

FAIRBANKS NORTH STAR BOROUGH
Regular Assembly Meeting
June 10, 2010
6:00 p.m.

A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, June 10, 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	

Comprising a quorum of the Assembly, and

Luke T. Hopkins, Borough Mayor
Jeff Jacobson, Chief of Staff
Jill Dolan, Acting Borough Attorney
Mark Mussman, Community Planning
David Gibbs, Director, Emergency Operations
Michael Lamb, Chief Financial Officer
Paul Costello, Director, Land Management
Glenn Miller, Director, Transportation
Jim Connor, Air Quality
Peggy MacDonald, Treasury/Budget
Silver Chord, School Board Representative
Dianna Lindhag, North Pole Representative
Mona Drexler, Borough Clerk
Nanci Ashford, Deputy Borough Clerk
Amanda Towse, Research Assistant

ABSENT & EXCUSED

Tim Beck

APPROVAL OF AGENDA AND CONSENT AGENDA

Track 1, 1:56

The Clerk read the consent agenda.

WINTERS,
Seconded by BLANCHARD

moved to approve the agenda and
consent agenda.

PRESENTATIONS

Track 1, 9:02

Mayor Hopkins presented Dalene Johnson, from the Department of Transportation, as "Employee of the Month" for June, 2010.

Mayor Hopkins swore in Americorp Volunteers.

CITIZEN'S COMMENTS

Track 1, 16:30

- 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.

Harvey Drake, resident of the Borough, spoke in support of advancement of Ordinance 2010-32, regarding Release of the Deed Covenants on Grieme Road.

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

Rita Leake, resident of the Borough, spoke in opposition to the proposed Grandfather Rights Ordinance.

Trish Wurtz, resident of the Borough, and US Forest Service employee, spoke in regard to the spread of invasive plants and the impact on the habitat in Alaska.

Marie Heidemann, resident of the Borough, spoke in regard to the spread of invasive plants and the impact on Alaska's habitat.

Darcy Etcheverry, resident of the Borough, Alaska Association of Conservation Districts employee, spoke in regard to the spread of the invasive plants in the community. She advised the Assembly of Invasive Weeds Awareness Week June 20th through June 26th and the "Weed Smackdown" which takes place at the Tanana Lakes Recreation Area on June 26, 2010, She invited Assembly members to attend the event.

APPROVAL OF MINUTES

Track 1, 3:16

- a. Special Assembly Meeting minutes of April 29, 2010.

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

WINTERS, moved to approve.
Seconded by BLANCHARD

WITHOUT OBJECTION, SO ORDERED.

- b. Regular Assembly Meeting minutes of May 6, 2010.

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

WINTERS, moved to approve.
Seconded by BLANCHARD

WITHOUT OBJECTION, SO ORDERED.

- c. Reconvened Assembly Meeting minutes of May 13, 2010.

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

WINTERS, moved to approve.
Seconded by BLANCHARD

WITHOUT OBJECTION, SO ORDERED.

- d. Memorandum from Mayor Hopkins dated June 10, 2010 regarding the appointments of Fire Service Area Commissioners.

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

WINTERS, moved to concur.
Seconded by BLANCHARD

WITHOUT OBJECTION, SO ORDERED.

- e. Memorandum from Mona Lisa Drexler, Municipal Borough Clerk, dated June 10, 2010 regarding certification of the Board of Equalization hearings for 2010.

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

WINTERS, moved to concur.
Seconded by BLANCHARD

APPROVAL OF MINUTES - continued

WITHOUT OBJECTION, SO ORDERED.

- f. Memorandum from Mayor Hopkins dated June 10, 2010 regarding renewal of Birch Horton, Bittner and Cherot Washington, DC Lobbying Contract.

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

WINTERS, moved to concur.
Seconded by BLANCHARD

WITHOUT OBJECTION, SO ORDERED.

- g. Memorandum from Mayor Hopkins dated June 10, 2010 regarding Write-off of Uncollectible Taxes or Receivables.

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

WINTERS, moved to concur.
Seconded by BLANCHARD

WITHOUT OBJECTION, SO ORDERED.

COMMUNICATIONS TO THE ASSEMBLY

Track 1, 38:11

- a. Report from the City of Fairbanks Representative.

