



***CITY OF NORTH POLE***  
**Regular Meeting September 4, 2018**  
**North Pole Council Chambers**  
**125 Snowman Lane, North Pole, Alaska**  
[www.northpolealaska.com](http://www.northpolealaska.com)

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***Tuesday, September 4, 2018***  
**Committee of the Whole: 6:30 p.m.**  
**Regular City Council Meeting – 7:00 p.m.**

**MAYOR**

Bryce Ward  
888-4444

**CITY CLERK**

Judy Binkley  
488-8583

**COUNCIL MEMBERS**

Avery Thompson – Mayor Pro Tem	388-5351
David Skipps – Deputy Mayor Pro Tem	750-5106
Aino Welch – Alt Dep Mayor Pro Tem	488-5834
Santa Claus	388-3836
Doug Isaacson	322-3133
Perry Walley	347-0135

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance to the US Flag**
3. **Invocation**
4. **Approval of the Agenda**
5. **Approval of the Minutes**
6. **Communications from the Mayor**
  - a. **Childhood Cancer Awareness Month Proclamation**
7. **Council Member Questions of the Mayor**
8. **Communications from Department Heads, Borough Representative and the City Clerk**

**9. Ongoing Projects Report**

**10. Citizens Comments (Limited to Five (5) minutes per Citizen)**

**11. Old Business**

- a. Ordinance 18-21, An Ordinance of the North Pole City Council Amending Section 4.19 Property Disposal.

**12. New Business**

- a. Approval Request for the Election Judges and Canvass Board members for the October 2, 2018 Regular Municipal Election.
- b. Request to Approve the MPO Operating Agreement.

**13. Council Comments**

**14. Adjournment**

*Detailed information and copies of agenda documents may be obtained at the Office of the City Clerk, 125 Snowman Lane or on the City website [www.northpolealaska.com](http://www.northpolealaska.com) . Notice of Council Action is available at City Hall and on the City website following the meeting. Council Meetings are aired live via audio streaming from the City's website. Inquiries concerning ADA compliance or accommodations should be directed to the City Clerk.*



**Committee of the Whole – 6:30 P.M.  
Regular City Council Meeting – 7:00 P.M.**

A regular meeting of the North Pole City Council was held on Monday, August 20, 2018 in the Council Chambers of City Hall, 125 Snowman Lane, North Pole, Alaska.

**CALL TO ORDER/ROLL CALL**

Mayor Ward called the regular City Council meeting of Monday, August 20, 2018 to order at 7:00 p.m.

***There were present:***

**Avery Thompson** – Mayor Pro Tem  
**David Skipps** – Deputy Mayor Pro Tem  
**Aino Welch** – Alt Dep Mayor Pro Tem  
**Santa Claus**  
**Doug Isaacson**  
**Perry Walley**  
**Mayor Ward**

***Absent/Excused***

**PLEDGE OF ALLEGIANCE TO THE U.S. FLAG**

Led by Mayor Ward

**INVOCATION**

Invocation was given by Mr. McGhee

**APPROVAL OF AGENDA**

**Mr. Thompson** *moved to approve the agenda of August 20, 2018*

**Seconded by Mr. Skipps**

**DISCUSSION**

None

**Mr. Thompson** *moved to consent the following items:*

**Old Business:**

- a. Ordinance 18-15, An Ordinance of the City of North Pole, Alaska to Amend the 2018 Utility Budget by Transferring Funding From the Water Division Fund Balance to the Water Division Professional Services to Fully Fund the Source Water Protection Plan and to Fund Operations Plan Updates.

- b. Ordinance 18-16, An Ordinance of the North Pole City Council Amending Title 12 Streets, Sidewalks, and Public Places Chapter 03 Marijuana Use in Public Places.
- d. Ordinance 18-18, An Ordinance of the North Pole City Council Amending Title 12 Streets, Sidewalks and Public Places Chapter 08 Excavations.
- e. Ordinance 18-19, An Ordinance of the North Pole City Council Amending Title 12 Streets, Sidewalks and Public Places Chapter 12 Snow Removal and Changing the Chapter Title to Maintenance of Streets, Road Rights-of-Way, Sidewalks or City Property.

**New Business:**

- a. Resolution 18-10, A Resolution Accepting Ownership and Maintenance Responsibility for War Eagle Court and the Sewer Main in Lot B5 Eagle Estates Subdivision.
- b. Ordinance 18-21, An Ordinance of the North Pole City Council Amending Section 4.19 Property Disposal.
- c. Recommendation to Accept Revised Snow Plowing Contract with Hubbard Excavation for the 2018-2019 Snow Plowing Season.

**Seconded by Mr. Skipps**

**Discussion**

None

***On the amendment***

**PASSED**

Yes: 7 – Skipps, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

***On the Agenda as amended***

**Discussion**

None

**PASSED**

Yes: 7 – Skipps, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

**APPROVAL OF MINUTES**

**Mr. Thompson moved to approve the Minutes of August 6, 2018**

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*Minutes  
August 20, 2018*

*NOT A VERBATIM TRANSCRIPT*

**Seconded by Mr. Skipps**

**Discussion**

None

**PASSED**

Yes: 7 – Skipps, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

**COMMUNICATIONS FROM THE MAYOR** (Audio 3:06)

- Mr. Claus read the NORAD Tracks Santa and National Suicide Prevention Week proclamations into the record.
- I was able to participate in the 2040 planning session for UAF. This was part of what they called a world building event, which was very interesting to be a part of. The process is similar to a strategic planning process in which the City undertook several years ago.
- I was also able to welcome the School District teachers back to work on the 10<sup>th</sup> of the August with the other Mayors and the Governor. Governor Walker also signed several bills at the event related to education.
- August 10<sup>th</sup> was a very busy day as we also had a visit from the Secretary of the Air Force here in the City of North Pole. Secretary Wilson took the time to meet with the Tiger Team and then came to the City Chambers for a community session. Senator Sullivan was her host, and we were also joined by Governor Walker.
- August 11<sup>th</sup> was the grand reopening of the Senior Center, which looks amazing! The City is still working on the final details for the title signing and we anticipate a ceremonial process to ‘hand them the key.’
- The annual Senior Games were also in town on the 11<sup>th</sup> for the horseshoe competition, of which I was privileged to hand out trophies to our 80-90 year old winners!
- North Star Developers had their preconstruction conference with the City and Stantec and has begun phase 1-2 of the development and plans to have the road be in this fall. The agreements have been signed and they are ready to move forward.

**COUNCIL MEMBER QUESTIONS OF THE MAYOR** (Audio 11:56)

**Mr. Isaacson** asked if Howard Rixie from the Lions was asked about the rods for the horseshoe pits since the Lions fixed the park. **Mayor Ward** replied that he thinks everyone but Howard was asked.

