

FAIRBANKS NORTH STAR BOROUGH  
Regular Assembly Meeting  
April 22, 2010  
6:00 p.m.

A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, April 22, 2010, in the Assembly Chambers of the Borough Administrative Offices, 809 Pioneer Road, Fairbanks, Alaska.

There were present:

Mike Musick, Presiding Officer and

Guy Sattley	Hank Bartos
Matt Want	Nadine Winters
Joseph Blanchard II	Kelly Brown
Natalie Howard	Tim Beck

Comprising a quorum of the Assembly, and

Luke T. Hopkins, Borough Mayor  
Jeff Jacobson, Chief of Staff  
Jill Dolan, Assistant Borough Attorney  
Bernardo Hernandez, Director, Community Planning  
David Gibbs, Director, Emergency Operations  
Paul Costello, Director, Land Management  
Michael Cox, Director, Parks and Recreation  
Scott Johnson, Director, Public Works  
Glenn Miller, Director, Transportation  
Sue Hull, School Board Representative  
Mayor Doug Isaacson, North Pole Representative  
Mona Drexler, Borough Clerk  
Nanci Ashford, Deputy Borough Clerk

ABSENT & EXCUSED

None

## **APPROVAL OF AGENDA AND CONSENT AGENDA**

*Track 1, 1:58*

The following items were removed from the consent agenda:

### **By Assemblymember Sattley under “Consideration of Calendar – New Business – Resolutions”:**

RESOLUTION NO. 2010-23. A Resolution Requesting And Authorizing Appropriate Memorandums Of Agreement Giving The Fairbanks North Star Borough The Primary Leadership Role In Preparation Of The Environmental Review, Design And Other Activities Necessary To Expedite The Realignment Of The Alaska Railroad From Sheep To Moose Creek And Transferring Any Available Funding For The Project To The Borough. (Sponsor: Assemblymember Bartos)

### **By Assemblymember Beck & Bartos under “Consideration of Calendar – New Business – Ordinances to be introduced and advanced”:**

ORDINANCE NO. 2010-27. An Ordinance Authorizing The Mayor To Release The Deed Covenants And Restrictions Placed On Grieme Road Agricultural Subdivision Lots 1, 2, And 3. (Sponsor: Mayor Hopkins)

The Clerk read the consent agenda.

BECK, moved to approve the agenda and  
Seconded by WINTERS consent agenda.

WITHOUT OBJECTION, SO ORDERED.

## **APPROVAL OF MINUTES**

*Track 1, 1:58*

a. Regular Assembly Meeting minutes of April 8, 2010.

BECK, moved to approve the agenda and  
Seconded by WINTERS consent agenda.

WITHOUT OBJECTION, SO ORDERED.

## **CITIZEN’S COMMENTS**

*Track 1, 9:33*

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.

## **CITIZEN'S COMMENTS - continued**

Mitch Loveless, resident of the Borough, commented on his concerns regarding Ordinance No. 2010-27 and his hope that the ordinance would be advanced to a future date that would allow the people who lived in the area to come out and testify. Mr. Loveless further discussed the ordinance and the proposed removal of restrictions on the property.

Wendy Anderson, resident of the Borough, thanked the Assembly for approving Resolution No. 2010-22 authorizing the Mayor to enter into a lease with the Alaska Federation For Community Self Reliance, Inc. for a Community Garden Site.

Nora Gruner, resident of the Borough, thanked the Assembly for approving Resolution No. 2010-22 authorizing the Mayor to enter into a lease with the Alaska Federation For Community Self Reliance, Inc. for a Community Garden Site.

Peter Rinkleff, resident of the Borough, thanked the Assembly for approving Resolution No. 2010-22 authorizing the Mayor to enter into a lease with the Alaska Federation For Community Self Reliance, Inc. for a Community Garden Site.

Alvis Taylor, resident of the Borough, spoke in opposition to Ordinance No. 2010-27.

Bob Thomas, resident of the Borough, spoke in support of Resolution No. 2010-23, giving the Borough the primary leadership role in preparation of the environmental review, design and other activities necessary to expedite the realignment of the Alaska Railroad from Sheep Creek Road to Moose Creek and transferring any available funding for the project to the Borough.

