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.
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 24, 2019. (Page 6)

9. COMMUNICATIONS TO THE ASSEMBLY

*a. IFB Award: IFB Number 19022
Ladd Elementary School Exterior Wall Improvements

Approval of Base Bid as submitted by Kirkland Built, Inc. in the amount of $777,066.00. (Page 36)

*b. IFB Award: IFB Number 19042
Air Filters for Facilities Maintenance

Approval of Lot Three in the amount of $20,013.36, Lot Four in the amount of $4,096.32, and Lot Five in the amount of $5,142.00 as submitted by Refrigeration Supplies Distributors for the initial contract period, and an estimated total contract amount of $146,258.40 if the four one-year renewal options are exercised. (Page 43)

*c. Memorandum from Mayor Ward recommending the appointment of Gregory Barker to the Chena Riverfront Commission. (Page 49)

*d. Memorandum from Mayor Ward recommending the appointment of Mike Meeks to the Economic Development Commission. (Page 54)

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 – Retail Store – License #16579 (Page 57)

Grass Station, LLC
DBA: Grass Station 49
2502 Parks Hwy
Fairbanks, AK 99709

b. ORDINANCE NO. 2019-04. An Ordinance Providing For An Election For Tax Revenue Cap Revision To The Seavy Service Area. (Sponsor: Mayor Ward) (Page 141)

c. ORDINANCE NO. 2019-05. An Ordinance Providing For An Election For Tax Revenue Cap Revision To The Pleasureland Service Area. (Sponsor: Mayor Ward) (Page 148)

d. ORDINANCE NO. 2019-07. An Ordinance Amending FNSBC Title 16 To Authorize The Procurement Of Supplies, Equipment And Services To School District Officials, And Authorizing The Delegation Of Procurement Authority For Certain Construction Projects. (Sponsor: Mayor Ward) (Page 156)

e. ORDINANCE NO. 2018-20-1R. An Ordinance Amending The FY 2018-19 Budget By Appropriating $39,055 In Federal Pass-Through Grant Funding To The Special Revenue Fund To Offset The Cost Of The First Three Years Of Operations And Maintenance Of Motor Vehicle Plug-Ins Installed At The Fairbanks North Star Borough’s Noel Wien Library And North Pole Branch Library. (Sponsor: Mayor Ward) (Page 160)
Public Hearing – continued

f. ORDINANCE NO. 2018-20-1S. An Ordinance Amending The FY 2018-19 Budget By Changing The Estimated Revenues For $48,154 Of The Match To The Federal Transit Administration, Section 5307 Transit Operating Assistance Grant From Local Sources To State Grant Funds And By Appropriating $48,154 To The Transit Enterprise Operating Fund To Continue The Increased Headway On The Red, Brown And Purple Lines. (Sponsor: Mayor Ward) (Page 166)

g. ORDINANCE NO. 2018-20-1T. An Ordinance Amending The FY 2018-19 Budget By Appropriating $201,779 In Federal Grant Funding And $20,029 In Local Matching Funds From The General Fund Fund Balance To The Capital Projects Fund For The Restroom Replacement And Access Improvements Project At Chena Lake Recreation Area. (Sponsor: Mayor Ward) (Page 172)

14. CONSIDERATION OF CALENDAR – Unfinished Business

a. RESOLUTION NO. 2019-03. A Resolution Supporting Conversion From Diesel And Gasoline To Compressed Natural Gas (CNG) Vehicles For All Transit Revenue Service Vehicles Within The Fairbanks North Star Borough Transportation Department. (Sponsor: Mayor Ward) (Page 179)

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. 2019-04. A Resolution Authorizing The Fairbanks North Star Borough Mayor To Sign The Intergovernmental Operating Agreement And Memorandum Of Understanding For Transportation And Air Quality Planning And The Memorandum Of Understanding For The Operation Of The Fairbanks Area Surface Transportation Planning Office. (Sponsor: Mayor Ward) (Page 182)

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. 2019-08. An Ordinance Amending FNSBC Title 10 Regarding Abandoned Vehicles And Vehicle Impoundment, Chapter 12.04 FNSBC Regarding Encroachments, And Related Portions Of Chapter 1.20 FNSBC, Fine Schedule. (Sponsor: Mayor Ward)
(Refer to the Committee of the Whole on February 21, 2019; Advance to February 28, 2019 for Public Hearing) (Page 248)

*b. ORDINANCE NO. 2019-09. An Ordinance Amending FNSB Code Of Ordinances To Modify Any And All Masculine And/Or Feminine Language To Gender Neutral Pronouns; And To Amend FNSBC 1.04.080 Regarding Gender. (Sponsor: Assemblymember Williams)
(Refer to the Committee of the Whole on February 21, 2019; Advance to February 28, 2019 for Public Hearing) (Page 264)

*c. ORDINANCE NO. 2019-10. An Ordinance Amending FNSBC Title 18 Regarding Small Wireless Facilities And To Amend The Definitions Of And Standards For Communication Towers, And Amending Chapter 21.05 FNSBC, Street Address Assignments. (Sponsor: Mayor Ward)
(Refer to the Planning Commission on February 26, 2019 with recommendation due back no later than March 12, 2019; Refer to the Committee of the Whole on March 21, 2019; Advance to March 28, 2019 for Public Hearing) (Page 269)

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 24, 2019
6:02 p.m.

A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, January 24, 2019, 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
Leah Berman Williams. Liz Lyke
Marna Sanford Shaun Tacke
Christopher Quist Aaron Lojewski (Arr. 6:22 p.m./Ex. 9:20 p.m.)

Comprising a quorum of the Assembly, and

Bryce J. Ward, Borough Mayor
Jim Williams, Chief of Staff
Jill S. Dolan, Borough Attorney
Debbie Brady, Chief Financial Officer
Melissa Harter, Library Director
Dan Sloan, Public Works Director
Glenn Miller, Transportation Director
Tim Doran, School Board Representative (Arr. 6:07 p.m.)
Aino Welch, City of North Pole Representative (Arr. 7:10 p.m.)
Nick Czarnecki, Air Quality Manager
Jeff Stepp, Special Assistant to the Mayor
Brittany Smart, Special Assistant to the Mayor
Sandra Mota, Land Management Manager
April Trickey, CMC, Borough Clerk
Adena Benn, Deputy Clerk

Absent and Excused

Angela Major
Andrew M. Gray
NONSECTARIAN INVOCATION AND PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

Mayor Ward presented the Employee of the Month for February to Amy Richards, Personnel Payroll Assistant.

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

NONE

CITIZEN’S COMMENTS

Scott Calder, resident of the borough, requested an amendment to Resolution No. 2018-36 to include “To Re-enact and Implement Ch. 117, SLA 1990”.

Kerri Mullis, resident of the borough, spoke in opposition to Resolution No. 2019-03.

Mike Musick, resident of the borough, spoke in support of Resolution No. 2019-03.

Frank Turney, resident of the borough, spoke in support of Resolution 2019-02.

Jimmy Fox, resident of the borough, spoke in support of Resolution No. 2019-03 and Resolution No. 2018-36.

Mike Prax, resident of the borough, spoke in opposition to Resolution No. 2019-03.
CITIZEN’S COMMENTS - continued

Shoshana Kun, resident of the borough, spoke in support of the Enhanced Home Heating Appliance Exchange program and Resolution 2018-36, specifically in support of taking marijuana off the list of controlled substances.

Patrice Lee, resident of the borough, spoke on Resolution No. 2018-36 and asked for the inclusion of additional legislative priorities. Ms. Lee spoke in support of a borough energy policy and possible commission to lead the state in energy policy.

Christopher Thompson, resident of the borough, spoke in support of Resolution No. 2018-36, specifically in support of removing marijuana from the list of controlled substances.

Pearson Robert Kennedy-Crosby, resident of the borough, spoke in support of Resolution No. 2018-36, specifically in support of removing marijuana from the list of controlled substances.

Sam Hachey, resident of the borough, spoke in support of Resolution No. 2018-36, specifically in support of removing marijuana from the list of controlled substances.

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

Track 4, 45:22

Frank Turney, resident of the borough, thanked the assembly for passing Resolution 2019-02.

APPROVAL OF AGENDA AND CONSENT AGENDA

Track 1, 51:40

The Clerk read the consent agenda.

TACKE, moved to approve the agenda and consent agenda as read.

Seconded by WILLIAMS

WITHOUT OBJECTION, SO ORDERED.
APPROVAL OF MINUTES
Track 1, 51:40

a. Regular Assembly Meeting minutes of January 10, 2019.

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

COMMUNICATIONS TO THE ASSEMBLY
Track 1, 51:40

a. Memorandums from Mayor Ward recommending the appointment and/or reappointment of members to the following commissions:
   - Annette Freiburger to the Chena Riverfront Commission.
   - Matthew Reckard and Patricia Peirsol to the Historic Preservation Commission.

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

b. Memorandum from Mayor Ward recommending the appointment of Rick Hoegberg to the Tungsten Service Area Commission.

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

MESSAGES FROM THE BOROUGH MAYOR
Track 5, 11:44

Mayor Ward provided a written report to the Assembly.

REPORTS OF SPECIAL AND STANDING COMMITTEES
Track 5, 11:57

Assembly member Sanford reported the Assembly Road Service Area Committee met and received a presentation regarding service area annexations.

REPORTS FROM REPRESENTATIVES

a. Report from the City of Fairbanks Representative.

NONE
REPORTS FROM REPRESENTATIVES - continued

b. Report from the City of North Pole Representative.
   Track 4, 1:02:45

City Council Member Welch reported:

- City Council approved engineering for expansion of water utility services to Moose Creek.
- Two North Pole Police Department officers received “Above and Beyond” awards from the National Guard and Reserve.
- The Mayor has toured the 354th Support Squadron at Eielson Air Force Base.
- The Mayor has been shadowing employees in various departments.

c. Report from the School Board Representative.
   Track 2, 00:30

School Board Member Tim Doran reported:

- The Board passed resolutions declaring February as Black history month and recognizing Elizabeth Peratrovich day.
- The Board approved their legislative priorities and started working on FY 2019/2020 Budget.
- January 31st is early out and February 1st there is no school for professional development day.
- The next School Board Meeting is February 5th, at 6 p.m.
- Thanked the Assembly for introducing Ordinance No. 2019-07.

SPECIAL ORDERS - PUBLIC HEARING

a. Liquor License - Transfer - Beverage Dispensary - License #4504
   Track 2, 05:30

From: Upriver, Inc.
    DBA: Gold Rush Deli
    3399 Peger Road Suite C
    Fairbanks, AK 99701

To: Go Alaska Media, LLC
    DBA: Venue Fairbanks
    514 2nd Ave
    Fairbanks, AK 99701

Jim Williams, Chief of Staff, gave a staff report.
PUBLIC HEARING - continued

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

TACKE, Seconded by WILLIAMS moved to file no protest against Liquor License #4504 – Transfer – Beverage Dispensary.

VOTE ON MOTION TO FILE NO PROTEST AGAINST LIQUOR LICENSE #4504 – TRANSFER – BEVERAGE DISPENSARY.

Yeses: Tacke, Lyke, Lojewski, Williams, Quist, Sanford, Cooper

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

b. Liquor License – Transfer – Restaurant/Eating Place – License #3050
Track 2, 07:05

From: Gambardella’s II, Inc.
   DBA: Gambardella’s Pasta Bella
   No Premises

To: 3Giro, Inc.
   DBA: Irashai
   1448 South Cushman Street
   Fairbanks, AK 99701

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

   The Presiding Officer called for public testimony.

   Alex June, resident of the borough and applicant, spoke in support of the liquor license and was available for questions.

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

TACKE, Seconded by WILLIAMS

moved to file no protest against Liquor License #3050 - Transfer - Restaurant/Eating Place.

Discussion ensued.

VOTE ON MOTION TO FILE NO PROTEST AGAINST LIQUOR LICENSE #3050 - TRANSFER - RESTAURANT/EATING PLACE.

Yeses: Williams, Tacke, Quist, Sanford, Lojewski, Lyke, Cooper

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

c. Marijuana License - New - Standard Cultivation Facility - License #16815

Cut Above, LLC
DBA: Cut Above, LLC
1520 Raven Lake Street
Fairbanks, AK 99709

Assemblymember Tacke declared a potential conflict of interest on Marijuana License #16815 as he is part owner of a marijuana product manufacturing business. The Chair ruled a conflict did exist and Mr. Tacke was excused from the dais.

Assemblymember Quist declared a potential conflict of interest on Marijuana License #16815 as his in-laws own a marijuana cultivation license and are potential competitors of this license. 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 #16815 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.

Mike Prax, resident of the borough, spoke on the lack of assembly members left at the dais to pass a vote on marijuana license #16815.
PUBLIC HEARING - continued

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

WILLIAMS, moved to file no protest against Marijuana License #16815 - New - Standard Cultivation Facility. Seconded by LYKE

Discussion ensued.

VOTE ON MOTION TO FILE NO PROTEST AGAINST MARIJUANA LICENSE #16815 - NEW - STANDARD CULTIVATION FACILITY.

Yeses: Williams, Lyke, Lojewski, Cooper
Noes: None

MOTION FAILED 4 Yeses, 0 Noes

Assemblymembers Tacke, Quist and Sanford returned to the dais.


PROPOSED SUBSTITUTE BY Mayor Ward and Assemblymember Lojewski


Clerk’s Note: On January 10, 2019 the assembly advanced Ordinance No. 2018-46 for another public hearing.

Assemblymember Lojewski and Mayor Ward gave a staff report on the proposed substitute.

The Presiding Officer called for public testimony.

Mike Prax, resident of the borough, spoke in support of Ordinance No. 2018-46.

Scott Calder, resident of the borough, spoke in support of Ordinance No. 2018-46.
PUBLIC HEARING - continued

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

Clerk’s Note: On January 10, 2019 Assemblymember Lojewski made a motion to adopt Ordinance No. 2018-46, seconded by Assemblymember Gray.

Discussion ensued.

LOJEWSKI, Seconded by TACKE moved to amend Line 99 by deleting “at a rate of 0.67547 percent per year” and inserting “at a rate of 0.67547 percentage points per year”.

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED


Discussion ensued.

LYKE, Seconded by LOJEWSKI moved to amend to reinstate Line 102 “If the general fund is below 50% of its target reserve, the requirements of this subsection shall not apply in that fiscal year.”

Discussion ensued.

LYKE, Seconded by LOJEWSKI moved to amend the amendment to insert on Line 106 “If the general fund is below 50% of its target reserve, the contribution to the facilities maintenance reserve shall not apply in the fiscal year” after “as required for those projects.”.

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.
PUBLIC HEARING - continued

Discussion ensued.

VOTE ON MOTION TO AMEND THE AMENDMENT TO INSERT ON LINE 106 “IF THE GENERAL FUND IS BELOW 50% OF ITS TARGET RESERVE, THE CONTRIBUTION TO THE FACILITIES MAINTENANCE RESERVE SHALL NOT APPLY IN THE FISCAL YEAR” AFTER “AS REQUIRED FOR THOSE PROJECTS.”, AS AMENDED.

Yeses: Lyke, Lojewski
Noes: Williams, Sanford, Quist, Tacke, Cooper
MOTION FAILED 2 Yeses, 5 Noes

Discussion ensued.

QUIST, Seconded by LOJEWSKI moved to amend by replacing Lines 21-24 with “WHEREAS, the estimated replacement value for all FNSB owned buildings is $1.6 billion, including all building used by the school district and the fire service districts. This estimated replacement value is based on industry standards for 3.2 million square feet of facilities times an estimated $500 per square foot average replacement cost; and”

Discussion ensued.

VOTE ON MOTION TO AMEND BY REPLACING LINES 21-24 WITH “WHEREAS, THE ESTIMATED REPLACEMENT VALUE FOR ALL FNSB OWNED BUILDINGS IS $1.6 BILLION, INCLUDING ALL BUILDING USED BY THE SCHOOL DISTRICT AND THE FIRE SERVICE DISTRICTS. THIS ESTIMATED REPLACEMENT VALUE IS BASED ON INDUSTRY STANDARDS FOR 3.2 MILLION SQUARE FEET OF FACILITIES TIMES AN ESTIMATED $500 PER SQUARE FOOT AVERAGE REPLACEMENT COST; AND”.

Yeses: Sanford, Cooper
Noes: Quist, Tacke, Williams, Lyke, Lojewski
MOTION FAILED 2 Yeses, 5 Noes
PUBLIC HEARING - continued

WILLIAMS, Seconded by TACKE moved to amend Line 97 by replacing “must” with “should”.

VOTE ON MOTION TO AMEND LINE 97 BY REPLACING “MUST” WITH “SHOULD”.

Yeses: Williams
Noes: Lojewski, Sanford, Tacke, Quist, Lyke, Cooper

MOTION FAILED 1 Yeses, 6 Noes

WILLIAMS, Seconded by LOJEWSKI moved to amend Line 20 to add “WHEREAS, the estimated replacement value for all FNSB owned buildings is $1.6 billion, including all building used by the school district and the fire service districts. This estimated replacement value is based on industry standards for 3.2 million square feet of facilities times an estimated $500 per square foot average replacement cost; and”

LOJEWSKI, Seconded by QUIST moved to amend the amendment by adding to the end of the whereas clause “This figure is not being used for the logic in the whereas clauses that follow.”

VOTE ON MOTION TO AMEND THE AMENDMENT BY ADDING TO THE END OF THE WHEREAS CLAUSE “THIS FIGURE IS NOT BEING USED FOR THE LOGIC IN THE WHEREAS CLAUSES THAT FOLLOW.”

Yeses: Lojewski
Noes: Sanford, Williams, Tacke, Lyke, Quist, Cooper

MOTION FAILED 1 Yeses, 6 Noes
PUBLIC HEARING - continued

VOTE ON MOTION TO AMEND LINE 20 TO ADD “WHEREAS, THE ESTIMATED REPLACEMENT VALUE FOR ALL FNSB OWNED BUILDINGS IS $1.6 BILLION, INCLUDING ALL BUILDING USED BY THE SCHOOL DISTRICT AND THE FIRE SERVICE DISTRICTS. THIS ESTIMATED REPLACEMENT VALUE IS BASED ON INDUSTRY STANDARDS FOR 3.2 MILLION SQUARE FEET OF FACILITIES TIMES AN ESTIMATED $500 PER SQUARE FOOT AVERAGE REPLACEMENT COST; AND”

Yeses: Quist, Williams, Lojewski, Sanford, Cooper
Noes: Tacke, Lyke
MOTION CARRIED 5 Yeses, 2 Noes
Discussion ensued.

LOJEWSKI, Seconded by TACKE
move to amend by deleting Lines 106-109 “If the budget does not propose the contribution required by this subsection it must be justified with an explanation of the reason and possible alternatives (e.g., future bond proposals, grant funds, building closures)”.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 106-109 “IF THE BUDGET DOES NOT PROPOSE THE CONTRIBUTION REQUIRED BY THIS SUBSECTION IT MUST BE JUSTIFIED WITH AN EXPLANATION OF THE REASON AND POSSIBLE ALTERNATIVES (E.G., FUTURE BOND PROPOSALS, GRANT FUNDS, BUILDING CLOSURES)”.

Yeses: Quist, Lojewski, Williams, Tacke
Noes: Sanford, Lyke, Cooper
MOTION FAILED 4 Yeses, 3 Noes
TACKE, Seconded by LYKE
moved to amend by reinserting Section 4, Lines 111-120.

Discussion ensued.
PUBLIC HEARING - continued

TACKE, Seconded by LYKE
moved to amend the amendment by deleting the number 1 on Line 97, adding a period on Line 99 after “taxes”, and deleting the remainder of Lines 104-106 through the word “projects”.

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.

VOTE ON MOTION TO AMEND THE AMENDMENT BY REINSERTING SECTION 4, LINES 111-120 AND BY DELETING THE NUMBER 1 ON LINE 97, ADDING A PERIOD ON LINE 99 AFTER “TAXES”, AND DELETING THE REMAINDER OF LINES 104-106 THROUGH THE WORD “PROJECTS”, AS AMENDED.

Yeses: Lyke, Williams, Lojewski, Sanford, Quist, Tacke, Cooper

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

QUIST, Seconded by TACKE
moved to amend by deleting “suddenly” on Line 30, and inserting “suddenly” after “would” on Line 31.

WITHOUT OBJECTION, SO ORDERED.

SANFORD, Seconded by QUIST
moved to amend Lines 30-31 to remove “or $14,664,234 to $29,328,468”.

WITHOUT OBJECTION, SO ORDERED.

VOTE ON MOTION TO SUBSTITUTE ORDINANCE NO. 2018-46, AS AMENDED.

Yeses: Sanford, Williams, Cooper

Noes: Lyke, Quist, Lojewski, Tacke

MOTION FAILED 3 Yeses, 4 Noes
PUBLIC HEARING - continued

LOJ EWSKI, 
Seconded by QUIST

moved to amend by replacing the 
whereas in the original ordinance with 
the whereass, as amended, in the 
substitute as follows: amend Line 20 to 
add “whereas, the estimated replacement 
value for all FNSB owned buildings is $1.6 
billion, including all building used by the 
school district and the fire service districts. 
this estimated replacement value is based 
on industry standards for 3.2 million 
square feet of facilities times an estimated 
$500 per square foot average replacement 
cost; and”; amend by deleting “suddenly” 
on Line 30, and inserting “suddenly” after 
“would” on Line 31; and amend Lines 30-
31 to remove “or $14,664,234 to 
$29,328,468”.

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.

QUIST, 
Seconded by WILLIAMS

moved to amend by deleting Lines 100-101 
“If the general fund is below 50% of its 
target reserve, the requirements of this 
subsection shall not apply in that fiscal 
year.”

Discussion ensued.

Yeses: 
Williams, Tacke, Sanford, Quist, Lojewski, Cooper

Noes: 
Lyke

MOTION CARRIED 
6 Yeses, 1 Noes
PUBLIC HEARING - continued

WILLIAMS, Seconded by LOJEWSKI
moved to amend Line 97 by replacing “6.7547” with “7”, and delete Lines 98-100 as follows “The proposed contribution shall increase at a rate of 0.67547 percentage points per year until it reaches 13.5095 percent of the estimate of areawide tax revenues.”.

TACKE, Seconded by WILLIAMS
moved to divide the question with the first amendment to amend Line 97 by replacing “6.7547” with “7”, and the second amendment to delete Lines 98-100 as follows “The proposed contribution shall increase at a rate of 0.67547 per year until it reaches 13.5095 percent of the estimate of areawide tax revenues,”

WITHOUT OBJECTION, SO ORDERED.

VOTE ON MOTION TO AMEND LINE 97 by replacing “6.7547” with “7”.

WITHOUT OBJECTION, SO ORDERED.

Discussion ensued.

QUIST, Seconded by TACKE
moved to amend the amendment to keep Lines 98-100 and on Line 99 replace “.67547” with “.7” and replace “13.5095” with “‘14”.

Discussion ensued.

VOTE ON MOTION TO AMEND THE AMENDMENT TO KEEP LINES 98-100 AND ON LINE 99 REPLACE “.67547” WITH “.7” AND REPLACE “13.5095” WITH “‘14”.

Yeses: Tacke, Quist, Lojewski

Noes: Williams, Sanford, Lyke, Cooper

MOTION FAILED 3 Yeses, 4 Noes
PUBLIC HEARING - continued

VOTE ON MOTION TO AMEND BY DELETING LINES 98-100 AS FOLLOWS “THE PROPOSED CONTRIBUTION SHALL INCREASE AT A RATE OF 0.67547 PER YEAR UNTIL IT REACHES 13.5095 PERCENT OF THE ESTIMATE OF AREAWIDE TAX REVENUES,”.

Yeses: Lojewski, Lyke, Williams, Sanford, Cooper

Noes: Quist, Tacke

MOTION CARRIED  5 Yeses, 2 Noes

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2018-46, AS AMENDED.

Yeses: Quist, Tacke, Sanford, Lyke, Williams, Lojewski, Cooper

Noes: None

MOTION CARRIED  7 Yeses, 0 Noes

Clerk’s Note: Assemblymember Lojewski was excused at 9:20 p.m.

e. ORDINANCE NO. 2019-02. An Ordinance To Amend FNSBC 21.28.040 Enhanced Voluntary Removal, Replacement And Repair (Wood Stove Change-Out) Program To Be Consistent With Federal Grant Requirements. (Sponsor: Mayor Ward) Track 3, 51:56

Nick Czarnecki, Air Quality Manager, gave a staff report.

The Presiding Officer called for public testimony.

Jimmy Fox, resident of the borough, suggested amendments to Ordinance No. 2019-02.

Patrice Lee, resident of the borough, agreed with changes suggested by Mr. Fox.

Mike Prax, resident of the borough, expressed his concern about the economic impact of Ordinance No. 2019-02.

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

TACKE, Seconded by QUIST
Moved to adopt Ordinance No. 2019-02.

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2019-02.

Yeses: Lyke, Sanford, Tacke, Williams, Quist, Cooper

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

f. ORDINANCE NO. 2018-20-1P. An Ordinance Amending The FY 2018-19 Budget By Appropriating $3,781,265 In Federal Pass-Through Grant Funding To The Transit Enterprise Projects Fund For The Voluntary Conversion Or Removal (Wood Stove Change-Out) Program. (Sponsor: Mayor Ward)

Track 4, 12:48

Nick Czarnecki, Air Quality Manager, gave a staff report.

The Presiding Officer called for public testimony.

Mike Prax, resident of the borough, expressed his concerns with Ordinance No. 2018-20-1P.

Patrice Lee, resident of the borough, spoke regarding hot-spot zones and the non-attainment area.

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

TACKE, Seconded by WILLIAMS
Moved to adopt Ordinance No. 2019-20-1P.

Discussion ensued.
PUBLIC HEARING - continued

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

Yeses: Lyke, Williams, Quist, Sanford, Tacke, Cooper

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

g. ORDINANCE NO. 2019-03. An Ordinance Amending FNSBC Title 8 To Add Waiver Of Use Agreement Fees By The Borough Mayor, Amending FNSBC Title 20 By Adding A Section Authorizing Use Agreements On Borough Land And Amending The Definition Of Temporary Use, And Amending Appendix E-User Fee Schedule/Assessing/Land Management Fees And Attachment C Of Ordinance No. 2018-20 (FY 2018-19) To Add Fees For Use Agreements. (Sponsor: Mayor Ward) Track 4, 21:05

Assemblymember Williams declared a potential conflict of interest on Ordinance No. 2019-03 as her husband works for the Folk School which is currently leasing buildings in Pioneer Park and may lease in the future. The Chair ruled a conflict did not exist.

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

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

TACKE, Seconded by WILLIAMS

moved to adopt Ordinance No. 2019-03.

Discussion ensued.
PUBLIC HEARING - continued

moved to amend Line 72 to add a sentence at the end of the subsection as follows “Non-continuous periods are consecutive periods of time not to exceed six months.”; Amend Line 76 to add a sentence at the end of the subsection as follows “Use agreements are revocable without cause and shall not allow for the construction of permanent improvements on borough land.”; Lines 86-87 by deleting the first sentence and replacing it with “Payment of use-related utility and maintenance costs is required if such costs are expected to be in excess of those incurred by a typical facility user and are subject to waiver by resolution of the Assembly only upon a finding that the agreement is for a compelling public purpose.”

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2019-03, AS AMENDED.

Yeses: Quist, Tacke, Lyke, Sanford, Williams, Cooper

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

h. ORDINANCE NO. 2018-20-1Q. An Ordinance Amending The FY 2018-19 Budget By Appropriating $35,000 In Fairbanks Library Foundation Funding And $35,000 From The Library Special Revenue Fund To The Special Revenue Projects Fund For A Space Plan Study For The Noel Wien Library. (Sponsor: Mayor Ward)

Track 4, 35:45

Melissa Harter, Library Director, gave a staff report.

The Presiding Officer called for public testimony.


**PUBLIC HEARING - continued**

Marie Angaiak, resident of the borough and Co-President of the Fairbanks Library Foundation, spoke in support of Ordinance No. 2018-20-1Q.

Mary Matthews, resident of the borough and Co-President of the Fairbanks Library Foundation and Library Commissioner, spoke in support of Ordinance No. 2018-20-1Q.

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

TACE, Seconded by WILLIAMS moved to adopt Ordinance No. 2019-20-1Q. Discussion ensued.

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

Yeses: Sanford, Lyke, Quist, Williams, Tacke, Cooper

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

*Clerk’s Note: The Presiding Officer reordered the agenda to take up Item #15 a., Citizen Comments before Item #14 a., Unfinished Business.*

**CONSIDERATION OF CALENDAR - Unfinished Business**

a. **RESOLUTION NO. 2018-36.** A Resolution Identifying And Supporting Legislative Priorities And Capital Projects. (Sponsor: Assembly Capital Projects and Legislative Priorities Committee) 

   *Track 5, 1:02:34*

   Assemblymember Sanford and Mayor Ward gave a staff report.

*Clerks Note: On November 8, 2018, a motion to adopt Resolution No. 2018-36 was made by Gray and seconded by Sanford, and motion was made to to refer Resolution No. 2018-36 to the Capital Projects and Legislative Priorities Committee.*
CONSIDERATION OF CALENDAR - Unfinished Business - continued

TACKE, Seconded by WILLIAMS
moved to amend Line 31 to add “and regulate it like alcohol” at the end of the sentence to read as follows: “Remove marijuana from the schedule of controlled substances and regulate it like alcohol.”

VOTE TO AMEND LINE 31 TO ADD “AND REGULATE IT LIKE ALCOHOL” AT THE END OF THE SENTENCE TO READ AS FOLLOWS: “REMOVE MARIJUANA FROM THE SCHEDULE OF CONTROLLED SUBSTANCES AND REGULATE IT LIKE ALCOHOL.”

Yeses: Quist, Tacke, Lyke, Sanford, Williams, Cooper
Noes: None
MOTION CARRIED 6 Yeses, 0 Noes

QUIST, Seconded by TACKE
moved to amend Line 34 to delete “Sales or” and amend the corresponding backup under State Sales or Income Tax to delete “Sales or” and replace the narrative with “The State of Alaska should implement a state wide income tax.”

Discussion ensued.

VOTE TO AMEND LINE 34 TO DELETE “SALES OR” AND AMEND THE CORRESPONDING BACKUP UNDER STATE SALES OR INCOME TAX TO DELETE “SALES OR” AND REPLACE THE NARRATIVE WITH “STATE OF ALASKA SHOULD IMPLEMENT A STATE WIDE INCOME TAX.”

Yeses: Sanford, Williams, Tacke, Quist, Cooper
Noes: Lyke
MOTION CARRIED 5 Yeses, 1 Noes
CONSIDERATION OF CALENDAR - Unfinished Business - continued

SANFORD,
Seconded by QUIST
moved to substitute Resolution No. 2018-36.

Discussion ensued.

QUIST,
Seconded by SANFORD
moved to amend Line 103 to insert “Remove marijuana from the schedule of controlled substances and regulate it like alcohol” and with an intent statement of “Alaska Statue should be amended to reflect that marijuana is a regulated substance, similar to alcohol, and is not a controlled substance.”

WITHOUT OBJECTION, SO ORDERED.

TACKE,
Seconded by SANFORD
moved to amend by inserting after Line 24 “Whereas, if a statewide capital bond package is proposed the Borough desires to add projects for consideration not listed within this resolution; and,“; amend Line 27 by replacing “those” with “many”; removing “fully” from line 64; amend Lines 87-88 by deleting on lines 87-88 “It is unknown what, if any, future reductions are planned for the next fiscal year(s)”; and amend by replacing Lines 135-144 with “Energy Conversion Programs. The FNSB supports efforts to create mechanisms for financing and funding of conversions to cheaper, cleaner and more efficient devices. Loan or grant programs that may aid in the ability of the local government and/or private business to finance conversions would be extremely valuable to projects such as the Interior Gas Utility expansion. Conversion programs may also aid in the reduction of air pollution, so that attainment can be achieved in the FNSB.”

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.
SUSPENSION OF THE RULES

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

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

Yeses: Williams, Quist, Tacke, Sanford, Lyke, Cooper
Noes: None
MOTION CARRIED 6 Yeses, 0 Noes

CONSIDERATION OF CALENDAR - Unfinished Business - continued

QUIST, Seconded by SANFORD moved to amend Line 102 to insert under Legislature “The State of Alaska should implement a state-wide income tax.”

SANFORD, Seconded by WILLIAMS moved to amend the amendment on Line 162 to insert “The State of Alaska should implement a state-wide income tax.”

WITHOUT OBJECTION, SO ORDERED.

VOTE ON MOTION TO AMEND THE AMENDMENT ON LINE 162 TO INSERT “THE STATE OF ALASKA SHOULD IMPLEMENT A STATE-WIDE INCOME TAX.”, AS AMENDED.

Yeses: Williams, Tacke, Sanford, Quist, Cooper
Noes: Lyke
MOTION CARRIED 5 Yeses, 1 Noes

Discussion ensued.

Clerk’s Note: Presiding Officer Cooper passed the gavel to Finance Committee Chair Quist.

COOPER, Seconded by TACKE moved to amend Line 30 to replace “will” with “intends to”.

FAIRBANKS NORTH STAR BOROUGH January 24, 2019
DRAFT Regular Assembly Meeting Minutes Page 23
CONSIDERATION OF CALENDAR - Unfinished Business - continued

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.

VOTE ON MOTION TO SUBSTITUTE RESOLUTION NO. 2018-36, AS AMENDED.

Yeses: Sanford, Williams, Cooper
Noes: Lyke, Quist, Tacke

MOTION FAILED 3 Yeses, 3 Noes

WILLIAMS, Seconded by TACKE

moved to amend by deleting lines 32-33 and inserting on Line 32 the bullet point “Energy Conversion Programs.” And add to backup material “The FNSB supports efforts to create mechanisms for financing and funding of conversions to cheaper, cleaner and more efficient devices. Loan or grant programs that may aid in the ability of the local government and/or private business to finance conversions would be extremely valuable to projects such as the Interior Gas Utility expansion. Conversion programs may also aid in the reduction of air pollution, so that attainment can be achieved in the FNSB.”

WITHOUT OBJECTION, SO ORDERED.
CONSIDERATION OF CALENDAR - Unfinished Business - continued

WILLIAMS,  
Seconded by TACKE

moved to amend Line 58 to insert “15. Pioneer Park Master Plan”, and add to the backup material “Title: Pioneer Park Master Plan - $135,000 Project Cost: $150,000 Anticipated Borough Contribution: $15,000 Total Legislative Request: $135,000. Pioneer Park was founded in 1967 to celebrate the 100th Anniversary of the purchase of Alaska from Russia and is Alaska’s only historic park. The park contains 44 acres of historic, civic, and amusement activities that serve both tourists and local residents. A review of capital needs for the 8 most prominent park attractions identifies over $19M of projects needed within the next 6 years, but that does not include capital investment needs for the entire park. Unfortunately, funds are limited to properly maintain and protect these attractions. Decisions have to be made in the next few years that will significantly impact the park, such as the potential demolition of key park attractions due to public health and safety concerns. For example, the SS Nenana, the historic steam sternwheel passenger riverboat, has been closed to the public since April 2018. The last Master Plan for Pioneer Park was completed in 2005. Funds will be used to update the Master Plan, with specific focus on current and future facility use. Plan development will include a comprehensive public engagement process, which will be used to guide decision making and investment that best preserves the character of the park while meeting the community’s needs and expectations.

WITHOUT OBJECTION, SO ORDERED.
CONSIDERATION OF CALENDAR - Unfinished Business - continued

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2018-36, AS AMENDED.

Yeses: Williams, Tacke, Quist, Lyke, Cooper

Noes: Sanford

MOTION CARRIED 5 Yeses, 1 Noes

CITIZEN’S COMMENTS - Limited To Three (3) Minutes (Continuation if needed)
Track 4, 42:59

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

Scott Calder, resident of the borough, spoke for an additional one minute regarding legislative priorities.

CONSIDERATION OF CALENDAR - New Business - Resolutions

a. RESOLUTION NO. 2019-03. A Resolution Supporting Conversion From Diesel And Gasoline To Compressed Natural Gas (CNG) Vehicles For All Transit Revenue Service Vehicles Within The Fairbanks North Star Borough Transportation Department. (Sponsor: Mayor Ward)
Track 5, 1:02:04

Glenn Miller, Transportation Director and Mayor Ward gave a staff report.

QUIST, Seconded by TACKE

moved to adopt Resolution No. 2019-03.

Discussion ensued.

QUIST, Seconded by SANFORD

moved to refer Resolution No. 2019-03 to the February 7, 2019 Committee of the Whole Worksession; advance to February 14, 2019.
CONSIDERATION OF CALENDAR - New Business - Resolutions - continued

VOTE ON MOTION TO REFER RESOLUTION NO. 2019-03 TO THE FEBRUARY 7, 2019 COMMITTEE OF THE WHOLE WORKSESSION; ADVANCE TO FEBRUARY 14, 2019.

Yeses: Williams, Quist, Tacke, Sanford, Lyke, Cooper

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

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

NONE

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

a. ORDINANCE NO. 2019-07. An Ordinance Amending FNSBC Title 16 To Authorize The Procurement Of Supplies, Equipment And Services To School District Officials, And Authorizing The Delegation Of Procurement Authority For Certain Construction Projects. (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 February 7, 2019; Advanced to February 14, 2019 Public Hearing.

b. ORDINANCE NO. 2018-20-1R. An Ordinance Amending The FY 2018-19 Budget By Appropriating $39,055 In Federal Pass-Through Grant Funding To The Special Revenue Fund To Offset The Cost Of The First Three Years Of Operations And Maintenance Of Motor Vehicle Plug-Ins Installed At The Fairbanks North Star Borough’s Noel Wien Library And North Pole Branch Library. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on February 7, 2019; Advanced to February 14, 2019 Public Hearing.
c. **ORDINANCE NO. 2018-20-1S.** An Ordinance Amending The FY 2018-19 Budget By Changing The Estimated Revenues For $48,154 Of The Match To The Federal Transit Administration, Section 5307 Transit Operating Assistance Grant From Local Sources To State Grant Funds And By Appropriating $48,154 To The Transit Enterprise Operating Fund To Continue The Increased Headway On The Red, Brown And Purple Lines. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on February 7, 2019; Advanced to February 14, 2019 Public Hearing.

d. **ORDINANCE NO. 2018-20-1T.** An Ordinance Amending The FY 2018-19 Budget By Appropriating $201,779 In Federal Grant Funding And $20,029 In Local Matching Funds From The General Fund Fund Balance To The Capital Projects Fund For The Restroom Replacement And Access Improvements Project At Chena Lake Recreation Area.
(Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on February 7, 2019; Advanced to February 14, 2019 Public Hearing.

e. **ORDINANCE NO. 2019-06.** An Ordinance Amending FNSBC 18.104.020 Regarding Rezones. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Planning Commission on February 26, 2019 with recommendation due back no later than March 4, 2019; Referred to the Committee of the Whole on March 7, 2019; Advanced to March 14, 2019 Public Hearing.

**CITIZENS’ COMMENTS - Limited To 3 Minutes (Continuation if needed)**

b. Items that are not scheduled on the agenda.

*Track 4, 45:26*

Steve Lowry, resident of the borough, spoke regarding Ordinance No. 2019-01.

Scott Calder, resident of the borough, spoke regarding the Mary Siah Recreation Center.

Mike Prax, resident of the borough, spoke regarding air quality in the borough and the National Air Quality Act.
CITIZENS’ COMMENTS - Limited To 3 Minutes (Continuation if needed)

Don Gray, resident of the borough, thanked the Assembly for the work they have done and asked the Assembly to pressure the state government regarding revenue sharing.

ASSEMBLYMEMBER’S COMMENTS
Track 5, 12:53

Assemblymember Tacke asked to be added as a co-sponsor to Ordinance No. 2018-46.

Assemblymember Lyke commented positively on the work the assembly is doing with regard to Resolution No. 2018-36.

Assemblymember Quist thanked Bob Jordan, Solid Waste Manager, for his tour of the landfill. He recommends other assemblymembers take advantage of the opportunity to learn more about Public Works/Solid Waste. Mr. Quist is hosting “Office Hours”, a venue to interface with members of the public on February 12, and 26 from 6:00 p.m. to 8:00 p.m. in Room #3 of the Noel Wien Library. Mr. Quist extended an invitation for other assemblymembers to participate.

Assemblymember Williams reported Will Simpson, Professor of Chemistry with the College of Natural Sciences and Mathematics and Geophysical Institute at UAF, will host a presentation called “The Science of Smoke, Fairbanks’ Particulate Problem” January 29th at 7:00 p.m. at Raven Landing.

Assemblymember Sanford spent a great day at Denali Elementary in Ms. Dibert’s third grade class. Ms. Sanford encouraged other assemblymembers to spend time in classrooms to engage with students and teachers.

Assemblymember Cooper echoed Ms. Sanford’s comments on visiting and getting involved in local schools, and Mr. Quist’s comments on the FNSB’s Public Works/Solid Waste department tour. Mr. Cooper spoke in support of Resolution No. 2018-36 and his hopes the assembly will find a way to work with the Mayor to improve the process in the future.

Assembly Schedule for the week of January 28, 2019: No meetings scheduled

Assembly Schedule for the week of February 4, 2019:

- Thursday, February 7, 2019: Finance Committee at 5:30 p.m. in the 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 adjourned at 12:04 a.m. on January 25, 2019.

_____________________________________
Matt Cooper
Presiding Officer

ATTEST:

_____________________________________
April Trickey, CMC
Borough Clerk
MEMORANDUM

TO: Matt Cooper, Presiding Officer
    Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor

FROM: Cory T. Beal, Chief Procurement Officer
    General Services Department

DATE: February 14, 2019

SUBJECT: RECOMMENDATION TO APPROVE AWARD
    IFB Number 19022
    Ladd Elementary School Exterior Wall Improvements

CONTRACTOR: Kirkland Built Inc.

CONTRACT AMOUNT: $777,066.00

The Department of Public Works recommends Assembly approval of the Base Bid as submitted by Kirkland Built Inc. in the amount of $777,066.00.

The bid consists of the removal and replacement of exterior windows and existing exterior lights, refurbish exterior doors and perform upgrades to the EIFS.

Funding for this project has been made available by Ordinance Number 2016-35 (Local Bond).

The competitive process was conducted in compliance with Title 16. The bid submitted by Kirkland Built Inc. is the lowest responsible, responsive bid.

Please place this recommendation to award on the Assembly agenda for the meeting to be held February 14, 2019. Bids were opened at 2:00 pm January 31, 2019 for the subject project. Results of this solicitation are included in the attached bid tabulation. The appeal period expired at February 11, 2019 5:00 p.m. on .

Attached is the documentation package provided by the Department of Public Works.

Attachments
MEMORANDUM

TO: Cory Beal, Chief Procurement Officer
   Department of General Services

THROUGH: Bill Lorkowski, Architect/Engineer
          Department of Public Works

FROM: Leslie Gonzalez, Project Manager
      Department of Public Works

DATE: February 4, 2019

PROJECT: Project Name: Ladd Elementary School Exterior Improvements
          IFB No.: 19022
          Project No.: 16-WE1PRJ-2

SUBJECT: Recommendation to Award for the Regular Assembly Meeting of
          February 14, 2019

Action Requested: The Department of Public Works recommends award of the Base Bid to Kirkland Built, Inc., for a total contract amount of $777,066.00

Project Description: Removal and replacement of exterior windows and existing exterior lights, refurbish exterior doors, and perform upgrades to the EIFS.