**Mr. Walley** asked if Mayor Ward meant to say August 10<sup>th</sup> instead of April 10<sup>th</sup>. **Mayor Ward** replied that he meant to say August, not April.

**COMMUNICATIONS FROM DEPARTMENT HEADS, BOROUGH REPRESENTATIVE AND THE CITY CLERK**

**Finance, Tricia Fogarty** (Audio 13:06)

- Full financials were emailed today and the summarized version is on the dais.
- I got an email last week from revenue sharing, or community assistance is what they are called now and we budgeted for \$85,000 and are going to get \$115,000.
- We got our first statement from our first month of the money we transferred to the AML investment pool and we got \$114 in interest on our \$165,000 investment. That doesn't sound like a lot but we only receive about \$400 on the \$3.5 million we have at Mt. McKinley.
- Next week Melanie and I will be attending a user group training for Caselle in Kenai.

**Director of City Services, Bill Butler** (Audio 15:29)

**Building Department**

- Foundation and framing permit issued for 4-plex on Cross Way.
- Permit issued for installation of plug-ins at North Pole Library.
- North Pole Middle School Mechanical Upgrades Project postponed until 2019 due to late issue of FNSB award.
- Early permitting stage for a 3-plex.

**Public Works**

- Last Friday a Public Works staff member received a serious dog bite on West 1<sup>st</sup> Avenue while doing brush cutting.
- Plan to begin excavation adjacent to Dog Park to address 3<sup>rd</sup> Avenue flooding (have done some stop-gap efforts to direct water away from road).
- Brush cutting across City; expect to finish this week.
- **Mr. Isaacson** complimented the Public Works department on the brush cutting.

**Utility Department**

- Sulfolane settlement.
  - Winding down pipe installation – slightly ahead of schedule.
  - Planning to begin brush cutting in Zones 3 & 4 in September followed by limited additional pipe installation to take advantage of dropping ground water level.
  - Commissioning activities beginning on water mains – pressure testing, flushing, and chlorination.
  - Peridot pump house – installing piping and plumbing inside the pump house; 4<sup>th</sup> ring installed for 750,000 tank with tank roof expected to be installed this week.

### **Natural Gas Utility Board**

- A board member, Frank Abegg, has resigned and Mayor Matherly has nominated a replacement, Gary Wilken.

Siemens will be presenting a term sheet of an alternative gas supply contract.

### **Fire Dept., Chief Coon** (Audio 23:05)

- The fire apparatus driver operator class took the state test last week and all 12 members passed the practical portion of the test and we are awaiting results from the written exam.
- Kyle Fagerstrom is our new engineer. Kyle will start on September 16<sup>th</sup>. The department will now be fully staffed. Kyle is a paramedic and comes to us with a lot of experience.
- The department participated in the Youth Safety Day last Saturday. Captain Haywood, FF Payne, FF Reckker, and live-in FF Green took the rescue trailer and Rescue 21 to the Carlson Center. They distributed fire prevention and preparedness materials.
- The Fire Department hosted the Santa Ana College Fire Tech students at the station. The students were given a tour of the station and live-in dorms. Hopefully some of the students will take advantage of the live-in program if they come back to attend UAF.
- FF-1 starts next month. This is a 200 hour course that is held jointly with UAF/CTC.
- Fill the Boot will be August 25<sup>th</sup> this year. Please come out and support MDA.
- I will be on scheduled leave for the next Council meeting. Deputy Chief Heineken will attend.
- The Fire Department and the Borough Emergency Operations are going to meet on developing a joint ambulance spec. Hopefully this will serve two purposes: cost and interoperability. It is expected that we are going to purchase the new ambulance this year. This will take nearly all of the department's fleet funds.
- The Clerk forwarded each of you the NIMS requirements for elected officials. They are meant to be done in order. Let me know if you have any problems.
- **Mr. Isaacson** complimented AJ and Andrew at the Fire Department who took time to entertain a hyper 7 year old.

### **Police Dept., Chief Dutra** (Audio 31:50)

- School started and we had a call at each school, most of them were minor. NP football game also attended by NPPD and all went off without any major issues.
- We met with all 4 school principals and key leaders within the school district to discuss our SRO plan for the 2018-19 school year. Everyone is super stoked to be part of this and everyone looks forward to the project.
- I conducted a security review with staff at Star of the North School. We discussed preliminary plans to train the students and staff in ALiCE over the next few months.
- We taught another ALiCE class at Fair Hill Christian School. Sgt. Bellant taught 15 teachers and staff.
- I attended the get together with the Mayor and leaders on the 10<sup>th</sup>.
- I attended in full uniform the 4H Celebrity Show on August 9<sup>th</sup>. I was definitely over



dressed and not prepared to show a lamb (named Henry). I did lose to a UAF hockey player but only because he was better looking. I took 2<sup>nd</sup> out of 7 celebrities in my group. Next year I will not be in full uniform. I made sure I didn't have to show a pig – I had to draw the line somewhere.

- We did lower the base price on the three police vehicles at auction.
- Officer Smith conducted traffic stop training at the academy and Lt. Lindhag provided active shooter training.
- We currently have 4 applicants moving onto backgrounds. We have a long way to go but we are plugging away.
- Some relief bet to patrol as Det. Gibson is back and plugged directly into patrol to help relieve the pressure of losing 2 and those on vacation.
- We will be receiving approximately \$8000 for state forfeitures.
- Mayor and I agreed on a trade in for seized and forfeited guns for approximately \$4400.
- I attended AACOP meeting last week. I will attend my first APSC board meeting tomorrow.
- Normal business plus we have actively been rewriting policies. 10 new chapters converted and DV checklists and policies ready for updates. Also rewrote our professional development for several positions.
- Had a meeting with FWW Chief about ALiCE and hosting active shooter single officer response.

**Borough Representative – Mr. Isaacson** (Audio 38:59)

- The Badger Road Transfer Site will be down from August 13 – September 6ish.
- Mr. Williams, Chief of Staff, answered a citizen's question regarding maximizing the benefit of using credit cards to provide mileage for staff trips. He stated that they are leaning toward cards that provide cash back, as the cash is worth more than the air miles.
- Fairbanks Mayor Jim Matherly reported that FMATS is in the process of going private and will have a new name: FAST Planning. FAST is the acronym for Fairbanks Area Surface Transportation.
- School Report: School is starting, if you want to learn where the busses will stop in your neighborhood or for your children, go to [www.k12northstar.org/transportation](http://www.k12northstar.org/transportation), select Route Information, search by school.
- **Reconsiderations:**
  - Ordinance 2018-07: Lease of Borough Land. The Assembly voted for reconsideration and will take it up again on the meeting of August 23, 2018 for the purpose of discussing bidding and notification requirements. I've not read the entire ordinance and am not sure to which extent, if any, it affects the City or City residents.
  - Ordinance 2018-12: regarding Urban Livestock. The Assembly voted for reconsideration and amended the ordinance to allow up to 2 qualified adult animals and their offspring up to 8 months.