Don Lowell, resident of the Borough and member of the Rail Safety Development Group gave a brief history of the project and spoke in support of Resolution No. 2010-23, giving the Borough the primary leadership role in preparation of the environmental review, design and other activities necessary to expedite the realignment of the Alaska Railroad from Sheep to Moose Creek and transferring any available funding for the project to the Borough.

Robert Gilmore, resident of the Borough, owner of Gilmore Construction and the person who owns the property and who had begun gravel extraction on Grieme Road. He received a cease and desist order from the Land Management Department and would like to get back to work. He spoke in support of Ordinance No. 2010-27.

Bob Henszey, resident of the borough spoke in support of Ordinance No. 2009-55, Amending Title 15 regarding Floodplain Management.

## **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).

None

## **COMMUNICATIONS TO THE ASSEMBLY**

*Track 1, 8:18*

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

Mayor Doug Isaacson commented on:

- The passing of Carol Henry
- Commemoration of the passing of past Fire Chief Tom Munk
- Mention of those who contributed to last year's Christmas on Ice
- The last FEDCo Board Meeting
- A new pelletizing plant that is being constructed in North Pole

- c. Report from the School Board Representative.
- d. Bid Award: IFB No. 10037  
Animal Shelter Fire Alarm System Upgrade & Miscellaneous  
Repairs

*Track 1, 1:58*

Approval of Base Bid and Alternates No. 1 and 2 as submitted by Armstrong Construction, Inc. in the amount of \$182,270.00.

BECK,  
Seconded by WINTERS

moved to award IFB No. 10037 to  
Armstrong Construction, Inc. for the Base Bid  
and Alternate No. 1 and 2 in the amount of  
\$182,270.00.

Without objection the measure was introduced, read and approved by title only.

WITHOUT OBJECTION, SO ORDERED.

## **MESSAGES FROM THE BOROUGH MAYOR**

None

## **REPORTS OF SPECIAL AND STANDING COMMITTEES**

Assemblymember Howard commented on the Trails Advisory Commission.

Assemblymember Sattley commented on the Land Advisory Commission.

Assemblymember Musick commented on the Recycling Task Force.

## **SPECIAL ORDERS – PUBLIC HEARING**

a. Restaurant Designation Application

*Track 2, 1:04*

Food Factory – License #3381

Jeff Jacobson, Chief of Staff, gave a staff report.

The presiding officer called for testimony, there being none public hearing was closed.

BECK, moved to approve application.  
Seconded by WINTERS

VOTE ON MOTION TO APPROVE APPLICATION.

Ayes: Howard, Winters, Brown, Want, Blanchard,  
Beck, Bartos, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

b. Liquor License – Transfer – Restaurant/Eating Place – License #3381

*Track 2, 2:53*

From: Food Factory  
There From Here, Inc.  
44 College Road

To: Food Factory  
CNR Enterprises, LLC  
44 College Road

Jeff Jacobson, Chief of Staff, gave a staff report.

The presiding officer called for testimony, there being none public hearing was closed.

**PUBLIC HEARING – continued**

BECK, moved to file no protest.  
Seconded by BLANCHARD

VOTE ON MOTION TO FILE NO PROTEST.

Ayes: Howard, Winters, Brown, Want, Blanchard,  
Beck, Bartos, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- c. ORDINANCE NO. 2009-20-2C. An Ordinance Amending The FY 2009-10 Budget By Appropriating \$1,200,500 In State Grant Funding And \$864,325 From The Facilities Maintenance Reserve To The Capital Projects Fund For The Pioneer Park Water And Sewer Enhancement.  
(Sponsor: Mayor Hopkins)  
*Track 2, 4:40*

Scott Johnson, Director of the Department of Public Works, gave a staff report.

The presiding officer called for testimony, there being none public hearing was closed.

BECK, moved to adopt.  
Seconded by BROWN

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2009-20-2C.

