



FAIRBANKS CITY COUNCIL
AGENDA NO. 2013-13
REGULAR MEETING July 08, 2013
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

I 7:00 P.M.

1. ROLL CALL

2. INVOCATION

3. FLAG SALUTATION

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

5. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6. APPROVAL OF PREVIOUS MINUTES

7. SPECIAL ORDERS

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

Ordinance No. 5921 – An Ordinance to Amend Fairbanks General Code Sections 46-4 Penalties and 46-162 Littering to Make Littering a Bail Schedule Offense. Introduced by Mayor Cleworth. SECOND AND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- * Resolution No. 4583 – A Resolution Awarding a Contract to (Company) for the Wickersham Street Improvements Project FB-13-14 in the Amount of \$XXX. (The Company and Amount to be determined at bid opening on July 8, 2013). Introduced by Mayor Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

12. COMMUNICATIONS TO COUNCIL

- * Appointment to the Clay Street Cemetery Commission

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. ADJOURNMENT

ORDINANCE NO. 5921

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE
SECTIONS 46-4 PENALTIES AND 46-162 LITTERING TO MAKE
LITTERING A BAIL SCHEDULE OFFENSE**

WHEREAS, the offense of littering carries a penalty of a fine not to exceed \$450; and

WHEREAS, the offense of littering as currently written is not an offense amendable to disposition without a court appearance (not a “bail schedule” offense); and

WHEREAS, making littering a bail schedule offense would allow a person charged with littering the option of resolving the case without the need for a court appearance; and

WHEREAS, subpart (7) of FGC Sec. 46-162 referencing the “director of public safety and the “city sanitarian” needs to be updated as these position no longer exist,

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

Section 1. That Fairbanks General Code Section 46-4(c) is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

Sec. 46-4. Penalties.

* * * * *

(c) A person convicted of any of the following offenses shall be punished by a fine only of not more than \$450.00:

- (1) Section 46-41(a) – Disorderly Conduct.
- (2) Section 46-42(a) – Disturbing the peace.
- (3) ~~Section 46-162 – Littering.~~
- (4) Section 46-137 – Illegal handbilling.

* * * * *

Section 2. That Fairbanks General Code Section 46-162 – Offenses, is amended as follows [new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

Sec. 46-162. Offense.

A person commits the offense of littering if he:

- (1) In a public place, throws or deposits litter other than into a public receptacle or authorized private receptacle;
- (2) Throws or deposits litter onto the premises of another;
- (3) While in or on any vehicle, throws or deposits litter other than into a public receptacle or authorized private receptacle;
- (4) Sweeps or deposits the accumulation of litter from any sidewalk or premises onto any public way;
- (5) Places litter in a public receptacle or authorized private receptacle in such a manner as to allow the litter to be scattered or carried away by wind or water;
- (6) As an owner or lessee of premises, permits any litter on his premises to remain or be stored in such a manner as to allow the litter to be scattered away by wind or water;
- (7) As an owner or lessee of premises, maintains or allows litter to accumulate on his premises, other than for collection purposes in a manner authorized by or pursuant to chapter 66, article II, division 2 of this Code, and fails to remove and dispose of all such litter within five days after receiving written notice to do so from director of public ~~workssafety~~ or his/her designee ~~city sanitarian~~;
- (8) As an owner or lessee of premises, fails to keep the sidewalks contiguous to his premises free of accumulations of litter; or
- (9) Operates or moves any vehicle which is so loaded as to allow any load, contents or litter to be blown or deposited upon any public way.

Section 3. That Fairbanks General Code Section 46-164 – Picking up litter by offender, is hereby repealed and replaced by the following: [the repealed version is shown in ~~strikethrough~~ font; the new version of 46-164 is shown in **bold/underline** font]:

Sec. 46-164. ~~Picking up litter by offender~~Penalty.

~~Upon a conviction for the offense of littering, the court may require as a condition of probation, in addition to any other penalty imposed, that the convicted person pick up litter at a designated time and place within the~~

~~jurisdiction of the court, for a total of not less than four hours nor more than 40 hours.~~

Littering is an offense amenable to disposition without court appearance upon payment and forfeiture of a bail amount of \$250.

Section 3. That the effective date of this ordinance shall be the _____ day of July 2013.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

RESOLUTION NO 4583

**A RESOLUTION AWARDING A CONTRACT TO (COMPANY) FOR
WICKERSHAM STREET IMPROVEMENTS PROJECT FB-13-14 IN THE
AMOUNT OF \$XXX**

WHEREAS, in accordance with FGC Chapter 54, Article IV, Competitive Bidding, bids were solicited for the Wickersham Street Improvements Project; and

WHEREAS, the successful responsive bidder for the project is (Company) of Fairbanks, Alaska; and

WHEREAS, funding for this project is provided to the City of Fairbanks through the Alaska Department of Transportation & Public Facilities and United States Environmental Protection Agency;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks,

SECTION 1. That the Bid by (Company) in the amount of _____ (\$XXX) is hereby approved for award.

SECTION 2. That the Mayor is hereby authorized to execute a contract and such other documents in a form approved by the City Attorney as may be necessary to effect award of the contract.

PASSED, APPROVED AND EFFECTIVE THIS _____ DAY OF JULY 2013.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

City Of Fairbanks



MEMORANDUM

To: City Council Members

From: Jerry Cleworth, City Mayor

A handwritten signature in black ink, appearing to be "JC", is written over the name "Jerry Cleworth".

Subj: Clay Street Cemetery Commission

Date: July 2, 2013

A vacancy on the Clay Street Cemetery Commission has been created by the resignation of Committee Member Joanie Skilbred.

I request your concurrence to the **appointment** of Ms. Anne M. Castle to fill the seat vacated by Ms. Skilbred, for the remaining term of the seat:

Ms. Anne M. Castle – Term to expire: August 31, 2015

Thank you.

ABC/



CITY OF FAIRBANKS
 Office of the City Clerk
 800 Cushman Street
 Fairbanks, Alaska 99701-4615
 Office: 907 459-6774
 jjhovenden@ci.fairbanks.ak.us

**BOARDS AND COMMISSIONS
 APPLICATION FORM**

DATE: 26 Jun 2013
 NAME: Anne M. Castle
 BOARD: Clay St. Cemetery Commission

The information provided below will be made available to the public. The Clerk's Office will provide a mailing address, at least one phone contact, and an e-mail address, please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

RESIDENCE ADDRESS: 1146 Summit Drive #5

MAILING ADDRESS: PO Box 61330, Fbks, AK 99706

BUSINESS ADDRESS: _____

CELL PHONE: (907) 978-3094

WORK PHONE: () _____

HOME PHONE: () _____

E-MAIL: anne@sandcastleoriginals.com

Statement of Interest:

I am interested in preserving and sharing the history of Fairbanks.

Brief Personal Biography (or attach resume):

Been in Alaska (Fairbanks + Juneau) since 1994. A member/officer of
 The Fairbanks Genealogical Society since 2006.

Professional Licenses/Training:

retired P.E.

Please return this application to the City Clerk's Office.

FOR INTERNAL USE ONLY

Date Seated on Board	Date of Resolution or Council Action	Term Dates