- **Ordinances Introduced with Possible Affects to North Pole:**

- Ordinance 2018-14: Eliminate Five Fire Service Commissions and Create a Fire and Emergency Medical Services Commission. After unanimous public testimony against this ordinance, it was referred to an Assembly work session with the Mayor, and Fire Area Service Commissioners, Chiefs, and Contractors (which I take to mean the NPFd which provides EMS services to the FNSB) as soon as practicable with concurrence with the Presiding Officer.

**City Clerk's Office, Judy Binkley** (Audio 44:44)

- The ballots have been finalized and samples are posted at City Hall as well as on the website. I've also posted each of the propositions on the website and am starting to get some questions about them.
- Absentee in-person voting (aka "early voting") will be available at City Hall once the ballots have been printed, which by code is no later than September 17<sup>th</sup>.
- The primary election is tomorrow and City Hall is a precinct. If you are able, please stay after the Council meeting tonight and help set up.

**ONGOING PROJECTS**

None

**CITIZENS COMMENTS – (Limited to Five (5) minutes per Citizen)** (Audio 45:54)

- **Thomas R. McGhee**, 1152 North Star Drive: Informed Council that Phil Zastrow has sold his property and is leaving the community. His health is failing him and it would be nice if the City recognized him. Mr. McGhee also spoke about the marijuana proposition on the ballot and stated he will be voting for it under the pretense that we need to support the idea that if we are going to grow, then we need to keep the family bedroom community and charm we have here. Asked Council what they knew about the above ground contamination of sulfolane.

**OLD BUSINESS**

**ORDINANCE 18-17, AN ORDINANCE OF THE NORTH POLE CITY COUNCIL AMENDING TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES CHAPTER 04 OBSTRUCTION OR ALTERATION OF STREETS, ROAD RIGHTS-OF-WAY, SIDEWALKS OR CITY PROPERTY.** (Audio 50:00)

Mayor Ward introduced the ordinance.

**Public Comment** (Audio 51:05)

- **Thomas R. McGhee**, 1152 North Star Drive: Stated that he supports this ordinance without any amendments. Asked if Council members have driven around the streets and

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neighborhoods in our City and have seen the concern about leftover signs, leftover garbage, and piles of dirt and things that have been left out.

**Mr. Thompson** *moved to* adopt Ordinance 18-17, An Ordinance of the North Pole City Council Amending Title 12 Streets, Sidewalks, and Public Places Chapter 04 Obstruction or Alteration of Streets, Road Rights-of-Way, Sidewalks or City Property.

**Seconded by Ms. Welch**

**Discussion** (Audio 52:40)

**Mr. Isaacson** *moved to* amend Ordinance 18-17, An Ordinance of the North Pole City Council Amending Title 12 Streets, Sidewalks, and Public Places Chapter 04 Obstruction or Alteration of Streets, Road Rights-of-Way, Sidewalks or City Property by inserting the following after line 37:

**Exemptions:**

- a. Notices of the City of North Pole or other notices from State or Borough or other governmental agency;
- b. Event signage not to exceed 24 hours after the event;
- c. For sale signage, except those signs that are affixed to a utility pole, street light or street sign pole, or fences in DOT right-of-way, or obstructing a sidewalk or street, or placed in a roundabout.

**Seconded by Mr. Thompson**

**Discussion on the amendment** (Audio 53:30)

**Mr. Isaacson** stated he doesn't think it's good government or good governance when we create law and then wink at it selectively.

**Mr. Skipps** asked for clarification about the amendment regarding just fences in DOT right-of-ways, or any DOT right-of-way.

**Mr. Isaacson** replied that the reason he put that in the amendment is because that is the most common place signs are put up.

**Mr. Isaacson** *moved to* amend the amendment to Ordinance 18-17, An Ordinance of the North Pole City Council Amending Title 12 Streets, Sidewalks, and Public Places Chapter 04 Obstruction or Alteration of Streets, Road Rights-of-Way, Sidewalks or City Property by removing the word 'fences' in c.

**Seconded by Mr. Thompson**

**Discussion on the amendment to the amendment**

None

***On the amendment to the amendment***

**PASSED**

Yes: 7 – Skippis, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

**Discussion on the amendment as amended** (Audio 1:00:29)

**Mr. Thompson** stated that he likes the idea of having exemptions and supports ‘a’ and ‘b’ but ‘c’ gets confusing and seems to be more than is needed.

**Ms. Welch** asked for clarification on the amendment. Is it stating that we give an exemption to ‘for sale’ signs but not an exemption to those that are not placed legally?

**Mr. Isaacson** replied yes to Ms. Welch. He also stated that this amendment is saying you can put a sign nice and neatly into the ground. We don’t want it hanging on our utility poles, street lamps, etc.

**Mayor Ward** stated that the attorney’s recommendation was to not approve the amendment because even if the City says it’s not illegal, you would still be breaking state law. If the intent of the Council is to not enforce it, we should probably remove this section or change the penalty section.

**Mr. Isaacson** clarified that we are considering passing a law that we don’t really have powers over unless we specifically state the City won’t enforce this.

**Mayor Ward** stated that per the conversation with the attorney, you cannot say it’s permissible because it’s against state law, but if we want to say that you are allowed to put up signs, then their recommendation is to remove the section that says ‘unlawful to obstruct’.

**Mr. Claus** stated he agrees with the Mayor and will be voting against this amendment as it’s against state law.

**Mr. Walley** stated that as he said before, this is a tool in a toolbox. It’s a tool to educate people so he will be voting against this amendment.

**Ms. Welch** stated she would not vote in favor of the amendment.

**Mr. Thompson** *called the question*

***On the amendment as amended***

**FAILED**

Yes: 1 – Isaacson

No: 6 – Skippis, Walley, Thompson, Claus, Welch, Ward

Absent: 0

**Discussion on the main motion** (Audio 1:14:59)

**Mr. Isaacson** *moved to* amend Ordinance 18-17, An Ordinance of the North Pole City Council Amending Title 12 Streets, Sidewalks, and Public Places Chapter 04 Obstruction or Alteration of Streets, Road Rights-of-Way, Sidewalks or City Property by striking lines 32-37.

**Motion failed to carry for lack of second**

**Discussion on the main motion** (Audio 1:15:44)

**Mr. Isaacson** stated he likes the ordinance overall, except for the fact that in trying to keep the City clean, you've now sanitized it so much that you made criminals out of the housewife who is having a garage sale. You've made it impossible for someone to lawfully put up a girl scout sign. You're making it impossible for kids who are having a car wash to legally put a sign out. Don't create law that you don't intend to enforce.