Ayes: Howard, Winters, Brown, Want, Blanchard,  
Beck, Bartos, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- d. ORDINANCE NO. 2009-20-2D. An Ordinance Amending The FY 2009-10 Budget By Appropriating \$3,385,568 In State Grant Funding For Pioneer Park Access Safety Improvements And Alterations And Improvements To Pioneer Park Parking Lot. (Sponsor: Mayor Hopkins)  
*Track 2, 8:43*

Scott Johnson, Director of the Department of Public Works, gave a staff report.

The presiding officer called for public testimony.

**PUBLIC HEARING – continued**

Mike Prax, resident of the Borough, commented on his concerns over the amount of funding being put into Pioneer Park.

The presiding officer called for testimony, there being none public hearing was closed.

WINTERS, moved to adopt.  
Seconded by BROWN

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2009-20-2D.

Ayes: Howard, Winters, Brown, Want, Blanchard,  
Beck, Bartos, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- e. ORDINANCE NO. 2010-18. An Ordinance Deleting FNSBC 25.25.020, Amending FNSBC 2.80.020, And Amending FNSBC 2.37.070 In Order To Change The Manner Of Accounting For The Land Management Department From An Enterprise Fund To The General Fund And A Land Revenue Reserve And To Change The Accounting For The Chena Riverfront Trust From An Enterprise Fund To A Special Revenue Account And Establishing And Amending The FY 2009-10 Budget By Lapsing, Reappropriating, And Appropriating Amounts In The General, Transit Enterprise, Land Enterprise, Land Revenue Reserve, And Special Revenue/Capital Projects Funds. (Sponsor: Mayor Hopkins)

*Track 2, 14:05*

Debbie Brady, Department of Financial Services, gave a staff report.

The presiding officer called for testimony, there being none public hearing was closed.

WINTERS, moved to adopt.  
Seconded by BROWN

Discussion ensued.

**PUBLIC HEARING – continued**

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-18.

Ayes: Howard, Winters, Brown, Want, Blanchard,  
Beck, Bartos, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- f. ORDINANCE NO. 2010-19. An Ordinance Of The Assembly Of The Fairbanks North Star Borough, Alaska, Accepting The Withdrawal Of The North Slope Borough From The Alaska Gasline Port Authority.  
(Sponsor: Assemblymember Beck)  
*Track 2, 19:22*

**Clerk's Note: Mona Lisa Drexler, Borough Municipal Clerk, called Bert Cottle, Chairman, Alaska Gasline Port Authority, so that he could be available to answer questions telephonically.**

Assemblymember Beck commented on the ordinance.

The presiding officer called for public testimony.

Mike Prax, resident of the Borough, spoke in support of the ordinance.

The presiding officer called for testimony, there being none public hearing was closed.

BECK, moved to adopt.  
Seconded by SATTLEY

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-19.

Ayes: Howard, Winters, Brown, Want, Blanchard,  
Beck, Bartos, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

WINTERS, moved to immediately reconsider.  
Seconded by BARTOS

**PUBLIC HEARING – continued**

VOTE ON MOTION TO IMMEDIATELY RECONSIDER ORDINANCE NO. 2010-19.

Ayes: Beck

Noes: Howard, Winters, Brown, Want, Blanchard,  
Bartos, Sattley, Musick

MOTION FAILED 1 Ayes, 8 Noes

**CONSIDERATION OF CALENDAR – Unfinished Business**

**NOTICE OF RECONSIDERATION FILE BY ASSEMBLYMEMBER BECK**

- a. ORDINANCE NO. 2009-55. An Ordinance Amending Title 15 In Order To Comply With The National Flood Insurance Program And Adding Title 15 Offenses To The Fine Schedule In FNSBC 1.04.050. (Sponsor: Mayor Hopkins)  
*Track 2, 41:54*  
*Track 3, 0:00*  
*Track 4, 0:00*

Mayor Hopkins commented on the ordinance.

BECK, moved to reconsider.  
Seconded by BARTOS

VOTE ON MOTION TO RECONSIDER ORDINANCE NO. 2009-55.

Ayes: Howard, Winters, Brown, Blanchard, Beck,  
Bartos, Sattley, Musick

Noes: Want

MOTION CARRIED 8 Ayes, 1 Noes

SATTLEY, moved to substitute.  
Seconded by BECK

Discussion ensued.