Alternate(s): None

Funding: Ordinance # 2016-35 Local Bond

Attachments:
   Fund Verification
   Recommendation to Award from FNSB School District
   Recommendation to Award from Stantec Architecture Inc., Consultant

   c: David Bredlie, Manager (Memo Only)
PurPOSE / PROJECT NAME: Ladd Elementary School Exterior Improvements

DESCRIPTION: Removal and replacement of exterior windows and existing exterior lighting, refurbish exterior doors, and perform upgrades to EIFS.

Est. Cost: $896,389.00 Est. Contingency: $89,638.90 Total Cost: $986,027.90

SOURCE OF FUNDS:

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>LPB6LW-72006 / 16-WE1PRJ-2</td>
<td>$986,027.90</td>
</tr>
</tbody>
</table>

**Local bidder preference (FNSB 16.16.050) is prohibited.**

***Local bidder preference (FNSB 16.16.050) is allowed.***

Chief Accountant or Grants Accountant: [Signature]
Date: 12/16/18

***NOTE: If local bidder preference is allowed, a change in funding source, which impacts this determination, is not permissible after the opening date and time of an Invitation for Bid (IFB).***
MEMORANDUM

TO: Mark Nilson, Project Manager
FNSB School District

FROM: Leslie Gonzalez, Project Manager
Department of Public Works

DATE: January 31, 2019

PROJECT: Ladd Elementary School Exterior Improvements
Project No.: 16-WE1PRJ-1
IFB No.: 19022

SUBJECT: USER RECOMMENDATION TO AWARD

Construction bids for the above referenced project were opened at 2:00 PM on January 31, 2019. A copy of the Bid Tabulation, recorded by the FNSB General Services Department, is attached for your review.

The Department of Public Works recommends a contract award of the Base Bid to the apparent low bidder, Kirkland Built, Inc., for a total bid amount of $777,066.00.

If you concur with our recommendation, please sign below and return as soon as possible.

LG: ml

Attachment

Mark Nilson, Project Manager

Date
MEMORANDUM

TO:    Mark Parrott, ME
       Stantec Architecture Inc.

FROM:  Leslie Gonzalez, Project Manager
        Department of Public Works

DATE:  January 31, 2019

PROJECT:  Ladd Elementary School Exterior Improvements
          Project No.:  16-WE1PRJ-2
          IFB No.:    19022

SUBJECT: CONSULTANT RECOMMENDATION TO AWARD

Construction bids for the above referenced project were opened at 2:00 PM on January 31, 2019. A copy of the Bid Tabulation, recorded by the FNSB General Services Department, is attached for your review.

The Department of Public Works recommends a contract award of the Base Bid to the apparent low bidder, Kirkland Built, Inc., for a total bid amount of $777,066.00.

If you concur with our recommendation, please sign below and return as soon as possible.

LG:ml

Attachment

Mark Parrott, Engineer

ERIK DUKES, ARCHITECT

Date: 02-04-2019
NOTICE OF INTENT TO AWARD

SUBJECT: Ladd Elementary School Exterior Wall Improvements
DATE OF NOTICE: February 4, 2019

BID NUMBER: 19022
OPENING DATE: January 31, 2019

CHIEF PROCUREMENT OFFICER:
Cory T. Beal

PROCUREMENT SPECIALIST:
Marilyn Ordal

It is the intent of the Fairbanks North Star Borough to award a contract to the low responsive, responsible bidder, in accordance with the specifications and requirements described in the IFB. Award may be made no sooner than five (5) days from the date of this notice. This serves solely as notice of the Borough's intent to award a contract and should not be construed as a notice to proceed with delivery of goods or services.

NOTE: ★ = AWARD TO BIDDER Y = RESPONSIVE BIDDER N = NON-RESPONSIVE BIDDER
• = BID NOT EVALUATED BECAUSE THERE WAS A LOWER RESPONSIVE BID
Ø = BID EXCEEDED AVAILABLE FUNDS

BIDS OVER $100,000 WILL BE FORWARD TO THE ASSEMBLY FOR APPROVAL

<table>
<thead>
<tr>
<th>ITEM</th>
<th>PRICE</th>
<th>AWARD</th>
<th>COMMENTS</th>
<th>RESPONSIVE Y / N</th>
<th>BIDDER</th>
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<tbody>
<tr>
<td>Base Bid</td>
<td>$777,066.00</td>
<td>★</td>
<td>Low Responsive Bidder</td>
<td>Y</td>
<td>Kirkland Built Inc.</td>
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<tr>
<td>Base Bid</td>
<td>$802,800.00</td>
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<td></td>
<td></td>
<td>Ghemm Company Inc.</td>
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<tr>
<td>Base Bid</td>
<td>$1,215,841.00</td>
<td></td>
<td></td>
<td></td>
<td>Alcan Builders Inc.</td>
</tr>
</tbody>
</table>

This is the FNSB Notice of Intent to Award (NOIA) the Base Bid of IFB 19022 to Kirkland Built Inc. The appeal period for this NOIA will expire on February 11, 2019 at 5:00 pm.
Fairbanks North Star Borough  
Division of Purchasing  
Bid Tabulation

IFB NO.: 19022  
DATE: 1/31/2019  
PROJECT: Ladd Elementary School Exterior Improvements

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>Alcan Builders</th>
<th>Kirkland Built</th>
<th>Ghemm Co. Inc.</th>
<th>Engineer's Estimate</th>
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<tbody>
<tr>
<td>Base Bid</td>
<td>$1,215,841.00</td>
<td>$777,066.00</td>
<td>$802,800.00</td>
<td>$896,388.66</td>
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</table>

Bids opened and witnessed by Marilyn Ordal and Lisa Petit

The above tabulation is for informational purposes only and is not the official record. The low bid is the apparent low. All bids will receive administrative review for accuracy and to determine if the low bid is responsive and responsible.
MEMORANDUM

TO: Matt Cooper, Presiding Officer
Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor

FROM: Cory T. Beal, Chief Procurement Officer
General Services Department

DATE: February 14, 2019

SUBJECT: RECOMMENDATION TO APPROVE AWARD
IFB Number 19042 - Lots Three, Four and Five
Air Filters for Facilities Maintenance

CONTRACTOR: Refrigeration Supplies Distributors

CONTRACT AMOUNT: $146,258.40

The Department of Public Works / Facilities Maintenance recommends Assembly approval of Lot Three in the amount of $20,013.36, Lot Four in the amount of $4,096.32, and Lot Five in the amount of $5,142.00 as submitted by Refrigeration Supplies Distributors for the initial contract period, and an estimated total contract amount of $146,258.40 if the four one-year renewal options are exercised.

The bid consists of:
- Lot Three - Type C Air Filters
- Lot Four - Type D Air Filters
- Lot Five - Type E Air Filters

Funding for this project has been made available by Ordinance Number 2018-20 (General Fund).

The competitive process was conducted in compliance with Title 16. The bid submitted by Refrigeration Supplies Distributors is the lowest responsible, responsive bid for Lots Three, Four and Five.

Please place this recommendation to award on the Assembly agenda for the meeting to be held February 14, 2019. Bids were opened at 2:00 pm January 11, 2019 for the subject project. Results of this solicitation are included in the attached bid tabulation. The appeal period expired at 5:00 p.m. on February 4, 2019.

Attached is the documentation package provided by the Department of Public Works / Facilities Maintenance.
MEMORANDUM

TO: Cory Beal, Chief Procurement Officer
   Fairbanks North Star Borough
THRU: Dan Sloan, Director
   Department of Public Works
FROM: Travis Smith, Manager
   Facilities Maintenance Division
DATE: January 28, 2019
PROJECT NAME: Replacement Air Filters
   IFB No. 19042
SUBJECT: Recommendation to Award for the Regular Assembly Meeting of
   February 14, 2019
Action Requested: The Department of Public Works recommends award of the Lots
   Three, Four and Five to Refrigeration Supplies Distributors for the
   first year contract amount of all three lots of $29,251.68 and a
   total contract amount for all three lots of $146,258.40, if all four
   one-year renewal options are exercised.
Project Description: Purchase of replacement air filters for Borough facilities.
Funding: Ordinance 2018-20 General Fund
Fairbanks North Star Borough  
Purchasing Division  
**Bid Tabulation**

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>RSD</th>
<th>Altrol Inc.</th>
<th>Long Building Technologies</th>
<th>American Environmental Systems LLC</th>
<th>Holaday Parks Inc.</th>
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<tbody>
<tr>
<td>LOT ONE</td>
<td>$6,357.24</td>
<td>$10,473.85</td>
<td>$6,056.75</td>
<td>$4,049.45</td>
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<td>LOT TWO</td>
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<td>$645.12</td>
<td>No Bid</td>
<td>$288.00</td>
<td>$724.16</td>
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<td>LOT THREE</td>
<td>$20,013.36</td>
<td>$33,516.27</td>
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<td>LOT FOUR</td>
<td>$4,096.32</td>
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<td>$5,301.33</td>
<td>$4,738.25</td>
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<td>LOT FIVE</td>
<td>$5,142.00</td>
<td>$9,372.60</td>
<td>$7,245.00</td>
<td>$5,550.00</td>
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Mathematical corrections made

The above tabulation is for informational purposes only and is not the official record.
The low bid is the apparent low. All bids will receive administrative review for accuracy
and to determine if the low bid is responsive and responsible.

Bids opened by Marilyn Ordal and Lisa Pettit
NOTICE OF INTENT TO AWARD

<table>
<thead>
<tr>
<th>SUBJECT:</th>
<th>Air Filters for Facilities Maintenance</th>
<th>DATE OF NOTICE:</th>
<th>January 28, 2019</th>
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<tr>
<td>BID NUMBER:</td>
<td>19042</td>
<td>OPENING DATE:</td>
<td>January 11, 2019</td>
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<tr>
<td>CHIEF PROCUREMENT OFFICER:</td>
<td>Cory T. Beal</td>
<td>PROCUREMENT SPECIALIST:</td>
<td>Marilyn Ordal</td>
</tr>
</tbody>
</table>

It is the intent of the Fairbanks North Star Borough to award a contract to the low responsive, responsible bidder, in accordance with the specifications and requirements described in the IFB. Award may be made no sooner than five (5) days from the date of this notice. This serves solely as notice of the Borough's intent to award a contract and should not be construed as a notice to proceed with delivery of goods or services.

NOTE:  
= AWARD TO BIDDER   Y = RESPONSIVE BIDDER   N = NON-RESPONSIVE BIDDER  
= BID NOT EVALUATED BECAUSE THERE WAS A LOWER RESPONSIVE BID  
= BID EXCEEDED AVAILABLE FUNDS  
BIDS OVER $ 100,000 WILL BE FORWARDED TO THE ASSEMBLY FOR APPROVAL

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<thead>
<tr>
<th>ITEM</th>
<th>PRICE</th>
<th>AWARD</th>
<th>COMMENTS</th>
<th>RESPONSIVE Y/ N</th>
<th>BIDDER</th>
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<tr>
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Page 1 of 3
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This is the FNSB Notice of Intent to Award (NOIA) Lot One of IFB 19042 to Long Building Technologies, Lot Two of IFB 19042 to American Environmental Systems LLC, and Lots Three, Four and Five of IFB 19042 to Refrigeration Supplies Distributors. The appeal period for this NOIA will expire on February 4, 2019 at 5:00 pm.

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<tr>
<td>Lot Five</td>
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<td>Holaday Parks Inc.</td>
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</table>
MEMORANDUM

TO: Fairbanks North Star Borough Assembly
FROM: Bryce Ward, Mayor
DATE: February 14, 2019
SUBJECT: Appointment
Chena Riverfront Commission

I am recommending the appointment of the following individual to the Chena Riverfront Commission:

Gregory Barker- City Appointed

His term of office will expire on December 31, 2021.

A copy of his application and disclosure forms are attached.

For your information other members of the commission are:

Buki Wright
Kelley Hegarty Lammers
Lee Wood
Gordon Schlosser
Julie Jones
Robert Henszey
Diana Campbell
Wade Binkley
Annette Freiburger

Your confirmation of the appointment is respectfully requested.

/km
January 29, 2019

Bryce Ward, Mayor  
Fairbanks North Star Borough  
P.O. Box 71267  
Fairbanks, Alaska 99707-1267

RE: City Appointment to the Chena Riverfront Commission

Dear Mayor Ward:

One of the City-appointed seats on the Joint City/FNSB Chena Riverfront Commission is currently vacant. I nominated Mr. Gregory Barker for appointment to the Commission, and the City Council concurred at the January 28, 2019 Regular City Council meeting. Mr. Barker’s term will expire on December 31, 2021.

Please let us know if there is any additional information that you need.

Sincerely,

Mayor Jim Matherly

Cc: D. Danyielle Snider, City Clerk  
Christine Nelson, FNSB Director of Community Planning  
File
Profile

Gregory Barker
First Name
Last Name
windrides1@gmail.com
Email Address
813 5th Avenue
Street Address
Fairbanks
City
AK
Postal Code
99701
State
Mailing Address

Are you a City of Fairbanks resident? *
☑ Yes

Mobile: (907) 799-4735
Primary Phone
Home:
Alternate Phone
HC Contractors, Inc.
Employer
EHS Manager
Job Title

Which Boards would you like to apply for?
Joint FNSB - Chena Riverfront Commission: Submitted

Interests and Experiences

Why are you interested in serving on a City board or commission? What experiences can you contribute to the benefit of the board or commission?

I think being in the construction field, and being a Storm Water Manager, I can add a different perspective to questions.

Please provide a brief personal biography in the space below, or attach a resume.

I am a 50 year old man, who has been involved in Environmental and Safety for a construction company in the interior for the last 5 years. I am their Storm Water Manager, and have quite a bit of experience with near river work, as well as river bank work, and restoration.
List any professional licenses or training you believe are relevant to the seat you are applying for.

AK-CESCL card holder
MEMORANDUM

TO: Fairbanks North Star Borough Assembly
FROM: Bryce Ward, Mayor
DATE: February 14, 2019
SUBJECT: Appointment
Economic Development Commission

I am recommending the appointment of the following individual to the Economic Development Commission:

Mike Meeks

His term of office will expire on December 31, 2021.

A copy of his applications and disclosure forms are attached.

For your information other members of the commission are:

Mayor Michael Welch
Mayor Bryce Ward
Abigail Riggs
Paul Robinson
Russell Talvi
Fred Schlutt

Your confirmation of the appointment is respectfully requested.

/km
BOARDs/COMMISSIONs APPLICATION FORM

Name of Board/Commission  Economic Development Commission

Applicant's Name  Michael Meeks

Residence Address  846 Silver Tree Ct

City/State/Zip  Fairbanks AK 99712

Mailing Address  Same

City/State/Zip  

Work Phone  Home Phone  371-7552

FAX  E-mail  Michealmeeks@Fairbanks.us

Are you registered to vote within the Fairbanks North Star Borough [required by FNSB 4.04.040]

Yes [x]  No [ ]

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

If yes please list which one:

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

[Handwritten text: Have been a non-voting member for 25 years. Always interested in the economic development of Fairbanks]

Brief Personal Biography (or attach resume)

[Handwritten text: 18 years as the Director of Public Works for Fort Wainwright. 6 years on the JCU Board. 22 years as chair. 2 years as vice chair. Chief of staff for the Mayor of Fairbanks]

Applicant's Signature  Michael Meeks  Date  23 Jan 19

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  

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

(907) 459-1300
FAX (907) 459-1102
"RETURN TO THE OFFICE OF THE MAYOR"
DISCLOSURE OF PRESENT ECONOMIC INTEREST
APPOINTED PUBLIC MEMBERS OF A BOARD, COMMISSION, OR OTHER MUNICIPAL BODY

1. Michael Mittel
   (YOUR NAME: LAST, FIRST, MIDDLE)

2. Economic Development Commission
   (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:
   City of Fairbanks
   Chief of Staff
   (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)

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 23 Jan 19

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.
MEMORANDUM

TO: Fairbanks North Star Borough Assembly
FROM: Jim Williams, Chief of Staff
SUBJECT: New Marijuana License
DATE: February 14, 2019

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

RETAIL STORE
License # 16579
Grass Station, LLC
DBA: Grass Station 49
2502 Parks Hwy
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: 12/28/2018 60 DAY DUE DATE

Type of License: □ NEW □ TRANSFER □ RENEWAL

License Number: 16577

- Transfer of location
- Transfer of ownership
- Transfer of stock

Retail Store □ Standard Cultivation Facility □ Product manufacturing Facility

□ Limited Cultivation Facility □ Concentrate manufacturing Facility

□ Concentrate manufacturing Facility □ Testing Facility

DBA: Grass Station 47

Licensee/Applicant: The Grass Station, LLC

Physical Address: 2502 Parks Hwy Fairbanks, Ak 99701

Mailing Address: PO Box 71034 Fairbanks, Ak 99707

INTERNAL REVIEW SCHEDULE

PLANNING DEPARTMENT:

Signature: ____________________________ Date: 01/08/19

- Land Use Compliance: Zoning: G1-U, "Retail marijuana store" is a listed conditional use in the G1-U

  Zoning district when adjacent to a lot upon which a principal building used as a dwelling is located

  Existing FFSC 15.96.240.A.3 greater than 100' from the public entrance to the residential zone.

ASSESSING DEPARTMENT:

Signature: ____________________________ Date: 1/3

- Parcel Key Number: 274313 09

- Property Description: TL 221 Section 2 18 2W

- Property Owner Name: Lanning, David + Evans, Morgan

TREASURY/ BUDGET:

Signature: ____________________________ Date: 1/3/19

- Property Owner (P) Property Taxes: ______________

- Business Owner (B) Property Taxes: ______________

(If either party owe, give amount and attach printout)
December 28, 2018

Fairbanks North Star Borough  
Attn: Krista Major  
VIA Email: kmajor@fnsb.us  
Cc: mayor@fnsb.us, llivingston@fnsb.us, jdolan@fnsb.us

<table>
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<th>License Number:</th>
<th>16579</th>
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<tr>
<td>License Type:</td>
<td>Retail Marijuana Store</td>
</tr>
<tr>
<td>Licensee:</td>
<td>The Grass Station, LLC</td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>GRASS STATION 49</td>
</tr>
</tbody>
</table>
| Physical Address:     | 2502 Parks Highway  
                        | Fairbanks, AK 99709 |
| Designated Licensee:  | Gary Evans     |
| Phone Number:         | 907-460-0398   |
| Email Address:        | skinnygmc@gmail.com |

**☒ New Application**

AMCO has received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.025(d)(2).

To protest the approval of this application(s) 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.

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 February 20-22, 2019 meeting.

Sincerely,

Erika McConnell, Director  
amco.localgovernmentonly@alaska.gov
ENTITY DETAILS

Name(s)

<table>
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<tr>
<th>Type</th>
<th>Name</th>
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<tbody>
<tr>
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**Entity Type:** Limited Liability Company

**Entity #:** 10039869

**Status:** Good Standing

**AK Formed Date:** 7/8/2016

**Duration/Expiration:** Perpetual

**Home State:** ALASKA

**Next Biennial Report Due:** 1/2/2020

**Entity Mailing Address:** P.O. BOX 71034, FAIRBANKS, AK 99707

**Entity Physical Address:** 1326 CUSHMAN ST STE A, FAIRBANKS, AK 99712

Registered Agent

**Agent Name:** Gary Evans

**Registered Mailing Address:** 814 GOLDMINE TRAIL, FAIRBANKS, AK 99712

**Registered Physical Address:** 814 GOLDMINE TRAIL, FAIRBANKS, AK 99712

Officials

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<td>Member</td>
<td>50</td>
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<td></td>
<td>Mason Evans</td>
<td>Member</td>
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## Filed Documents

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<tr>
<td>2/13/2018</td>
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LIMITED LIABILITY COMPANY OPERATING AGREEMENT FOR
The Grass Station, LLC
A Member-Managed Limited Liability Company

Article One
Company Formation

1.1 Formation - The Members hereby form a Limited Liability Company ("Company") subject to the provisions of the Limited Liability Company Act as currently in effect as of this date. Articles of Organization shall be filed with the Secretary of State.

1.2 Name - The name of the Company shall be: The Grass Station, LLC DBA "Grass Station 49".

1.3 Registered Agent - The name and location of the register agent of company shall be:

Gary Evans
814 Goldmine Trail
Fairbanks, Alaska 99712

1.4 Term - The company shall continue for a perpetual period.

(A) Members whose capital interest as defined in Article 2.2 exceeds 50 percent vote for dissolution; or

(B) Any event which makes it unlawful for the business of the Company to be carried on by the Members; or

(C) The death, resignation, expulsion, bankruptcy, retirement of a Member or the occurrence of any other event that terminates the continued membership of a Member of the Company; or

(D) Any other event causing dissolution of the Limited Liability Company under the laws of the State of Alaska.

1.5 Continuance of Company - Notwithstanding the provisions of ARTICLE 1.4, in the event of an occurrence described in ARTICLE 1.4(c), if there are at least two remaining Members, said remaining Members shall have the right to continue the business of the Company. Such right can be exercised only by the unanimous vote of the remaining Members within ninety (90) days after the occurrence of an event described in ARTICLE 1.4(c). If not so exercised, the right of the Members to continue the business of the Company shall expire.

1.6 Business Purpose - The purpose of the company is retail sales of cannabis and cannabis products.
1.7 Principal Place of Business- The location of the principal place of business of the company shall be:

The Grass Station, LLC DBA “Grass Station 49”
1326 Cushman Street
Fairbanks, Alaska 99701

Principal place of business may be changed at a location the Managers from time to time select.

1.8 The Members- The name and place of residence of each member are contained in Exhibit 2 attached to this agreement.

1.9 Admission of Additional Members- Except as otherwise expressly provided in the Agreement, no additional members may be admitted to the Company through issuance by the company of a new interest in the Company, without the prior unanimous written consent of the Members.

Article Two
Capital Contributions

2.1 Initial Contributions- The Members initially shall contribute to the Company capital as described in Exhibit 3 attached to this Agreement. The agreed total value of such property and cash is Fifty Thousand Dollars ($50,000).

2.2 Additional Contributions- Except as provided in ARTICLE 6.2, no Member shall be obligated to make any additional contribution to the Company’s capital.

Article Three
Profits, Losses and Distributions

3.1 Profits/ Losses- For financial accounting and tax purposes the Company’s net profits or net losses shall be determined on an annual basis and shall be allocated to the Members in proportion to each Member's relative capital interest in the Company as set forth in Exhibit 2 as amended from time to time in accordance with Treasury Regulation 1.704-1.

3.2 Distributions- The Members shall determine and distribute available funds annually or at more frequent intervals as they see fit. Available funds, as referred to herein, shall mean the net cash of the Company available after appropriate provision for expenses and liabilities, as determined by the Managers. Distributions in liquidation of the Company or in liquidation of a Member's interest shall be made in accordance with the positive capital account balances pursuant to Treasury Regulation 1.704- l(b)(2)(i)(b)(2). To the extent a Member shall have a negative capital account balance, there shall be a qualified income offset, as set forth in Treasury Regulation .704-l(b)(2)(ii)(d).
Article Four
Management

4.1 Management of Business- The name and place of residence of each Manager is attached as Exhibit 1 of this Agreement. By a vote of the Members holding a majority of the capital interests in the Company, as set forth in Exhibit 2 as amended from time to time, shall elect so many Managers as the Members determine, but no fewer than one, with one Manager elected by the Members as Chief Executive Manager. The elected Manager(s) may either be a Member or Non-Member.

4.2 Members- The liability of the Members shall be limited as provided pursuant to applicable law. Members that are not Managers shall take no part whatever in the control, management, direction, or operation of the Company's affairs and shall have no power to bind the Company. The Managers may from time to time seek advice from the Members, but they need not accept such advice, and at all times the Managers shall have the exclusive right to control and manage the Company. No Member shall be an agent of any other Member of the Company solely by reason of being a Member.

4.3 Powers of Managers- The Managers are authorized on the Company's behalf to make all decisions as to (a) the sale, development lease or other disposition of the Company's assets; (b) the purchase or other acquisition of other assets of all kinds; (c) the management of all or any part of the Company's assets; (d) the borrowing of money and the granting of security Interests in the Company's assets; (e) the pre-payment, refinancing or extension of any loan affecting the Company's assets; (f) the compromise or release of any of the Company's claims or debts; and, (g) the employment of persons, firms or corporations for the operation and management of the company's business. In the exercise of their management powers, the Managers are authorized to execute and deliver (a) all contracts, conveyances, assignments leases, subleases, franchise agreements, licensing agreements, management contracts and maintenance contracts covering or affecting the Company's assets; (b) all checks, drafts and other orders for the payment of the Company's funds; (c) all promissory notes, loans, security agreements and other similar documents; and, (d) all other instruments of any other kind relating to the Company's affairs, whether like or unlike the foregoing.

4.4 Chief Executive Manager- The Chief Executive Manager shall have primary responsibility for managing the operations of the Company and for effectuating the decisions of the Managers.

4.5 Nominee- Title to the Company's assets shall be held in the Company's name or in the name of any nominee that the Managers may designate. The Managers shall have power to enter into a nominee agreement with any such person, and such agreement may contain provisions indemnifying the nominee, except for his willful misconduct.

4.6 Company Information- Upon request, the Managers shall supply to any member information regarding the Company or its activities. Each Member or his authorized representative shall have access to and may inspect and copy all books, records and materials in the Manager's possession regarding the Company or its activities. The exercise of the rights contained in this ARTICLE 4.6 shall be at the requesting Member's expense.

4.7 Exculpation- Any act or omission of the Managers, the effect of which may cause or result in loss or damage to the Company or the Members if done in good faith to promote the best interests of the
Company, shall not subject the Managers to any liability to the Members.

4.8 Indemnification - The Company shall indemnify any person who was or is a party defendant or is threatened to be made a party defendant, pending or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the Company) by reason of the fact that he is or was a Member of the Company, Manager, employee or agent of the Company, or is or was serving at the request of the Company, for instant expenses (including attorney's fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred in connection with such action, suit or proceeding if the Members determine that he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the Company, and with respect to any criminal action proceeding, has no reasonable cause to believe his/her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of "no Io Contendere" or its equivalent, shall not in itself create a presumption that the person did or did not act in good faith and in a manner which he reasonably believed to be in the best interest of the Company, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his/her conduct was lawful.

4.9 Records - The Managers shall cause the Company to keep at its principal place of business the following:

   (a) a current list in alphabetical order of the full name and the last known street address of each Member;

   (b) a copy of the Certificate of Formation and the Company Operating Agreement and all amendments;

   (c) copies of the Company's federal, state and local income tax returns and reports, if any, for the three most recent years;

   (d) copies of any financial statements of the limited liability company for the three most recent years.

Article Five
Compensation

5.1 Management Fee - Any Manager rendering services to the Company shall be entitled to compensation commensurate with the value of such services.

5.2 Reimbursement - The Company shall reimburse the Managers or Members for all direct out-of-pocket expenses incurred by them in managing the Company.

Article Six
Bookkeeping

6.1 Books - The Managers shall maintain complete and accurate books of account of the Company's affairs at the Company's principal place of business. Such books shall be kept on such method of
accounting as the Managers shall select. The company's accounting period shall be the calendar year.

6.2 Members Accounts- The Managers shall maintain separate capital and distribution accounts for each member. Each member's capital account shall be determined and maintained in the manner set forth in Treasury Regulation .704-l(b)(2)(iv) and shall consist of his initial capital contribution increased by:

(a) any additional capital contribution made by him/her;

(b) credit balances transferred from his distribution account to his capital account; and decreased by:

(a) distributions to him/her in reduction of Company capital;

(b) the Member's share of Company losses if charged to his/her capital account.

6.3 Reports- The Managers shall close the books of account after the close of each calendar year, and shall prepare and send to each member a statement of such Member's distributive share of income and expense for income tax reporting purposes.

Article Seven
Transfers

7.1 ASSIGNMENT- If at any time a Member proposes to sell, assign or otherwise dispose of all or any part of his interest in the Company, such Member shall first make a written offer to sell such interest to the other Members at a price determined by mutual agreement. If such other Members decline or fail to elect such interest within thirty (30) days, and if the sale or assignment is made and the Members fail to approve this sale or assignment unanimously then, pursuant to the applicable law, the purchaser or assignee shall have no right to participate in the management of the business and affairs of the Company. The purchaser or assignee shall only be entitled to receive the share of the profits or other compensation by way of income and the return of contributions to which that Member would otherwise be entitled.
Certificate of Formation

This Company Operating Agreement is entered into and shall become effective as of the Effective Date by and among the Company and the persons executing this Agreement as Members. It is the Members express intention to create a limited liability company in accordance with applicable law, as currently written or subsequently amended or redrafted.

The undersigned hereby agree, acknowledge, and certify that the foregoing operating agreement is adopted and approved by each member, the agreement consisting of 9 pages, constitutes, together with Exhibit 1, Exhibit 2 and Exhibit 3 (if any), the Operating Agreement of The Grass Station, LLC DBA "Grass Station 49", adopted by members as of the 8th, Day of July, 2016.

Members:

Signature  
Printed Name: **Gary Evans**

Percent: 50%

Signature  
Printed Name: **Mason Evans**

Percent: 50%
Exhibit One

Limited Liability Company Operating Agreement For

The Grass Station, LLC DBA “Grass Station 49”

Listing of Managers

By a majority vote of the Members the following Managers were elected to operate the Company pursuant to ARTICLE 4 of the Agreement:

Gary Evans
Printed Name: Gary Evans
President
Address: 814 Goldmine Trail
Fairbanks, Alaska 99712

Mason Evans
Printed Name: Mason Evans
Vice President
Address: 814 Goldmine Trail
Fairbanks, Alaska 99712

The above listed Manager(s) will serve in their capacities until they are removed for any reason by a majority vote of the Members as defined by ARTICLE 4 or upon their voluntary resignation.

Signed and agreed this day 8th day of July 2016.

Printed Name: Gary Evans

Printed Name: Mason Evans

Signature of Member

Signature of Member
Exhibit Two

Limited Liability Company Operating Agreement for

The Grass Station, LLC DBA “Grass Station 49”

Listing of Members

As of the 8th day of July, 2016 the following is a list of Members of the Company:

Members:

Printed Name: **Gary Evans**
Address: 814 Gold Mine Trail, Fairbanks, Alaska 99712  
Percent: 50%

Printed Name: **Mason Evans**
Address: 814 Gold Mine Trail, Fairbanks, Alaska 99712  
Percent: 50%

Authorized by Member(s) to provide Member listing as of the 8th day of July, 2016.

Signature

Signature
Exhibit Three

Limited Liability Company Operating Agreement for

The Grass Station, LLC DBA “Grass Station 49”

Capital Contributions

Pursuant to ARTICLE 2, the Members' initial contribution to the Company capital is stated to be Fifty Thousand Dollars ($50,000). The description and each individual portion of this initial contribution is as follows:

Gary Evans $25,000
Mason Evans $25,000

Signed and Agreed this 8th day of July, 2016.

[Signatures]

Gary Evans
Mason Evans
Application for Food Establishment Permit
Alaska Department of Environmental Conservation
Division of Environmental Health
Food Safety and Sanitation Program

Section 1 - GENERAL INFORMATION (All applicants complete entire section - please print)

<table>
<thead>
<tr>
<th>Purpose (check one)</th>
<th>☑ New</th>
<th>☐ Information Change</th>
<th>☐ Extensive Remodel</th>
<th>☐ Change of owner/operator</th>
<th>☐ Reactivate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Entity or Owner Responsible for Food Service</td>
<td>☐ The Grass Station, LLC</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AK Business License #</td>
<td>1040267</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business/Corporate Mailing Address</td>
<td>☐ P.O. Box 71034</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Fairbanks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>AK</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zip</td>
<td>99707</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business/Corporate Phone</td>
<td>907-460-0398</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:skinnygmc@gmail.com">skinnygmc@gmail.com</a></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner(s) or Corporate Officer(s) &amp; Title(s) or Responsible Party</td>
<td>☐ Gary Evans; Mason Evans</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of Entity</td>
<td>☐ Individual</td>
<td>☐ Partnership</td>
<td>☐ Corporation</td>
<td>☐ Other:</td>
<td></td>
</tr>
<tr>
<td>Establishment Name</td>
<td>☐ Grass Station 49</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical Location</td>
<td>2502 Parks Highway</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nearest Community</td>
<td>Ester, AK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Fairbanks</td>
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<td></td>
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<td>State</td>
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<td>Zip</td>
<td>99709</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Establishment Phone</td>
<td>907-460-0398</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fax</td>
<td>☐</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fax Contact Person</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establishment Address</td>
<td>☐</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2502 Parks Highway</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Fairbanks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>AK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zip</td>
<td>99718</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEATING: (Food Service Only)</td>
<td>☑ N/A</td>
<td>☑ 25 or less</td>
<td>☐ 26-100</td>
<td>☐ &gt; 101</td>
<td></td>
</tr>
</tbody>
</table>

TYPE OF OPERATING Please describe the type of facility you plan to open below (i.e., restaurant, bar, grocery store, etc.)

Marijuana Retail Establishment.

SECTION 2 – NEW OR EXTENSIVELY REMODELED FACILITIES

a. A plan review will be required if your facility has never before been permitted by the Alaska’s Food Safety and Sanitation Program; has not had an active permit in the last five years; will be extensively remodeled; or is new construction. If any of these apply, a Plan Review Application is required to process your application. Have you attached the Plan Review Application? ☑ Yes ☐ No

SECTION 3 – COMPLETE FOR ALL FOOD ESTABLISHMENTS (Check all that apply)

FOOD SERVICE ESTABLISHMENTS

a. A copy of your menu will be required. Have you attached a copy of the proposed menu? ☑ Yes ☐ No

b. Attach appropriate label, placard, or menu notation for the consumer advisories if you serve:

- Wild Mushrooms
- Unpasteurized juices
- Farmed halibut, salmon, or sablefish
- Raw/undercooked animal foods such as beef, shell eggs, lamb, pork, poultry, seafood, and shellfish.

c. Methods of food preparation (check the one that most closely describes the establishment):

- Assembly of Ready to Eat Foods
- Cook and Serve
- Hot or cold Service for 2 hours or more is done
- Complex (Preparation 1 day or more in advance, cooling and reheating is done).

d. Style of Service: ☑ Counter Service ☐ Self Service (i.e., buffet line, salad bar) ☐ Table Service

- Other:

e. Do you plan to operate as a caterer? ☑ Yes ☐ No

If yes, list all the equipment used to protect food from contamination and maintain product temperature during:

Transportation: ☐ Hot or Cold Holding:

RECEIVED

MAR 06, 2018

Form 18-31-APP.01 (Rev 4/13)
March 16, 2018

Gary Evans
The Grass Station
PO Box 71034
Fairbanks, AK 99709

SUBJECT: The Grass Station (2502 Parks Hwy) - Renovation / Remodel
CITY: Fairbanks
PLAN REVIEW: 2018Anch1067
OCCUPANCY: F-1, S-1, M
2012 INTERNATIONAL BUILDING AND FIRE CODE

Dear Gary Evans:

Plans for the Renovation / Remodel have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved. Enclosed is a certificate of approval that must be posted on the premises until the project has been completed according to the approved plans and all regulations have been adhered to.

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations of the Municipal Government.

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances.

If we can be of further assistance in this matter, please feel free to contact us at the address above.

Sincerely,

Greg Medina
Plans Examiner

Enclosure: Approval Certificate
Planned Examinations

Plan Review # 20180310

Review by the State Fire Marshal.

Notice: Any changes or modifications to the approved plans must be submitted for review by the State Fire Marshal.

This certificate shall be posted in a conspicuous place on the premises named

Received by the State Fire Marshal

State of Alaska

April 10, 2018
Alaska Marijuana Control Board

Form MJ-00: Application Certifications

What is this form?

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO’s main office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>The Grass Station, LLC</th>
<th>License Number:</th>
<th>16579</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Type:</td>
<td>Retail Marijuana Store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>Grass Station 49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
<td>2502 Parks Highway</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>Fairbanks</td>
<td>State:</td>
<td>AK</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ZIP:</td>
<td>99709</td>
</tr>
</tbody>
</table>

Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Mason Evans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Co-owner</td>
</tr>
</tbody>
</table>

Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes  No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?  

☑  ☐

If “Yes”, which license numbers (for existing licenses) and license types do you own or plan to own?

Marijuana Retail License numbers; 10869, 12956, and 17077. All Operating as "Grass Station 49"
Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

I certify that I am not currently on felony probation or felony parole.

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

I certify that my proposed premises is not located in a liquor licensed premises.

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) and affiliates (as defined in 3 AAC 306.990(a)(1)) have been listed on my online marijuana establishment license application. Additionally, if applicable, all proposed licensees have been listed on my application with the Division of Corporations.

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.
Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

I certify and understand that I must operate in compliance with the Alaska Department of Labor and Workforce Development’s laws and requirements pertaining to employees.

I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.

Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.

Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.

All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that the online application and this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Mason Evans

Printed name of licensee

Subscribed and sworn to before me this 30 day of March, 2018.

NOTARY PUBLIC
S. Quintana
STATE OF ALASKA
Exp November 23, 2019

My commission expires: 11/23/19

Page 3 of 3

[Form MJ-00] (rev 10/05/2017)

Received by AMCO 05.15.18
Alaska Marijuana Control Board

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<th>16579</th>
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<tr>
<td>Doing Business As:</td>
<td>Grass Station 49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>Fairbanks</td>
<td>State:</td>
<td>AK</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ZIP:</td>
<td>99709</td>
</tr>
</tbody>
</table>

Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

Name: Gary Evans
Title: Co-owner

Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes ☑ No ❌

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

☑

If “Yes”, which license numbers (for existing licenses) and license types do you own or plan to own?

Marijuana Retail License numbers; 10869, 12956, and 17077. All Operating as "Grass Station 49"
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I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

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Alaska Marijuana Control Board
Form MJ-00: Application Certifications

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I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.

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I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.

All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that the online application and this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Gary Evans
Printed name of licensee

Subscribed and sworn to before me this 30 day of March, 2018.

[Form MJ-00] (rev 10/05/2017)
Alaska Marijuana Control Board
Form MJ-01: Marijuana Establishment Operating Plan

What is this form?

An operating plan is required for all marijuana establishment license applications. Applicants should review Title 17.38 of Alaska Statutes and Chapter 306 of the Alaska Administrative Code. This form will be used to document how an applicant intends to meet the requirements of those statutes and regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020(c).

What must be covered in an operating plan?

Applicants must identify how the proposed premises will comply with applicable statutes and regulations regarding the following:

- Control plan for persons under the age of 21
- Security
- Business records
- Inventory tracking of all marijuana and marijuana product on the premises
- Employee qualification and training
- Health and safety standards
- Transportation and delivery of marijuana and marijuana products
- Signage and advertising

Applicants must also complete the corresponding operating plan supplemental forms (Form MJ-03, Form MJ-04, Form MJ-05, or Form MJ-06) to meet the additional operating plan requirements for each license type.

Section 1 – Establishment & Contact Information

Enter information for the business seeking to be licensed, as identified on the license application.

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>THE GRASS STATION, LLC</th>
<th>MJ License #:</th>
<th>16579</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Type:</td>
<td>RETAIL MARIJUANA STORE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>GRASS STATION 49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
<td>2502 PARKS HIGHWAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>FAIRBANKS</td>
<td>State:</td>
<td>Alaska</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ZIP:</td>
<td>99709</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>PO BOX 71034</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>FAIRBANKS</td>
<td>State:</td>
<td>Alaska</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ZIP:</td>
<td>99707</td>
</tr>
<tr>
<td>Designated Licensee</td>
<td>GARY EVANS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Phone:</td>
<td>907-460-0398</td>
<td>Cell Phone:</td>
<td>907-460-0398</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:gary@grassstation49.com">gary@grassstation49.com</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section 2 – Control Plan for Persons Under the Age of 21

2.1. Describe how the marijuana establishment will prevent persons under the age of 21 from gaining access to any portion of the licensed premises and marijuana items:

Grass Station 49 will prevent persons under the age of 21 from gaining access to any portion of the licensed premises and marijuana items by using proper photo identification (i.d.) protocols when any person walks into the marijuana retail store. The photo i.d. cards will be checked for birth date to ensure the person is at least 21 years of age. The photo i.d. card will be checked to make sure it is government issued, not expired, and that there is no kind of wear and tear that may render the i.d. invalid, and scanned by a computer for validation. If underage persons try to gain access to the store or loiter on the premises, they will be told to leave. Upon refusing to leave, authorities will be called to escort the person off of the property.

Section 3 – Security

Restricted Access Areas (3 AAC 306.710):

3.1. Describe how you will prevent unescorted members of the public from entering restricted access areas:

Grass Station 49 will prevent non-escorted members of the public from entering restricted access areas by use of proper signage in the required areas of the retail facility, both inside and out. Grass Station 49 will have the proper security system installed that is required by the State of Alaska. All exterior windows will have security bars on the inside and outside of the windows. Exterior doors will have cameras on both the inside and out, as well as a fabricated steel door that will be mounted on the outside. For the interior restricted access areas such as the office areas and security room as well as the product storage room, locking doors with cameras both inside and outside of the door will be in place. For behind the counters and registers, flapper doors and chains will be installed as well as cameras in all corners and a competent employee will be present during business hours to help ensure that non-escorted members of the public will not enter any restricted access areas unless they have completed the proper visitor sign in procedure and have on their person, a visible and legible visitors pass as well as accompanied by a trained and competent employee of Grass Station 49.

3.2. Describe your recordkeeping and processes for admitting visitors into and escorting them through restricted access areas:

Grass Station 49’s process for admitting visitors and escorting them through the restricted access areas will be as follows:

-Check visitors identification to ensure they are at least 21 years of age.

-Require the visitor to sign in, writing in their first and last name, date of birth, drivers license # and state, and date/time visitation took place. All visitation records will be kept and maintained on the retail premises.

-Visitor will then be required to wear a badge that is visible, stating that they are a visitor.

-A Grass Station 49 Employee will not escort more than five (5) visitors at a time, and that employee will accompany those visitors at all given times.
3.3. Provide samples of licensee-produced identification badges that will be displayed by each licensee, employee, or agent while on the premises, and of visitor identification badges that will be worn by all visitors while in restricted access areas:

![Image of name and position badge]

![Image of visitor pass]

Security Alarm Systems and Lock Standards (3 AAC 306.715):

3.4. Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

Grass Station 49's lighting will facilitate our surveillance system via flood lights which are installed next to the exterior video surveillance cameras. The lights will be triggered via a photo eye. Meaning any time the eye senses darkness, all exterior lights automatically come on and remain on until sunrise.
3.5. An alarm system is required for all license types that must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe the security alarm system for the proposed premises, explain how it will meet all regulatory requirements, and outline your policies and procedures regarding the actions to be taken by a licensee, employee, or agent when the alarm system alerts of an unauthorized breach:

The alarm system that Grass Station 49 will be using is known as Statewide Security Network. This alarm system will cover doors, windows, motion sensors, and glass breaking sensors for all glass windows and doors. There will also be a key pad access near the front main door, as well as wireless cell phone monitoring capabilities. The security system is also capable of storing up to 45 days of video footage. The hard drive is in a security lock box only accessible by a manager on duty. The security system that Grass Station 49 will be using has motion sensors as well as glass shatter sensors that will be armed, ready, and wirelessly monitored via Statewide Security Network which is a third party monitoring system. In the event of a burglary, the owners, upper management, and proper authorities will be instantly notified via telephone. Whether the burglary is serious or a false alarm, police are to enter the scene first. In the event of an unauthorized breach, AMCO will be notified within 24 hours.