NONE

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

Council member Diane Lindhag commented on the following:

- Water quality issues in the North Pole area including a failure of the water pump system.
- July 6th Jingle Run 5k run and upcoming July 4th celebration.
- Funds received by the State of Alaska Governor's capital budget.

- c. Report from the School Board Representative.

School Board Representative Silver Cord commented on the following:

- Graduation for intersession classes is set for June 30, 2010.
- The School Board's upcoming meeting on June 15, 2010.
- Superintendent Wagner's retirement begins June 30, 2010.

MESSAGES FROM THE BOROUGH MAYOR

NONE

REPORTS OF SPECIAL AND STANDING COMMITTEES

NONE

SPECIAL ORDERS – PUBLIC HEARING

Track 2 0:31

- a. Liquor License – Transfer – Beverage Dispensary

From: The Creek
Raqo, Inc.
Richard A. & Theresa M. Quinn
3560 Old Richardson Hwy.

To: Moose Creek Lodge
H54B, Inc.
3560 Old Richardson Hwy.

Jeff Jacobson, Chief of Staff gave a staff report.

The presiding officer called for public hearing.

Melanie Jordan, resident of the Borough and owner of the establishment, spoke in support of the liquor license transfer.

Alice Hardesty, resident of the Borough and employee of the establishment, spoke in support of the license transfer.

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

WINTERS, moved to file no protest.
Seconded by BLANCHARD

VOTE ON MOTION TO FILE NO PROTEST.

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

Noes: NONE

MOTION CARRIED 8 Ayes, 0 Noes

PUBLIC HEARING – Continued

- b. 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 2, 10:12

Katherine Dodge, Economic Development Coordinator, gave a staff report.

The presiding officer called for public testimony.

Luke Gunderman, resident of the Borough, and General Manager of World Eskimo-Indian Olympics spoke in support of the Ordinance.

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

WINTERS, moved to adopt.
Seconded by BLANCHARD

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

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

Noes: NONE

MOTION CARRIED Ayes 8, Noes 0

- c. ORDINANCE NO. 2010-21. An Ordinance Providing For The Disposition Of Property Which Lies Within The City Of Fairbanks Which Has Been Acquired Through Tax Foreclosure. (Sponsor: Mayor Hopkins)

Track 2, 16:01

Paul Costello, Land Management Director, gave a staff report.

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

WINTERS, moved to adopt.
Seconded by BLANCHARD

PUBLIC HEARING - Continued

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-21.

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

Noes: NONE

MOTION CARRIED Ayes 8, Noes 0

- d. ORDINANCE NO. 2010-22. An Ordinance Providing For The Disposition Of Property Which Lies Within The City Of North Pole Which Has Been Acquired Through Tax Foreclosure. (Sponsor: Mayor Hopkins)
Track 2, 18:04

Paul Costello, Land Management Director, gave a staff report and recommended the Ordinance be defeated.

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

WINTERS, moved to adopt.
Seconded by SATTLEY

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-22.

Ayes: NONE

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

MOTION FAILED Ayes 0, Noes 8

- e. ORDINANCE NO. 2010-23. An Ordinance Directing The Retention For Public Purposes By The Fairbanks North Star Borough Of Certain Property Which May Lie Within The City Of Fairbanks, City Of North Pole And The Fairbanks North Star Borough, Acquired Through Tax Foreclosure. (Sponsor: Mayor Hopkins)
Track 2, 19:50

Paul Costello, Land Management Director, gave a staff report and recommended the Ordinance be defeated.

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

PUBLIC HEARING - Continued

WINTERS, moved to adopt.
Seconded by BLANCHARD

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-23.

Ayes: NONE

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

MOTION FAILED Ayes 0, Noes 8

f. ORDINANCE NO. 2010-24. An Ordinance Providing For The Sale Of Real Property Acquired Through Tax Foreclosure. (Sponsor: Mayor Hopkins)

Track 2, 21:43

Paul Costello, Land Management Director, gave a staff report.

