

**ASSEMBLY**

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



**BOROUGH MAYOR**

Bryce J. Ward

**BOROUGH ATTORNEY**

Jill S. Dolan

**BOROUGH CLERK**

April Trickey, CMC

**FAIRBANKS NORTH STAR BOROUGH**

Regular Assembly Meeting

March 26, 2020

This meeting will be held by teleconference in the  
Mona Lisa Drexler Assembly Chambers  
Juanita Helms Administration Center  
907 Terminal Street, Fairbanks, AK  
6:00 p.m.

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

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

**7. APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**8. APPROVAL OF MINUTES**

- \*a. Regular Assembly Meeting minutes of March 12, 2020. **(Page 5)**

**9. COMMUNICATIONS TO THE ASSEMBLY**

- \*a. Contract Award: NASPO Valuepoint Contract #MA2684  
Carpet Replacement at Juanita Helms Administration Center

Approval of a contract with Shaw Integrated Solutions in the amount of \$164,541.06. **(Page 20)**

**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. RESOLUTION NO. 2020-12. A Resolution Adopting The FY 2021 Capital Improvement Program. (Sponsor: Assembly Finance Committee) **(Page 23)**
- b. ORDINANCE NO. 2020-11. An Ordinance Amending Chapter 8.44 FNSBC Regarding Tobacco Distribution Excise Tax, Including Adding Electronic Smoking Products.  
(Sponsors: Assemblymembers Tomaszewski and Cooper) **(Page 47)**
- c. ORDINANCE NO. 2019-20-1T. An Ordinance Amending The FY 2019-20 Budget By Appropriating \$100,000 From The Carlson Center Enterprise Operating Fund Net Position To The Carlson Center Enterprise Projects Fund For A Feasibility Study Of Management Options For The Carlson Center. (Sponsor: Mayor Ward) **(Page 50)**
- d. ORDINANCE NO. 2019-20-1U. An Ordinance Amending The FY 2019-20 Budget By Appropriating \$500,000 From The 911 Fund Fund Balance To The Special Revenue Fund And/Or Capital Projects Fund For The Purchase Of A Replacement 911 System And Approving An Intergovernmental Agreement With The State Of Alaska. (Sponsor: Mayor Ward) **(Page 56)**
- e. ORDINANCE NO. 2019-20-1V. An Ordinance Amending The FY 2019-20 Budget By Appropriating \$4,774,929 In Federal Pass-Through Grant Funding To The Transit Enterprise Projects Fund For The Voluntary Conversion Or Removal (Wood Stove Change-Out) Program And For The Marketing And Outreach Program. (Sponsor: Mayor Ward) **(Page 75)**
- f. ORDINANCE NO. 2019-20-1W. An Ordinance Amending The FY 2019-20 Budget By Appropriating \$150,000 From The General Fund Fund Balance To The Multi-Year General Subfund For The Pioneer Park Master And Management Plan. (Sponsor: Mayor Ward) **(Page 82)**

**14. CONSIDERATION OF CALENDAR – Unfinished Business**

NONE

**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**

NONE

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

- \*a. ORDINANCE NO. 2020-13. An Ordinance Rezoning Approximately 166 Acres From General Use 1 (GU-1) To Outdoor Recreational (OR) Or Other Appropriate Zone; For Those Portions Of The SE1/4 And N1/2 SW1/4 Section 16, T.1S., R.2E., F.M. Lying East Of The Trans-Alaska Oil Pipeline Corridor. (Sponsor: Assemblymember Sanford)  
(Refer to the Planning Commission with recommendation due back no later than June 12, 2020) (**Page 88**)
- \*b. ORDINANCE NO. 2020-14. An Ordinance Amending FNSBC 18.96.020 Regarding Buildings Per Lot.  
(Sponsors: Assemblymembers Williams and Sanford)  
(Refer to the Planning Commission with recommendation due back no later than June 12, 2020) (**Page 90**)

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

- \*a. ORDINANCE NO. 2019-20-1X. An Ordinance Amending The FY 2019-20 Budget By Appropriating \$451,505 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 Carlson Center And The Big Dipper. (Sponsor: Mayor Ward)  
(Refer to the Finance Committee on April 2, 2020; Advance to April 9, 2020 Public Hearing) (**Page 93**)

**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**

By: Frank Tomaszewski  
Matt Cooper  
Introduced: 03/12/2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020 – 11

AN ORDINANCE AMENDING CHAPTER 8.44 FNSBC REGARDING TOBACCO  
DISTRIBUTION EXCISE TAX, INCLUDING ADDING ELECTRONIC SMOKING PRODUCTS

WHEREAS, Electronic smoking and vaping products have similar characteristics and impacts as other tobacco products, and are designed to deliver nicotine or related substances to the user; and

WHEREAS, Many public health organizations and policymakers, such as the Surgeon General, are concerned about their safety and health impact on user, especially among youth; and

WHEREAS, Taxation of these products is a step toward deterring their use, and according to the World Health Organization price increases have historically reduced the number of people who use tobacco related products.

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

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. FNSBC 8.44.010, Definitions, is hereby amended as follows: [the Clerk shall add or amend the definitions in alphabetical order]

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

33 "Electronic smoking product" means any noncombustible device that provides a vapor of  
34 liquid nicotine to the user or relies on vaporization of any liquid or solid nicotine, including  
35 devices manufactured as e-cigarettes, e-cigars, e-pipes, or any other product name.

36 "Tobacco product" means:

- 37 1. A cigar;
- 38 2. A cheroot;
- 39 3. A stogie;
- 40 4. A perique;
- 41 5. Snuff and snuff flour;
- 42 6. Smoking tobacco, including granulated, plug-cut, crimp-cut, ready-  
43 [RUFFED]rubbed, and any form of tobacco suitable for smoking in a pipe or cigarette;
- 44 7. Chewing tobacco, including Cavendish, twist, plug, scrap, and tobacco  
45 suitable for chewing;
- 46 8. An article or product made wholly or in part of tobacco or a tobacco  
47 substitute or otherwise containing nicotine that is expected or intended for human  
48 consumption, but not including a tobacco cessation substitute, including but not limited  
49 to those prescribed by a licensed physician or a product that has been approved by the  
50 United States Food and Drug Administration for sale as a tobacco use cessation or harm  
51 reduction product or for other medicinal purposes and which is being marketed and sold  
52 solely for that approved purpose; [OR]
- 53 9. An electronic smoking product; or  
54 [9]10. A cigarette.

56 Section 3. FNSBC 8.44.020, Imposition of excise tax on tobacco products,  
57 is hereby amended as follows:

58 A. The borough hereby levies an excise tax on the distribution of tobacco products  
59 brought into the borough after July 1, 2004, and including electronic smoking products

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED, CAPITALIZED]

brought into the borough after July 1, 2020, measured at the rate of eight percent times the wholesale price of such tobacco products.

B. It is the intent and purpose of this chapter to provide for the collection of the excise tax from the person who brings or causes to be brought tobacco products into the borough. The excise tax is levied when:

1. A person brings, or causes to be brought, tobacco products into the borough from outside the borough for sale; or

2. A person ships or transports cigarettes or tobacco products to a retailer in the borough for sale by a retailer.

C. Products upon which a tax is imposed under this section are not again subject to the tax when acquired by another person.

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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Matt Cooper  
Presiding Officer

ATTEST:

APPROVED:

\_\_\_\_\_  
April Trickey, CMC  
Borough Clerk

*FOR:* Ammaire Buttz  
Jill S. Dolan  
Borough Attorney

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