3.6. Describe your policies and procedures for preventing diversion of marijuana or marijuana product, including by employees:

Grass Station 49's policies and procedures for preventing diversion of marijuana and/or marijuana products will consist of keeping all marijuana products out of reach from the general public, and in glass cases for which only the bud-tenders and other upper-management have access to. For further diversion, the bud-tenders will ensure that no customers make it behind the counters or in other restricted access areas without first having approval, and all sign-in sheets filled out properly. In the case of robbery or attempted robbery, the proper authorities will be called in order to protect the safety of our employees and other consumers that may be in the store at that time. In the case of potential non-trustworthy employees, there is a no-blind-spot camera set-up to see everything that happens, and a tight inventory system to see if anything ever goes missing. If internal issues as such should ever occur, AMCO and the local authorities will be contacted, and that employee will be terminated.

3.7. Describe your policies and procedures for preventing loitering:

Grass Station 49's policies and procedures to prevent loitering consist of using proper signage around the building that read, "NO LOITERING" and "VIDEO SURVEILLANCE IN USE" and "NO PERSONS UNDER 21 YEARS OF AGE". These signs will ward off a majority of the approaching dangers and keep people from loitering. In the event where these signs do not keep people from loitering, a store manager will ask them one time to politely leave. Failure for the stranger(s) to comply, or to be hasty and violent will result in the authorities to be called, and the store to be locked and keep stranger(s) from entering the facility to ensure the safety of the employees and any other customers that may be in the store at that time.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right: [ ]

3.8. I certify that if any additional security devices are used, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm, to enhance security of the licensed premises, I will have written policies and procedures describing their use.
Video Surveillance (3 AAC 306.720):

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box:  

3.9. The video surveillance and camera recording system for the licensed premises covers each restricted access area, and both the interior and exterior of each entrance to the facility.

3.10. Each video surveillance recording is preserved for a minimum of 40 days, in a format that can be easily accessed for viewing (consistent with the Alcohol & Marijuana Control Office's approved format list); clearly and accurately displays the time and date; and is archived in a format that does not permit alteration of the recorded image.

3.11. The surveillance room or area is clearly defined on the Form MJ-02: Premises Diagram that is submitted with this application.

3.12. Surveillance recording equipment and video surveillance records are housed in a designated, locked, and secure area or in a lock box, cabinet, closet or other secure area where access is limited to the licensee(s), an authorized employee, and law enforcement personnel (including an agent of the Marijuana Control Board).

3.13. Describe how the video cameras will be placed to produce a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises:

The video cameras will be placed in the upper corners of every room inside the facility, and also on every corner of the exterior of the facility, along with exterior cameras above the entrances of the facility in order to ensure our No-Blind-Spot security setup. Also, Cameras will be placed eye level, facing the public entrance in order to capture a clean image of persons walking in and out of Grass Station 49.

3.14. Describe the locked and secure area where video surveillance recording equipment and original copies of surveillance records will be housed and stored, and how you will ensure the area is accessible only to authorized personnel, law enforcement, or an agent of the Marijuana Control Board. If you will be using an offsite monitoring service and offsite storage of video surveillance records, your response must include how the offsite facility will meet these security requirements:

The video surveillance hard drive will be kept in a locked metal box at all times. That locked metal box will be inside of a locked restricted access area/quarantine room. The keys and codes to these locking boxes and rooms will be only made accessible to Grass Station 49 owners/upper management, and law enforcement and AMCO enforcement when need be. In the event of upper management termination, keys and codes will be changed.
Section 4 – Business Records

Review the requirements under 3 AAC 306.755. All licensed marijuana establishments must maintain, in a format that is readily understood by a reasonably prudent business person, certain business records.

4.1. I certify that the following business records will be maintained and kept on the licensed premises:

a. all books and records necessary to fully account for each business transaction conducted under my license for the current year and three preceding calendar years (records for the last six months must be maintained on the licensed premises; older records may be archived on or off-premises);

b. a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment;

c. the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;

d. records related to advertising and marketing;

e. a current diagram of the licensed premises, including each restricted access area;

f. a log recording the name, and date and time of entry of each visitor permitted into a restricted access area;

g. all records normally retained for tax purposes;

h. accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed;

i. transportation records for marijuana and marijuana product, as required by 3 AAC 306.750(f); and

j. registration and inspection reports of scales registered under the Weights and Measures Act, as required by 3 AAC 306.745.

4.2. A marijuana establishment is required to exercise due diligence in preserving and maintaining all required records. Describe how you will prevent records and data, including electronically maintained records, from being lost or destroyed:

Grass Station 49 will ensure due diligence in preserving and maintaining all required records by keeping all paper records in locking file cabinets. All paper records will be kept in a dry environment where there is no risk of them getting wet/damp and damaged. All records will be filed alphabetically for ease of access. Only Upper management/owners and book keepers will have access to such files. In order to maintain electronic files, multiple copies will be kept on multiple hard drives both on, and off site. Quick-books software will be used to keep an accurate log of all transactions. Every Computer will have surge protectors in order to prevent a system crash. Both paper and electronic files will be organized in a manner that is easy to navigate for someone who does not usually look at the files, such as AMCO.
Section 5 – Inventory Tracking of All Marijuana and Marijuana Product

Review the requirements under 3 AAC 306.730. All licensed marijuana establishments must use a marijuana inventory tracking system capable of sharing information with Metrc to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box:

5.1. My marijuana establishment will be using Metrc, and if any other tracking software is used, it will be capable of sharing information with Metrc.

5.2. All marijuana delivered to a marijuana establishment will be weighed on a scale registered in compliance with 3 AAC 306.745.

5.3. My marijuana establishment will use registered scales in compliance with AS 45.75.080 (Weights and Measures Act), as required by 3 AAC 306.745.

Section 6 – Employee Qualification and Training

Review the requirements under 3 AAC 306.700. A marijuana establishment and each licensee, employee, or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box:

6.1. Each licensee, employee, or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the board before being licensed or beginning employment at the marijuana establishment.

6.2. Each licensee, employee, or agent who is required to have a marijuana handler permit shall keep that person’s marijuana handler permit card in that person’s immediate possession (or a valid copy on file on the licensed premises) when on the licensed premises.

6.3. Each licensee, employee, or agent who is required to have a marijuana handler permit shall ensure that that person’s marijuana handler permit card is valid and has not expired.

6.4. Describe any in-house training that will be provided to employees and agents (apart from a marijuana handler course):

Grass Station 49 will provide and in-house training that will brief the new employee on all of the Alaska customer and food service laws and regulations pertaining to the handling of marijuana product and safety procedures. The employee will also be required to have a Food Handlers card issued by the Alaska Department of Environmental Conservation. There will also be training that explains the different varieties of the cannabis plant.
Section 7 – Health and Safety Standards

Review the requirements under 3 AAC 306.735.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

7.1. I understand that a marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present.

7.2. I have policies regarding health and safety standards (including: ensuring a person with an illness or infection does not come into contact with marijuana or marijuana product; good hygienic practices; cleaning and maintenance of equipment and the premises; pest deterrence; chemical storage; sanitation principles; and proper handling of marijuana and marijuana product) and will take all reasonable measures and precautions to ensure that they are met or exceeded.

7.3. I have policies to ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace.

7.4. I have policies to ensure that in the event information about the age or storage conditions of marijuana or marijuana product is unreliable, the marijuana or marijuana product will be handled in accordance with 3 AAC 306.735(d).

Answer “Yes” or “No” to each of the following questions:

7.5. Adequate and readily accessible toilet facilities that are maintained and in good repair and sanitary condition are clearly indicated on my Form MJ-02: Premises Diagram. ☑️ ☐

7.6. Convenient handwashing facilities with running water at a suitable temperature are clearly indicated on my Form MJ-02: Premises Diagram. ☑️ ☐

7.7. If you answered “No” to either 7.5 or 7.6 above, describe how toilet and/or handwashing facilities are made accessible, as required by 3 AAC 306.735(b)(2):

Section 8 – Transportation and Delivery of Marijuana and Marijuana Products

Review the requirements under 3 AAC 306.750.

8.1. Describe how marijuana or marijuana product will be prepared, packaged, and secured for shipment. Include a description of the type of locked, safe, and secure storage compartments to be used in vehicles transporting marijuana or marijuana product:

Marijuana product will be in a sealed package or container in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product, and the sealed package will not be opened during transport (except by an AMCO enforcement officer, if need be). There will also be a printed manifest documenting the pick-up and delivery dates, locations and times, as well as the weight, type and amount of marijuana and/or marijuana products. All of which will be tracked via METRC, and also the Grass Station 49 inventory system. The container(s) will not be within direct reach of the driver, and the driver is not to deviate from predetermined route unless in case of serious danger/emergency, or road construction.
You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

8.2. The marijuana establishment from which a shipment of marijuana or marijuana product originates will ensure that any individual transporting marijuana shall have a marijuana handler permit required under 3 AAC 306.700.

8.3. The marijuana establishment that originates the transport of any marijuana or marijuana product will use the marijuana inventory tracking system to record the type, amount, and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle.

8.4. The marijuana establishment that originates the transport of any marijuana or marijuana product will ensure that a complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times during transport.

8.5. During transport, any marijuana or marijuana product will be in a sealed package or container in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product, and the sealed package will not be opened during transport.

8.6. Any vehicle transporting marijuana or marijuana product will travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and will not make any unnecessary stops in between except to deliver or pick up marijuana or marijuana product at any other licensed marijuana establishment.

8.7. When the marijuana establishment receives marijuana or marijuana product from another licensed marijuana establishment, the recipient of the shipment will use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received.

8.8. The marijuana establishment will refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.

Section 9 – Signage and Advertising

9.1. Describe any signs that you intend to post on your establishment with your business name, including quantity, dimensions, graphics, and location on your establishment (photos or drawings may be attached):

Grass Station 49 intends to have three separate signs, all of which will be the same size of 4,800 square inches. Each sign will be attached to the building. The locations of the signs will be on the sides facing the roads, with the possibility of one being on the roof.
9.2. Describe any advertising you intend to distribute of your establishment. Include medium types and business logos (photos or drawings may be attached):

The advertisements that Grass Station 49 intends to distribute out of the establishment include stickers (Grass Station 49 approved logo's AND approved vendor logo's), Apparel, accessories, and other merchandise such as lighters, etc. Other mediums may include magazine advertising, with all of the proper warning labels associated in the advertisement. All of the advertising that comes out of Grass Station 49 will NOT be False or misleading, promote excessive consumption, represent that marijuana has curative or therapeutic effects, depict a person under the age of 21 consuming marijuana, or include a cartoon character or any other depiction designed to appeal to persons under the age of 21. An example of a Grass Station 49 Logo is seen below.

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Gary S. Evans

Printed name of licensee

Subscribed and sworn to before me this 21 day of December, 2017.

Notary Public in and for the State of Alaska.

My commission expires: ____________________________

AMCO Received 12/27/2018
Alaska Marijuana Control Board
Form MJ-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). All areas designated as the licensed premises of a single license must be contiguous.

What must be submitted with this form?

Applicants must attach multiple diagrams to this form, including (as applicable):

- **Diagram 1:**
  a diagram showing only the licensed premises areas that will be ready to be operational at the time of your preliminary inspection and license issuance;

- **Diagram 2:**
  if different than Diagram 1, a diagram outlining all areas for which the licensee has legal right of possession (a valid lease or deed), and clearly showing those areas’ relationship to the current proposed licensed premises (details of any planned expansion areas do not need to be included; a complete copy of Form MJ-14: Licensed Premises Diagram Change must be submitted and approved before any planned expansion area may be added to the licensed premises);

- **Diagram 3:**
  a site plan or-as-built of the entire lot, showing all structures on the property and clearly indicating which area(s) will be part of the licensed premises;

- **Diagram 4:**
  an aerial photo of the entire lot and surrounding lots, showing a view of the entire property and surrounding properties, and clearly indicating which area(s) will be part of the licensed premises (this can be obtained from sources like Google Earth); and

- **Diagram 5:**
  a diagram of the entire building in which the licensed premises is located, clearly distinguishing the licensed premises from unlicensed areas and/or premises of other licenses within the building. If your proposed licensed premises is located within a building or building complex that contains multiple business and/or tenants, please provide the addresses and/or suite numbers of the other businesses and/or tenants (a separate diagram is not required for an establishment that is designating the entire building as a single licensed premises).

This form, and all necessary diagrams that meet the requirements on Page 2 of this form, must be completed and submitted to AMCO’s main office before any new or transfer license application will be considered complete.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>The Grass Station, LLC</th>
<th>MJ License #:</th>
<th>16579</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Type:</td>
<td>Retail Marijuana Store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>Grass Station 49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
<td>2502 Parks Highway</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>Fairbanks</td>
<td>State: Alaska</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>ZIP: 99709</td>
<td></td>
</tr>
</tbody>
</table>
Section 2 – Required Information

For your security, do not include locations of security cameras, motion detectors, panic buttons, and other security devices.

The following details must be included in all diagrams:

- License number and DBA
- Legend or key
- Color coding
- Dimensions
- Labels
- True north arrow

The following additional details must be included in Diagram 1:

- Surveillance room
- Restricted access areas
- Storage areas
- Entrances, exits, and windows
- Walls, partitions, and counters
- Any other areas that must be labeled for specific license types

The following additional details must be included in Diagram 2:

- Areas of ingress and egress
- Entrances and exits
- Walls and partitions

The following additional details must be included in Diagrams 3 and 4:

- Areas of ingress and egress
- Cross streets and points of reference

The following additional details must be included in Diagram 5:

- Areas of ingress and egress
- Entrances and exits
- Walls and partitions
- Cross streets and points of reference

I declare under penalty of unsworn falsification that I have attached all necessary diagrams that meet the above requirements, and that this form, including all accompanying schedules, statements, and depictions is true, correct, and complete.

Signature of licensee
Gary S. Evans

Printed name of licensee

Subscribed and sworn to before me this 30 day of March, 2018.

License # 9279

[Form MJ-02] (rev 01/10/2018)
Diagram 1: Operations

1ST FLOOR PLAN

Scale: 1/4 in = 1 ft (more 3/8 in = 1 ft)

Key:
- Retail Public Access Area
- Retail Restricted Access Area
- Boundary of Licensed premises

CODE INFORMATION

BUILDING CODE: 2012 IBC
OCCUPANCY: PACKAGING and STORAGE
CONSTRUCTION: Vnr
FLOOR AREA: 3072 SF < allowable 8500 SF
STORIES: 2
Occ. Load: F-1 = 5 @ 2000SF / OCC.
S-1 = 3 @ 3000SF / OCC.
W = 10 @ 600SF / OCC.
TOTAL = 26
ZONE: GU-1 General Use-1 Acre
FLOOD ZONE: X
What is this form?

This operating plan supplemental form is required for all applicants seeking a retail marijuana store license and must accompany Form MJ-01: Marijuana Establishment Operating Plan, per 3 AAC 306.020(b)(11). Applicants should review Chapter 306: Article 3 of the Alaska Administrative Code. This form will be used to document how an applicant intends to meet the requirements of the statutes and regulations.

If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.315(2).

What additional information is required for retail stores?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- Signage and advertising
- Displays and sales
- Exit packaging and labeling
- Security
- Waste disposal

This form must be completed and submitted to AMCO’s main office before any new or transfer application for a retail marijuana store license will be considered complete.

### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>THE GRASS STATION, LLC</th>
<th>MJ License #:</th>
<th>16579</th>
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</thead>
<tbody>
<tr>
<td>License Type:</td>
<td>RETAIL MARIJUANA STORE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>GRASS STATION 49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
<td>2502 PARKS HIGHWAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>FAIRBANKS</td>
<td>State:</td>
<td>Alaska</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ZIP:</td>
<td>99709</td>
</tr>
</tbody>
</table>
Section 2 – Overview of Operations

2.1. Provide an overview of your proposed facility’s operations. Include information regarding the intake and flow of marijuana and marijuana product at your premises, and a description of what a standard customer visit to your establishment would entail:

The operations regarding Grass Station 49's marijuana/marijuana products intake and flow will consist of the following:

Vendor Shipment Receiving (Steps):
1. Check i.d. and Sign Transporter in using Grass Station 49 sign-in sheet.
2. Check for manifest present and examine to make sure manifest is filled out properly.
3. Once step 2 is complete, and Grass Station employee is satisfied with the manifest, Start weighing and counting marijuana and/or marijuana products to ensure everything is accounted for that is on the manifest.
4. Once all checks are done, and Grass Station 49 has made sure that everything is straight on the manifest and in the package, Authorized employee will sign manifest and accept the product in METRC, and add the product to the Grass Station 49 inventory system. In the event of the product and manifest not matching, the Grass Station 49 employee will sign the manifest as rejected, and the shipment will not be received through METRC. The transporter will then take the shipment back to its origin.

Marijuana Storage and Packaging (Steps):
1. If marijuana or marijuana products were bought in bulk (not prepackaged), the packaging crew will take the bulk marijuana out of its original package and prepare it to be stored until further break-down of product. All raw flower product will be stored in an airtight container and additionally stored in a fridge that is controlled at 60-68 degrees Fahrenheit to maintain/ensure product quality and prevent molding of the product.
2. When breaking down a batch of product, the product is always weighed before-hand to see that the starting weight matches what was brought in originally, or left over from the day before. There is a paper trail for each product, and every person that handles that specific product is documented. The product may then be weighed out in grams, quarter ounces, half ounces, and full ounces. The amount of each product created from that particular batch is documented on paper, and also in the Grass Station 49 inventory system, then later in METRC after the daily sales are uploaded.
3. Once packaged with all of the proper labels (as seen in section 6.2 of this supplement), the product is then counted and put in bins, ready for retail.
4. If product did not come in bulk and was prepackaged (and meets all labeling requirements), a count and inventory are done and the product is put into our inventory system, then put out for retail.
5. In addition to steps 1-4, this retail store may participate in Deli-style sales, where the bulk marijuana will be weighed and packaged at the sales counter.

Customer Visit to Retail (Steps):
1. Upon entering the public side of Grass Station 49, the customer is greeted and asked for identification, first thing.
2. If the person proves to be 21+ years of age or older, and the i.d. meets all requirements (not expired, photo i.d. matches person, i.d. card is not obstructed in any way, etc.), then the person may walk around and shop, using assistance from the bud-tender where needed. All marijuana products will be kept out of reach of the public and will be handled by the bud-tender only, until the sale is made.
3. Upon sale, the Point of Sale will account for everything being sold, limiting the bud-tender from selling over one ounce of marijuana or 5000mg of marijuana product in a single transaction. If the bud-tender checking the person out is different than that of the bud-tender who checked the person in, another i.d. check will be done before the sale.

Section 3 – Prohibitions

Review the requirements under 3 AAC 306.310.

3.1. Describe how you will ensure that the retail marijuana store will not sell, give, distribute, or deliver marijuana or marijuana product to a person who is under the influence of an alcoholic beverage, inhalant, or controlled substance:

Grass Station 49 will ensure that no marijuana or marijuana products are sold to, given to, distributed to, or delivered to a person who is under the influence of an alcoholic beverage, inhalant, or controlled substance by observing the behavior of the individual while entering the building or during the identification process. Employees will be trained to watch out for strong odor of alcohol, inhalants and controlled substances. As well as possess the ability to spot incoherent actions and phrases.

3.2. I certify that the retail marijuana store will not:

a. sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product in a quantity exceeding the limit set out in 3 AAC 306.355;

b. sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product over the internet;

c. offer or deliver to a consumer, as a marketing promotion or for any other reason, free marijuana or marijuana product, including a sample;

d. offer or deliver to a consumer, as a marketing promotion or for any other reason, alcoholic beverages, free or for compensation; or

e. allow a person to consume marijuana or a marijuana product on the licensed premises.

Initials

Answer “Yes” or “No” to the following question:

3.3. Do you plan to request future approval of the Marijuana Control Board to permit consumption of marijuana or marijuana product in a designated area on the proposed premises?

[Form MJ-03] (rev 11/07/2017)

License # 16579

Page 2 of 6
Section 4 – Signage and Advertising

Review the requirements under 3 AAC 306.360 and 3 AAC 306.365. All licensed retail marijuana stores must meet minimum standards for signage and advertising.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

4.1. I understand and agree to follow the limitations regarding the number, placement, and size of signs on my proposed establishment, set forth in 3 AAC 306.360(a).

4.2. The retail marijuana store will not use giveaway coupons as promotional materials, or conduct promotional activities such as games or competitions to encourage the sale of marijuana or marijuana products.

4.3. All advertising for marijuana or marijuana product will contain the warnings required under 3 AAC 306.360(e).

4.4. I understand and agree to post, in a conspicuous location visible to customers, the notification signs required under 3 AAC 306.365.

4.5. I certify that no advertisement for marijuana or marijuana product will contain any statement or illustration that:
   a. is false or misleading;
   b. promotes excessive consumption;
   c. represents that the use of marijuana has curative or therapeutic effects;
   d. depicts a person under the age of 21 consuming marijuana; or
   e. includes an object or character, including a toy, a cartoon character, or any other depiction designed to appeal to a child or other person under the age of 21, that promotes consumption of marijuana.

4.6. I certify that no advertisement for marijuana or marijuana product will be placed:
   a. within 1,000 feet of the perimeter of any child-centered facility, including a school, childcare facility, or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under the age of 21;
   b. on or in a public transit vehicle or public transit shelter;
   c. on or in a publicly owned or operated property;
   d. within 1,000 feet of a substance abuse or treatment facility; or
   e. on a campus for postsecondary education.

Section 5 – Displays and Sales

5.1. Describe how marijuana and marijuana products at the retail marijuana store will be displayed and sold:

Marijuana and marijuana products will be displayed and sold at grass station 49 using glass display cases that have functioning locks that only trained and competent staff of Grass Station 49 will have access to. We will also use slotted board which will be fastened behind the glass cases, on the wall out of customers reach and only accessible by Grass Station 49 employees. The marijuana and marijuana products will be sold using a METRC approved point of sale software. Daily sales will also be uploaded to METRC.
Section 6 – Exit Packaging and Labeling

Review the requirements under 3 AAC 306.345.

6.1. Describe how the retail marijuana store will ensure that marijuana and marijuana products sold on its licensed premises will meet the packaging and labeling requirements set forth in 3 AAC 306.345(a):

Grass Station 49 will ensure that the marijuana products sold meet the packaging and labeling requirements of 3 AAC 306.345 and all other packaging and labeling requirements from 3 AAC 306.470, 3 AAC 306.475, 3 AAC 306.565, and 3 AAC 306.570. In order to comply and maintain compliance, Grass Station 49 will make sure all of the packages prepared for sale do not get sold unless they are in a sealed and opaque child resistant package. Also, the package will have the necessary warning label, our store logo, the estimated THC content, facility of origin, and the test facility/date. The package will not have any pictures or logos with cartoon characters, or anything along those lines that have the potential of targeting persons under the age of 21. No marijuana flower will be sold in a quantity higher than one (1) ounce. All marijuana flower, edibles, and concentrates will be packaged in compliance not to exceed any of the potency levels set out in 3 AAC 306.560. All paperwork from the cultivator or manufacturer will be reviewed, and the product inspected before it is put out for sale. Any issues with the paperwork or product such as testing results or manifests will be rejected and reported to AMCO enforcement. If product should come prepackaged, it will be inspected to make sure that it meets all packaging and labeling requirements before being put out for sale.

6.2. Provide a sample label that the retail marijuana store will use to meet the labeling requirements set forth in 3 AAC 306.345(b):

ROLLED WITH LOVE

DKW FARMS LLC
4a-11234, Lab: 6a-10009, Tested: 08/20/2018
Say Uncle .5g Pre-Roll
THC: 15.85 % CBD: 0.08 % Terps: 1.34 
Packaged by Grass Station 49
Fairbanks, AK 99701
Lic# 10869
0.500 g (0.018 oz)
0620 3294 9909 7307

GRASS STATION
FORTY NINE
EST. 2016

MARIJUANA HAS INTOXICATING EFFECTS AND MAY BE HABIT FORMING AND ADDICTIVE.
MARIJUANA IMPAIRS CONCENTRATION, COORDINATION, AND JUDGMENT.
DO NOT OPERATE A VEHICLE OR MACHINERY UNDER ITS INFLUENCE.
THERE ARE HEALTH RISKS ASSOCIATED WITH CONSUMPTION OF MARIJUANA.
FOR USE ONLY BY ADULTS TWENTY-ONE AND OLDER. KEEP OUT OF THE REACH OF CHILDREN.
MARIJUANA SHOULD NOT BE USED BY WOMEN WHO ARE PREGNANT OR BREASTFED.

PACKAGED BY GRASS STATION 49 IN FAIRBANKS, AK 99701 | OPEN 9AM-12MIDNIGHT

[Form MJ-03] (rev 11/07/2017)
Section 7 – Security

Review the requirements under 3 AAC 306.350 and 3 AAC 306.720.

7.1. Describe the retail marijuana store’s procedures for ensuring a form of valid photographic identification has been produced before selling marijuana or marijuana product to a person, as required by 3 AAC 306.350(a):

When entering any Grass Station 49, the first thing that happens is an i.d. check. As soon as a person walks in, they are greeted and asked for an i.d. Upon examining the i.d., the bud-tender will look to see that the i.d card is government issued, and the photo and description matches the person in front of them, check for birth date to ensure person is 21+, check to see that the i.d. is not expired, and also check to see if the i.d. card could be rendered invalid due to damage. If the i.d. card or the person themself seems questionable, the bud-tender will then scan the card to validate.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:  

7.2. The video surveillance and camera recording system for the licensed premises covers each point-of-sale area.

Section 8 – Waste Disposal

Review the requirements under 3 AAC 306.740.

8.1. Describe how you will store, manage, and dispose of any marijuana waste, including expired marijuana or marijuana products, in compliance with any applicable laws. Include details about the material(s) you will mix with ground marijuana waste and the processes that you will use to make the marijuana waste unusable for any purpose for which it was grown or produced:

Grass Station 49 will give the Marijuana Control Board notice not later than three days before making the marijuana waste unusable, and disposing of it. All marijuana waste from retail sales and packaging will be made unusable and non-salvageable by mixing and grinding the plant waste 50/50 with other compost-able material such as soil/dirt/manure. Then, the mixed material will be placed into a leak-proof container and stored in the secure restricted access storage area until it is removed from site by an authorized Grass Station 49 employee. Upon being removed from site, the container will be taken to the Fairbanks North Star Borough Solid Waste Facility. All marijuana waste will be recorded and assigned to specific METRC I.D. tags when applicable.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

8.2. The retail marijuana store shall give the board at least three days written notice required under 3 AAC 306.740(c) before making marijuana waste unusable and disposing of it.

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee
Gary Evans
Printed name of licensee

Subscribed and sworn to before me this 21 day of December, 2018.
**Alaska Marijuana Control Board**

**Form MJ-07: Public Notice Posting Affidavit**

**What is this form?**

A public notice posting affidavit is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(10). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by posting a true copy of the application for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per 3 AAC 306.025(b)(1).

This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>The Grass Station, LLC</th>
<th>License Number:</th>
<th>16579</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Retail Marijuana Store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>Grass Station 49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>ZIP:</td>
<td>99709</td>
</tr>
</tbody>
</table>

**Section 2 – Certification**

I certify that I have met the public notice requirement set forth under 3 AAC 306.025(b)(1) by posting a copy of my application for the following 10-day period at the location of the proposed licensed premises and at the following conspicuous location in the area of the proposed premises:

Start Date: 01/30/2018  
End Date: 02/20/2018

Other conspicuous location: **Ester Post Office (501 Village Rd. Ester, AK 99725)**

I declare under penalty of perjury that this form, including all accompanying schedules and statements, is true, correct, and complete.

[Signature]

**NOTARY PUBLIC**

S. Quintana  
STATE OF ALASKA  
Exp November 23, 2019

Notary Public in and for the State of Alaska  
My commission expires: 11/23/19

Subscribed and sworn to before me this _30_ day of March 2018.
Alaska Marijuana Control Board

Form MJ-08: Local Government Notice Affidavit

What is this form?

A local government notice affidavit is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

This form must be completed and submitted to AMCO’s main office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

<table>
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<td>ZIP:</td>
<td>99709</td>
</tr>
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</table>

Section 2 – Certification

I certify that I have met the local government notice requirement set forth under 3 AAC 306.025(b)(3) by submitting a copy of my application to the following local government (LG) official(s) and community council (if applicable):

Local Government(s): Fairbanks North Star Borough Date Submitted: 01/30/2018

Name/Title of LG Official 1: Manish Singh/Planner 2 Name/Title of LG Official 2: 

Community Council: (Municipality of Anchorage and Matanuska-Susitna Borough only)

Date Submitted: 

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Gary S. Evans

Printed name of licensee

Subscribed and sworn to before me this 30 day of March, 2018.
NOTICE OF DECISION RE: CU2018-011

March 1, 2018

Gary Evans
Grass Station 49
814 Goldmine Trail
Fairbanks, Alaska 99712

David C. Lanning & Morgan Evans
P.O. Box 470
Ester, Alaska 99725

Dear Mr. Evans, Mr. Lanning and Mr. Evans:

At its regular meeting of February 27, 2018, the Planning Commission of the Fairbanks North Star Borough considered your request for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-221, Section 2, T1S-R2W, F.M. (located at 2502 Parks Highway, on the north side of Parks Highway, on the west side of Java Lane).

The Commission voted seven (7) in favor, one (1) opposed to approve your request and adopted the Staff Report, and the following Conditions and Findings of Fact in support of its decision:

CONDITIONS

1. Prior to the commencement of retail marijuana store operation, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial retail marijuana store.

   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the proposed wastewater storage tank; and shall comply with all recommendations and/or requirements resulting from the plan review.

   d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the existing driveway and shall comply with all recommendations and/or requirements resulting from
the plan review or provide documentation that a review for the existing driveway is not required.

2. All parking, turning and maneuvering area shall be located entirely within the subject property of the conditional use being served.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

FINDINGS OF FACT

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:
   a. The purpose of Title 18 will be met because the proposed conditional use is consistent with ‘Outskirt Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development of this site as a retail marijuana store.
   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
   c. 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial retail marijuana store obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.
   a. The facility will have a 500 gallon freshwater tank to meet the water supply.
   b. The facility will have a 500 gallon wastewater storage tank for the non-domestic wastewater. With the conditions imposed, the facility will dispose of the wastewater according to the state regulations.
   c. The facility is served by the Ester Volunteer Fire Department for emergency fire response.
   d. The facility is served by Alaska State Troopers for law enforcement.
   e. The facility is currently connected to the GVEA grid which will provide sufficient energy supply.
   f. Six (6) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed conditional use.
   g. With the conditions imposed, the retail store will have an adequate driveway.
   h. The subject property is accessible from Parks Highway, which is an interstate type roadway. Parks Highway can accommodate the trip ends generated by the proposed retail store.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone (FNSBC 18.84) and
Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial retail marijuana store.

a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial retail marijuana license.

b. With the conditions imposed, any solid or liquid waste including marijuana plant waste will be disposed of in accordance with state and local regulations.

c. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.

d. The noise generated from this retail operation would be minimal and it would not negatively impact the neighboring residential property owners because the operation is completely indoors.

e. The outdoor lighting will not point toward neighboring properties and therefore, will not negatively impact the neighborhood or residential zone.

f. The proposed signage will meet the FNSB sign standards.

g. The facility is located in GU-1 zoning where there are no restrictions on hours of operation. There are other land uses in the proximity of the marijuana retail store that have comparable impacts on the residential properties

This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.

A separate Agreement to Conditions is attached to this letter for your signature. Please read the Agreement carefully as they must be adhered to for this approval to be valid. Please sign and return the enclosed agreement within fifteen (15) days from the date of the decision of the Planning Commission.

Public notice signs must be returned within 10 days. Upon receipt, in good condition, we will promptly initiate a refund of the sign deposit.

If you have any questions regarding this matter, please feel free to contact the Department of Community Planning, 907 Terminal Street, Fairbanks, Alaska 99701 or call (907) 459-1260.

Sincerely,

D. Christine Nelson, AICP
Community Planning Director

Attachment: Agreement to Conditions
AGREEMENT TO CONDITIONS

CONDITIONAL USE: CU2018-011

PROPERTY OWNER: David C. Lanning & Morgan Evans
P.O. Box 470
Ester, Alaska 99725

APPLICANT: Gary Evans
Grass Station 49
814 Goldmine Trail
Fairbanks, Alaska 99712

LEGAL DESCRIPTION OF PROPERTY:
TL-221, Section 2, T1S-R2W

DATE APPROVED BY THE FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION:
February 27, 2018

CONDITIONS OF APPROVAL:

1. Prior to the commencement of retail marijuana store operation, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial retail marijuana store.

   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

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2. All parking, turning and maneuvering area shall be located entirely within the subject property of the conditional use being served.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

I understand that the holder of this permit is required to comply with all other applicable laws, including city, borough, state and federal laws

[Signature of applicant acknowledging and agreeing to abide by the conditions above.]

[Signature of property owner acknowledging and agreeing to abide by the conditions above.]

**CU2018-011**: A request by Gary Evans, DBA Grass Station 49, on behalf of David Lanning and Morgan Evans, for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-221, Section 2, T1S-R2W, F.M. (located at 2502 Parks Highway, on the north side of Parks Highway, on the west side of Java Lane).
Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

What is this form?

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) and affiliate (as defined in 3 AAC 306.990(a)(1)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO’s main office by each proposed licensee or affiliate before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

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Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Mason Evans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Co-owner</td>
</tr>
<tr>
<td>SSN:</td>
<td></td>
</tr>
<tr>
<td>Date of Birth:</td>
<td></td>
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Section 3 – Certifications

I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for.

I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040.

I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

[Signature]

Mason M. Evans
Printed name of licensee

[Signature]

S. Quintana
NOTARY PUBLIC
STATE OF ALASKA
Exp November 23, 2019

Notary Public in and for the State of Alaska

My commission expires: 11/18/19

Subscribed and sworn to before me this 30 day of March, 2018.
Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

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This form must be completed and submitted to AMCO’s main office by each proposed licensee or affiliate before any license application will be considered complete.

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<tr>
<td>City:</td>
<td>Fairbanks</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

| Name: | Gary Evans |
| Title: | Co-owner |
| SSN: | [Redacted] |
| Date of Birth: | [Redacted] |
Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

Section 3 – Certifications

I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for.

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I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Gary S. Evans

Printed name of licensee

Subscribed and sworn to before me this 30 day of March, 2019.

[Form MJ-09] (rev 10/05/2017)
License Number: 16579  
License Status: New  
License Type: Retail Marijuana Store  
Doing Business As: GRASS STATION 49  
Business License Number: 1040267  
Designated Licensee: Gary Evans  
Email Address: skinnygmc@gmail.com  
Local Government: Fairbanks North Star Borough  
Community Council:  
Latitude, Longitude: 64.858700, -147.896600  
Physical Address: 2502 Parks Highway  
Fairbanks, AK 99709  
UNITED STATES

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<thead>
<tr>
<th>Entity Official #1</th>
<th>Entity Official #2</th>
<th>Affiliate #1</th>
<th>Affiliate #2</th>
</tr>
</thead>
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<tr>
<td>Type: Individual</td>
<td>Type: Individual</td>
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</tr>
<tr>
<td>Name: Mason Evans</td>
<td>Name: Gary Evans</td>
<td>Name: Mason Evans</td>
<td>Name: Mason Evans</td>
</tr>
<tr>
<td>Email Address: <a href="mailto:skinnygmc@gmail.com">skinnygmc@gmail.com</a></td>
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<td>Email Address: <a href="mailto:grassstation49@gmail.com">grassstation49@gmail.com</a></td>
</tr>
<tr>
<td>Phone Number: 907-590-1367</td>
<td>Phone Number: 907-460-0398</td>
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| Mailing Address: P.O. Box 71034  
Fairbanks, AK 99707  
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UNITED STATES |
LEASE ADDENDUM

In respect to and incorporated into the Lease Agreement between Mason Evans & Gary Evans, (hereinafter referred to as “Lessee”) and David Lanning & Morgan Evans (hereinafter referred to as “Lessor”), dated December 01, 2017, to lease the real property described as follows: 2502 Parks Highway, Fairbanks, Alaska the undersigned Buyer and Seller hereby agree to the following:

1) Lease signed 12/01/2017 Lessee to be identified from “Mason Evans and Gary Evans” to “The Grass Station, LLC”.

2) Lease dated 12/01/2017 has only one (1) tenant, and they have sole possession of the premises.

3) The Lessor knows that 2502 Parks Highway is used for a marijuana retail establishment.

4) The Lessor will not take possession or remove marijuana or marijuana products from the premises if Lessee should default. Lessor will contact AMCO if tenant should default.

5) There will be no manufacturing of marijuana products at 2502 Parks Highway.

All other terms remain the same.

This Addendum, upon execution by both parties, is herewith made an integral part of the aforementioned Commercial Lease Agreement dated 12/01/2017.

LESSOR
David Lanning

DATE 3/17/18

LESSOR
Morgan Evans

DATE 5/12/2018

LESSEE
Gary Evans

DATE 3/17/2018

LESSEE
Mason Evans

DATE 3/12/2018

Subscribed and sworn to before me in Fairbanks, by

this 12th day of March 2018

NOTARY PUBLIC
S. Quintana
STATE OF ALASKA
Exp November 23, 2019

PRINT NAME OF SURETY

NOTARY PUBLIC SIGNATURE
COMMISSION EXPIRATION DATE 11/23/19
Letter of Authorization

We, Morgan Evans and David Lanning, authorize Gary Evans and Mason Evans, Owners of The Grass Station, LLC to use our property, located at 2502 Parks Highway, Fairbanks, Alaska 99709, Previously assessed as block 2; lot 221 (PAN 0274313) General Use-1 Zoned, for use as a Commercial Retail Marijuana Facility (retail store), that with all the laws of the State of Alaska and the Fairbanks North Star Borough.

Property Owner: _______________________________ Date: 01/04/2018
Morgan Evans

Property Owner: _______________________________ Date: 01/04/2018
David Lanning
Cripple Creek Tire Retail Store

Lease

This lease, executed this September xx, 2017 between:

David C. Lanning

and Morgan Evans (together hereinafter called Lessor/Lessors)

AND

Mason Evans

and Gary Evans (together hereinafter called Lessee/Lessees)

It is agreed between the parties hereto as follows:

1. Description of Premises: The Lessor hereby leases to Lessee and the Lessee hereby rents from Lessor those certain premises described as 2502 Parks Highway, Fairbanks Alaska; (a less than one acre lot, more or less, with a small building) as "Premises", together with those appurtenances specifically granted in this lease.

1A. Improvements:

Lessor Responsibilities

(a) Remodel approximately 600 square foot portion of existing building or build a modular structure approximately 10 foot x 50 foot on the subject property.

(b) Deliver to Lessee premises completed in a vanilla shell [painted walls, finished ceiling with light fixtures, toilet room and carpeted floors]

Lessee Responsibilities

(a) Shall be responsible for all interior build outs and other desired improvements that are approved by the Lessor.

2. Term: The term of this lease shall be for a period of Five (5) years, plus the partial month, if any, commencing on the day of commencement as set forth below, and expiring, unless sooner terminated, at midnight on the last day of the fifth (5th) full year thereafter, therein called the "lease term" (i.e. beginning the first day of March 1, 2018 and terminating on the last day of April, 2023).

3. Rent: Lessee covenants and agrees to pay Lessor as rental the sum of Five Thousand Six Hundred Dollars ($5,600), in advance, that is on or before the first day of each month. This shall also constitute the minimum monthly installments of rent for the balance of said term. In addition to Rent, the Lessee is responsible for all taxes, maintenance and insurance costs required to operate the premises which are detailed in this contract.
All rental payments under this lease shall be made to:
Morgan Evans and David Lanning
PO Box 470
Ester, AK 99725

3.A SECURITY DEPOSIT: Upon execution of this Lease the Lessee to deposit Five Thousand Six Hundred ($ 5,600) as security deposit. The security deposit shall be held by Lessor, without interest, until the termination of the lease. Within fifteen (15) days of termination of the lease, the Lessor shall pay to Lessee, without interest, the balance of the security deposit, less any recoverable damages.

3.B ESCALATORS: There will be no rent escalators over the duration of the lease. The rent shall remain as described in Paragraph 3 for the duration of the lease.

3.C LATE FEES and PENALTIES: At the end of each month, any rent arrearages shall accrue interest to be calculated at the rate of twelve per cent (12%) per annum.

3.D EFFECT OF HOLDING OVER: If Lessee should remain in possession of the premises after the expiration of the lease term and without executing a new lease, then such holding over shall be construed as a tenancy from month to month, subject to all the conditions, provisions and obligations of this lease insofar as the same are applicable to a month-month tenancy. Lessee shall be assessed a five per cent (5%) increase in rent.

4. LESSEE’S OPERATIONS: Lessee may operate the premises during those days and times convenient to themselves.

5. SEPARATION OF LESSORS INTERESTS FROM LESSEE’S: The Lessors and Lessees are completely separate business entities and shall remain completely separate. All parties signatory to this contract agree, affirm and in fact insist, that Lessors do not now and will not in the future have control of any nature over Lessee’s business, their operations, their inventories or their finances.

6. COMPLIANCE WITH LAW: Lessee shall promptly comply with all laws, ordinances, orders, and regulations affecting their business and the premises; its cleanliness, safety, occupation and use. Lessee shall not do or permit anything to be done in or about the premises, or bring or keep anything in the premises, that will in any way increase the rate of fire insurance upon the building in which the premises are situated. Lessee shall not perform any acts or carry on any practices that may injure the premises or be a nuisance or menace to themselves or neighbors.

At all times Lessee shall keep the premises, the walkways adjacent to the premises and any, service area clean or free from rubbish and dirt. Lessee shall not burn any trash or garbage of any kind in or about the premises. Lessee shall provide a trash receptacle for non-hazardous and customary office trash, at a convenient location to the operation of the premises with consideration to the wishes of the neighbors.

Lessee shall not use or permit the use of any portion of the premises as living quarters, lodging rooms, or for any unlawful purpose or purposes.

7. LESSEE’S USE OF PREMISES: Lessee shall use the premises for the operation of a retail store. Lessee agrees to warehouse, store and stock in the premises only such supplies and equipment common to such an operation.
8. PARKING FACILITIES: Lessee shall provide at least the minimum number of parking places and parking turnarounds required by the Fairbanks North Star Borough zoning regulations. Lessee shall maintain this parking and access by grading, adding gravel base, compaction, snow plowing, providing drainage and any and all other maintenance necessary to keep the parking areas useable and in good repair.

9. REGULATION: Lessor reserves the right to promulgate only those reasonable rules and regulations relating to the use of the premises that the Lessor considers necessary to protect the value of the premises.

10. UTILITIES: Lessee shall maintain all utility systems and shall replace any damaged utility system and pay all charges for all utilities used on the premises; including but not limited to electricity, fuel, gas, heat, telephone, internet, security, lighting, on-site water and septic, etc on the premises during the lease term.