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

WINTERS, moved to adopt.
Seconded by BLANCHARD

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

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

Noes: NONE

MOTION CARRIED Ayes 8, Noes 0

g. 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 16th Avenue) (RZ2010-005)
(Sponsor: Mayor Hopkins)

PUBLIC HEARING - Continued

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 16th Avenue) (RZ2010-005) (Sponsor: Mayor Hopkins)
Track 2, 23:15

Assembly member Winters declared a conflict of interest and Presiding Officer Musick ruled she had a conflict of interest. Ms. Winters excused herself from the dais.

Mark Mussman, Department of Community Planning gave a staff report.

The presiding officer called for public testimony.

Victor Joseph, resident of the Borough and representative of Tanana Chiefs Conference, spoke in support of the Ordinance.

Patrick Smith, Applicant and Development Manager for the City of Fairbanks, spoke on behalf of the City and in support of the proposed Ordinance.

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

BROWN, moved to adopt.
Seconded by SATTLEY

BROWN, moved to substitute.
Seconded by SATTLEY

The presiding officer ruled that the vote on the substitute will carry the main motion.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-25.

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

Noes: NONE

MOTION CARRIED Ayes 7, Noes 0

PUBLIC HEARING - Continued

- h. 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 2, 32:44

Jill Dolan, Legal Department, gave a staff report.

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

BLANCHARD, moved to adopt.
Seconded by BROWN

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-26.

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

Noes: NONE

MOTION CARRIED Ayes 8, Noes 0

- i. 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)
Tracks 3, 4, and 5

Mayor Hopkins gave a staff report. Glenn Miller, Director of the Department of Transportation, and Jim Connor, Department of Transportation staff member, also gave staff reports. Also present was Alice Edwards from Department of Environmental Conservation.

The presiding officer called for public testimony.

PUBLIC HEARING – Continued

Cathy Cahill, resident of the Borough, and member of the Clean Air Commission, spoke in support of the original proposed Ordinance submitted by Mayor Hopkins and asked the Assembly not to support the proposed substitute.

Rich Siefert, resident of the Borough, thanked the people who drafted the ordinance and spoke in support of the proposed ordinance.

Glenn Pearson, resident of the Borough, spoke in support of the proposed ordinance and of the need to burn clean fuel.

Sheila Gurzdak, resident of the Borough, spoke in opposition to the ordinance.

Kent Severns, resident of the Borough, and owner of the Woodway, commented on the ordinance and the need for pollution control.

Nathan Smoot, resident of the Borough, commented on the need for education not fines.

Mike Prax, resident of the Borough, spoke in support of the need for educational resources. He spoke in support of the proposed substitution introduced by Assembly member Want.

Mike Pollen, resident of the Borough and Vice Chairman of the Air Pollution Control Commission provided the Commission's recommendation and commented on the proposed ordinance. The Commission recommended adoption of the ordinance with emphasis on education.

John Davies, resident of the Borough, spoke in support of the original ordinance and in opposition of the proposed substitute.

Rita Leake, resident of the borough spoke in opposition of the proposed ordinance. Ms. Leake specifically addressed opposition to the fine schedule and contributors who are ignored.

Asa Dowdy, resident of the borough, spoke in opposition to the proposed ordinance and suggested education to solve the pollution issue.

Mike Ruckhaus, resident of the borough, thanked the commissions and Mayor for their work on the issue and spoke in support of the proposed ordinance.

Chuck Machetta, resident of the borough, commented on the ordinance and the need for educational programs. He spoke in support of the Mayor's proposed ordinance.

PUBLIC HEARING – Continued

Tim Sorde, resident of the borough, spoke in opposition to the proposed ordinance.

Ken Hanson, resident of the borough, thanked the Assembly for their work on the ordinance and expressed concerns for the proposed ordinance.

David Lerman, resident of the borough, spoke in support of the ordinance and the need for fines within the ordinance. He also spoke in regard to the need for an excessive

Billy Blackburn, resident of the borough, spoke in opposition to the proposed ordinance.

Lisa Peger, resident of the borough, spoke in opposition to the ordinance and supported the removal of the fine schedule in the proposed substitute.

Kevin Abnet resident of the borough, spoke in support opposition to the ordinance and the need for a public vote on the issue.

Suzy Fenner, resident of the borough, commented on the need for a healthy community and spoke in support of the proposed ordinance.