**Mayor Ward** took the opportunity to give some clarification. If you look at the violations and penalties section, we are taking these violations from being a misdemeanor to a simple citation. We are decriminalizing maybe to a degree. So the intent behind this is to actually make it something we we're going to use and let people know we don't want the place to look like a dump.

***On the main motion***

**PASSED**

Yes: 6 – Skipps, Walley, Thompson, Claus, Welch, Ward

No: 1 – Isaacson

Absent: 0

**ORDINANCE 18-20, AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO AMEND TITLE 1, BY UPDATING GENERAL PENALTIES AND INCLUDING A SURCHARGE SECTION AND MINOR OFFENSE FINE SCHEDULE.** (Audio 1:21:09)

Mayor Ward introduced the ordinance.

**Public Comment**

None

**Mr. Thompson** *moved to* introduce and advance Ordinance 18-20, An Ordinance of the City of North Pole, Alaska to Amend Title 1, by Updating General Penalties and Including a Surcharge Section and Minor Offense Fine Schedule.

**Seconded by Ms. Welch**

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**Discussion** (Audio 1:22:23)

**Mr. Isaacson** *moved to* amend the fine amount for 12.04.020 in Ordinance 18-20, An Ordinance of the City of North Pole, Alaska to Amend Title 1, by Updating General Penalties and Including a Surcharge Section and Minor Offense Fine Schedule as follows:

- Mandatory written warning for 1<sup>st</sup> offense
- \$50 for 2<sup>nd</sup> offense
- \$150 for 3<sup>rd</sup> offense
- \$300 for 4<sup>th</sup> offense

Seconded *by* Ms. Welch

**Discussion on the amendment** (Audio 1:26:00)

**Mr. Walley** stated he appreciates the idea of the warning, but if you look at the fine schedule as a whole, there are no other sections with a warning. I agree with the fines that are set forth in the original ordinance.

**Mr. Thompson** stated he does not support this amendment and likes the way it's currently set up. One thing to consider is that there is not a mechanism in place to issue written warnings and have that tracked. We would have to develop an entire new administrative section on how to track this so that we would know when a second offense has occurred.

**Mayor Ward** clarified with Mr. Thompson that there is no option for a written warning ask there is no mechanism in place at the state level where that can be tracked.

**Mr. Isaacson** *moved to* rescind his amendment

**Ms. Welch** *called the question*

**PASSED**

Yes: 7 – Skipps, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

**NEW BUSINESS**

Consented

**Public Comment**

None

**COUNCIL COMMENTS** (Audio 1:31:44)

**Mr. Claus** – Please be sure to vote tomorrow.

**Mr. Thompson** – The primary is tomorrow so get out there and vote. School has started and is in full swing so continue to drive safely and watch out for the little ones crossing the streets and working on their new routines to get to school.

**Mr. Walley** – None

**Mr. Skipps** – None

**Ms. Welch** – In light of the proclamation about suicide, I just want to mention that we recently lost Sarah Mitchell, who took her own life, here in Fairbanks. It's important that we keep our eyes open for those who on the outside, have the happy smile, but if you really look, can see there is something not quite right. Sometimes all it takes is asking that question.

**Mr. Isaacson** – Good discussion on behalf of our residents. We don't just rubber stamp everything, we examine it. I was saddened to hear that Phil Zastrow is leaving as he's done a lot for our community so let's please do a proclamation for him.

**Mayor Ward** – If you have any funny stories regarding Phil, please share those with me and I'll work on putting something together for him. As for the proclamation today on suicide, it's amazing how that's something that touches everyone. If you haven't been touched by that, then you know, unfortunately, it's just a matter of time. Ms. Welch, I appreciate your words on that and reach out if you see someone, or have a suspicion something is wrong. An update to the Council on the MFZ – we did hear back from the state and unfortunately, they missed a portion of the statute that says there's a 30 day comment period that they did not start in enough time to be able to meet the 60 day waiting period that they have by statute. So the 30 day comment period started on the 15<sup>th</sup> of August and hopefully we will be the first to actually receive the MFZ designation.

**Mr. Thompson** *moved to adjourn the meeting at 8:40 p.m.*

**Seconded by Ms. Welch**

The regular meeting of Monday, August 20, 2018 adjourned at 8:41 p.m.

**These minutes passed and approved** by a duly constituted quorum of the North Pole City Council on Tuesday, September 4, 2018.

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Bryce J. Ward, Mayor

**ATTEST:**

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Judy Binkley, North Pole City Clerk

Draft



Office of the Mayor  
City of North Pole

# Proclamation

## *Childhood Cancer Awareness Month*

*Whereas: the American Cancer Fund for Children and Kids Cancer Connection Report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in nearly 16,000 of our country's young people each and every year; and*

*Whereas: one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and*

*Whereas: founded over twenty-years ago by Steven Firestein, a member of the philanthropic Max Factor cosmetics family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and*

*Whereas: the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Providence Alaska Medical Center in Anchorage, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and*

*Whereas: the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Awards, pet assisted therapy, family sailing programs, KCC Supercar Experience and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.*

*Now, therefore I, Bryce J. Ward, Mayor of the City of North Pole, do hereby proclaim September 2018 as*

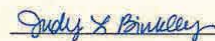
## *Childhood Cancer Awareness Month*

*In the City of North Pole to increase understanding of children with cancer and the importance of early detection, and to acknowledge the advances made to eliminate this disease.*



Bryce J. Ward, Mayor

ATTEST:



Judy L. Binkley, North Pole City Clerk



**CITY OF NORTH POLE  
ORDINANCE NO. 18-21**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL AMENDING SECTION  
4.19 PROPERTY DISPOSAL**

**WHEREAS:** changes to the practices, regulations and policies is a continually changing requirement; and

**WHEREAS:** Section 4.19 of the Municipal Code states that “The City Council may grant or devote real property no longer held for public purpose to the United States, the State, a local subdivision of the State, or an agency of any of these governments, for consideration agreed upon between the City and the grantee, without a public sale, if the grant or devotion is advantageous to the City.” and;

**WHEREAS:** in Resolution 16-09 (see attached) the City Council approved donating the building and land at 101 East 5th Avenue to the Santa’s Senior Center Corporation, Inc.; and

**WHEREAS:** the Santa’s Senior Center Corporation, Inc. is not “United States, the State, a local subdivision of the State, or an agency of any of these governments,” but is an Alaska Non-Profit Organization (see attached article so incorporation), and

**WHEREAS:** the North Pole Municipal Code needs to be amended to make possible donation of the building and land to the Senior Center to fulfill the intent of Resolution 16-09.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of North Pole:

**Section 1.** This ordinance is of a general and permanent nature and shall be codified in the North Pole Code of Ordinance.

