

1 By: Bryce J. Ward, Mayor  
2 Introduced: 02/25/2021  
3 Advanced: 02/25/2021  
4 Adopted: 03/11/2021  
5

6 FAIRBANKS NORTH STAR BOROUGH  
7

8 ORDINANCE NO. 2021 - 11  
9

10 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PARTNERSHIP  
11 AGREEMENT WITH THE FAIRBANKS JUNIOR ICE DOGS INCLUDING A LEASE OF  
12 PORTIONS OF THE BIG DIPPER ICE ARENA AND PORTIONS OF THE HEZ RAY SPORTS  
13 COMPLEX AT LESS THAN FAIR RENTAL VALUE AND A WAIVER OF FNSBC TITLE 16 FOR  
14 AN AUTHORIZATION TO SELL ADVERTISING SPACE AT THE BIG DIPPER ICE ARENA  
15 TO OPERATE A YOUTH HOCKEY PROGRAM  
16

17 WHEREAS, The Fairbanks North Star Borough (Borough) holds good and  
18 equitable title to the facilities known as the Big Dipper Ice Arena (Big Dipper); and  
19

20 WHEREAS, The Fairbanks Junior Ice Dogs, Inc. (Ice Dogs) have successfully  
21 operated a junior hockey team out of the Big Dipper for over 20 years; and,  
22

23 WHEREAS, The Ice Dogs provide a significant public benefit by bringing a  
24 high-quality junior hockey environment to Fairbanks and providing leadership  
25 opportunities, community service, skill development, and advancement opportunities for  
26 youth athletes from the Borough; and  
27

28 WHEREAS, The Ice Dogs request a non-exclusive use agreement for  
29 portions of the Big Dipper in order to host hockey practices, camps, tournaments, and  
30 games as well as activities in support of these events, including vending of certain  
31 concessions; and  
32

33 WHEREAS, The Ice Dogs request an exclusive lease at less than Fair Rental  
34 Value of portions of the Big Dipper for the purposes of a team room, coaches' room,  
35 meeting space, and equipment and concession storage; and  
36

37 WHEREAS, The Ice Dogs request the option of selling certain advertising  
38 space at the Big Dipper; and  
39

40 WHEREAS, The Ice Dogs request a Partnership Agreement with an initial  
41 three (3) year term, and two (2) renewal options of one (1) year each; and

42 WHEREAS, The Ice Dogs propose to pay standard user fees for ice rental,  
43 labor rates and room rentals and to provide certain services in exchange for the waiver  
44 of fees on gross receipts; and  
45

46 WHEREAS, FNSBC 20.16.020(D) states the Assembly may authorize the  
47 Mayor to grant a lease on Borough land for less than fair rental value only if the ordinance  
48 authorizing the lease contains a finding that the lease is for a compelling public purpose  
49 or use and a statement of the facts on which the finding is based.  
50

51 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
52 North Star Borough:  
53

54 Section 1. This ordinance is not of a general and permanent nature and  
55 shall not be codified.  
56

57 Section 2. Approval of Partnership Agreement. The Assembly hereby  
58 approves the Partnership Agreement with the Ice Dogs, including leasing a portion of the  
59 Big Dipper Ice Arena; a non-exclusive use agreement; and the right to sell advertising  
60 space at this facility.

- 61 A. Notwithstanding the fees stated in Appendix E, User Fee Schedule, the  
62 Mayor is authorized to agree to a negotiated rate with the Ice Dogs for  
63 advertising within the Big Dipper.
- 64 B. The Mayor is authorized to waive fees, including the 15% fee on gross  
65 receipts from ticket sales/admission fees and non-alcohol sales location  
66 concessions, in exchange for other services provided for by the Ice Dogs  
67 under the Agreement.  
68

69 Section 3. Lease authorization. The Borough Mayor or his delegate is  
70 hereby authorized to take all actions necessary to enter into a lease with the Ice Dogs  
71 for the storage area on the map attached as Exhibit A and on the following areas of the  
72 Big Dipper Ice Arena:

- 73 A. Team Room
  - 74 i. Team Room 123
- 75 B. Concession Stands
  - 76 i. Concession Stand 130
  - 77 ii. Concession Stand 219
- 78 C. Lounge
  - 79 i. Lounge 116B
- 80 D. Storage Rooms
  - 81 i. Storage Room 116C
  - 82 ii. Storage Room 116E
  - 83 iii. Storage Room 116F
  - 84 iv. Janitor Room 221 (portions only).

85 The rental rate will be one dollar (\$1.00) per year, for an initial term of four (3) years,  
86 with two (2) renewal options of one (1) year each.

87  
88 Section 4. Determination of a compelling public purpose or need. The  
89 Assembly hereby finds that authorizing this Agreement, including the grant of a lease at  
90 less than fair rental value, meets the conditions of a compelling public purpose or need  
91 based on the following facts:

- 92 1. The Ice Dogs provide the Borough’s youth with the opportunity to develop  
93 an athletic skill and to learn lessons in hard-work, teamwork, resiliency, and  
94 leadership.
- 95 2. The Ice Dogs provide the Borough’s community with collaborative social  
96 events and a community spirit.

97  
98 Section 5. Waiver of FNSBC Title 16. To the extent that FNSBC Title 16  
99 otherwise requires that the right to sell advertising space is subject to its provisions, it is  
100 hereby waived.

101 Section 6. Authorization. The Borough Mayor or his delegate is hereby  
102 authorized to take all actions and execute all documents necessary to enter into a  
103 partnership agreement with the Fairbanks Junior Ice Dogs, Inc., including a non-exclusive  
104 use agreement and a lease at less than Fair Rental Value, of portions of the Big Dipper  
105 Ice Arena, for an initial term of three (3) years, with two (2) renewal options of one (1)  
106 year each.

107  
108 Section 7. Effective Date. This ordinance is effective at 5:00 p.m. on the  
109 first Borough business day following its adoption.

110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128

ADOPTED THE 11<sup>TH</sup> DAY OF MARCH 2021.

  
Mindy O'Neall  
Presiding Officer

ATTEST:

  
April Trickey, CMC  
Borough Clerk

Yeses: Wilson, Lyke, Cooper, Williams, Cash, Tomaszewski, Sanford, O'Neall  
Noes: None  
Other: Lojewski (Excused)