Carl Benson, resident of the borough, spoke in support of the ordinance and suggested more enforcement.

Karl Monetti, resident of the borough, spoke in support of the original ordinance.

Margery Kniffin, resident of the borough, spoke in opposition to the proposed ordinance and specifically the reduction of the amount of money being appropriated for the program. She spoke in support of the proposed substitute.

William Tilton, resident of the borough, spoke in support of the proposed ordinance.

Michelle Sikma, resident of the borough, commented on the complaints received by the Borough for air quality issues. She also commented on the need for more education.

Spud Burnett, resident of the borough, spoke in support of the proposed ordinance.

Justin Powell, resident of the borough, commented on the proposed ordinance and the need for a natural gas pipeline.

PUBLIC HEARING – Continued

Sean McGuire, resident of the borough, thanked the Mayor for the work on the proposed ordinance and supported the ordinance.

Larry Randry, resident of the borough, spoke in support of the proposed ordinance and the need for enforcement.

Rick Sickma, resident of the borough, thanked the Assembly for the opportunity to speak and commented on the need for natural gas.

Gary Currington, resident of the borough, commented on the proposed ordinance.

Jim Headlock, resident of the borough, spoke in opposition of the proposed ordinance and in particular to the attainment and non-attainment areas.

David Giesel, resident of the borough, commented on the nuisance abatement and fines within the proposed ordinance.

Brent Ritchie, resident of the borough, spoke in opposition to the proposed ordinance.

Galen Cook, resident of the borough, commented on the need for clean burning fuel and commented on the ordinance.

Richard Hall, resident of the borough, spoke in opposition to the proposed ordinance.

Will Finley, resident of the borough, spoke in opposition to the proposed ordinance.

Floyd Terry, resident of the borough, commented on the proposed ordinance.

Scott Calder, resident of the borough, spoke in opposition to the proposed ordinance and in particular the fine schedule.

Sandy Zernhill, resident of the borough, spoke in support of the proposed ordinance.

Steve Keller, resident of the borough, spoke in support of the proposed ordinance and in particular in support of the fee schedule.

Phillip Newton, resident of the borough, commented on the proposed ordinance and spoke in opposition of the ordinance.

PUBLIC HEARING – Continued

Tammie Wilson, resident of the borough, and District 11 Representative, spoke in opposition to the proposed ordinance.

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

VOTE ON MOTION TO SUBSTITUTE ORDINANCE 2010.28.

Ayes: Howard, Bartos, Want, Sattley

Noes: Brown, Winters, Blanchard, Musick

MOTION FAILED Ayes 4, Noes 4

WINTERS,
Seconded by BLANCHARD moved to suspend the rules to complete Ordinance 2010-28.

VOTE ON MOTION TO SUSPEND THE RULES.

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

Noes: Bartos, Brown

MOTION CARRIED Ayes 6, Noes 2

BARTOS,
Seconded by BLANCHARD moved to the previous question to close debate.

VOTE ON MOTION TO CLOSE DEBATE.

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

Noes: NONE

MOTION CARRIED Ayes, 8 Noes, 0

PUBLIC HEARING – Continued

BLANCHARD,
Seconded by WINTERS

moved to place at end of 8.21.020 G (Line 286) insert “There shall be written procedures for code enforcements of the Air Quality Control Program within thirty (30) days following the adoption of this ordinance”.

Discussion ensued

VOTE ON MOTION TO AMEND ORDINANCE NO. 2010-28.

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

Noes: Howard, Sattley

MOTION CARRIED Ayes 6, Noes 2

BARTOS,
Seconded by WANT

moved to amend page 227 “Fine Schedule” by placing the decimal point one space to the left, i.e., \$500.00(s) becomes \$50.00(s) and \$300.00(s) become \$30.00(s).

Discussion ensued

VOTE ON MOTION TO AMEND ORDINANCE NO 2010-28.

Ayes: Bartos, Winters, Brown, Blanchard, Want

Noes: Howard, Sattley, Musick

MOTION CARRIED Ayes 5, Noes 3

WINTERS,
Seconded by BROWN

moved to amend Section 8.21.030(D) “Repair Program” after line 356 insert: “3. Repair or extension of chimney or smoke stack to bring an appliance into compliance with this ordinance.”