**Section 2.** Chapter 4.19, Section 4.19.010 (F) is amended in the North Pole Code of Ordinances as follows by inserting the text underlined, and removing the lines that have been ~~stricken~~:

4.19.010 Disposal of City owned real or personal property.

(F) The City Council may grant or devote real property no longer held for public purpose to the United States, the State, a local subdivision of the State, ~~or~~ an agency of any of these governments, or a federally recognized 501(c)(3) non-profit organization or State of Alaska certified Alaska Nonprofit Corporation for consideration agreed upon between the City and the grantee, without a public sale, if the grant or devotion is advantageous to the City.

**Section 3.** Effective date.

This ordinance shall become effective upon passage.

**PASSED AND APPROVED** by a duly constituted quorum of the North Pole City Council this  
\_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Bryce J. Ward, Mayor

ATTEST:

\_\_\_\_\_  
Judy L. Binkley, North Pole City Clerk

PASSED/FAILED

Yes:

No:

Absent:



**CITY OF NORTH POLE**

**RESOLUTION 16-09**

**A RESOLUTION FOR THE CITY OF NORTH POLE TO CONDITIONALLY DONATE THE BUILDING AND LAND AT 101 EAST 5<sup>TH</sup> AVENUE, LOT 20, BLOCK 31 OF THE DAVIS SUBDIVISION TO THE SANTA'S SENIOR CENTER, A 501(C)(3), TO SATISFY THE MATCHING REQUIREMENT OF A COMMUNITY DEVELOPMENT BLOCK GRANT THAT WILL BE USED TO RENOVATE THE BUILDING AND GROUNDS WHERE TRANSFER OF OWNERSHIP OF THE PROPERTY IS CONTINGENT UPON AWARD OF THE GRANT; SUCCESSFUL COMPLETION OF THE RENOVATIONS; AND SATISFYING ALL REQUIREMENTS OF THE FUNDING AGENCY IN THE GRANT AWARD**

**WHEREAS:** the City of North Pole is the owner of the land and building located at 101 East 5<sup>th</sup> Avenue, Lot 20, Block 31 of the Davis Subdivision; and

**WHEREAS:** the Santa's Senior Center is a federally recognized 501(c)(3), non-profit organization; and

**WHEREAS:** the City rents the property to the Santa's Senior Center for a nominal fee of \$10 per year for the purpose of operating a senior center; and

**WHEREAS:** the City's lease with the Center requires the Center to be responsible for all operational and management costs responsible for operating the Center; and

**WHEREAS:** the building and grounds at 101 East 5<sup>th</sup> Avenue are in need of significant rehabilitation and neither the Center nor the City have the funds available to finance the needed renovations; and

**WHEREAS:** a federally-funded Community Development Block Grant (CDBG) is a feasible mechanism to finance the needed renovations at the Center because senior citizens are a pre-qualified eligible population for the purposes of a CDBG application; and

**WHEREAS:** to be competitive a CDBG requires a minimum of a 25 percent match that can be in the form of cash or in-kind contributions; and

**WHEREAS:** the donation of the property at 101 East 5<sup>th</sup> Avenue is a viable mechanism to satisfy the CDBG matching requirement; and

**NOW, THEREFORE, BE IT RESOLVED** by the North Pole City Council of the City of North Pole will contribute the city-owned property at 101 East 5<sup>th</sup> Avenue to satisfy the matching requirement of a Community Development Block Grant that will be used to rehabilitate the building and grounds at 101 East 5<sup>th</sup> Avenue where transfer of ownership of the property from the City to the Center to can occur only after receipt of a CDBG; successful completion of the

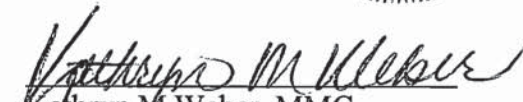
renovations approved in the grant award; and satisfying all requirements stipulated by the  
funding agency in the grant award.

**PASSED AND APPROVED** by a duly constituted quorum of the North Pole City Council this  
19th day of September, 2016.



  
Bryce J. Ward, Mayor

**ATTEST:**

  
Kathryn M Weber, MMC  
North Pole City Clerk

PASSED

Yes: 6 – McGhee, McCarthy, Smith, Claus, Holm, Ward

No: 0

Absent: 0



Alaska Entity #: 34864D

State of Alaska  
Department of Commerce, Community, and  
Economic Development  
Corporations, Business and Professional Licensing

**CERTIFICATE  
RESTATED ARTICLES  
Nonprofit Corporation**

THE UNDERSIGNED, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that Restated Articles of Incorporation, duly signed and verified pursuant to the provisions of Alaska Statutes, have been received in this office and have been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

**Santa's Senior Center Corporation, Inc.**

and attaches hereto the original copy of the Restated Articles of Incorporation.



IN TESTIMONY WHEREOF, I execute this certificate and affix the Great Seal of the State of Alaska on January 8, 2010.

*Emil Notti*

Emil Notti  
Commissioner



# **SANTA'S SENIOR CENTER CORPORATION, INC.**

*An Alaska Nonprofit Corporation*

## **RESTATED ARTICLES OF INCORPORATION**

The Board of Directors of Santa's Senior Center Corporation, Inc., acting on behalf of corporation under the Alaska Nonprofit Corporation Act, AS 10.20, adopts the following Restated Articles of Incorporation for such corporation, pursuant to AS 10.20.196.

### **ARTICLE I**

The Corporation shall be known as Santa's Senior Center Corporation, Inc.

### **ARTICLE II**

The period of its duration is perpetual.

State of Alaska  
Filing Changes 3 Page(s)

### **ARTICLE III**

The purposes of the Corporation shall be as follows

(a) To develop and maintain an active senior citizen program in the North Pole area that creates an atmosphere, provides opportunities and encourages older adults to use their skills, develop their potential and continue their involvement in the community; to promote independent living for senior adults so as to maintain their visibility and contributions within the community.

(b) To create senior programs that will be inviting, enjoyable and will include nutrition, recreational activities, entertainment, educational, informational programs, health and welfare programs, designed to overcome the patterns of isolation and depression. These programs shall be offered to senior citizens aged fifty (50) years and older living in the North Pole area and provided at a location to be set by the Board of Directors of the Corporation and will also include lectures, discussions, art and other social opportunities.

(c) To serve as a focal point for senior services by providing transportation, outreach, information and assistance, by coordination and scheduling cooperating agency services and programs.

(d) To develop volunteer opportunities for individuals interested in any aspect of the program.

This Corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Alaska Nonprofit Corporation Act for public and charitable purposes. The Corporation is organized exclusively for religious, charitable, scientific, literary and educational purposes within the meaning of §501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as may hereafter be amended (the "Code").

In furtherance thereof, the Corporation may receive property by gift, devise or bequest, invest or reinvest the same, and apply the income and principal thereof, as the Board of Directors may from time to time determine, either directly or through contributions to any charitable organization or organizations, exclusively for religious, charitable, scientific, literary or educational purposes, and engage in any lawful act or activity for which corporations may be organized under the Alaska Nonprofit Corporation Act.



In furtherance of its corporate purposes, the Corporation shall have all the general powers enumerated in AS 10.20.011 of the Alaska Nonprofit Corporation Act, as now in effect or as may hereafter be amended, together with the power to solicit grants and contributions for such purposes.

#### ARTICLE IV

The Corporation shall have the number of directors set forth in the By-Laws.

#### ARTICLE V

The Corporation shall be a membership corporation, and the membership shall be as provided for in the By-Laws.

#### ARTICLE VI

Notwithstanding any other provision of these Articles of Incorporation, the Corporation shall not directly or indirectly carry on any activity which would prevent it from obtaining exemption from Federal income taxation as a corporation described in §501(c)(3) of the Code, or cause it to lose such exempt status, or carry on any activity not permitted to be carried on by a corporation, contributions to which are deductible under §170(c)(2) of the Code.

#### ARTICLE VII

The property of the Corporation is irrevocably dedicated to charitable, scientific, religious, literary and educational purposes meeting the requirements for exemption under §501(c)(3) of the Code. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to any director or officer of the Corporation, or any other private person, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered to or for the Corporation and to make payments and distributions in furtherance of the purposes set forth in Article III hereof.

In the event of dissolution or final liquidation of the Corporation, all of the remaining assets and property of the Corporation shall, after paying or making provision for the payment of all of the liabilities and obligations of the Corporation and for necessary expenses thereof, be distributed to such organization or organizations organized and operated exclusively for charitable or educational purposes meeting the requirements for exemption under §501(c)(3) of the Code as the Board of Directors shall determine. In no event shall any of such assets or property be distributed to any director or officer, or any private individual. Upon the dissolution of Santa's Senior Center Corporation, Inc. the disposition of net proceeds from charitable gaming conducted under AS 05.15 will go to a permittee, other than a multiple-beneficiary permittee.

#### ARTICLE VIII

The board of directors may indemnify a director, officer or former director or officer of the corporation, or a person who has served at its request as a director or officer of another corporation in which it owns shares of capital stock or of which it is a creditor, against expenses actually and reasonably incurred by that person in connection with the defense of any action, suit or proceeding, civil or criminal, in which that person is made a party by reason of being or having been a director or officer, except in relation to matters in which that person was adjudged, in the action, suit or proceeding, to be liable for negligence or misconduct in the performance of corporate duties and



make any other indemnification authorized by the By-Laws.

#### ARTICLE IX

The directors of the corporation shall not be personally liable to the Corporation for monetary damages for the breach of fiduciary duty as a director. This does not eliminate or limit the liability of a director for (1) a breach of a director's duty of loyalty to the corporation; (2) acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law; or (3) a transaction from which the director derives an improper personal benefit.

DATED at Fairbanks, Alaska this 16<sup>th</sup> day of December, 2009.

Lynette Bergh, President  
Lynette Bergh, President

Patricia A. Thurman  
Patricia A. Thurman, Secretary

#### VERIFICATION

We, the President and Secretary of Santa's Senior Center Corporation, Inc., hereby verify as follows:

A. The Restated Articles of Incorporation were presented to the Board of Directors on the 9<sup>th</sup> day of December, 2009 at a regular meeting of the Board and were unanimously approved by the directors in office at that meeting; and

B. The Restated Articles of Incorporation were presented to the Members at a special meeting on the 16<sup>th</sup> day of December, 2009, duly called for that purpose and for which a quorum was presented and passed by a two-thirds' vote, to wit: 22 in favor, 1 opposed;

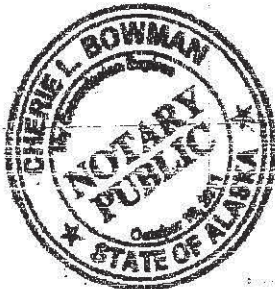
B. These Restated Articles correctly set forth the provisions of the Articles being amended and also correctly set forth the provisions of those Articles not amended.

C. This instrument supersedes the original Articles (filed for record on January 30, 1985) and the amendment to the original Articles (filed for record on August 4, 2008).

Lynette Bergh, President  
Lynette Bergh, President

Patricia A. Thurman  
Patricia A. Thurman, Secretary

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of December, 2009.



Cherie L. Bowman  
Notary Public in and for Alaska  
My commission expires: October 18, 2011

125 Snowman Lane  
North Pole, AK 99705  
P: 907-488-8583  
F: 907-488-3002  
Email:  
judy.binkley@northpolealaska.org

## City of North Pole Office of the City Clerk/HR Mgr

# Memo

To: Honorable North Pole City Council  
From: Judy Binkley  
CC: Mayor Ward  
Date: 8/29/2018  
Re: Approval request for the Election Judges and Canvass Board members for the October 2, 2018 Regular Municipal Election.

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City Council Members,

I am submitting, for your approval, the following list of Election Judges and Canvass Board members for the October 2, 2018 Regular Municipal Election. Please note that circumstances may arise and replacements may be needed.

<b><u>NORTH POLE</u></b>
Barbara Sevier, Chair
Dianne Doody, Co-Chair
Agnes Beavers
Alma Terry Huisman
Jo Small
Patricia Runnion
Sharon Kubacki (Relief)

<b><u>CANVASS BOARD</u></b>
Bev Higdon
Deanna Morris
Marjorie Casort
Ramona Reeves
Nancy Dreydoppel
Carolyn Mustard

Thank you,

Judy Binkley, North Pole City Clerk

**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**

**AMENDMENT NO. 2**

**In the  
Metropolitan Area  
of the  
Fairbanks Metropolitan Planning Organization**

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

**AMENDMENT NO. 2**

This Amendment No. 2 is entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, 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 reference 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 (hereinafter the "Operating Agreement") on March 15, 2003; and

Whereas, the FMATS Inter-Governmental Operating Agreement and Memorandum of Understanding was previously 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 Policy Board passed a motion to transition FMATS to a 501(c)3 nonprofit corporation on March 21, 2018; and

Whereas, the Policy Board passed motions 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 Policy Board passed a resolution to initiate operation of FAST Planning as an independent organization on May 16, 2018; and

Whereas, the Policy Board revised and readopted the Articles of Incorporation and filed with the State of Alaska Department of Commerce, Community, & Economic Development Division of Corporation, Business, & Professional Licensing to become a nonprofit corporation on June 20, 2018.