11. LIGHTING: Lessee shall keep a security light illuminating the premises during hours of darkness.

12. LESSORS RESPONSIBILITIES FOR REPAIRS: Lessor shall keep in good order, condition, and repair (i) the building exterior foundation, (ii) the building exterior walls [except for the interior faces], (iii) the building roof and any gutters and downspouts. Lessor shall not be obligated to make repairs, however, until after the expiration of thirty (30) days notice from Lessee to Lessor stating the need for repairs.

13. LESSEE'S RESPONSIBILITIES: Lessee shall keep and maintain in good order, condition, and repair, except for reasonable use and wear, the premises and each and every part of facilities part of or serving the premises; excepting those considered the responsibilities assigned the Lessor in Paragraph 12.

If Lessor deems any repairs required of the Lessee necessary, it may demand that Lessee make them within thirty (30) days. If Lessee refuses or neglects to commence such repairs and to complete them with reasonable dispatch, Lessor may make or cause such repairs to be made. If Lessor makes or causes to make such repairs, Lessor shall not be responsible to Lessee for any loss or damage that may accrue to Lessee's business by reason of the repair work, and Lessee shall, on demand immediately pay to Lessor the cost of the repairs, with interest.

14. LESSOR'S CONSENT TO CHANGES: Without first obtaining Lessor's consent which shall not be unreasonable withheld, Lessee, its employees, agents, licensees, or contractors, shall not (i) make or install any alterations, improvements, additions, or fixtures that affect the exterior of the premises or any structural, mechanical, or electrical component of the premises or (ii) make, paint, drill, or in any way deface any floors, walls, ceilings, partitions, or any wood, stone or iron work.

15. LESSOR'S TITLE: All alterations, improvements, additions or fixtures, other than trade fixtures that are not permanently affixed, that may be made or installed upon the premises by either of the parties shall be the property of the Lessor and at the termination of this lease shall remain upon and be surrendered with the premises as a part of the premises, without disturbance, molestation, or injury.

16. MECHANIC'S LIEN: Lessee shall pay when due all sums of money that may become due or purportedly due for any labor, services, materials, supplies, or equipment alleged to have been furnished or to be furnished to or for Lessee in, at, upon or about the premises and which may be secured by any mechanics', materialmen's or other lien against the premises or Lessor's
interest in the premises, and Lessee shall cause each such lien to be fully discharged and released at the time performance of the obligation secured matures or becomes due. Lessee has the right to bond or contest a lien. Lessor shall have the right to post and maintain on the premises notices of non-responsibility.

17. **COMPLIANCE WITH GOVERNMENTAL REQUIREMENTS:** Lessee shall, at its own cost and expense, promptly and properly observe, comply with, and execute all present and future orders, regulations, directions, rules, laws, ordinances, and requirements of all governmental authorities (including, but not limited to, state, municipal, borough and federal governments and their departments, bureaus, boards, and officials), arising from the uses of, occupancy of, or connected with the enjoyment of the premises, except such requirements as shall arise from the use and occupancy of a part of the building other than the premises. Such accommodations shall be made within the scope and requirements of this agreement. Lessee shall have the right to contest or review, legal procedure or in such other manner as Lessee may deem suitable, at their own expense, any such order, regulation, direction, rule, law, ordinance, or requirement, and if able, may have the same canceled, removed, revoked, or modified, provided that Lessor is not subject to a criminal prosecution, and that Lessor’s title to the premises is not subject to forfeiture, and Lessee hereby agrees to indemnify and hold Lessor harmless from and against any civil liability as a result of any such contest or review. Any such proceedings shall be conducted promptly and shall include, if Lessee so decides, appropriate appeals. Whenever requirements become absolute after a contest, Lessee shall diligently comply with the same or so much thereof as shall have been judicially sustained.

18. **LESSOR’S ACCESS TO PREMISES:** (a) Conditioned upon accompaniment by a representative of the Lessee, the Lessor and its designees shall have the right to enter the premises at all reasonable hours with a notice of 24 hours, and in emergencies at all times (i) to inspect the premises, (ii) to make repairs, additions or alterations to the premises, the building of which the premises form a part or any property owned or controlled by Lessor and (iii) for any lawful purpose.

(b) Lessor shall not be liable to Lessee or to any other person whatsoever for any damage occasioned by plumbing, gas, water, steam, sprinkler, or other pipe and sewage system, or by the bursting, running or leaking of any tank, washstand, closet, or waste or other pipes, in or about the premises or the building of which they are a part, or for any damage arising from any acts or neglect of Lessees or other occupants of the premises or of adjacent property, or the public. Lessor shall not be liable in damages or otherwise for any failure to furnish, or any interruption of service of any water, gas, electricity, heated water, steam, or chilled water, caused by fire, accident, riot, strike, labor disputes, acts of God, the making of any repairs or improvements, or other causes beyond the control of Lessor.

19. **INDEMNIFICATION BY LESSEE** Lessee agrees to indemnify and save Lessor harmless from and against any and all claims arising from any act, omission, or negligence of Lessee, or its contractors, licensees, agents, servants, or employees, or arising from any accident, injury, or damage whatsoever, caused by any person or property occurring in, on, or about the premises or any part of them, the sidewalks adjoining the premises, and any loading dock, and from and against all costs, expenses, and liabilities incurred in or in connection with any such claim or proceeding brought thereon.

20. **LESSOR’S OBLIGATION:** In case the premises shall be partially or totally destroyed by fire or other casualty insurable under full standard extended risk insurance as to become partially or totally untenable the same shall be repaired or rebuilt as speedily as possible at the expense of Lessor, unless Lessor shall elect not to repair or rebuild as provided in Paragraph 21, and should
there be a substantial interference with Lessee's business, a just and proportionate part of the fixed rent shall be abated until the premises are repaired or rebuilt.

21. LESSOR'S ELECTION: If (i) more than fifty (50%) per cent of the first floor of the building in which the premises are located shall be destroyed or so damaged by fire, or smoke or other casualty insured under full standard extended risk insurance as to become wholly untenable same comment, or (ii) the premises shall be partially or totally destroyed by a cause for casualty other than those conveyed by fire and extended coverage risk insurance then, in either event, Lessor may, if it so elects, rebuild or put said building in good condition and fit for occupancy within a reasonable time after such destruction or damage, or it may give notice terminating this lease as of a date not later than thirty (30) days after such damage or destruction. If Lessor elects to repair or rebuild the building, it shall, within thirty (30) days after such damage or destruction, give Lessee notice of its intention to repair or rebuild and then shall proceed with reasonable speed to make the repairs or to rebuild. Unless Lessor elects to terminate this lease, this lease shall remain in full force and effect and the parties waive the provisions of any law of the contrary.

22. LESSOR'S AND LESSEE'S WORK IF PREMISE REBUILT: If Lessor should elect or be obligated to repair or rebuild because of any damage or destruction, Lessor's obligation shall be limited to the basic building as originally constructed. Lessee shall fully repair or replace all trade fixtures, equipment, furniture, and Lessee improvements and other installations originally installed by Lessee at its expense.

23. CONDEMNATION: If title to all of the premises is taken for any public use under any statute, or by right of eminent domain, or if title to so much of the premises is so taken that a reasonable amount of reconstruction of the premises will not result in the premises being a practical improvement and reasonably suitable for Lessee's continued occupancy for the uses and purposes for which the premises are leased, then, in either event, this lease shall terminate on the date that possession of the premises, or part of the premises, is taken. Lessee may pursue its own action for damages resulting from the taking.

24. INSURANCE:

(a) During the lease term, Lessee shall at its own expense, maintain in full force a policy or policies of comprehensive liability insurance, including property damage, written by one or more responsible insurance companies licensed to do business in Alaska, that will insure Lessee and Lessor [and such other persons, firms, or corporations as are designated by Lessor] against liability for injury to persons or property and for death of any person and property and for death of any person or persons occurring in or about the premises. Each such policy shall be subject to the approval by Lessor as to form and as to insurance company. The liability under such insurance shall not be less than $1,000,000.00 for any one person injured or killed, not less than $1,000,000.00 for any one accident and not less than $2,000,000.00 for property damage. Lessee shall provide Lessor with copies or certificates of all policies, noting them as an additional insured, including in each instance an endorsement providing that such insurance shall not be cancelled except after thirty (30) days notice to Lessor.

(b) During the lease term, Lessee shall maintain in full force on all fixtures and equipment in the premises a policy or policies of fire insurance with standard extended coverage endorsement, to the extent of at least eighty (80%) percent of their insurable value. As long as this lease is in effect the proceeds from any such policy shall be used for the repair of replacement of the fixtures and equipment so insured. Lessor shall have no interest in the insurance upon Lessee's equipment and fixtures and will sign all documents necessary or proper in connection with the settlement of any loss or loss by Lessee.
25. **TAXES:** Lessee shall pay before delinquency any and all taxes, assessments, license fees and public charges levied, assessed, or imposed and which become payable during the lease term upon Lessee’s fixtures, furniture, appliances, and personal property installed or located in the premises. Lessee will also pay all other taxes obligated upon the premises, including but not limited to borough property taxes.

26. **ASSIGNMENT AND SUBLETTING:** Without Lessor’s consent, which shall not be unreasonably withheld, Lessee shall not assign, mortgage, or hypothecate this lease, or any interest in this lease or permit the use of the premises by any person or persons other than Lessee, or sublet the premises or any part of the premises. Any transfer of this lease from Lessee by merger or consolidation shall not constitute an assignment of this lease.

27. **LESSEE’S LIABILITY FOR ATTORNEY’S FEES, COSTS AND EXPENSES:**
   (a) In the event that Lessor should bring suit for possession of the premises, for the recovery of any sum due under, or because of breach of any covenant of this lease, or for any other relief against Lessee declaratory or otherwise, or should Lessee bring any action for any relief against Lessor, declaratory or otherwise, arising out of this lease, and Lessor should prevail in any such suit, Lessee shall pay Lessor a reasonable attorney’s fee, which shall be deemed to have accrued on the commencement on such action and shall be enforceable whether or not such action is prosecuted to judgment.

   (b) In the event of Lessee’s breach of any covenant in this lease, Lessor may after thirty days written notice, cure such breach for the account and at the expense of Lessee. If Lessor at any time, by reason of such breach, is compelled to pay any sum of money or to do any act that will require the payment of any sum of money, or is compelled to incur any expense, including reasonable attorney’s fees, in instituting, prosecuting, or defending any actions or proceeds to enforce Lessor’s rights under this lease or otherwise the sum or sums so paid by Lessor, with all interest, costs, and damages, shall be deemed to be additional rent under this lease and shall be due from Lessee to Lessor on the first day of the month following the incurring of such expense.

28. **OBLIGATIONS OF LESSEE ON SURRENDER:** On the last day or sooner termination of the lease term, Lessee shall quit and surrender the premises, broom clean, in good condition and repair [reasonable wear and tear, and damage by act of God or fire excepted] together with all alterations, additions, and improvements that may have been made in, to or on the premises, except movable furniture or trade fixtures put in at Lessee’s expense. Lessee shall ascertain from Lessor with thirty (30) days before the end of the lease term whether Lessor desires to have the premises or any part of the premises restored to their condition when the premises were delivered to Lessee, and if Lessor shall so desire, then Lessee shall restore the premises or such part of the premises before the end of the lease term at Lessee’s sole cost and expense. On or before the end of the lease term, Lessee shall remove all its property from the premises, and all the property not removed shall be deemed abandoned by Lessee. Lessor may deduct the cost of disposing of the property from the deposit. If the premises be not surrendered at the end of the lease term. Lessee shall indemnify Lessor against loss or liability resulting from delay by Lessee in surrendering the premises, including, without limitations, any claims made by any succeeding Lessee founded on the delay.

29. **EFFECT OF LESSOR’S CONVEYANCE:** If, during the term of this lease, Lessor shall sell its interest in the premises to an unrelated third party, then from and after the effective date of the sale, Lessor shall be released and discharged from any and all obligations and responsibilities under this lease except those already accrued, provided such sale is specifically subject to this lease.
30. NOTICES: All notices, statements, demands, requests, consents, approvals, authorizations, offers, agreements, appointments, or designations under this lease by either party to the other shall be in writing and shall be sufficiently given and served upon the other party, if sent by certified mail, return receipt requested, postage prepaid, and addressed as follows: To Lessee, addressed to the last known post office address of Lessee or to the premises; To Lessor, addressed to Lessor at PO Box 470, Ester, AK 99725 or to such other place as Lessor may from time to time designate by notice to Lessee.

31. REMEDIES OF LESSOR ON DEFAULT: In the event of any breach of this lease by Lessee, then Lessor besides other rights or remedies it may have, shall have after written notice and the right of the Lessee to cure the breach for 30 days, the immediate right of re-entry and may remove all persons and property from the premises; such property may be removed and stored in a public warehouse or elsewhere at the cost of, and or the account of Lessee. Should Lessor elect to re-enter, as herein provided, or should it take possession pursuant to legal proceedings or pursuant to any notice provided for by law, it may either terminate this lease or it may from time to time, without terminating this lease, re-let said premises or any part thereof for such term or terms [which may be for a term extending beyond the terms of this lease] at a reasonable rental or rentals and upon such other terms and conditions as Lessor in its sole discretion may deem advisable with the right to make repairs to said premises. Upon such re-letting the rents received by Lessor from such re-letting shall be applied: first, to the cost and expenses of such re-letting; second, to the costs and expenses of repairs made by Lessor; and third, to the payment of rent due and unpaid hereunder; and the residue, if any, shall be paid over to Lessee. If Lessee has been credited with any rent to be received by such re-letting and such rent shall not be promptly paid to Lessor by the new Lessee, or if such rentals received from such re-letting during any month be less than that to be paid during that month by Lessee hereunder, Lessee shall pay any such deficiency to Lessor. Such deficiency shall be calculated and paid monthly. No such re-entry or taking possession of said premises by Lessor shall be construed as an election on its part to terminate this lease unless a written notice of such intention be given to Lessee or unless the termination thereof be decreed by a court of competent jurisdiction. Notwithstanding any such re-letting without termination, Lessor may at any time thereafter elect to terminate this lease for such previous breach. Should Lessor at anytime terminate this lease for any breach, in addition to any other remedy it may have, it may recover from Lessee all damages it may incur by reason of such breach, including the costs of recovering the premises, and including the worth at the time of such termination of the excess, if any, of the amount of rent and charges equivalent to rent reserved in this lease for the remainder of the stated term, all of which amounts shall be immediately due and payable from Lessee to Lessor.

All remedies herein conferred on Lessor shall be deemed cumulative and no one exclusively of the other or any other remedy conferred by law.

A party will not be in default under any provision of this agreement except under such provisions as require the performance of an act on or before a specific date or within a specific period of time, unless the party has been given a written notice specifying the default and fails to cure it within the period of thirty (30) days, and if the default cannot be cured within the times specified above, if he thereafter does not diligently proceed to complete the curing of the default.

32. WAIVER: The waiver by Lessor or Lessee of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of any other term, covenant, or condition herein contained. The subsequent acceptance of rent hereunder by Lessor shall not be deemed to be a waiver of any preceding breach by Lessee of any term, covenant, or condition of this lease, other than the failure of Lessee to pay the particular rental so accepted regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.
33. **RIGHT OF FIRST REFUSAL:** At the end of the lease period, or such time as may be determined by the Lessor, Lessor may offer the premises for sale. The Lessor shall notify in writing by certified mail to the Lessee that the unit is for sale. The Lessee shall have 45 days to respond in writing with an offer to purchase or a letter of intent to the Lessor, Lessee's intent to purchase the premises under the terms offered or other such terms as may be agreed upon.

34. **SEVERABLE CONTRACT:** If any part or item in this contract is found to be unenforceable, the other portions are considered independent and separately enforceable.

35. **ENTIRE AGREEMENT:** This lease contains the entire agreement between the parties. No promises, representation, warranty, covenant or statement not included in this lease has been or is relied upon by either party. Each party has relied on his own examination of this lease and the warranties, representations and covenants in the lease itself. The failure or refusal of either party to inspect the premises or improvement, to read the lease documents, or to obtain legal or other advice relevant to this transaction constitutes a waiver of any obligation, contention or claim that might have been based on such reading, inspection or advice.

36. **MODIFICATIONS OF LEASE AGREEMENT:** No amendment or modification of this lease shall be valid or binding unless expressed in writing and executed by the parties thereto in the same manner as the execution of the lease.

**LENSORS:**

David Lanning  12-1-17
Morgan Evans  1-1-17

**LESSEES:**

Gary Evans  12-1-17
Mason Evans
STATUTORY WARRANTY DEED

Y105228-JM (E)

Grantor, Gregory V. Rhines, an unmarried person, of 289 Ester Drive, Fairbanks, Alaska 99709, for good and valuable consideration received, conveys and warrants to Grantees, David Lanning, a married person, of P.O. Box 470, Ester, Alaska 99725 and Morgan Evans, a married person, of 125 Kenneth, Fairbanks, Alaska 99712, the following described real estate:

A portion of Section 2, Township 1 South, Range 2 West, Fairbanks Meridian, Alaska, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, being more particularly bounded and described as follows, to-wit:

Commencing at Corner No. 4 of U.S. Mineral Survey 859; thence North 30°09'00" West along the easterly line of said Mineral Survey a distance of 51.41 feet to the Northwesterly right-of-way line of Alaska Highway Project F-037-1 (35), the POINT OF BEGINNING of the parcel herein described; thence continuing North 30°09'00" West along the easterly line of said Mineral Survey a distance of 80.02 feet, more or less, to a point that is 80.00 feet distant from said right-of-way, thence North 58°18'59" East parallel with said right-of-way line a distance of 215.00 feet; thence North 89°57'00" East a distance of 33.37 feet; thence South 0°03'00" East a distance of 73.40 feet to said right-of-way line, thence South 58°18'59" West along said right-of-way line a distance of 207.05 feet, more or less, to the point of beginning.

SUBJECT TO property taxes; patent reservations and exceptions; plat notes and stipulations; and easements, reservations, covenants, conditions, restrictions, and rights-of-way of record.

DATED this 27th day of October, 2017.

[Signature]
Gregory V. Rhines

STATE OF ALASKA

) )
) ss.

FOURTH JUDICIAL DISTRICT

The foregoing instrument was acknowledged before me this 27th day of October, 2017, by Gregory V. Rhines.

STATE OF ALASKA
NOTARY PUBLIC

Jenny McCarthy
My Commission Expires October 14, 2020

Record in Fairbanks Recording District and Return to:
David Lanning and Morgan Evans
PO Box 470
Ester, Alaska 99725

Received by AMCO 05.15.18
AFFP
The Grass Station, LLC is appl

Affidavit of Publication

UNITED STATES OF AMERICA  
STATE OF ALASKA  
FOURTH DISTRICT  

Before me, the undersigned, a notary public, this day personally appeared Tameka Ambersley, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

February 01, 2018, February 08, 2018, February 15, 2018

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.

Advertising Clerk

Subscribed to and sworn to me this 15th day of February 2018.

Marena Burnell, Notary Public in and for the State Alaska.

My commission expires: December 07, 2021

00008956 00044592

GARY EVANS  
125 KENNETH ST  
FAIRBANKS, AK 99712

44592
The Grass Station, LLC is applying under 3 AAC 306.300 for a new Retail Marijuana Store license, license #16579, doing business as GRASS STATION 49, located at 2502 Parks Highway, Fairbanks, AK, 99709, UNITED STATES.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on AMCO’s website at https://www.commerce.alaska.gov/web/amco. Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

Publish: 02-01, 02-08 & 02-15-2018

NOTARY-PUBLIC  
M. BURNELL  
STATE OF ALASKA  
My commission Expires December 7, 2021
## Drop-Off Summary

Click on a filename to download that file.

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12 files

Property Information for PAN#: 274313

PROPERTY DESCRIPTION: TL-221 Section 2 T1S-R2W
OWNER: Lanning David [ownership] Evans Morgan [co-owner]
SITUS ADDRESS: 2502 Parks Hwy
ZONING: GU-1 (100%)
COMMUNITY PLANNING PERMITS:
Conditional Use: 20180011
Grandfather Rights: 20180064

Proximity, Zoning, and Sensitive Use Map
Grass Station 49
Marijuana License - New - #16579
Retail Store

The Fairbanks North Star Borough does not warrant the accuracy of maps or data provided, nor their suitability for any particular application. There may be errors in the data.
Property Information for PAN#: 274313

PROPERTY DESCRIPTION: TL-221 Section 2 T1S-R2W
OWNER: Lanning David [ownership] Evans Morgan [co-owner]
SITUS ADDRESS: 2502 Parks Hwy
ZONING: GU-1 (100%)
COMMUNITY PLANNING PERMITS:
Conditional Use: 20180011
Grandfather Rights: 20180064

Proximity, Zoning, and Sensitive Use Map
Grass Station 49
Marijuana License - New - #16579
Retail Store

The Fairbanks North Star Borough does not warrant the accuracy of maps or data provided, nor their suitability for any particular application. There may be errors in the data.
NOTICE OF DECISION RE: CU2018-011

March 1, 2018

Original sent via US Postal Service/mailed to: skinnygmc@gmail.com and lanningak@acsalaska.net

Gary Evans
Grass Station 49
814 Goldmine Trail
Fairbanks, Alaska 99712

David C. Lanning & Morgan Evans
P.O. Box 470
Ester, Alaska 99725

Dear Mr. Evans, Mr. Lanning and Mr. Evans:

At its regular meeting of February 27, 2018, the Planning Commission of the Fairbanks North Star Borough considered your request for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-221, Section 2, T1S-R2W, F.M. (located at 2502 Parks Highway, on the north side of Parks Highway, on the west side of Java Lane).

The Commission voted seven (7) in favor, one (1) opposed to approve your request and adopted the Staff Report, and the following Conditions and Findings of Fact in support of its decision:

CONDITIONS

1. Prior to the commencement of retail marijuana store operation, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial retail marijuana store.

   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the proposed wastewater storage tank; and shall comply with all recommendations and/or requirements resulting from the plan review.

   d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the existing driveway and shall comply with all recommendations and/or requirements resulting from
the plan review or provide documentation that a review for the existing driveway is not required.

2. All parking, turning and maneuvering area shall be located entirely within the subject property of the conditional use being served.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

FINDINGS OF FACT

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:
   a. The purpose of Title 18 will be met because the proposed conditional use is consistent with 'Outskirt Area' comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development of this site as a retail marijuana store.
   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
   c. 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial retail marijuana store obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.
   a. The facility will have a 500 gallon freshwater tank to meet the water supply.
   b. The facility will have a 500 gallon wastewater storage tank for the non-domestic wastewater. With the conditions imposed, the facility will dispose of the wastewater according to the state regulations.
   c. The facility is served by the Ester Volunteer Fire Department for emergency fire response.
   d. The facility is served by Alaska State Troopers for law enforcement.
   e. The facility is currently connected to the GVEA grid which will provide sufficient energy supply.
   f. Six (6) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed conditional use.
   g. With the conditions imposed, the retail store will have an adequate driveway.
   h. The subject property is accessible from Parks Highway, which is an interstate type roadway. Parks Highway can accommodate the trip ends generated by the proposed retail store.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone (FNSBC 18.84) and
Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial retail marijuana store.

a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial retail marijuana license.

b. With the conditions imposed, any solid or liquid waste including marijuana plant waste will be disposed of in accordance with state and local regulations.

c. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.

d. The noise generated from this retail operation would be minimal and it would not negatively impact the neighboring residential property owners because the operation is completely indoors.

e. The outdoor lighting will not point toward neighboring properties and therefore, will not negatively impact the neighborhood or residential zone.

f. The proposed signage will meet the FNSB sign standards.

g. The facility is located in GU-1 zoning where there are no restrictions on hours of operation. There are other land uses in the proximity of the marijuana retail store that have comparable impacts on the residential properties

This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.

A separate Agreement to Conditions is attached to this letter for your signature. Please read the Agreement carefully as they must be adhered to for this approval to be valid. Please sign and return the enclosed agreement within fifteen (15) days from the date of the decision of the Planning Commission.

Public notice signs must be returned within 10 days. Upon receipt, in good condition, we will promptly initiate a refund of the sign deposit.

If you have any questions regarding this matter, please feel free to contact the Department of Community Planning, 907 Terminal Street, Fairbanks, Alaska 99701 or call (907) 459-1260.

Sincerely,

[Signature]

D. Christine Nelson, AICP
Community Planning Director

CN/nan
Attachment: Agreement to Conditions
AGREEMENT TO CONDITIONS

CONDITIONAL USE: CU2018-011

PROPERTY OWNER: David C. Lanning & Morgan Evans
P.O. Box 470
Ester, Alaska 99725

APPLICANT: Gary Evans
Grass Station 49
814 Goldmine Trail
Fairbanks, Alaska 99712

LEGAL DESCRIPTION OF PROPERTY:

TL-221, Section 2, T1S-R2W

DATE APPROVED BY THE FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION:

February 27, 2018

CONDITIONS OF APPROVAL:

1. Prior to the commencement of retail marijuana store operation, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial retail marijuana store.

   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the proposed wastewater storage tank; and shall comply with all recommendations and/or requirements resulting from the plan review.

   d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the existing driveway and shall comply with all recommendations and/or requirements resulting from the plan review or provide documentation that a review for the existing driveway is not required.
2. All parking, turning and maneuvering area shall be located entirely within the subject property of the conditional use being served.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

I understand that the holder of this permit is required to comply with all other applicable laws, including city, borough, state and federal laws

Signature of applicant acknowledging and agreeing to abide by the conditions above.                   Signature of property owner acknowledging and agreeing to abide by the conditions above.

CU2018-011: A request by Gary Evans, DBA Grass Station 49, on behalf of David Lanning and Morgan Evans, for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-221, Section 2, T1S-R2W, F.M. (located at 2502 Parks Highway, on the north side of Parks Highway, on the west side of Java Lane).
III. PROPERTY DEVELOPMENT HISTORY

The application states that the subject parcel contains an existing building (approximately 32’ X 96’) (see proposed site plan in Figure 4 & a current photograph in Figure 5). The FNSB Assessor’s Records reflect that the existing building was constructed between 1980 and 1982. This building was previously used as auto repair businesses (Everything Auto & Detail, Cripple Creek Tire & Auto, see a photograph from 2003 in Figure 6). This building is located in the GU-1 zone where zoning permits are not required for most commercial uses.

The subject lot, TL-221, Section 2, T1S-R2W, F.M. does not meet the current minimum lot size requirement of 40,000 sq.ft. in the GU-1 zone. The FNSB Department of Community Planning issued an affirmative recognition of legal nonconforming lot status (grandfather rights) on October 13, 2017 (GR2018-064, Exhibit 1).

**Figure 4: Proposed Site Plan**
The retail marijuana store is shown in green.
IV. PROPOSED USE AND PROJECT INFO

The applicant has requested a conditional use permit to use the existing building as a retail marijuana store. The total sales area of the proposed retail store would be 1,092 sq.ft. The retail marijuana store is proposed to have packaging and storage room (approximately 1,850 sq.ft.), an office, a mechanical room and a restroom (see proposed floor plan in Figure 7 and proposed building elevations in Figure 8).

Figure 7: Proposed Floor Plan

Figure 8: Proposed Building Elevations
Sign 1

Sign 2

4800 sq ft
MEMORANDUM

TO: Fairbanks North Star Borough Assembly
THROUGH: Bryce Ward, Borough Mayor
FROM: Dan Sloan, Director of Public Works
DATE: January 10, 2019
SUBJECT: Ordinance 2019-04 Election for Tax Cap Revision for Seavy Road Service Area

In August, service area commissions received tax cap election guidelines. In response, the Division of Rural Services received a request from Seavy Road Service Area to participate in the March 2019 tax cap election.

They requested that their revenue be increased by $11,780. This will add approximately .37 mills to their current rate of .35, giving them a new mill rate of approximately .72.

The Seavy Service Area held a public meeting to discuss budget issues. The commission submitted a request to increase their budget. The listed mill rates were calculated from the 2018 certified tax values.

I urge adoption of this ordinance.

Attachments: Ordinance
Service Area Map - Exhibit A
Staff Report
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 - 04

AN ORDINANCE PROVIDING FOR AN ELECTION FOR TAX REVENUE CAP REVISION TO THE SEAVY SERVICE AREA

WHEREAS, Chapter 8.04 FNSBC provides for revision of the amount of taxes that can be levied or imposed within taxing jurisdiction, if approved by the voters; and

WHEREAS, The Seavy Service Area Commission has indicated that its present tax revenue cap produces insufficient funds to provide maintenance and capital construction services; and

WHEREAS, An election is required to determine if the voters in a taxing jurisdiction authorize an increase to their mill levy in order to provide those services.

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

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

Section 2. **Election.** Pursuant to FNSBC 5.04.050(C), an election shall be held on the fourth Tuesday of March, March 26, 2019, within the area shown on the map Exhibit A, attached hereto, to place before the registered voters residing within the Seavy Service Area the following question:

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

Text to be **added** is **underlined**

Text to be **deleted** is [**BRACKETED, CAPITALIZE**]
"Shall the Seavy Service Area be authorized to increase its annual property tax revenue in the amount of $11,780 in order to fund road maintenance and capital construction services?"

An increase of $11,780 will add approximately 0.37 mills to the rate allowed by the existing tax revenue cap.

Section 3. Effective date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF __________, 2019.

_________________________________________________________
Matt Cooper
Presiding Officer

ATTEST:

____________________________________________
April Trickey, CMC
Borough Clerk

APPROVED:

___________________________
Jill S. Dolan
Borough Attorney

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

Ordinance for the Tax Cap Revision to the Seavy Road Service Area

NARRATIVE. Each year service areas are given the opportunity to participate in an election to adjust their tax cap. Seavy Road Service Area commissioners initiated the Tax Cap Election Request on October 8, 2018.

The Seavy Road Service Area held a publicly noticed meeting on September 27, 2018 to discuss budget issues. Three residents attended the meeting including service area commissioners. Based on discussion, the commissioners decided in favor of a tax cap increase, the service area commission voted to participate in a tax cap election to increase their tax cap revenue. The meeting minutes reflect that the service area commissioners in attendance voted to hold an election to raise their tax cap to $24,000, an increase of $11,780.

2018 Service Area Taxable Assessment: $32,232,701
Current Tax Cap: $12,220
Current Mill Rate: .355
FY 18 Operating Budget: $7,760
Amount FY 18 Budget was supplemented From the Service Area Fund Balance: $8,000

Current Fund Balance: $35,782
FY 19 Expenditures as of 10/31/18: $0

Year Established: 1984
Initial Taxing Year: 1997
Number of Commissioners: 3
Road Miles Maintained: 4.12
FAIRBANKS NORTH STAR BOROUGH
TAX CAP ELECTION REQUEST

The [Seavy] Service Area is requesting inclusion in the spring election to increase the tax (revenue) cap. Please choose one of the following:

☐ The Service Area held a public meeting and attendees favored increasing the tax cap. Attached are meeting minutes and sign-in sheet.

☐ A survey of service area residents was conducted. Respondents favored increasing the tax cap. Attached is a copy of the survey and detailed results.

The Service Area would like to increase the current tax (revenue) cap by $[12,000].

This would add approximately [0.3000] mill(s) to the current mill rate.

New Service Area budget: $[24,000]

Approximate total (new) mill rate: 0.640

How was the meeting advertised or the survey taken? [Newspaper, Road Signs, Facebook, Word of Mouth]

Please include the service area in the upcoming election.

Thank you.

[Signature] [Date: 9-27-18]

[Signature] [Date: 9-27-18]

[Signature] [Date]

Attachments: Service Area Public Meeting Minutes and Sign-in Sheet, or a copy of the Service Area Survey and the Survey Results

Return to: Fairbanks North Star Borough – Division of Rural Services
520 Fifth Avenue, First Floor, Ste. D
PO Box 71267
Fairbanks, AK 99707-1267

SERVICE AREAS NOT REQUESTING A TAX CAP ELECTION ARE NOT REQUIRED TO RETURN THIS FORM TO RURAL SERVICES
9/27/2018

Meeting Called to Order 701pm

Attendance:
Adolph Tallman, Chair Road Commissioner
April Smith, Road Commissioner
Heather Hampton, 2912 Seavy

Old Business:
Documents need transferred from old commissioner
New Commissioner applied
New Service Provider acquired

We have called for a grade, on waiting list

New Business
Seavy resident asks that we not pile snow at the end of Seavy and block her driveway, Adolph will convey this request to the new provider

Mrs. Hampton asks that the huge hole in front of her driveway get proper attention during the grading process, Adolph will convey that request

We discussed clearing the greenway and agree it is dependent on money. We will request a bid to clear it.

The MIL rate and election were explained

Financial report presented showing we have about $8000 to spend this year compared to a recommended $24000 so our maintenance will be poor, again, this winter.

Official Vote called to call for tax cap election this spring, YES calls for the election
Adolph Tallman-YES
April Smith-YES
April will email the request
Adjourned 735pm
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor

FROM: Dan Sloan, Director of Public Works

DATE: January 10, 2019

SUBJECT: Ordinance 2019- 05
Election for Tax Cap Revision for Pleasureland Service Area

In August, service area commissions received tax cap election guidelines. In response, the Division of Rural Services received a request from Pleasureland Service Area to participate in the March 2019 tax cap election.

They requested that their revenue be increased by $3,850. This will add approximately 0.50 mills to their current rate of 1.17, giving them a new mill rate of approximately 1.67.

The Pleasureland Service Area held a public meeting to discuss budget issues. The commission submitted a request to increase their budget. The listed mill rates were calculated from the 2018 certified tax values.

I urge adoption of this ordinance.

Attachments: Ordinance
Service Area Map - Exhibit A
Staff Report
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019-05

AN ORDINANCE PROVIDING FOR AN ELECTION FOR TAX REVENUE CAP REVISION TO THE PLEASURELAND SERVICE AREA

WHEREAS, Chapter 8.04 FNSBC provides for revision of the amount of taxes that can be levied or imposed within taxing jurisdiction, if approved by the voters; and

WHEREAS, The Pleasureland Service Area Commission has indicated that its present tax revenue cap produces insufficient funds to provide maintenance and capital construction services; and

WHEREAS, An election is required to determine if the voters in a taxing jurisdiction authorize an increase to their mill levy in order to provide those services.

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

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

Section 2. Election. Pursuant to FNSBC 5.04.050(C), an election shall be held on the fourth Tuesday of March, March 26, 2019, within the area shown on the map Exhibit A, attached hereto, to place before the registered voters residing within the Pleasureland Service Area the following question:

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
“Shall the Pleasureland Service Area be authorized to increase its annual property tax revenue in the amount of $3,850 in order to fund road maintenance and capital construction services?”

An increase of $3,850 will add approximately 0.50 mills to the rate allowed by the existing tax revenue cap.

Section 3. Effective date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS ____ DAY OF __________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

APPROVED:

Jill S. Dolan
Borough Attorney
STAFF REPORT

Ordinance for the Tax Cap Revision to the Pleasureland Service Area

NARRATIVE. Each year service areas are given the opportunity to participate in an election to adjust their tax cap. Pleasureland Service Area commissioners initiated the Tax Cap Election Request on September 25, 2018.

The Pleasureland Service Area held a publicly noticed meeting on September 20, 2018 to discuss budget issues. Four residents attended the meeting including service area commissioners. Based on discussion, the commissioners decided in favor of a tax cap increase, the service area commission voted to participate in a tax cap election to increase their tax cap revenue. The meeting minutes reflect that the service area commissioners in attendance voted to hold an election to raise their tax cap to $13,000, an increase of $3,850.

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<td>2018 Service Area Taxable Assessment:</td>
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<td>Current Mill Rate:</td>
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<td>FY 18 Operating Budget:</td>
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<td>Amount FY 18 Budget was supplemented</td>
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<td>From the Service Area Fund Balance:</td>
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<td>Current Fund Balance:</td>
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<td>Number of Commissioners:</td>
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<td>Road Miles Maintained:</td>
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FAIRBANKS NORTH STAR BOROUGH

TAX CAP ELECTION REQUEST

The ______ Service Area is requesting inclusion in the spring election to increase the tax (revenue) cap. Please choose one of the following:

☑ The Service Area held a public meeting and attendees favored increasing the tax cap. Attached are meeting minutes and sign-in sheet.

☐ A survey of service area residents was conducted. Respondents favored increasing the tax cap. Attached is a copy of the survey and detailed results.

The Service Area would like to increase the current tax (revenue) cap by $ 3150.00

This would add approximately 446 mill(s) to the current mill rate.

New Service Area budget $13,000.00

Approximate total (new) mill rate 1.621

How was the meeting advertised or the survey taken?

Advertized by rural services in the

news miner

Please include the service area in the upcoming election.

Thank you

Commissioner signature

Date 9-20-18

Commissioner signature

Date 9-30-18

Commissioner signature

Date 9-20-18

Attachments: Service Area Public Meeting Minutes and Sign-in Sheet,
Or a copy of the Service Area Survey and the Survey Results

Return to:
Fairbanks North Star Borough – Division of Rural Services
520 Fifth Avenue, First Floor, Ste. D
PO Box 71267
Fairbanks, AK 99707-1267

SERVICE AREAS NOT REQUESTING A TAX CAP ELECTION ARE NOT REQUIRED TO RETURN THIS FORM TO RURAL SERVICES

RS11 - Tax Cap Request form rev. 9-8-16
PleasureLand Road Service Minutes

Meeting Called to Order: 9-20-2018 7:00 P.M.

Commissioner Attendees: Carl Olson, Delmar Lashinski

Last Meetings Minutes Approved: Commissioners Delmar Lashinski & Carl Olson voted to approve last meeting minutes dated 1-17-17.

Old Business: There was no old business to discuss.

New Business: The agenda was read.
Commissioner Carl Olson voted to approve the agenda.
Commissioner Delmar Lashinski voted to approve the agenda.

The current financial position and budget for the service area was gone over.

It was discussed that there is a new maintenance contractor.

The current state of the road was discussed.

New summer maintenance work was discussed.

It was decided that this summer E1 would be added to the road where needed and culvert work would be done.
Money would be transferred as required for this work.

A motion was put forward to hold a tax cap election to increase the cap by $3150 per year which is .446 mills to $13,000 per year which is 1.621 mills.
Commissioner Carl Olson voted to approve this tax cap election increase.
Commissioner Delmar Lashinski voted to approve this tax cap election increase.

Meeting Adjourned: 7:15 P.M.

Secretary signature: [Signature]

RECEIVED
SEP 25 2018
FNSB Rural Services
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MEMORANDUM

TO: Matt Cooper, Presiding Officer
    Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor
          Jim Williams, Chief of Staff

FROM: Cory T. Beal, Chief Procurement Officer
      General Services Department

DATE: January 24, 2019

SUBJECT: Ordinance to Amend Title 16 Procurement Authority to School District Officials for Certain Construction Projects
ORDINANCE NO. 2019-07

The attached ordinance requests codifying additional language to Title 16 authorizing the Chief Procurement Officer to delegate authority to School District Officials to purchase supplies and services; as well as delegate authority for the procurement of two construction projects related to Ordinance 2018-41.

Ordinance 2018-41 was adopted December 13, 2018, which authorized a Memorandum of Agreement that will give the School District control of two roof replacement projects with the School District handling the procurement for those contracts.

Currently Title 16 (16.08.030(B)) is limited and only allows for the delegation of purchasing school equipment. This ordinance will allow the delegation of authority to procure construction services required in accordance with Ordinance 2018-41.

Please place this ordinance on the consent agenda for the Assembly meeting to be held January 24, 2019.
AN ORDINANCE AMENDING FNSBC TITLE 16 TO AUTHORIZE THE PROCUREMENT OF SUPPLIES, EQUIPMENT AND SERVICES TO SCHOOL DISTRICT OFFICIALS, AND AUTHORIZING THE DELEGATION OF PROCUREMENT AUTHORITY FOR CERTAIN CONSTRUCTION PROJECTS

WHEREAS, State law provides that school boards may determine their own policy separate from the borough for the purchase of supplies and equipment; and

WHEREAS, Borough code authorizes its chief procurement officer to delegate procurement authority to School District officials, but the language is limited to school equipment; and

WHEREAS, It has been the long-standing practice of the School District to implement its own policies and regulations for the purchase and contracting of supplies, equipment and services; and

WHEREAS, Ordinance No. 2018-41 authorized a memorandum of agreement for School District control of two roof replacement projects, and the District should handle the procurement for those construction contracts.

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, CAPITALIZE]
Section 1. Section 2 of this ordinance is of a general and permanent nature and shall be codified. Section 3 of this ordinance is not of a general and permanent nature and shall not be codified.

Section 2. FNSBC 16.08.030(B), Delegations to other borough and school district officials, is hereby amended as follows:

B. With the approval of the borough mayor, the chief procurement officer may delegate authority to purchase school equipment, supplies and services to school district officials, if such delegation is deemed necessary for the effective procurement of those items. The procurement of equipment, supplies and services by the school district in accordance with school board policy is exempt from the requirements of this title. The procurement of all insurance and insurance-related contracts for the borough shall be coordinated through the risk manager in accordance with Chapter 2.20 FNSBC.

Section 3. Delegation of Procurement Authority. Notwithstanding any provision of FNSBC Title 16 to the contrary, authority is hereby delegated to school district officials for the procurement of construction and construction related services for the projects approved in Ordinance No. 2018-41 (roof replacement projects at Ben Eielson Junior-Senior High School and Woodriver Elementary School). In the event of a conflict between FNSBC Title 16 and school district procurement policies and procedures, the more restrictive standard shall apply.

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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
PASSED AND APPROVED THIS _____ DAY OF ________, 2019.

______________________________
Matt Cooper
Presiding Officer

ATTEST:

______________________________
April Trickey, CMC
Borough Clerk

APPROVED:

______________________________
Jill S. Dolan
Borough Attorney
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor

FROM: Glenn Miller, Transportation Director

DATE: January 24, 2019

SUBJECT: Ordinance No. 2018-20-1R
AN ORDINANCE AMENDING THE FY 2018-19 BUDGET
BY APPROPRIATING $39,054.97 IN FEDERAL PASS-
THROUGH GRANT FUNDING TO THE SPECIAL
REVENUE FUND TO OFFSET THE COST OF THE FIRST
THREE YEARS OF OPERATIONS AND MAINTENANCE
OF PLUG-INS INSTALLED AT FNSB NOEL WIEN
LIBRARY AND NORTH POLE LIBRARY

Attached for your approval is a proposed budget ordinance amending the FY 2018-19 budget by appropriating $39,054.97 in Federal Highway Administration, Congestion Mitigation Air Quality (CMAQ) funds, passed through the Alaska Department of Transportation and Public Facilities (ADOT&PF), and made available to the Fairbanks North Star Borough to provide financial assistance for the operations and maintenance of the Noel Wien Library and North Pole Library plug-ins, for the first three years of plug-in operation. Electrical plug-ins will be used to reduce the need for extended idling and/or engine starts and to reduce cold starts, which will reduce emissions, fuel consumption and engine wear. This project is critical to the reduction of fine particulate matter (PM$_{2.5}$) which is a serious problem.

I request your consideration and urge your approval of this ordinance.