Discussion ensued

PUBLIC HEARING – Continued

VOTE ON MOTION TO AMEND ORDINANCE NO 2010-28.

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

MOTION CARRIED Ayes 8, Noes 0

WINTERS,
Seconded by BROWN

moved to amend Section 8.21.020 “Prohibited Acts and Requirements” to insert Section “H. Other Laws. Nothing in this code precludes other local jurisdiction from having more restrictive codes.”

Discussion ensued

VOTE ON MOTION TO AMEND ORDINANCE NO. 2010-28.

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

Noes: NONE

MOTION CARRIED Ayes 8, Noes 0

WINTERS.
Seconded by BLANCHARD

moved to amend Section 8.21.010(P) “Definitions” at line 154 insert “that complies with guidelines of ASTM 1509.”

Discussion ensued

VOTE ON MOTION TO AMEND ORDINANCE NO. 2010-28.

Ayes: NONE

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

MOTION FAILED Ayes 0, Noes 8

PUBLIC HEARING – Continued

WINTERS,
Seconded by BLANCHARD

moved to amend 8.21.020 “Prohibited Acts and Requirements” after line 191 insert “this section becomes effective thirty (30) days following the adoption of this chapter.”

Discussion ensued

VOTE ON MOTION TO AMEND ORDINANCE NO 2010-28.

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

Noes: NONE

MOTION CARRIED Ayes 8, Noes 0

WINTERS,
Seconded by BROWN

moved to amend 8.21.020(F) “Prohibited Acts and Requirements” “(F) Commercial Sales of Solid Fuel Burning Appliances” after line 279 insert “ 5. This section becomes effective thirty (30) days following the adoption of this chapter.”

Discussion ensued

VOTE ON MOTION TO AMEND ORDINANCE 2010-28.

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

Noes: NONE

MOTION CARRIED Ayes 8, Noes 0

WINTERS,
Seconded by BROWN

moved to amend 8.21.030 “Voluntary Removal, Replacement, or Repair Program” at line 357 insert “3. This section becomes effective forty-five (45) days following the adoption of this chapter.”

Discussion ensued
PUBLIC HEARING – Continued

VOTE ON MOTION TO AMEND ORDINANCE 2010-28.

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

Noes: NONE

MOTION CARRIED Ayes 8, Noes 0

BARTOS,
Seconded by HOWARD

moved to amend Section 8.21.020 “Prohibited Acts and Requirements” at line 195 from “30 percent” to “50 percent” to read “1. Standard. After September 1, 2011, no person shall cause, permit, or allow the emission from a solid fuel combustion appliance in the non-attainment area to create opacity greater than 50 percent for a period or periods aggregating more than 15 minutes in any hour except during the first 20 minute after the initial firing of a cold unit.”

Discussion ensued

VOTE ON MOTION TO AMEND ORDINANCE 2010-28.

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

Noes: NONE

MOTION CARRIED Ayes 8, Noes 0

BLANCHARD,
Seconded by NONE

moved to change the effective date of the Ordinance from September 1, 2011 to September 1, 2012.

MOTION FALIED FOR LACK OF SECOND.

BARTOS,
Seconded by HOWARD

moved to sunset the ordinance in three (3) years.

Discussion ensued
PUBLIC HEARING – Continued

VOTE ON MOTION TO AMEND ORDINANCE 2010-28.

Ayes: Bartos

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

MOTION FAILED Ayes 1, Noes 7

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-28 AS AMENDED.

Ayes: Winters, Blanchard, Brown, Bartos, Musick

Noes: Want, Howard, Sattley

MOTION CARRIED Ayes 5, Noes 3

CONSIDERATION OF CALENDAR – New Business – Resolutions

Track 2 5:43

- a. RESOLUTION NO. 2010-19. A Resolution Establishing The Rate Of Levy Of 2010 Real Property Taxes For Areawide, Non-Areawide, Solid Waste Collection District, And Service Areas Jurisdictions.
(Sponsor: Mayor Hopkins) **(PAGE 227)**
(Attachment “A” Proposed Substitute – TO BE HAND CARRIED)

Mayor Hopkins and Michael Lamb, Chief Financial Officer gave a staff report.