Now, therefore, the above referenced parties agree to amend the Inter-Governmental Operating Agreement and Memorandum of Understanding for Transportation and Air Quality Planning Operating Agreement as follows:

## **SECTION 1 – PARTIES TO THIS AGREEMENT**

The parties to this Agreement are the State of Alaska, Fairbanks North Star Borough (FNSB), City of Fairbanks, and City of North Pole.

## **SECTION 2 – PURPOSE**

This agreement is entered into in accord 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) of the FNSB.

## **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 policy body providing the direction of transportation planning in the MPO 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 been designated as the air quality planning agency and has adopted an Air Quality Plan, which is the local component of the SIP. The ADEC and FNSB shall coordinates transportation related air quality planning within the MPO.

## SECTION 4 – DEFINED TERMS

“ADEC” means the State of Alaska Department of Environmental Conservation.

“ADMINISTRATIVE MODIFICATION” means a minor revision to a metropolitan transportation plan (MTP) or transportation improvement program (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).

“ADOT&PF” means the State of Alaska Department of Transportation and Public Facilities.

“AIR QUALITY PLAN” means the Fairbanks component of the State Implementation Plan for Air Quality regarding air quality strategies in nonattainment areas.

“AMENDMENT” means a revision to an MTP or TIP that involves a major change to a project included in a metropolitan transportation plan or TIP including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g. changing project termini or the number of through traffic lanes). An amendment is a revision that requires public review and comment, re-demonstration of fiscal constraint, or a conformity determination (for metropolitan transportation plans and transportation improvement programs involving “non-exempt” projects in nonattainment and maintenance 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 Metropolitan Planning Area.

“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 United States Environmental Protection Agency (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; and that such activities will not cause or contribute to any new violation of any standard in any area, increase the frequency or severity of any existing violation of any standard in any area, or delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

“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.

“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” means a Disadvantaged Business Enterprise, a for-profit small business 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 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 an area that was designated as an air quality nonattainment area for a specific NAAQS and was re-designated to attainment for that NAAQS subject to a maintenance plan as required by Clean Air Act section 175A, as amended.

“MPA” or “METROPOLITAN PLANNING AREA” means the geographic area determined by agreement between the MPO for the area and the Governor under subsection § of 23 USC 134. The MPA shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan and may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the United States Bureau of the Census.

“MPO” or “METROPOLITAN PLANNING ORGANIZATION” means the policy board of an organization established as a result of the designation process under subsection (d) of 23 USC 134. To carry out the transportation planning process required by this section, a MPO shall be designated for each urbanized area with a population of more than 50,000 individuals by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities) as determined by the United States Bureau of the Census; or in accordance with procedures established by applicable State or local law.

“MPO OFFICE” means the staff responsible for the management and planning of the MPO, including long range and shortrange transportation, strategic planning, tactical planning, control, finance, funding, and inter-agency relationships, compliance and other planning activities.

“MTP” or “METROPOLITAN TRANSPORTATION PLAN” means the official intermodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the MTP process for the MPA.

“NAAQS” means the National Ambient Air Quality Standards.

“NONATTAINMENT AREA” means any geographical region of the United States that has been designated as nonattainment under section 107 of the Clean Air Act for any pollutant for which a NAAQS exists.

“NORTH POLE CITY COUNCIL” means the legislative governing body of the City of North Pole.

“PL” means the Federal Highway Administration Metropolitan Transportation Planning funds authorized under 23 USC § 104 to carry out the requirements of 23 USC 134, Metropolitan Transportation Planning.

“PM<sub>2.5</sub>” means Fine Particulate Matter that is less than 2.5 microns in diameter. PM<sub>2.5</sub> 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 committee 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” means the Federal Transit Administration funds made available under 49 USC 5305(g) to carry out the requirements of 49 USC 5303, Metropolitan Transportation Planning.

“SIP” or “STATE IMPLEMENTATION PLAN” means, as defined in section 302(q) of the Clean Air Act, 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, or promulgated under section 110(c) of the Clean Air Act, or promulgated or approved pursuant to regulations promulgated under section 301(d) of the Clean Air Act and which implements the relevant requirements of the Clean Air Act.

“STATE” means the State of Alaska.

“STIP” or “STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM” means a statewide prioritized listing/program of transportation projects to be funded covering a period of four years that is consistent with the long-range statewide transportation plan, MTPs and

TIPs, and required for projects to be eligible for funding under title 23 USC and title 49 USC § 53.

“TECHNICAL COMMITTEE” means the 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 to be funded covering a period of four years that is developed by an MPO under subsection (j) of 23 USC § 134. It is developed in cooperation with the State and any affected public transportation operator and contains projects consistent with the current MTP, and designed to make progress toward achieving performance targets established under subsection (h)(2) of 23 USC § 134.

“USDOT” 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.

“URBANIZED AREA” means a geographic area with a population of 50,000 or more, as determined by the United States 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, for the development of the MTP, TIP, and UPWP.

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. The duties and responsibilities within FAST Planning are further described in this section.

5.1.2 FAST Planning is responsible for the metropolitan transportation planning process within the urbanized boundaries in accordance with the UPWP approved by the Policy Board, State, FHWA, and FTA.

## 5.2 Policy Board

The FAST Planning Policy Board, hereafter referred to as the “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 the State of Alaska Department of Environmental Conservation (Air Quality), 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 the 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, hereafter referred to as the “Technical Committee”. Each member of the 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 hereto 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 Fast Planning 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 FAST Planning 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<sub>2.5</sub>), 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 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 Policy Board, 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 Policy Board, ADOT&PF, FHWA, and FTA before becoming effective.

### 6.2.2 Administrative Modifications to the MTP and TIP

The Policy Board, 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 Policy Board 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 Policy Board 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 Policy Board, 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, individual changes of \$25,000 or more to task budgets, or significant scope changes. Amendments require the concurrence of the Policy Board, ADOT&PF, FHWA, and FTA before becoming effective. Amendment to the UPWP requires 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 individual changes of \$25,000 or less of a task budget. Administrative Modifications require the concurrence of the Policy Board 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 FNSB, with assistance from ADEC, 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<sub>2.5</sub> 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 US Department of Transportation 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<sub>2.5</sub> 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 and 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 have an opportunity to serve on the Selection Committee.
- 7.3 Work Products: ADOT&PF will have an opportunity to review draft work products prior to review by the Technical Committee and Policy Board.