Attachment
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018-20-1R

AN ORDINANCE AMENDING THE FY 2018-19 BUDGET BY APPROPRIATING $39,055 IN FEDERAL PASS-THROUGH GRANT FUNDING TO THE SPECIAL REVENUE FUND TO OFFSET THE COST OF THE FIRST THREE YEARS OF OPERATIONS AND MAINTENANCE OF MOTOR VEHICLE PLUG-INS INSTALLED AT THE FAIRBANKS NORTH STAR BOROUGH’S NOEL WIEN LIBRARY AND NORTH POLE BRANCH LIBRARY

WHEREAS, The Fairbanks North Star Borough (Borough) has violated the Environmental Protection Agency’s National Ambient Air Quality Health Standard for the 24-hour average of allowable ambient fine particulate (PM$_{2.5}$) pollution concentration; and

WHEREAS, The Borough’s PM$_{2.5}$ pollution is a result of complex interactions between emissions from area sources, mobile sources, permitted point sources, and extreme winter atmospheric conditions; and

WHEREAS, The State of Alaska Department of Transportation and Public Facilities (ADOT&PF) installed motor vehicle plug-ins at Noel Wien Library and North Pole Branch Library for preheating motor vehicles during cold temperatures in the Fairbanks and North Pole areas; and

WHEREAS, Through Memorandum of Agreement #NFHWY00407, ADOT&PF will provide $39,055 of funding, passed through from the Federal Highway Administration’s (FHWA) Congestion Mitigation and Air Quality Improvement Program (CMAQ), for three years of maintenance and operations; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
WHEREAS, Plug-ins allow for preheating motor vehicle engines during the cold temperatures in the Fairbanks and North Pole areas and reduce the need for extended idling and/or engine starts and cold starts, which reduces emissions, fuel consumption and engine wear.

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

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

Section 2. Acceptance of Federal Pass-Through Grant Funds. The Borough formally accepts the award of $39,055 in FHWA CMAQ funds passed through ADOT&PF to offset the cost of operating and maintaining motor vehicle plug-ins installed by ADOT&PF at Noel Wien Library and North Pole Branch Library.

Section 3. Special Revenue Fund Appropriation. The FY 2018-19 budget is hereby amended by appropriating $39,055 to the Special Revenue Fund budgetary guideline entitled “Borough Libraries Plug-Ins Operations and Maintenance” and by increasing estimated revenue from federal pass-through grants by a like amount.

Section 4. Contingency. This appropriation is contingent upon the receipt of a signed and executed grant agreement with ADOT&PF.

Section 5. Eligible Expenditure Period. Expenditures subsequent to the effective date of the executed grant agreement and within the specified performance period are eligible for reimbursement.
Section 6. Provisions for Grants. This appropriation is for an estimated amount. The actual amount will be appropriated contingent, and based upon, the signed grant agreement. Any material differences, as determined by the Chief Financial Officer, will be communicated to the Assembly.

Section 7. Effective date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF ________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

APPROVED:

Jill S. Dolan
Borough Attorney
I. Request

Ordinance No: 2018-20-1R Date Introduced: January 24, 2019

Abbreviated Title: $39,055 in Federal Pass-Through Grant Funding to Provide Assistance for the First Three Years of Plug-in Operations and Maintenance following Installation at Noel Wien and North Pole Libraries

II. Financial Detail

Department/Division Affected: Public Works/Facilities Maintenance

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<tr>
<th>EXPENDITURE</th>
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<th>Special Revenue Projects FY 18/19</th>
<th>Capital Projects FY 18/19</th>
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SOURCE OF FUNDING

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<td>Federal Pass-Through Grants</td>
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<td>State Grants</td>
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</table>

Specify Funding Sources: Federal Highway Administration (FHWA), passed through State of Alaska Department of Transportation and Public Facilities (ADOT&PF)

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

| Cash Match:                      |                            |
| In-Kind Match:                   |                            |

III. Project Purpose:

To maintain and operate electrical headbolt plug-ins at Noel Wien Library and North Pole Library for the first three years following installation

IV. Analysis of Future Liabilities and Funding Sources:

Ongoing maintenance and operations beyond the three years

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

Debra L. R. Brady  
Chief Financial Officer

Date: 12/31/18
Originator's Name: Glenn Miller
Department: Transportation

To Be Introduced/Sponsored By: Bryce Ward, Mayor

Abbreviated Ordinance Title: Library Plug-Ins Appropriating Ordinance

Department(s)/Division(s) Affected: Public Works

Proposed Introduction Date: January 24, 2019
Ordinance No.: 2018-29-1R

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 ☑

<table>
<thead>
<tr>
<th>Required Information/Estimates</th>
<th>FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE</th>
</tr>
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<tbody>
<tr>
<td>1. Timeline inclusive of all phases</td>
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<tr>
<td>2. Number and type of new positions which may be required</td>
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<tr>
<td>3. Cost of operations and maintenance</td>
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</tr>
<tr>
<td>4. Future costs to complete capital assets</td>
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<tr>
<td>5. Estimated revenue impact</td>
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<tr>
<td>6. Estimated non-Borough funds that may be received:</td>
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<td>a. to fund the ordinance</td>
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<tr>
<td>b. to fund future phases</td>
<td>$0.00</td>
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<tr>
<td>c. to fund future operations and maintenance costs</td>
<td>$0.00</td>
</tr>
<tr>
<td>7. Anticipated annual tax subsidy</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Is backup attached? ☑ Yes ☐ No ☐

Contact Person's Name, for FIS questions: Glenn Miller, Transportation Director
Extension: 1007

Director(s) Signature(s): [Signature]
Date: 1/27/19

Mayor's Office or Assembly Member Signature: [Signature]
Date: 12/17/19

Chief Financial Officer Signature: [Signature]
Date: 12/3/18
MEMORANDUM

TO: Fairbanks North Star Borough Assembly
THROUGH: Bryce J. Ward, Borough Mayor
FROM: Glenn Miller, Transportation Director

SUBJECT: AN ORDINANCE AMENDING THE FY 2018-19 BUDGET BY APPROPRIATING $48,154 IN STATE GENERAL FUNDS TO THE TRANSIT ENTERPRISE PROJECTS FUND FOR PARTIAL MATCH TO THE FEDERAL TRANSIT ADMINISTRATION, SECTION 5307 TRANSIT OPERATING ASSISTANCE GRANT.
ORDINANCE NO. 2018-20-1S
DATE: January 24, 2019

Attached for your approval is a proposed budget ordinance amending the FY 2018-19 budget by accepting $48,154 in state general funds to the Transit Enterprise projects fund for partial match to the Federal Transit Administration (FTA) Section 5307 Transit Operating Assistance Grant. The additional funding will be used to continue a portion of service within the Red, Purple and Brown Lines that is highly popular with the public and have high ridership. This service is currently funded through the Gold Line grant which is scheduled to expire the end of March 2019.

I request your consideration and urge your approval of this ordinance.

Attachment
By: Bryce J. Ward, Mayor
Introduced: January 24, 2019

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018-20-15

AN ORDINANCE AMENDING THE FY 2018-19 BUDGET BY CHANGING THE ESTIMATED REVENUES FOR $48,154 OF THE MATCH TO THE FEDERAL TRANSIT ADMINISTRATION, SECTION 5307 TRANSIT OPERATING ASSISTANCE GRANT FROM LOCAL SOURCES TO STATE GRANT FUNDS AND BY APPROPRIATING $48,154 TO THE TRANSIT ENTERPRISE OPERATING FUND TO CONTINUE THE INCREASED HEADWAY ON THE RED, BROWN, AND PURPLE LINES

WHEREAS, The State of Alaska Department of Transportation and Public Facilities (ADOT&PF) has made $48,154 in State funds available to the Fairbanks North Star Borough (Borough) to use as a match to a Federal Transit Administration (FTA) grant; and

WHEREAS, The Borough will use the $48,154 in ADOT&PF funds to supplant a portion of the $1,194,939 in required local match to the FTA Section 5307 Transit Operating Assistance Grant, which was appropriated in Ordinance No. 2018-20 (FY 2018-19 Budget) thereby “freeing up” local funds to be used for these continued transit services; and

WHEREAS, The funds will allow the continuation, through June 30, 2019, of portions of Red, Brown, and Purple Line service currently funded by the Fort Wainwright Transit Route/MACS Transit (Gold Line) grant which will be fully spent at the end of March 2019; and

WHEREAS, Transit services should be concentrated in the urban area in Fairbanks to achieve the highest ridership and give frequent, convenient public transportation access to a high percentage of people; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
WHEREAS, Frequent and convenient services allow people the freedom to travel for employment, education, shopping and other recreational activities without much planning which makes public transportation a viable alternative to a personal vehicle.

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

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

Section 2. Acceptance of State Grant Funding. The Borough formally accepts $48,154 in State funds from AKDOT&PF to be used as a partial match for the Section 5307 Transit Operating Assistance Grant.

Section 3. Transit Enterprise Projects Fund Change in Estimated Revenues. The FY 2018-19 budget is hereby amended by increasing estimated revenue from State grants by $48,154 and by reducing the local match (Contribution from Transit Enterprise Operating Fund) by a like amount.

Section 4. Transit Enterprise Operating Fund Appropriation. The FY 2018-19 budget is hereby amended by appropriating $48,154 to the transit enterprise operating fund budgetary guideline entitled “Transportation” and by reducing the contribution to the transit enterprise projects fund by a like amount.
Section 5. Administrative Fee Waiver. Indirect fees are waived in accordance with Borough Ordinance No. 2011-42, which waived indirect fees on all existing and future FTA grants and associated State matching funds.

Section 6. Contingency. This appropriation is contingent upon the receipt of a signed and executed grant agreement with ADOT&PF.

Section 7. Eligible Expenditure Period. Expenditures subsequent to the effective dates of the executed State grant agreement are eligible for reimbursement.

Section 8. Provisions for Grants. This appropriation is for an estimated amount. The actual amount will be appropriated contingent, and based upon, the signed grant agreement. Any material differences, as determined by the Chief Financial Officer, will be communicated to the Assembly.

Section 9. Effective Date. This ordinance shall be effective at 5:00 pm on the first Borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF __________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

APPROVED:

Jill S. Dolan
Borough Attorney

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

Ordinance No: 2018-20-1S Date Introduced: January 24, 2019

Abbreviated Title: $48,154 in State Grant Funds for Partial Match to the FTA 5307 Transit Operating Assistance Grant and Continue the Increased Headway on the Red, Brown, and Purple Lines

II. Financial Detail

Department/Division Affected: Transportation/Transit

<table>
<thead>
<tr>
<th>EXPENDITURE</th>
<th>General Fund</th>
<th>Transit Enterprise Projects Fund</th>
<th>Transit Enterprise Operating Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
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<td>FY 18/19</td>
<td>FY 18/19</td>
<td>48,154</td>
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<tr>
<td>Contribution to Transit</td>
<td></td>
<td></td>
<td>FY 18/19</td>
<td>(48,154)</td>
</tr>
<tr>
<td>Enterprise Projects Fund</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>FY 18/19</td>
<td>-0-</td>
</tr>
</tbody>
</table>

SOURCE OF FUNDING

| Contribution from Transit Enterprise Operating Fund | (48,154) |
| State Grants                                         | 48,154   |
| Total                                                | -0-      |

Specify Funding Sources: State of Alaska Department of Transportation and Public Facilities (ADOT&PF)

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

| Ord No. 2018-20 FTA 5307 Operating Funds (FTAOA9): | 1,194,939 |
| Ord No. 2018-20 Local Matching Funds (reduced for State Match): | 1,146,785 |

III. Project Purpose:

To use State grant as a match to the FTA 5307 Operating Assistance grant and to use the now available local match to instead fund the increased headway on the Red, Brown, and Purple lines

IV. Analysis of Future Liabilities and Funding Sources:

None

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

Debra L. R. Brady
Chief Financial Officer

12/31/18
Fairbanks North Star Borough Fiscal Impact Statement (FIS) (FNSBC 3.20.010 C.)

Originator's Name: Glenn Miller
Department: Transportation

To Be Introduced/Sponsored By: Mayor Ward

Abbreviated Ordinance Title: State Grant Funding to Match FTA 5307 Operating Assistance

Department(s)/Division(s) Affected: Transportation / Transit

Proposed Introduction Date: January 24, 2019
Ordinance No.: 2018-20-15

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 ___

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<td></td>
</tr>
<tr>
<td>7. Anticipated annual tax subsidy</td>
<td></td>
</tr>
</tbody>
</table>

Is backup attached? Yes ___ No ___

Contact Person's Name, for FIS questions: [Name]
Extension: 1007

Director(s) Signature(s): [Signature]
Date: 1/7/2018

Mayor's Office or Assembly Member Signature: [Signature]
Date: 1/17/2018

Chief Financial Officer Signature: [Signature]
Date: [Date]
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor

FROM: Mike Bork, Director, Parks and Recreation

DATE: January 24, 2019

SUBJECT: Ordinance No. 2018-20-1T
Chena Lake Recreation Area Restroom Replacement and Access Improvements

Attached for your approval is an ordinance amending the FY2018-19 budget by appropriating a required 9.03% grant match of $20,029 from the general fund balance along with $201,779 in Alaska Federal Lands Access Program (AFLAP) funding awarded by the Federal Highway Administration (FHWA).

This project received bids on November 20, 2018. The bids for this project came in higher than the original construction budget of $1,048,430. The Borough Assembly approved the award of the base bid and 2 alternates to Bliss Construction on December 13, 2018. Four alternates were not awarded due to a lack of funds.

The Borough requested additional funds from FHWA to allow for award of the remaining project alternates to complete the entire project. FHWA approved the request and offered the additional funds. This ordinance accepts the additional funds and approves the required match.

These funds will be used to complete the remaining four alternates and allow for the purchase and installation of four more vault toilets at the Chena Lake Recreation Area.

I request your consideration and urge your approval of this ordinance.

Attachment: Ordinance
By: Bryce Ward, Mayor
Introduced: January 24, 2019

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018-20-1T

AN ORDINANCE AMENDING THE FY 2018-19 BUDGET BY APPROPRIATING $201,779 IN FEDERAL GRANT FUNDING AND $20,029 IN LOCAL MATCHING FUNDS FROM THE GENERAL FUND FUND BALANCE TO THE CAPITAL PROJECTS FUND FOR THE RESTROOM REPLACEMENT AND ACCESS IMPROVEMENTS PROJECT AT CHENA LAKE RECREATION AREA

WHEREAS, On April 23, 2015, the Fairbanks North Star Borough (Borough) Assembly adopted Ordinance No. 2014-20-2H which appropriated $1,048,430 in Federal Highway Administration (FHWA) Alaska Federal Lands Access Program (AFLAP) grant funding and $104,070 in local matching funds from the General Fund fund balance to the Capital Projects Fund for restroom replacement and access improvements at Chena Lake Recreation Area; and

WHEREAS, The appropriated funding provided sufficient funds to complete the renovation of two change houses and replacement of four of the eight vault toilets; and

WHEREAS, Four vault toilet replacements could not be purchased and installed due to a lack of construction funds; and

WHEREAS, The Borough was successful in requesting an additional $201,779 in FHWA federal grant funding for the purchase and installation of the remaining four vault toilet replacements; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
WHEREAS, The AFLAP grant requires a 9.03% local match in the amount of $20,029, which will be provided from the General Fund fund balance; and

WHEREAS, Construction is scheduled to begin in 2019, replacing and renovating restroom facilities, and repairing and constructing access paths.

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

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

Section 2. Acceptance of Federal Grant Funding. The Borough formally accepts the award of $201,779 in AFLAP funding from FHWA for restroom replacement and access improvements at the Chena Lake Recreation Area.

Section 3. General Fund Appropriation. The FY 2018-19 budget is hereby amended by appropriating $20,029 to the General Fund budgetary guideline entitled “Contribution to Capital Projects Fund” and by increasing Contribution from Fund Balance by a like amount.

Section 4. Capital Projects Fund Appropriation. The FY 2018-19 budget is hereby amended by appropriating $221,808 to the Capital Projects Fund budgetary guideline entitled “AFLAP Grant Chena Lake Restroom and Access Improvements” and by increasing estimated revenues from federal grants by $201,779 and by increasing Contribution from General Fund by $20,029.
Section 5. **Indirect Fee Waiver.** In accordance with 2 CFR §200.68, indirect fees are waived for this appropriation of AFLAP grant funds and the AFLAP grant funds previously appropriated in Ordinance No. 2014-20-2H.

Section 6. **Eligible Expenditure Period.** Expenditures incurred within the effective dates of the grant agreement are eligible for reimbursement.

Section 7. **Contingency.** This appropriation is contingent upon the receipt of a signed and executed grant agreement with FHWA.

Section 8. **Provisions for Grants.** This appropriation is for estimated amounts. The actual amounts will be appropriated contingent, and based upon, the signed grant agreement. Any material differences, as determined by the Chief Financial Officer, will be communicated to the Assembly.

Section 9. **Lapse of Funds.** Upon completion or abandonment of the project, any unexpended, unencumbered local matching funds will lapse to the General Fund fund balance.

Section 10. **Effective Date.** This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.
PASSED AND APPROVED THIS _____ DAY OF __________, 2019.

Matt Cooper
Presiding Officer

APPROVED:

April Trickey, CMC
Borough Clerk

Jill S. Dolan
Borough Attorney
I. Request

Ordinance No: 2018-20-1T  Date Introduced: January 24, 2019
Abbreviated Title: $221,808 for Restroom Replacement and Access Improvements at the Chena Lake Recreation Area

II. Financial Detail

Department/Division Affected: Public Works/Design and Construction

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<tr>
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<th>Special Revenue Fund</th>
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<td>Other - Awaiting Budget</td>
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<td>221,808</td>
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Specify Funding Source: U.S. Department of Transportation, Federal Highway Administration (Grant); General Fund fund balance (Match)

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

<p>| | | | | |</p>
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<td></td>
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<td>ORD 2014-20-2H/2017-20-1T Local Match:</td>
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</table>

III. Project Purpose:
To replace existing restroom facilities with pre-fabricated concrete vault-style restrooms and repair and construct access paths

IV. Analysis of Future Liabilities and Funding Sources:
Ongoing repairs and maintenance of restroom facilities and access paths

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

Debra L. R. Brady
Chief Financial Officer

Date: 12/31/18
Fairbanks North Star Borough
Fiscal Impact Statement (FIS) (FNSBC 2.09.035 C.)

Originator's Name: Brian Charlton
Department: Parks & Recreation

To Be Introduced/Sponsored By: Mayor Ward

Abbreviated Ordinance Title: Chena Lake Recreation Area Restroom Replacement & Access Improvements

Department(s)/Division(s) Affected: Parks & Rec. / Parks Maintenance

Proposed Introduction Date: 1-24-19

Ordinance No.: 2018-20-1T

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 ___*

FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE

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<td>1. Timeline inclusive of all phases</td>
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<td>3. Cost of operations and maintenance</td>
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<td>6. Estimated non-Borough funds that may be received:</td>
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<td>b. to fund future phases</td>
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<td>c. to fund future operations and maintenance costs</td>
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<td>7. Anticipated annual tax subsidy</td>
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Is backup attached? Yes ___ No ___

Contact Person's Name, for FIS questions: Brian Charlton
Extension: 1074

Director(s) Signature(s):
Date: 12/9/18

Mayor's Office or Assembly Member Signature:
Date: 12/9/18

Chief Financial Officer Signature:
Date: 12/3/18
Memorandum

To: Fairbanks North Star Borough Assembly
Through: Bryce Ward, Fairbanks North Star Borough Mayor
From: Glenn Miller, Transportation Director
Date: January 24, 2019
Subject: A RESOLUTION SUPPORTING CONVERSION FROM DIESEL AND GASOLINE TO COMPRESSED NATURAL GAS, (CNG) VEHICLES FOR ALL TRANSIT REVENUE SERVICE VEHICLES WITHIN THE FAIRBANKS NORTH STAR BOROUGH TRANSPORTATION DEPARTMENT RESOLUTION NO. 2019-03

The FNSB has been awarded a federal grant which will result in a new vehicle maintenance facility that will include technology that allows us the capability to utilize CNG powered vehicles. The FNSB assembly appropriated the grant funds on January 12, 2017. Switching the transit fleet to CNG provides air quality benefits, lower operational costs and can help meet regulatory requirements within the State Implementation Plan for PM2.5 attainment.

Vehicles scheduled for CNG fuel include 15 transit buses and 10 transit vans which are used for revenue service. As these vehicles reach the end of their useful life, they will be replaced with vehicles powered by CNG instead of diesel or gasoline. As a typical transit bus has a useful life of about 12 years the conversion process is anticipated to take at least that many years due to the current age and lifecycles of the existing fleet.

Due to increased federal funding available to the transportation department it is anticipated this funding will be applied towards a bus acquisition each budgetary year to aid in the transition to CNG. These annual replacements coupled with any additional bus acquisition grants in the future will assist us with a transition that meets our goals towards a dedicated CNG transit fleet.

I support the resolution and urge its adoption.
FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2019-03

A RESOLUTION SUPPORTING CONVERSION FROM DIESEL AND GASOLINE TO COMPRESSED NATURAL GAS (CNG) VEHICLES FOR ALL TRANSIT REVENUE SERVICE VEHICLES WITHIN THE FAIRBANKS NORTH STAR BOROUGH TRANSPORTATION DEPARTMENT

WHEREAS, The CNG feasibility study dated September 6, 2018 is an integral component and requirement of the Federal Transit Administration Bus and Bus Facility Transit Garage Expansion Grant which was appropriated by the FNSB assembly on January 12, 2017; and

WHEREAS, The Transit Garage Expansion Project will include all necessary systems and structure to allow CNG powered vehicles to be stored and maintained within the new facility. The existing Transit Maintenance Center does not contain these provisions; and

WHEREAS, Once fleet conversion is complete, it is estimated that diesel and gasoline fuel consumption will be reduced by 129,315 gallons each year and will instead require 21,159,000 cubic feet of natural gas annually; and

WHEREAS, Converting the transit fleet to CNG provides air quality benefits by reducing particulate matter (PM2.5), volatile organic compounds (VOC), carbon monoxide (CO), nitrogen oxide (NOx) and carbon dioxide (CO2); and
WHEREAS, Committing to a CNG conversion plan could result in additional air quality benefits claimed within the State Implementation Plan for PM2.5 reductions; and

WHEREAS, Initial purchase cost of CNG powered vehicles are higher than those which are powered by liquid fuels. Savings in operational costs over the life of each vehicle are projected to offset the higher initial expense of CNG powered vehicles; and

WHEREAS, Committing to a structured conversion schedule further emphasizes the borough’s devotion to encourage and assist borough residents with transitions to natural gas and improved air quality.

NOW THEREFORE BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough recognizes the value and importance to air quality and supports a structured CNG conversion schedule for revenue service vehicles within the transportation department.

PASSED AND APPROVED THIS ____ DAY OF ____________, 2019.

________________________
Matt Cooper
Presiding Officer

ATTEST:

________________________
April Trickey, CMC
Borough Clerk

APPROVED:

________________________
Jill S. Dolan
Borough Attorney

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

Fairbanks North Star Borough, Alaska
RESOLUTION NO. 2019-
MEMORANDUM

To: Fairbanks North Star Borough Assembly
From: Bryce Ward, Mayor
Date: February 14, 2019
Subject: Resolution No. 2019 – 04
Metropolitan Planning Organization - FAST Planning Agreements

Attached for your consideration is a resolution authorizing the Mayor to sign agency participation agreements for the newly forming Fairbanks Area Surface Transportation Planning Office (FAST Planning).

The Fairbanks Metropolitan Area Transportation System (FMATS) policy committee decided to change the Metropolitan Planning Organization (MPO) structure into an independent organization. The FMATS policy committee took action to rename FMATS to FAST Planning. Fairbanks MPO members are: the Fairbanks North Star Borough, the City of Fairbanks, the City of North Pole and the State of Alaska.

This resolution will authorize the Mayor to enter the Borough into two agreements: 1) The Intergovernmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning, and 2) The Memorandum of Understanding for FAST Planning Office Operations. Both agreements, when fully executed by all parties effectively dissolve the 2003 FMATS Intergovernmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning.

I urge your approval of this resolution.

Attachments:
1. Resolution
2. DRAFT Intergovernmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning
3. DRAFT Memorandum of Understanding, FAST Planning Office
4. FFY19-20 FMATS Unified Planning Work Program
FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2019–04

A RESOLUTION AUTHORIZING THE FAIRBANKS NORTH STAR BOROUGH MAYOR TO SIGN THE INTERGOVERNMENTAL OPERATING AGREEMENT AND MEMORANDUM OF UNDERSTANDING FOR TRANSPORTATION AND AIR QUALITY PLANNING AND THE MEMORANDUM OF UNDERSTANDING FOR THE OPERATION OF THE FAIRBANKS AREA SURFACE TRANSPORTATION PLANNING OFFICE

WHEREAS, On April 14, 2003, the Governor of Alaska designated the Fairbanks Metropolitan Area Transportation System Policy Committee as the Metropolitan Planning Organization (MPO) in accordance with 23 CFR 450.306; and

WHEREAS, The Fairbanks North Star Borough (Borough) entered into the Fairbanks Metropolitan Area Transportation System (FMATS) Inter-Governmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning on April 15, 2003; and

WHEREAS, The FMATS Policy Committee voted to change the organizational structure and transition FMATS to an independent agency, to be known as Fairbanks Area Surface Transportation Planning, or FAST Planning; and

WHEREAS, Pursuant to Ordinance No. 2017-20-15, the Assembly appropriated $178,700 to be used as a membership fee to FAST Planning; and

WHEREAS, Assembly approval is required before the Mayor can execute the new Intergovernmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning and the Memorandum of Understanding for the Operation of the Fairbanks Area Surface Transportation Planning Office.
NOW THEREFORE BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough authorizes the Fairbanks North Star Borough Mayor to enter into the proposed Intergovernmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning and the Memorandum of Understanding for the Operation of the Fairbanks Area Surface Transportation Planning Office, which will effectively dissolve the FMATS Intergovernmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning and its associated structure, contingent upon the following:

1. All existing agreements entered into by FMATS can and will be assigned to or assumed by FAST Planning.

2. That a clarifying sentence be added to Section 3.2, MPO Designation, of the Intergovernmental Operating Agreement stating, “By executing this agreement, the Governor hereby designates the Board of Directors of the non-profit organization known as FAST Planning as the MPO in accordance with federal law.”

NOW THEREFORE BE IT RESOLVED that Assembly member Shaun Tacke is confirmed as the Assembly’s representative to FAST Planning.

PASSED AND APPROVED THIS ___ DAY OF______________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

APPROVED:

Jill S. Dolan
Borough Attorney
Fairbanks North Star Borough,
City of Fairbanks,
City of North Pole,
and
State of Alaska

FAIRBANKS AREA SURFACE TRANSPORTATION PLANNING

INTER-GOVERNMENTAL OPERATING AGREEMENT
and
MEMORANDUM OF UNDERSTANDING
for
TRANSPORTATION AND AIR QUALITY PLANNING

In the
Metropolitan Area
of the
Fairbanks Metropolitan Planning Organization
FAIRBANKS AREA SURFACE TRANSPORTATION PLANNING INTER-GOVERNMENTAL OPERATING AGREEMENT
AND
MEMORANDUM OF UNDERSTANDING
FOR
TRANSPORTATION AND AIR QUALITY PLANNING

In the Metropolitan Area of the Fairbanks Metropolitan Planning Organization

This Fairbanks Area Surface Transportation Planning Intergovernmental Operating Agreement and Memorandum of Understanding is entered into this _______ day of __________________, 2019, by and between the State of Alaska, the City of Fairbanks, the City of North Pole, and the Fairbanks North Star Borough.

WITNESSED, THAT:

Whereas, the above referenced Parties entered into the Fairbanks Metropolitan Area Transportation System (FMATS) Inter-Governmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning in the Metropolitan Area of the Fairbanks Metropolitan Planning Organization on March 15, 2003; and

Whereas, the FMATS Inter-Governmental Operating Agreement and Memorandum of Understanding was amended on October 16, 2013; and

Whereas, the Fixing America’s Surface Transportation Act (FAST Act) was passed into law on December 4, 2015; and

Whereas, the FMATS policy board passed a motion to reorganize FMATS as an independent organization on September 27, 2017; and

Whereas, the FMATS policy board passed a motion to transition FMATS to a 501(c)3 nonprofit corporation on March 21, 2018; and
Whereas, the FMATS policy board passed a motion to rename FMATS as Fairbanks Area Surface Transportation Planning (FAST Planning), adopted Articles of Incorporation, and revised their Bylaws on April 18, 2018; and

Whereas, the FMATS policy board passed a resolution to initiate operation of FAST Planning as an independent organization on May 16, 2018; and

Whereas, the FMATS policy board revised and readopted the Articles of Incorporation and filed them with the State of Alaska’s Department of Commerce, Community, and Economic Development Division of Corporations, Business, & Professional Licensing to become a nonprofit corporation on June 20, 2018.

Now, therefore, the above referenced Parties agree to the Inter-Governmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning, which supersedes and replaces the 2003 FMATS Inter-Governmental Operating Agreement and Memorandum of Understanding and its subsequent amendment, as follows:

SECTION 1 – PARTIES TO THIS AGREEMENT

The Parties to this Agreement are the State of Alaska (State), Fairbanks North Star Borough (FNSB), City of Fairbanks, and City of North Pole.

SECTION 2 – PURPOSE

This Agreement is entered into in accordance with 23 USC § 134 – 135, 49 USC § 5303 – 5306, and 23 CFR 450.300 to provide the structure and process for the continuing, cooperative and comprehensive consideration, development and implementation of transportation and air quality plans and programs for intermodal transportation in the metropolitan planning area (MPA).

SECTION 3 – LEGAL AUTHORITY

3.1 Federal Transportation Planning Statutes

23 USC § 104(f), 23 USC § 134 and 49 USC § 5303 – 5306 provide funding and require designation of a metropolitan planning organization (MPO) for urbanized areas of at least 50,000 population to carry out a transportation planning process and receive federal funding. Those Statutes require the State and the local governments to coordinate the planning and construction of all urban transportation facilities with a continuing, cooperative, and comprehensive transportation planning process.
3.2 MPO Designation

On April 14, 2003, the Governor of the State of Alaska designated the MPO and identified the FMATS Policy Board as the body providing the direction of transportation planning in the MPA in accordance with Federal law.

3.3 Federal Air Quality Regulations

Air Quality Title 42 USC § 7504 et. seq. requires each area-wide air quality planning agency to prepare an area-wide air quality plan providing for attainment of National Ambient Air Quality Standards (NAAQS). Alaska Statutes Chapter 46.14 requires the Alaska Department of Environmental Conservation (ADEC) to develop a State Implementation Plan (SIP) providing for the attainment of the NAAQS. The FNSB has also adopted an Air Quality Plan, which is the local component of the SIP. The ADEC and FNSB shall coordinate transportation related air quality planning within the MPO.

SECTION 4 – DEFINED TERMS

“ADEC” means the State of Alaska Department of Environmental Conservation.

“ADOT&PF” means the State of Alaska Department of Transportation and Public Facilities.

“AIR QUALITY PLAN” means the Fairbanks component of the SIP for air quality regarding air quality strategies in nonattainment areas.

“ASSEMBLY” means the FNSB Assembly, the legislative governing body of the FNSB.

“CITY OF FAIRBANKS” means the home rule city, a political subdivision of the State of Alaska, and the largest city within the MPA.

“CITY OF NORTH POLE” means a home rule city, a political subdivision of the State of Alaska, located within the MPA.

“CO” means Carbon Monoxide; a colorless, odorless, poisonous gas produced by incomplete combustion of fossil fuels; one of the six criteria pollutants for which the EPA has set NAAQS under the Clean Air Act.

“CONFORMITY” means a Clean Air Act (42 U.S.C. 7506(c)) requirement that ensures that Federal funding and approval are given to transportation plans, programs, and projects that are consistent with the air quality goals established by a SIP. Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any required interim emission reductions or other milestones in any nonattainment or
maintenance area. The transportation conformity regulations (40 CFR part 93, subpart A) sets forth policy, criteria, and procedures for demonstrating and assuring conformity of transportation activities.

“CONSULTATION” means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken. This definition does not apply to the “consultation” performed by the States and the MPOs in comparing the long-range statewide transportation plan and the MTP, respectively, to State and tribal conservation plans or maps or inventories of natural or historic resources.

“COOPERATION” means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.

“COORDINATION” means the cooperative development of plans, programs, and schedules among agencies and entities with legal standing and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate.

“DBE” or “Disadvantaged Business Enterprise” means a for-profit small business concern (1) that is at least 51-percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

“EPA” means the United States Environmental Protection Agency.

“FAIRBANKS CITY COUNCIL” means the legislative governing body of the City of Fairbanks.

“FAST PLANNING” means the Fairbanks Area Surface Transportation Planning.

“FHWA” means the Federal Highway Administration, an operating agency of the United States Department of Transportation (USDOT).

“FMATS” means the Fairbanks Metropolitan Area Transportation System.

“FNSB” means the Fairbanks North Star Borough, a second-class borough, a political subdivision of the State of Alaska that includes the City of Fairbanks, City of North Pole, and MPA within its boundaries.

“FTA” means the Federal Transit Administration, an operating agency of the USDOT.

“MAINTENANCE AREA” means any geographic region of the United States that the
EPA previously designated as a nonattainment area for one or more pollutants pursuant to the Clean Air Act Amendments of 1990, and subsequently re-designated as an attainment area subject to the requirement to develop a maintenance plan under section 175A of the Clean Air Act, as amended.

“MPA” or “METROPOLITAN PLANNING AREA” means the geographic area in which the MPO carries on metropolitan transportation planning process as described in Section 5.4 of this Agreement.

“MPO” or “METROPOLITAN PLANNING ORGANIZATION” means the policy board created by Section 5.2 of this Agreement to carry out the metropolitan transportation planning process.

“MTP” or “METROPOLITAN TRANSPORTATION PLAN” means the official multimodal transportation plan addressing no less than a 20-year planning horizon that the MPO develops, adopts, and updates through the MTP process.

“NAAQS” or “National Ambient Air Quality Standards” means those standards established pursuant to section 109 of the Clean Air Act (42 USC 7409).

“NONATTAINMENT AREA” means any geographical region of the United States that EPA designated as a nonattainment area under section 107 of the Clean Air Act (42 USC 7409) for any pollutant for which an NAAQS exists.

“NORTH POLE CITY COUNCIL” means the legislative governing body of the City of North Pole.

“PL FUNDS” means the Federal Highway Administration Metropolitan Transportation Planning funds authorized under 23 USC 104 to carry out the requirements of 23 USC 134.

“PM2.5” means Fine Particulate Matter that is less than 2.5 microns in diameter. PM2.5 is a product of combustion, primarily caused by burning fuels. Particulate matter is one of the six criteria pollutants for which the EPA has set NAAQS under the Clean Air Act.

“POLICY BOARD” means the board established under Section 5.2 of the Agreement for cooperative decision-making in accordance with this Agreement.

“PUBLIC PARTICIPATION PLAN” means a documented process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representative of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
“SECTION 5303 FUNDS” means the FTA funds made available under 49 USC 5305(g) to carry out the requirements of 49 USC 5303.

“SIP” or “STATE IMPLEMENTATION PLAN” means, as defined in section 302(q) of the Clean Air Act (42 USC 7602(q)), the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under section 110 of the Clean Air Act (42 USC 7410), or promulgated under section 110(c) of the Clean Air Act (42 USC 7410(c)), or promulgated or approved pursuant to regulations promulgated under section 301(d) of the Clean Air Act (42 USC 7601(d)) and which implements the relevant requirements of the Clean Air Act.

“STATE” means the State of Alaska.

“TECHNICAL COMMITTEE” means the FAST Planning committee established in Section 5.3 of this Agreement for the cooperative decision-making in accordance with this Agreement.

“TIP” or the “TRANSPORTATION IMPROVEMENT PROGRAM” means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the MTP process, consistent with the MTP, and required for projects to be eligible for funding under title 23 USC and title 49 USC chapter 53.

“US DOT” means the United States Department of Transportation.

“UPWP” or “UNIFIED PLANNING WORK PROGRAM” means a statement of work identifying the planning priorities and activities to be carried out within a MPA. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of funds.

“URBANIZED AREA” means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

SECTION 5 – ORGANIZATION AND RESPONSIBILITIES

5.1 FAST Planning

FAST Planning is the MPO’s staffed organization, in cooperation with the State and public transportation operators.

5.1.1 In order to receive and expend federal funding for transportation and air quality improvements there must be coordination between the State and
the MPO as required by federal regulation. Therefore, the purpose of FAST Planning is to provide the framework and mechanism for the MPO and the State to jointly develop and implement transportation and air quality plans and programs, which will assure compliance with State and Federal transportation planning and air quality requirements.

5.2 Policy Board

The FAST Planning Policy Board (Policy Board) shall have as members, a designated representative of the ADOT&PF, FNSB Mayor, City of Fairbanks Mayor, City of North Pole Mayor, a designated representative of ADEC, a designated representative of the FNSB Assembly, and a designated representative of the Fairbanks City Council. Each member of the Policy Board shall have one vote. FAST Planning’s Executive Director will serve as Secretary to the Policy Board.

5.2.1 Powers and Duties of the Policy Board

The Policy Board shall have overall responsibility for the implementation of this Agreement, coordination of FAST Planning’s efforts and responsibilities of FAST Planning’s Technical Committee, and the ultimate development and adoption of the UPWP, TIP, and MTP.

5.3 Technical Committee

FAST Planning shall have a technical committee, which consists of representatives, such as engineers, planners, and other specialists from the City of Fairbanks, City of North Pole, FNSB, ADOT&PF, ADEC, Fort Wainwright, University of Alaska Fairbanks, Alaska Railroad Corporation, Fairbanks International Airport, local freight industry, and local Tribal entities. Each member of the FAST Planning Technical Committee (Technical Committee) shall have one vote and all actions of the Technical Committee, including recommendations to the Policy Board, shall be by a majority vote of the total authorized number of members.

5.4 MPA

The MPA specified by 23 USC § 134(e) shall be the geographical area shown on Attachment #1 to the Agreement incorporated herein by reference. Provided such boundaries conform to the requirements of 23 USC § 134(e), the MPO and the Governor may mutually agree to change the boundaries of the MPA.

5.5 MPO Self-certification

Every four years the MPO will self-certify to the FHWA and the FTA that the
planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable requirements of 23 CFR 450.336.

SECTION 6 – KEY PLANS and PROGRAMS

6.1 There are three primary planning or programming activities that the MPO is responsible for developing. This section summarizes these key plans and programs, which include the MTP, TIP, and UPWP.

6.1.1 MTP

The MPO, in cooperation with the State, is responsible for developing or updating an MTP. The MPO shall follow the latest federal planning requirements, as prescribed in 23 CFR 450.322. For so long as the MPA is within an air quality nonattainment area for fine particulate matter (PM\(_{2.5}\)), the MPO shall update the MTP every four years as prescribed by 23 USC § 134(i).

6.1.2 TIP

The MPO, in cooperation with the State, is responsible for developing or updating the TIP. The MPO shall follow the latest federal planning requirements, as prescribed in 23 CFR 450.324.

6.1.3 UPWP

(1) The MPO, with full assistance from the State and all other cooperating agencies, is responsible for developing or adjusting the UPWP, as prescribed by 23 CFR 450.308. The MPO shall:

(a) Describe all the transportation and air quality planning activities to be completed in a fiscal year.

(b) Ensure early coordination with FHWA and FTA.

(2) No later than July 1 of each year, the ADOT&PF, in consultation with FAST Planning, will provide to the Policy Board in writing the amount of estimated Federal PL and Section 5303 funds, and required match ratios, to be made available to FAST Planning for the next fiscal year of October 1 through September 30. ADOT&PF, FNSB, and MPO staff shall recommend work tasks with budgets for tasks in which it participates. MPO staff shall develop and implement a UPWP public involvement program, within a Public Participation Plan, and prepare a UPWP with the full cooperation...
of ADOT&PF, FNSB, and the MPO. Discussions between ADOT&PF, FNSB, and MPO shall take place to determine how the proposed tasks can be accomplished in the most efficient and effective manner. The UPWP shall be reviewed by the Technical Committee, approved by the Policy Board, and forwarded to ADOT&PF for concurrent approval by FHWA and FTA prior to any work being performed.

6.2 Changes/Amendments to Key Plans and Programs

6.2.1 Amendments to the MTP and TIP

The MPO, with its responsibility to maintain existing plans and programs, shall approve amendments, in accordance with its Public Participation Plan. An Amendment is triggered by the addition or deletion of a project or a major change in the project cost, project / project phase initiation dates, or a major change in design concept or design scope. An amendment is a revision that requires public review and comment periods consistent with the FMATS public involvement policy, re-demonstration of fiscal constraint, or a conformity determination (for MTPs and TIPs involving “non-exempt” projects in nonattainment and maintenance areas). Amendments require the concurrence of the MPO, ADOT&PF, FHWA, and FTA before becoming effective.

6.2.2 Administrative Modifications to the MTP and TIP

The MPO, with its responsibility to maintain existing plans and programs, shall approve Administrative Modifications in accordance with the Public Participation Plan. An Administrative Modification is triggered by a minor revision to a metropolitan transportation plan or TIP that includes minor changes to project/project phase costs, minor changes to funding sources of previously-included projects, and minor changes to project/project phase initiation dates. It is a revision that does not require public review and comment, re-demonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas). Administrative Modifications require the concurrence of the MPO and the ADOT&PF before becoming effective. The FHWA and FTA will be notified as soon as possible of these changes.

6.2.3 Amendments/Changes to the UPWP

Changes in work assignments and studies to be performed to meet the air quality and transportation planning requirements may be made by the MPO at such times and to such extent as deemed necessary. Total funds to be made available for the performance of said work and services shall
not exceed the amount specified in the UPWP. Reimbursement will be made by ADOT&PF in accordance with procedures stated herein and shall be expended only on the UPWP approved by the MPO, ADOT&PF, FHWA, and FTA.

(1) Changes in funding levels for tasks, or changes in tasks, shall be requested as soon as possible after the need for such change is recognized.

(a) Amendment to the UPWP
(No additional funding required)
An Amendment to the UPWP is triggered when task budget amounts exceed 10 percent of the original approved program budget, when there are individual changes of $25,000 or more to task budgets, or when there are significant scope changes. Amendments require the concurrence of the MPO, ADOT&PF, FHWA, and FTA before becoming effective. Amendments to the UPWP require public review.

(b) Administrative Modifications to the UPWP
(No additional funding required or no significant change to scope)
An Administrative Modification is triggered when task budget amounts do not exceed 10 percent of the approved program budget or when individual changes are for $25,000 or less of a task budget. Administrative Modifications require the concurrence of the MPO and the ADOT&PF before becoming effective. The FHWA and FTA will be notified as soon as possible of these changes.

6.3 Air Quality Plan

The ADEC, with assistance from the FNSB, and in coordination with the MPO, is responsible for developing and updating an Air Quality Plan, which shall:

(1) Identify area-wide objectives and policies required to attain and maintain the NAAQS for CO and PM$_{2.5}$ for the MPA;

(2) Inventory technical, physical, and other air quality planning data;

(3) Analyze alternatives and establish strategies designed to attain and maintain the NAAQS for the MPA;

(4) Address any other air quality issues required by the EPA or
USDOT within the MPA;

(5) Provide for the implementation of the adopted air quality strategies as expeditiously as practical; and

(6) Provide for and show reasonable further progress towards achievement of PM$_{2.5}$ standards within the nonattainment area and continue maintenance of the CO standards until no longer required.