WINTERS, moved to adopt.
Seconded by BROWN

WINTERS, moved to substitute attachment “A”.
Seconded by BROWN

The presiding officer ruled that the vote on the substitute will carry the main motion.

VOTE ON MOTION TO ADOPT
RESOLUTION NO. 2010-19 AS SUBSTITUTED.

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

Noes: NONE

MOTION CARRIED

8 Ayes, 0 Noes

NEW BUSINESS - RESOLUTIONS - Continued

- b. RESOLUTION NO. 2010-26. A Resolution Of The Borough Assembly Of The Fairbanks North Star Borough, Allocating Twenty Million Dollars Of The Volume Cap Received By The Borough Pursuant To Section 1400U-1 Of The Internal Revenue Code Of 1986, As Amended, And The American Recovery And

Reinvestment Act Of 2009, To Fairbanks Mob, LLC, Fairbanks Ambulatory Surgery Center Building, LLC And Fairbanks Campus Owners Association, For Purposes Of Issuing Recovery Zone Facility Bonds To Finance The Construction, Reconstruction, Renovation Or Acquisition By Fairbanks Mob, LLC, Fairbanks Ambulatory Surgery Center Building, LLC And Fairbanks Campus Owners Association Of Recovery Zone Property In the Borough. (Sponsor: Mayor Hopkins) **(PAGE 232)**

CLERK'S NOTE: ORDINANCE 2010-26 WAS NOT ADDRESSED BEFORE ADJOURNMENT AND WILL BE MOVED TO THE JUNE 24, 2010 MEETING.

ORDINANCES TO BE INTRODUCED AND ADVANCED TO PUBLIC HEARING

Track 1 3:16

- a. ORDINANCE NO. 2010-29. An Ordinance Rezoning Government Lot 2, Section 5, Township 1 South, Range 1 West From Rural And Agricultural- 5 To General Commercial Or Other Appropriate Zone And Government Lot 3, Section 5, Township 1 South, Range 1 West And N1/2 SE1/4 And N1/2 SW1/4 And Tract C, Section 32, Township 1 North, Range 1 West From Rural And Agricultural-5 To Mineral Lands Or Other Appropriate Zone. (Located north of College Road and east of Farmers Loop Road)
(Sponsor: Mayor Hopkins) (RZ2010-004)

Proposed Substitute by Planning Commission

ORDINANCE NO. 2010-29. An Ordinance Rezoning Government Lot 2, Section 5, Township 1 South, Range 1 West From Rural And Agricultural- 5 To [General] Light Commercial With Special Limitations Or Other Appropriate Zone And Government Lot 3, Section 5, Township 1 South, Range 1 West And N1/2 SE1/4 And N1/2 SW1/4 And Tract C, Section 32, Township 1 North, Range 1 West From Rural And Agricultural-5 To Mineral Lands With Special Limitations Or Other Appropriate Zone. (Located north of College Road and east of Farmers Loop Road)(Sponsor: Mayor Hopkins) (RZ2010-004)

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

WINTERS,

moved to advance to June 24, 2010

Seconded by BLANCHARD

for public hearing; refer to the Committee of the Whole, June 17, 2010.

ORDINANCES TO BE INTRODUCED AND ADVANCED - Continued

WITHOUT OBJECTION, SO ORDERED.

- b. ORDINANCE NO. 2010-30. An Ordinance Rezoning Tax Lot 2901, Tax Lot 2937, Tax Lot 2928, And Tax Lot 2926, Section 29, Township 1 North, Range 1 East From Rural And Agricultural-5 To Rural Estate-2 Or Other Appropriate Zone. (Located north of Chena Hot Springs Road and on the west side of Hillcrest Drive) (RZ2010-006)
(Advance to June 24, 2010 for public hearing; refer to the Committee of the Whole June 17, 2010.) **(PAGE 312)**

Proposed Substitute by Planning Commission

ORDINANCE NO. 2010-30. An Ordinance Rezoning Tax Lot 2901, Tax Lot 2937, Tax Lot 2928, **[And Tax Lot 2926]**, Section 29, Township 1 North, Range 1 East From Rural And Agricultural-5 To Rural Estate-2 Or Other Appropriate Zone. (Located north of Chena Hot Springs Road and on the west side of Hillcrest Drive) (RZ2010-006)

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

WINTERS,
Seconded by BLANCHARD

moved to advance to June 24, 2010
for public hearing; refer to the Committee of the Whole, June 17, 2010.