**UNFINISHED BUSINESS – continued**

VOTE ON MOTION TO SUBSTITUTE ORDINANCE NO. 2009-55.

Ayes: Howard, Winters, Brown, Want, Blanchard,  
Beck, Bartos, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

Discussion continued.

BECK, moved to amend page 38, line 1047  
Seconded by SATTLEY by adding the words “are exempt” and deleting  
“provided that the criteria in subsection (c) are  
met and only”

VOTE ON MOTION TO AMEND ORDINANCE NO. 2009-55.

Ayes: Howard, Brown, Want, Beck, Sattley

Noes: Blanchard, Winters, Bartos, Musick

MOTION CARRIED 5 Ayes, 4 Noes

WANT, moved to amend page 40, line 1106  
Seconded by SATTLEY by changing “seven days” to “90 days”.

Responding to a question from Mayor Hopkins, Assemblymember Want explained his reasoning behind proposing the amendment.

VOTE ON MOTION TO AMEND ORDINANCE NO. 2009-55.

Ayes: Want, Howard, Beck, Sattley, Musick

Noes: Blanchard, Winters, Bartos, Brown

MOTION CARRIED 5 Ayes, 4 Noes

**UNFINISHED BUSINESS – continued**

BROWN,  
Seconded by WINTERS

moved to amend and reinstate lines 121 – 126 “Critical facility’ means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.” and lines 722-740 “G. Critical Facilities. The following additional standards apply to critical facilities: 1. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. 2. Critical facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. 3. Access to and from the critical facility should be protected to the height utilized above. 4. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. 5. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

The motion was briefly discussed.

VOTE ON MOTION TO AMEND ORDINANCE NO. 2009-55.

Ayes: Winters, Beck, Brown, Blanchard, Bartos,  
Musick

Noes: Howard, Want, Sattley

MOTION CARRIED 6 Ayes, 3 Noes

**UNFINISHED BUSINESS – continued**

WINTERS,  
Seconded by BROWN

moved to amend and remove proposed language in E(1) and replace with the language from page 33 lines 896 – 912 describing hazardous materials. The new “E(1)” would read “1. Within a special flood hazard area, all persons shall store, except for incidental use, those materials which have a low ignition point, burn intensely, or explode violently, spread widely or otherwise are likely to cause injury, death and property damage, including, but not limited to, those substances identified in 40 CFR 116 (which designates hazardous materials under section 311(b)(2)(A) of the Federal Water Pollution Control Act), according to the following: a. All storage structures and containers shall be either: 1. Elevated to one foot above the base flood elevation; or 2. Adequately floodproofed to prevent flotation or leakage due to aging or damage b. All pipelines necessary for the storage and transfer of hazardous materials shall have anti backflow valves to prevent contamination during flooding.”

Discussion on the amendment ensued.

VOTE ON MOTION TO AMEND ORDINANCE NO. 2009-55.

Ayes: Blanchard, Beck, Brown, Want, Winters,  
Bartos, Sattley, Musick

Noes: Howard

MOTION CARRIED 8 Ayes, 1 Noes

Discussion on the ordinance continued.

BROWN,  
Seconded by BECK

moved to amend page 4, line 115 and 116 after the “.” Delete the words “Accessory structures are no larger than 576 square feet.”

Assemblymember Brown explained her proposed amendment.

**UNFINISHED BUSINESS – continued**

Discussion ensued.

VOTE ON MOTION TO AMEND ORDINANCE NO. 2010-55

Ayes: Blanchard, Beck, Brown, Want, Winters,  
Bartos, Sattley, Howard, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-55 AS SUBSTITUTED AND AMENDED.

Ayes: Blanchard, Beck, Brown, Want, Winters,  
Bartos, Sattley, Howard, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

The Assembly recessed and reconvened.

WINTERS, moved to immediately reconsider  
Seconded by BARTOS Ordinance No. 2010-55.

VOTE ON MOTION TO IMMEDIATELY RECONSIDER ORDINANCE NO 2010-55.

Ayes: Beck

Noes: Blanchard, Brown, Want, Winters, Bartos,  
Sattley, Howard, Musick

Clerk's Note: Assemblymember Beck changed his vote for "Aye" to "No".