SECTION 7 – CONSULTANT CONTRACTS

7.1 **FHWA and FTA Approval**: For all federally-funded work to be done under a consultant contract, prior FHWA and/or FTA approval is required before a Request for Proposal (RFP) is issued. Early coordination is essential. The contracting agency will be the ADOT&PF which will coordinate review and approvals directly with FHWA and FTA.

7.2 **ADOT&PF Approval**: The contracting agency will be the ADOT&PF for review of the final RFP, scope of services, project budget, and project management plan. ADOT&PF shall also reserve the right to select members for the Selection Committees for all consultant contracts. ADOT&PF may provide opportunity to FAST Planning, as appropriate, to serve on the Selection Committees.

7.3 **Work Products**: ADOT&PF and FAST Planning will have an opportunity to review draft work products prior to review by the Technical Committee and Policy Board.

7.4 **Inspection of Work**: ADOT&PF shall at all times be accorded review and inspection of the work performed by consultants and shall at all reasonable times have access to the premises, to all data, notes, records, correspondence, and instruction memoranda or description which pertain to the work involved.

SECTION 8 – ADDITIONAL AND SEPARATE WORK PROJECTS

From time to time, ADOT&PF or the MPO may desire one of the other parties to perform additional work projects for services separate and apart from those set forth in the UPWP. At such times, the requesting party will notify the other party of the intention, including a request for the specific work and/or services desired. If the other party is willing and able to do the work or perform the services requested, written acceptance by the requesting party of the terms accepted shall constitute authority to proceed with the work and/or services requested. The requesting party shall pay for such work or services within a reasonable time after billing. Such billing shall be made pursuant to the terms agreed upon for each particular work project.
SECTION 9 – PROGRAM REPORTING REQUIREMENTS

9.1 Reporting: UPWP

In accordance with 23 CFR 420.117, the ADOT&PF is responsible for monitoring the UPWP supported activities to assure compliance with applicable Federal requirements and assure performance goals are being achieved. Monitoring must cover each program, function or activity. The reporting procedures shall include, but are not limited to, the following:

9.1.1 Quarterly Reports

All parties receiving federal planning funds pursuant to this Agreement shall prepare a quarterly financial statement and a narrative progress report for all tasks identified in the UPWP for which they are responsible and submit to the ADOT&PF Northern Region office no later than 30 days following the last day of each UPWP fiscal quarter. The quarterly reports shall serve as the basis for quarterly reimbursements.

Within 40 days of the last day of the fiscal quarter, ADOT&PF will compile all reports and shall either, review and approve the reports, or request modifications. Upon approval, the ADOT&PF Northern Region staff will forward the reports to the MPO.

If ADOT&PF requests modifications, the report will be forwarded to the MPO as a draft report. Within 50 days following the last day of each UPWP fiscal year quarter, all requested report modifications shall be submitted to ADOT&PF Northern Region. Upon approval, the ADOT&PF will re-submit the report to the MPO no later than 60 days following the last day of each UPWP fiscal year quarter.

This final UPWP Quarterly Report shall consist of the following:

(1) A financial statement which shall include task and program summary of the following data:

   (a) Current quarterly expenditures
   (b) UPWP fiscal year to date expenditures
   (c) PL, Sec. 5303, and local funds / in-kind expended to date
   (d) PL, Sec. 5303, and local funds / in-kind remaining

(2) A narrative progress report which shall include:

   (a) A description of work accomplished during the quarter
9.1.2 Annual Report

Upon receipt of the final (fourth quarter) UPWP Quarterly Report, the ADOT&PF will draft the UPWP Annual Report. The ADOT&PF will forward the UPWP Annual Report to the MPO no later than 60 days following the last day of the UPWP fiscal year. The ADOT&PF will submit the UPWP Annual Report to FHWA and FTA to meet the reporting requirements of 23 CFR 420.117, as currently adopted or hereafter amended. DOT&PF may combine the UPWP Annual Report with similar reports from other subrecipients of federal planning funds into a single report.

The Annual Performance and Expenditure Report for the UPWP fiscal year will contain all information required by 23 C.F.R. 420.117.

9.1.3 Significant Events

Events that have significant impact on UPWP work elements must be reported by the Parties to this Agreement to ADOT&PF as soon as they become known. The types of events or conditions that require reporting include: problems, delays, or adverse conditions that will materially affect the ability to attain program objectives. This disclosure must be accompanied by a statement of action taken, or contemplated, and any Federal assistance required resolving the situation.

9.1.4 Other Reports

Copies of formal reports, informal reports, and material emerging out of a task specified in the UPWP shall be governed by Section 10 of this Agreement.
SECTION 10 – PLANNING REPORTS

10.1 Planning Reports

From time to time, ADOT&PF and the MPO may publish reports, documents, etc., upon completion of a portion and/or a phase of a particular planning element in the continuing transportation planning process. In order for the preparation and publishing of such reports to be eligible for participation of Federal funds, the Technical Committee shall review the reports.

10.2 Publication

Publication by any party to the Agreement shall give credit to other parties, FTA, and FHWA. However, if any party, FTA, or FHWA does not wish to subscribe to the findings or conclusions in the reports, the following statement shall be added:

"This report was funded in part through grant(s) from the Federal Highway Administration and/or the Federal Transit Administration, U.S. Department of Transportation. The views and opinions of Fairbanks Area Surface Transportation Planning expressed herein do not necessarily state or reflect those of the U.S. Department of Transportation."

Furthermore, consultant logos are prohibited from the cover of all reports, documents, etc. that are approved by FTA and FHWA.

10.3 Copies

Copies of draft and final reports, documents, etc., will be provided as required to Federal and State Agencies. Parties to this Agreement will be provided copies as requested.

The FHWA reserves a royalty-free, non-exclusive, and irrevocable right to reproduce, publish, or otherwise use, and authorize others to use, the work for Government purposes.

SECTION 11 – DIVISION OF COST AND PAYMENT

11.1 Reimbursement

The maximum amount of Metropolitan Planning Funds available each year for reimbursement to the Parties shall not exceed the budget approved in the UPWP or as amended. ADOT&PF will make reimbursement in accordance with the following procedures:
(1) The Parties shall submit to ADOT&PF quarterly narrative progress reports and financial statements, as defined in Section 10 of this Agreement.

(2) Reimbursement will be made within 30 days after ADOT&PF receives and approves the quarterly narrative progress reports and financial statements, subject to Federal planning funds being made available and received for the allowable cost.

(3) Within 60 days of ADOT&PF’s approval of the last quarter narrative progress report and financial statement for the fiscal year, ADOT&PF will close the UPWP account and request that an audit be performed.

(4) The audit will be completed, and final payment adjustments made within 120 days of the last quarter or as soon thereafter as reasonably possible.

11.2 ADOT&PF Tasks

The Parties may agree that ADOT&PF can most efficiently and effectively perform a task or a portion of a task to be funded with PL funds in the approved UPWP. In such cases, ADOT&PF shall:

(1) Provide the MPO with all necessary documentation in order to permit the preparation of the reports required in Section 10 of this Agreement.

(2) Upon ADOT&PF approval of the quarterly, ADOT&PF shall submit a billing to FHWA for direct payment to ADOT&PF for approved UPWP costs.

(3) ADOT&PF shall be reimbursed at the rate contained in the applicable UPWP.

(4) ADOT&PF shall promptly provide the MPO with copies of its billings and statements.

11.3 Overruns

When expenditures are anticipated to overrun in any UPWP work element, the procedures for budget changes as outlined in Section 6.2 must be followed.
11.4 Cost Limitations

Reimbursement of administrative and operational costs will be made without profit or markup. These costs shall be limited to:

(1) Direct salaries and wages, with payroll taxes and fringe benefits at actual costs, or if prorated to be allocated on an equitable basis;

(2) Telephone charges and necessary travel limited to program specific charges;

(3) Overhead or indirect costs as approved annually in the respective UPWP line item budget and verified by audit. Eligibility shall conform to the provisions of 23 CFR 420.113;

(4) Training as approved specifically in the UPWP or otherwise specifically approved by ADOT&PF, FHWA or FTA.

11.5 Rate of Reimbursement

Reimbursement shall be at the rate specified and contained in the applicable UPWP.

11.6 Financial Accounting Level

The expended funds will be accounted for at the task level (100, 200, 300 etc.).

11.7 Fiscal Year

The UPWP fiscal year will be October 1 to September 30.

SECTION 12 – PROCUREMENT, MANAGEMENT, AND DISPOSITION OF PROPERTY

Procurement and management of property acquired for the program, including disposition of property if the program is discontinued, will be in accordance with 23 C.F.R. 420.121(f) and any other regulatory requirements applicable to the expenditure of federal funds made available for the implementation of this Agreement.

SECTION 13 – AUDIT PROCEDURES

13.1 In addition to the requirements stated in this section, requirements for audit as defined in 23 CFR 420 will be used as guidelines.
13.2 Each participating party will maintain complete records of all manpower, materials and out-of-pocket expenses, and will accomplish all record keeping in accordance with the following procedures:

13.2.1 Each participating party will furnish ADOT&PF copies of all certified payrolls which shall include the hourly rate for each employee working on the project during the reporting period. In addition, a loaded rate factor will be shown in a manner compatible with existing approved local procedures. The load rate factor is subject to adjustment based upon audits occurring during the life of this Agreement.

13.2.2 Time Sheets

Individual time sheets will be maintained reflecting the daily total amount of hours worked and amount of time spent on each task within the program. It is imperative that the hours be traceable to the task.

13.2.3 Materials

Copies of invoices shall support costs of any purchased materials utilized on this project.

13.2.4 Out-of-Pocket Expenses

Copies of receipts shall support all expenses.

13.2.5 Record System

The record system will be such that all costs can be easily traceable from all billings through the ledgers to the source document. Each expenditure must be identified with the task within the current approved UPWP.

13.3 Each consultant contract or professional services agreement, in which any party engages, may require a specific audit for that project or agreement. The award of any such construction related engineering design services contract must be made in conformity with applicable Federal and ADOT&PF contracting procedures including ADOT&PF Procedure 10.02.010, and related Professional Services Agreement Handbook, or based on acceptable alternative contracting procedures approved by ADOT&PF and FHWA. This requirement is in addition to any agency-wide audit conducted pursuant to OMB Circular A-133 (Single Audit Requirements).

13.4 FAST Planning may be audited every year by ADOT&PF Internal Review auditors for compliance and to insure adequate coverage. FAST Planning will additionally hire an independent Certified Public Accountant (CPA) to conduct an annual
audit of all revenues and expenditures, as well as participate in a state and/or federal single audit as requested. All Parties and/or their subcontractors under this Agreement shall maintain all records and accounts relating to their costs and expenditures for the work during any fiscal year for a minimum of three (3) years following receipt of the final payment and shall make them available for audit by representatives of ADOT&PF, FHWA, and FTA at reasonable times. All Parties shall maintain records in a form approved by ADOT&PF. Final payment is defined as the final voucher paid by FHWA to ADOT&PF based on an audit. A request to close out a fiscal year or project account does not constitute final payment.

13.5 Any review, which does not meet Federal requirements, will be resolved between ADOT&PF and the other party. The financial records relating to a UPWP year may be closed out once FHWA accepts the audit and final payment adjustments have been made.

SECTION 14 – COMPLIANCE WITH TITLE VI, CIVIL RIGHTS ACT OF 1964

All Parties hereby agree as a condition to receiving any Federal financial assistance from USDOT, to comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to Title 49 CFR, Part 21, Nondiscrimination in Federally-Assisted Programs of the USDOT, Effectuation of Title VI of the Civil Rights Act of 1964.

SECTION 15 – DBE PROGRAM REQUIREMENTS

15.1 Compliance

The Parties, their agents and employees shall comply with the provisions of 49 CFR 26 and Title VI of the Civil Rights Act of 1964. 49 CFR 26 requires that all parties shall agree to abide by the statements in paragraphs 15.2 and 15.3 and shall include these statements in all Parties' USDOT financial assistance agreements and in all subsequent agreements between any party and any sub-grantees and any contractor.

15.2 Policy

It is the policy of the USDOT that DBEs, as defined in 49 CFR 26.5, shall have an equal opportunity to participate in the performance of contracts financed in whole or part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR 26 apply to this Agreement.
15.3 DBE Obligation

The Parties to this Agreement agree to ensure that DBEs, as defined in 49 CFR 26.5, have an equal opportunity to participate in the performance of contracts and sub-contracts financed in whole or part with Federal funds provided under this Agreement. In this regard the Parties to this Agreement and/or their contractors shall not discriminate on the basis of race, color, national origin, or in the award and performance of USDOT assisted contracts.

SECTION 16 - AMENDMENTS

This Agreement may be amended only in writing and must be done prior to undertaking changes or work resulting therefrom or incurring additional costs or any extension of time. Said amendments are subject to approval by the MPO and the State.

SECTION 17 - LIMITATION OF LIABILITY

No liability shall be attached to any party to this Agreement by reason of entering into this Agreement, except as expressly provided herein.

SECTION 18 - COMPLIANCE WITH LAWS

In addition to the laws, statutes, regulations and requirements stated herein, all Parties to this Agreement shall be knowledgeable of and comply with all Federal, State and local laws and ordinances applicable to the work to be done under this Agreement.

SECTION 19 - TERMINATION OF AGREEMENT

This Agreement will continue in force until or unless the Parties terminate the Agreement in writing.

SECTION 20 - NON-APPROPRIATION CLAUSE

Nothing in this agreement shall obligate any party to expend monies if there are insufficient or other lack of funds lawfully appropriated by their respective legislative bodies for performance under this Agreement.
SIGNATURES

Mayor - Fairbanks North Star Borough

Mayor - City of Fairbanks

Mayor - City of North Pole

Governor - State of Alaska

Date

Date

Date

Date
Attachment #1
FAST Planning Metropolitan Planning Area Map
MEMORANDUM OF UNDERSTANDING
FOR THE OPERATION OF THE
FAIRBANKS AREA SURFACE TRANSPORTATION PLANNING OFFICE

1. PARTIES. The parties to this Memorandum of Understanding (MOU) are the Alaska Department of Transportation & Public Facilities (DOT&PF), Alaska Department of Environmental Conservation (DEC), Fairbanks North Star Borough (FNSB), City of Fairbanks, and City of North Pole.

2. PURPOSE. The purpose of this MOU is to outline the responsibilities of each of the aforementioned parties for the operation of the Fairbanks Area Surface Transportation Planning (FAST Planning) Office.

3. BACKGROUND. The FAST Planning Policy Board, consisting of representatives of DOT&PF, DEC, FNSB, City of Fairbanks, and City of North Pole, passed a motion on September 27, 2017, to organize FAST Planning as an independent organization and seek funding from the State of Alaska, FNSB, City of Fairbanks, and City of North Pole. This MOU formalizes the Policy Board’s action by outlining the responsibilities of each party to successfully operate the FAST Planning Office, including payment of a one-time Membership Fee and Annual Dues to cover operating and other costs associated with the FAST Planning Office.

4. RESPONSIBILITIES.

A. State of Alaska

i. Membership Fee & Annual Dues. Subject to a specific appropriation by the Legislature, the DOT&PF shall make payment of the one-time Membership Fee ($348,300) and Annual Dues ($17,956 starting in 2020) to FAST Planning in accordance with the “MPO [Metropolitan Planning Organization] Membership Fee & Dues Structure” approved by the Policy Board on October 18, 2017.

ii. DOT&PF. As outlined in the Unified Planning Work Program (UPWP), provide the following services:

1. Project Planning & Programming. Participate in the development and implementation of the short range Transportation Improvement Program (TIP), long range Metropolitan Transportation Plan (MTP), Public Participation Plan (PPP), and UPWP in accordance with the requirements of 23 CFR 420, 23 CFR 450, and 23 USC 134.

2. Project Development. Develop scopes of work, schedules, and estimates for all FAST Planning projects, and manage and monitor the design and construction of the projects as outlined in the current version of Federal Highway Administration (FHWA) and DOT&PF’s Stewardship and Oversight Agreement.
3. **Staff.** Provide staff support to FAST Planning for daily operations of the MPO as outlined in the UPWP.

4. **Contract Administration.** Prepare all procurement documents and negotiate and administer contracts for professional services and contractor work on FAST Planning plans and projects.

5. **Match & Maintenance Agreements.** Prepare and execute Agreements (Match / Maintenance) as appropriate for FAST Planning projects.

6. **State & Federal Compliance.** Review and analyze FAST Planning’s planning activities for conformance to state and federal laws, regulations, and guidance.

7. **Office Budget, Financial Reporting, & Audits.** Participate in the development of the UPWP Annual Budget for FAST Planning and conduct a compliance audit of FAST Planning revenues and expenditures as required.

8. **Reimbursements.** Provide reimbursement for Quarterly Expense Reports from the FAST Planning office within 60 days of receipt.

### iii. DEC

1. **Air Quality Conformity.** Review and analyze all FAST Planning transportation-related activities for conformance to local, state, and federal air quality requirements, including the Transportation Conformity Rule, regional air quality plans, and other applicable laws and regulations.

2. **Project Planning & Programming.** Participate in the development and implementation of the TIP, MTP, PPP, and UPWP.

### B. FNSB

i. **Membership Fee & Annual Dues.** Subject to a specific appropriation by the Assembly, the FNSB shall make payment of the one-time Membership Fee ($178,800) and Annual Dues ($9,210 starting in 2020) to FAST Planning in accordance with the “MPO Membership Fee & Dues Structure” approved by the Policy Board on October 18, 2017.

ii. **Geographic Information System (GIS).** Provide FAST Planning with GIS services on an as-needed basis for plans and projects, including mapping support.

iii. **Land Use Planning.** Provide FAST Planning with existing, planned, and projected land use information on an as-needed basis for plans and projects.

iv. **Transportation Planning.** Provide FAST Planning with transportation planning expertise on projects and plans for the Metropolitan Planning Area (MPA), including travel demand modeling support as needed.

v. **Local Planning Authority.** Provide coordination of FAST Planning plans with the Comprehensive Plan, ensuring that transportation and land use planning are consistent.

vi. **Staff.** Provide staff support to FAST Planning for daily operations of the MPO as outlined in the UPWP.

vii. **Transit.** Coordinate with FAST Planning on an as-needed basis for shared responsibilities with the TIP, MTP, and Performance Measures target setting and reporting.
viii. Project Planning & Programming. Participate in the development and implementation of the TIP, MTP, PPP, and UPWP.

C. City of Fairbanks  
i. Membership Fee & Annual Dues. Subject to a specific appropriation by the Council, the City of Fairbanks shall make payment of the one-time Membership Fee ($158,800) and Annual Dues ($8,188 starting in 2020) to FAST Planning in accordance with the “MPO Membership Fee & Dues Structure” approved by the Policy Board on October 18, 2017. 

ii. Project Planning & Programming. Participate in the development and implementation of the TIP, MTP, PPP, and UPWP.

D. City of North Pole  
i. Membership Fee & Annual Dues. Subject to a specific appropriation by the Council, the City of North Pole shall make payment of the one-time Membership Fee ($10,800) and Annual Dues ($558 starting in 2020) to FAST Planning in accordance with the “MPO Membership Fee & Dues Structure” approved by the Policy Board on October 18, 2017.

ii. Project Planning & Programming. Participate in the development and implementation of the TIP, MTP, PPP, and UPWP.

5. EFFECTIVE DATE. This MOU shall be effective when (1) all parties have signed the MOU, and (2) the Governor has provided approval for FAST Planning to operate as the MPO.

6. MODIFICATION. Any amendments to this MOU must be done through action of the Policy Board. Any party may, upon written notice, request an amendment to the MOU by giving 30 days written notice to each of the other parties.

7. TERMINATION. This MOU may be terminated at any time by action of the Policy Board given 30 days written notice to each party prior to the action. This MOU will remain in effect until terminated as provided in this clause, or until amended or replaced by a new MOU. In the case of dissolution of FAST Planning, Membership Fees will be reimbursed to each party within 60 days of the MOU termination date established by the Policy Board.
Ryan Anderson, P.E., Northern Region Director  
**Alaska Department of Transportation & Public Facilities**

Alice Edwards, Director, Division of Air Quality  
**Alaska Department of Environmental Conservation**

Bryce Ward, Mayor  
**Fairbanks North Star Borough**

Jim Matherly, Mayor  
**City of Fairbanks**

Michael Welch, Mayor  
**City of North Pole**
FAIRBANKS METROPOLITAN AREA
TRANSPORTATION SYSTEM (FMATS)

Unified Planning Work Program
(UPWP)
July 23, 2018

PL-1260(X)
Federal Fiscal Years 2019/2020
COMMITMENT TO NONDISCRIMINATION

It is the policy of the Fairbanks Metropolitan Area Transportation System (FMATS), in accordance with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq, Non-discrimination on Basis of Race, Color or National Origin), and other related non-discrimination statutes and regulations listed below, that no person shall, solely on the grounds of race, color, national origin, ability, age, religion or gender, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any transportation planning program or activity regardless of whether FMATS receives federal assistance from the U.S. Department of Transportation (USDOT), including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

Individuals with disabilities or those in need of language assistance can receive appropriate services by submitting a request at least five days prior to a meeting. Please contact web@fmats.us or call 907.459.6805.

For additional information on Title VI and Environmental Justice, please contact FMATS or see the FMATS Title VI Non-discrimination Implementation Plan at http://fmats.us/title-vi-non-discrimination-implementation-plan/. Any person who believes he or she has been discriminated against should contact:

FMATS
Title VI Coordinator
800 Cushman Street
Fairbanks, AK 99701
907.459.6786

This document was prepared as a cooperative effort of the USDOT, FHWA, FTA, and local governments as a requirement of 23 USC 134 and 135. This document does not necessarily reflect the official views or policies of the USDOT.
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PURPOSE AND SCOPE OF THE UPWP

The Unified Planning Work Program (UPWP) identifies all Fairbanks Metropolitan Area Transportation System (FMATS) transportation planning, air quality planning, and programming activities. It specifies which tasks will be done with financial support from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) of the U.S. Department of Transportation (USDOT).

The purpose of this document is two-fold. First, it is a management tool that identifies the nature, timeline, staffing needs, cost, and funding sources of all the planning activities of FMATS during federal fiscal years (FFY) 2019 and 2020. Second, it fulfills planning requirements of the national surface transportation statutes and regulations (23 USC 134 and 23CFR Part 420 and 450), including Moving Ahead for Progress in the 21st Century (MAP-21) and the Fixing America’s Surface Transportation (FAST) Act.

FEDERAL REQUIREMENTS FOR TRANSPORTATION PLANNING

All urbanized areas over 50,000 in population must have a metropolitan planning organization (MPO) to carry out a continuing, comprehensive and cooperative (3-C) intermodal surface transportation planning process, as stipulated in the Federal Highway Act of 1962. On May 1, 2002 the U.S. Census Bureau published a notice in the Federal Register identifying an area surrounding Fairbanks and North Pole as a Qualifying Urban Area for Census 2000. This announcement triggered the following requirements:

CREATE A METROPOLITAN PLANNING ORGANIZATION (MPO)

An MPO means the policy board of an organization established as a result of the designation process under subsection (d) of 23 U.S.C. 134. FMATS was established as an MPO in April 2003 under the FMATS Intergovernmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning.

Coordination between Agencies

The FMATS urban transportation planning process requires ongoing support from the Alaska Department of Transportation & Public Facilities (ADOT&PF), Alaska Department of Environmental Conservation (ADEC), FHWA, FTA, Fairbanks North Star Borough (FNSB), the Cities of Fairbanks and North Pole. Implementation of adopted plans requires a high degree of local coordination between land use activities and transportation improvement projects. Coordination on other transportation issues is met through the development of memoranda of understanding (MOUs) like the FMATS Intergovernmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning. To assist in this effort, FMATS hired an Executive Director in April 2008. The MPO’s Office operates under the Memorandum of Understanding for the Implementation of a FMATS Coordinator Office between the Cities of Fairbanks and North Pole, FNSB, ADEC and ADOT&PF executed in November 2007.

Another cooperative agreement was executed as a result of the PM2.5 non-attainment area being larger than the MPO boundary. Title 23 requires that if the Metropolitan Planning Area (MPA) does not include the entire nonattainment or maintenance area, there shall be an agreement among the state department of transportation, state air quality agency, affected local agencies and the MPOs defining the process for cooperative planning and analysis of all projects outside the MPA but within the non attainment or maintenance area. The Memorandum of Agreement for the Development of
Transportation Conformity Determinations within the Fairbanks PM2.5 Non-Attainment Area was executed in June 2010.

Another agreement, The Memorandum of Agreement for the Selection and Funding of Projects Funded by [Congestion Mitigation & Air Quality] CMAQ within the Fairbanks Non-attainment Area for PM_{2.5}, was executed in September 2010. This agreement is between the ADOT&PF, ADEC, FMATS, and the FNSB and determines the methodology for funding CMAQ funded projects within the non-attainment area but outside of the MPA.

FMATS is currently reviewing and updating these agreements to remove any discrepancies and bring them current with the requirements of federal law. FMATS is also restructuring its organization from being hosted by the City of Fairbanks to an independent organization (anticipated FFY19) which will require an update to many of these agreements.

**ESTABLISH A METROPOLITAN PLANNING AREA**

An MPA means the geographic area determined by agreement between the MPO for the area and the Governor under subsection (e) of 23 U.S.C. 134. The FMATS MPA boundary was originally established in December 2002 and was updated after the receipt of 2010 U.S. Census data, analysis of alternatives and, after input from the public, approved in February 2013.

**IMPLEMENT A UNIFIED PLANNING WORK PROGRAM**

A UPWP means a statement of work identifying the planning priorities and activities to be carried out within an MPA. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work and the source(s) of funds. (23 CFR 450.104). FMATS will develop the FFY21-22 UPWP in FFY20.

**PREPARE A METROPOLITAN TRANSPORTATION PLAN**

A Metropolitan Transportation Plan (MTP) means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process, as required under subsection (i) Title 23 U.S.C. 134. The urbanized area designation came with the requirement for a long-range 20-year transportation plan. This two-year effort resulted in adoption of the first MTP for FMATS in August 2005. This plan was updated in 2010 and included goals, objectives and performance measures. The Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) required safety, environmental mitigation, public transit, operations and management be included as new planning factors. The MTP was again updated in 2015 with consideration of the 2010 Census data and new MPO boundaries.

The goals for the MTP are:
1. Coordinate planning efforts to provide an integrated transportation and land use system that embodies smart growth principles and stimulates the economy to grow.
2. Provide a safe, efficient, secure and interconnected multi-modal transportation system for all users.
3. Protect the environment, improve air quality and promote energy efficiency.
4. Optimize the utility and lifespan of the existing transportation system.
5. Ensure adequate transportation facilities to support economic development.
FMATS started drafting a new plan in FFY17 to be completed by December 2018. In this plan, FMATS will consider the new planning factors presented in the FAST Act and work, in coordination with the state, on developing performance measures and targets. Being that the MPO is contained in a nonattainment area, the MTP must be updated every 4 years.

For more information on the recent update, see Task 100(b).

**PREPARE AND IMPLEMENT A TRANSPORTATION IMPROVEMENT PROGRAM**

The Transportation Improvement Program (TIP) means a transportation improvement program developed by an MPO under subsection (j) of 23 U.S.C. 134. It involves creating a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan planning process and consistent with the MTP. The TIP is required for a project to be eligible for funding under 23 U.S.C. and 49 U.S.C. 53.

FMATS developed and adopted its first official TIP in 2006 for inclusion in the State Transportation Improvement Program (STIP). Since 2006, new TIPs were developed for FFY10-13, FFY12-15, FFY14-17, FFY17-20. FMATS will develop the new FFY19-23 TIP in late FFY18 and in coordination with the MTP update currently underway.

SAFETEA-LU requires the TIP be a fiscally constrained document and may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available. The TIP also includes any regionally significant projects funded by others.

**ADOPT AND IMPLEMENT A PUBLIC PARTICIPATION PLAN**

A Public Participation Plan (PPP) must be developed in consultation with all interested parties and shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan in accordance with 23 U.S.C. 134(i)(6). FMATS developed its first PPP in 2008 and subsequently updated the PPP in 2010, 2013, and 2017. The PPP defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers and transportation services, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled and other interested parties with meaningful and measurable opportunities to be involved in the transportation planning process.

Policies and recommendations developed through the FMATS planning process will continue to be formally reported and presented for public review. SAFETEA-LU established additional requirements for proactive public participation. The public participation process must provide timely public notice, complete information, and opportunities for early and continuing involvement. Employing visualization techniques and making information available in an electronically accessible format is also required.

Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations, requires achieving environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority and low-income populations. This document also contains Goals, associated Key Participation Tools and Performance Measures to be periodically reviewed by FMATS' staff to monitor the success of our outreach. Results are documented in the quarterly and annual UPWP reports.
FMATS also developed, within the PPP, strategies for reaching out to populations that are typically underserved and/or economically depressed such as minority, low-income and limited-English proficiency populations. In this effort, FMATS will continue to expand Environmental Justice outreach contacts and activities.

**AIR QUALITY CONFORMITY**

Conformity means a Clean Air Act (CAA) (42 U.S.C. 7506(c)) requirement that ensures that Federal funding and approval are given to transportation plans, programs and projects that are consistent with the air quality goals established by a State Implementation Plan (SIP). Conformity, to the purpose of the SIP, means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards (NAAQS). The transportation conformity rule (40 CFR part 93) sets forth policy, criteria, and procedures for demonstrating and assuring conformity of transportation activities. FMATS plans to conduct an air quality conformity analysis on its new MTP to ensure conformity of transportation activities within these standards.

**Carbon Monoxide**

The 1977 CAA mandated an air quality planning process be established and closely coordinated with the existing transportation planning process in areas of non-attainment NAAQS. The 1990 CAA Amendment was passed with the purpose of protecting and enhancing the Nations' air resources and requires States to submit plans for attaining and maintaining ambient air quality standards. The Administrator of the U.S. Environmental Protection Agency (EPA) originally designated Fairbanks and North Pole as non-attainment areas for carbon monoxide (CO) in 1981.

In 1998, Fairbanks was reclassified as a “serious” nonattainment area for failing to attain the ambient eight-hour CO health standard by the December 1995 deadline. As a serious nonattainment area, Fairbanks was required to prepare a SIP revision that demonstrated attainment by December 31, 2000. Since violations of the ambient CO standard were recorded in calendar year 1999 and 24 months of clean data were required to demonstrate attainment. On July 5, 2002 EPA announced in a Federal Register Notice that the Fairbanks serious CO nonattainment area attained NAAQS for CO by its attainment date. On July 27, 2004, EPA announced in a Federal Register Notice that it approved a CO Maintenance Plan and re-designated the Fairbanks CO nonattainment area to attainment with an effective date of September 27, 2004.

When EPA approved the Fairbanks CO Maintenance Plan, it initiated a 20-year maintenance planning period as defined in the CAA. The CAA requires a submission of a second maintenance plan eight years after the re-designation that covers the second ten years of the maintenance planning period, from September 27, 2014 through September 27, 2024. The EPA provides areas with design values less than 7.65 ppm the option of preparing their second 10-year maintenance plan using the limited maintenance plan (LMP) procedure. The ADEC submitted a CO LMP SIP revision on April 22, 2013 that is designed to keep the Fairbanks area in attainment for a second 10-year period beyond re-designation. The EPA approved the Fairbanks CO LMP effective October 8, 2013. While the LMP option does not exempt an area from the need to affirm conformity, it explains that the area may demonstrate conformity without submitting an emissions budget. However, the Fairbanks Area must still work toward:

- Timely implementation of SIP transportation control measures;
- compliance with the fiscal constraint element per 49 CFR 93.105;
• ensure the MPO’s interagency consultation procedures meet applicable requirements of 40 CFR 93.108;
• use the latest planning assumptions and emissions model as set forth in 40 CFR 93.110 and 40 CFR 93.11;
• ensure that projects do not cause or contribute to any new localized carbon monoxide or particulate matter violations in accordance with procedures specified in 40 CFR 93.123; and
• written commitments as specified in 40 CFR 93.125 are provided by project sponsors and/or operators.

Particulate Matter$_{2.5}$ (PM$_{2.5}$)

A portion of the FNSB, including the entire MPA, was designated as a non-attainment area for the 24-Hour PM$_{2.5}$ NAAQS. PM$_{2.5}$ is fine particulate matter less than 2.5 micrometers in diameter and is a product of combustion primarily caused by burning fuels. Sources of PM$_{2.5}$ include power plants, vehicles, wood burning stoves and wildland fires. Surrounded by hills on three sides, Fairbanks is susceptible to temperature inversions which can trap a layer of cold for days, even weeks at a time. This leads to episodes of poor air quality. These very small particles can cause health problems when inhaled. Numerous scientific studies have linked fine particulate pollution exposure to a variety of problems including: increased respiratory symptoms, decreased lung function, aggravated asthma, development of chronic bronchitis, irregular heartbeat, nonfatal heart attacks and premature death in people with heart or lung disease.

EPA signed the final rule designating areas for the 2006 PM$_{2.5}$ NAAQS on October 8, 2009. This final rule was published in the Federal Register on November 13, 2009 and became effective on December 14, 2009. FMATS demonstrated Transportation Conformity for PM$_{2.5}$ on its FFY12-15 TIP using EPA’s Motor Vehicle Emissions Simulation (MOVES) model in August 2011. On November 15, 2013, EPA proposed a new rule, effective July 2, 2014, that identified those States in nonattainment for PM$_{2.5}$ as “moderate” areas and proposed a new due date for submittal of moderate nonattainment area Subpart 4 SIPs to EPA. The ADEC along with the FNSB developed a SIP and associated PM$_{2.5}$ emissions budgets and submitted to the EPA on December 31, 2014. The EPA later reclassified the nonattainment area from “moderate” to “serious” with an effective date of June 9, 2017. Reclassification requires an update to the SIP to meet additional requirements that were triggered upon the reclassification. ADEC has drafted preliminary documents for the new SIP and has until December 2018 to submit to the EPA to make a finding of adequacy. The EPA can approve, partially approve, or disapprove all or parts of the SIP. If ADEC fails to submit the SIP or any part of the SIP is disapproved, the EPA can trigger sanction clocks and initiate an air quality conformity freeze. The EPA can also trigger a sanction clock if ADEC fails to implement any part of the SIP. In a conformity freeze, no new MTP/TIP conformity determinations can be made and it may limit the development of some projects. Within a sanction clock window, ADEC has the opportunity to correct deficiencies in the SIP or implementation of the SIP. At the end of the sanction clock if deficiencies are not corrected, federal highway transportation funding can be withheld. Draft documents for the SIP can be found at [https://dec.alaska.gov/air/anpms/communities/fiks-pm2-5-serious-sip-development](https://dec.alaska.gov/air/anpms/communities/fiks-pm2-5-serious-sip-development).

The designated non-attainment area is greater than the area of the MPO as evidenced by the map found in Appendix A. 23 CFR 450.314(b) states that if the MPA does not include the entire nonattainment or maintenance area, there shall be an agreement among the state department of transportation, state air quality agency, affected local agencies and the MPOs describing the process for cooperative planning and analysis of all projects outside the MPA but within the nonattainment or maintenance area. The
agreement also must indicate how the total transportation-related emissions for the nonattainment or maintenance area, including areas both within and outside the MPA, will be treated for the purposes of determining conformity in accordance with the EPA conformity regulation. The agreement shall address policy mechanisms for resolving conflicts concerning transportation-related emissions that may arise between the MPA and the portion of the nonattainment or maintenance area outside the MPA. Such an agreement was executed in May 2010 and created the Fairbanks CMAQ Project Evaluation Board, consisting of seven members, that develops evaluation criteria to use in evaluating projects submitted to the board for funding CMAQ proposals. The board then recommends projects to the FNSB mayor for approval and then to the ADOT&PF for inclusion into the STIP.

Conformity and MOVES

In March, 2010, the EPA announced the availability of the MOVES model for estimating emissions from cars, trucks, motorcycles and buses based on analysis of millions of emission test results and considerable advances in the EPA’s understanding of vehicle emissions. MOVES2010 was required to be used for new regional emissions analyses for transportation conformity by March 2, 2012. However, an issue FMATS is facing is that this model does not currently adequately characterize Fairbanks’ area emissions since it does not take into account plug-ins. In effect, it overestimates particulate matter coming from vehicles. To this end, FMATS has a term contract with an air quality consultant to assist in the development of required program conformity determinations and associated project-level conformity requirements. They have developed a mechanism that has been approved by EPA to simulate the effect of plug-ins by modifying one of the inputs of the model. On October 7, 2014, EPA published a notice of availability of MOVES 2014. A 2-year grace period clock for new regional emissions analyses and new hot-spot analyses for transportation conformity began on that date and MOVES2010 can be used until October 7, 2016. Vehicle emissions in the SIP were developed based on MOVES 2010, which was released in August 2010 and was the latest version of MOVES at the time SIP inventory development work began.

Transportation Modeling and Mapping

A database of traffic and land use for transportation forecasting, environmental analysis, and community planning is maintained under the FMATS program. FMATS converted the QRS Traffic Model to TransCAD in 2009-2010, updated population, employment, and household data and has expanded the model to cover the entire PM2.5 non-attainment area. Expanded traffic counts and vehicle type were obtained for areas within the non-attainment area but outside of the MPO. The new 2010 Census data has been incorporated into the travel model. Under the Memorandum of Agreement for the Development of Transportation Conformity Determinations within the Fairbanks PM2.5 Non-Attainment Area, the ADOT&PF has the responsibility of taking the lead in coordinating the development of the transportation conformity analysis, which includes providing for updates of the travel model.

The ADOT&PF conducted a Household Travel Survey in 2013 and the results of that survey have been incorporated into the TransCAD model, making the model more robust by capturing interim trips. The FNSB led the effort to update the population and employment forecasts and allocations that were used to inform the model for the 2040 MTP analysis and will do the same in the MTP update. The TransCAD Model in on a cycle of regular updates. The FNSB Planning staff consult with demographic and economic experts to forecast population and employment by Traffic Analysis Zone for each model update. The goal is to be able to use the model to forecast traffic impacts based upon planning projects and land use developments between updates.
The FNSB has also developed a geographic information systems (GIS) database and comprehensive set of basemaps. This system has enabled FNSB to take a more active role in the provision of land use, population and employment data, and forecasts for FMATS. This data is constantly changing, and updates are made to the GIS database frequently.

**TRANSIT**

The FNSB Transportation Department has developed and started implementation of a Transit Plan. This includes ongoing construction of bus stop shelters, and modification of bus routes to make them simple and easy to understand. The FNSB intends to improve transit route frequency within the urbanized area. Bus tracking software allows customers to track their bus in real time, online and via an app, and a new video surveillance system, have been recently implemented.

**SELF-CERTIFICATION**

FMATS, in accordance with 23 CFR 450.330, self-certified that the FFY17-20 TIP was based on a continuing, comprehensive transportation process carried out cooperatively by the State, the MPO and transit operators in accordance with the provisions of 23 U.S.C. 134 and section 8 of the Federal Transit Act (49 U.S.C. app. 1607). FMATS intends to create the FFY19-23 TIP and follow the self-certification process.

**FINANCING**

MAP-21 expired on September 30, 2014. Under MAP-21, FMATS realized a 29% decrease in federal funding. Innovative financing, alternative financing and state funds will continue to be pursued to continue the transportation improvements in the MPO. The FAST Act was approved by the President on December 5, 2015. FMATS continues to receive project funding at the same level as MAP-21 but realized an increase in PL funding. Discretionary grant opportunities are available under the FAST Act for freight and transportation alternatives and FMATS will pursue some of these opportunities for which it is an eligible applicant.

The State of Alaska previously contributed substantial funding to FMATS’ projects that have made a significant impact on improving the transportation infrastructure in the Fairbanks urban area. FMATS received $5 million in FFY11 and FFY12 and $7.5 million in FFY13 for use on any TIP project. In addition, appropriations have been made for College Road, Birch Hill and Chena Small Tracts projects. General obligation bonds were received for the Plack Road Bicycle and Pedestrian Facility, built in 2015, and the Wendell Avenue Bridge, to be constructed in the near future. FMATS state funds have dwindled in recent years so FMATS will be dependent on federal funds for its surface transportation improvements for the foreseeable future.

**Budget**

The budget for expenditure of planning funds for UPWP tasks can be found in Appendix B, and is based on the amount of funds FMATS anticipates receiving in FFY19 and FFY20. Planning funds are allocated to each agency responsible for completing UPWP tasks, including the FMATS office, FNSB, and ADOT&PF.
PERFORMANCE MANAGEMENT AND PLANNING FACTORS

The FAST Act and MAP-21 envision an integrated multi-modal transportation system that facilitates the safe, reliable and efficient movement of people and goods and protects the built and national environments. This is achieved through a continuing, cooperative and comprehensive (3-C) transportation planning process that results in a long-range plan and short-range program of projects.

MAP-21, signed into law in 2012, defines specific planning factors, national goals, and performance measures for consideration when developing transportation plans and programs in a metropolitan area. MAP-21 creates a streamlined and performance-based surface transportation investment program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991 under the Intermodal Surface Transportation Efficiency Act (ISTEA).

The FAST Act introduced several new planning factors on top of those in MAP-21 which FMATS will consider in the development of the MTP and TIP.

National Performance Goals & Measures

The USDOT has requested, due to the emphasis on performance based planning in MAP-21, MPOs develop and identify work tasks in the UPWP to address a performance management approach to transportation planning and programming that supports the achievement of transportation system performance outcomes.

FMATS had example performance measures in its 2010 and 2015 MTP and will address the national performance goals and measures in the 2045 update. As of this writing, several of the final rules for the performance measures have been issued. UPWP tasks include working with our state and local partners to identify how to implement performance-based planning provisions such as collecting performance data, selecting and reporting performance targets for the metropolitan area and reporting actual system performance related to those targets.

The national performance goals of MAP-21’s highway program provides a transformation to a performance- and outcome-based program. The MPO will invest resources in projects to achieve individual targets that collectively make progress toward national goals. The national performance goals are:

- Safety - To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- Infrastructure Condition - To maintain the highway infrastructure asset system in a state of good repair
- Congestion Reduction - To achieve a significant reduction in congestion on the National Highway System
- System Reliability - To improve the efficiency of the surface transportation system
- Freight Movement and Economic Vitality - To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- Environmental Sustainability - To enhance the performance of the transportation system while protecting and enhancing the natural environment.
- Reduced Project Delivery Delays - To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through
eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

MPOs are required to set targets for the following performance measures:

- Safety (Fatalities & Serious Injuries)
- Pavement Condition
- Bridge Condition
- On-road Mobile Source Emissions
- Travel Time Reliability

MPOs must establish targets within 180 days from when the State sets its targets, and may choose to accept and support the State's targets or establish and submit their own targets. For each performance measure listed above, FMATS has chosen to accept and support the State's targets.

FMATS will develop its MTP and TIP with the performance goals, measures, and targets clearly identified for each project. In addition, FMATS has indicated, in Appendix C, how the UPWP work tasks relate to the National Performance Goals.

**METROPOLITAN PLANNING FACTORS**

MAP-21 retained the planning factors that were in place under SAFETEA-LU. FMATS uses these planning factors as the basis of the goals and objectives in the MTP and ties each project nomination to the goals that it achieves. The FAST Act introduced several new planning factors. The Planning Factors under MAP-21 are:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase the accessibility and mobility of people and for freight;
5. Protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency between transportation;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient system management and operation; and
8. Emphasize the preservation of the existing transportation system.