WITHOUT OBJECTION, SO ORDERED.

- c. ORDINANCE NO. 2010-31. An Ordinance Rezoning Lots 1, 2, 3, 4, 5, 6, 7, 8, And 9, Block 1, College Estates Subdivision From General Commercial To Single Family-5 Or Other Appropriate Zone And Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, And 12, Block 2, College Estates Subdivision From General Commercial To Single Family-5 Or Other Appropriate Zone. (Located on either side of RJ Loop and north of College Road) (RZ2010-007)

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

WINTERS,
Seconded by BLANCHARD

moved to advance to June 24, 2010
for public hearing; refer to the Committee of the Whole, June 17, 2010.

WITHOUT OBJECTION, SO ORDERED.

ORDINANCES TO BE INTRODUCED AND ADVANCED - Continued

- d. ORDINANCE NO. 2010-32. An Ordinance Authorizing The Mayor To Release The Deed Covenants And Restrictions Placed On Grieme Road Agricultural Subdivision Lots 1, 2, And 3 In Exchange For A Payment Of No Less Than \$20,000. (Sponsor: Assembly members Sattley & Howard)
Track 1, 2:36

Removed from the consent agenda by Assembly members Winters and Bartos.

CLERK'S NOTE: ORDINANCE NO. 2010-32 WAS NOT ADDRESSED BEFORE ADJOURNMENT AND WILL BE MOVED TO THE JUNE 24, 2010 MEETING

- e. ORDINANCE NO. 2009-20-2F. An Ordinance Amending The FY 2009-10 Budget By Appropriating \$9,000 In State Grant Funding To The Special Revenue Fund For Equipment Purchases In Support Of Oil Spill And Hazardous Materials Response Capabilities For The FNSB Hazardous Materials Response Team. (Sponsor: Mayor Hopkins)

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

WINTERS,
Seconded by BLANCHARD

moved to advance to June 24, 2010
for public hearing; refer to the Finance
Committee, June 17, 2010.

WITHOUT OBJECTION, SO ORDERED.

- f. ORDINANCE NO. 2009-20-2G. An Ordinance Amending The FY 2009-10 Budget By Reappropriating \$10,000 In Non-Departmental Funding To The Special Revenue Fund For The Purpose Of Awarding A Grant To The Fairbanks Art Association. (Sponsor: Mayor Hopkins)

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

WINTERS,
Seconded by BLANCHARD

moved to advance to June 24, 2010
for public hearing; refer to the Finance
Committee, June 17, 2010.

WITHOUT OBJECTION, SO ORDERED.

ORDINANCES TO BE INTRODUCED AND ADVANCED - Continued

- g. ORDINANCE NO. 2009-20-2H. An Ordinance Amending The FY 2009-10 Budget By Reappropriating \$10,000 From The Mayor's Office/Economic Development – Areawide Budget To The Special Revenue Fund For The Purpose Of Awarding A Grant To North Pole Economic Development Corporation. (Sponsor: Mayor Hopkins & Assemblymember Winters)

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

WINTERS,
Seconded by BLANCHARD

moved to advance to June 24, 2010
for public hearing; refer to the Finance
Committee, June 17, 2010.

WITHOUT OBJECTION, SO ORDERED.

ORDINANCES TO BE REFERRED TO COMMITTEES OR COMMISSIONS

NONE

ASSEMBLYMEMBER'S COMMENTS

Assembly Schedule for Week of June 14, 2010

Monday	June 14, 2010	Assembly Road Service Area Committee	6:00 p.m.
Thursday	June 17, 2010	Finance & Committee of the Whole	5:30 p.m.

ADJOURNMENT

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

Mike Musick
Presiding Officer

ATTEST:

Mona Lisa Drexler, MMC
Borough Municipal Clerk

APPROVED: July 15, 2010