MOTION FAILED 0 Ayes, 9 Noes

**CONSIDERATION OF CALENDAR – New Business – Resolutions**

- a. RESOLUTION NO. 2010-20. A Resolution Adopting Fairbanks North Star Borough 2009 Population As 98,660 As Determined By The 2009 Census Bureau Population Estimate. (Sponsor: Mayor Hopkins)  
*Track 1, 1:58*

**NEW BUSINESS – RESOLUTIONS – continued**

Without objection the measure was introduced, read and approved by title only.

BECK, moved to adopt.  
Seconded by WINTERS

WITHOUT OBJECTION, SO ORDERED.

- b. RESOLUTION NO. 2010-21. A Resolution Authorizing The Mayor To Submit To The State Of Alaska An Application For A Federal Land And Water Conservation Fund Matching Grant For Development Of Tanana Lakes Recreation Area. (Sponsor: Mayor Hopkins)  
*Track 1, 1:58*

Without objection the measure was introduced, read and approved by title only.

BECK, moved to adopt.  
Seconded by WINTERS

WITHOUT OBJECTION, SO ORDERED.

- c. RESOLUTION NO. 2010-22. A Resolution Authorizing The Mayor To Enter Into A Less Than Fair Market Rental Lease Agreement With The Alaska Federation For Community Self Reliance, Inc. For A Community Garden Site Within Tract B, Hamilton Acres Reserve Subdivision. (Sponsor: Mayor Hopkins)  
*Track 1, 1:58*

Without objection the measure was introduced, read and approved by title only.

BECK, moved to adopt.  
Seconded by WINTERS

WITHOUT OBJECTION, SO ORDERED.

- d. RESOLUTION NO. 2010-23. A Resolution Requesting And Authorizing Appropriate Memorandums Of Agreement Giving The Fairbanks North Star Borough The Primary Leadership Role In Preparation Of The Environmental Review, Design And Other Activities Necessary To Expedite The Realignment Of The Alaska Railroad From Sheep To Moose Creek And Transferring Any Available Funding For The Project To The Borough. (Sponsor: Assemblymember Bartos)  
*Track 4, 12:56*

**Clerk's Note: This item was removed from the consent agenda by Assemblymember Sattley at the beginning of the meeting.**

**NEW BUSINESS – RESOLUTIONS – continued**

SATTLEY,  
Seconded by BLANCHARD

moved to adopt.

Discussion ensued.

BROWN,  
Seconded by BECK

moved to advance to June 10, 2010;  
refer to the Committee of the Whole on June 3,  
2010.

VOTE ON MOTION TO ADVANCE RESOLUTION 2010-23.

Ayes: Brown, Beck, Bartos

Noes: Want, Blanchard, Winters, Howard, Sattley,  
Musick

MOTION FAILED 3 Ayes, 6 Noes

BROWN,  
Seconded by BECK

moved to delete lines 57 – 63.

Discussion ensued.

VOTE ON MOTION TO AMEND RESOLUTION NO. 2010-23.

Ayes: Want, Howard, Brown, Bartos, Beck,  
Blanchard, Musick

Noes: Winters, Sattley

MOTION CARRIED 7 Ayes, 2 Noes

BECK,  
Seconded by SATTLEY

moved to amend and delete lines 71-74  
the first “Be It Further Resolved”.

Discussion ensued.

**NEW BUSINESS – RESOLUTIONS – continued**

VOTE ON MOTION TO AMEND RESOLUTION NO. 2010-23.

Ayes: Want, Howard, Brown, Bartos, Beck,  
Blanchard, Sattley, Musick

Noes: Winters

MOTION CARRIED 8 Ayes, 1 Noes

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2010-23 AS AMENDED.

Ayes: Blanchard, Brown, Beck, Bartos, Musick

Noes: Want, Howard, Winters, Sattley

MOTION CARRIED 5 Ayes, 4 Noes

- e. RESOLUTION NO. 2010-24. A Resolution Approving Proposed Memorandum Of Understanding Between Alaska Department Of Transportation And Public Facilities, Fairbanks Metropolitan Area Transportation System, Alaska Department Of Environmental Conservation And Fairbanks North Star Borough For The Development Of Transportation Conformity Determinations Within The Fairbanks Non-Attainment Area For PM2.5 Air Pollution Control.  
(Sponsor: Mayor Hopkins)  
*Track 4, 38:32*

Glenn Miller, Director of the Department of Transportation, gave a staff report.