The FAST Act expands the transportation planning process' scope of consideration to include projects, strategies and services that will:

1. Improve transportation system resiliency and reliability;
2. Reduce or mitigate the stormwater impacts of surface transportation; and
3. Enhance travel and tourism [(23 U.S.C. 135(d)(1)(I) & (J)]

The FAST Act also expands the focus on the resiliency of the transportation system and requires strategies to reduce the vulnerability of existing transportation infrastructure to natural disasters. [(23 U.S.C. 134(d)(3) & (i)(2)(G)]
This UPWP was prepared around the eight national goals and metropolitan planning factors; some of these planning factors have entire tasks devoted to them, while others have their intent woven throughout the fabric of various activities. FMATS will use these planning factors in the development of the goals of the MTP. The performance measures and targets will be based on these goals. Then, FMATS will use this information to develop new evaluation criteria to be used in evaluating project nominations for inclusion in the TIP.

PROGRAM ELEMENTS

**TASK 100: PLANNING PROCESS**

For Task 100, three agencies share responsibilities to complete the work of the MPO; ADOT&PF, FNSB, and the FMATS Office. Within ADOT&PF, the primary point of contact is the Fairbanks Area Planner. Within FNSB, the primary point of contact is the Transportation Planner. Within the FMATS Office, there is an Executive Director, Transportation Planner and Administrative Assistant.

100 (a) Prepare and Implement a Unified Planning Work Program

The ADOT&PF is the agency responsible for providing management oversight of the UPWP. ADOT&PF will provide requested information for project closeout of the FFY17-18 UPWP. ADOT&PF will continue management oversight of the FFY19-20 UPWP. ADOT&PF will review all quarterly reports submitted by recipients of planning funding and process all payments as required. Recipients will process reimbursements associated with eligible UPWP tasks. ADOT&PF will participate in any necessary amendment(s) or review of the UPWP. ADOT&PF will compile all FFY19 and FFY20 quarterly reports and submit an annual report for each federal fiscal year in a timely manner.

FMATS will initiate all amendments to the UPWP and forward them to the ADOT&PF Northern Region to transmit to the ADOT&PF Headquarters and ultimately approval by FHWA and FTA.

ADOT&PF, FMATS and FNSB will participate in developing tasks for the FFY21-22 UPWP Planning Process Element as well as FMATS special plans and projects and contingency projects.

FMATS will manage projects funded under the UPWP. ADOT&PF will provide contract management for planning projects within the UPWP as requested and funding allows. The Executive Director, in most cases, will be responsible for the project management and associated public involvement of most planning efforts associated with the UPWP. ADOT&PF may provide project management in cases where the ADOT&PF is the lead agency such as the Travel Demand Model. The FNSB may manage projects that emphasize a transportation/land use connection.

**TASK MILESTONES AND ANTICIPATED COMPLETION DATES**

<table>
<thead>
<tr>
<th>TASK</th>
<th>ANTICIPATED COMPLETION</th>
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<tbody>
<tr>
<td>FFY19 UPWP Annual Report</td>
<td>April 2020</td>
</tr>
<tr>
<td>FFY20 UPWP Annual Report</td>
<td>April 2021</td>
</tr>
<tr>
<td>Approved FFY21-22 UPWP</td>
<td>August 2020</td>
</tr>
<tr>
<td>Conduct Annual Bike and Pedestrian Counts</td>
<td>Annually</td>
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MILESTONES, STATUS WITH FUNCTIONAL RESPONSIBILITIES

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<th>MILESTONES</th>
<th>DATE</th>
<th>FUNCTIONAL RESPONSIBILITY</th>
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<tbody>
<tr>
<td>Prepare FFY18 4th Quarter/Year End Report</td>
<td>December 31, 2018</td>
<td>FMATS, FNSB</td>
</tr>
<tr>
<td>Review FFY18 4th Quarter Reports</td>
<td>January 2018</td>
<td>ADOT&amp;PF</td>
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<tr>
<td>Prepare FFY19 Quarterly Reports</td>
<td>Quarterly</td>
<td>FMATS, FNSB</td>
</tr>
<tr>
<td>Review FFY19/FFY20 Quarterly Reports</td>
<td>Quarterly</td>
<td>ADOT&amp;PF</td>
</tr>
<tr>
<td>Process Payments Quarterly</td>
<td>Quarterly</td>
<td>ADOT&amp;PF</td>
</tr>
<tr>
<td>Compile FFY19 Annual Report and Submit for Approval</td>
<td>April 2020</td>
<td>ADOT&amp;PF</td>
</tr>
<tr>
<td>Compile FFY20 Annual Report and Submit for Approval</td>
<td>April 2021</td>
<td>ADOT&amp;PF</td>
</tr>
<tr>
<td>Participate in the Task Development for the FFY21-22 UPWP</td>
<td>April 2020</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
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<tr>
<td>Contract Management for Planning Projects within the FFY19-20 UPWP</td>
<td>As Requested</td>
<td>ADOT&amp;PF</td>
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<tr>
<td>Project Management for Planning Projects within the FFY19-20 UPWP</td>
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<td>FMATS</td>
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<tr>
<td>Monitor the FFY19/2020 UPWP</td>
<td>On-going</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
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100(b) Prepare and Implement a Metropolitan Transportation Plan

Remaining work on the 2045 MTP that is expected to occur in FFY19 is the approval process. The 2045 MTP is expected to be completed and approved by the Policy Board in December 2018.

The FNSB will contribute to and/or participate in GIS-based mapping, modeling and data analysis to identify gaps and transportation options to meet the travel needs of traditionally underserved populations. Public input will be incorporated. FNSB will research travel destinations and origins of traditionally underserved populations, including densities and locations of housing, employment, healthcare, schools and recreation resources; and map resource-transportation geospatial relationships. The FNSB may pursue a similar effort in regard to transit service.

FMATS does not anticipate an update to the MPA Boundary during the FFY19-20 UPWP. Staff will continue to monitor changes that may impact the MPA Boundary and if necessary, recommend changes.

Staff will participate in meetings for transportation planning efforts in the FMATS area and review and provide comments on other local, regional, and/or statewide plans that may impact the FMATS MTP. These efforts include, but are not limited to, the Statewide Long Range Transportation Plan, State Rail Plan, State Asset Management Plan, Statewide Bicycle and Pedestrian Plan, Strategic Highway Safety Plan, FNSB Comprehensive Plan and the FNSB Road Plan. The Executive Director will represent FMATS on plan developments, as requested or required. FMATS will participate in the Regional Models of Cooperation Working Group that has been initiated by the ADOT&PF to more fully coordinate transportation planning.
Staff and other project sponsors will work to develop project nominations based on the priorities outlined in the MTP. FMATS will work with the ADOT&PF, the Cities of Fairbanks and North Pole and the FNSB to implement the low cost strategies and operational recommendations, outlined within the MTP.

The ADOT&PF and the FMATS office and project sponsors may plan, apply and manage transportation improvement projects including grant-funded projects, such as any discretionary grants that may be applied for and won. These include, but are not limited to, (BUILD) grants, Bus and Bus Facility grants, Transportation Alternative Program grants and Freight Program grants.

FMATS will, in support of the Non-Motorized Transportation Plan, update the Bikeways Map and produce and distribute it around the community. The FNSB will make the necessary changes to the GIS-based map, as requested. FMATS will participate in safety education efforts through participation in Bike to Work Month and Week, which occurs each year in May. FMATS will document the completion of projects identified in the 2012 Non-Motorized Plan in its MTP update effort.

Ladders of Opportunity: Access to Essential Services
FMATS will seek to identify transportation connectivity gaps in accessing essential services through the development of the MTP and associated PPP implementation. Essential services include employment, health care, schools/education, and recreation. Suggested UPWP work tasks include developing and implementing analytical methods to identify gaps in the connectivity of the transportation system and developing infrastructure and operational solutions that provide the public, especially the traditionally underserved populations, with adequate access to essential services. Other effective work tasks could include: evaluating the effectiveness of PPPs for engaging transportation disadvantaged communities in the transportation decision making process; updating the Coordinated Transportation Plan developed by the Fairbanks Mobility Coalition; assessing the safety and condition of pedestrian and bicycle facilities; and evaluating compliance with Americans with Disabilities Act (ADA), particularly around schools, concentrations of vulnerable populations, social services, medical, and transit facilities.

TASK MILESTONES AND ANTICIPATED COMPLETION DATES

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<thead>
<tr>
<th>TASK</th>
<th>ANTICIPATED COMPLETION</th>
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<tr>
<td>Travel Demand Model Update</td>
<td>FFY20</td>
</tr>
<tr>
<td>Update Bikeways Map</td>
<td>March 2019 and 2020</td>
</tr>
<tr>
<td>Adopt the 2045 MTP</td>
<td>December 2018</td>
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MILESTONES, STATUS WITH FUNCTIONAL RESPONSIBILITIES

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<th>MILESTONES</th>
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<th>FUNCTIONAL RESPONSIBILITY</th>
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<tr>
<td>Review pertinent regulations in preparation for Performance Target Development; participate in</td>
<td>FFY19-20</td>
<td>ADOT&amp;PF, FMATS</td>
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<tr>
<td>MILESTONES</td>
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<tr>
<td>consultations, as necessary, with the ADOT&amp;PF and AMATS and others</td>
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<tr>
<td>Performance Measures Monitoring and Reporting</td>
<td>Ongoing</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
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<tr>
<td>MTP Information Requests</td>
<td>As needed</td>
<td>ADOT&amp;PF, FMATS</td>
</tr>
<tr>
<td>MTP Air Quality Conformity Information Requests</td>
<td>As needed</td>
<td>ADOT&amp;PF, FMATS</td>
</tr>
<tr>
<td>Implement the elements of the MTP and the Non-Motorized Transportation Plan</td>
<td>Ongoing</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
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<tr>
<td>Develop latest planning assumptions for the travel model</td>
<td>FFY19-20</td>
<td>FNSB</td>
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<tr>
<td>MPA Boundary Changes</td>
<td>As needed</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
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<tr>
<td>Develop discretionary grant applications</td>
<td>Ongoing</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>Review and comment on other pertinent plans as requested</td>
<td>Ongoing</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
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<tr>
<td>Update Road Centerlines Feature Class</td>
<td>Ongoing</td>
<td>FNSB</td>
</tr>
<tr>
<td>GIS Mapping, Modeling and Analytical Support, as requested</td>
<td>Ongoing</td>
<td>FNSB</td>
</tr>
<tr>
<td>Apply GIS Analysis of Land Use and Transportation Demand Factors to</td>
<td>Ongoing</td>
<td>FNSB</td>
</tr>
<tr>
<td>developing latest planning assumptions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise and adopt a new version of the FNSB Comprehensive Roads Plan</td>
<td>To be determined</td>
<td>FNSB</td>
</tr>
<tr>
<td>Bikeways Update</td>
<td>FFY19-20</td>
<td>FMATS, FNSB</td>
</tr>
<tr>
<td>Ladders of Opportunity analysis</td>
<td>To be determined</td>
<td>FMATS, FNSB</td>
</tr>
<tr>
<td>Participate in the Regional Models of Cooperation Working Group</td>
<td>Ongoing</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
</tbody>
</table>

**100 (c) Develop and Implement the Transportation Improvement Program**

FMATS will continue to make modifications and amendments to the FMATS 2017 – 2020 TIP and conduct interagency consultation on air quality conformity, as necessary. The ADOT&PF, with the assistance of FMATS, will develop unique Need IDs for all projects.

The FNSB will provide support in digitizing projects in the FMATS area and providing the proper attributes in the attribute table. The road centerline attributes table and address points will be updated on an ongoing basis to reflect more accurate data, changes to roadways, changes in maintenance, and other physical features. The FNSB Staff will construct base map layers to be used within the MPA for spatial analysis, mapping, and presentations of FMATS projects, plans and programs. FNSB Staff will research data sources and convert data, drawing spatially accurate map layers and attributing data fields usable for building FMATS travel demand models and project mapping. All base map layers necessary for FMATS transportation mapping and analysis will be distributed to consultants, staff, and peer agencies for use in FMATS projects.
The new Metropolitan Transportation Planning Final Rule became effective on May 27, 2016. As a result, all MTPs and TIPs developed two years after that effective date must comply with performance-based planning rules. The current TIP was based on the 2040 MTP conformity so as to extend the time available in developing the new MTP and TIP as required after May 27, 2018.

FMATS will then, through the development of the performance-based MTP, develop new TIP project evaluation criteria based on the goals and objectives and performance measures in the new MTP. The evaluation criteria will be reviewed by the Technical Committee and approved by the Policy Board for use in the development of the new TIP. FMATS will work with project sponsors in developing nominations for the new 2019 – 2023 TIP. Existing project nominations will be reviewed and modified to address the new criteria. All existing unfunded projects in the short-term of the MTP will be re-scored. All new projects to be considered for the new TIP will be scored in accordance with FMATS Policies and Procedures.

The Executive Director will review and revise the prioritization procedure, if necessary, after the State releases their performance targets. These procedures will be reviewed by Staff and the Technical Committee and approved by the Policy Board.

The Executive Director will have the responsibility to develop the draft TIP and conduct the appropriate public involvement process associated with the TIP as defined in the PPP. The ADOT&PF will provide contract services and project management for any travel model updates necessary for TIP approval. Staff will provide information (research, data, project information, etc.) as requested, for updates, as required.

The TIP does not require an individual conformity analysis. Rather, the conformity determination for the TIP can reference the regional emissions analysis that was conducted for the MTP, as the TIP must be derived from the MTP. Interagency consultation will verify the TIP is consistent with the MTP.

The Executive Director will forward all TIP nominations to the ADOT&PF for current estimates. Advanced Project Definition funding for ADOT&PF will be necessary to develop the estimates. Road safety audits may be used to identify potential projects or solutions to safety related projects. The FNSB will provide GIS related support for all project nominations. After the Technical Committee scores the projects, the Executive Director will work on developing the draft TIP which will be fiscally constrained. ADOT&PF will provide an estimate of the federal funding that FMATS can anticipate receiving for the TIP's four-year period and will ensure the TIP is fiscally constrained.

The ADOT&PF, the FNSB and the Cities of Fairbanks and North Pole will complete match, maintenance and project agreements for TIP projects.

FMATS will manage the TIP by monitoring obligations of all projects and the project development process to ensure necessary funding is available as needed, through construction of the project. Activities include attendance at open house events for projects within the MPA and participation in pre-construction and final inspection meetings as well as weekly project meetings, as necessary. The TIP will be revised to reflect changes in scopes, schedules and estimates, either through an Amendment process or through an Administrative Modification. The public involvement process for these efforts are defined in the PPP.
FMATS will review STIPs when they are released and provide comments for the consideration of the Technical and Policy Boards. FMATS will attend open house events on both area TIP and STIP projects either to facilitate the meetings, observe, listen and/or inform. Hearing community concerns regarding transportation is important when developing and prioritizing the TIP. The Executive Director will also track regionally significant projects in the area and include those in the TIP.

FMATS will provide, on an on-going basis, information to the public, community groups, legislators and others on the TIP and projects within the TIP as requested and in order to keep others involved on FMATS projects.

FMATS will seek other sources of funding such as discretionary grants and will assist others in seeking grants for transportation related projects within the MPA.

FNSB will review and comment on highway, transit, pedestrian, rail and other planning projects as well as the STIP and its amendments.

**TASK MILESTONES AND ANTICIPATED COMPLETION DATES**

<table>
<thead>
<tr>
<th>TASK</th>
<th>ANTICIPATED COMPLETION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Evaluation Criteria</td>
<td>December 2018</td>
</tr>
<tr>
<td>Create the FFY19-2023 FMATS TIP</td>
<td>December 2018</td>
</tr>
<tr>
<td>Digitize Projects Nominated in the TIP, and Projects in the TIP Tool</td>
<td>As requested</td>
</tr>
</tbody>
</table>

**MILESTONEs, STATUS WITH FUNCTIONAL RESPONSIBILITIES**

<table>
<thead>
<tr>
<th>MILESTONES</th>
<th>DATE</th>
<th>FUNCTIONAL RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop Evaluation Criteria</td>
<td>December 2018</td>
<td>FMATS</td>
</tr>
<tr>
<td>Develop Project Nominations</td>
<td>February 2019</td>
<td>FMATS and Project Sponsors</td>
</tr>
<tr>
<td>Develop new Scope, Schedules and Estimates</td>
<td>April 2019</td>
<td>ADOT&amp;PF, City of Fairbanks</td>
</tr>
<tr>
<td>Develop the 2019-2023 TIP</td>
<td>December 2018</td>
<td>FMATS</td>
</tr>
<tr>
<td>TIP Self-Certification</td>
<td>December 2018</td>
<td>FMATS</td>
</tr>
<tr>
<td>Public Involvement</td>
<td>Ongoing</td>
<td>FMATS</td>
</tr>
<tr>
<td>Interagency Consultation for Air Quality Conformity</td>
<td>As needed</td>
<td>FMATS</td>
</tr>
<tr>
<td>Performance Measures Reporting</td>
<td>Ongoing</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>TIP Information Requests</td>
<td>As needed</td>
<td>ADOT&amp;PF, FMATS</td>
</tr>
<tr>
<td>TIP Management, Amendments and Administrative Modifications</td>
<td>As needed</td>
<td>FMATS</td>
</tr>
<tr>
<td>Monitoring obligation status, offsets and project development</td>
<td>Ongoing</td>
<td>FMATS</td>
</tr>
</tbody>
</table>
Review and comment on highway, transit, pedestrian, rail and other planning projects as well as the STIP and its amendments
Draft and Execute Match and Maintenance Agreements
Prepare and submit Project Background Reports, Project Information Sheets, Project Starts, Scope Changes and Project Development Authorizations
Digitize projects for nominations and for the TIP Tool
GIS Base Map Layer Construction
Research and apply for grant opportunities, perform Benefit-Cost Analysis as requested

<table>
<thead>
<tr>
<th>Task</th>
<th>Status</th>
<th>Responsible Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review and comment on highway, transit, pedestrian, rail and other planning projects as well as the STIP and its amendments</td>
<td>Ongoing</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>Draft and Execute Match and Maintenance Agreements</td>
<td>As needed</td>
<td>ADOT&amp;PF</td>
</tr>
<tr>
<td>Prepare and submit Project Background Reports, Project Information Sheets, Project Starts, Scope Changes and Project Development Authorizations</td>
<td>As needed</td>
<td>ADOT&amp;PF</td>
</tr>
<tr>
<td>Digitize projects for nominations and for the TIP Tool</td>
<td>As requested</td>
<td>FNSB</td>
</tr>
<tr>
<td>GIS Base Map Layer Construction</td>
<td>Ongoing</td>
<td>FNSB</td>
</tr>
<tr>
<td>Research and apply for grant opportunities, perform Benefit-Cost Analysis as required</td>
<td>On-going</td>
<td>FMATS, FNSB, Cities, University, Alaska Railroad</td>
</tr>
</tbody>
</table>

100 (d) Develop the Public Participation Plan

FMATS updated the PPP in 2017 in preparation for the 2045 MTP. Meanwhile, FMATS will continue to implement the PPP which is primarily the responsibility of the FMATS with assistance from the ADOT&PF, the FNSB and the City of North Pole and City of Fairbanks. The purpose of the PPP is to set procedures that FMATS will use to engage residents of the MPO in long range transportation planning in a meaningful way and in compliance with the important federal public participation requirements outlined in the PPP and to achieve federal public participation goals.

FMATS has a wealth of strategies that it will implement such as publication of a quarterly newsletter, local, radio, television and newspaper publication of meeting notices, timely website updates, continually updated email list, twice monthly meetings, visually rich presentations, interactive public participation tools, well-rounded stakeholder involvement and other proactive public outreach. The FNSB will provide mailing labels, as requested, in the direct proximity of projects and corridor specific plans to assist in accomplishing the objectives of the PPP.

The Executive Director will conduct the business of the MPO in accordance with its mission, goals and objectives and to that end, will daily respond to requests and inquiries from the public, stakeholders, legislators, and community organizations. FMATS will participate in other planning related activities as requested by the Policy Board and by other organizations who desire to link their plans with the transportation planning efforts of the community. This will also provide for continuity amongst the plans. FMATS will participate, as requested, in various planning efforts that are directly or tangentially related to transportation so others may consider FMATS’ plans and projects in their planning efforts. This also allows for FMATS to be aware of other groups and organizations’ plans and how it may impact and assist in FMATS’ transportation planning efforts.

The Executive Director will facilitate monthly Technical Committee Meetings, monthly Policy Board Meetings, and bimonthly Bicycle and Pedestrian Advisory Committee Meetings. Sub-committee meetings will also be arranged when required. Staff will attend monthly Technical Committee Meetings, monthly Policy Board Meetings and Sub-committee meetings.
FMATS will prepare Title VI Public Meeting demographic information and submit it to the ADOT&PF for each public meeting held. The ADOT&PF will compile and summarize Title VI Public Meeting demographic information and submit the Title VI report to the Civil Rights Office quarterly. FMATS has developed a Title VI Implementation Plan.

**TASK MILESTONES AND ANTICIPATED COMPLETION DATES**

<table>
<thead>
<tr>
<th>TASK</th>
<th>ANTICIPATED COMPLETION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement the PPP</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

**MILESTONES, STATUS WITH FUNCTIONAL RESPONSIBILITIES**

<table>
<thead>
<tr>
<th>MILESTONES</th>
<th>DATE</th>
<th>FUNCTIONAL RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain the FMATS website and post social media updates</td>
<td>Ongoing</td>
<td>FMATS</td>
</tr>
<tr>
<td>Facilitate Technical Committee Meetings</td>
<td>Monthly</td>
<td>FMATS</td>
</tr>
<tr>
<td>Facilitate Policy Board Meetings</td>
<td>Monthly</td>
<td>FMATS</td>
</tr>
<tr>
<td>Facilitate Bicycle and Pedestrian Advisory Committee Meetings</td>
<td>Bimonthly</td>
<td>FMATS</td>
</tr>
<tr>
<td>Facilitate Sub-committee Meetings As Required</td>
<td>As needed</td>
<td>FMATS</td>
</tr>
<tr>
<td>Attend Technical Committee Meetings</td>
<td>Monthly</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>Attend Policy Board Meetings</td>
<td>Monthly</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>Attend Sub-committee Meetings as Required</td>
<td>As necessary</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>Prepare Title VI Public Meeting Demographic Information</td>
<td>Ongoing</td>
<td>ADOT&amp;PF, FMATS</td>
</tr>
<tr>
<td>Compile and Submit Title VI Public Meeting Demographic Information</td>
<td>Quarterly</td>
<td>ADOT&amp;PF</td>
</tr>
<tr>
<td>Respond to Interior Delegation Requests for Project Status Updates</td>
<td>As needed</td>
<td>ADOT&amp;PF, FMATS</td>
</tr>
<tr>
<td>Advertise meetings using a multi-media approach</td>
<td>Ongoing</td>
<td>FMATS</td>
</tr>
<tr>
<td>Address inquiries and requests from the public, legislators, stakeholders and civic organizations</td>
<td>Ongoing</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>Participate in non-MPO led planning efforts</td>
<td>Ongoing and as requested</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>Conduct the business of the MPO in accordance with its mission, goals, objectives and agreements</td>
<td>Ongoing</td>
<td>FMATS</td>
</tr>
<tr>
<td>Implement the elements of the PPP</td>
<td>Ongoing</td>
<td>FMATS</td>
</tr>
<tr>
<td>GIS and Mapping Support</td>
<td>As requested</td>
<td>FNSB</td>
</tr>
</tbody>
</table>
100 (e) Air Quality

The EPA has designated a portion of the FNSB as a non-attainment area for PM$_{2.5}$. This non-attainment area is larger than the FMATS MPA. 23 CFR 450.314(b) states that if the MPA does not include the entire nonattainment or maintenance area, there shall be an agreement among the state department of transportation, state air quality agency, affected local agencies and the metropolitan planning organizations describing the process for cooperative planning and analysis of all projects outside the MPA but within the nonattainment or maintenance area. 23 CFR 450.314(c) states that in the non-attainment area or maintenance areas, if the MPO is not the designated agency for air quality planning under section 174 of the Clean Air Act (42 USC 7504), there shall be a written agreement between the MPO and the designated air quality planning agency describing their perspective roles and responsibilities for air quality related transportation planning. As required, the ADOT&PF, ADEC, FNSB and FMATS entered into a Memorandum of Agreement for the Selection and Funding of Projects Funded by CMAQ within the Fairbanks Non-attainment Area for PM$_{2.5}$ (MOA) in May 2010. While very few projects are being identified to address PM2.5 reduction in the donut area, the CMAQ Project Evaluation Board, created under the MOA, will meet as necessary to hold a competitive process, address scope changes of approved projects and to amend policies. In addition, FMATS anticipates that this agreement will be reviewed in FFY19 and amended to clarify the roles and responsibilities of air quality planning particularly how it relates to the development and measurement of quantifiable emissions reduction benefits of non-attainment area projects, funded by various sources.

The ADEC and the FNSB have joint responsibility for air pollution control in the FNSB. The FNSB is the lead air quality planning agency for the Fairbanks area and determines the priorities for the CMAQ funding provided to the PM$_{2.5}$ nonattainment area. The FNSB chairs the CMAQ Project Evaluation Board. The Executive Director, FNSB and ADOT&PF will participate as members of the CMAQ board. As members of the CMAQ board, staff develops scoring criteria and project nominations. The CMAQ board then provides a prioritized list of projects which subsequently are approved by the FNSB Mayor.

The ADOT&PF will provide technical assistance in the development of the CMAQ transportation project listings. ADOT&PF will prepare and submit Project Starts and Project Development Authorizations (PDA) to fund the selected projects, administer project funds to the appropriate implementing agency, provide project management as necessary, and assist in the project development of selected projects as required.

FMATS will include all CMAQ projects approved by the FNSB as informational items in the FMATS TIP. FMATS will work with local agencies in developing and submitting projects to the CMAQ board. The FNSB may consider the implementation of the TransCAD transportation planning software to model all projects for inclusion in the FMATS TIP to quantify the congestion improvement benefits.

The MPA is also a maintenance area for CO. The EPA approved the Fairbanks CO LMP effective October 8, 2013. While the LMP option does not exempt an area from the need to affirm conformity, it explains that the area may demonstrate conformity without submitting an emissions budget. However, the Fairbanks Area must still work toward:

- Timely implementation of SIP transportation control measures;
- compliance with the fiscal constraint element per 49 CFR 93.105;
• ensure the MPO’s interagency consultation procedures meet applicable requirements of 40 CFR 93.108;
• use the latest planning assumptions and emissions model as set forth in 40 CFR 93.110 and 40 CFR 93.11;
• ensure that projects do not cause or contribute to any new localized CO or PM$_{2.5}$ violations in accordance with procedures specified in 40 CFR 93.123; and
• written commitments as specified in 40 CFR 93.125 are provided by project sponsors and/or operators.

Staff will review and provide comments as requested for the Fairbanks Area SIP development.

The ADOT&PF is the lead agency on the Travel Demand and Air Quality Emissions modeling. The ADOT&PF will provide contract management and project management as needed. FMATS will coordinate the Interagency Consultation for Air Quality Conformity. The FNSB will provide input into the travel model, as needed.

FMATS will continue to support active transportation modes in line with its goals and in support of a reduction in emissions and improvement of air quality. This includes supporting programs such as the Bike to Work program, Don’t Be Fuelish program, and Transportation Alternative Program.

TASK MILESTONES AND ANTICIPATED COMPLETION DATES

<table>
<thead>
<tr>
<th>TASK</th>
<th>ANTICIPATED COMPLETION</th>
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</thead>
<tbody>
<tr>
<td>Air Quality Modeling</td>
<td>As needed</td>
</tr>
<tr>
<td>Travel Demand Modeling</td>
<td>As needed</td>
</tr>
<tr>
<td>Interagency Coordination</td>
<td>As needed</td>
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</tbody>
</table>

MILESTONES, STATUS WITH FUNCTIONAL RESPONSIBILITIES

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<thead>
<tr>
<th>MILESTONES</th>
<th>DATE</th>
<th>FUNCTIONAL RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>FNSB Chair of the CMAQ Board</td>
<td>On-going</td>
<td>FNSB</td>
</tr>
<tr>
<td>Participates as Member of CMAQ Board</td>
<td>As necessary</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>30 Day Call for Nominations</td>
<td>As necessary</td>
<td>ADOT&amp;PF, FNSB</td>
</tr>
<tr>
<td>Review / Amend CMAQ Scoring Criteria</td>
<td>As necessary</td>
<td>ADOT&amp;PF, FMATS FNSB</td>
</tr>
<tr>
<td>Develop CMAQ Project Nominations</td>
<td>As necessary</td>
<td>ADOT&amp;PF, FMATS, FNSB</td>
</tr>
<tr>
<td>Prepare and Submit Project Starts and Project Development Authorizations</td>
<td>As requested</td>
<td>ADOT&amp;PF</td>
</tr>
<tr>
<td>Project Management</td>
<td>As required</td>
<td>ADOT&amp;PF</td>
</tr>
<tr>
<td>Update TIP to Include CMAQ Projects</td>
<td>As required</td>
<td>FMATS</td>
</tr>
</tbody>
</table>
Local Agency Coordination | As needed | ADOT&PF, FMATS, FNSB
---|---|---
Review and Provide Comments for SIP | On-going | ADOT&PF, FMATS, FNSB
Travel Demand and Air Quality Emission Modeling Contract Management | As necessary | ADOT&PF
Travel Demand and Air Quality Emission Modeling Project Management | As required | ADOT&PF
Provide Modeling Information | As requested | ADOT&PF, FMATS, FNSB
Interagency Coordination for Program and Project-level Conformity | As needed | FMATS
Develop latest planning assumptions | Ongoing | FNSB

100 (f) Support Services

Subtasks

Staff will assist in the review and update of any outdated or inconsistent policies, procedures, and/or agreements on a periodic basis, and as-needed with the restructuring of the FMATS office from being hosted by the City of Fairbanks to an independent organization (anticipated FFY19).

Staff will attend in-state and out-of-state FHWA/FTA sponsored seminars, and training and workshops related to program needs such as modeling, GIS, Smart Growth, Livability, Complete Streets, green infrastructure, performance based planning, highway capacity, parking, other transportation related conferences and other relevant training as it becomes available. Staff will attend the Association of Metropolitan Planning Organizations Conference, American Planning Association National and Alaska Conference, Active Transportation Summit, Transportation Research Board National Transportation Planning Conferences, and Complete Streets Conference as funding allows.

TASK MILESTONES AND ANTICIPATED COMPLETION DATES

<table>
<thead>
<tr>
<th>TASK</th>
<th>ANTICIPATED COMPLETION</th>
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</thead>
<tbody>
<tr>
<td>Update Policy and Procedures Manual</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Review FMATS' agreements and update accordingly</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Attend Training</td>
<td>Ongoing</td>
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</tbody>
</table>

200 FNSB Public Transportation System Planning and Air Quality

The FNSB Transportation Department anticipates funding from the FTA Section 5303 program to continue Public Transportation and MPO planning activities. These funds are passed from the FTA through the State of ADOT&PF. FNSB receives these funds from ADOT&PF through a FTA Section 5303 Metropolitan Planning Grant Agreement. Funding from FTA is used to conduct planning
activities related to the operation and improvement of Fairbanks mass public transportation services including transportation related conferences and other relevant trainings as available. The program supports long-range transportation planning for the urbanized area, including capital planning, financial planning, and operations-related planning essential to FNSB Public Transportation service.

Public Transportation related planning tasks include the FNSB’s fixed route and demand response systems referred to as MACS and VanTrans. The planning tasks include but are not limited to:

- Collecting and reviewing data on key performance indicators.
- Compiling reports and plans, attending meetings.
- Attending events to gather information on Public Transportation activities from the public.
- Participation in the MPO Technical and Policy Boards.
- Studies and work relating to management, planning, operations, capital requirements and economic feasibility.
- Evaluation of previously funded projects.
- Peer reviews and exchanges of technical data, information, assistance and related activities in support of planning and environmental analysis.
- Work elements and related activities preliminary to and in preparation for constructing, acquiring or improving the operation of facilities and equipment. This includes improvements that improve the usability and community friendliness of the Public Transportation system environment.
- Systems planning and corridor-level alternatives analysis.
- Development of short and long range Public Transportation plans.
- Safety, security and emergency transportation and evacuation planning.
- Coordinated transportation planning.
- Transportation and air quality planning and conformity analysis.
- Public participation in transportation planning.
- Plan, engineer, design and evaluate Public Transportation projects.
- Participation in educational programs for staff.
- Quarterly grant, financial and milestone reporting.
- Annual grant, financial and milestone reporting.
- Studies, planning and evaluations of technologies relating to fare collection, scheduling, disseminating route information to the public, etc. to remain current with available technologies and methods.

Costs will include wages, benefits, consulting, computer hardware and software, event fees, and event materials.

Public Transportation planning tasks include completing/updating the following plans:

- Bus Stop Amenity and Design Development Plan
- Intelligent Transportation System Improvement Plan
- Comprehensive Fixed Route Analysis and Improvement Plan
- Traffic Signal Prioritization Impact Study
Air Quality related planning tasks include the FNSB’s air quality program. This includes interagency consultation on the TIP and MTP.

<table>
<thead>
<tr>
<th>MILESTONES</th>
<th>DATE</th>
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<tbody>
<tr>
<td>Collect transit and demand response data</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Review data on the transit and demand response systems</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Compile reports from transit and demand response data</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Develop plans for transit and demand response systems</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Attend various public meetings on public transportation topics and issues</td>
<td>As necessary</td>
</tr>
<tr>
<td>Attend various events to gather data on the transit systems</td>
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</tr>
<tr>
<td>Participate on the FMATS Technical and Policy Boards</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Studies and work relating to management, planning, operations, capital requirements and economic feasibility</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Evaluation of previously funded projects</td>
<td>As necessary</td>
</tr>
<tr>
<td>Peer reviews and exchanges of technical data, information, assistance and related activities in support of planning and environmental analysis</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Work elements and related activities preliminary to and in preparation for constructing, acquiring or improving the operation of facilities and equipment. This includes improvements that improve the usability and community friendliness of the transit system environment.</td>
<td>As necessary</td>
</tr>
<tr>
<td>Systems planning and corridor-level alternatives analysis</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Safety, security and emergency transportation and evacuation planning.</td>
<td>As necessary</td>
</tr>
<tr>
<td>Coordinated transportation planning</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Public participation in transportation planning</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Plan, engineer, design and evaluate and public transportation project</td>
<td>As necessary</td>
</tr>
<tr>
<td>Participation in educational programs for staff</td>
<td>On-going</td>
</tr>
<tr>
<td>Develop CMAQ Project Nominations</td>
<td>As necessary</td>
</tr>
<tr>
<td>FY19 &amp; 20 Long Range Transportation Plan Update</td>
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</tr>
<tr>
<td>Prepare and Submit Project Starts and Project Development Authorizations</td>
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</tr>
<tr>
<td>Intelligent Transportation System Improvement Plan Update</td>
<td>As necessary</td>
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<tr>
<td>Project Management</td>
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<td>Traffic Signal Prioritization Study Update</td>
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<td>Bus Stop Amenity and Design Development Plan Update</td>
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<tr>
<td>Comprehensive Fixed Route Analysis and Improvement Plan Update</td>
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</tr>
<tr>
<td>Quarterly and Annual financial and milestone reports</td>
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</table>

The FNSB will continue the training program for planning, grant and program management and professional development. Training costs will include salary, benefits, travel, per diem, and registration fees.

a. Training and Technical Assistance – to include, but not limited to, the following:
   i. Federal/State Agency Transit Seminars and Workshops
   ii. ITS Training
   iii. ADA – Eligibility Assessment Process
   iv. National Transit Institute Seminars
v. Community Transportation Association of America National Conference
vi. Annual Alaska Community Transportation Conference
vii. Triennial American Public Transit Administration Exposition and other Bus and Paratransit conferences
viii. Alaska Mobility Coalition meetings
ix. Safety Trainings
x. Other Professional Development

**Task 300 FMATS Special Plans and Projects**

<table>
<thead>
<tr>
<th>Task 300(a) Fairbanks Area Road/Rail Crossing Reduction/Realignment Plan</th>
</tr>
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**Purpose:** FMATS is developing this plan as recommended in the Alaska State Rail Plan (ASRP). While the state developed the ASRP, its recommendation was to develop a State-led, community-based rail plan to establish long-term goals, objectives and priorities for the Fairbanks region. The ASRP states: "There is interest in relocating the Fairbanks rail yard as its proximity to downtown Fairbanks has created a number of land-use and functional issues. Other improvements such as grade separations and line relocations have been considered but the potential solutions have the potential to create new concerns. A comprehensive long-term study to identify the rail-related issues in the Fairbanks area and solutions is needed."

The plan will be consistent with Chapter 227 of Title 49 of United States Code, as enacted in the Passenger Rail Investment and Improvement Act of 2008 (PRIIA). The primary purpose of the plan is to serve as a long-range planning document and to provide comprehensive rail data. The plan will enable FMATS and partnering agencies to implement a more efficient and effective approach to integrate passenger and freight rail elements into the larger multi-modal and intermodal transportation framework to relieve congestion on the highways, expand economic development opportunities, and improve network safety and efficiency. The plan will cover a period of twenty years for integration with the Alaska Statewide Long-Range Transportation Plan and FMATS' MTP and must, at a minimum, address the Section 22705 content requirements.

**Methodology:** A Scope of Services has been approved by the Policy Board and the project has been added to the TIP. FMATS expects to release a Request For Proposals and to begin the planning procedure in FY19.

**Functional Responsibility:** FMATS Office, ADOT&PF, FNSB

<table>
<thead>
<tr>
<th>Task 300(b) Advanced Project Definition</th>
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</thead>
</table>

**Purpose:** To develop scopes, schedules and estimates (SSEs) for FMATS projects during the development of the MTP and the TIP to ensure fiscal constraint.

**Objective:** FMATS must develop a fiscally constrained MTP and TIP. In order to do so, planning level estimates must be developed for all projects under consideration. This funding will allow the ADOT&PF to have a charge code for this planning effort.
Methodology: FMATS will request the SSEs for all projects under consideration in the MTP and the TIP.

Functional Responsibility: ADOT&PF and others as requested

Task 300(c) Green Streets Plan

Purpose: To better implement the Green Streets Policy, FMATS will identify and prioritize which streets within the urbanized area are in greatest need of green infrastructure for the management of storm water runoff, including specific design recommendations for each of those streets. Research of best management practices in a sub-arctic environment will also be included in the report.

Objective: Green Streets reflect the transportation policy and design approach that minimizes environmental impact by focusing on efforts to retain, treat, and eliminate runoff at the source using green infrastructure applications. Green infrastructure helps replicate natural hydrologic functions like storage, detention, infiltration, filtration, evaporation, transpiration, and uptake by plants, and can improve water quality and reduce runoff volumes. These natural functions are often lost in transportation projects where impervious road surfaces prevent rain water from soaking into the ground. This project will help FMATS decide which streets are in greatest need of green infrastructure and how it can be applied and coordinated with current and future road reconstruction activities.

Methodology/Products: The plan will be a written report accompanied by maps and drawings of the top 10 (+/-) streets in the urbanized area that are in greatest need of green infrastructure, including specific design recommendations for each of those streets such as vegetated swales, rain gardens, retention areas, constructed wetlands, permeable pavers, tree wells and planters, re-vegetation/rehabilitation efforts, curb breaks, and other best management practices. Financial and right-of-way constraints will be considered in the recommendations of this report. Implementation will be the responsibility of the respective facility owner.

Functional Responsibility: FMATS

Task 400 (a): TransCAD Modeling

Purpose: To model all proposed projects prior to scoring by the Technical Committee and inclusion in the TIP.

Objective: To quantify the benefits, for both congestion reduction and emissions reduction, and provide the Technical Committee with the most accurate information possible when scoring projects. The scoring criteria for projects to be included in the FMATS TIP includes reduction of congestion and improving level-of-service. Without modeling these projects it is not possible to quantify the congestion benefits and level of service benefits, of these potential projects.
Methodology/Products: Each nominated project will be input into the FMATS TransCAD model with an output of the level of service (LOS) before the nominated project and after the nominated project has been included in the model. These before and after outputs will provide the FMATS Technical Committee with more in-depth quantifiable information when scoring each project for inclusion in the TIP.

Functional Responsibility: FNSB

Task 400(b): ITS Architecture Plan

Purpose: The purpose of this plan is to conform with the National Intelligent Transportation Systems (ITS) Architecture and Standards under the Transportation Equity Act for the 21st Century (TEA-21). FMATS will develop a regional ITS architecture to guide the development of ITS projects and programs and be consistent with ITS strategies and projects contained in applicable transportation plans.

Methodology: The National ITS Architecture shall be used as a resource in the development of the regional architecture and be on a scale commensurate with the scope of ITS investment in the region. Provision will be made to include participation from the following, as appropriate: ADOT&PF, public safety agencies, transit operations, federal land agencies, state motor carrier agencies and other operating agencies necessary to fully address regional ITS integration. The regional ITS architecture shall include, as a minimum:

- A description of the region;
- Identification of participating agencies and other stakeholders;
- An operational concept that identifies the roles and responsibilities of participating agencies and stakeholders in the operation and implementation of the systems included in the regional ITS architecture;
- Any agreements required for operations;
- System functional requirements;
- Interface requirements and information exchanges with planned and existing systems and subsystems;
- Identification of ITS standards supporting regional and national interoperability;
- Sequence of projects required for implementation; and
- Development of procedures and responsibilities for maintaining the ITS architecture as needs evolve.

Functional Responsibility: To be determined

Task 400(c) Road Service Area Expansion

Purpose: There are three political jurisdictions within the FMATS MPA. The Cities of North Pole and Fairbanks both have road powers and are responsible for the on-going maintenance of roadway facilities within these municipalities. The largest land holder within FMATS is the FNSB. As such the majority of road miles within the FMATS boundary are outside the two municipalities and within the FNSB. In 1964 when the FNSB was formed the voters decided to make this a second class borough and withheld the road powers from the jurisdiction.
The way in which local roads are maintained within the FNSB is through the creation of local Road Service Areas (RSAs). The RSA is formed by a vote of the property owners within the boundary of the RSA. They vote to tax themselves to provide a fund for the long term maintenance of their roads and bridges. This includes winter roadway maintenance as well as grading and pavement maintenance. A problem arises when there are roadways that get created and are outside the jurisdiction of an RSA and the local residents choose not to create one, thus avoiding additional taxes for roadway maintenance. This creates what we refer to as “Orphan Roads”. These roads can eventually become very rough difficult to negotiate, and potentially hazardous for emergency response.

This is a problem throughout the FNSB, but it is felt most acutely within the MPA, simply because there is more population to be effected. Also, this is probably the only metropolitan area in the US that has hundreds of road miles that are not maintained. It is the preference of the FNSB to enlarge existing rather than to create new ones to address the Orphan Roads. This is because there are already 103 in existence throughout the FNSB and it is a large effort to administer them all.

**Methodology:** Expanding RSAs requires a majority vote of the existing members of the RSA to expand their boundaries and bring in additional road miles.

