who supports the sale
50 contingent on a 50-foot buffer from their operations, creating a sale area of approximately
51 6.49 acres; and
52

53 WHEREAS, Said proposed sale parcel will be subdivided from the parent
54 parcel by platting action which will incorporate the requested 50-foot buffer from the
55 Steese Fire Service operations; and
56

57 WHEREAS, The proposed sale parcel will not affect current operations of
58 the existing Fox transfer station and safeguards, should the need arise, future expansion
59 of the same within the remaining retained land; and
60

61 WHEREAS, There is no foreseeable public use for the intended 6.49 acre
62 sale parcel; and
63

64 WHEREAS, Land Management has reviewed records for the property and
65 there are no existing mining claims or other third-party interests known to Land
66 Management within the proposed sale property which Land Management believes impact
67 or are impacted by the proposed sale.

68
69 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
70 North Star Borough:

71
72 Section 1. Classification. This ordinance is not of a general and permanent
73 nature and shall not be codified.

74
75 Section 2. Authorization. The parcel proposed for sale meets the
76 conditions of FNSBC 20.20.090 for a direct sale to the adjoining landowner. The Borough
77 Mayor is authorized to take all actions and execute all documents necessary to convey
78 the Borough's interest in that portion of Tract A, Transfer Station Subdivision, according
79 to the Plat filed January 17, 1997 as Plat No. 97-7, records of the Fairbanks Recording
80 District, Fourth Judicial District, State of Alaska within Section 1, T.1N, R.1W, F.M., shown
81 on Exhibit "A" Map, to AJ Properties, LLC by Warranty Deed at ten percent above fair
82 market value and as a cash sale.

83
84 Section 3. Release of Property Held For Public Purpose. The assembly finds
85 a public purpose for the portion of Tract A intended for sale no longer exists.

86
87 Section 4. Condition to the Sale. Conveyance is subject to surveying and
88 platting of the sale parcel at the buyer's sole expense.

89
90 Section 5. Effective Date. This ordinance shall be effective at 5:00 p.m. on the
91 first Borough business day following its adoption.

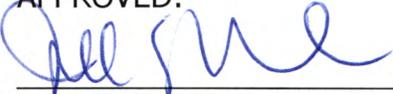
92

ADOPTED THE _____ DAY OF _____ 2020.

Matt Cooper
Presiding Officer

ATTEST:

APPROVED:



April Trickey, CMC
Borough Clerk

Jill S. Dolan
Borough Attorney

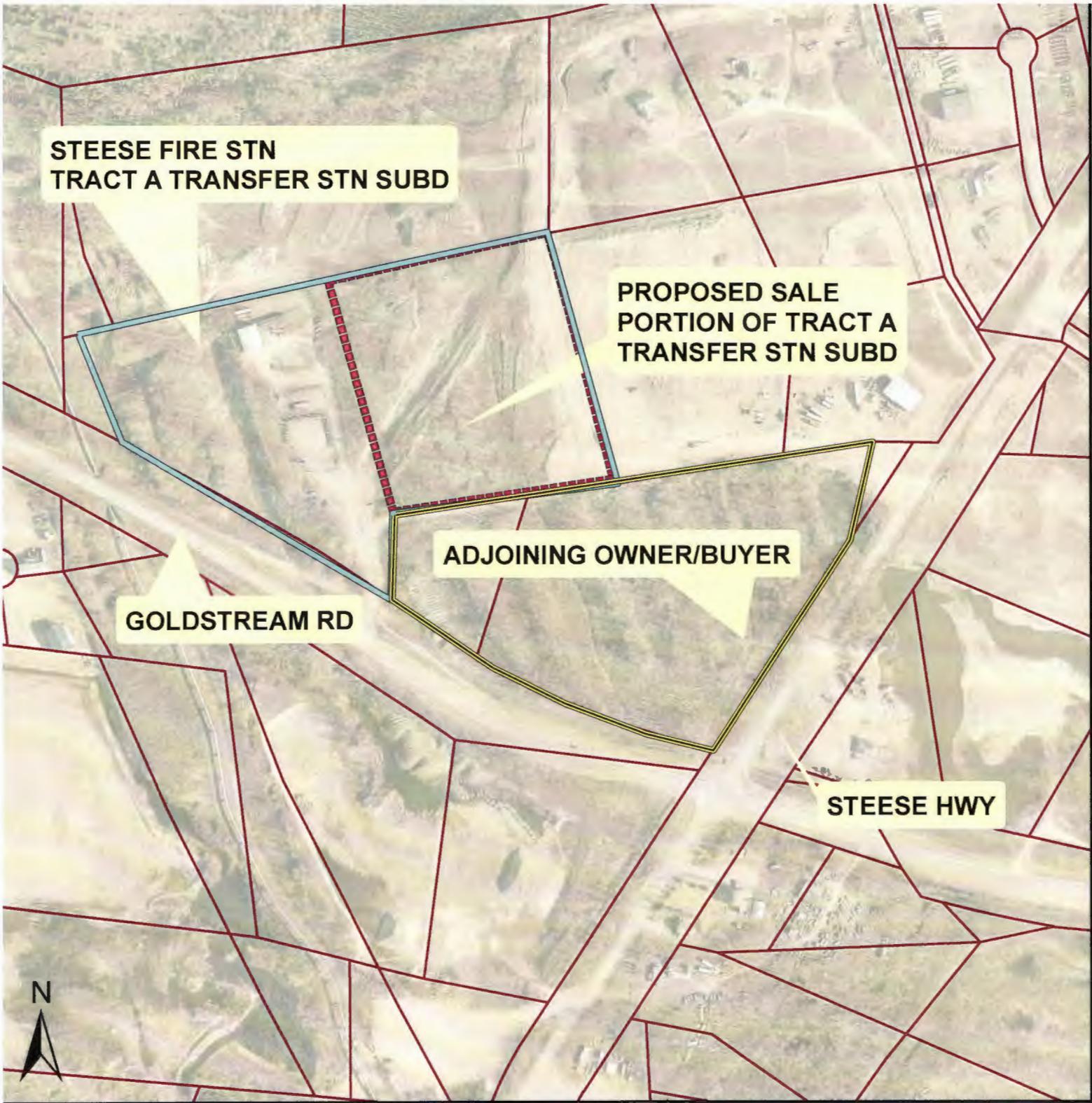


EXHIBIT A MAP



-  Adjoining Owner/Buyer
-  Sale
-  Steese Stn Tract

AN ORDINANCE AUTHORIZING THE DIRECT SALE OF A PORTION OF TRACT A OF TRANSFER STATION SUBDIVISION TO AN ADJOINING LAND OWNER AND FINDING A PUBLIC NEED FOR SAID PORTION OF TRACT A NO LONGER EXISTS (GOLDSTREAM RD/ STEESE HWY).