WINTERS, moved to adopt.  
Seconded by BROWN

Discussion ensued.

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2010-24.

Ayes: Howard, Bartos, Want, Brown, Beck,  
Blanchard, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

**NEW BUSINESS – RESOLUTIONS – continued**

- f. RESOLUTION NO. 2010-25. A Resolution Approving Proposed Memorandum Of Understanding Between Alaska Department Of Transportation And Public Facilities, Fairbanks Metropolitan Area Transportation System, Alaska Department Of Environmental Conservation And Fairbanks North Star Borough For The Selection And Funding Of Projects Funded By CM/AQ Within The Fairbanks Non-Attainment Area For PM2.5 Air Pollution Control.  
(Sponsor: Mayor Hopkins)  
*Track 4, 47:07*

Mayor Hopkins reported on the resolution.

Glenn Miller, Director of the Department of Transportation, gave a staff report.

WINTERS, moved to adopt.  
Seconded by SATTLEY

Discussion ensued.

SATTLEY, moved to amend and add the City of  
Seconded by WINTERS North Pole and the City of Fairbanks.

VOTE ON MOTION TO AMEND RESOLUTION NO. 2010-25.

Ayes: Blanchard, Brown, Want, Beck, Howard,  
Winters, Bartos, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

Discussion continued.

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2010-25 AS AMENDED.

Ayes: Blanchard, Brown, Want, Beck, Howard,  
Winters, Bartos, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

## **ORDINANCES TO BE INTRODUCED AND ADVANCED TO PUBLIC HEARING**

- a. ORDINANCE NO. 2010-25. An Ordinance Rezoning All Of Block 208A, Fairbanks Townsite, From Multiple Family Residential (MF) To General Commercial (GC) Or Other Appropriate Zone And A Portion Of Lot 208, Rickert Homestead, Also Known As TL 27, Section 16, Township 1 South, Range 1 West From Single Family Residential-10 (SF-10) To General Commercial (GC) Or Other Appropriate Zone. (Located on the west side of Cowles Street West and the south side of 16<sup>th</sup> Avenue) (RZ2010-005)  
(Sponsor: Mayor Hopkins)  
(Advance to June 10, 2010 for public hearing; refer to the Committee of the Whole June 3, 2010.) **(PAGE 169)**

### **Proposed Substitute by Planning Commission**

ORDINANCE NO. 2010-25. An Ordinance Rezoning All Of Block 208A, Fairbanks Townsite, From Multiple Family Residential (MF) To General Commercial (GC) With Special Limitations Or Other Appropriate Zone And A Portion Of Lot 208, Rickert Homestead, Also Known As TL 27, Section 16, Township 1 South, Range 1 West From Single Family Residential-10 (SF-10) To General Commercial (GC) With Special Limitations Or Other Appropriate Zone. (Located on the west side of Cowles Street West and the south side of 16<sup>th</sup> Avenue) (RZ2010-005) (Sponsor: Mayor Hopkins)  
*Track 1, 1:58*

Without objection the measure was introduced, read, and advanced to public hearing by title only.

BECK,  
Seconded by WINTERS

moved to advance to June 10, 2010  
for public hearing; refer to the Committee of the  
Whole, June 3, 2010.

WITHOUT OBJECTION, SO ORDERED

- b. ORDINANCE NO. 2010-26. An Ordinance Amending Section 2.60.020 Of The Fairbanks North Star Borough Code Of Ordinances To Provide For An Appeal Deadline For a Record Request Denial.  
(Sponsor: Mayor Hopkins)  
*Track 1, 1:58*

Without objection the measure was introduced, read, and advanced to public hearing by title only.

**ORDINANCES TO BE ADVANCED - continued**

BECK, moved to advance to June 10, 2010  
Seconded by WINTERS for public hearing; refer to the Committee of the  
Whole, June 3, 2010.