## **SECTION 8 – INSPECTION OF WORK**

ADOT&PF, as well as FHWA and FTA, shall at all times be accorded review and inspection of the work 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 9 – 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 there is a willingness and ability 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 10 – PROGRAM REPORTING REQUIREMENTS

### 10.1 Reporting: UPWP

In accordance with 49 CFR 18.40, as supplemented by 23 CFR 420.117, the ADOT&PF is responsible for managing the day-to-day operations of UPWP supported activities. ADOT&PF must monitor 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 not limited to, the following:

#### 10.1.1 Quarterly Reports

All parties involved shall prepare a quarterly financial statement, 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 Northern Region will compile all reports and shall either, review and approve the report, or request modifications. Upon approval, the ADOT&PF Northern Region staff will forward the reports to the MPO to provide as informational items to the Technical Committee and Policy Board.

If ADOT&PF staff 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 Northern Region 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) Financial statement 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) Narrative progress report shall include:

- (a) A description of work accomplished during the quarter
- (b) Significant events (i.e. travel, training, conferences)
- (c) Milestones reached in sufficient detail to justify the quarterly expenditures

For tasks consisting of a scheduled completion date, the percentage complete, explanatory information on the progress and any issues relating to the task, such as schedule delays, shall be given.

- (3) The transit element report shall be in the format prescribed by the ADOT&PF Statewide Transit Coordinator and FTA.

#### 10.1.2 Annual Report

Upon receipt of the final (fourth quarter) UPWP Quarterly Report, the ADOT&PF Northern Region will draft the UPWP Annual Report. The ADOT&PF Northern Region will forward the UPWP Annual Report to the MPO no later than 60 days following the last day of the UPWP fiscal year to provide to the Technical Committee and Policy Board for informational purposes. The ADOT&PF Northern Region will submit the UPWP Annual Report to the ADOT&PF Headquarters for review and submittal to FHWA and FTA to meet the reporting requirements of 23 CFR 420.117.

The Annual Report for the UPWP fiscal year will contain:

- (1) Performance and Expenditure Report
- (2) Comparison of actual performance with established goals
- (3) Progress in meeting schedules
- (4) Cost overruns or underruns
- (5) Approved UPWP revisions
- (6) Other pertinent supporting data

#### 10.1.3 Significant Events

Events that have significant impact on the work program shall be reported by the parties of 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 materially affect the ability to attain program objectives. This disclosure shall be accompanied by a statement of action taken or contemplated, and any state or federal assistance required resolving the situation.

#### 10.1.4 Other Reports

Copies of formal reports, informal reports, and material emerging out of a task specified in the UPWP shall be governed by Section 11 of this Agreement.

### **SECTION 11 – PLANNING REPORTS**

#### 11.1 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 report.

#### 11.2 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 conclusion of the study, 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.

#### 11.3 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 12 – DIVISION OF COST AND PAYMENT**

### **12.1 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 a quarterly narrative progress report and financial statement, as defined in Section 10 of this Agreement.
- (2) Reimbursement will be made within 30 days after ADOT&PF receipt and approval of 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 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 to the extent possible.

### **12.2 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, Program Reporting Requirements.
- (2) Upon ADOT&PF approval of the quarterly narrative progress reports and financial statements, 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.

### 12.3 Overruns

The parties acknowledge that they will receive benefits from the information developed by performance of the elements outlined in the UPWP. They agree to pay that portion of their element costs which exceed the total program funding level budgeted for the parties, as shown in the UPWP, without recourse to the other parties.

### 12.4 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. Such overhead shall be allocated on an equitable basis. Eligibility shall conform to the provisions of 23 CFR 420.111(b);
- (4) Training as approved specifically in the UPWP or otherwise specifically approved by ADOT&PF, FHWA or FTA.

### 12.5 Rate of Reimbursement

Reimbursement shall be at the rate specified and contained in the applicable UPWP.

### 12.6 Financial Accounting Level

The expended funds will be accounted for at the task level (100, 200, 300 etc.).

### 12.7 Fiscal Year

The UPWP fiscal year will be October 1 to September 30.



## **SECTION 13 – 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 48 CFR, and 49 CFR 18.31 – 33.

## **SECTION 14 – AUDIT PROCEDURES**

14.1 In addition to the requirements stated in this section, requirements for audit as defined in 23 CFR 420 and 49 CFR 18 will be used as guidelines. Also, with respect to contract cost principles and procedures, 48 CFR 31 will be used as guidelines.

14.2 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:

14.2.1 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.

### **14.2.2 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.

### **14.2.3 Materials**

Copies of invoices shall support costs of any purchased materials utilized on this project.

### **14.2.4 Out-of-Pocket Expenses**

Copies of receipts shall support all expenses.

### **14.2.5 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.

#### 14.2.6 Cost Overruns

When expenditures are anticipated to overrun in one UPWP work element, the procedures for budget changes as outlined in Section 6.2 must be followed.

- 14.3 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).
- 14.4 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 its subcontractors under this Agreement shall maintain all records and accounts relating to its 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.
- 14.5 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 15 – COMPLIANCE WITH TITLE VI, CIVIL RIGHTS ACT OF 1964**

- 15.1 All parties hereby agree as a condition to receiving any Federal financial assistance from the United States Department of Transportation (USDOT), to comply with Title VI of the Civil Rights Act of 1964, (78 Statute 252, 42 USC § 2000d – 2000d-4 hereinafter referred to as the “Act”) 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 (hereinafter referred

to as the “Regulations”). Regulations, and other pertinent directives, no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or activity for which any party receives Federal financial assistance from the USDOT, including FHWA and FTA, and hereby gives assurance that is will promptly take any measure necessary to effectuate this Agreement. This Assurance is required by 49 CFR 21.7 (a) (1).

## **SECTION 16 – DISADVANTAGED BUSINESS ENTERPRISES (DBE) PROGRAM REQUIREMENTS**

### **16.1 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 16.2 and 16.3 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.

### **16.2 Policy**

It is the policy of the USDOT that Disadvantaged Business Enterprises (DBE), as defined in 49 CFR 26 shall have an equal opportunity to participate in the performance of contracts finances in whole or part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR 26 apply to this Agreement.

### **16.3 DBE Obligation**

The Parties to this Agreement or their contractors agrees to ensure that DBEs, as defined in 49 CFR 26, 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 17 - 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 Policy Board and the State of Alaska.

## **SECTION 18 – 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 19 – 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 20 – TERMINATION OF AGREEMENT**

This Agreement will continue in force until or unless the Parties terminate the Agreement in writing.

## **SECTION 21 – 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 this agreement performance.

## **SIGNATURES**

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**Mayor – Fairbanks North Star Borough**

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**Date**

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**Mayor – City of Fairbanks**

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**Date**

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**Mayor – City of North Pole**

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**Date**

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**Governor – State of Alaska**

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**Date**

**Attachment #1**

**FAST Planning Metropolitan Planning Area Map**

# FMATS Metropolitan Planning Area Map