FMATS proposes to develop a fund that would be used to improve and bring up to standard orphan roads within the MPA. This fund would be an application process that would involve an RSA and a neighborhood with an Orphan Road. Either a neighborhood, or an RSA could nominate a roadway for inclusion in the program, and there would need to be a neighborhood meeting to discuss the merits of expansion of the RSA and to ensure those living along the nominated roadway are in agreement to be annexed into the RSA. The funding would only be secured after positive vote to bring the roadway under the jurisdiction of the RSA so it would receive ongoing maintenance.

**Functional Responsibility:** FMATS, FNSB

### Task 400(d) Driver’s Education Program

**Purpose:** Based on data compiled by the ADOT&PF for the Fairbanks, Anchorage, and Juneau areas, younger drivers (age 15 to 19) have the highest crash rate among all other age groups. FMATS would therefore like to develop a plan/project to increase student participation in Driver’s Education. Student participation in Driver’s Education is extremely low in Fairbanks, though students and parents have high interest. In the absence of state/local laws mandating Driver’s Education courses, it appears the biggest incentive for students to complete the course is for the insurance discount. However, the cost of the courses is a significant barrier to participation.

**Methodology:** FMATS would like to explore the possibility of providing a subsidy for the course cost to increase participation, or possibly partnering with the FNSB School District or a local driving school to get driver’s education curriculum in the classroom or online that would be offered through the high schools (i.e. basic rules of the road, defensive driving techniques, etc.). High schools in Fairbanks currently do not have a driver’s education curriculum/class.

**Functional Responsibility:** FMATS
## APPENDIX B – FMATS 2019-2020 UPWP BUDGET

### Anticipated PL Funding for each Fiscal Year: $427,136

Allocation by Agency:

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### FFY2019

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<th>FNSB</th>
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<td>Projected Percent of Hours</td>
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<td>UPWP Development &amp; Implementation</td>
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<td>Air Quality</td>
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<td><strong>Total</strong></td>
<td><strong>$66,000.00</strong></td>
<td><strong>$274,636.00</strong></td>
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## FMATS 2019-2020 TASK 200, 300, 400

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<td>FAIRBANKS AREA ROAD/RAIL CROSSING REDUCTION/REALIGNMENT</td>
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<td>Sub-Task 300 C</td>
<td>GREEN STREETS PLAN</td>
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<td>MATCH</td>
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<td>PL FUNDING &amp; MATCH SUBTOTAL</td>
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**GRAND TOTAL FUNDING** 100,000

*Task 300A and 300C were obligated in FFY18

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<td>Sub-Task 400 D</td>
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**GRAND TOTAL ALL FUNDING** 140,000

*These funds are displayed as contingency projects only. Actual funding has not been identified.*
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## FMATS FFY20 Budget

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# APPENDIX C - FMATS UPWP TASKS VS. NATIONAL PERFORMANCE GOALS

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<th>FFY19-20 UPWP ELEMENT &amp; TASKS</th>
<th>Safety</th>
<th>Infrastructure Condition</th>
<th>Congestion Reduction</th>
<th>System Reliability</th>
<th>Freight Movement and Economic Vitality</th>
<th>Environmental Sustainability</th>
<th>Reduce Project Delivery Delays</th>
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<td>100 Plans &amp; Programs</td>
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MEMORANDUM

To: Fairbanks North Star Borough Assembly
From: Bryce Ward, Mayor
Date: February 14, 2019
Subject: Ordinance 2019 - 08
Abandoned Vehicles, Vehicle Impoundments and Encroachments

Attached for your approval is an ordinance updating borough code to more clearly reflect standards in state law and codify processes and standards related to:
- presumption of abandonment of vehicles
- removal of abandoned vehicles
- procedures and standards for due process hearings related to presumption of abandonment and/or impoundment of vehicles
- definitions
- fine schedules

I urge your approval of this ordinance.

Attachment: Ordinance
AN ORDINANCE AMENDING FNSBC TITLE 10 REGARDING ABANDONED VEHICLES AND VEHICLE IMPOUNDMENT, CHAPTER 12.04 FNSBC REGARDING ENCROACHMENTS, AND RELATED PORTIONS OF CHAPTER 1.20 FNSBC, FINE SCHEDULE

WHEREAS, Clarifications should be made to the Borough's abandoned vehicle code to ensure it is interpreted in accordance with state law and due process requirements; and

WHEREAS, It is desirable to codify the process that is used upon removal of an encroachment.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Chapter 10.04 FNSBC, Abandoned Vehicles, is hereby amended as follows:

Sections:

10.04.010 Definitions.
10.04.020 Unlawful acts.
10.04.025 Presumption of abandonment
10.04.030 Removal of abandoned vehicles.
Notice of impoundment.

Hearing

Disposition – Destruction.

Disposition – Sale.

Waiver of claims for damages.

Definitions.

"ABANDONED VEHICLE" MEANS A VEHICLE THAT IS:

1. REGISTERED OR TITLED AS REQUIRED UNDER AS 28.10 THAT HAS BEEN LEFT UNATTENDED, STANDING, PARKED UPON OR WITHIN 10 FEET OF THE TRAVELED PORTION OF A HIGHWAY OR VEHICULAR WAY OR AREA IN EXCESS OF 48 HOURS;

2. REGISTERED OR TITLED AS REQUIRED UNDER AS 28.10 THAT REASONABLY APPEARS TO HAVE BEEN LEFT STANDING OR PARKED ON PRIVATE PROPERTY IN EXCESS OF 24 HOURS OR UPON OTHER PUBLIC PROPERTY FOR MORE THAN 30 DAYS, WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CHARGE OF THE PROPERTY;

3. A WRECKED OR JUNKED VEHICLE THAT REASONABLY APPEARS TO HAVE BEEN LEFT UNATTENDED, STANDING, PARKED UPON OR WITHIN 10 FEET OF THE TRAVELED PORTION OF A HIGHWAY OR VEHICULAR WAY OR AREA IN EXCESS OF 24 HOURS; OR

4. A WRECKED OR JUNK VEHICLE THAT REASONABLY APPEARS TO HAVE BEEN LEFT STANDING OR PARKED ON PRIVATE PROPERTY OR OTHER PUBLIC PROPERTY IN EXCESS OF 24 HOURS AND WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CHARGE OF THE PROPERTY.]

"Director" means the director of community planning, or [HIS]their designee.
“Highway” means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street, but not vehicular ways or areas.

“Junk vehicle” means a vehicle that:

1. Is not currently registered, except for a vehicle used exclusively for competitive racing;
2. Is stripped, wrecked, or otherwise inoperable due to mechanical failure;
3. Has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicle; or
4. Is in a condition that exhibits more than one of the following: broken glass, missing wheels or tires, missing body panels or parts, or missing drive train parts.

“Vehicle means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area and that is subject to registration; “vehicle” does not include (A) devices used exclusively upon stationary rails or tracks; (B) mobile homes. A vehicle includes but is not limited to, cars, trucks, motorcycles, motorbikes, three and four wheelers, and snowmachines; outboard, inboard or air boats; other recreational vehicles commonly driven; and, all trailers and semitrailers.

“Vehicular way or area” means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or customary usage and that is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles.
"Wrecked vehicle" means a vehicle that is disabled and cannot be used as a vehicle without substantial repair or reconstruction.

These definitions are for the purpose of this chapter only and shall not be used as definitions for language used in other chapters.

10.04.020 Unlawful acts.

A. A person may not abandon a vehicle upon a highway or vehicular way or area that is publicly dedicated to or maintained by the borough.

B. A person may not abandon a vehicle upon public property owned or managed by the borough [OR UPON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER OR PERSON IN LAWFUL POSSESSION OR CONTROL OF THE PROPERTY].

C. A person who abandons a vehicle in a place specified in (A) or (B) of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition.

D. The lawful owner of a vehicle, as shown by the records of the Department of Administration, Division of Motor Vehicles, whether or not the owner has complied with the provisions of AS 28.10.271, is considered responsible for the abandonment of the vehicle and is liable for the cost of removal and disposition of the abandoned vehicle unless

1. the vehicle was abandoned by a person driving the vehicle without the permission of the owner; or

2. the identity of the person abandoning the vehicle is established and the abandonment was without the consent of the owner.
**10.04.025 Presumption of abandonment.**

It is presumed that a vehicle is abandoned if it is a vehicle that is:

1. Registered or titled as required under AS 28.10 that reasonably appears to have been left unattended, standing, or parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 48 hours;

2. Registered or titled as required under AS 28.10 that reasonably appears to have been left standing or parked upon public property owned or managed by the borough for more than 30 days, without the consent of the person in charge of the property;

3. A wrecked or junk vehicle that reasonably appears to have been left unattended, standing, or parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 24 hours; or

4. A wrecked or junk vehicle that reasonably appears to have been left standing or parked on public property owned or managed by the borough in excess of 24 hours and without the consent of the person in charge of the property.

**10.04.030 Removal of abandoned vehicles.**

A. [AN ABANDONED VEHICLE] A vehicle that is presumed abandoned may be impounded and disposed of by the director or [HIS]their designee in accordance with this chapter.

[B. NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, NO VEHICLE MAY BE REMOVED FROM PRIVATE PROPERTY WITHOUT THE WRITTEN REQUEST OR CONSENT OF THE PROPERTY OWNER OR OCCUPANT.]

B. Notice to remove an abandoned vehicle shall be given at least ten (10) days prior to removal unless the vehicle constitutes an immediate hazard to the public by reason of its condition or location, or if it impedes the regular flow of traffic or the ordinary use of the public property on which it is located. Notice shall be given by posting a copy of the notice on the vehicle stating:
(1) A description of the vehicle;
(2) The grounds for removal of the vehicle;
(3) The proposed action to be taken;
(4) Contact information for the director in order that the proposed action may be reconsidered;
(5) That the vehicle will be towed and impounded, and may be disposed of in accordance with this chapter if unclaimed.

C. A written report of removal shall be made by an employee causing a vehicle to be removed under this chapter, and the report shall be sent immediately to the Department of Administration, Division of Motor Vehicles, and to the person or entity storing the removed vehicle. The written report shall contain the description of the vehicle, the date, time, grounds, and place of removal, and the place where the vehicle is impounded.

10.04.040 Notice of impoundment.
A. As soon as practicable but not later than [WITHIN 30 DAYS OF IMPOUNDMENT, NOTICE SHALL BE GIVEN] 48 hours after removal, the director shall give notice of the impoundment by either certified mail, return receipt requested or personal service to the registered owner of record [(]and to lienholders of record, if any[)] of the abandoned vehicle. [WHEN THE PERSONS INVOLVED ARE KNOWN, ADEQUATE NOTICE SHALL BE BY EITHER CERTIFIED MAIL OR PERSONAL SERVICE.] The giving of notice by mail is considered complete upon the return of the receipt or upon return of the notice as undeliverable, refused or unclaimed. If the vehicle is not registered in the state or the name and address of the registered or legal owner or lienholder cannot be ascertained, [SUCH PERSONS ARE NOT KNOWN OR CANNOT BE LOCATED THE VEHICLE SHALL BE IMPOUNDED AND ] notice shall be by publication in the manner prescribed in the rules of court for service of process by publication. The director shall
use reasonable efforts [ATTEMPT] to ascertain ownership, including but not limited to contacting the Department of Administration, Division of Motor Vehicles[FROM THE DEPARTMENT OF PUBLIC SAFETY].

B. Notice under this section shall contain:
   1. The description of the vehicle;
   2. The date, time, grounds and place of removal;
   3. The place where the vehicle is impounded;
   [3]4. An itemized statement of amounts due the borough for towing and storage and stating that such fees must be paid prior to redemption of the vehicle;
   [4]5. A statement that the vehicle will be disposed of 15 days from the date notice was completed by mail or publication [MAILED OR PUBLISHED] unless the vehicle is redeemed and costs paid; and
   [5]6. A statement that the owner of the vehicle may, at any time within the 15-day period, request a hearing before the director concerning whether the vehicle was [LEFT FOR THE PERIOD SPECIFIED IN FNSBC 10.04.010 OR CONCERNING THE AMOUNT DUE]abandoned in violation of this chapter.

10.04.045 Hearing

A. A request for a hearing under this chapter shall be filed with the department of community planning within 15 days of completion of the notice of impoundment.

B. The mayor or a person appointed by the mayor shall hold a hearing within 48 hours after receiving a request. During the hearing, both the owner and a borough representative shall have the opportunity to present evidence, including but not limited to the presentation of witnesses, but formal rules of evidence shall not apply.

C. A decision shall be issued in writing no later than five business days following the hearing.
D. A decision under this section is appealable to superior court in the fourth judicial district as provided by court rules for administrative appeals.

10.04.050 Disposition – Destruction.
If the director determines that an abandoned vehicle impounded pursuant to this chapter has been scrapped, dismantled or destroyed beyond repair, or [IF HE DETERMINES] that because of the age and condition of the vehicle it is no longer of significant value, [HE][IT] may be disposed of [IT] by crushing or other means of destruction upon the expiration of the 15-day period required by FNSBC 10.04.040.

The borough may also dispose of junk vehicles at the written request of the registered owner of the vehicle or person in lawful possession or control of the vehicle. This written request shall be on a form prescribed by the borough.

10.04.060 Disposition – Sale.
A. Upon expiration of any period to request a hearing or appeal a decision of the mayor or designee, [T]he director may sell abandoned vehicles impounded in accordance with this chapter at a public auction.

B. The public auction shall be preceded by at least 20 days’ notice of public auction posted in a newspaper of general circulation in the borough.

C. The notice of public auction shall state the description of the vehicle, date, time and place of auction, the name of the owner if known and a statement that, subject to the provisions of subsection (E) of this section, the vehicle shall be sold to the highest spot cash bidder.

D. The owner of the vehicle, upon presenting satisfactory proof of ownership, may redeem an abandoned vehicle prior to the time of sale after paying the borough towing
and storage costs and a pro rata share of the cost of the notice and other costs of
impoundment and sale.

E. A certificate of sale shall be issued for all vehicles sold at the auction. The
certificate shall stipulate that the vehicle must be titled with the Department of [PUBLIC
SAFETY]Administration, Division of Motor Vehicles before the vehicle is released to the
purchaser. Upon a showing that certificate of title has been obtained the vehicle will be
released to the purchaser. If no such showing has been made within a 20-day period
the purchase price will be returned and the vehicle may be disposed of pursuant to this
section.

10.04.070 Waiver of claims for damages.

A. An owner of an abandoned vehicle, by the act of abandonment, waives any
claims [HE]they may have for damage to or loss of [HIS]their vehicle which may result
from actions taken pursuant to this chapter. Such damage or loss includes but is not
limited to accidental damage or destruction occasioned by removal transport and
storage, and acts of third parties.

B. Should a vehicle purchased at auction pursuant to FNSBC 10.04.060 be damaged
or destroyed prior to release, the purchaser’s remedy is limited to a return of the
purchase price.

Section 3. Chapter 10.08 FNSBC, Vehicle Impoundment, is hereby
repealed as follows:

[SECTIONS:
10.08.010 DEFINITION.
10.08.020 NOTIFICATION UPON IMPOUNDMENT.
10.08.030 NOTIFICATION TO RECORD OWNERS.
10.08.040 PENALTIES.

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

"IMPOUNDMENT" MEANS ANY INCIDENT IN THE FAIRBANKS NORTH STAR BOROUGH, OUTSIDE THE CITIES OF FAIRBANKS AND NORTH POLE, IN WHICH A TOWING AND STORAGE LIEN IS CREATED UNDER THE AUTHORITY OF AS 28.11. THIS STATUTE CREATES A TOWING AND STORAGE LIEN WHEN A PERSON TOWS A VEHICLE UNDER CONTRACT WITH THE OWNER OR LESSEE OF THE PROPERTY UPON WHICH THE MOTOR VEHICLE IS PARKED WITHOUT CONSENT.

10.08.020 NOTIFICATION UPON IMPOUNDMENT.


10.08.030 NOTIFICATION TO RECORD OWNERS.

A. A PERSON ENGAGED IN THE BUSINESS OF TOWING MOTOR VEHICLES SHALL NOTIFY THE RECORD OWNER AND ANY LIEN HOLDER OF RECORD OF AN IMPOUNDED VEHICLE IN WRITING BY CERTIFIED MAIL TO THE ADDRESS LISTED ON THE VEHICLE REGISTRATION NOT LATER THAN SEVEN CALENDAR DAYS AFTER A VEHICLE HAS BEEN IMPOUNDED, IF THE VEHICLE IS NOT RECLAIMED.

B. IF THE IMPOUNDED VEHICLE IS NOT REGISTERED IN ALASKA AND NO VEHICLE REGISTRATION IS FOUND IN THE IMPOUNDED VEHICLE, THEN THE NOTICE REQUIREMENT IN SUBSECTION (A) OF THIS SECTION IS EXTENDED TO 45 DAYS.

10.08.040 PENALTIES.

A. ANY PERSON VIOLATING THIS CHAPTER IS PUNISHABLE UPON CONVICTION BY A FINE OF NOT MORE THAN $300.00 FOR EACH VIOLATION.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
B. IN ADDITION TO ANY OTHER REMEDY OR PENALTY PROVIDED BY THIS
SECTION, A PERSON WHO VIOLATES A PROVISION OF THIS CHAPTER SHALL BE
SUBJECT TO INJUNCTIVE RELIEF TO RESTRAIN THE PERSON FROM CONTINUING THE
VIOLATION OR THREAT OF VIOLATION.]

Section 4. FNSBC Chapter 12.04, PROTECTION OF PUBLIC ROADS AND
AREAS, is hereby amended as follows:

Sections:
12.04.010 Definitions.
12.04.020 Purpose.
12.04.030 Encroachments prohibited.
12.04.040 Removal of encroachments.
12.04.050 Notice to remove encroachment.
12.04.060 Removal after noncompliance – Removal expense.
12.04.065 Storage after removal.
12.04.070 Applicability.
12.04.080 Hearing.

12.04.010 Definitions.

For the purposes of this chapter:
"Encroachment" means a structure, object, operation or material placed in, on, under or
over a public road or dedicated public area in such a manner as to impair, impede or
obstruct proper use of the public road or area; or as will affect drainage patterns that
will impair, impede or obstruct proper use. Examples of possible encroachments are
buildings, billboards, walls, fences, driveways, earthworks, culverts, pipe, poles, towers,
gates or ditches placed so as to obstruct or impair proper use. "Encroachment" does
not include minor temporary objects placed within the public road area that are not
within the traveled way and not obstructing the public use.
“Public area” means land dedicated to public use for a square, park, greenbelt or recreational area.

“Public road” means a highway, road, right-of-way, street, alley, bridge, walk, trail, tunnel or similar or related facility dedicated to public use. It does not include a private road or easement.

12.04.020 Purpose.
It is the purpose of this chapter to provide for the protection of the public roads and areas of the borough as provided herein. Nothing in this chapter shall be construed to prohibit objects or activities which do not impair the proper public use of a public road or public area. By way of example, signs, mailboxes, plants, grass, etc., which are located within a public road right-of-way but which do not interfere with the proper use of the road, are not affected by this chapter.

12.04.030 Encroachments prohibited.
No person shall cause, create, maintain or expand an encroachment.

12.04.040 Removal of encroachments.
If an encroachment exists in, on, under or over a public road or area dedicated to public use, the borough may require that the encroachment be removed in the manner provided by this chapter at the expense of the owner or person in possession of the encroachment or the person causing or permitting the encroachment. The owner, occupant or person in possession of an encroachment, or any person causing or permitting an encroachment to exist shall, within 30 days after being given notice thereof, remove the encroachment. If the borough engineer determines that the encroachment is creating a hazard, [HE] the engineer may cause the immediate removal of the encroachment.
12.04.050 Notice to remove encroachment.

Notice to remove an encroachment shall be given by posting a copy of the notice on or near the encroachment and by serving a copy of the notice on the owner, occupant or person in possession of the encroachment, or to the person causing or permitting the encroachment to exist. Service of the notice may be made by certified mail. If the owner, occupant or person in possession of the encroachment, or the person causing or permitting the encroachment is unknown or cannot reasonably be found, posting of the notice shall be deemed sufficient. The notice shall describe the encroachment as to character and location; [AND] shall specify the time for removal; and, include notice that the encroachment will be removed and/or destroyed if a hearing is not requested within 30 days pursuant to this chapter.

12.04.060 Removal after noncompliance – Removal expense.

After a failure of the owner or person described in FNSBC 12.04.050 to comply with a notice demanding removal of an encroachment, the borough may remove, or cause to be removed, the encroachment, and the person shall pay the borough:

A. All expenses of removal of the encroachment;

B. All costs and expenses paid by the borough as a result of claims filed against the borough for damages due to the existence of the encroachment, if any;

C. Costs and expenses of suit, and legal interest from date any expense was incurred.

12.04.065 Storage after removal

A. When the borough summarily removes an encroachment, the borough shall store the encroachment for a period of 30 days and notify its owner of the opportunity to
retrieve the item(s), subject to the payment of storage costs and the expenses, or to request a hearing pursuant to this chapter.

B. The borough will not store removed encroachments when the encroachment is a driveway, earthwork, culvert, ditch, or other construction that, because of its nature, was necessarily destroyed during removal.

C. If the borough cannot identify the encroachment’s owner after reasonable inquiry, then the borough shall publish notice of intent to dispose of the encroachment in a newspaper of general circulation at least 20 days before disposing of the encroachment. This notice shall briefly describe the item and explain how to retrieve the item(s), subject to the payment of storage costs and expenses, and of the right to request a hearing within 30 days of the notice.

12.04.070 Applicability.
The provisions of this chapter shall not apply if any of the below stated conditions exist:

A. The public road or area is located within a city or military facility;
B. The public road or area is part of the state-maintained highway system or the federal aid highway system;
C. The encroachment consists of water, sewer, electrical, telephone, television cable or steam lines permanently located by a public utility in the course of operations authorized by that utility’s certificate of public convenience and necessity.

12.04.080 Hearing.

A. A request for a hearing under this chapter shall be filed with the department of community planning within 30 days of completion of notice.

B. The mayor or a person appointed by the mayor shall hold a hearing within five business days after receiving a request. During the hearing the owner and the borough...
representative shall have the opportunity to present evidence, including but not limited

to the presentation of witnesses, but formal rules of evidence shall not apply.

C. A decision shall be issued in writing no later than five business days following the

hearing.

D. A decision under this section is appealable to superior court in the fourth judicial
district as provided by court rules for administrative appeals.

Section 5. FNSBC 1.20.080, Fine Schedule, is hereby amended as follows:

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<tr>
<th>Code Section</th>
<th>Offense</th>
<th>Penalty/Fine</th>
<th>Mandatory Warning Required</th>
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<td>10.04.020(A) and (B)</td>
<td>Unlawful abandonment of a vehicle.</td>
<td>$300.00</td>
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<td>12.04.030</td>
<td>Causing, creating, maintaining or expanding an encroachment.</td>
<td>$300.00</td>
<td>[YES, UNLESS HEALTH AND SAFETY ISSUE]No</td>
</tr>
</tbody>
</table>

Section 6. Effective Date. This ordinance shall be effective at 5:00 p.m.
on the first borough business day following its adoption.

PASSED AND APPROVED THIS ____ DAY OF ________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

APPROVED:

Jill S. Dolan
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

ORDINANCE NO. 2019-09

AN ORDINANCE AMENDING FNSB CODE OF ORDINANCES TO MODIFY ANY AND ALL MASCULINE AND/OR FEMININE LANGUAGE TO GENDER NEUTRAL PRONOUNS; AND TO AMEND FNSBC 1.04.080 REGARDING GENDER

WHEREAS, Fairbanks North Star Borough Code of Ordinances (FNSB Code) currently contains mostly masculine pronouns; and

WHEREAS, All genders are created equal; and

WHEREAS, Amending the FNSB Code to include gender-neutral pronouns by eliminating any gender preference language within the FNSB Code will promote equality; and

WHEREAS, Code currently provides the clerk the authority to edit and revise future laws to avoid the use of pronouns denoting masculine or feminine gender, and revising past laws will provide for consistency throughout code.

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

Section 1. Section 2 of this ordinance is of a permanent nature and the changes authorized herein shall be codified. Section 3 of this ordinance is of a permanent nature and shall be codified.
Section 2. Subject to final approval by the Borough Attorney and the Borough Clerk, the FNSB’s codifier, Code Publishing Company, has authority to
degenderize the FNSB Code and update pronouns when appropriate, including but not limited to the following:

A. Gendered subject (he, she, etc.), object (him, her, etc.), and possessive (his, hers, etc.) pronouns shall be replaced by a gender-neutral description of the pronoun referent’s title of office, employment or descriptor, or, where there is no confusion, replaced by the singular “they;” that is, “he” or “she” may be replaced by “they;” “him” or “her” may be replaced by “their;” “his” or “hers” may be replaced by “theirs.” For example, where a code section refers to a “Director” all subsequent gendered pronouns shall be replaced by “the Director” or “they” in the subjective case, “that Director” or “them” in the objective case, and “the Director’s” or “their” in the possessive case.

As a further example, FNSBC 5.08.020(B) would be modified as follows:

B. A person does not gain or lose [HIS]their residence solely by reason of [HIS]the person’s presence while employed in the service of the United States or of this state, or while a student of an institution or asylum at public expense, or while confined in a public prison or while residing upon an Indian or military reservation.

B. Table 1 lists commonly encountered titles of office, employment and descriptors. All gendered pronouns within the FNSB Code that refer back to a title of office, employment or descriptor found in Table 1 shall be replaced by the subjective, objective or possessive form of that title of office, employment or descriptor, as the case may be, or by the singular “they” when there is no confusion. Table 1 is non-exhaustive and may be amended from time to time.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
<table>
<thead>
<tr>
<th>Gendered Terms in Existing Code</th>
<th>Common Non-Gendered Titles of Office, Employment and Descriptors</th>
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<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Agent</td>
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<td>The Alternate member</td>
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<td>The Attorney</td>
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<td>The Mortgagee</td>
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*AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT*

   Text to be *added* is underlined

   Text to be *deleted* is [BRACKETED, CAPITALIZED]
<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
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<tr>
<td>Gendered Terms Commonly Found in Existing Code</td>
<td>Non-Gendered Term Replacement</td>
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<tr>
<td>Brother, Step-Brother, Brother-In-Law</td>
<td>Sibling, Step-Sibling, Sibling-In-Law</td>
</tr>
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<td>Chairman</td>
<td>Chair, chairperson</td>
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<tr>
<td>Fraternal</td>
<td>Social</td>
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<td>Heirs</td>
<td>Beneficiaries</td>
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<td>Male and female</td>
<td>People of different genders</td>
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<tr>
<td>Manmade</td>
<td>Human-made</td>
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<tr>
<td>Manpower</td>
<td>Human effort</td>
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Each specifically gendered term identified in column A of Table 2, and which is also found within the FNSB Code, shall be replaced by the corresponding non-gendered term identified in column B. Table 2 is non-exhaustive and may be amended from time to time.
MANPOWER WORKFORCE
Sister, Step-Sister, Sister-In-Law
Sibling, Step-Sibling, Sibling-In-Law

D. The term “Assemblyperson” shall be replaced with “Assemblymember.”

Section 3. 1.04.080 Tense and number [AND GENDER]
A. Words in the present tense include the past and future tenses, and words in the
future tense include the present tense.
B. Words in the singular number include the plural, and words in the plural number
include the singular.
[C. WORDS OF ANY GENDER MAY, WHEN THE SENSE SO INDICATES, REFER TO
ANY OTHER GENDER.]

Section 4. Effective Date. This ordinance is effective at 5:00 p.m. on the
first Borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF ________, 2019.

APPROVED:

Matt Cooper
Presiding Officer

ATTEST:

APPROVED:

April Trickey, CMC
Borough Clerk

Jill S. Dolan
Borough Attorney

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

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Mayor
Jim Williams, Chief of Staff

FROM: D. Christine Nelson, AICP
Community Planning Director

DATE: February 14, 2019

SUBJECT: ORDINANCE NO. 2019-10

Ordinance 2019- proposes to amend Title 18 to align borough code with existing federal regulations of wireless telecommunications. The proposed ordinance will update the definition of a minor communications tower and add a definition for a small wireless facility to clarify the distinction between these uses. The proposed ordinance will also exempt small wireless facilities and other utility distribution lines from the requirement for a zoning permit. The proposed ordinance also creates streamlined permitting processes for the collocation, modification, and replacement of existing telecommunications facilities.

Please refer this ordinance to the Planning Commission for their review and recommendation to the Borough Assembly.
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019-10

AN ORDINANCE AMENDING FNSBC TITLE 18 REGARDING SMALL WIRELESS FACILITIES AND TO AMEND THE DEFINITIONS OF AND STANDARDS FOR COMMUNICATION TOWERS, AND AMENDING CHAPTER 21.05 FNSBC, STREET ADDRESS ASSIGNMENTS

WHEREAS, Wireless telecommunications is important to the economy and citizens of the Fairbanks North Star Borough; and

WHEREAS, Wireless telecommunications technology has evolved rapidly and continues to evolve with the commencement of 5G technology and service; and

WHEREAS, As essential infrastructure for 5G technology, wireless service providers deploy a network of small wireless service antennas, commonly referred to as small wireless facilities; and

WHEREAS, Although small wireless facilities are smaller in size than major or minor communications towers, larger numbers of these facilities are necessary to support 5G service; and

WHEREAS, Most small wireless facilities are expected to be located within public rights-of-way; and

WHEREAS, Small wireless facilities have an appearance and land use impacts similar to other existing infrastructure in public rights-of-way; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
WHEREAS, Small wireless facilities on private property have negligible land use impacts on neighbors because their appearance is similar to other utility poles and structures; and

WHEREAS, FNSBC Title 18 does not currently distinguish small wireless facilities from minor communications towers, which require a conditional use permit in many zones; and

WHEREAS, Orders issued by the Federal Communications Commission in 2014 and 2018 significantly changed how wireless telecommunications can be regulated; and

WHEREAS, The September 26, 2018 FCC order clarifies that the Telecommunication Act of 1996 preempts local regulations or requirements that conflict with Federal law by materially inhibiting the provision of wireless services; unreasonable permitting delays or fees, and service-inhibiting location or aesthetic standards are preempted by federal law; and

WHEREAS, Application of Title 18 minor communication tower requirements to small wireless facilities is preempted by Federal law; and

WHEREAS, Small wireless facilities are defined and regulated by Federal law, and must comply with Federal environmental and safety standards; and

WHEREAS, FNSBC Title 18 has not been updated since 2012 to address significant changes in the regulation and technology of wireless telecommunications; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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WHEREAS, The existing telecommunications infrastructure in the borough requires frequent modifications in order to continue to upgrade the telecommunications network; and

WHEREAS, Modifications to existing communications towers that do not increase the allowed tower height and are within a fenced compound have negligible land use impacts on neighboring property owners; and

WHEREAS, As the technology evolves and engineering requirements change, tower replacements are often necessary to keep a tower structurally sound and protect the public safety; and

WHEREAS, The amendments to Title 18 will assist in the improvement and expansion of wireless telecommunications services by streamlining the permitting process for small wireless facilities and the collocation, modification, and replacement of communication towers.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall be codified.

Section 2. FNSBC 18.04.010(B), Definitions, is hereby amended as follows: [the Clerk shall add or amend the definitions in alphabetical order]
“Communications tower, minor” means any tower, pole, or similar guyed or fixed structure that supports a communications antenna, other than a small wireless facility, which does not exceed the greater of 60 or 30 feet in height from adjacent ground level or 30 feet above the roof of any building atop which the tower may be constructed [ANTENNAS WHICH ARE DIRECTLY ATTACHED TO BUILDING FACADES AND DO NOT EXTEND ABOVE THE ESTABLISHED ROOF LINE ARE EXEMPT FROM THIS TITLE]. A minor communications tower is not a principal building under this title.

“Small wireless facility” means a type of wireless communications infrastructure that is typically in the form of small antennas mounted on a structure of limited height together with small associated equipment for the purpose of enabling wireless communication between user equipment and a communications network and that meets the standards set forth in the supplementary regulations in this title (Chapter 18.96 FNSBC). A small wireless facility is not a principal building under this title.

Section 3. FNSBC 18.20.020(A) Outdoor Recreational, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility:

Section 4. FNSBC 18.20.020(B) Outdoor Recreational, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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Text to be deleted is [BRACKETED, CAPITALIZE]
Section 5. FNSBC 18.28.020(A) Rural and Agricultural, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility;

Public utility and service uses including, but not limited to: fire stations, transfer stations, electric substations, gas regulator stations, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 6. FNSBC 18.32.020(A) Rural Farmstead, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility;

Section 7. FNSBC 18.32.020(B) Rural Farmstead, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Public utility and services uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, telephone exchanges, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

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Section 8. FNSBC 18.36.020(A) Rural Estate, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

**Small wireless facility:**

Section 9. FNSBC 18.36.020(B) Rural Estate, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, telephone exchanges, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 10. FNSBC 18.40.020(A) Rural Residential, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

**Small wireless facility:**

Section 11. FNSBC 18.40.020(B) Rural Residential, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, telephone exchanges, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

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uses do not include the installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 12. FNSBC 18.44.020(A) Single-Family Residential, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility;

Section 13. FNSBC 18.44.020(B) Single-Family Residential, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, telephone exchanges, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 14. FNSBC 18.56.020(B) Multiple-Family Residential/Professional Office, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, telephone exchanges, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of [PUBLIC] utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

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Section 15. FNSBC 18.60.020(B) Light Commercial, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, electric substations, gas regulator stations, telephone exchanges, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of [PUBLIC] utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 16. FNSBC 18.64.020(A) General Commercial, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of [PUBLIC] utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 17. FNSBC 18.96.155 Standards for Small Wireless Facilities, is hereby added as follows:

A. Small wireless facilities are subject to the following requirements:

1. Each antenna shall be no more than three cubic feet in volume; and

2. All other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, shall be no more than 28 cubic feet in volume; and

3. The facility shall not be mounted on a structure such that:

   a. it is more than 50 feet in height, including antennas;

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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b. it is more than 10% taller than other adjacent structures;
c. mounting extends the existing structure on which it is located to a height of more than 50 feet or more than 10%, whichever is greater.
4. The height of a communications facility is the distance measured from the base of the structure to the top of the structure, including all antennas and other appurtenances.

B. For purposes of this section, structure means pole, tower, base station, or other building, whether or not it has an existing antenna facility.

C. Wireless infrastructure exceeding the requirements of this section shall be considered a minor communications tower.

Section 18. FNSBC 18.96.160 Supplementary Regulations, Standards for communications towers, is hereby amended as follows:

A. In all zones in which major communications towers are a permitted or conditional use, [THE FOLLOWING STANDARDS APPLY):

1. One freestanding tower with a maximum height of [150] 200 feet is permitted per lot. Additional freestanding towers and those with a height exceeding [150] 200 feet are conditional uses and are subject to the requirements of subsection (C) of this section. [COLLOCATION SHALL GRANT AN ADDITIONAL 15 FEET ABOVE THE BASE HEIGHT FOR EACH QUALIFYING ANTENNA TO A MAXIMUM OF 30 FEET OF ADDITIONAL HEIGHT. "HEIGHT" OF A COMMUNICATIONS TOWER IS THE DISTANCE FROM THE BASE OF THE TOWER TO THE TOP OF THE STRUCTURE.]

2. COMMUNICATIONS TOWERS AND ANTENNAS MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS.]

B. In all zones in which minor communications towers are a permitted or conditional use, the following standards apply:

1. One freestanding tower with a maximum height of 80 [60] feet is permitted per lot; or
2. One nonfreestanding tower and/or antenna, affixed atop a building or structure, is permitted per lot.

3. Additional towers or roof-mounted antennas are a conditional use subject to the requirements of subsection (C) of this section.

[4. COMMUNICATIONS TOWERS AND ANTENNAS MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS.]

C. The following standards shall apply to major or minor communications towers when a conditional use permit is required pursuant to this section or other sections of this title:

1. Application Requirements. In addition to providing the information specified in this title for conditional uses, an application for a conditional use permit for the construction of a communications tower or placement of a telecommunications antenna on an existing structure other than a tower or antenna previously permitted must include the following information:

   a. One copy of the specifications for the proposed structures and antennas, including description of the design characteristics and material;

   b. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscaping, and existing land uses on adjacent property;

   c. A current map showing locations of all of the applicant’s antennas, facilities, existing towers, and proposed towers within the borough;

   d. Names of the owners of the tower, antennas and equipment to be located on the site;

   e. Evidence that a valid FCC license for the proposed activity has been issued, if required;

   f. A copy of the FAA determination as to whether the tower poses an aviation hazard, including the safety lighting and marking required by FAA, if any, and...
whether preferences or requests for deviations from such marking and lighting systems were submitted;

g. A written agreement, approved by the borough attorney, to remove the tower and/or antenna within 180 days after the tower or antenna is substantially unused for a period of 12 consecutive months;

h. A visual impact analysis that quantifies the amount of visual impact on properties located within 500 feet of any proposed tower; for major communications towers, additional analysis must be conducted at 2,500 feet, and two miles from the proposed communications tower site. Such analysis should include, to the extent practicable, the visual impact from at least two of the four compass directions, and show the relationship of the tower and its facilities against the massing of surrounding structures, trees, and other intervening visual masses. This analysis will include recommendations to mitigate adverse visual impacts on other properties;

i. An alternative site analysis including the availability of suitable existing towers and other alternative structures or locations for the proposed tower considered by the applicant;

j. Additional information required by the planning department for determination that all applicable laws are met.

2. Approval Criteria. The planning commission shall approve, approve with conditions or deny a permit under this section after considering all of the following criteria:

a. Location and Visual Impact. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by the applicable communications regulations and applicant's technical design requirements. Conditions may be imposed, including camouflage, screening, vegetative buffers and/or site requirements, to ensure this criteria is met.

*AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT*

Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
b. Inability to Locate on an Existing Structure. A permit should not be issued unless a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical requirements without unreasonable modifications on any existing structure or tower under control of the applicant.

c. Necessity for Location in a Residential Neighborhood. A permit should not be issued in a residential neighborhood unless the area cannot be adequately served by a facility placed in a nonresidential area for valid technical reasons. Conditions may be imposed to lessen the impact of a communications tower on a residential neighborhood, including limitations on times for maintenance work to be performed, number of vehicles present, yard maintenance, and similar requirements.

d. Design for Future Use. A new tower must be designed to accommodate additional antennas equal in number to the applicant's present and reasonably foreseeable future requirements.

e. Collocation. A permit shall be conditioned to require the applicant to make the tower available for use by as many other licensed carriers as can be technically collocated thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in collocating additional facilities upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation.

f. Illumination. A communications tower may not be illuminated unless otherwise required by state or federal law or regulations or unless evidence has been presented that lighting is necessary to ensure the safety of the public. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.
338 g. Distance from Existing Tower. A permit for a proposed tower within
339 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the
340 existing tower does not meet the applicant’s structural specifications and the applicant’s
341 technical design requirements, or that a collocation agreement could not be obtained.
342 h. Yard Requirements. Yards shall be a distance equal to 50 percent
343 or greater of the height of the tower from a lot line. The planning commission may
344 modify this requirement if the tower and equipment will be adequately screened to
345 mitigate its visual impact and no safety hazards are presented.
346 i. Fencing. The area around the tower, including all associated
347 equipment, shall be enclosed within a sight-obscuring fence of no less than 6 feet in
348 height unless equipment is located within a full enclosed building.
349 j. Height. The permitted height of a proposed tower shall be the
350 minimum required to meet the applicant’s technical needs and will consider the impact
351 on the surrounding uses.
352 k. Zoning District Standards. Nothing in this section alters the
353 requirements for visibility, fencing, screening, landscaping, parking, access, lot size,
354 exterior illumination, sign, storage, or other general zoning district regulations, except
355 yard and height requirements, of any specific zone. Yard and height requirements in
356 this section shall apply.
357 l. Design Drawings and Specifications. A permit shall be conditioned
358 to require the applicant to submit design drawings and specifications stamped by a
359 registered professional in the state of Alaska certifying compliance with the building
360 code of the authority having jurisdiction.
361 m. Compliance with Other Laws. A proposed tower must comply with
362 all local, state, and federal laws.
363 D. In all zones in which communications towers are a permitted or conditional use,
364 the following standards apply:
1. Collocation. Collocation of antenna and communications equipment on an existing communications tower shall be permitted with the issuance of a zoning permit.

2. Modification. Modification may only be made to communication towers and their associated antennas and equipment if they meet all applicable permitting requirements, including prior conditions of approval, or are legal non-conforming.

   a. Minor modifications to towers, antennas, and equipment shall be permitted with a zoning permit. A minor modification is a change to an existing tower, antennas or equipment that meets the following criteria:

      i. The modification does not increase the height of a minor communications tower more than 80 feet in height or more than 30 feet above the roof of any building atop which the tower is constructed;

      ii. The modification does not increase the height of a major communications tower more than 200 feet in height;

      iii. The modification does not add an antenna or appurtenance to the body of the tower that protrudes more than 20 feet from the edge of the tower;

      iv. The modification is located on an existing tower, within a fenced compound area, or in a fully enclosed building;

      v. The modification does not violate any prior conditions of approval.

   b. Major modifications shall be submitted to the planning commission as a request to amend the conditional use permit. A major modification is a change that does not meet the criteria for a minor modification.

3. Replacement. Existing communication towers may be replaced if the following criteria are met:

   a. The existing tower meets all applicable permitting requirements, including prior conditions of approval, or is legal non-conforming; and

   b. The replacement tower does not exceed more than 10% of the height of the existing tower; and
c. The replacement tower is placed in the same location as the existing tower; and

d. The replacement tower does not violate any prior conditions of approval; and

e. A zoning permit is obtained prior to the replacement of the tower.

4. **Height.** The height of a communications tower is the distance measured from the base of the structure to the top of the structure, including all antennas, lights, lightning rods, and other appurtenances. For purposes of this section, structure means pole, tower, base station, or other building, whether or not it has an existing antenna facility.

5. **Compliance.** Communications towers and antennas must comply with all federal, state and local laws.

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Section 19. FNSBC 18.104.080(B) Amendments, Changes and Procedures,

Zoning permits, is hereby amended as follows:

**B. Requirements.** Before any excavation, construction, relocation or installation is started for a new use, a zoning permit shall be obtained by the owner, or his/her authorized representative, of any land in both the incorporated and unincorporated areas of the borough. The zoning permit application shall include the necessary information and be submitted in accordance with the standards and procedures as adopted by the borough and as required in this title and other ordinances.

1. Except for conditional uses and permitted marijuana establishments, changes made to any land or use in the general use districts and outside any designated special landscape area overlay zone do not require a zoning permit.

2. The clearing or grading of a lot does not require a zoning permit.

4. The installation and maintenance of utility distribution lines and small wireless facilities, including poles, lines, and cabinets, do not require a zoning permit.

5. Antennas which are directly attached to building facades and do not extend above the established roof line do not require a zoning permit.

Section 20. FNSBC 21.05.010 Street Address Assignment, Definitions, is amended as follows:

"Addressable feature" means a constructed or proposed improvement with a fixed location that requires a street address for an owner's business or personal purpose or for the potential delivery of emergency services, including facilities that transmit, convey, or deliver information to a public safety agency.

Section 21. Effective date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF __________, 2019.

Matt Cooper
Presiding Officer

April Trickey, CMC
Borough Clerk

ATTEST:

APPROVED:

Jill S. Dolan
Borough Attorney