WITHOUT OBJECTION, SO ORDERED

- c. ORDINANCE NO. 2010-27. An Ordinance Authorizing The Mayor To Release  
The Deed Covenants And Restrictions Placed On Grieme Road Agricultural  
Subdivision Lots 1, 2, And 3. (Sponsor: Mayor Hopkins)  
*Track 4, 1:28*

**Clerk's Note: This item was removed from the consent agenda by  
Assemblymember Beck, seconded by Assemblymember Bartos at the beginning  
of the meeting.**

BECK, moved to advance to June 10, 2010  
Seconded by BARTOS for public hearing; refer to the Committee of the  
Whole, June 3, 2010.

Discussion ensued.

VOTE ON MOTION TO ADVANCE ORDINANCE NO. 2010-27.

Ayes: Bartos, Blanchard, Beck  
Noes: Howard, Brown, Want, Winters, Sattley, Musick

MOTION FAILED 3 Ayes, 6 Noes

SATTLEY, moved to advance to a Special Meeting on  
Seconded by: WINTERS April 29, 2010 for public hearing; refer to a  
Special Committee of the Whole Meeting, April  
29, 2010.

Discussion continued.

VOTE ON MOTION TO ADVANCE ORDINANCE NO. 2010-27.

Ayes: Bartos, Blanchard, Beck, Howard, Brown,  
Want, Winters, Sattley, Musick  
Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

**ORDINANCES TO BE ADVANCED - continued**

- d. ORDINANCE NO. 2009-20-2E. An Ordinance Amending The FY 2009-10 Budget By Reappropriating \$7,400 To The Special Revenue Fund For The Purpose Of Awarding Local Funding To World Eskimo-Indian Olympics. (Sponsor: Mayor Hopkins)  
*Track 1, 1:58*

Without objection the measure was introduced, read, and advanced to public hearing by title only.

BECK, moved to advance to June 10, 2010  
Seconded by WINTERS for public hearing; refer to the Finance Committee, June 3, 2010.

WITHOUT OBJECTION, SO ORDERED

- e. ORDINANCE NO. 2010-28. An Ordinance Adding A Chapter To Title 8 Of The FNSB Code Of Ordinances, Establishing The PM2.5 Air Quality Control Program, Including Adopting The Voluntary Solid Fuel Burning Appliance Removal, Replacement Or Repair Program, Regulating The Future Sale, Installation, And Use Of Solid Fuel Burning Appliances, And Requiring The Forecasting Of PM2.5 Exceedances With Voluntary Restrictions; Amending FNSB 1.04.050 Regarding Fine Schedule; Amending 2.48.120 Regarding The Duties Of The Air Pollution Control Commission; Amending Chapter 3.08 To Adopt The Air Quality Improvement Tax Credit; And Amending The FY 2009-10 Budget By Appropriating \$1,000,000 From The Fund Balance Of The General Fund To The Transit Enterprise Projects Fund For PM2.5 Air Quality Attainment And Maintenance. (Sponsor: Mayor Hopkins)  
*Track 1, 1:58*

Without objection the measure was introduced, read, and advanced to public hearing by title only.

BECK, moved to advance to June 10, 2010  
Seconded by WINTERS for public hearing; refer to the Finance Committee, June 3, 2010.

WITHOUT OBJECTION, SO ORDERED

**ORDINANCES TO BE REFERRED TO COMMITTEES OR COMMISSIONS**

NONE

**ASSEMBLYMEMBER'S COMMENTS**

*Track 4, 54:13*

Assemblymembers commented on a variety of items.

Assembly Schedule for Week of April 26, 2010

Saturday	April 24, 2010	Assembly Budget Meeting	9:00 a.m.
Thursday	April 29, 2010	Special Committee of the Whole Worksession	5:00 p.m.
		Special Assembly Meeting	6:30 p.m.
Saturday	May 1, 2010	Budget Worksession (If Needed)	9:00 a.m.

**ADJOURNMENT**

There being no further business to come before the Fairbanks North Star Borough Assembly, the meeting was adjourned at 10:58 p.m.

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Mike Musick  
Presiding Officer

ATTEST:

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Mona Lisa Drexler, MMC  
Borough Municipal Clerk

APPROVED: July 15, 2010